

# 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: Tuesday, 24 January 2017*

**Date:** Wednesday, 1 February 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** (*Pages 7 - 40*)

To confirm the minutes of the meetings of 30<sup>th</sup> November 2016 and 4th January 2017

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

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

**5 16/1389/FUL - MOUNT PLEASANT HOUSE, MOUNT PLEASANT** (*Pages 51 - 116*)

**6 16/1764/S73 - GONVILLE HOTEL, GONVILLE PLACE** (*Pages 117 - 144*)

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

**7 16/1760/FUL - 2 STURTON STREET** (*Pages 145 - 170*)

**8 16/1002/FUL - 19-21 GODESDONE ROAD** (*Pages 171 - 214*)

**9 16/1942/FUL - 48 NEW SQUARE** (*Pages 215 - 250*)

**10 16/1943/LBC - 48 NEW SQUARE** (*Pages 251 - 260*)

**11 16/1674/S73 - 28 MAIDS CAUSEWAY** (*Pages 261 - 276*)

**12 16/1916/FUL - 61 NORFOLK STREET** (*Pages 277 - 300*)

- 13      **16/1919/FUL - LAND R/O 268 QUEEN EDITHS WAY** (*Pages 301 - 332*)
- 14      **16/1617/FUL - 59 ST BARNABAS ROAD** (*Pages 333 - 366*)
- 15      **16/1825/FUL - 63 DITTON WALK** (*Pages 367 - 390*)
- 16      **16/1362/FUL - LAND ADJ TO 99 KENDAL WAY** (*Pages 391 - 414*)
- 17      **16/1358/FUL - GARAGES 1-48 WILES CLOSE** (*Pages 415 - 440*)
- 18      **16/1087/FUL - 423-425 NEWMARKET ROAD** (*Pages 441 - 456*)

<b>Part 3: General and Enforcement Items</b>
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- 19      **TANGLEWOOD, GAZELEY LANE** (*Pages 457 - 464*)

## Meeting Information

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

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

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

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

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

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

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

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

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

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

Members of the public who want to speak about an

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

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

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

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**PLANNING**30 November 2016  
10.00 am - 5.25 pm**Present:****Planning Committee Members:** Councillors Hipkin (Chair), Blencowe (Vice-Chair), Gawthrop, Hart, Nethsingha, Pippas, Smart and Tunnacliffe

Councillor Pippas left before the vote on item 16/191/Plan

Councillor Nethsingha left after the vote on item 16/194/Plan

**Officers:**

City Development Manager: Sarah Dyer

Principal Planner: Nigel Blazeby

Principal Planner: Lorraine Casey

Principal Planner: Toby Williams

Senior Planner: Charlotte Burton

Planner: Sophia Dudding

Planner: Michael Hammond

Planner: Sav Patel

Planning Assistant: Mairead O'Sullivan

Legal Advisor: Richard Pitt

Principal Conservation and Design Officer: Christian Brady

Transport Officer, Cambs County Council: Tom Parry

Transport Officer, Cambs County Council: Emily Butler

Committee Manager: Toni Birkin

Committee Manager: James Goddard

**FOR THE INFORMATION OF THE COUNCIL****16/179/PlanApologies**

No apologies were received.

**16/180/PlanDeclarations of Interest**

Name	Item	Interest
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Councillor Hipkin	16/190/Plan	Personal and Prejudicial: (Knows the Applicant)  Withdrew from discussion and room, and did not vote
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### **16/181/PlanMinutes**

The minutes of the meeting held on 2<sup>nd</sup> November 2016 were approved as a correct record and signed by the Chair.

### **Change to Published Agenda Order**

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the agenda.

### **16/182/Plan16/0673/FUL - Cambridge Union Society, 9A Bridge Street**

The Committee received an application for full planning permission.

The application sought approval for demolition of ancillary buildings and removal of 1930's facade at the grade II listed Cambridge Union Society. Construction of replacement facade, reinstatement and refurbishment of historic features and internal and external access and refurbishment works including enlargement of existing cafe (use class A3) and re-opening of 'footlight's' entertainment space (sui generis). Demolition of squash courts and un-listed 3-5 Round Church Street in the conservation area. Construction of new link building for access and ancillary uses for the Union Society. Construction of adjacent new building with ground floor restaurant (use class A3) with 38 room post-graduate student accommodation above (use class C2) together with basement storage and services

Adam Halford (Planning Agent, Bidwell's), Dr Rod Pullen (Junior Pursar, Trinity College and Asia Lambert, (President of Cambridge Union Society) addressed the Committee in support of the application.

### **The Committee:**

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the



officer report, and subject to the conditions recommended by the officers and subject to completion of S106 Agreement.

**DELEGATED AUTHORITY granted to officers** to compose appropriate substitute wording for conditions; 3, 4, 8, 11, 13, 14, 15, 16, 22, 24, 25, 26, 27, 28, 39, 40, 41, 42, 44, 45 and informatives; 46 and 58.

### **16/183/Plan16/0674/LBC - Cambridge Union Society, 9A Bridge Street**

The Committee received an application for Listed Building Consent.

The application sought approval for demolition of ancillary buildings and removal of 1930's facade at the grade II listed Cambridge Union Society. Construction of replacement facade, reinstatement and refurbishment of historic features and internal and external access and refurbishment works including enlargement of existing cafe (use class A3) and re-opening of 'footlight's' entertainment space (sui generis). Demolition of squash courts and un-listed 3-5 Round Church Street in the conservation area. Construction of new link building for access and ancillary uses for the Union Society. Construction of adjacent new building with ground floor restaurant (use class A3) with 38 room post-graduate student accommodation above (use class C2) together with basement storage and services.

#### The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**DELEGATED AUTHORITY granted to officers** to compose appropriate substitute wording for condition 3 and informative 13.

### **Principal Planning Officer overview of the following three application relating to Citylife House Sturton Street**

The Committee noted the Principal Planning Officer update regarding additional third party representations and corrections to the planning history of the site. He further highlighted Queen's Counsel advice and the legal status of the three applications.

### **16/184/Plan16/1272/S73 - Citylife House, Sturton Street**

The Committee received a section 73 application.

The application sought approval to vary condition number 2 of permission 14/1252/FUL to permit revised cycle and bin storage locations, revised internal configurations and revised location of plant from the eastern elevation to the roof.

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

Representative of Petersfield Area Action Community Trust:

- i. Objects to new plant equipment.
- ii. Objects to new paths across open space.
- iii. The area is dense and the limited open space is highly valued.

Resident of Edward Street:

- i. Paths appear to be needed for future developments rather than current use.
- ii. Applicant suggests paths are needed to make the building Disability Discrimination Act compliant however, disabled user groups say they are unsuitable.
- iii. Intrusive appearance of the plant is unacceptable.

Julian Curry, Applicant's Agent, Elizabeth Nantais and Guy Vallantine of CSVPA addressed the Committee in support of the application.

Councillor Robertson, Cambridge City Council Ward Councillor addressed the Committee regarding the application and made the following points:

- i. Concerned that the applicant had already completed all work.
- ii. Does not respect the nature of a conservation area.
- iii. Plans unacceptable.
- iv. Photos taken on 2014 show nothing above the roof line.
- v. Plant was now prominent and intrusive.
- vi. Has appearance of a factory.

Councillor Hipkin proposed and Councillor Nethsingha seconded an amendment to the Officer's recommendation (Recommendation 6) to read as follows:

Within 1 month from the date of the approval, details of a louvre screen enclosing all sides of the rooftop plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevations, material sample, and colour. The approved screen shall be installed no later than 3 months from the date of the discharge of the condition.

Reason: To ensure the appearance of the rooftop plant is screened from view and does not appear visually obtrusive within the Conservation Area. (Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/11).

This amendment was lost by 5 votes to 3.

Councillor Blencowe proposed and Councillor Smart seconded deferring the application so that further information and visual images of the roof plant could be considered.

The Legal Advisor agreed that a deferral to allow the submission of further information would be appropriate,

The Committee:

**Unanimously resolved to DEFER** to allow submission of details of roof plant visual impact mitigation measures.

### **16/185/Plan15/2372/FUL - Citylife House, Sturton Street**

The Committee received an application for change of use.

The application sought approval for change of use from the permitted use as a studio/cafe/bar/multimedia education centre and community facility (sui generis) granted under permission 97/1020 to general education use within use class D1, including alterations to eastern & southern elevations, external landscaping and reconfigured cycle parking.

The Committee noted slight changes to the proposed conditions as outlined by the Principal Planning Officer.

The Principal Planning Officer suggested that, having deferred application 16/1272/S73, it might be prudent to also defer this application.

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

Representative of Peterfield Area Community Trust:

- i. Peterfield Area Community Trust was formed following the loss of this building as a community building.
- ii. The proposed future community use of this building is unclear.
- iii. Intended occupier has made positive comments but proposal lacks details.

Local resident:

- i. Had concerns over community use.
- ii. Policy 5.11 addresses community use and proposals do not address this.
- iii. Community use is not a minor matter and as there is currently no provision, it is important to the community.
- iv. Members need to see what they are agreeing to.
- v. The path of this application has been a catalogue of errors.
- vi. The Community Access Agreement has been delayed for 4 months.
- vii. Major problems still exist.
- viii. It would be unsafe to agree application today.
- ix. A pause would be a valid option.

Resident of Edward Street:

- i. Conditions need to be resolved.
- ii. 1997 application contained conditions regarding the open space.
- iii. The application needs something about maintaining the open space and protection of the trees and plants.
- iv. A car park maintenance plan is needed.
- v. Conditions 4, 7 and 9 are flawed.
- vi. Professional advice is needed regarding the acoustics.
- vii. Clarity is needed over condition 7 and the designation of a language school.

Julian Curry, Applicant's Agent, Elizabeth Nantais and Guy Vallantine of CSVPA addressed the Committee in support of the application.

Councillor Robertson, Cambridge City Council Ward Councillor, addressed the Committee regarding the application:

- i. There has been a long history of concern over this building.
- ii. Community have previously taken action to protect the space.
- iii. It is valued as a community asset.
- iv. It could be lost to the community for ever.

- v. The area lacks facilities.
- vi. The current applicant would make good use of the space but this could change in the future.
- vii. The Community Access Agreement is current poor and needs to be re-drafted.
- viii. The Committee needs more time to consider the latest proposals as they contain contradictions.
- ix. Application should be deferred.

Councillor Walsh, Cambridgeshire County Council Ward Councillor, addressed the Committee regarding the application:

- i. Policies 4.2 and 5.11 require that this application be deferred or refused.
- ii. Without permission paths had been installed across protected open space.
- iii. There was strong support in the area for community access and local provision within this building.
- iv. Applicant had been bullish in approach.
- v. Bodywork had not been given access to the building.
- vi. 5.11 could allow the building to become an educational establishment and the community access could be lost.

Councillor Blencowe proposed and Councillor Smart seconded deferring the application on the ground of the unresolved issue of the plant and to allow a detailed Community Access Agreement to be submitted.

#### The Committee:

**Resolved (by 6 votes to 0 and 2 abstentions) to DEFER** to allow submission of details of roof plant visual impact mitigation measures and Community Access Agreement prior to determination of the application.

#### **16/186/Plan14/1252/COND12A - Citylife House, Sturton Street**

The Committee received an application to discharge condition 12.

The application sought approval to discharge condition 12 which related to a Travel Plan for the permitted dance school/studio use.

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

Resident of Gwydir Street:

- i. The existing permissions related to 'body works' a local dance school company.
- ii. Application was no compliant with policy 5.11 as CSVPA would not cater for a local market.
- iii. Travel plan should not contravene the Local Plan.
- iv. Community use plan lacks sufficient detail.

Local resident:

- i. Applications should be considered before work starts and not when that work has been completed.
- ii. Sixth iteration of the plan.
- iii. Application should be rejected.

Resident of Edward Street:

- i. Local residents had concern about evening and weekend use of the building.
- ii. A travel plan should address all journeys.
- iii. No assessment of weekend or evening use has been provided.
- iv. It is difficult to see how monitoring of weekend and evening journeys could be undertaken.

Julian Curry, the Applicant's Agent, Elizabeth Nantais and Guy Vallantine of CSVPA addressed the Committee in support of the application.

Councillor Robertson, Cambridge City Council Ward Councillor addressed the Committee regarding the application and made the following points:

- i. Condition 12 was linked to use.
- ii. CSVPA would create different traffic movements to an organisation catering for the local community.
- iii. Future use of the building was no guaranteed.
- iv. Travel plan should be compliant with policy 5.11.
- v. Assessment lack recognitions of use of the building.
- vi. Data assumptions are inconsistent.
- vii. If this application is accepted, it should be subject to an annual review for the next five years.

County Council Transport officers confirmed that they were only able to assess the plan provided.

The Committee:

**Resolved (by 5 votes to 3)** to grant the application to discharge condition 12 in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**16/187/Plan16/1633/FUL - 39 Durnford Way**

The Committee received an application for retrospective planning permission.

The application sought approval for the erection of a single storey garage extension to the rear (south), a single storey extension to the east side including front bay, attic conversion incorporating dormer windows to the front (north) and rear (south), and a sunken balcony to the east side.

The Committee received a representation in objection to the application from a resident of 3 Wynborne Close.

The representation covered the following issues:

- i. Objected to the sunken balcony on the east side.
- ii. Raised the following concerns:
  - a. It was not necessary to have a balcony, a window would let in light / air.
  - b. Overlooking.
  - c. Impact on neighbours' amenities.
- iii. Took issue with:
  - a. Actions taken by the Planning Department during the application process.
  - b. The recommendation for retrospective planning permission.
  - c. Building work undertaken did not match the approval given.

Councillor Todd-Jones (Arbury Ward Councillor) addressed the Committee about the application.

- i. Referred to paragraph 2.3 on P234 and paragraph 7.1 on P237. Specifically the Design & Access Statement in the previously approved application.
  - a. Obscured glazing had been recommended.
  - b. The Statement said neighbouring properties would not be overlooked.

- ii. The application did not satisfy Local Plan policy 3.14b (extended building) as work did not match approved plans. The design as approved was acceptable however.
- iii. No. 6 Wynborne Close's amenity space was now overlooked by the Applicant's balcony, obscure film on the windows would not mitigate this.

The Committee:

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

**16/188/Plan16/1371/FUL - 77 And 77A Shelford Road**

The Committee received an application for full planning permission.

The application sought approval for the proposed demolition of existing dwelling and workshops and erection of 9 dwellings.

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

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**16/189/Plan16/1057/FUL - 37 Grantchester Street**

Councillor Hipkin withdrew from the meeting just for this item and Councillor Blencowe took the Chair.

The Committee received an application for full planning permission.

The application sought approval for a two storey side extension and rear roof extension incorporating dormer window, including subdivision into two dwelling units, following demolition of converted side garage.

The Committee received a representation in objection to the application from a resident of Eltisley Avenue.



The representation covered the following issues:

- i. The revisions in the latest iteration of plans did not address problems raised in the July application.
- ii. Specific concerns:
  - a. Texture, paintwork and cladding revisions.
  - b. The main finding in the July application was the extension was too big. It did not comply with NPPF 17 due to size and dominance of the building.
  - c. The drawings just showed the application, not the distance to neighbours. It would adversely impact on them.

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

The Committee:

**Resolved (by 4 votes to 3)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **16/190/Plan16/1171/FUL - City of Cambridge Boathouse, Kimberley Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing boathouse and its replacement with a new boathouse.

The Committee:

**Resolved (by 7 votes to 0)** to defer the application for planning permission in accordance with the officer recommendation as set out in the planning amendment sheet.

This is because a neighbour has requested a daylight and sunlight study be conducted for the new dwelling approved under planning permission reference 15/1710/FUL on the land behind 89-91 De Freville Avenue. The applicants have agreed to commission this work. A deferral will allow time for the study to be conducted and the relevant neighbours' be consulted, prior to the application being determined. The neighbour has also asked that members of Planning Committee visit the site of the approved dwelling. The deferral will

also allow such a visit to be organised to give Planning Committee this opportunity.

### **16/191/Plan16/1413/FUL - 207 Green End Road**

The Committee received an application for full planning permission.

The application sought approval for a mixed use development, comprising of 2No. Hot Food Takeaways (A5 use) and 8 No. Flats following demolition of existing buildings.

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

The representation covered the following concerns:

- i. Loss of light.
- ii. Impact on amenity space.

A resident of Green End Road and Mr Phillips (Applicant's Agent) addressed the Committee in support of the application.

#### The Committee:

**Resolved (by 6 votes to 0)** to refuse planning permission in accordance with the officer recommendation, for the reasons set out in the officer report.

### **16/192/Plan16/1586/FUL - 5 Hooper Street**

The Committee received an application for full planning permission.

The application sought approval for the demolition of the 6 existing garages. These are to be replaced by a 2 storey detached dwelling.

Councillor Hipkin read a written statement from Ms Parkes (Applicant's Agent) to the Committee in support of the application.

#### The Committee:

**Resolved (by 7 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**16/193/Plan16/1543/FUL - 2 Uphall Road**

The Committee received an application for full planning permission.

The application sought approval for the erection of a new three bed detached dwelling on land adjacent to 2 Uphall Road.

Mr Alexander (Applicant) addressed the Committee in support of the application.

The Committee:

**Resolved (by 7 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**16/194/Plan16/1514/FUL - Land at 161 Newmarket Road**

The Committee received an application for full planning permission.

The application sought approval for the erection of four self-contained flats & associated works & infrastructure.

The Committee:

**Resolved (by 4 votes to 2)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**16/195/Plan16/0851/FUL - 13 Swann Road**

The Committee received an application for change of use.

The application sought approval for the change of use from the existing industrial car workshop to car sale showroom (sui generis) incorporating demolition of an existing wash bay and installation of new wall cladding and glazed walling.

Mr Banks (Applicant) addressed the Committee in support of the application.

The Committee:

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

### **16/196/Plan16/1587/FUL - 58 Harvey Goodwin Avenue**

The Committee received an application for full planning permission.

The application sought approval for the erection of bed-sit/studio to the rear of 58 Harvey Goodwin Avenue, with access from Hale Avenue.

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

#### The Committee:

**Resolved (by 5 votes to 1)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **16/197/Plan16/0990/FUL - 1 Great Eastern Street**

The Committee received an application for full planning permission.

The application sought approval for the demolition of existing frontage building (1 Great Eastern Street) and replace with 2no. flats (as approved under application 14/0607/FUL), alteration to the cycle / refuse area and minor fenestration alterations.

The Committee received a representation in objection to the application from a resident of Great Eastern Street.

The representation covered the following issues:

- i. Specific concerns:
  - a. Demolition of building at 1 Great Eastern Street by the developer without permission, only the façade was left.
  - b. Took issue with the details referred to on P441-442 in the Planning Officer's report. The application was reliant on 2m of land being conceded to 3 Great Eastern Street by the developer, but this had not yet occurred.
  - c. The developer was disrespectful of the planning process.

- ii. Asked for an adjournment or refusal decision from the Planning Committee until concerns had been addressed.

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

The Committee:

**Resolved (by 4 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**16/198/Plan14/1905/FUL - 64 Newmarket Road**

The Committee received an application for full planning permission.

The application had been reported back to the 3 February 2016 Planning Committee as part of the Adjourned Decision Protocol. The officer recommendation of approval for the scheme was supported at that meeting and the Committee resolved to approve planning permission subject to the completion of a S106.

The officer recommendation included a requirement for a clause in the S106 agreement to secure direct odour mitigation at the Orchid Restaurant, which is adjacent to the site. This was because the restaurant does not currently have any form of odour abatement other than high level discharge and standard grease filters and the proposal would place residential windows/balconies close to and higher than the extract. This has the potential to expose future residents to cooking odour.

The Committee were recommended to approve the planning application in line with the previous recommendation, subject to:

1: Removal of the S106 requirement for at source mitigation of odour from the Orchid Restaurant.

2: Imposition of two new conditions to read as follows:

37: Non opening windows/doors – compliance

To mitigate against adverse odour and noise impact, all non-opening windows and doors as highlighted in yellow within the Alison Brooks Architects Ltd

Drawings (East facing elevation - Block A-G, ref: 2348\_A\_SE\_XX\_0152, dated 29/6/16 and Second Floor Plan as repeated on other levels 161.02.103 REVA, dated 26/10/16) shall be fully installed, maintained as non-opening and not altered.

Reason: In order to protect the amenity of future residents (Cambridge Local Plan policy 4/13).

38: Mechanical ventilation to serve non opening window rooms

Prior to the commencement of development above ground floor level, details of an alternate ventilation scheme for the accommodation units with non-opening windows/doors specified in condition 37, shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall source air from the West façade of the development, away from traffic and odour sources. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed before the use hereby permitted is commenced. The scheme shall be retained and shall not be altered.

Reason: In order to protect the amenity of future residents (Cambridge Local Plan policy 4/13).

The Committee:

**Resolved (3 votes to 3 – and on the Chair’s casting vote as** issues were so finely balanced that he would be going with the officer recommendation having initially gone against them) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers as listed above.

The meeting ended at 5.25 pm

**CHAIR**

**PLANNING**

4 January 2017  
10.00 am - 4.30 pm

**Present:**

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

**Officers:**

City Development Manager: Sarah Dyer  
Principal Planner: Nigel Blazeby  
Principal Planner: Lorraine Casey  
Principal Planner: Toby Williams  
Senior Planner: Charlotte Burton  
Planner: Michael Hammond  
Planner: Sav Patel  
Interim Arboricultural Officer: Joanna Davies  
Arboricultural Officer: Robert Murison  
Planning Assistant: Nathan Makwana  
Planning Assistant: Mairead O'Sullivan  
Legal Advisor: Richard Pitt  
Committee Manager: Toni Birkin  
Committee Manager: James Goddard

**FOR THE INFORMATION OF THE COUNCIL**

**17/1/Plan Apologies**

Apologies were received from Councillor Gawthrope.

**17/2/Plan Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Hipkin	17/7/Plan	Personal: Knows Ken Neale of Neale associates (firm making the application)
Councillor Nethsingha	17/19/Plan	Personal: Daughter attends Newnham Croft Primary School.

**17/3/Plan Minutes**

The Minutes of the last meeting will be considered at the next meeting.

**17/4/Plan 15/1759/FUL Murdoch House**

Councillor Nethsingha was not present when this application was originally considered and did not take part in the consideration of this application.

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

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 Committee considered the additional information and advice provided by officers and a full response, amended plans and further supporting information provided by the applicant. The Committee also considered advice from the legal department regarding the need to provide a robust defence of a decision to refuse this application should the matter go to an appeal hearing.

The Committee:

**Resolved (by 3 votes to 3 and the Chair's casting vote)** to grant the application the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers, the conditions set out in the Committee 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...' and subject to completion of the necessary s106 agreement (including additional clause relating to on site community facility).

### **17/5/Plan 16/6001/S106A - Brunswick House**

The Committee received an S106 application.

The application sought the modification or discharge of Planning Obligations pursuant to Section 106A of the Town and Country Planning Act 1990 (Restrictions on occupation by students).

The application sought approval for the 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.

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.

The Committee noted the contents of the amendment sheet and the verbal correction to the on-site hours of the security staff.

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

The representation covered the following issues:

- i. Local community had suffered disturbance, anti-social behaviour and excessive noise for the last three years.
- ii. The paved courtyard area amplifies evening noise.
- iii. Police had been called to disturbances.
- iv. Elderly residents feel insecure.
- v. Evening noise problematic on warm nights when windows were open.
- vi. University does not deal with unruly tenants.
- vii. Residents had tried, without success, to engage with the management company and University to address issues.
- viii. Requested that Committee reject this application.

Jamie Snary, the Applicant's Agent, addressed the Committee in support of the application.

Councillor Pippas proposed an amendment to the Officer's recommendation that would restrict late check of residents.

This amendment was carried *nem con*.

The Committee:

**Resolved (by 5 votes to 2)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers and subject to a variation to s106 agreement and subject to agreement of 10pm as latest check-in time.

**17/6/Plan 16/1164/FUL - Former Coach Depot - 4B Kilmaine Close**

The Committee received an application for full planning permission.

The application sought approval for the 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.

The Committee note the amendment sheet and verbal update regarding conditions as detailed by the Planner.

Kavi Saigai, the Applicant's Agent addressed the Committee in support of the application.

The Committee expressed some concerns regarding the planned location of an industrial site next to residential properties.

A proposed to evoke the Deferred Decision Protocol was lost **(by 5 votes to 2)**.

The Committee:

**Resolved (by 5 votes to 2)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the

officer report, and subject to the conditions recommended by the with delegated authority to officers issued for the final wording of conditions 3, 4, 16 and 27.

The wording of condition 20 was agreed to be changed to the following:

“Within 3 months of commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to and approved in writing by the local planning authority. 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)”

The wording of condition 21 was agreed to be changed to the following:

“Within 3 months of commencement 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 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)”

The wording of condition 24 was agreed to be changed to the following:

“Within 3 months of commencement of development samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 3/14)”.

### **17/7/Plan 16/1044/FUL - Land Adjacent to 4 Stanley Road**

The Committee received an application for full planning permission.

The application sought approval for a new dwelling house.

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

The representation covered the following issues:

- i. There was insufficient parking on Stanley Road. The application would exacerbate existing problems.
- ii. Queried bin storage arrangements.
- iii. Referred to concerns in neighbours’ representations.
- iv. Expressed concern about:
  - a. Access.
  - b. Loss of amenity, light and air flow.

#### The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **17/8/Plan 16/1087/FUL - 423-425 Newmarket Road**

Deferred at the Applicant’s request due to a discrepancy in submitted plans. Item would be brought back to a future committee.

### **17/9/Plan 16/1464/FUL - Cherry Hinton Hall**

The Committee received an application for full planning permission.

The application sought approval for proposed demolition of existing extensions and their replacement with a new glazed link extension, multi-purpose building, internal reorganisation and refurbishment.

The Planning Officer referred to pre-committee amendments to his recommendation set out on the Amendment Sheet.

Mark Clarke / Laura Fisher (Applicants) addressed the Committee in support of the application.

Councillor Ashton (Cherry Hinton Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Thanked the School, Bidwell's and the Applicants for organising a last minute consultation.
- ii. Residents were concerned that Ward Councillors were unaware of the proposal. Ward Councillors had not been involved in meetings between the School, Bidwell's and Planning Officers.
- iii. The consultation had overcome most concerns but better communication was desirable in future.
- iv. Requested that the maximum number of pupils on-site be firmed up (as discussed in the consultation).
- v. Friends of Cherry Hinton Hall wanted to work better with the School in future.

Councillor Smart proposed an amendment to the Officer's recommendation that detailed treatment of exposed walls be submitted for approval by Officers.

This amendment was **carried unanimously**.

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers in the agenda pack and amendment sheet plus additional condition below:

External treatment condition:

Prior to commencement of development, details of the external treatment of the walls to be remediated/repared as a result of the demolition work hereby approved 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 avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10).

### **17/10/Plan 16/1465/LBC - Cherry Hinton Hall**

The Committee received an application for listed building consent.

The application sought approval for proposed demolition of existing extensions and their replacement with a new glazed link extension, multi-purpose building, internal reorganisation and refurbishment

Councillor Ashton (Cherry Hinton Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Expressed concern about the creepage of buildings.
- ii. Asked for the capacity/number of pupils on-site be reviewed prior to further work taking place.

Councillor Smart proposed an amendment to the Officer's recommendation that detailed treatment of exposed walls be submitted for approval by Officers.

This amendment was **carried unanimously**.

#### The Committee:

**Unanimously resolved** to grant the application for listed building consent in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus additional condition below:

External treatment condition:

Prior to commencement of development, details of the external treatment of the walls to be remediated/repared as a result of the demolition work hereby approved 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 avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10).

### **17/11/Plan 15/2121/FUL - Netherhall Farm**

The Committee received an application for retrospective and full planning permission.

The application sought approval for 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.

The Committee received a representation in objection to the application from a resident of Almoners Avenue.

The representation covered the following issues:

- i. Concerns:
  - a. Access.
  - b. Urbanisation and enclosure of site.
  - c. Amenity of site occupiers and neighbours.
- ii. Various concerns had been addressed, but not the openness of the greenbelt and access lane (including maintenance of access track and surrounding hedging).

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

Councillor Blencowe proposed an amendment to the Officer's recommendation that the timescale for completion of work in conditions 8 and 9 be varied from 6 months to 1 year.

This amendment was **carried unanimously**.

The Committee:

**Unanimously resolved** to grant the application for retrospective and full planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus amended conditions:

The start of conditions 8 and 9 being amended to read “Within 12 months of this permission being granted...”

### **17/12/Plan 16/1794/S73 - Former Penny Ferry, 110 Water Street**

The Committee received a Section 73 application.

The application sought approval for 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.

#### The Committee:

**Unanimously resolved** to grant the Section 73 application to vary condition 14 in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **17/13/Plan 16/0837/FUL - 95 Barton Road**

The Committee received an application for full planning permission.

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

The Planning Officer referred to a pre-committee amendment to his recommendation as set out on the Amendment Sheet.

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

The representation covered the following issues:

- i. The proposed new house would be bigger than the existing one.
- ii. The design was out of character with the area.



- iii. Expressed concern regarding overshadowing of south facing patio at 93 Barton Road.
- iv. The proposed garage would impede light and access to 93 Barton Road.
- v. Repositioning the property at 95 Barton Road would overcome a number of concerns.
- vi. Suggested Officers had not provided evidence the application met Local Plan policies 70 and 71.

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

Councillor Cantrill (Newnham Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. He had previously opposed the application due to:
  - a. Mass of form.
  - b. Negative impact on streetscape/character of Barton Road.
  - c. Negative impact on environment/ecology of site.
- ii. The above concerns had not been addressed.
- iii. The shadow plan had now been submitted. This showed the mass of the building would negatively impact on neighbours eg overshadowing. The application should be refused due to this.

The Committee:

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

### **17/14/Plan 16/1234/FUL - 17 Hills Avenue**

The Committee received an application for full planning permission.

The application sought approval for erection of a new dwelling.

The Committee received representations in objection to the application from two residents of Cavendish Avenue.

The representations covered the following issues:

- i. The proposed dwelling was squeezed into the site and located close to the boundary. This was overdevelopment of the site.
- ii. Lack of amenity space.
- iii. The design was out of character with the area.
- iv. The development would set a precedent for unattractive designs in the city/area.
- v. The development was possible (under Local Plan policy 5/1) but not necessary.

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

The Committee:

**Resolved (by 4 votes to 3)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**17/15/Plan 16/1733/FUL - Land adjacent to 2 Gray Road**

The Committee received an application for full planning permission.

The application sought approval for demolition of existing garage and erection of two bed dwelling with associated site works.

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

The Committee:

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

**17/16/Plan 16/1695/FUL - 8A Babraham Road**

The Committee received an application for full planning permission.

The application sought approval for a two storey and part single storey rear and side extension along with an additional single storey side extension.

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

The representation covered the following issues:

- i. Took issue with details in the approved rear elevation for no. 8, as shown on the presentation, as not being as installed (not full height French windows). Point 1 was made prior to the allotted speaking time beginning.
- ii. Had no objection in principle to development of the site.
- iii. Raised the following objections regarding this specific application:
  - a. Materials chosen. Referred to conditions imposed on his planning application in 2012 regarding matching materials which appeared more stringent. The same approach should be taken for the proposed extension given the history of the building.
  - b. Massing of building on the boundary.
  - c. Loss of light.
  - d. Neighbour's amenities.

Dr Rajan (Applicant) addressed the Committee in support of the application.

Councillor Page-Croft (Queen Edith's Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. The building was originally a single house shared by 2 sisters. It was no longer occupied by the original owners.
- ii. The owners of 8 Babraham Road had to follow Local Plan matching materials conditions to get planning permission (these restricted materials that could be used), so it was reasonable to expect the owners of 8a Babraham Road to do the same.
- iii. If 8a Babraham Road was moved away from the boundary by a couple of metres it would improve the view, outlook and privacy of 8 Babraham Road.

The Committee noted and debated the difference in approach to materials approved for no. 8 and proposed for no. 8A. The Principal Planning Officer explained why a different approach was being taken, namely because it reflected what was being proposed in the two different instances and that the

condition on the permission for no. 8 mirrored the intentions of the applicant to provide matching materials at that time. In such a circumstance, it was explained that it is not uncommon for the Council to impose a matching materials condition. In the current scheme, however, the Principal Planning Officer explained that alternative materials were being proposed, that a contrasting and contemporary materials approach was equally valid in terms of planning policy and that officers supported the visual impact of this. The Committee noted the history of the building, views of it from Babraham Road, the merits of the use of render and the third party objection.

The Principal Planning Officer was asked to explain the discrepancy in the approved plan for no. 8 as pointed out by the objector. It was explained that officers were aware that the approved plan did not match the as-built extension but that it did not alter the officer recommendation; there were still a number of significant windows allowing light into the western side of the property which meant that the scheme was acceptable. The Principal Planning Officer explained the outcome of the BRE Daylight Assessment and its findings in relation to the application and the three associated tests, including the vertical sky component.

Prior to the vote, Cllr Blencowe specifically made reference to the fact that Members were aware that the approved plan as shown in the officer representation were not accurate as to what was built as explained by the objector in his opening remarks.

#### The Committee:

**Resolved (by 5 votes to 1)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

#### **17/17/Plan 16/1457/FUL - 125 Milton Road**

The Committee received an application for full planning permission.

The application sought approval for redevelopment of a vacant site to provide two flats.

The Committee received representations in objection to the application from residents of Mulberry Close.

The representations covered the following issues:

- i. Accepted the development of 125 Milton Road in principle, but objected to this application.
- ii. The distance between the new development's windows and the road was too small.
- iii. Mulberry Close Residents' Society owned the track which is used by residents as access to the local area.
- iv. The track could not accommodate pedestrians and vehicles at the same time now, so would be unsuitable for future access needs of the new development.
- v. The 127 Milton Road development should not be accepted as a precedent for the area.

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

Councillor Nethsingha proposed an amendment to the Officer's recommendation to include an additional reason for refusal:

Both the north east and south west presented blank and harsh faces which exaggerated this is an over development of a constrained site.

The Principal Planner augmented this:

The proposal by virtue of its poor design, in relation in particular to the north east and south west walls that present blank and harsh facades that exaggerate the cramped and overdeveloped nature of the proposal, fails to respond positively to its surroundings. As such the proposal is contrary to policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006.

This amendment was **carried by 3 votes to 0.**

The Committee:

**Unanimously resolved** to refuse the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus additional fifth reason for refusal below:

The proposal by virtue of its poor design, in relation in particular to the north east and south west walls that present blank and harsh facades that exaggerate the cramped and overdeveloped nature of the proposal, fails to respond positively to its surroundings. As such the proposal is contrary to policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006.

### **17/18/Plan 16/0624/FUL - 10 Milton Road**

The Committee received an application for change of use.

The application sought approval for change of use from A2 to two residential apartments on first and second floor including roof extensions

#### The Committee:

**Unanimously resolved** to grant the application for change of use in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **17/19/Plan Tree Works Report (16/462/TTCA) - Newnham Croft Primary School**

A 211 Notice was received to carry out works to fifteen trees outside Newnham Croft Primary School and fronting Chedworth Street.

An objection to the proposed works was received from a resident of Chedworth Street.

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.

Members were asked to decide:

- (1) Not to object to the works or;
- (2) To serve a TPO and let the applicant apply for works under the TPO.

The Committee received a representation in objection to the application from a resident of Chedworth Street.

The representation covered the following issues:

- i. Referred to the picture on P440 of the agenda pack.

- ii. The woodland was small but viewed by lots of people. It had lots of species of trees and a path through it.
- iii. If trees were replaced by flowers as proposed, the woodland would become a garden and reduce:
  - a. People's amenity space.
  - b. Noise buffering between the school and local residents.
- iv. Asked for TPOs to be put in place on certain trees if the woodland could not be protected as a whole.
- v. The woodland needed maintenance, but proposed actions were too drastic.

The Committee:

**Unanimously resolved** to accept the officer recommendation and not to object to the works.

The meeting ended at 4.30 pm

**CHAIR**

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

(updated August 2015)

### **1.0 Central Government Advice**

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

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

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

Guidance is provided in relation to the following:

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

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

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

1.4 **Community Infrastructure Levy Regulations 2010**

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

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

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

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

have been entered on or after 6th April 2010

**Development Plan policy**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10/1 Infrastructure improvements

#### Planning Obligation Related Policies

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

#### 4.0 Supplementary Planning Documents

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

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

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

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

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

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

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

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

5.0 **Material Considerations**

5.1 **City Wide Guidance**

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

## 5.2 Area Guidelines

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

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

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

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

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

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

Historic open space guidance.

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

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

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

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

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

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

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

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

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

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

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

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

**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1389/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	28th July 2016	<b>Officer</b>	Toby Williams
<b>Target Date</b>	27th October 2016		
<b>Ward</b>	Castle		
<b>Site</b>	Mount Pleasant House Mount Pleasant Cambridge Cambridgeshire CB3 0RN		
<b>Proposal</b>	Demolition of the existing office building and removal of the 145 associated car parking spaces (use class B1a) and construction of College accommodation (comprising 243 en-suite rooms and 24 studios), landscaping and access arrangements (use class sui generis)		
<b>Applicant</b>	N/A 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 principle of developing the site for student accommodation is acceptable.</li> <li>-The design and scale of buildings is acceptable.</li> <li>-Appropriate mitigation for improvement to local cycling and walking provision to the site has been agreed to be secured through a S106.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is Mount Pleasant House, an office building and car park of 0.57Ha dating from 1979 which sits on the corner of Castle Street to the north and Mount Pleasant to the east. The building is arranged over four main floors of office space, below which is an undercroft car parking area which extends out into a

rear landscaped car parking court for approximately for 145 cars. There is plant located on the roof. The building is constructed out of brown brick and its form is arranged around three octagonal shaped tower elements positioned at its ends and on the corner, with strong horizontal brick banding and glazing between.

- 1.2 The site is within the extreme north eastern corner of the West Cambridge Conservation Area. It is located just outside the boundary of the Castle and Victoria Conservation Area. The building is not listed or a building of local interest and is noted as a negative building in the West Cambridge Conservation Appraisal. It is within the controlled parking zone and on the edge of the air quality management area.
- 1.3 To north of the site, Chestnut House, a recent student housing development and Babbage House, an office block, face the site from across Huntingdon Road and Castle Street. To the east is Shelly Garden, a linear modern housing development fronting onto Castle Street. Diagonally opposite and to the south east are the Storey's Almshouses, arranged in a 'T' shaped footprint fronting both Shelly Road and Mount Pleasant via a landscaped verge rising from the carriageway. These are grade II listed buildings.
- 1.4 To the south of the site is White Cottage, a Building of Local Interest. St Edmund's College lies to the south west of the site and forms part of a substantial area of landscape protected open space. The Chapel to St Edmund's is grade II listed. To the immediate west is Blackfriars Priory on Buckingham Road and to the north of this No.3 the Rectory, both Buildings of Local Interest. Between these buildings are Buckingham House, a more modern conference centre and student accommodation block and 1 Huntingdon Road, a Doctor's Surgery that has been extended to the rear. Further northwest, along Huntingdon Road is Murray Edwards College, a grade II\* listed building and further still Fitzwilliam College.
- 1.5 The site is cut in from Castle Street pavement level where there is pedestrian access, with a drop down 2.5m to the undercroft car parking below. Vehicular access is from Mount Pleasant and consists of a wide bell mouth which drops down into the car parking area. There are a substantial number of trees on and adjacent to the site - particularly in the south west corner - and

several tree preservation orders cover them. A former medieval stone cross, the 'Ashwickstone', is recorded on the front of the site and at the top of Castle Street but does not have any heritage status apart from its evidential value.

- 1.6 The building is very prominent from surrounding roads and from long distant views along Histon Road and Victoria Road in particular.
- 1.7 The site is not currently allocated in the Cambridge Local Plan (2006) but is designated in the emerging local plan as R17 for residential development, with an indicative capacity of 50 dwellings. The Planning Policy Manager comments on the weight to be attributed to this proposed designation in the consultation response.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for the demolition of Mount Pleasant House (4,793sqm) and the erection of college accommodation comprising 243 en-suite rooms and 24 studios, with landscaping and access.
- 2.2 It is intended that the buildings would be for students with a limited number (the studios) for academic staff or postgraduate students. The application has been designed in partnership with St Edmund's College, to the south of the site, albeit planning permission is not being sought for a specific occupier due to funding restrictions.
- 2.3 The student rooms vary in size, with en-suites from 17-20sqm and studios from 23-39sqm. The en-suite rooms are typically arranged in clusters of eight with shared kitchen and dining facilities positioned on the corners and gables of the buildings. The studio apartments are self-contained and include shower rooms, kitchens and living room spaces.
- 2.4 The footprint of the main proposed buildings form a 'U' shaped block (referred to as A blocks 1-4 although all one building) on the front of the site facing Castle Street. This forms a south facing courtyard area (Court A) which is terminated by a smaller detached intermediate end block (B3). A secondary court (Court B) consists of hard and soft landscaping and is formed by this intermediate block (B3) and two other detached blocks (together

referred to as B blocks 1-3). The bigger of these blocks (B2) runs along the west of the site and the smaller of the blocks (B1) is positioned to the south of the site adjacent to White Cottage.

- 2.5 The main 'U' shaped A blocks onto Castle street and Mount Pleasant are 4+1 storeys (5+1 storeys from the inner Court A due to the change in level). The B blocks towards the rear of the site are 4 storeys, stepping down to 3 storeys and 2 storeys adjacent to White Cottage.
- 2.6 The building line on Castle Street is angled away from the corner into the site, rather than being parallel with the road. This reflects the alignment of Murray Edwards and Fitzwilliam Colleges to the northwest and allows for tree planting onto the Castle Street frontage.
- 2.7 A north-south main pedestrian route is proposed from Castle Street along the eastern side of the block of buildings that form the western boundary, through the two courts and eventually linking to the St Edmund's College site, providing a direct line of view to St Edmund's Tower. The main entrance from Castle Street is proposed as an area for public art through a creative cladding arrangement. All existing 145 car parking spaces are removed and replaced with 4 disabled spaces. The access and parking court allows for refuse and service vehicle access and turning. Cycle storage for 306 cycles is provided. They are mostly located within the easterly footprint of block A alongside Mount Pleasant, which can be accessed from either its north or south sides. External cycle parking is arranged around the outside of the other B blocks as appropriate.
- 2.8 The landscaping around White Cottage is retained and enhanced. Lots of trees within the site are removed and replaced with alternative specimens. Some of the trees along the Castle Street frontage are removed, but others retained. Buildings are set 7-8m off the western boundary to allow for tree root protection.
- 2.9 The buildings would be mainly constructed from a multi-red facing brickwork with a natural mortar in stretcher bond. The gable towers of the A block would be finished in a pre-cast concrete framework with a white brick façade. The roofing elements would be finished in two tone cladding panels with an

overhanging roof. Windows would be metal, have full brick depth reveals and be finished in grey.

2.10 The application is accompanied by the following supporting documents.

- Planning Statement
- Design and Access Statement
- Plans
- Air Quality Assessment
- Arboricultural Survey and Impact Assessment
- Daylight and Sunlight Report
- Drainage Strategy
- Energy Statement
- Flooding Sequential Test
- Noise Assessment
- Heritage and Archaeological Assessment
- Landscape Plans and Management Plan
- Habitat Survey
- Environmental Risk Assessment
- Statement of Community Involvement
- Sustainability Statement
- Transport Statement
- Travel Plan

2.11 The application has been subject to alteration/ design development and submission of additional documentation as follows:

- Revised plans and elevations including treatment of corner element onto Mount Pleasant and Castle Street
- Revised landscaping plans and updated arboricultural assessment
- Revised court B plans, improved overlooking and relocation of bins
- Revised daylight and sunlight report
- Additional air quality assessment information
- Additional noise and ventilation information
- Amended tracking drawings
- Revised supporting 3D images of the scheme

2.12 This has been subject to further consultation.

### 3.0 RELEVANT SITE HISTORY

Reference	Description	Outcome
07/0059/FUL	The installation of a telecommunications base station.	A/C
06/0134/FUL	The installation of 2no. antennas, 2 no. 300mm dishes, radio equipment housing and ancillary development.	A/C
C/04/0184	Erection of telecommunications base station including antenna and equipment cabin.	PG
C/03/0033	Installation of 3No. dual polar antennae and 4No. dishes including radio equipment cabinets on the roof.	PG
C/77/0681	Erection of office building, residential flats and provision of car parking facilities, Cambridge.	A/C

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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



	8/2, 8/3, 8/4, 8/6, 8/9, 8/10, 8/16 10/1
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### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Planning Obligation Strategy (March 2010)  Public Art (January 2010)
Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Cambridge City Council (2011) - Open Space and Recreation Strategy  Cycle Parking Guide for New Residential Developments (2010)  Air Quality in Cambridge – Developers Guide (2008)
	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)

	<p>Castle and Victoria Road Conservation Area Appraisal (2012)</p> <p>Huntingdon Road Suburbs and Approaches Study (March 2009)</p>
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, the following policies in the emerging Local Plan are of relevance: 1, 3 and 46. The site is proposed to be allocated for housing in the emerging local plan as R17 and is indicated as having a capacity for 50 dwellings (see Planning Policy comment).

## 6.0 CONSULTATIONS

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

#### 6.1 First Comment

Holding Objection: The trip generation in the Transport Assessment is accepted. There will be a beneficial reduction in car trips from the site. There will be a significant increase in pedestrian and cyclist movements. Mitigation in the form of cycle improvements need to be made in the locality of the site, including improvements to pedestrian and cycling crossing points. Mount Pleasant footway widths need to be increased to 2m.

On-site cycle parking provision in terms of quantum is acceptable and accords with the City Council's adopted standards. Suggests amendments to the internal configuration of the cycle parking to improve aisle widths and the access arrangements to the cycle parking at the rear of the site.

Management arrangements for pick-up and drop-off need to be outlined.

## 6.2 Second Comment

Suggested mitigation in the form of a dedicated cycle link on the north side of Castle Street is proposed. The applicants are advised to work up a detailed scheme to assess its workability.

## **Environmental Health**

## 6.3 First Comment

Objection: The proposed development adjoins the City's Air Quality Management Area. Raises concerns with regard to the air quality assessment and associated methodology. Seeks clarification and/or revision to the submission. Air quality will determine the potential need for mechanical ventilation with sealed window units. With the uncertainty over the results of the air quality assessment, we are unable to determine what mitigation will be required.

In the event of approval, recommends conditions in respect of: contamination; Demolition / construction hours; collections/deliveries during demolition/construction; demolition/construction noise & vibration (including piling); dust; noise assessment/insulation; ventilation; CHP plant; lighting; and various informatives.

## Second Comment

6.4 No Objection: A revised air quality assessment has been submitted which addresses the concerns previously raised and is acceptable. Where mechanical ventilation is required, air intake for the units shall be from the roof-top level or from the rear of the block.

## **Refuse and Recycling**

- 6.5 No objection: refuse vehicles can enter and turn to come out forward in the courtyard. Bin capacities: there should be 31 x 1100 bins in total, but there are only 14 x 1100 bins. The college will be paying for additional collections, to have a weekly or twice weekly collection. The development is acceptable in terms of waste and recycling.

## **Urban Design, Conservation and Landscape**

### 6.6 First Comment

No Objection: The site layout is and collegiate typology is acceptable. White Cottage is adequately respected. Mature trees located at the boundary of the site are retained and a landscaped buffer provided. One tree is retained along the Castle Street frontage and elsewhere new tree planting is proposed along street frontages and within the new courts. Overall the plan provides a simple, connected network of buildings and spaces designed to work with the topography of the site. The Mews Court requires amendment.

### Scale and massing

The scale and massing of buildings has been revised following pre-application discussions. Building heights across the site have been reduced and all of the proposed buildings sit below the roof level of the existing Mount Pleasant House office block, staggering down adjacent to White Cottage. The scale and massing of all blocks is acceptable.

### Elevations and materials

The submitted scheme includes narrow setbacks in brickwork to break up street frontages. The setbacks break the two street frontages into a series of 6 vertical “bays”. The northeast corner of House A fronting the Huntingdon Road/Mount Pleasant junction is too blank and requires amendment. The building fenestration forms a simple grid with a variety of infill panels (glass, metal, louvers). 200mm deep reveal depths are supported in design terms and helps articulate the façades.

Proposed cladding materials include multi-red facing brickwork with natural coloured mortar laid to stretcher bond. Panels of vertical stack bond brickwork are proposed for key infill panels, and timber effect fibre-cement panels and soffits are proposed for the setback upper floor levels facing surrounding streets. The proposed materials are acceptable subject to condition.

### Amenity spaces

The main “green” amenity space (Court A) to be used by the occupants of the development fails to achieve the recommended levels of sunlight and is contrary to BRE guidance. It should be redesigned together with court B to improve overall amenity in terms of landscape, light and use.

## 6.7 Second Comment

### Mews Court and Court A

The amendments remove the refuse storage previously proposed on the south elevation of the studio block, reduce the size of the driveway area and reduce the number of disabled parking spaces from 5 to 4. A new amenity space (Mews Court) has been introduced to the south of the studio block.

The sunlight assessment combines the results of both Court A and the Mews Court to conclude that together the amenity spaces meet the BRE requirements.

Court A should be a primarily a hard landscaped space with trees set within it, which would be more suitable given the shading of this space throughout the day.

The introduction of the Mews Court is welcomed and has the potential to create a successful and attractive amenity space. Recommends a landscaping condition to agree the extent of landscaping and to ensure its protection.

### Building A - Corner façade to Huntingdon Road and Mount Pleasant

The amendments introduce 2 slot windows and a ventilation grill on the upper ground level and a concrete frame with three openings has been introduced on the first, second and third

floor levels with kitchen/gymp room windows behind. This approach is supported, which helps articulate and add interest to this prominent corner of the building.

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

- 6.8 No Objection: The approach to minimising internal summer heat gains through solar glazing, the design of windows and overhangs is supported. Further information in relation to carbon calculations, brown roofs and the nature of the BREEAM pre-assessment has been provided. The officer confirms full support for the approach to sustainable design and construction and renewable/low carbon energy provision. A condition is recommended relating to renewables/low carbon energy.

### **Access Officer**

- 6.9 No Objection: The applicants have confirmed that 14 rooms would be accessible and that this equates to 5%. The accessible rooms are distributed throughout the building and would be a mix of Part M compliant and Lifetime Homes accessible rooms. Car parking is limited to 4 disabled parking bays in the mews court with level access. Lift access is provided to all accessible rooms on the upper floors. All central spaces are fully accessible via wheelchair. Ramps would be part M compliant. The Access Officer finds the provision acceptable and has asked to have further dialogue with the architects to make some of the 'Lifetime Homes Standard' rooms suitable for students with sensory impairments. An informative has been suggested to address these issues.

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

#### 6.10 First Comment

Objection: The redevelopment provides opportunity for significant visual improvement through landscaping. The nine pollarded Poplar along the frontage are acceptable replacements and will enhance the site from Castle Street, Huntingdon Road and Victoria Road. Raises concerns about the loss of trees at the vehicular entrance on Mount Pleasant and from the garden, car park and west boundary. Revisions to the landscaping scheme, particularly in terms of the setting and impact on White Cottage, are sought. Objects to the loss of

T29, a category A tree, within the car park. The level changes across the site make retention of trees difficult and replacement is a reasonable solution, however, more space needs to be given over to adequate replacement planting. Currently unable to support the proposal.

#### 6.11 Second Comment

Following review of further correspondence with the applicants, the tree officer maintains their objection in relation to the impact on the character and appearance of Mount Pleasant. It is the trees required to be removed to accommodate the two rear blocks that will have the most negative impact on the site.

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

#### 6.12 First Comment

Mount Pleasant footways need to be increased to 2m. The vehicular entrance to the site needs to be narrowed and redesigned to give greater priority to pedestrians by continuing the footway over the access. Pedestrian crossing points need to be improved within the vicinity of the site. To get to the site by foot from certain directions, long detours are necessary. Cyclists approaching the site from Huntingdon Road will find it difficult to access the site. Seeks clarification regarding access to the site for cyclists and cycle shelter design.

#### 6.13 Second Comment

The Walking and Cycling officer has explored various options for improvement to access the site for cyclists with the applicants and the County Council Transport Team. This has resulted in the suggested provision of a dedicated cycle lane on Castle Street to be secured.

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

6.14 No Objection: Following the submission of further details in respect of the drainage proposals, the scheme is considered acceptable. Surface water can be dealt with by means of permeable paving, attenuation tanks and possibly green roofs.

Surface water will be restricted to 15 l/s. Recommends surface water drainage and management conditions.

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

6.15 No Objection: Recommends a sustainable drainage condition.

**Anglian Water**

6.16 No objection: There is sufficient foul water capacity within the sewerage network for the development. Anglian Water recommend a condition limiting the construction of hard-standing areas until the works for the surface water strategy have been carried out.

**Cambridgeshire Constabulary (Architectural Liaison Officer)**

6.17 No Objection: Pre-application discussions were given on this scheme and no further comments are necessary

**Defense Infrastructure Organisation (MOD)**

6.18 No Objection

**Cambridge International Airport**

6.19 No Objection: The proposed building heights do not give rise to concern. Asks to be informed of the construction plan for the use of cranes to ensure they do not penetrate safeguarded surfaces

**Historic England**

6.20 No Objection: The application should be determined in accordance with national and local policy guidance.

**Design and Conservation Panel Meeting of 8 June 2016**

6.21 The redevelopment of Mount Pleasant House was presented to the Panel in November 2015 (unanimous verdict RED). The proposals have been fundamentally reconsidered in response to feedback and public consultation. The brief and schedule of



accommodation has been re-thought with the Colleges leading to a substantial reduction in floor area, and an increase in the variety of rooms and studios and the addition of shared communal study rooms.

Amendments since last time include a smaller footprint pulled further back from the street as well as a reduction in height. The number of bedroom spaces has been reduced from 292 to 277, with 34 studio units. The revised approach to massing, elevation treatment and landscaping, reflects the changes in brief and aims to create a more appropriate response to context.

Presentation by David Emond of RH Partnership with Nicholas Hare of Nicholas Hare Architects.

The Panel's comments were as follows:

#### Response to Previous Comments

The Panel were most appreciative of the fundamental rethink of the design of the scheme by the client and design team and felt that good progress has been made.

#### Urban Opportunity

The Panel welcome the recognition of the site's collegiate form with the aspiration that it could become part of the series of post-1950 college buildings along Huntingdon Road. Further work is needed to define exactly what the presence of this new collegiate court will be. In addition, the new court completes the street frontage of St Edmund's College along Mount Pleasant and defines the end of the larger landscaped space in front of the college. An additional study of the urban forecourt of the existing college property is being undertaken concurrently, which should tie in with this design.

#### Corner block

The nature of the block on the corner of Huntingdon Road and Mount Pleasant and whether there was an opportunity to create a more positive gesture at this major junction was discussed. The clear definition of the corner block as proposed, includes a second entrance point which is also inflected in the landscaping

to this street edge. The materials and detailing need to be particularly carefully realised to define this crucial street corner.

### Materials

The language of the materials is clearly work in progress. Although the architects favour the specification of a single brick to be used throughout as in the neighbouring college buildings, the Panel suggested that there could be further exploration into the use of different brick colours textures and reflectivity in different areas of the site. Further discussions regarding the external choice of materials relate both to the site's relationship with the buildings on Huntingdon Road as well as to St Edmunds College and buildings along Mount Pleasant. The architects should look carefully at the use of light or dark coloured materials when considering the internal courtyard elevations as seen in different light conditions.

### Elevations

Overall, the treatment of the elevations is also under development. Of the internal courtyard elevations shown, the proposal for a lower level loggia with recessed glazing seemed a potentially attractive solution. The suggested special gable ends need to avoid a potentially corporate office feel in developing proposals for an elaborate louvre system.

### Courtyards

The south-facing aspect of these two spaces and reduction in height of the surrounding blocks is a significant improvement in the block massing. The two internal studio blocks are important defining elements within the taller surrounding ranges and need to be carefully considered either as contrasting elements or completion of the larger forms. The Panel suggested the opportunity for a roof garden on the S block facing the College. It could not only provide a functional space for those living on the site but would provide added interest looking down from neighbouring blocks.

## Relationship with White Cottage

The landscape setting for White Cottage has been much improved. The proximity and scale of the blocks adjacent to this small building appears more comfortable. The definition of the setting for this building in the overall landscape plan is welcomed.

## Tenure issues

The issues of policy and principle regarding the provision of market housing with no affordable units are for Council officers to resolve and not the Panel. The Panel were keen to be assured that the current proposals are tied to designated College use and not seen as student units for letting on the open market.

## Conclusion

The Panel very much appreciated the response to their previous comments. Although it is not yet fully resolved, they support the direction being taken with this scheme. Development of the materials language, for example, is only currently at a baseline level so their quality and detailed application will be key. The Panel would welcome the opportunity to evaluate some of the materials choices before final decisions are made.

VERDICT – GREEN (6), AMBER (1)

## **Consultations with Service Managers**

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

### Development Manager (Streets and Open Spaces)

Informal open space: A specific S106 contribution if ARU occupy of £67,034 (plus indexation) towards the provision and/or improvement of and/or access to Informal Open Space at Alexandra Gardens is required.

## Recreation Services Manager

Indoor sports: A specific S106 contribution if ARU occupy of £74,513 (plus indexation) towards the provision of improvements to and enhancements of indoor sports and leisure facilities at Chesterton Community College is required.

Outdoor sports: A specific S106 contribution if ARU occupy of £65,926 (plus indexation) towards the improvements to and enhancements of the outdoor pitches (for example better pitch drainage, ground levelling and enhancing the athletics provision on site) at Chesterton Community College is required.

## **Planning Policy Manager**

(Officer Note: This is a significant land use issue for the site and I have copied the response in full).

- 6.23 'The National Planning Policy Framework (NPPF) sets out the Government's planning policy approach to achieving sustainable development. Whilst no specific reference is made to student accommodation within the NPPF, key policy principles set out in the document are relevant to informing any Local Plan policy approach. Paragraph 17 of the NPPF makes reference to every effort being made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. In particular, local planning authorities should 'plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community' (paragraph 50).

The NPPF confirms that local authorities should plan positively for the knowledge industries and the development of a strong and competitive economy. Supporting higher and further education organisations is compatible with national policy aims and the proposed economic vision for the city as a centre of excellence and world leader in higher education. In supporting to ongoing success of higher and further education in Cambridge, consideration needs to be given to the provision of sufficient student accommodation to meet the ongoing needs of

a range of institutions, whilst addressing the potential for distortions in the local housing market as a result of the attractiveness to developers of providing student housing.

### *National Planning Practice Guidance*

In terms of the Government's National Planning Policy Guidance (NPPG), which was published in March 2014 immediately prior to the Council submitting its Local Plan to the Secretary of State for examination on 28 March 2014, there are two references to the provision of student accommodation.

Paragraph 3-038-20140306 of the NPPG allows for student accommodation to be counted towards the housing requirement for a district, based upon the amount of accommodation it releases from the housing market:

*All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double-counting.*

Notwithstanding this advice within the NPPG, Cambridge City Council does not currently count new student accommodation towards the Council's housing requirement as there has been little evidential basis for a robust assumption that new purpose built student accommodation will result in existing shared accommodation being released into the housing market, given the large number of higher and further education institutions in Cambridge and the overall demand for student accommodation.

Additionally, the final bullet point of paragraph 2a-021-20160401 of the NPPG states that:

*Local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Student housing provided by private landlords is often a lower-cost form of housing. Encouraging more dedicated*

*student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. Plan makers are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside of university-provided accommodation. Plan makers should engage with universities and other higher educational establishments to better understand their student accommodation requirements.*

The Council's recently commissioned and completed 'Assessment of Student Housing Demand and Supply for Cambridge City Council'<sup>1</sup> provides information on the student accommodation requirements of a range of educational institutions in Cambridge and assists the Council in addressing this element of the NPPG. The findings of this study are discussed later in this response in relation to the emerging Local Plan.

#### *Cambridge Local Plan 2006*

The current Development Plan for Cambridge includes the following:

- Cambridge Local Plan (2006) and Proposals Map (2009);
- Cambridge East Area Action Plan (2008);
- North West Cambridge Area Action Plan (2009);
- Cambridgeshire and Peterborough Minerals and Waste Core Strategy, Minerals and Waste Site Specific Proposals Plan and Proposals Maps (2011/2012)

The relevant part of the Development Plan for this site is the adopted Cambridge Local Plan (July 2006). The North West Cambridge Area Action Plan (October 2009) is not relevant to this site as it addresses an area of the city to the north-west of this site further up Huntingdon Road. Though referred to in the applicant's Planning Statement, the Cambridgeshire and Peterborough Structure Plan 2003 is also not relevant to this site as the remaining saved policies of the structure plan fell

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<sup>1</sup> Cambridge Centre for Housing and Planning Research, January 2017.

away at the point that the Regional Spatial Strategy for the East of England (the East of England Plan) was revoked in 2013.

The Cambridge Local Plan 2006 contains a number of policies addressing the need to deliver student accommodation. Policy 7/7 deals with staff and student housing for the University of Cambridge and sets out criteria for assessing proposals. This policy identifies sites for student accommodation; explains that additional student accommodation within existing college sites will be permitted; and supports windfall student accommodation subject to meeting certain criteria. Policy 7/9 of the adopted Local Plan 2006 addresses the student accommodation needs for Anglia Ruskin University, through sites allocated for this purpose in the proposals schedule. Policy 7/10 of the adopted Local Plan 2006 supports the provision of speculative student hostels on sites that have not been allocated in the Local Plan, but have become available during the plan period. Policy 7/10 restricts such speculative development by way of a Section 106 agreement to housing full-time students attending Anglia Ruskin University or the University of Cambridge.

The application site is not allocated for development in the adopted Local Plan. This means that the site is considered to be a windfall site in the terms of the Cambridge Local Plan 2006. While the applicant's Planning Statement confirms that the development has been designed in partnership with St Edmund's College and that the proposed lease agreement will mean that the occupier ultimately ends up owning the freehold of the site, it is understood that the accommodation may also be made available to other Colleges and Anglia Ruskin University. As such, this would indicate both Policy 7/7 and Policy 7/10 Speculative Student Hostel Accommodation of the Cambridge Local Plan 2006 should be applied as the development may accommodate University of Cambridge and Anglia Ruskin University students and university/college staff. In order to ensure that this scheme is occupied by Anglia Ruskin University or University of Cambridge full time students (see criterion a of Policy 7/10), this matter should be dealt with as part of the legal

agreement for the site. It should not be occupied by other institutions during term-time, given the ongoing growth of both Anglia Ruskin University and the University of Cambridge and their established need for student accommodation. Outside term time, the units may be made available to conference delegates and/or language school students to make effective and sustainable use of the accommodation provided.

### *The Emerging Cambridge Local Plan*

The emerging Local Plan is a material consideration in decision-making as it has been published and submitted for examination by the Secretary of State. The NPPF explains that the weight that can be given to emerging Development Plan policies depending on the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with the NPPF (paragraph 216).

In relation to this site and this proposal for development, emerging Policy 3: Spatial strategy for the location of residential development addresses the level of housing required to meet the objectively assessed need for housing in the city, and emerging Policy 46: Development of student housing is positively worded and sets out criteria against which proposals for the development of student accommodation can be assessed. The emerging Local Plan identifies the allocation of the site in the emerging Local Plan as a potential residential site with capacity for 50 dwellings (reference site R17). The policies regarding the provision of housing and student accommodation and the allocation itself are subject to objections. The weight that can be accorded to the emerging Local Plan is therefore limited.

Having said this, the Council has recently commissioned the Cambridge Centre for Housing and Planning Research to undertake an *Assessment of Student Housing Demand and Supply for Cambridge City Council*. The study was identified as necessary by Cambridge City Council for the following reasons:



-Since the emerging Local Plan was submitted for examination in March 2014, a new element of the National Planning Practice Guidance was introduced in 2015 in respect of student accommodation;

-The Council has dealt with a significant appeal for student accommodation on an existing housing allocation (App/Q0505/W/15/303586) at 315 – 349 Mill Road; and

-An increasing number of applications have come forward for student accommodation, with a particular emphasis on the provision of studio units as part of sui generis student accommodation.

The study was undertaken between September and December 2016 and makes a number of recommendations. The study includes a baseline analysis of the current structure of the student population, the current accommodation used by students, and the future plans of the different educational institutions. It analyses what the level of purpose built student accommodation (PBSA) could be if all current and potential future students were to be accommodated in PBSA, rather than, for example, in shared housing in the private rented market. In addressing the issues raised in the study, this report proposes modifications to policies and site allocations in the emerging Local Plan, including site R17: Mount Pleasant House.

The student accommodation study has identified current student numbers and projections of future student numbers (full-time) for the universities, and a large number of specialist colleges and language schools in Cambridge, and the types of courses that they are attending. This has included data collection from:

- University of Cambridge, including all 31 colleges;
- Anglia Ruskin University;
- Colleges of further education, specialist colleges and language schools, and affiliated organisations such as the colleges which form the Cambridge Theological Federation.

The data used in the analysis comes from two main sources:

- The first source is data extracted from the Higher Education Statistics Agency (HESA) returns made by the University of Cambridge and Anglia Ruskin University;
- The second source of data is an online survey that was used to collect data from individual institutions about their student profile, current accommodation provision, and future planned provision. The University of Cambridge Colleges and wider University of Cambridge were included in the study, as was Anglia Ruskin University. The non-university institutions excluded the standard school sector but included the Further Education (FE) colleges e.g. Cambridge Regional College, language schools e.g. Bell Educational Services Ltd, performing arts colleges e.g. Cambridge School of Visual and Performing Arts, theological colleges e.g. Wesley House, independent sixth forms e.g. Mander Portman Woodward and summer schools e.g. Reach Cambridge.

The student accommodation study shows that the number of students at educational institutions in Cambridge with a need for some form of accommodation is estimated at 46,132 in 2015/16. Some 91% of undergraduates, and 55% of postgraduates at the University of Cambridge are in University or College maintained accommodation, compared to 11% of undergraduates and 15% of postgraduates at Anglia Ruskin University. Excluding mature students who are less likely to be living in shared accommodation, there is an estimated current potential for 6,085 bed spaces in PBSA.

Although Anglia Ruskin University has confirmed as part of the study that it is planning to remain at the same student numbers in Cambridge for the next five to ten years, the University of Cambridge's current planning framework envisages an expansion in undergraduate numbers of 0.5% each year for the next ten years, and in postgraduate numbers of 2% per annum to 2026, with some individual Colleges having higher expansion rates than others. These growth plans lead to an estimated future potential 2,874 student bed spaces to 2026. The other institutions have an anticipated growth rate of 230 students in total to 2026. This suggests that a total of 9,189 student rooms

could be built in PBSA by 2026 to address both the current and the potential future levels of student numbers. As at 31 March 2016, there were 1,281 student bed spaces in the planning pipeline. Once completed, and provided they are occupied by students, this will reduce the current level of students outside PBSA from 6,085 to 4,804, and reduces the future potential level of students outside PBSA from 9,189 student bed spaces to 7,908.

The study reports that if all current and potential future students were to be accommodated in purpose built student accommodation, there would need to be provision of 7,908 bed spaces, having taken into account student accommodation units already in the pipeline. Whilst the NPPF confirms at paragraph 17 that local authorities should consider development needs other than simply housing and employment, it should be noted that there is no part of national planning policy that says that all students are required to be provided for in purpose built student accommodation. The student accommodation study recognises that students have different needs and that purpose built student accommodation will not be suitable for all students.

The study confirms that more than 25% of undergraduates are not housed in University/College maintained accommodation at Homerton, St Edmund's, Girton, Queens', Jesus, and Gonville and Caius Colleges. More than 30% of postgraduates are not housed in University/College maintained accommodation at Homerton, Hughes Hall, Darwin, St Edmund's, Queens', and Wolfson Colleges.

St Edmund's College currently operates considerably below accepted college norms in housing its students in its own accommodation. As the largest growth in student numbers will be in graduate students, it is the colleges that take graduate students, of which St Edmund's College is one of only six, which are under the greatest pressure. The pressure on St Edmund's is exacerbated by the fact that it is one of three "accept all" Colleges (this means that when graduate students apply to Cambridge University they select their preferred College. The

older, more well-known Colleges tend to be oversubscribed and so students are allocated to St Edmund's as an Accept All College).

In the absence of a national policy requirement to provide purpose built student accommodation, the ongoing uncertainty about needs beyond the next ten years, and the provision of student accommodation which continues to be made through both allocations and windfall sites, it is considered there is no justification to conclude that the Council's current strategy to address student accommodation in the emerging Local Plan is not reasonable.

However, the emerging Local Plan acknowledges the competing development pressures in Cambridge including student accommodation and it has always considered it important that a balanced approach is taken within the remit of sustainable development in order to support the economic and social needs as well as quality of life and place.

Recognising the findings of the student accommodation study and in order to address the growth of the University of Cambridge, the Council has proposed a modification relating to Site R17 Mount Pleasant House to replace the indicative capacity of 50 dwelling units with 270 student bedrooms. This modification is being considered by Development Plan Scrutiny Sub Committee on 25 January 2017.'

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:

- 7 Cranwell Court
- 15 Mount Pleasant
- 72 Huntingdon Road

7.2 The representations can be summarised as follows:

-Object to the demolition of the building. It is a good example of its type (a late modernist building) and has character and presence. It is unsustainable to demolish it and a waste of raw material.

-The façade could be retained.

-The building should be converted to student accommodation, like the Study Inn.

-The proposed building is anodyne and unremarkable.

-Proctorial rules on car ownership should apply to the site.

-Not notified of the public consultation.

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. Heritage impact
4. Public Art
5. Renewable energy and sustainability
6. Disabled access
7. Amenity of nearby occupiers
8. Refuse arrangements
9. Highway safety and transport impact
10. Car and cycle parking
11. Environmental impact
12. Third party representations
13. Planning Obligations (s106 Agreement)

## **Principle of Development**

- 8.2 The site is not allocated for a proposed use in the 2006 Local Plan. For the University of Cambridge, policy 7/7 supports windfall student accommodation subject to meeting certain criteria. Policy 7/10 supports the provision of speculative student hostels on sites that have not been allocated in the Local Plan, but have become available. 7/10 seeks to restrict speculative student development by way of a Section 106 agreement to housing full-time students attending Anglia Ruskin University or the University of Cambridge. As such, the site can be considered a windfall site.
- 8.3 As a windfall site for a University of Cambridge College, the amenity of adjacent residents and future occupants would not be compromised by the development. The site is adjacent to the intended main occupier, St Edmund's College. A student management plan would ensure the accommodation is adequately supervised. Adequate provision is made on-site for students who are disabled. The proposal meets the requirements of policy 7/7. Supporting paragraph 7.41 to this policy emphasises that a positive attitude will be taken towards additional windfall student hostel sites that may come forward.
- 8.4 As a windfall site for Anglian Ruskin University (ARU), the site location is slightly less favourable in relation to the ARU campus on East Road. Nonetheless, it is located in a central location, just north of the City Centre, and is within cycling and walking distance for students and is in close proximity to shops and services. Bus services run along Castle Street and if ARU students were to occupy, use could be made of public transport. The amenity impact of ARU students would be similar to those of a College, with a likelihood of more undergraduates. Proposed condition 25 (student management plan) would apply to either university.
- 8.5 The applicants are willing to enter into a S106 agreement to ensure occupancy restrictions to these two educational

institutions and restrict car ownership of students living on site. The proposal meets the criteria set out by policies 7/7 and 7/10.

### *Emerging Plan*

- 8.6 Emerging policies 3 (Spatial Strategy) and 46 (Student Housing) are relevant. The emerging Local Plan identifies the site for residential use with a capacity for 50 dwellings. The policies regarding the provision of housing and student accommodation and the allocation itself are subject to objections. The weight that can be accorded to these policies and allocation in the emerging Local Plan is therefore limited.

### *Need*

- 8.7 Following new National Planning Policy Guidance, the outcome of the Mill Road appeal (App/Q0505/W/15/303586) and an increasing number of student accommodation applications, the Council has recently commissioned a student study which assesses student housing demand and supply. The assessment proposes modifications to policies and site allocations in the emerging Local Plan, including site R17: Mount Pleasant House.
- 8.8 The findings of the study are that across Cambridge's educational institutions, an estimated current need for 6,085 purpose built student rooms exists. Taking into account the growth of the student population, it estimates that by 2026 the need for additional purpose built student accommodation is likely to have risen to 9,189 student rooms. Even taking into account existing planning permissions in the pipeline, the number of purpose built bed spaces required to 2026 is estimated at 7,908.
- 8.9 In broad terms, not all students will want to be accommodated within purpose built accommodation and there is little evidence to suggest that such housing would free up housing stock for Cambridge residents. Nonetheless, the outcomes of the study

suggest that the demand for purpose built student accommodation is substantial and is no less so for St Edmund's College who currently operates considerably below accepted college norms in housing its students in its own accommodation.

### *Conclusion*

- 8.10 Adopted policy indicates the site is acceptable as a windfall site for student accommodation. The proposed allocation has limited weight in the consideration of the use of the site for general market housing. The existing and projected need for purpose built student accommodation is significant and weighs in favour of the proposal. The proposed modification to the proposed allocation in the emerging local plan indicates that an alternative use of the site for student use could be equally acceptable. The proposed land use is acceptable in principle, accords with adopted policies 7/7 and 7/10 and would help meet identified student need in accordance with the findings of the student study and NPPG guidance.

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

#### *Layout and Landscaping*

- 8.11 The site layout includes a series of student buildings with two accompanying courtyards of different size and function. The first set of buildings provides a street-facing frontage onto both Castle Street and Huntington Road and continues the existing built frontage along Mount Pleasant. This creates a small, green court - Court A - separate from adjacent streets much like other collegiate courts. The Design and Conservation Panel welcome the recognition of the proposed collegiate form with the aspiration that it could become part of the series of post-1950 college buildings along Huntingdon Road.
- 8.12 The second group of buildings provide a smaller scale of development around Court B than the main/larger grouping of



buildings. This second grouping is scaled down to better address the existing BLI White Cottage and provides the functional, service-based court for both parking and loading/unloading.

8.13 One tree is retained along the Castle Street frontage and elsewhere new tree planting is proposed along it including nine pollard semi-mature Plane trees. Landscaping is provided within the new courts. Existing tree planting around the vehicular entrance to Mount Pleasant has been retained. The Tree Officer supports the majority of the loss and replanting around the edges of the site but maintains an objection to the loss of trees within the centre of the site adjacent to White Cottage and in particular a young Dawn Redwood, a category A tree (T29) currently at 15m in height. The applicants have advised that this tree has the potential to grow up to in excess of 30m and that it would have a considerable rooting environment. They do not consider its retention within the court as desirable. My view is that the loss of the tree is acceptable. It does not form part of a recognised vista within the Conservation Area and the loss of the redwood is acceptable given that replacement trees will be provided and that in the longer term it could cast considerable shade and impact upon the southerly courtyard space. To design a revised scheme around this tree would be to attribute too much weight to its current visual impact and contribution to the Conservation Area.

8.14 A direct footpath route from Castle Street to St. Edmund's College is provided in a south-east to north-west direction from Huntingdon Road. Cycle parking is well distributed through the site and each "house" is provided an allocation of cycle parking spaces.

8.15 Overall the layout provides a simple, connected network of buildings and spaces designed to work with the topography of the site and is acceptable.

### *Scale and massing*

- 8.16 All of the proposed buildings sit below the roof level of the existing Mount Pleasant House.
- 8.17 Block A is relatively long and in some areas unbroken, but with defined breaks and “bays” created along façade lengths. It rises to 4+1 storeys on the Castle Street/Huntingdon Road and Mount Pleasant street frontages (appearing as 5+1 storeys from Court A) and forms a similar height to the parapet level to the existing Mount Pleasant House. The building steps down to 4 storeys on the east and west sides of the site adjacent to No. 1 Huntingdon Road and Mount Pleasant.
- 8.18 Buildings towards the rear of the site are 4 storeys (B2) stepping down to 3 storeys (B3) and 2 storeys (B1) at the far south east corner of the site adjacent to the White Cottage.
- 8.19 The approach to scale and massing is supported by both the Urban Design and Conservation Team and the Design and Conservation Panel.

### *Elevations and materials*

- 8.20 The submitted scheme includes narrow setbacks in brickwork to break up street frontages. The setbacks relate to the position of movement joints and are spaced at approximately 6.5m intervals and break the two street frontages into a series of 6 vertical “bays”. The approach is supported.
- 8.21 The original comments from the Urban Design and Conservation Team raised an issue with the northeast corner of Block A fronting the Huntingdon Road/Mount Pleasant junction as being too blank. Further detailed design of the corner elevations has been undertaken and has included amendments to introduce 2 slot windows and a ventilation grill on the upper ground level and a concrete frame with three openings has been introduced on the first, second and third floor levels with

kitchen/gyp room windows behind. This helps articulate and add interest to this prominent corner of the building and positively addresses the suggestion of enlivenment of this corner put forward by the Design and Conservation Panel and the comments of the Urban Design and Conservation Team.

- 8.22 The window system has been developed to include the necessary requirements of ventilation, day lighting and solar gain. The building fenestration forms a simple grid with a variety of infill panels (glass, metal, louvers) depending on the orientation of the windows. 200mm deep reveal depths are proposed, which will provide depth and relief to the façade.
- 8.23 Proposed cladding materials have been developed to respond to the predominant reddish/brown brick colour of the Huntingdon Road to Madingley Road section of the West Cambridge Conservation Area. Materials include multi-red facing brickwork with natural coloured mortar laid to stretcher bond. Panels of vertical stack bond brickwork are proposed for key infill panels. Subject to material samples, the proposed materials are acceptable.
- 8.24 My view is that the elevations and detailing are acceptable. Condition 16 seeks approval for a range of detailed aspects of the design and the use of materials, including brickwork, windows, cladding and roofing.

#### Daylight and shadow impacts

##### *Internal daylight levels*

- 8.25 A BRE daylight and sunlight assessment accompanies the submitted application. The internal daylight levels are concluded as acceptable.

### *Amenity spaces*

8.26 Court A together with Court B have been redesigned as part of amendments suggested by the Urban Design and Conservation Team to improve their functionality and the nature of the spaces. Taken together, they achieve the recommended levels of sunlight contained in the BRE guidance. I have recommended condition 17 to secure a detailed landscaping scheme to ensure the space is fit for purpose.

### *Daylight and sunlight to existing surrounding buildings*

8.27 Daylight and sunlight assessments have been carried out to assess the impact on existing buildings adjacent to the application site. The effects on daylight and sunlight to neighbouring properties has been assessed by the Council's Urban Design and Conservation Team and is considered acceptable.

### *Conclusion*

8.28 There has been a considerable dialogue with the applicant, agents and Design and Conservation Panel leading up to the submission of the application which explored a range of site layouts and building forms and heights. The submitted proposal therefore represents the culmination of an extended dialogue with the Council. The proposal sets out a simple design solution based on a student accommodation use.

8.29 This use heavily drives the proposed building forms, however, the proposed building typology is not uncommon within the immediate street scene in this location given the presence of several colleges. The building design, choice of materials, and overall scale and massing responds to existing constraints of topography, landscape and local context. Though the main buildings facing Mount Pleasant and Castle Street are relatively long and flat in form, they are articulated along their length

through the creation of individual “bays” and are softened with existing and new street tree planting.

- 8.30 The application is acceptable in terms of its layout, scale and design. Subject to conditions, the proposal complies with policies 3/4, 3/7, 3/11, 3/12, 4/3 and 4/4 of the Cambridge Local Plan (2006).

### **Heritage Impact**

- 8.31 The site is within the extreme north eastern corner of the West Cambridge Conservation Area. It is located just outside the boundary of the Castle and Victoria Conservation Area. The building is not listed or a building of local interest and is noted as a negative building in the West Cambridge Conservation Appraisal.

- 8.32 Diagonally opposite and to the south east are the Storey’s Almshouses (grade II listed buildings).

- 8.33 To the south of the site is White Cottage, a Building of Local Interest. St Edmund’s College lies to the south west of the site. The Chapel to St Edmund’s is grade II listed.

- 8.34 My view is that the relatively simple form of the blocks and their moderated height will preserve the character and appearance of this part of the Conservation Area and that adjacent. The setting of the nearby listed buildings, particularly the Almshouses, would also be preserved. The lowering of scale of the blocks adjacent to White Cottage is adequately respectful of its setting and surrounding landscaping. The Design and Conservation Panel support the relationship of the blocks to White Cottage.

- 8.35 I note the third party objections on the grounds that the existing building is a landmark and has character and presence - ribbon windows and brick courses - and a good example of a late modernist building compared to other office buildings in the area. There is a suggestion that the façade is retained (like

Kettles Yard) or that the building is converted (like Study Inn at Castle Court). However, there is no evidence to suggest the building was designed by a notable architect or is in fact a good example of its type. None of the consultees seek the retention of the building. The Conservation Appraisal regards Mount Pleasant as a negative building and the proposed allocation of the site does not seek its retention. I do not think the acceptance of the demolition of the building is merely a case of what is currently fashionable to keep and what is not; a number of modernist buildings within the Council's suite of Conservation Appraisals are appraised and merit attributed accordingly.

8.36 My view is that the proposed demolition of the existing building is acceptable in heritage terms and, having special regard to the desirability of preserving and enhancing the character or appearance of the Conservation Areas and adjacent listed buildings including their setting, the proposal accords with policies 4/10, 4/11 and 4/12 and NPPG guidance at paragraphs 126-136. No harm to these heritage assets or their setting would arise. The demolition of Mount Pleasant House does not amount to either substantial or less than substantial harm to a heritage asset and therefore the public interest test is not necessary in this case.

### **Public Art**

8.37 The Design and Access Statement sets out that the applicants wish to progress a scheme for looking at opportunities for using the ceiling of the main entrance archway from Huntingdon Road as a canvas for a geometrically coloured and textured public art intervention. It states that a brief will be developed to consider the materiality, jointing and fixing type and pattern of the space. Several examples of embellished roofs at Cambridge Colleges is given.

8.38 I welcome this proposal and have recommended condition 20, which seeks to secure a public art delivery plan. Subject to this

condition, 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**

8.39 The applicant has submitted a Sustainability Appraisal. A variety of measures are proposed including:

-Targeting of BREEAM 'very good' with an aspiration of achieving an 'excellent' rating.

-The consideration given to the need to minimise internal summer heat gains and prevent overheating. Measures include building overhangs on the top floor of the main accommodation block, design of windows taking into account orientation and solar control glazing on elevations affected.

8.40 In order to meet the requirements of policy 8/16, gas fired Combined Heat and Power has been chosen as the preferred renewable energy technology choice. The approach is supported by the Council's Sustainability Officer and is estimated to reduce carbon emissions by 15%.

8.41 Subject to conditions 18 and 21, the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with policies 3/1 and 8/16 and the Sustainable Design and Construction SPD 2007.

### **Disabled access**

8.42 The applicants have confirmed that 14 rooms would be designed as accessible rooms and are distributed throughout the buildings. They would be a mix of Part M compliant and Lifetime Homes accessible rooms. Car parking is limited to 4 disabled parking bays in the mews court with level access to all ground floor elements of the scheme. Lift access is provided to all accessible rooms on the upper floors. All central spaces are fully accessible via wheelchair. Ramps would be part M

compliant. The Access Officer finds the provision acceptable and has asked to have further dialogue with the architects to make some of the 'Lifetime Homes Standard' rooms suitable for students with sensory impairment. An informative (no. 43) has been suggested to address these issues. The applicants are in agreement with this approach.

8.43 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12 and 7/10.

### **Amenity of Nearby Occupiers**

8.44 The main blocks of the student accommodation (Block A) are no higher than the existing building. In terms of additional massing and visual impact, the main consideration is therefore the impact of the additional blocks ('B' blocks) proposed within the car park of Mount Pleasant House and how they relate to their neighbours.

8.45 Block B2 introduces new massing in the south western corner of the site. It is four storeys tall and has 15 west facing student bedroom windows above ground floor. To the immediate west of B2 is Blackfriars Priory, accessed from Buckingham Road. Blackfriars is set within substantial grounds and facing east towards block B2, it contains a number of first floor bedroom windows and a ground floor communal dining room. These face onto a 30m deep grassed lawn which in turn adjoins the boundary of the application site. The lawn is substantial and wraps around the south of Blackfriars. The boundary between Blackfriars and the site is populated with a linear form of semi-mature trees that will be retained as part of the development. The application site is marginally lower in level than Blackfriars. Block B2 is four storeys tall and is set some 7m off the boundary. Given the building-to-building distance is some 37m and the extent of landscaping in-between, my view is that block B2 would not result in any substantial harm in terms of enclosure, overlooking or loss of light.



- 8.46 To the north of Blackfriars adjacent to the site are Buckingham House, a more modern conference centre and student accommodation block and 1 Huntingdon Road, a Doctor's Surgery. Neither building relies on an easterly outlook and I do not consider the proposal would significantly affect the users of them.
- 8.47 To the south of the site is White Cottage, a Building of Local Interest. It is occupied by St Edmund's College students. The proposed return wing of block A alongside Mount Pleasant is shorter than the existing office building and the relationship of scale and space between the buildings is therefore improved. Tree planting and soft landscaping around the Cottage facing onto the car park will be retained and reinforced. To the immediate west of the Cottage is block B1, a proposed two storey student block of modest proportion. The distance between the two buildings is 6m. I do not consider any harm to the residential amenity of the occupiers of White Cottage would arise from the development.

#### *Construction Impact*

- 8.48 This is a significant proposal and its construction is likely to result in temporary noise and disturbance for nearby residents. In accordance with advice from my colleagues in Environmental Health and from the Highways Authority, I recommend a number of conditions to control the construction impact of the proposal (see proposed conditions 3-11).

#### *Occupation and Impact*

- 8.49 In terms of occupation, it is likely but not certain that St Edmund's College will be the main occupier. I have recommended condition 25 to secure the provision of a student management plan to ensure the impact of the use is appropriately managed, including term time drop-off and pick-up arrangements. Only car parking for disabled students would be allowed. The layout of the site does not allow for students other

than those permitted to park within it. The S106 would secure arrangements to prevent student occupiers of the building from keeping cars. Given that the site is contained within the Controlled Parking Zone, I do not consider that it would be likely to generate any additional impact on on-street car parking.

8.50 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, 3/12, 7/7 and 7/10.

### **Refuse Arrangements**

8.51 The Council's Waste Team has assessed the proposal. Refuse is collected from the central courtyard space off Mount Pleasant. Space is provided within the site for refuse vehicles to turn. Bin capacity has been designed for a weekly or twice weekly collection in line with existing St Edmund's College arrangements. The Waste Team find that the development is acceptable in terms of waste and recycling.

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

### **Highway Safety and Transport Impact**

8.53 The County Council Highways Officer originally objected to the scheme on the basis that a footway south of the access was not being shown on the plans and that the Mount Pleasant frontage footway should be widened to 2m. The applicants have confirmed their agreement to both of these requests and have amended the plans accordingly. The site currently has 145 car parking spaces and the reduction to only 4 disabled spaces will result in a substantial reduction in car based trips to the site.

8.54 The County Council Transport Team has accepted the findings of the trip generation set out in the applicant's Transport Assessment. This shows that the scheme will result in a

significant increase (279) in cyclist movements to and from the site. The County Council Transport Team has highlighted that mitigation – secured through a S106 agreement - in the form of cycling improvements needs to be made locally. These include improvements to pedestrian and cycling crossing points and to cycle lane facilities along Castle Street. An indicative plan of the latter of these improvements has been provided by the County Council, but a detailed scheme has not been worked-up or costed. I will report any further development of these provisions on the amendment sheet or orally at the meeting.

- 8.55 Subject to these provisions being secured and delivered, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/3 and 8/4.

### **Car and Cycle Parking**

- 8.56 The site currently accommodates 145 car parking spaces. As a result of the development, 4 car parking for spaces for students with disabled needs will be provided together with space for a delivery/maintenance vehicle and for space to turn. This will result in a substantial reduction in car based trips to the site. The level of provision is in accordance with the adopted standards.
- 8.57 Cycle parking would be provided on the site for students and staff in the form of one bicycle space for each bedspace (plus one), comprising a total of 278 spaces in dedicated, accessible and secure bicycle stores within the development; one on the eastern side of the site within the footprint of the building and one on the western side of the site in a covered shelter. These cycle parking facilities would comprise a mix of double stackers (40%) and Sheffield style hoops (60%).
- 8.58 Additional cycle parking in the form of 14 Sheffield stands (28 spaces) would be provided adjacent the front doors of each building for use by visitors. A total of 306 cycle parking spaces will therefore be provided.

8.59 The amount of cycle parking provision in terms of the quantum is acceptable and accords with the adopted standards. The layout of the internalised cycle park has been subject to correspondence with the Cycling and Walking Officer and has clarified that the internal isle width of 2.1m meets the City Council's guidance. It would be both accessible from Mount Pleasant and from Huntingdon Road, via stepped cycle ramps of suitable gradient and design. Access would be through power assisted doors, enabled with a swipe card. I have secured the cycle parking provision through proposed condition 24.

### **Environmental Impact**

8.60 Environment Health officers have recommended conditions to control site contamination, demolition, construction and delivery hours, noise and vibration, dust and traffic management (conditions 3-11). These are all standard conditions and are appropriate. Conditions are also proposed to ensure the living environment for students is protected. These include road traffic noise and pollution attenuation for student bedrooms (conditions 14-15). Both Environmental Health officers and the Council's Sustainability officer seek for a condition to ensure the proposed Combined Heat and Power system meets specified emissions standards relating to nitrogen dioxide and particulate matters given the location of the site adjacent to the Air Quality Management Area (condition 21). Other conditions seek to control plant noise insulation and lighting (conditions 19 and 22). The applicants have demonstrated that surface water can be dealt with on-site using permeable paving, attenuation tanks and potentially green roofs to store 145sqm of water and restrict discharge to 15l/s out-falling to the surface water sewer. Both Anglian Water, the Local Lead Flood Authority and the Council's Sustainable Drainage Engineer accept the applicant's proposed drainage proposals (condition 23).

- 8.61 These conditions all appear reasonably necessary to ensure the environmental impact of the scheme in the short to long term is mitigated.
- 8.62 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/13.

### **Third Party Representations**

- 8.63 Issues concerning the merits of retaining the existing building are dealt with in paragraphs 8.34 - 8.35. Car parking control would be secured through the S106 set out in the subsequent paragraphs. One resident objects on the basis that they were not originally notified of the public exhibition. The applicant states that the leaflet drop for the exhibition included the address from which the objection has been made. No other matters have arisen from third parties in relation to the scheme.

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

- 8.64 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

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

(b) directly related to the development; and

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

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

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

8.67 I have consulted the service managers who are responsible for the delivery of projects to offset the impact of development and have summarised their consultation responses in the following table which sets out the mitigation and policy remit for the following Heads of Terms:

<b>Heads of Term</b>	<b>Obligation</b>
Occupation Restriction	A specific obligation to limit the occupation of the buildings to full time students of the University of Cambridge or Anglia Ruskin University only, including provisions relating to restriction on car ownership by students, as per policy 7/10.
Highways	<p>-Pavement widening on Mount Pleasant to 2m.</p> <p>-Provision of dedicated cycling lane facility on the east side of Castle Hill, subject to detailed design, to be delivered by the applicants.</p> <p>-Possible improvement of localised pedestrian crossing-points. The County Council are yet to confirm a scheme and I will report any further correspondence on the amendment sheet or orally at the meeting.</p> <p>The highways improvements are necessary to ensure additional cycling impact arising from the development is adequately mitigated as per policies 8/2, 8/3 and 8/4.</p>

<p>Indoor sports</p>	<p>Indoor sports provision for University of Cambridge students is provided at the West Cambridge site and is satisfactory to meet the needs of these students from this site.</p> <p>A specific S106 contribution if Anglia Ruskin University (ARU) students occupy of £74,513 (plus indexation) towards the provision of improvements to and enhancements of indoor sports and leisure facilities at Chesterton Community College, as per policy 3/8 is sought. This is because these students do not benefit from bespoke ARU indoor sports facilities and are likely to place additional demand upon the Community College facilities.</p>
<p>Outdoor sports:</p>	<p>Outdoor sports provision for University of Cambridge students is provided at the West Cambridge site and as part of individual college provision in and around the City to which St Edmunds College students have sole or shared access arrangements to, including for cricket, football, rugby and boat house provision. This level of outdoor provision is satisfactory to meet the needs of these students from this site.</p> <p>A specific S106 contribution if ARU occupy of £65,926 (plus indexation) towards the improvements to and enhancements of the outdoor pitches (for example better pitch drainage, ground levelling and enhancing the athletics provision on site) at Chesterton Community College, as per policy 3/8 is sought. This is because ARU students only benefit from very limited outdoor sports facilities and would be likely to access the publicly accessible outdoor facilities provided at the Community College site.</p>
<p>Informal open space:</p>	<p>Very limited open space, other than landscaped courtyards, is provided on-site. The site does however adjoin St Edmunds College, which has extensive landscaped grounds and is the likely</p>

	<p>main occupier of the buildings. A specific S106 contribution if anyone other than St Edmund's College students occupies as the main occupier of £67,034 (plus indexation) is sought towards the provision and/or improvement of and/or access to informal open space at Alexandra Gardens as per policy 3/8. Alexandra Gardens is the closest area of informal open space to the site and is likely to be impacted upon by students other than those from St Edmund's College.</p>
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8.68 Subject to the completion of a S106 planning obligation, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010).

## 9.0 CONCLUSION

9.1 The principle of the proposed development is acceptable and accords with policies 7/7 and 7/10. The proposal would help meet identified purpose built student housing need. The design, scale and visual impact of the scheme has the support of both the Council's Urban Design and Conservation Team and the Design and Conservation Panel. The simple approach to building form and design reflects the collegiate character of this part of the City. Impacts on occupiers of adjacent buildings are all acceptable. I recommend approval.

## 10.0 RECOMMENDATION

**APPROVE** subject to completion of a S106 Agreement and the following conditions:

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

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



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

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

3. 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 site 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 strategy as required by clause b of 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 as required by condition 7) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

9. Prior to the commencement of 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)

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

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

12. 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)

13. 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)

14. Prior to the commencement of development above ground level, excluding below ground enabling works and foundations and with the exception of the demolition of the existing building on the site, 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 (predominantly traffic noise from Mount Pleasant, Castle Street and Huntingdon, Histon and Victoria 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 from the high ambient noise levels in the area. (Cambridge Local Plan 2006, policy 4/13)

15. Prior to the commencement of development above ground level, excluding below ground enabling works and foundations and with the exception of the demolition of the existing building on the site, as part of a noise insulation scheme to protect future residents from road traffic noise (from Mount Pleasant, Castle Street and Huntingdon, Histon and Victoria Road) details of a mechanical ventilation / alternative ventilation scheme, that provides an alternative option to opening windows within the accommodation units / habitable rooms shall be submitted to and approved in writing by the local planning authority. Any mechanical ventilation scheme shall source air from the rear of the development away from the road. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenity of future occupants from air pollution. (Cambridge Local Plan 2006 policy 4/13)

16. Prior to the commencement of development above ground level, excluding below ground enabling works and foundations and with the exception of the demolition of the existing building on the site, the following material samples and details of materials shall be submitted to and approved in writing by the local planning authority:

- (a) 1m x 1m sample panel of the brickwork proposed showing the detail of bonding, coursing and colour and type of jointing.
- (b) non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, colours, surface finishes/textures and relationships to glazing and roofing including recesses back from the brickwork.
- (c) Roofing materials and coping details.
- (d) Window frame types, including details of the recess back from the outer edge of the brickwork.
- (e) Rainwater goods.

The approved sample panel(s) shall be kept on site throughout the course of the development. The development shall be carried out in accordance with the approved details.

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

17. Prior to the commencement of development above ground level, excluding below ground enabling works and foundations and with the exception of demolition of the existing building, 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 proposed finished levels or contours; means of enclosure (including a plan indicating the positions, design, materials and type of boundary treatments to be erected); car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; full details of all tree pits, including any in planters, hard paving and soft landscaped areas; and an implementation programme.

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

18. Prior to the commencement of development above ground level, excluding below ground enabling works and foundations and with the exception of the demolition of the existing building on the site, a renewable energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable/low carbon energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the following details:



- a) The total predicted energy requirements of the development, set out in Kg/CO2/annum.
- b) A schedule of proposed on-site renewable/low carbon energy technologies, their respective carbon reduction contributions, location, design and a maintenance programme.

The proposed renewable/low carbon 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 agreed in writing by the local planning authority.

In the event that the approved renewable/low carbon energy technologies cannot be installed due to grid capacity issues then the requirements of this condition will be relaxed. In such a case, written evidence in the form of correspondence with the District Network Operator confirming that connection is not possible will need to be submitted to and approved in writing by the local planning authority.

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

19. Prior to the installation of any external 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: In order to avoid light pollution and in the interests of residential amenity (Cambridge Local Plan 2006, policies 3/7 and 4/13).

20. Prior to the occupation of the development (or in accordance with an alternative timetable otherwise agreed in writing by the local planning authority) a Public Art Delivery Plan (PADP) shall be submitted to and approved in writing by the local planning authority and shall include the following:
- a) Details of the public art and artist commission;
  - b) Details of how the public art will be delivered, including a timetable for delivery;
  - c) Details of the location of the proposed public art on the application site;
  - d) The proposed consultation to be undertaken;
  - e) Details of how the public art will be maintained;
  - f) How the public art would be decommissioned if not permanent;
  - g) How repairs would be carried out;
  - h) How the public art would be replaced in the event that it is destroyed;

The approved PADP shall be fully implemented in accordance with the approved details and timetabling. Once in place, the public art shall not be moved or removed otherwise than in accordance with the approved maintenance arrangements.

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

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

- Spark ignition engine: less than 150 mgNO<sub>x</sub>/Nm<sup>3</sup>
- Compression ignition engine: less than 400 mgNO<sub>x</sub>/Nm<sup>3</sup>
- Gas turbine: less than 50 mgNO<sub>x</sub>/Nm<sup>3</sup>

Reason: To protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the lifetime of the development, to contribute toward National Air Quality Objectives and accords with the requirements of the National Planning Policy Framework (NPPF) and policies 4/13 and 4/14 of the Cambridge Local Plan (2006).

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

Reason: In order to safeguard the amenity of future and existing occupants of buildings (Cambridge Local Plan 2006, policy 4/13).

23. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- ii. provide a management and maintenance plan for the lifetime of the development.
- iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

Reason: To prevent environmental and amenity problems arising from flooding, to comply with National Planning Policy Framework (NPPF) and to accord with the requirements of policies 3/4, 3/11, 3/12 and Policy 8/18 of the Cambridge Local Plan 2006.

24. No building hereby permitted shall be occupied until full details of facilities for the secure parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The agreed facilities shall be provided in accordance with the approved details before use of the development commences and shall include power assisted doors into the internal cycle store together with secure access arrangements.

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

25. Prior to the occupation of the development, a student management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include provisions relating to travel advice; specific stipulations prohibiting the keeping of a car in Cambridge (excluding disabled students); check-in time slots in order to stage the impact of the check-in process; the organization of the move-in day; site security; the management of deliveries; responsibilities expected of students both inside and outside the site; the management of move-out times; maintenance cover; tenancy checks; waste management; and the external display of contact information for on-site management and emergencies. The scheme shall be managed in accordance with the approved details.

Reason: In order to ensure the occupation of the site is well managed and does not give rise to significant amenity issues for nearby residents (Cambridge Local Plan, policies 4/13 and 7/10).

26. 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)

27. 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)

28. 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 2006).

29. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

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

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

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

31. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure forward of the principal elevation, other than those shown on the drawings approved as part of this planning permission or a subsequent discharge of condition shall be erected within the curtilage of the buildings without the granting of specific planning permission.

Reason: In the interests of visual amenity (Cambridge Local Plan policies 3/7, 3/12 and 4/11)

32. Any trees or plants provided as part of any landscaping scheme which, within a period of 5 years from the planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written consent to any variation.

Reason: In the interests of the amenity of future residents of the student scheme and to ensure a suitable relationship and integration of the built development with its surroundings (Cambridge Local Plan 2006, policies 3/7, 3/11, 3/12, 4/2, 4/3, 4/4).

33. The proposed development shall be carried out in accordance with the recommendations of the Phase 1 Habitat Survey by Development Ecology.

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).

34. The landscaping shall be managed in accordance with the 'Landscape Management Manual for Mount Pleasant House Rev C.' dated 22/07/16.

Reason: In the interests of visual amenity (Cambridge Local Plan 2006, policy 3/10).

35. The 'Mount Pleasant Travel Plan, Rev 1' dated July 2016 shall be carried out and become effective in accordance with its provisions within three months of first occupation of the college accommodation and shall be implemented and monitored for a period of at least five years from first occupation.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2006, policies 8/2, 8/3 and 8/4).

36. The demolition hereby permitted shall not be commenced until evidence of a contract for the redevelopment for the site in accordance with planning permission 16/1389/FUL has been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid the creation of cleared sites detrimental to the character and appearance of the Conservation Area (Cambridge Local Plan 2006 policies 3/4 and 4/11).

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

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

The noise and vibration report should include:

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

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

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

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

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

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

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

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

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

#### **INFORMATIVE:** Traffic Management Plan

The principle areas of concern that should be addressed are:

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

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

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

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

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

**INFORMATIVE:** Accessible Rooms

The applicant's attention is drawn to the comments of the Council's Access Officer with regard to the provision of accessible rooms and rooms suitable for students with sensory impairment. SENDA (2001) for educational buildings and the 'Code of Practice (revised) for providers of post-16 education and related services' give further advice on such provision.

**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1764/S73	<b>Agenda Item</b>	
<b>Date Received</b>	4th October 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	3rd January 2017		
<b>Ward</b>	Trumpington		
<b>Site Proposal</b>	Gonville Hotel Gonville Place Cambridge CB1 1LY Section 73 application to vary condition 2 (approved drawings) of planning permission 15/1200/FUL to remodel and set back the glazed façade link, preserve the existing rear French doors on rear elevation, reduce footprint of glazed link of north-west elevation, amend the roofline above glazed link and internal layout alterations.		
<b>Applicant</b>	Gonville Hotels Ltd 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 amendments would preserve the character and appearance of the Conservation Area.</li> <li>- The amendments would respect the special interest of the Building of Local Interest and the setting of the nearby Listed Buildings.</li> <li>- The amendments would not harm the amenities of neighbouring properties.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the southern side of Gonville Place, directly opposite Parkers' Piece. The Gonville Hotel is a three storey building which was originally built as a house. The main frontage/elevation faces Gonville Place but it is set back

considerably from the site frontage and is not readily visible from Parker's Piece and Gonville Place. The area to the front of the hotel is used for hotel residents' parking. Gresham House is owned by the Gonville Hotel. There are meeting/conference rooms and offices on the ground floor. The first floor rooms have been converted into small residential use by the hotel. A short gravel vehicular driveway leads to a gated entrance onto Gresham Road. There are residential properties in the surrounding area to the west, south and east of the site.

- 1.2 The Gonville Hotel is identified as a Building of Local Interest. The site falls within the Central Conservation Area. Nos. 3 and 3A Gresham Road to the east are Listed Buildings. There are many protected trees on site. The site falls outside the Controlled Parking Zone (CPZ) and within the Air Quality Management Area (AQMA).

## **2.0 THE PROPOSAL**

- 2.1 The application seeks permission to vary condition 2 (approved drawings) of planning permission reference 15/1200/FUL in order to undertake the following minor material amendments to:
- Remodel and set back the glazed façade link
  - Preserve the existing rear French doors on the rear elevation
  - Reduce footprint of the glazed link of north-west elevation
  - Amend the roofline above the glazed link
  - Internal layout alterations.
- 2.2 The original permission has been commenced as the dining room extension to the front of the hotel has been completed.

## **3.0 SITE HISTORY**

- 3.1 There is extensive site history. However, the most relevant to note are as follows:

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1622/FUL	Erection of a two-storey side extension on the north eastern elevation of Gresham House following demolition of the existing side extension	Permitted.

16/1226/NMA	Non material amendment on application 15/1200/FUL for the addition of condition listing approved plans.	Permitted.
16/0195/FUL	Removal of existing exterior entrance lobby and replacement with new glazed entrance lobby and minor remodelling of external landscaping to provide DDA compliant access.	Permitted.
15/1200/FUL	Refurbishment of Gresham House to provide an additional 10 hotel bedrooms, extension to rear of Gresham House to provide an additional 21 hotel bedrooms, (subterranean) basement to Gresham House and provide a gym, dance studios and subterranean day spa facilities and a plant room, front extension to Gonville Hotel to provide a new dining area, and associated external works and landscaping.	Permitted.
13/0646/FUL	Demolition of Gresham House, and refurbishment and extension of Gonville Hotel to provide an additional 43 bedrooms and new spa/treatment rooms, with internal and external remodelling of the existing hotel to create a new dining area and hotel entrance, and associated external works and landscaping	Refused
13/0647/CAC	Demolition of Gresham House, and refurbishment and extension of Gonville Hotel to provide an additional 43 bedrooms and new spa/treatment rooms, with internal and external remodelling	Refused

of the existing hotel to create a new dining area and hotel entrance, and associated external works and landscaping

14/0994/FUL Removal of existing dilapidated exterior timber entrance lobby. Replacement with new single storey, glazed entrance lobby and minor remodelling of external landscaping to provide DDA compliant access. 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
		4/4 4/10 4/11 4/12 4/13 4/14
		5/4
		6/3
		8/2 8/6 8/10 8/16

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

Central	National Planning Policy Framework March
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Government Guidance	<p>2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95 (Annex A)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
Material Considerations	<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 and Milton Surface Water Management Plan (2011)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Buildings of Local Interest (2005)</p>
	<p><u>Area Guidelines</u></p> <p>Cambridge City Council (2002)–Southern Corridor Area Transport Plan:</p> <p>Cambridge Historic Core Conservation Area</p>

	<p>Appraisal (2006)</p> <p>New Town and Glisson Road Conservation Area Appraisal (2012)</p>
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

### 6.0 CONSULTATIONS

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

6.1 No objection.

#### **Environmental Health**

6.2 No objection subject to condition.

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

6.3 No objection.

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

6.4 No objection.

## **Urban Design and Conservation Team**

6.5 No objection.

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

### **7.0 REPRESENTATIONS**

7.1 The owner/occupier of the following address has made a representation:

- 3 Gresham Road

7.2 The representation can be summarised as follows:

- What type of glazing will be used?
- Overlooking of no.3 and 3a Gresham Road.
- The height of the extension will not be in keeping with the style and proportion of the adjacent Gresham House.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

### **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Public Art
4. Renewable energy and sustainability
5. Residential amenity
6. Impact on Trees
7. Landscaping and drainage
8. Air Quality
9. Highway safety
10. Car and cycle parking

## 11. Third party representations

### **Principle of Development**

- 8.2 The principle of development was deemed to be in accordance with policy under planning permission 11/0219/FUL. As the proposed description of development would not be changed under this new application, I am of the opinion that the previous assessment of this is pertinent to the assessment of this new application.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policies 5/4 and 6/3.

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

- 8.4 The applications proposed the following alterations to the approved plans:
- Remodel and set back the glazed façade link
  - Preserve the existing rear French doors on the rear elevation
  - Reduce footprint of the glazed link of north-west elevation
  - Amend the roofline above the glazed link
  - Internal layout alterations.
- 8.5 The internal layout alterations are not considered to have any material impact on the appearance of the building and are acceptable.
- 8.6 The glazed link separating Gresham House from the new hotel accommodation has been reduced in size and setback 1.3m further on the front elevation (facing Gresham Road) and a further 1.8m on the rear elevation. The existing French doors on the rear elevation of Gresham House at ground floor level and window at first floor have been retained and are now visible on the submitted street scene elevation. Part of the hipped roof would be removed and set back to expose the chimney stack. The reduction in footprint and scale of the development is considered to preserve the character and appearance of the Conservation Area and retain the special interest of the Building of Local Interest. The proposed amendments would have no harmful impact upon the setting of the nearby Listed Buildings.

The Urban Design and Conservation Team have raised no objection to the proposed amendments.

- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/10, 4/11 and 4/12.

### **Public Art**

- 8.8 This matter has been assessed under the previous permission (11/0219/FUL) and the proposed changes to the drawings have no impact on public art.

- 8.9 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**

- 8.10 This matter has been assessed under the previous permission (11/0219/FUL) and the proposed changes to the drawings have no impact on the renewable energy and sustainability aspects of the development.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.12 The proposed amendments would reduce the scale and mass of the development and there would be no significant overshadowing or visual enclosure caused to neighbouring occupiers by the proposed development.

- 8.13 The southern elevation of the proposed extension would have windows that serve hall ways and stairwells, and as such these windows can be obscurely glazed. This would be covered by condition 36 of the original permission which would also apply to this S73 application. Subject to this condition I do not consider any harmful loss of privacy would be experienced at nos.3 and 3A Gresham Road.

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

### **Impact on Trees**

8.15 The proposed amendments would have no material impact on trees.

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

### **Landscaping and drainage**

8.17 The proposed amendments would have no material impact on landscaping or drainage. The Landscape Officer and Drainage Officer have raised no objection to the proposal.

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

### **Air Quality**

8.19 The proposed amendments would have no material impact on air quality. The Environmental Health Team has raised no objection to the proposal.

8.20 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 4/14.

### **Highway Safety**

8.21 The Highway Authority has raised no objection to the proposed amendments.

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

### **Car and Cycle Parking**

8.23 The proposed amendments would have no material impact on car and cycle parking.

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

### **Third Party Representation**

8.25 The third party representation has been addressed in the table below:

<u>Comment</u>	<u>Response</u>
What type of glazing will be used? Overlooking of no.3 and 3a Gresham Road.	See paragraph 8.13 of this report.
The height of the extension will not be in keeping with the style and proportion of the adjacent Gresham House	See paragraph 8.6 of this report.

## **9.0 CONCLUSION**

9.1 The proposed minor-material amendments to the approved scheme are not considered to give rise to any harmful residential amenity issues and would respect the sensitive setting of the site and its surroundings from a design perspective. The conditions of the original permission would also apply to this application.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

2. Conditions 3 - 44 of planning permission 15/1200/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 15/1200/FUL have been discharged, the development of 16/1764/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. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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



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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area (Cambridge Local Plan 2006 policies 3/4, 3/7 and 4/13)

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

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

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

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

16. Before the development hereby approved 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 neighbours (Cambridge Local Plan 2006 policy 4/13).

17. The proposed on-site renewable and low carbon 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. 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).

18. Prior to the commencement of development, a plan showing the number, specification, orientation and location of the bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: In the interest of nature conservation (Cambridge Local Plan 2006, policy 3/14)

19. 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)

20. 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)

21. Prior to the commencement of development, with the exception of below ground works, full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11)

22. Prior to the commencement of development, full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing shall be submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. 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 enhance the character of the Conservation Area ( Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11).

23. Prior to the commencement of development, full details of all windows and doors, as identified on the approved drawings, including materials, colours, surface finishes/textures shall be submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: In the interest of visual amenity and to enhance the character of the Conservation Area (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11).

24. No development shall commence until details of the location and facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

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

25. Where existing openings are to be bricked up, the method for doing so, including the materials to be used, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. 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 interest of visual amenity and to enhance the character of the Conservation Area (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11).

26. No hard standing areas shall be constructed until works have been carried out in accordance with the submitted surface water drainage strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding (Cambridge Local Plan 2006 policies 3/12 and 4/13)

27. 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)

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

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

29. 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)

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

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

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

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

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

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

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

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

32. The spa/gym/dance studio, hereby approved, shall operate only between the following hours: 0700 - 2200hrs Monday to Sunday and at no other times, unless otherwise agree in writing by the Local Planning Authority on a separate application.

Reason: In the interest of neighbour amenity (Cambridge Local Plan 2006 policy 4/13).

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

Reason: To protect the retained trees from construction (Cambridge Local Plan 2006 policy 4/4)

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

Reason: In the interest of the retained trees (Cambridge Local Plan 2006 policy 4/4)

35. 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: In the interest of tree protection (Cambridge Local Plan 2006 policy 4/4)

36. Prior to the commencement of development, details of how the top panes of the glazed link between Gresham House and the proposed extension, hereby approved, will be obscurely glazed, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of neighbour amenity (Cambridge Local Plan 2006, policy 3/14)

37. Prior to the commencement of development, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The Management plan shall include details of the operation of the hotel and spa/gym/dance studio, hereby approved, and details of the gated access from Gresham Road. The Gresham House gates shall be locked at all times other than to allow access for members of the spa/gym/dance studio by special arrangement, as detailed within the management plan, hereby requested. The works shall be completed only in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of neighbour amenity (Cambridge Local Plan 2006 policy 3/7)

38. Prior to the commencement of development full details of a mitigation scheme to address the impacts on air quality arising from the development shall be submitted to, and approved in writing by the Local Planning Authority.

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

39. The Air Quality mitigation scheme approved under condition number 37 shall be implemented in accordance with the approved details before the first occupation of the development and shall thereafter be retained as such.

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

40. Prior to occupation of the proposed development, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include details of how on-site car parking will be managed.

Reason: In the interests of highway safety and to encourage sustainable transport to and from the site (Cambridge Local Plan 2006 Policy 8/2).

41. Prior to the commencement of development a management and maintenance plan shall be submitted and approved in writing by the Local Planning Authority which will demonstrate that the drainage strategy can be managed and maintained for the lifetime of the development. The works shall be completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of surface water management (Cambridge Local Plan policies 3/12 and 4/13)

42. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating all the details including tree pit sizes (depths and widths); root director/barrier and/or root cell specifications (where used); drainage (where needed); methods of securing and irrigating the trees; any tree furniture (where applicable); and soil specifications.

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)

43. No development shall take place until there has been submitted to and approved in writing by the local planning authority all drawings and/or documents associated with the design and construction of the pleached tree planters. These details shall include plans and sections which will identify all elements associated with the planting and maintenance of the pleached trees which secure the longevity of the trees in perpetuity.

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)

44. No development shall take place until a maintenance and management plan is submitted to and approved in writing by the local planning authority which demonstrates that the pleached lime trees included in the approved landscape layout will be maintained and managed to ensure the longevity of the trees. Any of the trees that are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation, for the lifetime of the development.

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

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

Hard copies can also be provided upon request

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



**PLANNING COMMITTEE**

**DATE:1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1760/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th October 2016	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	29th November 2016		
<b>Ward</b>	Petersfield		
<b>Site</b>	2 Sturton Street Cambridge CB1 2QA		
<b>Proposal</b>	Replacement of existing roof plant		
<b>Applicant</b>	Essel House Second Floor 29 Foley Street London W1W 7TH		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposed roof plant would not have a significant adverse impact on residential amenity of neighbouring properties and the wider area, subject to conditions.</p> <p style="padding-left: 40px;">The proposed roof plant would not harm the character and appearance of the Conservation Area.</p>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

- 1.1 The site comprises the former Backstreet Bistro pub/restaurant located on the corner of Hooper Street and Sturton Street, historically known as 'The White Haart Pub'. This is a two storey property which forms part of a traditional terrace on both frontages. There are entrances on both frontages, as well as the main entrance on the corner. The property has a small enclosed courtyard at the rear.
- 1.2 The surrounding area is predominantly residential. The rear of the site backs onto the rear gardens within the quadrant formed by Sturton Street, Hooper Street and Ainsworth Street, which are

traditional two storey terraced properties in residential use. On the opposite side of Hooper Street is the Mill Road Depot site.

- 1.3 The site is within the Mill Road Area of the Central Conservation Area. The property is not Listed and is not a Building of Local Interest. It is identified as part of the terrace along Hooper Street and Sturton Street as a 'positive unlisted building' in the Mill Road Conservation Area Townscape Analysis. The site is outside the controlled parking zone. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for replacement roof plant, comprising the provision of a cellar cooling unit and two condenser units on the flat roof, and the installation of a kitchen extract/ supply system including the erection of a mechanical termination cone and roof cowl.
- 2.2 During the course of the application, revised plans were submitted which included the erection of a 2m high acoustic fence around the plant and removal of the existing close-boarded fence on the flat roof that was erected without planning permission. An acoustic assessment was also submitted.
- 2.4 The proposed works are in association with the renovation of the pub/restaurant under new ownership. A separate application for licensing consent was approved by the Licensing Sub-Committee on 28 November 2016. I have included a copy of the premise license as an appendix to this report for information.
- 2.5 Third parties have raised concerns that the submitted drawings show development that requires planning permission but that has not been included within the description of development, including a change of use. I have assessed the works shown on the submitted drawings and I am satisfied that the description of development covers the works that require planning permission. I have considered in detail the concerns raised by third parties and have provided my response in Section 9 below.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/95/0816	Single storey flat roofed rear extension to existing pub (A3)	Approved with conditions

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

	Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

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

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

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

## 6.0 CONSULTATIONS

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

No objection to the proposed plant. The plans show a gate or door that opens outwards over the public highway, which should be altered to open inwards, or slide.

### 6.2 **Environmental Health**

#### *Acoustic assessment – plant*

The applicant's noise assessment is acceptable. The specified acoustic barrier will require installation. Condition for installation of the approved plant details and acoustic fence recommended.

□ *Roof terrace and ground floor terrace*

Due to the close proximity to residential properties and gardens, noise from use of the roof and ground floor terrace has the potential to harm amenity. Full details of the intended use of the roof terrace are required (e.g seating for eating, smoking etc). Recommend that a condition is attached to the consent restricting the use of the roof and ground floor terrace after 22:00hrs until reopening at 11:00 hrs the following day.

Full details are required on the construction details / specifications including acoustic qualities / performance (sound reduction calculations etc) of the ground floor covered area if it is intended to be used after 22:00hrs.

Doors from the main building serving the ground floor terrace and covered area must be kept closed after 22:00hrs until 11:00hrs the following morning or at any time during entertainment or the playing of music.

□ *Hours of opening*

Hours of opening have not been specified within the planning application form. It is my understanding that the following hours are permitted under the premises license: Monday – Saturday = 11:00hrs – 00:30hrs, Sunday & Bank/Public holiday = 11:00hrs – 23:00hrs. I recommend these hours are conditioned to protect amenity. The ION acoustic assessment advises the kitchen extract fan will cease operating no later than 23:00hrs.

□ *Odour*

The applicant's odour assessment is acceptable. Standard odour condition recommended.

□ *Construction*

Standard delivery/collection hours condition recommended.

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

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 owners/occupiers of the following addresses have made representations:

- |  |   |
|--|---|
| <input type="checkbox"/> 4 Sturton Street                    | <input type="checkbox"/> 90 Ainsworth Street  |
| <input type="checkbox"/> 6 Sturton Street                    | <input type="checkbox"/> 106 Ainsworth Street |
| <input type="checkbox"/> 10 Sturton Street                   | <input type="checkbox"/> 6 Aylestone Road     |
| <input type="checkbox"/> 14 Sturton Street                   | <input type="checkbox"/> 13 Kerridge Close    |
| <input type="checkbox"/> 16 Sturton Street                   | <input type="checkbox"/> 18 Kerridge Close    |
| <input type="checkbox"/> 18 Sturton Street                   | <input type="checkbox"/> 25 Kerridge Close    |
| <input type="checkbox"/> 20 Sturton Street                   | <input type="checkbox"/> 31 Kerridge Close    |
| <input type="checkbox"/> 47 - 49 Sturton Street              | <input type="checkbox"/> 37 Kerridge Close    |
| <input type="checkbox"/> 57 Sturton Street                   | <input type="checkbox"/> 38 Kerridge Close    |
| <input type="checkbox"/> 59 Sturton Street                   | <input type="checkbox"/> 9 Kingston Street    |
| <input type="checkbox"/> 60 Sturton Street                   | <input type="checkbox"/> 21 Kingston Street   |
| <input type="checkbox"/> 61 Sturton Street                   | <input type="checkbox"/> 25 Kingston Street   |
| <input type="checkbox"/> 63 Sturton Street                   | <input type="checkbox"/> 29 Kingston Street   |
| <input type="checkbox"/> 64 Sturton Street                   | <input type="checkbox"/> 37 Kingston Street   |
| <input type="checkbox"/> 65 Sturton Street                   | <input type="checkbox"/> 75 Kingston Street   |
| <input type="checkbox"/> 92 Sturton Street                   | <input type="checkbox"/> 80 Kingston Street   |
| <input type="checkbox"/> 102 Sturton Street                  | <input type="checkbox"/> 142 Gwydir Street    |
| <input type="checkbox"/> 2 Oswald Terrace,<br>Sturton Street | <input type="checkbox"/> 148 Gwydir Street    |
| <input type="checkbox"/> 9 Hooper Street                     | <input type="checkbox"/> 170 Gwydir Street    |
| <input type="checkbox"/> 11 Hooper Street                    | <input type="checkbox"/> 175 Gwydir Street    |
| <input type="checkbox"/> 14 Hooper Street                    | <input type="checkbox"/> 7 Fairsford Place    |
| <input type="checkbox"/> 15 Hooper Street                    | <input type="checkbox"/> 15 Fairsford Place   |
| <input type="checkbox"/> 18 Hooper Street                    | <input type="checkbox"/> 14 Milford Street    |
| <input type="checkbox"/> 19 Hooper Street                    |   |
| <input type="checkbox"/> 2 Ainsworth Street                  |   |
| <input type="checkbox"/> 15 Ainsworth Street                 |   |
| <input type="checkbox"/> 17 Ainsworth Street                 |   |
| <input type="checkbox"/> 18 Ainsworth Street                 |   |
| <input type="checkbox"/> 30 Ainsworth Street                 |   |
| <input type="checkbox"/> 50 Ainsworth Street                 |   |
| <input type="checkbox"/> 51 Ainsworth Street                 |   |
| <input type="checkbox"/> 70 Ainsworth Street                 |   |
| <input type="checkbox"/> 84 Ainsworth Street                 |   |

7.2 The representations can be summarised as follows:

Roof plant and first floor roof area

- Impact of noise and disturbance from plant and use of outdoor areas on residential amenity of neighbouring properties and others within the vicinity.
- Odour from kitchen ventilation equipment.
- Accuracy of the applicant's noise assessment, which is based on original monitor survey data consisting of one day of monitoring at a single location while the bistro was closed.

Other matters

- The proposal includes change of use of the previously residential first floor to kitchen and toilets.
- The proposal includes change in status from restaurant to pub.
- There is no community need for the proposed use.
- There is a need for residential premises and change of use would be better.
- The scale of the proposed development including the increase in the number of covers is unsuitable for the residential area and is out of proportion to the size of the site and the character of the area.
- Increased noise and disturbance from patrons, including late night noise, which has not been adequately assessed.
- Increased local traffic and greater demands on parking would reduce highway safety.
- Cumulative impact of licensed premises within the vicinity on residential amenity.
- Noise from amplified music.
- Noise from upstairs kitchen.
- Increase in anti-social behaviour.
- Inadequate storage of commercial bins for refuse and recycling.
- Work appears to have started on site prior without planning permission.
- The proposed double doors would not be in keeping with the character of the street scene and the Conservation Area.

7.3 Councillor Sinnott has called in the application on the following grounds:

- Loss of residential accommodation. The current top floor residential space would be converted into the gastro pub's kitchen and toilets for customers.
- Possible safety issue. Safety issues as a single staircase will be used by both waiting staff carrying plates and dishes and customers.
- Planning conflict. The ventilation 'termination cone' will exit on a level with the proposed dormer windows of the adjacent property, 4 Sturton Street, for which a planning application has apparently been submitted.
- Out of keeping and cumulative impact. There are already many pub-restaurants in this densely populated residential area, typified by very narrow streets. The one proposed would represent a step-change in terms of both size and character.
- The proposed change from a small, upmarket bistro to a pub serving food, both internally and externally, with extended opening hours and amplified music [these latter are Licensing issues] would be out of keeping in the midst of small residential streets inhabited by many families with young children.

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.

7.5 Consultation on the additional noise information and acoustic fence is currently ongoing and representations received will be reported to planning committee as an update to this report.

## **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 issues that are relevant to the assessment of the proposed roof plant are:

1. Residential amenity
2. Context of site, design and external spaces / Impact on heritage assets

8.2 I have addressed the comments that relate to matters other than the proposed roof plant from consultees in Section 9



below. I have addressed third party representations in Section 10.

### **Residential Amenity**

- 8.3 The main issues for consideration are the impact of noise and odour on residential amenity of neighbouring properties and the surrounding area from the proposed roof plant and the use of the roof terrace. The property has a lawful existing use as pub/restaurant and there is existing roof plant, which must be taken into account.
- 8.4 The nearest residential properties are No. 4 Sturton Street which is the adjoining property to the north, and No. 11 Hooper Street which adjoins existing covered seating area to the east. No. 4 is a traditional two storey dwelling which has a long rear garden. No. 11 includes attached annex which has permission for use for holiday lets and has a small courtyard garden adjoining the proposed open seating area.
- 8.5 The surrounding area is predominantly residential and is characterised by high density terraced properties. The application site is located on the south western corner of a quadrant bounded by Sturton Street, Hooper Street and Ainsworth Street, which are residential properties with rear gardens backing on to each other. As such, from within the gardens, there is a relatively open aspect towards the rear of the properties within the quadrant.
- Plant noise*
- 8.6 Third parties have raised strong concerns about the impact of noise from the proposed roof plant. I am aware that complaints have been made to the Environmental Health team about the noise level from the existing roof plant. The applicant has submitted a noise assessment. The concerns relate to the impact on the immediate neighbours and the wider residential area.
- 8.7 During the course of the application, revised plans were submitted which included the erection of a 2m high acoustic fence around the proposed plant to replace the existing fence. The Environmental Health team has reviewed this report and advised that they are satisfied the proposed roof plant would

have an acceptable impact on neighbouring properties and the wider area, subject to the installation of the proposed acoustic fence. The Environmental Health team has recommended conditions for the plant, acoustic barrier and associated equipment to be implemented in accordance with the details specified and not altered.

- 8.8 Third parties have queried the accuracy of the applicant's noise assessment, in particular it being based on inaccurate baseline information taken when the former Backstreet Bistro was closed. The Environmental Health team has commented specifically on this matter that they are satisfied with the report's methodology. The report demonstrates that the proposed roof plant would not exceed the low level baseline noise when the former Backstreet Bistro was closed.

□ *Odour*

- 8.9 The applicant has submitted an odour control assessment. The Environmental Health team has reviewed this report and recommended a condition for details of equipment for the purpose of extraction and filtration to be submitted for approval and implemented in accordance with the approved details. Third parties have raised concern about the impact of kitchen odours, however I accept advice of the Environmental Health team that this issue can be resolved through condition.

□ *Use of roof terrace*

- 8.10 The existing first floor flat roof is accessed via a doorway at the top of the stairs. There is an existing fence around the perimeter of the flat roof area which was erected unlawfully without planning permission. The existing fence facilitates the use of the roof top and the proposed plans initially annotated this area as a 'roof terrace'. Concerns have been raised by the Environmental Health team and third parties about the potential use of the roof top as part of the pub/restaurant by staff and patrons, and the resulting noise and disturbance and overlooking.
- 8.11 During the course of the application, as a result of feedback from officers, the plans were amended to relocate the fence closer to the proposed plant in order to restrict access to the roof terrace. There would still be access from the first floor to a

small fenced enclosure, which would allow for maintenance of the plant and an area for staff to store bikes. The existing unlawful fence would be removed and there would be no access to the roof top beyond the proposed acoustic fence. The recommended condition for the installation of the acoustic fence would ensure this arrangement is delivered.

- 8.12 The revised proposal to restrict access to the flat roof would prevent this area from being used by patrons. The proposed 2m high acoustic fence would prevent any views from the small area of accessible roof top. As a result, there would not be any views from the roof top towards the rear gardens and windows of neighbouring residential properties.
- 8.13 I am satisfied that the relocation of the acoustic fence closer to the plant and the removal of the unlawful existing perimeter fence would have a lesser overbearing, enclosing and overshadowing impact on neighbouring properties compared to the current situation. The scale and siting of the proposed roof plant would also have an acceptable impact in this regard.
- 8.14 In my opinion, the impact of noise and disturbance during construction on the residential amenity of nearby properties could be satisfactorily addressed through a condition to restrict construction and delivery hours, as recommended by the Environmental Health team.
- 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 and 3/7.

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

- 8.16 The site forms the corner of Sturton Street and Hooper Street. As such, it occupies a prominent location in views from the public highway within the Conservation Area. The rear of the property can be glimpsed in long range views in the gap along Ainsworth Street where the rear roof slope is visible. As such, the rear of the property is not prominent from the public highway, however it is visible from the rear gardens of neighbouring properties.

- 8.17 The proposed mechanical termination cone would be approximately 0.1m higher than the existing ridgeline so that it would not protrude above the existing roof. The roof cowl would project approximately 0.7m perpendicular from the roof slope. These would be viewed against the existing roof slope so would not be visually prominent in long range views.
- 8.18 The proposed roof top plant would be hidden behind a 2m high fence which would be nearer to the building than the existing perimeter fence which would be removed. The applicant has advised it will be a timber close-boarded fence which would be stained or painted. Due to the elevation position and the prominence in views from many gardens within the Conservation Area, I have recommended a condition for the fence to be stained in a natural wood colour.
- 8.19 The Conservation Team has not objected to the proposal and in my opinion, the proposed works would not have a significant impact on the character and appearance of the Conservation Area. In my view, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

## **9.0 OTHER MATTERS**

- 9.1 From my assessment of consultee responses, I have identified the following matters that do not relate to the proposed roof plant but which require a detailed response:
1. Residential amenity – impact of proposed use
  2. Highway safety

### **Residential amenity – impact of proposed use**

- 9.2 The Environmental Health team has recommended conditions to control the hours of use of the ground floor seating area, closing windows and doors, opening hours and delivery hours. In my opinion, it would not be reasonable to impose these conditions, as they do not relate to the plant equipment and the proposal does not include a change of use. The use of these premises as a pub/restaurant is historic and as such there is no recent planning consent that imposes similar conditions. This means that, in planning terms, the premises could continue to operate as a pub/restaurant without these restrictions and

therefore these conditions recommended by the Environmental Health team fail to meet the test of being reasonable.

- 9.3 These matters are controlled through the licensing regime which is more appropriate than the planning system. I have appended a copy of the premise license that was approved by the Licensing Sub-Committee on 28 November 2016. This sets out conditions including opening hours, delivery times, use of outdoor areas, use of amplified music, and measures to minimise anti-social behavior. These are broadly in line with the Environmental Health teams recommended planning conditions. It would not be reasonable or necessary to impose planning conditions to achieve the same outcomes.

### **Highway Safety**

- 9.4 The Highways Authority has commented that there are doors that open outwards onto the public highway which impacts on highway safety. These are existing doors and therefore are no a relevant planning matter for this application. Nonetheless, the doors contravene Section153 of the Highways Act 1980, which is the relevant legislation under which to enforce this matter, rather than the planning system.

## **10.0 THIRD PARTY REPRESENTATIONS**

- 9.1 I have addressed the comments relating to the plant and use of the roof terrace in the residential amenity sections of my report above. I have responded to the other matters raised as follows:

<b>Comment</b>	<b>Response</b>
The proposal includes change of use of the previously residential first floor to kitchen and toilets.	The existing floor plans show the first floor consisted of a two bedroom living space including kitchen, dining room, lounge and bedroom. The applicant has advised that the first floor was used as managers accommodation associated with the pub/restaurant use. Access to the first floor was via a staircase on the northern side of the site. The Sturton Street entrance led directly to this staircase and there was a connection between the staircase and the kitchen/toilet area on the ground floor serving the pub/restaurant.

	<p>Third parties have advised that the first floor accommodation has been used as a separate residential unit from the ground floor pub/restaurant, however no evidence has been provided to support this. I have visited the property with an Enforcement Officer and we are satisfied that there was a functional and physical link between the first floor accommodation. The Enforcement Officer has checked the Council Tax records for the property and there has not been a change of occupants over the past ten years, which would suggest the first floor has not been separately let. I have no evidence to demonstrate that the unit was lawfully occupied as a separate residential unit.</p> <p>On the basis that I am satisfied that the first floor was used as accommodation associated with the pub/restaurant use, the use of the first floor would fall under the same use class as the pub/restaurant. As such, the use of the first floor as part of the pub/restaurant would not constitute a change of use and would not require planning permission. This has been confirmed by the Council's Legal Officer.</p>
<p>The proposal includes change in status from restaurant to pub.</p>	<p>The former Backstreet Bistro was used as a restaurant which included a bar serving drinks. The existing plans show restaurant and bar areas, which is corroborated by representations and photographs submitted by third parties. This use would fall within a mixed A3 (restaurants and cafes) and A4 (drinking establishments) use class. The proposed drawings show a restaurant and bar area which appears to be a similar use to the existing situation, and a large kitchen facility. On the basis of the information submitted, in my opinion, the proposed use would fall within the same mixed A3 and A4 use classes. The</p>

	applicant has not applied for a change to use and, should the use of the premises be different to the current use, then this will be investigated by the Enforcement Team.
There is no community need for the proposed use.	This is not a relevant planning matter that I can take into account in my assessment.
There is a need for residential premises and change of use would be better.	This is not a relevant planning matter that I can take into account, as the applicant has not proposed a change of use to residential and my assessment must be of the application as submitted.
The scale of the proposed development including the increase in the number of covers is unsuitable for the residential area and is out of proportion to the size of the site and the character of the area.	The internal arrangement is not a relevant planning matter that I can take into account. This is a matter that is relevant to licensing and the plans, as submitted, were approved by the Licensing Sub-Committee on 28 November 2016. The proposal does not seek to increase the floor space that would be available for use by patrons as a result of external alternations or extensions (the roof terrace will not be used for seating). While I accept that the submitted drawings suggest the applicant intends to increase the number of patrons, as stated above, the use of the ground and first floors of the property for pub/restaurant use is lawful and does not constitute a change of use. As a result, while I acknowledge the concerns raised by third parties, the impact of the potential increase in the number of patrons is not a relevant planning matter that I can take into consideration.
Increased noise and disturbance from patrons, including late night noise, which has not been adequately assessed.	As stated above, the impact of the potential increase in the number of patrons on residential amenity is not a relevant planning matter that I can take into consideration.
Increased local	As stated above, the impact of the

traffic and greater demands on parking would reduce highway safety.	potential increase in the number of patrons on highway safety is not a relevant planning matter that I can take into consideration.
Cumulative impact of licensed premises within the vicinity on residential amenity.	This is a matter that is relevant to licensing, however as there is no change of use proposed, it is not a relevant planning matter that I can take into consideration.
Noise from amplified music.	This is a matter that is relevant to licensing and not to planning.
Noise from upstairs kitchen.	As the ground and first floors are within the same planning unit, the kitchen could be relocated to the first floor without the need for planning permission. As such, the relocation of the kitchen is not a relevant planning matter.
Increase in anti-social behaviour.	As stated above, the impact of the potential increase in the number of patrons in terms of anti-social behaviour is not a relevant planning matter that I can take into consideration.
Inadequate storage of commercial bins for refuse and recycling.	As the proposal does not include a change of use and the proposed roof plant would not affect the existing bin storage and collection arrangements, therefore this is not a relevant planning matter that I can take into consideration.
Work appears to have started on site prior without planning permission.	Internal rearrangement and fit-out does not require planning permission. Works to the exterior of the building that have been undertaken without planning permission should be brought to the attention of the Enforcement Officer who will investigate.
The proposed double doors would not be in keeping with the character of the street scene and the Conservation Area.	The proposal would re-use the existing double doors on the corner of Sturton Street and Hooper Street. The proposal does not include any alterations to these. As such, this is not relevant.



## 10.0 CONCLUSION

- 10.1 The proposal is for the installation of roof plant including an acoustic fence. I have taken the advice of the Environmental Health team that they are satisfied the proposed plant would have an acceptable impact on the residential amenity of neighbouring properties and the wider area, in terms of noise and odour, subject to recommended conditions. The proposal would not harm the Conservation Area. I have carefully considered the third party representations, and I am satisfied that there is no evidence to demonstrate a material change of use. The application must be determined on the basis of the proposal submitted and the relevant material planning matters.

## 10.0 RECOMMENDATION

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

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

4. Prior to commencement of development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the Local Planning Authority. The extraction/filtration scheme shall be installed in accordance with the approved details and shall thereafter be retained as such.

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

5. The plant, acoustic barrier and associated equipment shall be implemented in accordance with the ION Acoustics "Noise Assessment - Technical Addendum" dated 13th December 2016 (ref A1045/TN01) and shall be maintained and not altered.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 4/13).

6. Prior to first use of the plant hereby permitted, the acoustic fence shall be erected in accordance with the approved details. The fence shall be stained in a natural wood colour, and shall not be altered without prior written approval from the Local Planning Authority.

Reason: To avoid harm to the Conservation Area (Cambridge Local Plan 2006 policy 2006).

7. The first floor flat roof area beyond the acoustic fence hereby permitted shall not be used for any purpose other than maintenance.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policy 4/13).

**Part B**  
**Licensing Act 2003**  
**Premises licence summary**



Premises licence number PRECAM 00027

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
<b>Backstreet Bistro 2 Sturton Street</b>	
Post town <b>Cambridge</b>	Post code <b>CB1 2QA</b>
Telephone number <b>0207 559 5106</b>	

Where the licence is time limited the dates <b>N/A</b>
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Licensable activities authorised by the licence <b>Live Music, Recorded Music, Supply of Alcohol</b>
---

The times the licence authorises the carrying out of licensable activities	
Activity	<b>Live Music, Recorded Music - Indoors</b>
Day	Times
Sun	<b>11:00 22:30</b>
Mon	<b>11:00 23:00</b>
Tue	<b>11:00 23:00</b>
Wed	<b>11:00 23:00</b>
Thurs	<b>11:00 23:00</b>
Fri	<b>11:00 23:00</b>
Sat	<b>11:00 23:00</b>
Non Std Timings & Seasonal Variations	
Activity	<b>Supply of Alcohol - On &amp; Off the Premises</b>
Day	Times
Sun	<b>11:00 22:30</b>
Mon	<b>11:00 00:00</b>
Tue	<b>11:00 00:00</b>
Wed	<b>11:00 00:00</b>
Thurs	<b>11:00 00:00</b>
Fri	<b>11:00 00:00</b>
Sat	<b>11:00 00:00</b>
Non Std Timings & Seasonal Variations	<b>On New Year's Eve, except on a Sunday, 11:00 to 00:00. On New Year's Eve on a Sunday, 11:00 to 22:30. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</b>

The opening hours of the premises						
Day	Times					
Sun	11:00	23:00				
Mon	11:00	00:30				
Tue	11:00	00:30				
Wed	11:00	00:30				
Thurs	11:00	00:30				
Fri	11:00	00:30				
Sat	11:00	00:30				
Non Std Timings & Seasonal Variations	<b>On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</b>					

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies  
**On & Off Premises**

Name, (registered) address of holder of premises licence  
**The City Pub Company (east) Plc**  
**Essel House**  
**2nd Floor**  
**29 Foley Street**  
**London**  
**W1W 7TH**

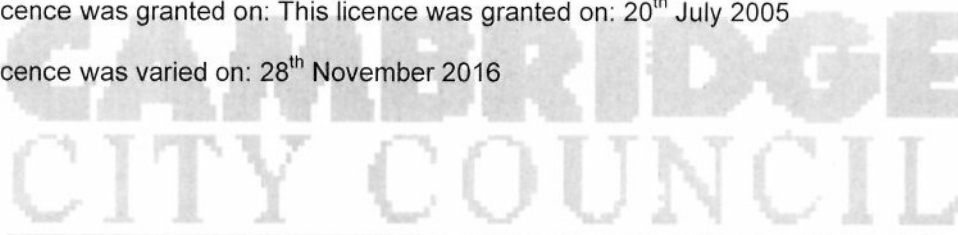
Registered number of holder, for example company number, charity number (where applicable)  
**07814568**

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol  
**Rupert James Lindsay Clark**

State whether access to the premises by children is restricted or prohibited  
**Restricted**

This licence was granted on: This licence was granted on: 20<sup>th</sup> July 2005

This licence was varied on: 28<sup>th</sup> November 2016



## **Annex 1 - Mandatory conditions**

**1. No supply of alcohol may be made under the premises licence -**

**(a) at a time when there is no designated premises supervisor in respect of the premises, or**

**(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**

**2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

**3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

**(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-**

**(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-**

**(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**

**(ii) drink as much alcohol as possible (whether within a time limit or otherwise);**

**(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**

**(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;**

**(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;**

**(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**

**4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.**

**5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**

**(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**

**(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-**

**(a) a holographic mark, or**

**(b) an ultraviolet feature.**

**6. The responsible person must ensure that-**

**(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-**

**(i) beer or cider: ½ pint;**

**(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and**

**(iii) still wine in a glass: 125 ml;**

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and  
(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8. For the purposes of the condition set out in paragraph 7-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i)

P is the permitted price,

(ii)

D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii)

V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c)

"relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i)

the holder of the premises licence,

(ii)

the designated premises supervisor (if any) in respect of such a licence, or

(iii)

the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d)

"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)

"value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

9. Where the permitted price given by Paragraph (b) of paragraph 8 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 8 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Annex 2 - Conditions consistent with the operating schedule

1. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition, permitted hours means:
- On New Year's Eve, except on a Sunday, 11:00 to 00:00.
  - On New Year's Eve on a Sunday, 11:00 to 22:30.
  - On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- during the first thirty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- the sale of alcohol to a trader or club for the purposes of the trade or club;
- the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- the taking of alcohol from the premises by a person residing there; or
- the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- He is the child of the holder of the premises licence.
- He resides in the premises, but is not employed there.
- He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

2. This licence is granted on the condition that any other restrictions contained within the enactments specified under the Licensing Act 2003 (Schedule 8 (6)) are adhered to.

The licensee reserves the right to move fire appliances, AWP machines, cigarette machines and any other similar objects temporarily in a fixed location in a way that does not impact upon the ability of individuals on the premises to use exits or escape routed without impediment.

### **The prevention of crime and disorder**

**3. Lighting must be provided outside the premises (and in the premises' private car park) during the hours of darkness when any licensable activity takes place on the premises.**

**4. Digital CCTV, with appropriate recording equipment, shall be installed, operated and maintained with sufficient cameras to cover all public areas, including the external frontage of the premises. - The system shall be operational and live at all times when licensable activity is taking place. - Images shall be recorded and shall display accurate dates and times (including changes at the start and end of British Summer Time) and shall be capable of recording a clear facial image of persons entering and leaving the premises under all light conditions. - Images recorded shall be retained for a minimum of 31 days and shall be made available to authorised officers or police officers immediately upon request. - Management arrangements shall ensure that a staff member who is fully trained and competent in the operation of the CCTV system is available at all times that the premises are open to the public. - Staff shall give full and immediate cooperation and technical assistance to authorised officers and police officers in the event that CCTV footage is requested for the purpose of the prevention or detection of crime or offences and show officers recent data or footage on request. - Staff shall also be trained and able to download images from the system on to other relevant media.**

### **Public Safety**

**5. Fire fighting equipment shall be installed throughout the premises and staff trained in the use of this equipment.**

**6. Maintained illuminated fire exit notices must be displayed above each final exit door and at any change in direction. They must be illuminated at all times when the premises are in use.**

### **The prevention of public nuisance**

**6. Regulated entertainment shall be permitted until 23:00.**

**7. Only background music shall be played after 23:00.**

**8. Amplified and unamplified live music may be performed by no more than two entertainers.**

**9. Offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises must be properly vented.**

**10. The licence holder shall erect and maintain in a prominent position at every exit and clear and conspicuous notice requesting patrons respect the needs of the local residents and to leave the premises without causing noise, nuisance or disturbance to local residents. Staff will steward exits from the premises at closing times to remind departing patrons.**

**11. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.**

**12. Collections from and or deliveries to the premises, shall only take place between the hours of 07:00 and 23:00. This shall include the placing of waste, including bottles, into waste receptacles outside the premises and the emptying of waste receptacles outside the premises and the emptying of waste receptacles by a waste contractor.**

**13. Toilets on the premises shall be available for use by patrons during all hours of opening.**

**14. The mechanical ventilation system shall only be operated between the hours of 07:00 and 23:00.**

**15. The outside seating area of the premises shall only be used between 11:00 and 22:30 on Sunday - Thursday and between 11:00 - 23:00 on Friday and Saturday.**

**16. External tables and chairs at the premises shall be brought inside or otherwise rendered unusable and taken out of use after 22:30 on Sunday to Thursday and 23:00 on Friday and Saturday.**

**17. No drinks to be taken outside after 22:30 on Sunday - Thursday and after 23:00 on Friday and Saturday.**



18. No speakers shall be placed in the outside area.
19. No music shall be played in the outside area.
20. The manager's mobile phone number shall be made available for residents at all times.

**The protection of children from harm**

21. No unaccompanied children.
22. At all times when the premises is offering alcohol for sale, a "Challenge 21" policy shall be operated actively to ensure that alcohol is not supplied to any person who is under age. Acceptable forms of identification shall be only identity cards with a "PASS" accreditation, passports or a photo ID driving licence (or such identification cards as may be approved by central government).
23. The licence holder will ensure that prior to commencing customer facing duties, all staff will undertake in-house training in relation to their responsibilities in the sale of alcohol, in particular with regard to drunkenness and underage persons and to the use of Challenge 21 policy correctly and effectively, and display notices on the premises.
24. Refresher training will take place every six months. Such records will be kept and will be immediately available for inspection by Cambridgeshire Police for inspection upon request.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

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**Annex 4 - Plans**

**See attached (WK/201637371)**

This licence was granted on: 20<sup>th</sup> July 2005

This licence was varied on: 28<sup>th</sup> November 2016

**CAMBRIDGE  
CITY COUNCIL**

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<b>Application Number</b>	16/1002/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	7th June 2016	<b>Officer</b>	Sav Patel
<b>Target Date</b>	2nd August 2016		
<b>Ward</b>	Abbey		
<b>Site</b>	19 - 21 Godesdone Road Cambridge Cambridgeshire CB5 8HR		
<b>Proposal</b>	Erection of a residential development containing seven units (one 2xbed flat and six 1xbed flats) including bin and cycle storage, following the demolition of the existing buildings on the site		
<b>Applicant</b>	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 respects the built form of the area in terms of design and scale;</li> <li>- The proposed development would not have a detrimental impact on the character and appearance of the Conservation Area;</li> <li>- The proposed development is not significantly harmful to the amenity of neighbouring occupiers;</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the western side of Godesdone Road and is currently occupied by office/warehouse buildings. The buildings are in two elements, a large pitched roof element and a smaller set back pitched roof element. The buildings occupy the entire footprint of the plot aside from an area at the front of the smaller element where there is space for off street parking.

- 1.2 The site is located within a residential area characterised by mainly two storey terrace housing with small thresholds at the front. However, there are small pockets of commercial use such as the previous use of the site. No.72 Beche Road which is north of the site and on the corner of Godesdone Road and Beche Road is in commercial use. However, many of the commercial uses have been converted back into residential. Opposite the site is relatively recent housing infill development which replaced an office building.
- 1.3 The site is located within the Riverside and Stourbridge Common Conservation Area. The properties to the north of the site in Beche Road are identified in the Area Appraisal as 'Buildings Important to the Character'. However, none of the properties in Godesdone Road are identified as such.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the demolition of the existing buildings and construction of a two and half storey building with a lean-to element to the north. The development would consist of seven flats (1x2bed and 6x1bed) with bin and cycle storage. Both ground floor flats would have the benefit of external space to the rear. The lean-to element would be set back from the 2 " storey element.
- 2.2 The proposed development has been amended to respond to Officers concerns with the scale of development within the street scene and impact on the residential amenity of the occupiers in the properties to the north of the site in Beche Road and to the south at no.17 Godesdone Road.
- 2.3 The proposed development would be set off the western boundary by between 2.7 and 3 metres. The setback would provide flats 1 and 2 with outdoor amenity space.
- 2.4 The proposed 2 " storey building would be 9.7 metres to the ridge and 6.3 metres to the eaves line. The building would also contain three pitched roof dormer windows in the front roofspace and one on the rear. The rear elevation of the two storey element has been revised to respond to concerns on the impact on no.17 Godesdone Road. As a result the two storey element that projects past the first floor window of no.17 has been chamfered at first and second floor.

2.5 The side lean-to element would be 6.75 metres to the main ridge and 3.5 metres to the eaves line. The lean-to element would be connected to the 2 " storey block by a flat roof link which would be 1.1 metres wide and 5.5 metres in height.

2.6 The original scheme consisted of a 2 " storey on the entire site which contained a central projecting back and identical wings either side. The wings contained large pitched roof dormers in the roofscape. The rear elevation was designed with a small setback to the side boundary with no.17 with a dormer in the roofscape. However, due to concerns with the potential impact on the neighbouring properties either side, the scheme was amended to mitigate the impact.

### 3.0 SITE HISTORY

Reference	Description	Outcome
09/1193/FUL	Recovering of existing roof with minor modifications.	APPROVED

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Riverside and Stourbridge Conservation Area Appraisal (2011)

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

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

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

## **6.0 CONSULTATIONS**

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

6.1 No car parking proposed. Future residents will not qualify for Residents' Permit Parking scheme. The proposal should have no significant impact on the public highway subject to the following informatives:

- Traffic Management Plan;
- No structures to overhang the highway;
- Public utility apparatus;

### **Environmental Health**

6.2 The proposed development is acceptable subject to the following conditions and informatives:

- Demolition/Construction hours;
- Collection hours during construction;
- Piling;
- Contaminated land (x6)
- Dust;
- Dust informative.

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

#### **First comments:**

6.3 Amendments required to make this scheme acceptable.

6.4 The overall form and scale of the building are generally acceptable in the CA context but there are detailed design elements that require refinement to make the scheme wholly acceptable. The existing shed is of little architectural merit, so no objection to its demolition but it does seem a pity to lose the potential for retaining a mix of uses in the CA. A new building could have had a commercial GF with flats above.

- 6.5 *Roofscape* – The dormers are mis-proportioned and are too wide for their height; the windows look lost in the lead / render surrounds. The gables of both the main projecting wing and the dormers should have pointed verges to make them look less cumbersome [this would also work better with the decorative dentil brickwork].
- 6.6 *Front elevation* – The windows have the correct upright proportion but look ill-placed within the expanse of brickwork. This may be partly because they don't have proper sills [which should be the same stone / pre-cast artificial stone as the lintels] but the flanking ones are too far below the eaves and too close to the tops of the projecting GF bays. Those canted bays have no cills or lintels, which looks very poor compared to the other windows; maybe these too could also be of stone / pre-cast artificial stone which would obviate the need to squeeze sills & lintels into limited space.
- 6.7 *Side elevation* – The gable end (NW) looks cluttered by the GF projection – particularly with the hip on the end of the mono-pitched roof. This stretching to gain a tiny amount of floorspace is unwelcome. The gable also needs to have a pointed verge not barge boards. The blind window to relieve the cliff of brickwork [which will be quite prominent when travelling up the street] is a good idea and could be repeated at GF with something higher up near the ridge – a datestone or blind circular window maybe. The other end elevation is quite complicated but is likely to be hardly visible.
- 6.8 *Materials* – The proposed palette seems generally acceptable for the CA but, should a more finely honed scheme be approved, would need to be subject to discussion via Conditions.

### **Comments on amended plans:**

#### **Two storey element**

- 6.9 The two storey side 'extension' forms an awkward relationship with both pitched and flat roof elements. Flat 5 should be deleted and a lower pitched roof introduced to reinforce the subservient appearance of the 'extension'. The pitched roof



should continue back to the northern gable end of the main 'house' element and the flat roof section deleted.

- 6.10 The proposed flat 5 (1 bed unit) is likely to form a poor living environment for future occupants. The outlook from the unit is poor and limited to the kitchen/living/dining room window on the front elevation, all other windows are either obscured (corridor) or form roof lights (bedroom and bathroom).
- 6.11 The cycle store is located at the rear of the block; as a result all bicycles have to be wheeled through the communal entrance hallway/lobby in order to exit the building onto Godesdone Road. The treatment of the entrance hall needs to be robust in order to prevent damage to floor and wall finishes. Locating the cycle store within the side 'extension' and combining it with the bin store would improve the relationship and access to Godesdone Road and would reinforce the subservient appearance and function of the 'extension'.

### **Dormer windows**

- 6.12 The dormer windows, whilst properly aligned with the main windows below on the front elevation, remain poorly proportioned. The amount of walling either side of the sash is too broad for the dimensions of the window making the whole look too squat. Having a pointed verge to the main gable is fine, so it seems odd to have barge boards on the dormer roofs; consistency of detailing is important. Speaking of the main gable, with the suggested lean-to roof coming in at GF, a large area of blank brickwork will be prominent obliquely up the street. This might be relieved by some decorative feature [a datestone, blind window, etc.] to break up the expanse.

### **Daylight and sunlight assessment**

- 6.13 A daylight and sunlight assessment accompanies the submitted amendments (provided By No. 16 Design dated October 2016) and assesses the impact of the proposal on neighbouring properties. A Vertical Sky Component (VSC) assessment for

daylight and an Annual Probable Sunlight Hours (APSH) assessment for sunlight have been carried out for a total of 23 existing windows in the rear elevation of 72, 74 Beche Road and 17 Godesdone Road and front elevation of 22a-5 Godesdone Road. All of the windows assessed meet the BRE recommendations for VSC and ASPH by virtue of retaining in excess of 80% of their current values. The impact to daylight and sunlight is in accordance with the recommended levels of change set out within the BRE guidance and is therefore acceptable in design

6.14 Further detailed design of the side 'extension' is needed to reinforce its subservient appearance. Flat 5 forms a poor living environment as a result of the limited outlook and should be deleted. The roof pitch should be lowered and the flat roof section deleted. Cycle and refuse storage should be provided within the side 'extension' so as to improve access and relationship with Godesdone Road and reinforce the subservient appearance and function of the 'extension'. It is important in a quasi-traditional building type to follow the historic hierarchies and put the main activities in the main building and the service activities in the 'outbuilding'. The rear elevation appears very contrived [for understandable reasons] but this will not adversely affect the CA.

6.15 Comments on additional revised plans:

6.16 No comments have been received. I will either update Members of the comments on the amendment sheet or orally at the meeting.

#### **Historic Environment Team:**

6.17 No objections or further requirements for the proposed development.

6.18 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:

Objectors to original proposal:

- 7 Godesdone Road
- 12 Godesdone Road
- 14 Godesdone Road
- 15 Godesdone Road
- 17 Godesdone Road
- 18 Godesdone Road
- 20 Godesdone Road
- 22D Godesdone Road
- 36 Beche Road
- 56 Beche Road
- 62 Beche Road
- 64 Beche Road
- 68 Beche Road
- 69 Beche Road
- 70 Beche Road
- 72 Beche Road
- 30 Riverside
- 43 Priory Road
- 11 Mandeville Road, Burwell

Representations to revised scheme:

- None to date. If any comments are received between the time of writing and the Planning Committee, I will update members of this and the issues raised on the Amendment Sheet or orally at the committee meeting.

7.2 The representations can be summarised as follows:

Design, scale and impact on Conservation Area

- The proposed development does not respond to the rhythm of the terraced street;
- No architectural justification for the projecting gable;
- The proportion of the dormer windows facing Godesdone Road are oversized and do not relate to the character of the area and reduces the quality of the street and roofscape;
- There should be an agreement about the refuse wheelie bins will be put away after they have been emptied. Bins left out on the street could block the pavement and detrimentally affect the appearance of the Conservation Area;

- The tree shown on the plan in the rear garden of 70 Beche Road does not exist;
- The loss of commercial use is likely to further isolate the remaining commercial buildings within the area and be detrimental to the character of the area and economic contribution that they make;
- Overdevelopment of the site that is out of keeping with the surrounding properties in the Conservation Area;
- The proposal would dominate neighbouring properties – roof line higher than adjacent properties and broken by large dormer windows;
- Dormers on the front elevation are out of character, particularly in the front elevation;
- Three storey form of the proposed building is out of character with the houses in the Riverside area;
- The projecting gable is incongruous and out of keeping with the general pattern of flat fronted properties in the street;
- Other recent developments have kept the height and frontage the same as the neighbouring properties;
- The density of the development and number of future occupiers would be out of keeping with the type of housing in the area;
- Poor design and steroidal bulk is disproportionate in height and area for the site;
- 3 terrace houses (or equivalent in flats) could be acceptable but without the height and depth proposed;
- The development lacks set back from the road which makes a difference to the impression given to the road;
- The proposal will cause overshadowing in the afternoon to the only west facing window;
- The proposed development does not match the Victorian style and should be redesigned;
- The new building should not extend further than the wall of no.15 and 17 Godesdone Road;
- The proposal would be contrary to policies 3/12 and 4/11 of the Local Plan;
- Case Officer should visit the properties in Beche Road;
- The site has been used by small companies for many years and is a valuable addition to the area;
- Concerned that the applicant has not considered a mix-use scheme;
- The existing chalet-style structures are pleasing to the eye, well-proportioned and unobtrusive and therefore makes a positive contribution to the area;

- The proposal is for a three storey building. It is misleading to say it is 2 " storey;
- The height of the building will be enhanced by the descending gradient of Godesdone Road at this point;
- Bin collection will only be from the roadside and so who will be responsible for putting the bins away;
- The proposal would present an anomalous and unsympathetic bulk which is out of context with the area;
- The window arrangement in the proposed development has no alignment
- The third floor should be removed;
- The proposal is neither modern or vernacular in architectural style;
- Design and Access Statement fails to include the buildings on Godesdone Road amongst those important to the character of the area;

#### Residential amenity

- Size of units below the minimum standards in the emerging Local Plan and current National Space Standards;
- Insufficient mix of units – only one 2bed unit;
- Potential sense of enclosure and overshadowing created by the blank north elevation;
- Daylight to the rear garden and property will be compromised;
- Original buildings designed to maintain light to the properties in Beche Road;
- The proposal would result in unacceptable overlooking from the windows in the rear elevation of the garden of the properties in Beche Road and Godesdone Road;
- The new building will block light and have a substantial negative impact on the quality of life of the occupiers in Beche Road;
- Inadequate provision of amenity space;
- The shadow plan is inadequate as it relates solely to the spring equinox – a comprehensive assessment should be carried out to include the winter and summer solstices;
- The applicant acknowledges the scheme will create issues of overshadowing but is happy to continue discussions on this post submission – this is unacceptable and make the scheme half-baked and incomplete;

- The proposal would result in a significant loss of sunlight and daylight and create a sense of enclosure from the first and second floor windows;
- The semi-external bin store and communal entrance will lead to noise impact from potentially 16 residents coming and going from the site;
- The north elevation would be 8 metres from kitchen and bedroom windows and as such will present an oppressive and overbearing aspect and sense of enclosure;

#### Traffic/car parking/cycle provision

- Insufficient cycle parking and more should be provided;
- Additional pressure in the area for car parking;
- Car free development can only work if restrictions are applied to future residents on car ownership;
- Existing car parking spaces are at capacity and there is little scope for potentially 8 more vehicles;
- The main blocks would open onto the pedestrian sidewalk;
- Insufficient facilities for loading and unloading nor any visitor parking;

#### Other issues:

- Insufficient neighbour consultation;
- Plans not to scale so how can detailed comparison be made;
- The site is located in area of great archaeological sensitivity. The applicant has failed to provide any archaeological investigation;
- The plans do not appear to be clear – some plans show a space of about 2-4 metres between the south boundary between 17 and the proposed development and on other plans it is much narrower;
- There has been flooding from foul water sewers in the last ten years and the proposal is likely to exacerbate this;

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

### **Principle**

8.2 The proposal would result in the loss of a commercial use. I understand the site was last occupied by Outspoken a cycle courier service when the application was originally submitted. However, they have now moved out and the building is currently vacant. Outspoken has now consolidated their entire Cambridge operation to Cowley Road.

8.3 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. There is an existing dwelling standing on the site, and the site is within a predominantly residential area.

8.4 Paragraph 14 of the NPPF is also important. It states that there should be a presumption in favour of sustainable development running through the decision making process. This means approving development proposals that accord with the development plan without delay unless any adverse impact would significantly and demonstrably outweigh the benefits.

8.5 Although the last lawful use of the existing warehouse building appears to be B8 use, the site is not within an identified protected industrial/storage site and as such it would not conflict with Policy 7/3 of the Cambridge Local Plan (2006). However, policy 7/3 does consider loss of floorspace within these use classes elsewhere in the City. It states that loss of floorspace will only be permitted where:

- a) There is sufficient supply of such floorspace in the City to meet the demand and/or vacancy rates are high; and either
- b) The proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use; or
- c) The continuation of industrial and storage uses will be harmful to the environment or amenity of the area; or
- d) The loss of a small proportion of industrial or storage floorspace would facilitate the redevelopment and continuation of industrial and storage use on a greater part of the site; or
- e) Redevelopment for mixed use or residential development would be more appropriate.

8.6 Having consulted with colleagues in the Policy Planning team, they have advised me that there is sufficient supply of available floorspace in the City and wider area for employment site. This is also supported by the findings from the Employment Land Review Update and Review of Selective Management of Employment Policies 2012. Therefore the proposal would comply with part a) of policy 7/3. Criteria (b) and (d) of policy 7/3 are not applicable to this application, because no new employment development is proposed. In my view, criteria (c) and (e) are both satisfied by the proposal; the development would be compatible with the increasingly residential character of the area. The loss of the commercial use from the site would lead to improvements to the visual amenity of the site and for neighbouring occupiers, and a reduction in the noise and disturbance associated with deliveries and collections by commercial vehicles and other associated activity on the site.

8.7 Also I understand the building is in need of significant refurbishment and investment. The site is therefore considered to be a more suitable location for residential use as it would be compatible with surrounding residential context of the area. Whilst I understand the area has some small ad hoc commercial uses amongst the houses, these uses cannot be protected in policy terms, particularly as there is a housing need in the City. Furthermore, the loss of this commercial element does not undermine or compromise the existing commercial uses in the area as each application for redevelopment or change of use will be considered on its own merits.



- 8.8 In my opinion, the principle of residential development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006). In the context of the findings of the Employment Land Review 2008, it is my opinion that the loss of employment use on the site is acceptable, and in accordance with policy 7/3 of the Cambridge Local Plan (2006).

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

- 8.9 The site is located within a predominantly residential context where the built form is characterised by mainly two storey terrace housing with small front thresholds bound by low brick walls. The surrounding streets are predominantly C19 terraced housing of Gault-type brick and Welsh slate with a variety of detailing such as painted stone lintels & sills, fanlights above the main entrances and timber, vertically sliding sash windows. The building form is almost exclusively of two or two-and-a-half storey houses with pitched roofs. Opposite the site is a modern housing development which adds to the variety of housing in this location.
- 8.10 Aside from the built form, this area is also characterised by small pockets of commercial uses mainly located on the corner of streets or at the end of terraces. Nevertheless, as Godesdone Road is predominantly characterised by residential dwellings, the redevelopment of the site from its parcel storage and delivery use to residential would be compatible and potentially improve the street scene. Currently the site consists of a wide pitched roof building with an ancillary pitched roof element which set back and to the side. The building is low in height but of a commercial scale in terms of footprint which covers most of the plot.
- 8.11 The original proposal, as submitted, was for a 3 storey residential block of flats which was designed with a projecting front gable and two wings either side which contained large pitched roof dormers in the front roofslope. Following concerns with the scale of the development and potential impact on the residential amenity of the neighbouring properties, officers engaged with the applicant to try and resolve these issues. As a result of the discussions, amended plans were submitted which have now addressed the previous concerns. Local residents have been re-consulted on the revised plans. I therefore set out

below my assessment of the proposed development based upon the revised scheme.

- 8.12 The amended scheme has been reduced in scale and design to respond to the existing terrace to the south. The proposed scheme has been designed to appear as two semi-detached dwellings with an ancillary lean-to linked by a flat roof element.

#### Lean-to element

- 8.13 The lean-to element has been designed to reflect the scale and appearance of the existing commercial building. The proposal includes using similar material to the existing commercial building such as stained timber cladding on the first floor with a brick base on the front, side and rear elevations and metal flashing on the roof. This element would therefore represent a gesture to the commercial past of the site in built form. In terms of design, it would successfully contrast with the traditional design of the main building. Both elements would read as separate entities without appearing incongruous. My view is that the lean-to element is a clever way to reduce the scale of the development on the boundary to respond to the site constraints, and showing respect to the site's commercial past.
- 8.14 In terms of scale, the eaves height of the lean-to element would be 3.6 metres, 6.7 metres to the ridge and 4.9 metres wide. The proposed lean-to element would be 500mm above the eaves of the existing and 1.5 metre above the ridge of the existing. The increase in height of the lean-to over and above the existing is not significant in my view. The lean-to element would mostly fit within the side gable of the main building. Therefore proportionally the lean-to element would respect the main building and appear as a subservient element which reflects the smaller part of the existing commercial buildings on site.
- 8.15 The proposal includes a flat roof glazed link element which would connect the main building with the lean-to element. The link would be set back from the front of the lean-to which is set back from the main building and appear as a subservient form. The flat roof link and lean-to elements would successfully contrast with the traditional design of main building. Therefore, in my view, in terms of design and scale, the proposed lean-to and link elements are acceptable as they would appear as

subservient to the main building and would preserve the character of the Conservation Area.

#### 2 " storey main building

- 8.16 The main 2 " storey element has been designed to visually read as a continuation of the existing terrace in terms of appearance. In terms of scale, the ridgeline would be higher than the neighbouring property (no.17) by approx. 1.4 metre with a pitched roof but the eaves line (6.3 metres) would be similar. This element would be 10.7 metres wide but appear, due to the arrangement of the fenestration, as two properties. Whilst the main building would be taller than the neighbouring dwellings, I do not consider the additional increase in height to be significant such that it would make the development appear incongruous and have a detrimental impact on the street scene or character and appearance of the Conservation Area.
- 8.17 The design responds to the general pattern of development in the area and makes use of the roofspace to provide additional accommodation. Also being at the end of the row of terrace properties before turning into Beche Road, I feel that the development would read as an appropriate book end to the street which also responds to the constraints of having dwellings that back onto the side boundary but stepping down in scale. Therefore, in terms of scale and appearance, the proposed 2 " storey building would integrate into the site without appearing unduly dominant or out of keeping with the existing built form of the area.
- 8.18 The articulation of the fenestration in the front elevation has been carefully arranged to give it a symmetrical appearance. The front elevation also includes details that are found locally such as stone lintels, fanlights above the doors and a small threshold space in the front of the building. The proposal also has a canted ground floor bay window. Whilst not a common feature, there is a property with a similar bay window in Godesdone Road. In my view the bay window helps to break up and better articulate the flat frontage of the main building.
- 8.19 In terms of detailing, the pitched roof dormer windows in the front have been reduced in scale from those previously proposed and now sit comfortably within the roofscape. Whilst front facing dormer windows are not common features within

Godesdone Road, there are some examples in Beche Road. Nevertheless, the proposed dormers are of a subservient scale and so would not have a detrimental impact on the character of the area. The dormer would add to the variety of the architectural features in this location in a way that is considered to be acceptable.

- 8.20 The rear elevation of the proposed development has been specifically designed to mitigate the impact on the occupier of no.17 Godesdone Road by including a chamfered edge to the south elevation with a ground floor lean-to element. Whilst this is not ideal in terms of designing a building, this element would not be visible from the public realm and so would not impact the Conservation Area. The rest of the rear elevation has been formally arranged and includes a pitched roof dormer within the roofscape which would serve a bedroom. The dormer would be bigger than the dormers on the front but would not appear too dominant or overbearing within the roofscape. The rear elevation would be set back from the rear boundary by approx. 3 metres. (The existing buildings extend the entire depth of the plot). This set back would bring the main building more in line with the rear elevations of the neighbouring dwellings to the south.
- 8.21 I have recommended a materials condition to ensure sample of the types of the materials to be used in the development are submitted to and approved by officers before any construction work is started.
- 8.22 Overall therefore the proposed design and scale of the development responds to the character and context of the street. Whilst the development would be taller than the adjacent terrace properties, I do not consider the additional increase in height to be significant such that it would have a detrimental impact on the character and appearance of the Conservation Area.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/10.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.24 The proposed development has been revised to mitigate its impact on the residential amenity of the surrounding occupiers. I accept that the proposed development will have some degree of impact on the surrounding neighbours particularly those immediately adjacent to the site. However, I do not consider the degree of harm that would arise from the proposed development as revised, would be significant subject to conditions.
- 8.25 One of the main concerns raised was the impact on the occupiers of the dwellings to the north of the site in Beche Road (no.68 and 70). The impact the commercial property on the corner of Beche Road and Godesdone Road (no.72) is not considered to be harmful. I also considered the impact on the occupiers of no.17 Godesdone Road which is to the south of the site. I set out below my assessment on these dwellings and the surrounding dwellings.

#### Impact on no.68 and 70 Beche Road

- 8.26 Currently these two dwellings have small rear gardens compared to the other dwellings to the west. The rear garden of no.68 backs onto the site whereas to the rear of no.70 there is a 1 metre wide rear passage between the boundary and site. The rear gardens are between 4.6 metres (no.70) and 5.6 metres (no.68) deep. Therefore the outlook from the ground floor windows in the rear elevations of these dwellings, which serve kitchens, are already impeded by the existing commercial building. Particularly no.70, as the commercial building cuts across the entire rear boundary whereas for no.68 it cuts across half the rear garden. Nevertheless, at this range, concerns were originally raised with the applicant about the potential impact on the residential amenity in terms of outlook and loss of privacy, sense of overbearing enclosure and overshadowing.

#### Outlooking and loss of privacy

- 8.27 In terms of outlook, the revised proposal is to retain a building which is of similar scale to the existing commercial building on the northern boundary. The majority of the outlook from the rear of nos.68 and 70 is currently consumed by the existing commercial building. The proposal would be set off the rear (west) boundary by 3 metres so the proposed development would cut across half the rear boundary of no.68 but would still

be adjacent to the rear boundary of no.70. Therefore, the impact on outlook from no.68 would be reduced. In terms of the impact on no.70, in the original scheme, the proposed building was full two storey in height adjacent to the northern boundary of the site. This was considered to be unacceptable as it would have adversely enclosed the outlook from the rear of the dwellings. The proposed revised scheme has significantly reduced the scale of the development adjacent to the northern boundary. The lean-to element reflects a similar scale of the existing building and the applicant has proposed to use similar materials to the existing to reduce the appearance of the increase in height. The lean-to element would also contain a row of high level rooflights which would help to break up the mass of the roof which would further mitigate the impact on neighbouring occupiers. The lean-to element would also be seen against the backdrop of the side gable of the two storey element which would be located approx. 10.6 metres from the ground floor window in the rear elevation and approx. 12.3 metres from the first floor window. The lean-to element would be located 5.6 metres from the rear elevation of no.68 and no.70. I am satisfied that in this built up urban context, the level of separation between the existing and proposed, and reduced scale of the proposal, would not have a significantly detrimental impact on the outlook of the existing occupiers such that it would warrant refusal.

- 8.28 In terms of overlooking, neither no.68 or no.70 would be directly overlooked by the proposed development. The row of rooflights in the lean-to element would be set at a high level (internal cill height above 2 metres) and would provide natural light into Flat 5. There are no windows in the gable end of the main building. Therefore, I am satisfied that the proposal would not cause any loss of privacy on the occupiers of no.68 and no.70 Beche Road.
- 8.29 The rear elevation of the proposed building, which would be set off the rear (west) boundary by 3 metres, would face over the rear gardens of the properties in Beche Road. The rear elevation is articulated with four first floor windows, and on the roofscape contains a roof dormer and two rooflights. Three of the windows in the first floor are proposed to be obscure glazed as they would serve a communal circulation space (one) and the hallway (two) for Flat 5. The window that is not proposed to be obscure glazed is the window that would serve the bedroom

for Flat 3. This window would be located towards the southern end of the elevation. Whilst it would allow direct views of the gardens in Beche Road, the views would be of the rear most part of the gardens. I do not consider this window would cause any more overlooking of the existing gardens over and above that which already exists from windows in the surrounding dwellings. Therefore, I am satisfied that this window does not need to be obscure glazed. However, I have recommended an obscure glazing condition for the other three windows.

8.30 The roof dormer is proposed to be located in the roofscape nearest the northern boundary and would serve the bedroom for Flat 7. With regard to the rooflights, one would serve the bedroom for Flat 6 and the other would serve the stairwell up to the second floor and both would have an internal cill height of 1.8 metres. The dormer window, which would be set into the roof, would allow views over the rear gardens of the properties in Beche Road at a high level. Whilst in the urban context, there is a sense of mutual overlooking, I have nevertheless, proposed a condition which requires the windows in the dormer to be obscure glazed to a height of 1.7 from internal floor level. This would restrict views downwards from the window but still provide an outlook for the future occupier. I feel that this is a suitable solution to mitigate any overlooking issues in this context.

8.31 The proposed development, subject to obscure glazing conditions on certain windows, would not in my view cause any significant loss of privacy or overlooking on the occupiers of Beche Road. I also do not consider there would be any direct overlooking impact on the dwellings in Godesdone Road over and above that which already exists. The proposal is for a new building in this location and therefore is likely to result in a degree of harm but I do not consider the degree of harm to be significant enough to warrant refusal.

Sense of overbearing enclosure

8.32 The proposal has addressed two areas of concerns in this regard; the impact on the occupiers of no.17 Godesdone Road and the impact on the occupiers of no.68 and no.70 Beche Road.

17 Godesdone Road

- 8.33 The existing building on the site forms part of the side boundary of no.17 and its roofscape is clearly visible from the rear garden and bedroom windows at first and second floor. No.17 has been extended at the rear and contains a conservatory on the ground floor which extends off a flat roof three storey structure. The roof has been extended with a flat roof dormer.
- 8.34 The proposed development would not project beyond the rear of the existing conservatory. However, there are two bedroom windows at the first and second floor which are adjacent to the side boundary. The back bedroom is served by one window out of which there are clear views of the existing building. As the footprint of the building would extend beyond the first and second floor windows, the applicant has created a chamfered edge (47 degree) in the side elevation of the main building which extends 400mm beyond these windows. Whilst the chamfered edge would still conflict with the 45 degree rule from the centre point of the first floor window, the impact over and above the existing is not considered to be significant. Furthermore, the applicant's daylight and sunlight assessment demonstrates that the windows in the rear elevation would retain over 80% of daylight and sunlight which is compliant with BRE guidance.
- 8.35 At ground floor level, the proposal includes a lean-to element than links into the chamfered edge side elevation. The lean-to element would have a lower roof profile than the existing outbuilding.
- 8.36 The side (south) elevation of the lean-to element would replace the existing brick wall and would project 3.7 metres at 3.1 metres in height. The side boundary would then be defined by a 1.6 metre high timber fence which encloses the garden area for Flat 1. The new boundary wall and lean-to element would be screened from the garden by the existing structures.
- 8.37 In view of the design changes and existing situation, I do not consider the proposed development would cause an adverse sense of enclosure on the occupier of no.17.



## 68 and 70 Beche Road

- 8.38 The rear gardens of these two properties are a lot smaller than the neighbours to the west which extend up to the side boundary of no.17 Godesdone Road save for a side passage. Concerns were raised with the applicant about the potential impact on the occupiers of these dwellings from the original scheme. The applicant was advised to reduce the scale of the development at the northern end and pick up the roof profile of the existing building to reduce any significant overbearing impact. The northern part of the proposal has been remodeled with a lean-to element which reflects the appearance and scale of the existing commercial building currently on the boundary. Whilst the lean-to element would be approx. 500mm taller at the eaves, I do not consider this would result in causing an adverse sense of overbearing enclosure on the occupiers of no.68 and 70. The profile of the proposed lean-to element would be located within the side elevation of the main building which would be located approx. 10.6 metres from the rear elevation of the existing dwellings. At this level of separation, I do not consider the main building would have any adverse overbearing impact on the existing occupiers.
- 8.39 No.72 is in commercial use and therefore does not benefit from the same level of consideration as for dwellings. I also do not consider the scale of the proposed development would have any adverse overbearing impact on the occupiers of the dwelling opposite (east) of the site in Godesdone Road such that it would warrant refusal.

## Overshadowing

- 8.40 The site is located south of the dwellings in Beche Road and north of the dwellings in Godesdone Road. The applicant has submitted a daylight and sunlight assessment which has assessed 23 windows from the dwellings that are adjacent to the site. The applicant has also submitted a shadow study covering the Spring Equinox.
- 8.41 The daylight and sunlight assessment demonstrates that all 23 windows would retain over 80% of the existing value in terms of daylight and sunlight which is compliant with BRE guidance. The Spring Equinox shadow study has been carried out for the existing situation and proposed at 9am, noon, 3pm and 5pm

intervals. The study demonstrates that there would be a small increase and decrease in shadowing throughout the day but there would be no significant shadowing over the dwellings to the north in Beche Road. The study also demonstrates there would be no difference in shadowing on the dwellings in Godesdone Road. The Urban Design Team has assessed these documents and advised that the impact on daylight and sunlight is in accordance with the recommended levels of change set out within the BRE guidance and is therefore acceptable in design terms. Therefore, based upon the evidence presented, the proposed development is acceptable as it would not cause significantly harmful levels of overshadowing.

- 8.42 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

- 8.43 Concerns have been raised regarding the proposed level of accommodation within each flat. However, the current Local Plan (2006) does not contain any space standard requirements for new residential units. Whilst the emerging Local Plan (policy 50) contains internal space standards, this can only be given very limited weight at this stage, as it has not been adopted. Therefore, it would be difficult to refuse the application based upon insufficient size of flats.
- 8.44 Both ground floor flats (1 and 2) would include private gardens and cycle storage at the rear of the development. None of the other flats would benefit from outdoor space. However, the nearest open space is located five minute walk from the site at Logan's Meadow, six minute walk from Midsummer Common, and 12 minutes walk from Stourbridge Common. The site is also located a four minute walk from the retail park and 12 minute walk to the Grafton Centre.
- 8.45 The proposal includes secure cycle storage for 6 cycles at the rear between the gardens of Flats 1 and 2 and internal bin storage space.
- 8.46 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**

- 8.47 The proposal includes a bin store on the ground floor which is accessible from within the building and from the street. The proposal is for three bins 2x 660 litres and 1x 240 litre bin. The proposed refuse arrangement is acceptable for this development. I have however, recommended a waste management condition so that details of how the bins are managed in terms of responsibility is submitted to and agreed by the Local Planning Authority.
- 8.48 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Car and cycle parking**

#### **Car parking**

- 8.49 The proposal does not include any car parking and is being promoted as a 'car free' development. The adopted Local Plan (2006) promotes lower levels of private car parking in order to encourage a modal shift where development sites are located with good access to public transport, shops and services. The site is considered to be located within a sustainable location due to its proximity (walking and cycling) from bus stops on Newmarket Road which provide routes into and out of the City, the retail park on Newmarket Road and the Grafton Centre, and public open space in Logan Meadow, Stourbridge Common and Midsummer Common. Therefore, given the size of the units, and central location to public transport, shops and services, a car free development is acceptable in this location. The County Council has confirmed that future residents will not be eligible for the residents' permit parking scheme. I have therefore recommended the car-club informative to request the applicant to give details of local car club schemes to future occupiers.

#### **Cycle parking**

- 8.50 The proposal includes a cycle store which is located at the rear of the site and accessible through the building. The store would

provide three cycle hoops for six cycles to serve flats 3 to 7. Flats 1 and 2 would have their own cycle parking provision within the garden space. The Cycle Parking Standards requires 1 space per bedroom up to 3 bedroom dwelling. The proposal in total provides 9 spaces and 6 of the spaces would be shared between 4 flats. I am therefore satisfied that the proposed cycle parking is acceptable.

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

### Third Party Representations

8.52 I have addressed some of the third party representations in the above section of the report. However, for the issues that I have not responded to I address these in the below table:

<b>Representation</b>	<b>Response</b>
<i>Design, scale and layout</i>	
The proposed development does not respond to the rhythm of the terraced street	The scheme has been revised from its original design. The revised design and scale responds appropriately to the rhythm of the terraced housing and street.
No architectural justification for the projecting gable	This element has been removed in the revised scheme.
The proportion of the dormer windows facing Godesdone Road are oversized and do not relate to the character of the area and reduces the quality of the street and roofscape	The scheme has been revised and the oversized dormers in the front elevation removed. The revised scheme includes small more ancillary scale dormers which sit comfortably with the roofscape.
There should be an agreement about the refuse wheelie bins will be put away after they have been emptied. Bins left out on the street could block the pavement and detrimentally affect the appearance of the Conservation Area	I have recommended a waste management condition.
The tree shown on the plan in	Noted.

the rear garden of 70 Beche Road does not exist	
The loss of commercial use is likely to further isolate the remaining commercial buildings within the area and be detrimental to the character of the area and economic contribution that they make	See para 8.1 to 8.8
Overdevelopment of the site that is out of keeping with the surrounding properties in the Conservation Area	The proposal is not considered to be overdevelopment of the site. The revised design and scale is considered in keeping with the surrounding properties.
The proposal would dominate neighbouring properties – roof line higher than adjacent properties and broken by large dormer windows	The ridge line of the revised scheme would still be higher than the neighbouring dwelling but I do not consider the additional increase in height would be harmful to the character of the area. The large dormers have been removed and replaced with three smaller dormers.
Dormers on the front elevation are out of character, particularly in the front elevation	Dormers are not a common feature with Godesdone Road however they have been designed to appear ancillary within the roofspace and would not be harmful to the character of the area, in my opinion.
Three storey form of the proposed building is out of character with the houses in the Riverside area	The scheme has been revised and now appears as a 2 " storey dwelling with rooms in the roof. There are some dwellings within Riverside that are similar in scale.
The projecting gable is incongruous and out of keeping with the general pattern of flat fronted properties in the street	Projecting gable has been removed.
Other recent developments	Each application is considered

have kept the height and frontage the same as the neighbouring properties	on its own merits.
The density of the development and number of future occupiers would be out of keeping with the type of housing in the area	The proposal is for seven flats mainly 1 bed flats and two of the flats have outdoor space. The development has been designed to read as a pair of semi-detached dwellings with an ancillary element to the side.
Poor design and steroidal bulk is disproportionate in height and area for the site	The original scheme has been revised and reduced in scale.
3 terrace houses (or equivalent in flats) could be acceptable but without the height and depth proposed.	Each application it considered on its own merits.
The development lacks set back from the road which makes a difference to the impression given to the road	The development is set back from the road at various degrees. Between no.17 and the site, there is a slight bend in the road. The main entrance to no.17 is at the start of the bend in the road. The main entrance is located on the back edge of the pavement. The proposed development tapers away and follows a similar building as the existing commercial building on site. The proposed footprint of the building is set back from the pavement by between 800mm and 2 metres.
The proposal will cause overshadowing in the afternoon to the only west facing window	See para 8.39 to 8.41
The proposed development does not match the Victorian style and should be redesigned	The original scheme has been revised to response to the Victorian style.
The new building should not extend further than the wall of	Due to the angle of the road and footprint of the existing

no.15 and 17 Godesdone Road	building it would be unreasonable to apply such a restriction.
The proposal would be contrary to policies 3/12 and 4/11 of the Local Plan	The proposal is considered to be compliant with Local Plan policies.
Case Officer should visit the properties in Beche Road	I did visit no.70 Beche Road. The occupier of no.68 was not available at the time of visiting no.70.
The site has been used by small companies for many years and is a valuable addition to the area	This is not a reason to frustrate the redevelopment of the site.
Concerned that the applicant has not considered a mix-use scheme	Officers can only consider the proposal as submitted.
The existing chalet-style structures are pleasing to the eye, well-proportioned and unobtrusive and therefore makes a positive contribution to the area	The revised scheme is considered to be of high quality and respects the character of the area.
The proposal is for a three storey building. It is misleading to say it is 2 " storey	The revised scheme is now 2 " storey.
The height of the building will be enhanced by the descending gradient of Godesdone Road at this point	The increase in height is not considered to be significant and would not be noticeable from the wider context in my view. Ridgelines of the terraces in Godesdone Road and Beche Road are not consistent and there are examples of infill developments having higher ridge lines and roof profiles.
Bin collection will only be from the roadside and so who will be responsible for putting the bins away	I have recommended a waste management condition.
The proposal would present an anomalous and unsympathetic	The original scheme has been revised to a form that is

bulk which is out of context with the area	broken into two elements; one responds to the existing terrace and the other reflects to the existing commercial building on site.
The window arrangement in the proposed development has no alignment	The window arrangement in the revised scheme is symmetrical and reflects the hierarchy of windows.
The third floor should be removed	There is no third floor other than the roof space.
The proposal is neither modern or vernacular in architectural style	The revised proposal has a combination of modern and vernacular to respond to the context of the site.
Design and Access Statement fails to include the buildings on Godesdone Road amongst those important to the character of the area	The properties in Godesdone Road are not identified in the Area Appraisal as 'Buildings Important to Character'. The dwellings in Beche Road are.
<i>Residential amenity</i>	
Size of units below the minimum standards in the emerging Local Plan and current National Space Standards	There are no statutory minimum standards in the Local Plan or at National level which could be used to assess the size of each unit against.
Insufficient mix of units – only one 2bed unit	There is no requirement for any certain mix of units for a site of this size.
Potential sense of enclosure and overshadowing created by the blank north elevation	See para 8.32 to 8.41
Daylight to the rear garden and property will be compromised	See para 8.39 to 8.41
Original building designed to maintain light to the properties in Beche Road	As above.
The proposal would result in unacceptable overlooking from the windows in the rear elevation of the garden of the properties in Beche Road and Godesdone Road	See para 8.27 to 8.31



<p>The new building will block light and have a substantial negative impact on the quality of life of the occupiers in Beche Road</p>	<p>See para 8.32 to 8.41</p>
<p>Inadequate provision of amenity space;</p>	<p>See para 8.43</p>
<p>The shadow plan is inadequate as it relates solely to the spring equinox – a comprehensive assessment should be carried out to include the winter and summer solstices</p>	<p>Shadow study of the spring equinox demonstrates that the proposed development would not cause adverse levels of overshadowing. The gardens of the surrounding properties would receive more than 2 hours of sunlight on 21 March which is the test for compliance with BRE guidance.</p>
<p>The applicant acknowledges the scheme will create issues of overshadowing but is happy to continue discussions on this post submission – this is unacceptable and make the scheme half-baked and incomplete</p>	<p>The applicant has demonstrated that the proposed development would not cause any adverse levels of overshadowing.</p>
<p>The proposal would result in a significant loss of sunlight and daylight and create a sense of enclosure from the first and second floor windows</p>	<p>The shadow study and daylight and sunlight assessment demonstrates compliance with BRE guidance.</p>
<p>The semi-external bin store and communal entrance will lead to noise impact from potentially 16 residents coming and going from the site</p>	<p>The bin store is within the footprint of the building. Therefore, noise levels from this would not cause harmful levels of noise disturbance particularly as future occupiers would be able to access the bin store via an internal door.</p>
<p>The north elevation would be 8 metres from kitchen and bedroom windows and as such will present an oppressive and overbearing aspect and sense</p>	<p>See para 8.32 to 8.38</p>

of enclosure	
<i>Traffic/car parking/cycle provision</i>	
Insufficient cycle parking and more should be provided	See para 8.49
Additional pressure in the area for car parking	See para 8.48
Car free development can only work if restrictions are applied to future residents on car ownership	As above.
Existing car parking spaces are at capacity and there is little scope for potentially 8 more vehicles	As above.
The main blocks would open onto the pedestrian sidewalk	The main entrance is set back from the pavement by approx. 1 metre.
Insufficient facilities for loading and unloading nor any visitor parking	This is an issue for all residents and not just for the proposed development. This is not an issue that would warrant refusal.
<i>Other issues:</i>	
Insufficient neighbour consultation	Following a review of the original neighbour notification additional neighbours were consulted. Furthermore, a site notice was displayed outside the site and the application was advertised in the local paper.
Plans not to scale so how can detailed comparison be made	All plans are to scale.
The site is located in area of great archaeological sensitivity. The applicant has failed to provide any archaeological investigation	The County's Historic Environment Team has not requested any archaeology investigation of the site to be carried out.
The plans do not appear to be clear – some plans show a space of about 2-4 metres between the south boundary	All the submitted plans for the revised scheme appear to be consistent.

between 17 and the proposed development and on other plans it is much narrower	
There has been flooding from foul water sewers in the last ten year and the proposal is likely to exacerbate this	The applicant will need to receive agreement from Anglian Water to connect into their drainage. There are no known capacity concerns.

## 9.0 CONCLUSION

- 9.1 The proposal is for the demolition of the existing pitched roof commercial building and redevelopment of the site to create seven flats. The flats would be contained within a form of development that is broken into two parts; the main building which responds to the Victorian terrace character of Godesdone Road and the ancillary lean-to element which reflects the form of the existing commercial building on site. The lean-to element is a nod of the existing commercial use. The proposed development overall works well and would integrate into the site without causing significant harm to the character or appearance of the Conservation Area. The proposed development would in my view form an acceptable bookend to Godesdone Road.
- 9.2 The revised scheme has significantly reduced/mitigated the impact on the residential amenity of the adjacent occupiers in terms of outlook, privacy, enclosure, and overshadowing subject to conditions. The proposed development would not have any significant adverse impact on the residential amenity of the adjacent occupiers such that it would warrant refusal in my view.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

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

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

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

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

14. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

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

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

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

16. Prior to construction, full details of the verges and decorative brickwork at roof / wall junctions shall be submitted to and approved in writing by the local planning authority. Verges and decorative brickwork shall thereafter be constructed only in accordance with the approved details.



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

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

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

18. Prior to construction, large scale drawings (1:20) of details of new / altered sills, lintels, jambs, transoms, mullions, thresholds, etc. to be submitted to and approved in writing by the LPA. Sills, lintels, jambs, transoms, mullions, thresholds, etc. shall be installed thereafter only in accordance with the approved details.

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

19. Prior to construction, full details of proprietary rooflights to be submitted to and approved in writing by the LPA [types which stand proud of the plane of the roof ("velux") are unlikely to be approved; "conservation" types may be appropriate]. Rooflights shall be installed thereafter only in accordance with the approved details.

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

20. Prior to construction, large scale drawings (1:20) of details of canted bay windows to be submitted to and approved in writing by the LPA. Bay windows shall be installed thereafter only in accordance with the approved details.

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

21. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

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

22. No external joinery shall be installed until drawings at a scale of 1:20 of all such joinery (doors and surrounds, windows and frames, fanlights 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 Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

23. 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)

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

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

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

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

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

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

27. The windows in the rear roof dormer in the south-west elevation at second floor level shall be obscure glazed up to a height of 1.7 metre from internal finished floor level to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

28. Prior to the commencement of the use hereby permitted, the arrangements for the disposal of waste detailed on the approved plans shall be provided and information shall be provided on the management arrangements for the receptacles to facilitate their collection from a kerbside collection point. 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

29. 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:** 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:** With regards to Traffic Management Plan condition, the principle areas of concern that should be addressed are:

i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)

ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).

iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)

iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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

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

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

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

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

**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1942/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th November 2016	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	30th December 2016		
<b>Ward</b>	Market		
<b>Site</b>	48 New Square Cambridge Cambridgeshire CB1 1EZ		
<b>Proposal</b>	The proposal comprises the conversion of the existing end terrace known as No.48 New Square and will comprise of 3No. self-contained flats, the demolition of the existing garage and the erection of 1No. self-contained studio-flat and the removal of 4No. Parking bays accessed via Willow Walk and the erection of 1No. self-contained flat. All with associated landscaping and access arrangements.		
<b>Applicant</b>	Mr Simon Hawkey C/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposal would not harm the character and appearance of the Conservation Area, the Listed Building or the setting of nearby Listed Buildings.</p> <p style="padding-left: 40px;">The proposal would not impact on the residential amenity of neighbouring properties.</p> <p style="padding-left: 40px;">The proposal would provide high quality living accommodation in a sustainable location.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No. 48 is a Grade II Listed dwelling on the north side of New Square. The site has a frontage onto New Square and Willow Walk at the rear. It is within the Kite Area of the Central Conservation Area.
- 1.2 No. 48 is double-fronted and forms the end of the terrace. Unlike the other houses in the terrace, No. 48 faces westwards towards its own plot, rather than towards the green space in the middle of New Square. The curtilage includes a single storey garage to the west accessed from New Square.
- 1.3 The frontage along Willow Walk includes 4 no. car parking bays which sit outside the garden boundary. There is a tall boundary wall enclosing the south and west sides of the parking bays, and a garage on the eastern side. Willow Walk is a terrace of Grade II listed houses on the northern side of a private access.
- 1.4 To the east of no. 48, is a row of two storey terraced houses along New Square with rear gardens backing onto Willow Walk. New Square is an open space enclosed on three sides by dwellings, all of which are Grade II listed. Immediately to the west, is a three storey Grade II Listed dwelling, No.49, which sits on the north western corner of a large curtilage.
- 1.5 There are mature trees within the garden which are protected by virtue of their location within the Conservation Area. The site lies within the controlled parking zone. There are no other relevant site constraints.
- 1.6 The current application follows a previous proposal for 6 no. units on the site that was refused by planning committee (15/1940/FUL and 15/1941/LBC). The previous proposal included a two storey mock-stable building on the Willow Walk frontage and a one-and-a-half storey replacement garage building on the New Square frontage. The applicant is currently appealing this decision. For information, the previous scheme was refused by planning committee against officer recommendation on the following grounds:
  - The proposed two storey building on the Willow Walk frontage, by virtue of its height, fenestration design, roof shape and the materials of its construction, would have a



harmful visual effect on this part of the Kite Conservation Area and the setting of adjacent listed buildings in Willow Walk.

- The proposed development would have a harmful effect on views within the Kite Conservation Area including views from the open space on New Square and from the east and west along Willow Walk.
- The proposed development would involve the removal of trees which have a positive effect on the visual amenities of the Kite Conservation Area.

## **2.0 THE PROPOSAL**

2.1 The proposal is for the provision of 5 no. self-contained flats comprised of:

1. the conversion of No. 48 to form 3 no. self-contained flats, including internal and external works to the Listed Building;
2. the erection of a single storey building to provide 1 no. self-contained flat fronting Willow Walk, following removal of the car parking bays;
3. demolition of the existing garage and the erection of 1 no. self-contained studio-flat; and
4. associated landscaping and access arrangements.

### *Conversion of No. 48*

2.2 The proposed internal and external alterations to No. 48 comprise the vertical sub-division and internal rearrangement. To facilitate this, the proposal includes the insertion of 2 no. windows at basement level on the side (west) elevation; the insertion of a new door on the rear (north) elevation layouts. During the course of the application, the positioning of the windows on the basement floor plan was corrected which necessitated the removal of an additional wall within the lounge/dining area.

### *Willow Walk building*

2.3 The proposed block adjoining Willow Walk would be a detached single storey structure situated on the northern boundary of the site. It would have a shallow asymmetric roof. The northern elevation would be 2.1m high to the eaves and 2.8m high to the ridge. It would be constructed from buff brick under a lead and

green roof with glazing on the southern elevation facing into the site. The accommodation would comprise a one-bedroom flat.

- 2.4 During the course of the application, revised plans were submitted which included:
- Removing the proposed high level windows on the northern elevation and replacing it with timber panelling above the brick wall.
  - Clarifying the high of the existing brick boundary walls, which reduced the height of the western elevation of the building;
  - Reducing the size of the roof lights and angling them to be south facing.

#### *Replacement garage building*

- 2.5 The building proposed in place of the garage in the south west corner of the site would be single storey with a hipped roof. It would be 3.2m high to the ridge and 2.4m high to the eaves. The structure would be constructed from buff brick walls under a lead roof. The rear elevation would be glazed and there would be a timber louvered window on the eastern elevation. The accommodation would consist of a one-bedroom flat. During the course of the application, revised plans were submitted which included swapping the living room and bedroom around.

#### *Landscaping*

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

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1943/LBC	Listed building consent to	Pending

	convert the existing end terrace known as No.48 New Square, 3No. self-contained flats, the demolition of the existing garage and the erection of 1No. self-contained studio-flat and the removal of 4No. Parking bays accessed via Willow Walk and the erection of 1No. self-contained flat. All with associated landscaping and access arrangements.	
15/1941/LBC	Listed building consent to convert existing end terrace known as No.48 New Square, 3No. self-contained flats, demolition of existing garage and erection of 1No. self-contained studio-flat and removal of 4No. parking bays accessed via Willow Walk and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.	Refused.  Appeal pending.
15/1940/FUL	Conversion of existing end terrace known as No.48 New Square, 3No. self-contained flats, demolition of existing garage and erection of 1No. self-contained studio-flat and removal of 4No. parking bays accessed via Willow Walk and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.	Refused.  Appeal pending.
11/1297/LBC	Phased installation of secondary glazing to existing sash and casement windows of properties 1-48 New Square (excluding properties 26, 35, 43 and 44).	Approved
C/68/0404	Erection of 4 concrete garages	Approved
C/73/0781	Erection of 4 concrete garages (extension of period consent)	Permitted

3.1 In addition to the above, there is an extensive planning history relating to the site with the majority of applications relating to tree works, secondary glazing and boundary wall.

**4.0 PUBLICITY**

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

**5.0 POLICY**

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

5.2 Relevant Development Plan policies

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

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

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

	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Kite Area Conservation Area Appraisal (1996)

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

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

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

## 6.0 Consultations

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

Residents of the new dwellings will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.

Otherwise the proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the condition and informatives requested below into any permission that the Planning Authority is minded to grant in regard to this application.

Recommended condition:

- Traffic management plan

Recommend informative:

- Traffic management plan
- Overhanging and encroaching

## 6.2 **Urban Design and Conservation team**

No objection.

*No. 48 New Square* - It is understood that the porch is to be replaced as it is a modern addition. However there are no plans or drawings showing what it will look like. The design of the new porch should be dealt with by condition. The amendment to the internal layout of the basement is acceptable.

*Willow Walk building* - The overall character of this building will fit into the streetscape of Willow Walk and will be subservient to the listed buildings around it. The roof lights over the living space are rather large and, if possible, should be reduced so that they are more fittingly in proportion to the roof and its sedum character.

*Garage replacement building* - It is a simple building which will be subservient to the listed building and will modestly sit within

the grounds of the site. Some clarity is needed over the gates/railings to New Square in front of this building.

*Landscaping* - The landscaping plans show that the character of the outdoor space will change due to the need for footpaths to the various buildings which will see the removal of trees on the site. However it is understood that the majority of the trees are self-set and are not in good condition, therefore any works to these trees, whether to enable the development or not, would have an impact on the site and the character and appearance of the conservation area. The proposed new landscaping would add to the conservation area with the introduction of new planting.

*Layout* - The layout of the buildings appears to be appropriate apart from the garage replacement building. There are oak louvres to allow daylight into the end of the building where there is the kitchen and living space, and full height windows where the bedroom is. It would be more logical to reverse the use of these rooms, as it is expected that you would spend more time in the living space and therefore would need more natural light in that room than in the bedroom.

*Scale and massing* - The scale of the two new buildings has been reduced when compared with that in the previous scheme. The buildings are more subservient to the listed buildings that surround them and their impact on the character and appearance of the conservation area is lessened. These proposed buildings, on the site of previous structures, are considered to be of appropriate scale and massing.

*Elevations and materials* - The buildings are to be in a brick to match the surrounding area with lead and sedum roofs, and the windows and doors are to be painted timber. The materials are acceptable.

Recommended conditions:

- New joinery
- Sample panel

- Roofing details
- Metal work details
- Porch details

### **6.3 Landscape Officer**

No objection. We feel that an adequate amount of detail regarding hard and soft landscape has been provided via the full application that we are happy to forego the use of the standard hard and soft landscape condition. Recommend a standard condition for a landscape maintenance and management plan.

### **6.4 Environmental Health**

No objection. Recommended conditions/informatives:

- CC62 – Plant noise insulation
- CC63 – Demolition and construction hours
- EH1 – Demolition and construction delivery/collection hours
- PILING – Piling
- DUST - Airborne dust mitigation
- DUSTCI – Dust condition informative

### **6.5 Refuse and Recycling**

No comments received.

### **6.6 Tree Officer**

No comments received.

### **6.7 Cycling and Walking Officer**

No comments received.

### **6.8 Access Officer**

No objection. The applicant should try through the landscaping to achieve a flat threshold entrance at the rear of the property.



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

### Comments in respect of original submission

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

- 5 Willow Walk
- 6 Willow Walk
- 7 Willow Walk
- 9 Willow Walk
- 10 Willow Walk
- 11 Willow Walk
- 9 Auckland Road
- 1 Barton Close
- 33 Cow Lane, Fulbourn

7.2 The representations can be summarised as follows:

#### *Willow Walk building*

- Reduction in the height of the building compared to the previous scheme is supported.
- 2.5m high wall would be taller than other walls on either side and have an irregular appearance along Willow Walk.
- The building does not respond well to its context and would harm the Conservation Area and the Georgian character of the street.
- The proposed building is neither sufficiently striking nor sufficiently inconspicuous.
- The proposed building will be charmless and unsympathetic.
- High level windows are out of keeping and denote a rear elevation and a utilitarian building.
- Building at the rear of the New Square properties would be out of keeping with the character of the area.
- There was never any dwelling on the site; the walls relate to a former stable.
- The character of the site does not lend itself to a new building being squashed in.

- Light emission from the long strip of high level windows will be out of keeping with the gas-lit street.
- Overlooking to and from the high level windows and properties opposite.
- Light emission from high level windows will impact on residential amenity of properties opposite.
- The windows on the northern elevation should be relocated to the roof.
- The Willow Walk street view would be of a massive long facade of unrelieved brickwork and no opportunity for landscaping to soften it.
- Set back of the northern elevation would allow space for eaves, guttering and downpipes which would relieve long expanse of wall.
- The Short Street end of the Willow Walk building would be an ugly projection significantly above the roofline of the new structure.
- Light spread from the roof lights towards properties opposite.
- 2.5m high wall will be overbearing and oppressive.
- Willow Walk is a private road and the proposal to reduce the width of the already narrow street will make access more difficult.
- Higher density of use would strain access along Willow Walk.
- No space for additional car or cycle parking spaces along Willow Walk, or for bin storage.
- Suggested alternative designs for the proposal to overcome concerns.

### *Other*

- Reduction in height of the proposed replacement garage building is supported.
- Removal of trees will result in loss of habitats for birds and the green feel of the site.
- No construction traffic should be allowed along Willow Walk which is not constructed to an adoptable standard.
- The wall that separates the parking area from the substation is not as high as shown on the applicant's drawings.
- Inconsistency between the proposed plans and elevation of No. 48 New Square in terms of the positioning of the proposed basement windows.
- Inconsistencies between the proposed floor and roof plans of the cycle store.

- 7.3 The Cambridge Cycling Campaign has also objected to the proposal on the grounds that, although the proposal exceeds the standards for the number of spaces provided, the cycle store does not meet the required dimensions; there is no provision for non-standard bikes; the store would not be secure; and the parking would be inconvenient.

#### Comments received to first amendments

- 7.4 The first set of amendments related to the removal of the high level windows on the northern elevation of the Willow Walk building and replacement with a timber screen; and the resizing and angling of the rooflights.

- 7.5 The owners/occupiers of the following addresses made representations on the amendments:

- 6 Willow Walk
- 7 Willow Walk
- 9 Willow Walk
- 33 Cow Lane, Fulbourn

- 7.6 The representations specific to the amendments can be summarised as follows:

- Removal of the high level windows on the Willow Walk building is supported.
- The proposed timber screens to replace the high level windows do nothing to relieve the unvarying elevation which would respond poorly to the streetscene.
- Lightspill from roof lights impact on Willow Walk properties.

#### Comments received to second amendments

- 7.7 The second set of amended plans relate to: the western elevation of the Willow Walk building and correction to the depth of this building; correction of the positioning of the windows on the basement floor plan and removal of an internal wall; and clarification of the cycle parking arrangements.

- 7.8 The public consultation on these amendments is currently ongoing and representations will be reported to the Planning Committee as an update to this report.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) generally supports additional residential development within the City, stating that 'Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses.' The site is situated within an established residential area, and the principle of further residential development in the area would therefore be broadly in accordance with Policy 5/1.

8.3 Policy 5/2 of the Cambridge Local Plan (2006) supports the conversion of large properties into additional dwellings recognising that conversion makes a useful contribution towards housing provision. This is subject to proposals meeting the various tests set out in the policy with regards to impacts upon residential amenity, on-street parking, provision of satisfactory bin and bike storage, and the standard of accommodation that would be provided.

8.4 Policy 3/10 of the Cambridge Local Plan (2006) states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light,

- an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance.
- b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties.
  - c) Detract from the prevailing character and appearance of the area.
  - d) Adversely affect the setting of Listed Buildings within or close to the site.
  - e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
  - f) Prejudice the comprehensive development of the wider area of which the site forms part.
- 8.5 Parts a-e inclusive will be discussed in further detail in the following sections of this report. Part f is not of relevance to this application.

### **Context of site, design and external spaces / Impact upon the Listed Building and Conservation Area**

- 8.6 The site occupies a highly sensitive location within the Central (Kite) Conservation Area. No. 48 is a Grade II Listed Building and all other properties in the vicinity, grouped around New Square and in Willow Walk to the north, are also Grade II Listed.

#### *Conversion of No.48*

- 8.7 The Conservation Team has advised that the internal and external works to convert the building are acceptable. During the course of the application, the discrepancy between the basement windows shown on the floor plans and elevations was corrected and the Conservation Team has commented that the removal of an additional internal basement wall is acceptable. The external appearance would be sympathetic to the character and fabric of the Listed Building. I have accepted the advice of the Conservation Team regarding conditions to control detailing.
- 8.8 The Conservation Team has commented that details are needed of the proposed replacement porch, which is not shown on the drawings. I disagree with their recommendation that a replacement porch could be dealt with by way of planning

condition and, in my opinion, this would need to be the subject of a new planning and listed building consent application.

*Willow Walk building*

- 8.9 This element of the proposal has generated significant concerns from third parties, most notably from residents on the north side of Willow Walk. The concerns relate to the impact of the building on the streetscene along Willow Walk, the character of the Conservation Area and setting of Listed Buildings. The building was amended during the course of the application to remove the high level windows on the northern elevation, and reduce and angle the roof lights. The applicant has also clarified the height of the existing wall on the western side of the car parking bay where it meets the frontage is approximately 1.7m high.
- 8.10 In terms of the principle of a building on the site, the Conservation Team has commented that the proposed new building is on a site that was previously developed (as can be seen on the historic maps in the Design and Heritage Impact Assessment), so there is historical evidence of a building in this approximate location. In my opinion, this establishes the principle that a building in this location would not be out of keeping. Third parties have commented that a dwelling would be out of keeping in this location. In my opinion, the scale, form and design of the proposal would resemble an outbuilding and the outwards appearance – particularly from the public highway - would not be strongly residential in character. As such, I do not consider that a residential unit, in principle, would be out of character with the pattern of development.
- 8.11 Willow Walk is a narrow private side-street. While the northern side consists of two storey terraced properties, the southern side is characterized by a brick wall along much of the length and No. 49 situated on the western end. The car parking bays currently form an indent in the otherwise consistent building line along the southern side. The verdant character of the site creates a relatively open gap within the frontage, although the vegetation along the top of the boundary wall, in my opinion, appears to be overgrown and not necessarily to make a positive contribution to the street scene.

- 8.12 The proposed scheme – as amended during the course of the application – would have a brick wall to a height of 1.75m with recessed timber panels above to a height of 2.1m to the eaves. In my opinion, this would have the appearance of continuing the brick wall along the southern side of the street. The timber panels and shallow pitch roof would have the appearance of an outbuilding built above the wall. I have recommended a condition for a sample panel of the brick wall to be erected on site for approval, in order to ensure that the appearance of the wall sits comfortably with the existing wall.
- 8.13 Third parties have commented that the building would appear to be a monotonous elevation with limited detailing and responds poorly to the character of the Georgian properties. The current proposal has taken a different approach to the previous refused scheme for a mock-stable design. Nor does it seek to draw upon design details from the properties on the northern side of Willow Walk. However, in my opinion, the proposed modest building largely tucked behind a continuation of the brick wall, would have a minimal impact on the street scene. As such, it causes minimal harm to the setting of the Listed Buildings and the Conservation Area.
- 8.14 Third parties have also commented that the northern elevation should be pushed back to allow space for planting in front and for the eaves to overhang etc. In my opinion, overhanging eaves, downpipes and guttering would detract from the appearance of the building as being a continuation of the brick wall and would have a greater impact on the street scene than the current proposal. The proposal does not involve the loss of any high quality soft landscaping along the edge of the street, and therefore in my opinion, it would not be reasonable to require the applicants to provide this. Moreover, there is no planting along this part of the southern side of Willow Walk and landscaping is limited to the northern side in front of the buildings, so in my opinion, a strip of planting would be incongruous.
- 8.15 The single storey building with a shallow pitched roof would not be visible from New Square behind the proposed boundary wall. As such, in my opinion, the Willow Walk building would not impact on views from New Square.

*Replacement garage building*

- 8.16 The existing garage is visible from the street behind a low fence. It is a single storey structure with a shallow pitched roof to a height of approximately 2.25m. The southern elevation that is visible from the public highway consists of a garage door. In my opinion, this detracts from the appearance of the Conservation Area and the setting of the Listed Buildings. The Conservation Team has advised that the existing garage is of no architectural merit and therefore its demolition is supported.
- 8.17 The proposed building would have a larger footprint than the existing and would be taller with a ridge height of 3.1m and an eaves height of 2.4m. The building would be approximately 2m from the southern boundary which provides space for a bin store. The hipped roof would be visible above the proposed boundary wall and timber gate. In my opinion, the scale, form and materials would ensure the building appears as a subservient outbuilding to the Listed Building, similar to the existing garage. As such, I share the view of the Conservation Team that the building would have an acceptable impact on the street scene, Conservation Area and setting of nearby Listed Buildings.

### *Landscaping*

- 8.18 The site is currently verdant in character, with mature trees and overgrown vegetation along the Willow Walk boundary walls. This contributes to creating a green gap within the New Square frontage, together with the garden of No. 49. Nonetheless, the Tree Officer agreed on the previous application that the existing trees are low quality. In my opinion, the replacement of the existing low quality vegetation with a high quality landscaping scheme would enhance the visual appearance of the site and the contribution it makes to the character of the Conservation Area. I have recommended a condition for a detailed soft landscaping scheme and maintenance plan to be approved.
- 8.19 The Conservation Team has recommended further details of boundary treatments are required, including the southern boundary and gates on the New Square frontage. I am satisfied this can be resolved through condition.
- 8.20 In conclusion, the site occupies a highly sensitive location within the historic heart of Cambridge. The new building on Willow



Walk takes a subservient form in this location, whilst the new building fronting New Square would replace a poor quality garage. The existing low quality planting would be replaced by a high quality landscaping scheme. The proposal is supported by the Conservation Team and the Landscape Officer who consider that it would preserve the character of the Conservation Area and the setting of Listed Buildings. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/12, 4/10, 4/11 and 5/2.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.21 The nearest neighbouring residential properties are those on the northern side of Willow Walk, No. 49 to the west and the adjoining terrace to the east of No. 49.
- 8.22 The properties on the northern side of Willow Walk are two storey terraced properties with basement level. These are traditional properties that open directly onto the footpath with main living rooms and bedrooms on the front elevations. The internal ground floor level is typically higher than the external ground level. There is some sporadic boundary planting along Willow Way which provides an intermittent buffer. Currently, these properties face onto a gated private access. Nos. 5-8 directly opposite the site look out onto the car parking bays, boundary wall, planting and the rear of the New Square terrace.
- 8.23 The proposed Willow Walk building would be approximately 2.1m high to the eaves with a shallow asymmetric pitched roof to a ridge height of 2.8m. Objections have been raised by third parties regarding the impact on their residential amenity in terms of overbearing, overlooking and light spill. I will consider these in turn.
- 8.24 The northern elevation would be approximately 8m from the two storey elevation of the Willow Walk properties. The elevation would be a similar height to the existing boundary wall along the majority of Willow Walk. The elevation would be brick to a height of 1.75m with timber cladding above to a height of 2.1m to the eaves. The single storey elevation and the separation distance would not have an overbearing impact. In my opinion, the use of the timber panels would reduce the visual impact of

the elevation further. The shallow sloping roof to a height of 2.8m would mean the building would have a minimal visual impact. For these reasons, in my view, the proposed building would not have an overbearing impact on the Willow Walk properties.

- 8.25 The original proposal included high level windows on the northern elevation facing towards Nos. 5-8. The revised scheme removes these windows so there would not be views from within the building towards the properties opposite. As such, I am satisfied this has resolved the concerns raised by third parties.
- 8.26 Third parties have raised concerns about the impact of light spill from the windows originally proposed on the northern elevation and the roof lights. The removal of the high level windows means that there would be no light emission directly towards the windows of the properties opposite. The roof lights have also been reduced in size and angled away to south-facing as part of the amendments to the scheme. In my opinion, while there would be some light glow from these windows, as there would not be a direct source of light towards the windows of the properties opposite, I am satisfied that this would not have a significant adverse impact on residential amenity.
- 8.27 The building would be on the southern side of Willow Walk, however as it would be single storey with a shallow sloping roof, it would not overshadow the properties on the northern side, as demonstrated by the shadow study submitted by the applicant.
- 8.28 I am satisfied that that the proposed single storey buildings would not impact on No. 49 and the terrace to the east in terms of overbearing, overshadowing and overlooking.
- 8.29 While there would be an increase in the number of units on the site and therefore comings and goings, I am satisfied that this would not have an unacceptable noise and disturbance impact on neighbouring properties. There would be no access into the site from Willow Walk so there would be no increase in trips along Willow Walk. Access would be from New Square and I am satisfied that there is enough separation distance so that the neighbouring properties would not be impacted.

- 8.30 The bin store location would be adjacent to the south east corner of the garden of No. 49 and not near to their living accommodation. The cycle store would be located against the boundary with the rear garden of No. 47, however as the number of users will be low, in my opinion this would not have an unacceptable impact on residential amenity.
- 8.31 The Environmental Health Officer has been consulted on the proposal and has not raised any specific issues relating to the scheme. He has, however, raised some concern regarding the noise that could be associated with plant, and recommends a plant insulation condition to ensure such impacts are adequately assessed.
- 8.32 I am satisfied that the impact of noise and disturbance during construction can be mitigated to an acceptable level through the conditions recommended by the Environmental Health Officer to control construction and delivery hours, piling and dust.
- 8.33 For these reasons, 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, 3/10, 3/12 and 4/13.

Amenity for future occupiers of the site

- 8.34 The proposal includes a south-facing central communal garden space measuring approximately 17m long and 6m wide for the use of residents of all five units. Whilst this is modest in size, it is sufficient to provide some sitting-out space for residents as well as space for storage of refuse bins. Given this, together with the fact the site is located adjacent to the open space areas at New Square and Christ's Pieces, and within easy walking distance of the substantial areas of public open space at Midsummer Common and Jesus Green, I consider the level of amenity space provided to be appropriate for this site.
- 8.35 In my opinion, the proposal would provide high quality living space. There would be a good outlook from the proposed units. There would be landscaping in front of ground floor windows serving habitable rooms which would provide some defensible space and privacy. The revised plans submitted during the course of the application rearranged the replacement garage building by swapping the living room and bedroom, so that the

living room would be on the northern end with full height windows looking out on the patio. The bedroom window on the eastern elevation would have timber louvered panels and planting in front, which I am satisfied would protect privacy.

- 8.36 For these reasons, in my opinion the proposal provides 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, 3/12 and 4/13.

### **Trees**

- 8.37 The proposal includes the removal of 12 no. trees on the site. The existing lime tree in the south east corner of the Site will be retained and pollarded. Policy 4/4 of the Cambridge Local Plan (2006) permits the felling of trees of amenity or other value where there are demonstrable public benefits that outweigh the current and future amenity value of the trees. Where felling is permitted, appropriate planting should be sought.

- 8.38 These trees are identified in the applicant's Tree Survey as Category C or U, which are low quality trees or in a condition that cannot realistically be retained for longer than 10 years. I have not received comments from the Tree Officer on this application, however the proposed tree works are the same as the previous application. The Tree Officer commented on the previous application that:

*The majority of trees are not a reasonable constraint to an otherwise acceptable proposal. The opportunity for replacement tree planting has not been fully explored. ... Subject to amendment of the proposed landscaping to include an additional and significant new tree, there are no objections to the scheme subject to a condition requiring the submission and implementation of a phased Arboricultural Method Statement and Tree Protection Plan.*

- 8.39 The impact of the loss of these trees on the visual amenity of the Conservation Area has been raised by third parties and was a reason for refusal on the previous application. While I accept that the site has a verdant character that contributes to the Conservation Area, I accept the Tree Officer's advice, that the loss of these poor quality trees would be mitigated by the

implementation of a high quality landscaping scheme and could enhance the visual amenity of the site.

- 8.40 The Tree Officer recommended replacement planting on the previous application. The applicant has submitted a detailed landscaping scheme, however I have not received comments from the Tree Officer on the proposed landscaping scheme submitted. As such, I have recommended a condition for a detailed landscaping scheme to be submitted for approval.
- 8.41 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

### **Highway Safety and Car Parking**

- 8.42 The proposal involves the removal of 4 no. car parking spaces within the bay on the southern side of Willow Walk. There would be no car parking spaces provided. The site is within the controlled parking zone and the Highways Authority has recommended an informative to advise that future occupants would not be eligible for Residents Parking Permits. The occupants of the proposed units would therefore not increase pressure on on-street car parking. The Highways Authority has raised no objections to the highway safety implications of the development.
- 8.43 In my opinion, the site is in a highly sustainable location close to the city centre, including a wide range of shops, services, facilities and public transport. As such, it is likely that the future occupants would not be car-dependent. There is a Car Club in Cambridge that future occupants could make use of should they require occasional use of a car, and I have recommended an informative to advise accordingly.
- 8.44 There would be no access into the site from Willow Way so the proposal would not generate additional trips along this private road. Third parties have raised concerns that the loss of the car parking spaces and the positioning of the northern elevation of the Willow Walk building on the same building line as the adjoining brick walls would narrow the access for vehicles to pass parked cars, leading to safety issues. In my opinion, these are private car parking spaces which could be fully parked up, thereby preventing use by passing vehicles. The width of the access would be similar to other parts of Willow Walk.

Therefore, this would not be reasonable grounds to refuse the application.

- 8.45 The adopted car parking standard set maximum limits and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/2 and 8/10.

### **Cycle Parking**

- 8.46 The proposal includes a cycle store on the eastern boundary providing 4 no. Sheffield hoops with space for 8 no cycles, which is an over-provision compared to the adopted standards. The details submitted do not meet the dimensions set out in the Cycle Parking Guide for New Residential Development (2010), however I am satisfied there would be space to enlarge the store proposed. Therefore, I have recommended a condition for details of a revised cycle store to be submitted and for this to be implemented prior to occupation. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 5/2 and 8/6.

### **Refuse Arrangements**

- 8.47 The proposal includes a bin store area to the south of the replacement garage building with space for 3 no. 660 litre communal bins which provides the required capacity. The bin store area would be conveniently located with access to the public highway. In my opinion, the proposal is acceptable in this respect and compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 5/2.

### **Third party representations**

- 8.48 These have been covered in the relevant sections above or addressed below.

<b>Comment</b>	<b>Response</b>
<i>Willow Walk building</i>	
Reduction in the height of the building is supported.	Noted.
2.5m high wall would be taller than other walls on either side and have an irregular appearance along Willow Walk.	The brick element of the wall would be 1.75m high which would be similar to most of the wall along the southern side of

	Willow Walk.
The building does not respond well to its context and would harm the Conservation Area and the Georgian character of the street.	See paras 8.9-8.14.
The proposed building is neither sufficiently striking nor sufficiently inconspicuous.	
The proposed building will be charmless and unsympathetic.	
High level windows are out of keeping and denote a rear elevation and a utilitarian building.	These have been removed following amendments submitted during the course of the application.
Building at the rear of the New Square properties would be out of keeping with the character of the area.	See paras 8.9-8.15.
There was never any dwelling on the site; the walls relate to a former stable.	
The character of the site does not lend itself to a new building being squashed in.	
Light emission from the long strip of high level windows will be out of keeping with the gas-lit street.	These have been removed following amendments submitted during the course of the application.
Overlooking to and from the high level windows and properties opposite.	
Light emission from high level windows will impact on residential amenity of properties opposite.	
The windows on the northern elevation should be relocated to the roof.	
The Willow Walk street view would be of a massive long facade of unrelieved brickwork and no opportunity for	See paras 8.9-8.15.

landscaping to soften it.	
Set back of the northern elevation would allow space for eaves, guttering and downpipes which would relieve long expanse of wall.	The application must be assessed based on the scheme submitted.
The Short Street end of the Willow Walk building would be an ugly projection significantly above the roofline of the new structure.	The height of the western elevation of the Willow Walk building has been reduced following amendments submitted during the course of the application.
Light spread from the roof lights towards properties opposite.	See para 8.26.
2.5m high wall will be overbearing and oppressive.	See para 8.24.
Willow Walk is a private road and the proposal to reduce the width of the already narrow street will make access more difficult.	See para 8.44.
Higher density of use would strain access along Willow Walk.	
No space for additional car or cycle parking spaces along Willow Walk, or for bin storage.	See para 8.46.
Suggested alternative designs for the proposal to overcome concerns.	The height of the western elevation of the Willow Walk building has been reduced following amendments submitted during the course of the application.
<i>Other</i>	
Reduction in height of the proposed replacement garage building is supported.	Noted.
Removal of trees will result in loss of habitats for birds and the green feel of the site.	The site is currently a garden and, as such, is not likely to be of high ecological value. The loss of the trees on the character of the area is considered in paras 8.37-8.41.



No construction traffic should be allowed along Willow Walk which is not constructed to an adoptable standard.	The Highways Authority has recommended a condition for a construction management plan and I accept their advice.
The wall that separates the parking area from the substation is not as high as shown on the applicant's drawings.	This was clarified and the drawings amended during the course of the application.
Inconsistency between the proposed plans and elevation of No. 48 New Square in terms of the positioning of the proposed basement windows.	This was clarified and the drawings amended during the course of the application. The amended drawings are considered to be acceptable.
Inconsistencies between the proposed floor and roof plans of the cycle store.	See para 8.46.
<i>Comments on amendments</i>	
Removal of the high level windows on the Willow Walk building is supported.	Noted.
The proposed timber screens to replace the high level windows do nothing to relieve the unvarying elevation which would respond poorly to the streetscene.	See paras 8.9-8.14.
Lightspill from roof lights impact on Willow Walk properties.	See para 8.26.

8.49 The comments from the Cambridge Cycling Campaign are covered in paragraph 8.46.

## 9.0 CONCLUSION

9.1 This is a sensitive site within the Conservation Area and adjacent to Listed Buildings. In my opinion, the current proposal has responded to the reasons for refusal of the previous scheme. In particular, the single storey Willow Walk building would have a minimal impact on the street scene so that, in my opinion, the harm caused would not be substantial

enough to justify refusing the application. The Conservation Team supports the proposal and I am satisfied that it complies with relevant development plan policies, subject to recommended 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. Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

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

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

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

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

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

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

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

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

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

8. No new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (porch, doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades, etc.) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

9. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the Local Planning Authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

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

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

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development (Cambridge Local Plan 2006 policies 3/12 and 4/1).

11. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the Local Planning Authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

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

12. Prior to commencement of any alterations to the listed building, full details, in terms of materials, fixing, surface finish & colour, of all new/altered metalwork [stairs, balustrades, grilles, railings, brackets, window frames, columns, etc.] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Listed Building and Conservation Area. (Cambridge Local Plan 2006, policies 4/10 and 4/11).

13. The hard landscaping scheme shall be implemented in accordance with drawing '1772 02' and details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. 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 soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 4/11)

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

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

15. Prior to first occupation of the development hereby permitted, the boundary treatments shall be completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be retained thereafter unless any variation is agreed in writing by the Local Planning Authority.

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

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

Reason: For the safe and efficient operation of the public highway. (Cambridge Local Plan 2006 policy 8/2)

17. Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and Local Planning Authority Tree Officer to discuss details of the approved AMS.

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

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

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

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

19. Prior to first occupation of the development hereby permitted, facilities for the on-site storage of waste and recycling shall be provided in accordance with the approved details. The approved facilities 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).

20. Prior to first occupation of the development hereby permitted, the cycle storage facilities shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained in accordance with these details thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate provision for the storage of bicycles (Cambridge Local Plan policies 5/2, 3/10 and 8/6)

21. With regard to condition 13, the principal areas of concern that should be addressed are:

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

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

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

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

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



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

**INFORMATIVE:** 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 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.

**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1943/LBC	<b>Agenda Item</b>	
<b>Date Received</b>	4th November 2016	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	30th December 2016		
<b>Ward</b>	Market		
<b>Site</b>	48 New Square Cambridge Cambridgeshire CB1 1EZ		
<b>Proposal</b>	Listed building consent to convert the existing end terrace known as No.48 New Square, 3No. self-contained flats, the demolition of the existing garage and the erection of 1No. self-contained studio-flat and the removal of 4No. Parking bays accessed via Willow Walk and the erection of 1No. self-contained flat. All with associated landscaping and access arrangements.		
<b>Applicant</b>	Mr Simon Hawkey c/o Agent United Kingdom		

SUMMARY	The development accords with the Development Plan for the following reasons:  The proposal would not harm the special interest of the Listed Building.
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No. 48 is a Grade II Listed dwelling on the north side of New Square. The site has a frontage onto New Square and Willow Walk at the rear. It is within the Kite Area of the Central Conservation Area.
  
- 1.2 No. 48 is double-fronted and forms the end of the terrace. Unlike the other houses in the terrace, No. 48 faces westwards towards its own plot, rather than towards the green space in the middle of New Square. The curtilage includes a single storey garage to the west accessed from New Square.

- 1.3 The frontage along Willow Walk includes 4 no. car parking bays which sit outside the garden boundary. There is a tall boundary wall enclosing the south and west sides of the parking bays, and a garage on the eastern side. Willow Walk is a terrace of Grade II listed houses on the northern side of a private access.
- 1.4 To the east of no. 48, is a row of two storey terraced houses along New Square with rear gardens backing onto Willow Walk. New Square is an open space enclosed on three sides by dwellings, all of which are Grade II listed. Immediately to the west, is a three storey Grade II Listed dwelling, No.49, which sits on the north western corner of a large curtilage.
- 1.5 There are mature trees within the garden which are protected by virtue of their location within the Conservation Area. The site lies within the controlled parking zone. There are no other relevant site constraints.
- 1.6 The current application follows a previous proposal for 6 no. units on the site that was refused by planning committee (15/1940/FUL and 15/1941/LBC). The applicant is currently appealing this decision. For information, the listed building consent application for the previous scheme was refused by planning committee on the following grounds:
  - The proposed two storey building on the Willow Walk frontage which includes modifications to the boundary wall on Willow Walk would harm the special interests of the listed building on site and its setting.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the provision of 5 no. self-contained flats comprised of:
  1. the conversion of No. 48 to form 3 no. self-contained flats, including internal and external works to the Listed Building;
  2. the erection of a single storey building to provide 1 no. self-contained flat fronting Willow Walk, following removal of the car parking bays;
  3. demolition of the existing garage and the erection of 1 no. self-contained studio-flat; and
  4. associated landscaping and access arrangements.

- 2.2 The conversion of the existing dwelling to flats is the only element of the proposal that requires listed building consent and this report therefore focusses solely on this aspect. The other elements of the scheme are considered in the accompanying planning report (16/1942/FUL). The works to the Listed Building comprise the insertion of 2 no. windows at basement level on the side (west) elevation and the insertion of a new door on the rear (north) elevation layouts.
- 2.3 During the course of the application, the positioning of the windows on the basement floor plan was corrected which necessitated the removal of an additional wall within the lounge/dining area.

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1942/FUL	Conversion of existing end terrace known as No.48 New Square, 3No. self-contained flats, the demolition of the existing garage and the erection of 1No. self-contained studio-flat and the removal of 4No. Parking bays accessed via Willow Walk and the erection of 1No. self-contained flat. All with associated landscaping and access arrangements.	Pending
15/1941/LBC	Listed building consent to convert existing end terrace known as No.48 New Square, 3No. self-contained flats, demolition of existing garage and erection of 1No. self-contained studio-flat and removal of 4No. parking bays accessed via Willow Walk and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.	Refused. Appeal pending.
15/1940/FUL	Conversion of existing end terrace known as No.48 New Square, 3No. self-contained flats,	Refused. Appeal

	demolition of existing garage and erection of 1No. self-contained studio-flat and removal of 4No. parking bays accessed via Willow Walk and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.	pending.
11/1297/LBC	Phased installation of secondary glazing to existing sash and casement windows of properties 1-48 New Square (excluding properties 26, 35, 43 and 44).	Approved
C/68/0404	Erection of 4 concrete garages	Approved
C/73/0781	Erection of 4 concrete garages (extension of period consent)	Permitted

3.1 In addition to the above, there is an extensive planning history relating to the site with the majority of applications relating to tree works, secondary glazing and boundary wall.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	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
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### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 Consultations

### 6.1 Urban Design and Conservation team

No objection.

It is understood that the porch is to be replaced as it is a modern addition. However there are no plans or drawings showing what it will look like. The design of the new porch should be dealt with by condition. The amendment to the internal layout of the basement is acceptable.

Recommended conditions:

- New joinery

- Sample panel
- Roofing details
- Metal work details
- Porch details

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

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations to the original plans and/or first set of amendments:

- 5 Willow Walk
- 6 Willow Walk
- 7 Willow Walk
- 9 Willow Walk
- 10 Willow Walk
- 11 Willow Walk
- 9 Auckland Road
- 1 Barton Close
- 33 Cow Lane, Fulbourn

7.2 The representations have been summarised in the report on the full planning application (16/1942/FUL). The comments relevant to the listed building consent application can be summarised as follows:

- Inconsistencies between the proposed floor and roof plans of the cycle store.

7.3 The second set of amended plans relate to the amendments to the western elevation of the Willow Walk building; correction of the positioning of the windows on the basement floor plan and removal of an internal wall; and clarification of the cycle parking arrangements. The public consultation on these amendments is currently ongoing and representations will be reported to the Planning Committee as an update to this report.

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 No. 48 is a Grade II Listed Building. The accompanying planning report (16/1942/FUL) considers the material planning issues raised in relation to this proposal. For this listed building consent application, the only issues that need to be considered relate to the alterations to the listed building itself.
- 8.2 The Conservation Team has advised that the internal and external works to convert the building are acceptable. The conversion has been designed in a way that preserves the historic fabric of the building. The majority of the proposed works are internal, and there are a limited number of original features, the majority of which would be retained or reinstated as part of the proposal.
- 8.3 During the course of the application, the discrepancy between the basement windows shown on the floor plans and elevations was corrected and the Conservation Team has commented that the removal of an additional internal basement wall is acceptable. The external appearance would be sympathetic to the character and fabric of the Listed Building. I have accepted the advice of the Conservation Team regarding conditions to control detailing.
- 8.4 The Conservation Team has recommended conditions relating to joinery and further details of internal alterations, and I accept their advice. They have also commented that details are needed of the proposed replacement porch, which is not shown on the drawings. I disagree with their recommendation that a replacement porch could be dealt with by way of planning condition and, in my opinion, this would need to be the subject of new planning and listed building consent applications.
- 8.5 The reason for refusal of the previous listed building consent application (15/1941/LBC) related to the impact of the proposed Willow Walk building on the boundary wall and the impact on the setting of the Listed Building. For the reasons set out in my report on the full application (16/1942/FUL), I consider the current proposal is appropriate to its sensitive location and has overcome this reason for refusal.

- 8.6 In my opinion the works to the listed building are acceptable and would not harm the special interest of the Listed Building and the development is therefore compliant with Cambridge Local Plan (2006) policy 4/10.

### **Third party representations**

- 8.7 The representation relevant to the listed building consent application is addressed as follows:

<b>Comment</b>	<b>Response</b>
Inconsistency between the proposed plans and elevation of No. 48 New Square in terms of the positioning of the proposed basement windows.	This was clarified and the drawings amended during the course of the application. The amended drawings are considered to be acceptable.

## **9.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended by section 51(4) of the Planning and Compulsory Purchase Act 2004).

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

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

3. No new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (porch, doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades, etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

4. Prior to commencement of any alterations to the listed building, full details, in terms of materials, fixing, surface finish & colour, of all new/altered metalwork [stairs, balustrades, grilles, railings, brackets, window frames, columns, etc.] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Listed Building and Conservation Area. (Cambridge Local Plan 2006, policies 4/10 and 4/11).

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**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1674/S73	<b>Agenda Item</b>	
<b>Date Received</b>	20th September 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	15th November 2016		
<b>Ward</b>	Market		
<b>Site</b>	28 Maids Causeway Cambridge CB5 8DD		
<b>Proposal</b>	Section 73 application to vary condition 1 drawings of 15/1109/FUL to increase the height of the new garage to 2.97m at the front parapet, replace window and door facing 28 Maids Causeway with bi-fold glazed door, with integral single door.		
<b>Applicant</b>	Ms McLennan 28 Maids Causeway Cambridge CB5 8DD		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The increased height of the structure is considered to respect the amenities of neighbours in terms of visual enclosure, overshadowing and overlooking.</li> <li>- The proposal would preserve the character and appearance of the Conservation Area and would not harm the adjacent Buildings of Local Interest and Listed Buildings.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site, no.28 Maids Causeway, is comprised of a two-storey mid-terrace residential property situated on the south side of Maids Causeway. The site has a small garden to the rear and a large garage which leads onto Salmon Lane which runs from west to east adjacent to the rear of the site. The

surrounding area is residential in character and is formed of similar sized terraced and semi-detached properties.

- 1.2 The site falls within the Central Conservation Area and is a Building of Local Interest. To the east, nos.32 – 50 Maids Causeway are Grade II listed Buildings.

## **2.0 THE PROPOSAL**

- 2.1 In 2015, planning permission (15/1109/FUL) was granted for a single-storey double garage. The development has not been carried out in accordance with the approved plans. The proposal seeks to vary condition 1 (drawings) to increase the height of the approved garage to 2.97m at the front parapet and replace the window and door facing 28 Maids Causeway with bi-folding glazed doors.
- 2.2 The single-storey double garage approved under the previous consent measured approximately 2.8m to the ridge of the flat roof. During the construction of the garage concerns were raised by local residents regarding the height of the structure and planning enforcement officers visited the site accordingly. It was discovered that the development was exceeding the 2.8m height and the development was therefore deemed to be in contravention of the approved plans. The applicant has now sought to vary condition 1 (drawings) to seek to regularise this development in planning terms.
- 2.3 The approved drawings of the former planning permission showed the ground level of the site as being level throughout the site, when in fact there is actually a change in the gradient of the site. The consequence of this is that the northern-end of the constructed garage is higher than the southern-end. At the time of my site visit on 16 January 2017, the north-western corner of the building measured approximately 3.24m from ground level and this was found to be the highest point of the structure. This is consistent with the latest measurements supplied by No.26 Maids Causeway.
- 2.4 The approved drawings also showed the garage door as being a vertically planked timber door and instead a horizontally planked metal/ plastic door has been implemented.

- 2.5 The garage is now fully completed and it is understood that, with the exception of internal works, no further construction works are scheduled to take place.
- 2.6 The application has been called in to Planning Committee by Councillor Gillespie on the grounds of loss of light and due to the development being out of keeping with the Conservation Area.

### 3.0 SITE HISTORY

Reference	Description	Outcome
15/1109/FUL	Demolition of double garage at 1-2 Salmon Lane behind 28 Maids Causeway and replacement with new double garage with garden room.	Permitted.
15/0052/FUL	Demolition of double garage at 1-2 Salmon Lane behind 28 Maids Causeway and replacement with new double garage with garden room and accommodation above	Withdrawn.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12
		4/10 4/11 4/12 4/13
		8/2 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 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u>
	<u>Area Guidelines</u>  Kite Area Conservation Area Appraisal (1996)

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

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

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



## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

#### Urban Design and Conservation Team

6.2 No objections to the revision compared to the approved scheme. With regard to the conditions of that consent and the detailing of the building, the existing door appears to be a horizontally planked up-and-over example, possibly in metal or plastic which is nowhere near the vertically planked timber example that it should have been. Looking along this lane, there are many examples of traditional, vertically planked doors and only 2 or 3 horizontally planked ones and the latter stand out as inappropriate for this CA location.

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 in objection to the application:

26 Maids Causeway	30 Maids Causeway
32 Maids Causeway	34 Maids Causeway
36 Maids Causeway	13 Fair Street
14 Fair Street	9 Willow Walk
19 Apthorpe Street, Fulbourn	

7.2 The representations can be summarised as follows:

- The building is 0.6m higher than that which was previously permitted.
- Overlooking/ Loss of privacy
- Overbearing/ Visual enclosure
- The building is an obtrusive structure
- The development is detrimental to the Kite Conservation Area.

- The development undermines the character and setting of the area, including the adjacent Buildings of Local Interest and Listed Buildings.
- The letters of support are not from the local vicinity and should be invalid.
- The builders of the garage were instructed not to proceed with works but carried on regardless.
- What will the enforcement action be if the application is refused and any subsequent appeal unsuccessful?
- Conditions 5 -8 of the planning consent have not been discharged.
- The applicant has breached planning laws and regulations.
- The building is not likely to be used in the future as a garage with garden room.
- Overshadowing/ Loss of light

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

32 Chesterfield Road	Sandacres, Great North Road, Bawtry
3 Godesdone Road	13 Davey House, Kinross Road
28A Maids Causeway	231 Coldhams Lane
City House, 126 – 130 Hills Road	32 Beech Drive, St Ives
4 Hemington Close, Over	28 Cambridge Villas, Godmanchester
33 Monmouth Court, Coopers Road, London	48 Selby Road, Holme on Spalding Moor, York
24 Stoke Doyle Road, Oundle	11 Bridge Terrace, London Road, St Ives
10 Arnold Close, St Ives	12 Telegraph Street, Cottenham
2 Racecourse View, Cottenham	12 Thistlemead, Loughton
6 Dart Close, St Ives	7, Sallows, Fenstanton
4 Cunningham Cres, Nambour, Australia	3 Thurlestone Avenue, Morden
36 Cautley Avenue, London	41 Glaisyer Way, Iver Heath
1 Osprey Close, London	Moorhaye, Ashwater, Beaworthy
Flat 16, 1 Houghton Road, St	Flat 10 Bridge House, 6

Ives	Waterworks Yard, Croydon
26 Ouse Walk, Huntingdon	110 Headlands, Fenstanton, St Ives
Chatsworth Avenue, Radcliffe-on-Trent, Nottingham	238 Kingsground, London
12 Oakfield Court, Hull	20 Rookery Close, St Ives
19 Cabbage Moor, Great Shelford	

7.4 The representations can be summarised as follows:

- The garage does not harm neighbour amenity.
- The design is in keeping with its surroundings.
- No loss of light
- The green roof will be environmentally positive
- The new building enhances the local area.
- Additional parking will help alleviate the shortage of resident parking spaces.
- No visual enclosure

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

## 8.0 ASSESSMENT

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

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

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

8.2 Planning permission (15/1109/FUL) was granted for a garage on this site. The development was not built in accordance with the approved plans and seeks to regularise the following changes:

- Increase in overall height of the building from 2.8m (as approved) to 3.24m (as built) in the north-west corner and 2.97m at the front parapet where the ground level is lower.
  - Replace the window and door (as approved) facing onto 28 Maids Causeway with bi-folding glazed doors (as built).
  - Replace vertically clad cedar paneled garage door (as approved) with horizontally steel clad garage door (as built).
- 8.3 The garage is visible from oblique views along Fair Street, and highly visible in the street scene of Salmon Lane. There are other single-storey outbuildings in the immediate vicinity of the site and larger annexes and coach houses further to the east along Salmon Lane.
- 8.4 The garage occupies a square footprint of roughly 58m<sup>2</sup> at the end of the garden which is larger than that of the other single-storey outbuildings in the area. At approximately 3m in height adjacent to Salmon Lane, the outbuilding is also marginally taller than neighbouring outbuildings. Although the overall form and scale of the garage is greater than that of the adjacent outbuildings, I do not consider that it appears out of context with its surroundings. I am of the opinion that the massing, from a design perspective, is respectful of the character and appearance of the Conservation Area. The new garage has replaced a previous garage which occupied a similar position and massing to that approved. I am of the view that it does not impact upon the special interest of nearby Buildings of Local Interest and preserves the setting of the adjacent Listed Buildings. The Urban Design and Conservation Team have raised no objection to the overall design and form of the garage.
- 8.5 The garage is constructed in reclaimed bricks with a stone coping and green sedum roof. These materials are considered to be in keeping with the surrounding context and preserve the character and appearance of the Conservation Area. The Urban Design and Conservation Team have raised no objection to this aspect of the works.
- 8.6 The Urban Design and Conservation Team have objected to the application on the grounds that the horizontally planked metal/plastic doors stand out and are inappropriate in the context of the Conservation Area. I have identified the style of doors at other garages and outbuilding along Salmon Lane below:

<u>Vertically Clad</u>	<u>Horizontally Clad</u>
30 Maids Causeway (plastic/metal)	38 Maids Causeway (plastic/metal)
32 Maids Causeway (timber)	46 Maids Causeway (plastic/metal)
36 Maids Causeway (plastic/metal)	
40 Maids Causeway (timber)	
42 Maids Causeway (timber)	
44 Maids Causeway (timber)	
48 Maids Causeway (plastic/metal)	
50 Maids Causeway (timber)	

- 8.7 It is evident from the table above that the majority of garage doors fronting onto Salmon Lane consist of vertical cladding although there is a mixture of material types. The garage doors of the previously demolished garage were plastic and were not clad in any direction.
- 8.8 I agree with the advice of the Urban Design and Conservation Team and consider that the appearance of the horizontally clad garage doors is contrary to the majority of other garages along Salmon Lane and fails to preserve the character or appearance of the Conservation Area. There are two examples of horizontal style cladding along this street. However one of these examples is for a single-opening and the other example is a considerable distance away further along Salmon Lane. As a result, I am of the view that the fenestration of openings along Salmon Lane is predominantly one of vertically clad doors and that the garage door should conform to this, as per the originally approved drawings. The views of the three-storey terraced Buildings of Local Interest and Listed Buildings, when viewed from Salmon Lane, are not significantly affected by the use of horizontal cladding and this fenestration detailing is read as a minor detail when viewed in the context of these buildings. Nevertheless, I am of the opinion that the garage door as built does harm the Conservation Area. I have therefore suggested a condition for the garage door to be removed and replaced with a vertically clad door within 3 months of permission being granted.
- 8.9 Overall I am of the view that the garage preserves the character and appearance of the Conservation Area and is respectful to

the settings and special interests of the adjacent Buildings of Local Interest and Listed Buildings.

- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/10, 4/11 and 4/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.11 The main consideration is the impact of the garage on the adjoining occupiers.

#### Impact on nos.13 – 14 Fair Street

- 8.12 Nos. 13 – 14 Fair Street is comprised of ground-floor commercial uses and first-floor flats. The ground-floor commercial uses are a beauty therapy shop, with a treatment room, and a picture frame shop. There is a rear patio area to the rear of these premises which abuts the application site from the west. Concerns have been raised from this neighbouring property regarding loss of light and loss of privacy. I have visited this neighbouring property.
- 8.13 I am of the view that the development does not compromise the privacy of this neighbour. The side facing windows serve a car parking area and toilet. These windows face out onto the high boundary wall and the nature of use of the rooms would not result in any harmful overlooking towards these adjacent occupiers.
- 8.14 The garage is approximately 0.45m higher than that which was originally permitted. The garage is situated roughly 1m directly to the east of this neighbour's rear patio wall and it is likely that some overshadowing will occur in the early morning hours during the winter months when the sun is at its lowest point. The levels of overshadowing during the autumnal, vernal and summer times of the year are not likely in my opinion significant during the early morning hours. By late morning the levels of light reaching this outdoor space would be similar to that of present. The top of the wall of the garage is visible from the rear ground-floor windows of this neighbour. However the separation distance of just over 6m between the garage and this neighbour's rear ground-floor windows, coupled with the single-

storey height of 3.24m, is sufficient, in my view, to ensure that there would be no significantly harmful loss of light or enclosure experienced. The garage does not break the 25° line taken from the centre point of this window. It is also pertinent to point out that the patio space and rear windows serve the ground-floor shops and are not used in a residential capacity.

#### Impact on no.26 Maids Causeway

- 8.15 No.26 Maids Causeway adjoins the main property of the application site and has a small rear south-facing garden. This neighbour has raised concerns regarding visual enclosure and overshadowing. I have visited this neighbouring property.
- 8.16 The garden room window would look back onto the rear of the host dwelling and the views from this would not compromise the privacy of this neighbour due to the existing mutual sense of overlooking between these terraced properties.
- 8.17 In terms of overshadowing, I am of the opinion that the garage does not harmfully impact on the amenity of this neighbour. There is likely some overshadowing during the mid-morning hours, particularly during the winter months when the sun is at its lowest point. However, at 3.24m in height, I do not anticipate that this structure causes any significant overshadowing during the vernal, autumnal and summer equinoxes and that adequate light reaches this neighbour's garden. In addition, there would still likely be light reaching this neighbour's garden in the midday and early afternoon.
- 8.18 The slope of the land means that the garage is at its highest point closest to this neighbour's rear garden boundary. It also appears from my site visit that the garden land of no.26 is lower than that of the ground-level adjacent to the north-west corner of the garage which does exacerbate the perceived height of the structure when viewed from this neighbour. The garage is set over 1m away from this neighbour's rear boundary. Although I acknowledge from viewing the southerly outlook from this neighbour's garden that the upper portion of the garage is clearly visible, I am not convinced that the visual presence is such that it adversely overbears this outdoor amenity space. The structure is not in my opinion large enough to harmfully enclose this space and, on balance, I am of the opinion that the

impact is not significant enough to warrant refusal of the application.

#### Impact on no.30 Maids Causeway

- 8.19 No.30 adjoins the existing property to the east of the application site and has a small south-facing garden.
- 8.20 The proposed development would not visually enclose or overshadow this neighbouring property in respect of its single-storey scale and form. This neighbour would have an unaffected east and south outlook which would ensure adequate levels of light reach the garden and it would not be visually enclosed. There would be no loss of privacy experienced at this neighbouring property as the windows of the proposal would have similar views to the existing rear elevation windows of the main property.
- 8.21 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

#### **Highway Safety**

- 8.22 The Highway Authority has raised no objection to the proposal and I agree with this advice.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

#### **Third Party Representations**

- 8.24 The third party representations have been addressed in turn below:

The building is 0.6m higher than that which was previously permitted.	Planning permission was granted for a 2.8m high building. The building, as constructed, measures approximately 3.24m high from ground level taken directly next to the building.
Overlooking/ Loss of privacy	This has been addressed in the



Overbearing/ Visual enclosure Overshadowing/ Loss of light	residential amenity section of this report.
The building is an obtrusive structure The development is detrimental to the Kite Conservation Area. The development undermines the character and setting of the area, including the adjacent Buildings of Local Interest and Listed Buildings.	This has been addressed in the context of site, design and external spaces (and impact on heritage assets) section of this report.
The letters of support are not from the local vicinity and should be invalid.	The address of third party representations in relation to the location of the application site does not invalidate the representations received.
The builders of the garage were instructed not to proceed with works but carried on regardless. What will the enforcement action be if the application refused and any subsequent appeal unsuccessful? Conditions 5 -8 of the planning consent have not been discharged. The applicant has breached planning laws and regulations.	The contractor and applicant were advised on-site on multiple occasions that they were developing at their own risk. The Local Planning Authority cannot prevent the contractor and applicant from proceeding with works if they wish to do so. If planning permission is refused by the Planning Committee then enforcement action will be undertaken in accordance with planning enforcement protocol. In the event of refusal, it is anticipated that the applicant will likely appeal the decision and any enforcement will be postponed pending the outcome of the appeal decision.
The building is not likely to be used in the future as a garage with garden room.	Condition 4 of planning permission reference 15/1109/FUL prevents the outbuilding from being separately used, occupied or let and this will apply to this S73 application if approved. If the applicant seeks to separately use, occupy or let the building then planning

	permission for this will be required.
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## 9.0 CONCLUSION

- 9.1 The garage does not harmfully overshadow, overlook or visually dominate neighbouring properties. The garage is considered to preserve the character and appearance of the Conservation Area and does not adversely impact upon the settings and special interests of the nearby Buildings of Local Interest and Listed Buildings.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

2. Conditions 3 - 8 of planning permission 15/1109/FUL shall continue to apply to this permission. Where such conditions pertaining to 15/1109/FUL have been discharged, the development of 16/1674/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 construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

4. The development hereby permitted shall be used solely in conjunction with and ancillary to 28 Maids Causeway 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)

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

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

6. Full details of all wall copings, including type, design [cross-sectional drawings may be appropriate], fixings and materials, 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 Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

7. No external joinery shall be installed until drawings at a scale of 1:20 of all such joinery (doors and surrounds, windows and frames 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 Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

8. Prior to any painting/varnishing/staining or other external treatment to new or retained joinery, the colour of the external treatment to new or retained joinery shall be submitted to and approved in writing by the local planning authority by means of the British Standard Number [obtainable from B S Framework for Colour Co-ordination for building purposes, BS 5252: 1976]. The development shall be carried out in accordance with the approved details.

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

9. Notwithstanding the approved drawings, within 3 months of this permission being granted the horizontally clad garage door shall be removed and replaced with a vertically clad garage door, the details of which shall be submitted to and agreed in writing by the local planning authority.

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

**INFORMATIVE:** Any alterations to the outbuilding once constructed will require planning permission.

**INFORMATIVE:** The use of the roof of the outbuilding as an external amenity space will require planning permission.

**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1916/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1st November 2016	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	27th December 2016		
<b>Ward</b>	Petersfield		
<b>Site</b>	61 Norfolk Street Cambridge Cambridgeshire CB1 2LD		
<b>Proposal</b>	Change of use of takeaway (A5 use) and Housing in Multiple Occupation (HMO) to 3no. residential units, including alterations to the front elevation, rear extension and rear roof extensions. Erection of one-and-a-half storey building to provide a further 2no. residential units. Associated landscaping, bin and bike storage		
<b>Applicant</b>	Mr & Mrs N Lai 61, Norfolk Street CAMBRIDGE CB1 2LD		

<p><b>SUMMARY</b></p>	<p>The development fails to accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would have an unacceptable overlooking, enclosing and overshadowing impact on the neighbouring properties, which would have a significant adverse impact on residential amenity.</li> <li>- The proposed increase in the number of units and the site layout would generate significant noise and disturbance, which would have a significant adverse impact on residential amenity.</li> <li>- The proposal would provide future occupiers with poor quality living accommodation and outdoor amenity space, which would fail to provide an unacceptable level of residential</li> </ul>
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	<p>amenity.</p> <ul style="list-style-type: none"> <li>- The proposal fails to demonstrate adequate provision of bin storage facilities.</li> </ul>
RECOMMENDATION	REFUSAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No. 61 is a two storey mid-terrace property on the southern side of Norfolk Street opposite the junction with Staffordshire Street. Norfolk Street is characterised mainly by terrace housing with a parade of commercial and non-residential uses.
- 1.2 The ground floor is used as a Caribbean takeaway including a shop frontage. The first and second floors are currently used as Housing in Multiple Occupation (HMO). There is a yard at the rear which is partly used for storage. The southern boundary runs along Flower Street which includes a landscaped buffer outside the applicant's control.
- 1.3 To the east of the site are Nos. 63 and 65. No. 63 is a two storey dwelling with a converted attic and a pitched roof dormer in the front roof slope. No.65 has been converted and extended at the rear into four flats. The development was approved in 2007 (07/0787/FUL) and extends from the corner of Norfolk Street along Blossom Street and onto Flower Street.
- 1.4 To the west is No. 59 which is a two storey dwelling with a two storey outrigger on the rear elevation and a rear garden, including a single storey outbuilding. To the south are the properties fronting Blossom Street. The Flower Street play area and open space is to the south.
- 1.5 The site is located within the Mill Road Area of the Central Conservation Area. The property and others within the terrace on the southern side of Norfolk Street are identified in the Townscape Analysis as a 'positive unlisted building'. The site is within a local centre and 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 No. 61 from takeaway (A5 use) and HMO to 3 no. residential units, including alterations and extensions to the existing building. The proposal also includes the erection of a one-and-a-half storey building at the rear to provide a further 2 no. residential units, with associated landscaping, bin and bike storage.
- 2.2 The proposed works to convert No. 61 include blocking up the existing shop frontage with brickwork and windows, and insertion of a gated passageway on the front elevation. The property would be extended at the rear with a three storey stair core with a pitched roof, which would project approximately 2m from the rear elevation. The extensions include the insertion of two pitched roof dormers on the rear roof slope.
- 2.3 The proposed building at the rear of the plot would be one-and-a-half storeys with a pitched roof. The building would fill the width of the plot and would be 8.5m wide and 7m deep. It would be approximately 3.2m high to the eaves and 5.8m high to the ridge. There would be two pitched roof dormers and a roof light on the northern roof slope. The materials would be brick with a slate tiled roof.
- 2.4 There would be no separate access to the property at the rear of the plot from Flower Street. Access to all units would be via the gated passageway from Norfolk Street into a communal area of open space serving all units. Bin storage would be provided in a store located on the side of the passageway and cycle parking would be provided in a cycle store against the eastern boundary of the site.
- 2.5 During the course of the application, revised plans were submitted which increased the width of the side passageway to 1.2m following comments from the Cycling and Walking Officer and the Refuse Team.
- 2.6 The application is accompanied by the following supporting information:
1. Design and Access Statement (including Shadow Study)
  2. Drawings

### 3.0 SITE HISTORY

Reference	Description	Outcome
15/1000/FUL	3 new 2 bedroom flats and 3 flats converted in existing building.	Withdrawn

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies:

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning	Sustainable Design and Construction (May



Guidance	2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)  Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

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

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

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

## 6.0 CONSULTATIONS

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

No objection. Recommended informative to advise future occupants would not be eligible for Residents Parking Permits.

## **6.2 Environmental Health**

No objection. Standard conditions for construction hours and construction delivery/collection hours are recommended.

## **6.3 Refuse and Recycling**

The number of 660 litre bins and the drag distance to the kerb are acceptable. The passageway is not wide enough for four-wheeled bins which must be 2 metres wide. The bins could be downsized to 240 litre bins, but these would not be collected so residents would need to leave these on the pavement for collection. Is there room? Prefer to have bulk communal bins that crews collect located close to pavement as possible, not through gates and down passageways.

## **6.4 Urban Design and Conservation team**

No objection.

The scheme that has been submitted has taken on board Conservation comments raised at the pre-application stage. The new building to the rear of the site has been reduced in scale, with the ridge height being lower than was previously seen. This now makes it a more appropriate. The set back from Flower Street it will be behind the green border owned by Cambridge City Council which will soften the impact of this new built form.

The stair tower on the rear of no. 61 is now to be in brick rather than timber clad as was proposed in the pre-application submission. This is a more appropriate material. The use of dark grey boarding at roof level, to match with the slates, is supported.

The proposals for the front of no. 61 Norfolk Street are acceptable. Introducing more appropriately detailed windows will improve the front elevation and therefore the character and appearance of the conservation area.

If approved, all materials for this development should be conditioned to ensure that they are appropriate for this site in the conservation area.

## 6.5 **Cycling and Walking Officer**

The cycle racks and spacing proposed are not acceptable. They should be of the type and spacing required by the Cycle Parking Standards within the Cambridge Local Plan. The width of the passageway to the cycle parking should be a minimum of 1.2m and should be of a hard surfacing.

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 objecting to the proposal:

- 59 Norfolk Street
- 63 Norfolk Street
- 45 Norfolk Terrace
- 2 Blossom Street
- 15 Blossom Street
- 30 Highsett

7.2 The representations can be summarised as follows:

- Loss of takeaway use.
- High density lets and student accommodation which does not meet need for local people.
- No affordable housing.
- Overdevelopment of the site.
- Out of keeping with the character of buildings and the Conservation Area.
- Loss of shop frontage would harm the street.
- Landscaped buffer on Flower Street frontage should be enhanced.
- Visually overbearing.
- Overlooking from dormers of new building towards garden of No. 59 Norfolk Street.
- Overlooking towards No. 15 Blossom Street.

- Loss of light to neighbouring properties.
- Noise and disturbance impact on neighbouring properties.
- Increase in fly tipping as a result of high turnover of rental occupiers.
- Increase in anti-social behaviour.
- Increase in crime to neighbouring properties.
- Noise and disruption during construction.
- Increase in vehicle use of Flower Street impacting on highway safety.
- Increased pressure on parking.
- Increase in the number of bins left on the public highway.
- Inadequate cycle parking.
- Stress on local infrastructure.
- Inadequate access for fire safety.
- Capacity and security of water supply and foul sewage drainage.
- Drastically reduce the value of property.

7.3 The Cambridge Cycling Campaign has also objected to the proposal on the grounds of inadequate cycle parking provision.

7.4 The owners/occupiers of the following addresses have made representations supporting to the proposal:

- 30 Anns Road
- 36 Gilpin Road
- 5 Chalk Grove
- 7B Great Farthing Close, St Ives
- Apartment 1702, One Hagley Road, Birmingham

7.5 The representations can be summarised as follows:

- Beneficial for the area and community.
- The removal of the existing debris and derelict building would also improve the visual appearance of the area.
- In-keeping with the character of the area.
- Attractive for lettings due to proximity with Anglia Ruskin University, city centre and train station.
- Meet demand for wide choice of high quality homes.
- Attractive to foreign investors.

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 / Impact on heritage assets
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car parking
7. Cycle parking
8. Third party representations
9. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The loss of the takeaway on the ground floor would be acceptable in principle, as there are no planning policies to restrict the loss of this use within local centres. The loss of the HMO is acceptable in principle, as the property would remain in residential use.

8.3 The proposal includes the subdivision of the existing front building into 3 no. units. The relevant planning policy is 5/2, which states that the conversion of single residential properties into self-contained dwellings will be permitted except where:

- a. the residential property has a floorspace of less than 110m<sup>2</sup>;
- b. the likely impact upon on-street parking would be unacceptable;
- c. the living accommodation provided would be unsatisfactory;
- d. the proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
- e. the location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

8.4 The property would have an external floorspace of more than 110m<sup>2</sup>, not including the ground floor, and therefore meets

criteria a. I have assessed the proposal against criteria b – e below. For the reasons given in the following assessment, the proposal fails to meet criteria c and d of policy 5/2.

- 8.5 The proposal also includes the erection of a one-and-a-half storey building at the rear containing 2 no. units. The principle of development on a windfall site is supported in accordance with policy 5/1, as the site is within an existing residential area. Policy 3/10 for the sub-division of plots is also relevant. 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 proposal against these criteria. For the reasons given, in my opinion, the proposal fails to meet criteria c and b of policy 3/10, and as such the principle of sub-division of the plot would not be acceptable.

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

- 8.7 The site is located within a mainly residential context of predominantly two storey buildings fronting the highway. The property has an existing shop frontage. To the rear of this mid-terrace property is a yard area with ancillary flat roof structures on the western boundary. No. 65 Norfolk Street which is

located on the corner of Norfolk Street and Blossom Street has been extended and converted into flats.

- 8.8 The conversion of the existing property into residential flats would remove the commercial element on the ground floor, including the shop frontage. The Conservation Team has not objected to the loss of the shop frontage and in my opinion, the replacement with windows and openings would give the front elevation a traditional residential appearance. In my opinion this would be appropriate to the property and the character of the Conservation Area.
- 8.9 The proposed rear extension to the front building would provide a three storey stair core with a pitched roof. I am satisfied that the scale of the extension would be appropriate to the existing building. The Conservation Team has commented that the proposed materials – buff bricks on the ground and first floor and timber boarding on the attic storey – would be appropriate.
- 8.10 The proposal also includes two dormer windows on the rear roof slope. The proportion and design of these is more contemporary but they would sit within the roof and would complement the gable of the stair core extension. They would be appropriate to the existing roof form in accordance with the Roof Extensions Design Guide. The Conservation Team has not objected and in my opinion, the dormers would not harm the Conservation Area.
- 8.11 The proposed building at the rear would infill between the existing single storey outbuilding at the rear of No. 59 and the recent two storey development at the rear of No. 63. In my view, it would not be out of character with the established pattern of development. The footprint, scale and massing of the building would be appropriate to the surrounding context. The building would form part of a cohesive frontage onto Flower Street and the scale would provide a step between the development on either side. The Conservation Team supports the scale and design of the new building.
- 8.12 The southern Flower Street elevation has been designed to be modest and similar in appearance to the adjoining development at the rear of No. 63 to the east in terms of the proportions of the windows and the brickwork headers. In my opinion, the

design and scale would be in-keeping with the character of the Conservation Area.

- 8.13 The proposal includes a landscaped courtyard, however no details of the landscaping scheme have been submitted. I am satisfied that this could be agreed through a condition. Third parties have raised concern about the impact on the landscaped buffer along Flower Street, however as there would be no access from the site along this boundary, this would not be affected by the proposed development.
- 8.14 The Conservation Team has recommended a condition for material samples to be submitted for all parts of the proposal. Subject to this, I am satisfied that the proposal would not harm the character of the Conservation Area. In my opinion, the proposed alterations and extensions to the front building and the new building at the rear would be acceptable and the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 3/14 and 4/11.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.15 The neighbouring residential properties are No. 59 to the west and No. 63 to the east. The impact on these properties is assessed below.

#### *Impact on No. 59 Norfolk Street*

- 8.16 No. 59 is a two storey property with a two storey outrigger to the west of the site which forms part of the terrace along the southern side of the street. The property has a small rear garden including a patio close to the house (which is partially covered) and a single storey outbuilding at the rear of the site.
- 8.17 The centre of the nearest dormer window on the northern slope of the one-and-a-half storey building would be approximately 1.8m from the western site boundary. Views towards the patio would be oblique and the patio is partially covered, moreover the dormer window would serve a bedroom, which is less intensively used than living rooms. However, in my opinion, due to the close proximity of the window, there would be an actual and perceived loss of privacy for the occupiers of No. 59,



which would have an unacceptable impact on their residential amenity. There would be oblique views towards first floor windows on the rear elevation and on the side elevation of the outrigger, however these are bathroom windows and are obscure glazed.

- 8.18 The one-and-a-half storey building would have a 5.8m high gable end on the boundary with No. 59. In my opinion, the height and the proximity of this elevation would have an overbearing impact on the garden, which would have a significant adverse impact on residential amenity.
- 8.19 The proposed building would be to the south-east of No. 59 and would increase the area of the garden that is in shadow, however, having reviewed the shadow diagrams submitted by the applicant, in my opinion, this would not have a significant impact compared to the existing situation.
- 8.20 The proposed rear extension to the front building would not have an adverse impact on No. 59, in my opinion, due to the depth of the extension and the set-back approximately 2.4m to the east of the site boundary.

#### *Impact on No. 63 Norfolk Street*

- 8.21 No. 63 is a two storey property with a converted attic storey. Following recent development at the rear, this property has retained a small yard. The applicant's drawings label this as a 'service yard', however this is actually used as a courtyard and provides this property's only amenity space. It is enclosed by the two storey development fronting Flower Street and a high brick wall along the boundary with the application site.
- 8.22 The centre of the living/dining room dormer window on the northern roof slope of the one-and-a-half storey building would be approximately 2.4m to the boundary with No. 63. As a result, there would be relatively close-range and direct views from the first floor living/dining room window towards the yard and the ground floor kitchen/living room French doors. The yard is the only private amenity space for this property and is particularly sensitive to overlooking, and therefore in my opinion, there would be a significant loss of privacy. This dormer window would also be approximately 10m from the first floor bedroom window on the rear elevation of No. 63. The

living/dining room would be intensively used and views into bedrooms are particularly sensitive. In my opinion, this would result in a loss of privacy which would have a significant adverse impact on residential amenity.

8.23 No. 68's courtyard is narrow and significantly enclosed by the two storey building along the east and south sides, and the western boundary is a high boundary wall. The south west is the only open aspect from the yard and, as such, development of more than one storey in this location would result in enclosure of the yard on all sides, except directly to the west. The proposed one-and-a-half storey building would have a ridge height of 5.8m with dormer windows on the north facing roof slope adding to the bulk of the building. In my opinion, the scale and proximity of the building would enclose the south western aspect, which would lead to an unacceptable degree of enclosure within the yard. This yard provides the only private amenity space for this family property and as such weight must be given to the quality of this space. In my opinion, this degree of enclosure would have an unacceptable impact on their residential amenity.

8.24 The shadow diagrams submitted by the applicant show that No. 63's yard is already somewhat overshadowed by surrounding development. The proposed outbuilding would be to the south west of No. 63, however in my opinion, this would not have a significant impact compared to the existing situation. Nonetheless, the shadow diagrams do not show the impact on loss of light to the windows on the rear elevations and a daylight/sunlight assessment is required. As such, the proposal has failed to demonstrate that it would have an acceptable impact on light levels of No. 63.

8.25 Due to the depth of the three storey extension on the rear elevation of the existing building and its central position on the elevation, I am not concerned that this element would have a significant impact on the residential amenity of No. 63. There would be some oblique views from the proposed dormer windows on the south facing roof slope towards the yard, however in my opinion, this would be no worse than existing views from the first floor windows and as such would be acceptable.

- 8.26 No. 65 has also been extended at the rear with a building that turns the corner around Blossom Street and Flower Street. These two upper floor units (Nos. 16 and 17 Blossom Street) have no amenity space and no windows on the rear elevations facing the application site, and as such, the proposal would not impact on the amenity of the occupiers of this property.
- 8.27 The occupants of No. 15 Blossom Street have raised concerns about overlooking their property. The proposed one-and-a-half storey building would not have any first floor windows facing towards this property other than roof lights, and therefore I am not concerned about any overlooking. There may be some views from the dormer windows and stair core on the front building, however these would be over 20m away.
- 8.28 The number of units proposed on the site is likely to result in around 20+ future occupants. This increase in the intensity of use would generate significantly more comings and goings as well as noise and disturbance from use of the communal courtyard compared to existing. Since the only access – including for bikes and bins - would be via the passageway to the west of No. 63, the noise and disturbance would have a significant impact on this property. The location of the cycle parking against the southern boundary and the positioning of the bin store in close proximity would also generate noise and disturbance from people using these facilities on a regular basis. In my opinion, this would have an unacceptable impact on the residential amenity of neighbouring properties.
- 8.29 The impact of noise and disturbance during construction on the residential amenity of nearby properties could be addressed through conditions to restrict construction and delivery hours.
- 8.30 For these reasons, in my opinion the proposal fails to adequately respect the residential amenity of its neighbours and the constraints of the site and I consider that it is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

#### Amenity for future occupiers of the site

- 8.31 In my opinion, the proposal fails to provide an acceptable level of amenity for the future occupants. There would be overlooking from the communal amenity space into the

bedrooms of the ground floor units as there is no private or defensible space in front of these windows. There would be overlooking from Flower Street into the ground floor bedroom and, while the landscaped buffer would provide some degree of defensible space, as the maintenance of this buffer is outside the applicant's control, in my opinion this would not be acceptable. There would be direct views from the ground floor living/dining room of Unit 4 towards the bedroom of Unit 1; and direct views from the first floor bedroom and living/dining room windows of Unit 5 to the bedroom and kitchen windows of Unit 2. These views would be approximately 9.8m from window-to-window and, in my opinion, would lead to overlooking which would provide an unacceptable level of privacy and residential amenity for the future occupants. There would also be overlooking from the windows on the staircore towards the building the rear, however I am satisfied this could be resolved through a condition requiring these windows to be obscure glazed.

8.32 The proposal would provide 4 no. two-bedroomed units which would expect to have some amenity space provision and 1 no. one-bedroomed unit, which is more likely to be occupied by only two people. The proposed amenity space would be approximately 65sqm. In my opinion, this would not be large enough to provide an acceptable level of amenity for the proposed 5 no. units. Due to the orientation of the proposed one-and-a-half storey building on the southern part of the site, there would be a high degree of overshadowing which would provide a poor quality communal amenity space. In my opinion, the amount and quality of the outdoor amenity space would provide an unacceptable level of amenity for the future occupants.

8.33 For these reasons, in my opinion the proposal fails to provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12 and 3/14.

### **Refuse Arrangements**

8.34 The proposal includes a bin store on the western side of the passageway within the footprint of the existing building. The Refuse Team has commented that communal 660 litre bins are

preferred for the proposed number of units. They are satisfied that the capacity of the bins is acceptable and the drag distance from the bin store to the public highway would be less than the 10m maximum distance, however the 1.2m wide passageway is not wide enough to allow the proposed 660 litre bins.

8.35 The Refuse Team has advised that the passageway would be wide enough for 240 litre bins for each unit to have their individual bins, however the applicant has not provided details of an alternative bin store that would have the required capacity. I am not convinced that the required capacity could be achieved without further compromising the quality of the amenity space. This would have an impact on the residential amenity of future occupiers.

8.36 Moreover, the Refuse Team has advised that the 660 litre bins would be preferable. I have concerns that the number of bins that would be required for the proposed 5 no. units would obstruct the pavement on collection day. Each unit would need 3 no. bins to separate refuse, recycling and compostables. On some collection days, this would mean that 10 no. bins would be left out for collection. The pavement in this location is narrow and there are parking bays out the front. In my opinion, this would have a significant impact on the safety of what is a busy pavement which provides access to the local centre and primary school.

8.37 For these reasons, I am not satisfied that this could be resolved through conditions. The proposal has failed to demonstrate adequate bin storage and refuse arrangements and in my opinion, is not compliant with Cambridge Local Plan (2006) policies 3/10, 3/12 and 3/14 and the Waste Management Design Guide Supplementary Planning Document (February 2012).

### **Highway Safety**

8.38 There would be no vehicle access onto the public highway. The proposal does not include any car parking, however the Highways Authority has advised that this would not have an impact on highway safety. I accept this advice and in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## Car Parking

8.39 The proposal does not include any car parking and the site is within the controlled parking zone. Third parties have raised concerns about the impact of additional demand for on-street car parking. The Highways Authority has commented that the future occupants would not be eligible for Residents Parking Permits and has recommended an informative to advise accordingly. The occupants of the proposed units would therefore not increase pressure on on-street car parking. In my opinion, the site is in a highly sustainable location close to the city centre and the Grafton Centre, as well as local services along Norfolk Street, so the future occupants are not likely to be car-dependent. The adopted car parking standard set maximum limits and, in my opinion, the proposal is compliant with Cambridge Local Plan (2006) policy 8/10.

## Cycle Parking

8.40 The proposal includes 10 no. cycle parking spaces within a store on the eastern boundary of the courtyard. During the course of the application, the width of the passageway was increased to 1.2m to respond to concerns from the Cycling and Walking Officer. The width of the gate would be at least 1m wide. I am satisfied that details of the cycle store could be secured through conditions. For these reasons, subject to this condition, in my opinion the proposal complies with Cambridge Local Plan (2006) policy 8/6 and the Cycle Parking Guide for New Residential Developments (2010).

## Third Party Representations

8.41 I set out below my response to the third party representations received.

Objections:

<b>Matter</b>	<b>Comment</b>	<b>Response</b>
Principle of development	Loss of takeaway use.	See para 8.2.
	High density lets and student accommodation which does not meet need for local people.	There is an evidenced need for one and two bedroom units within the city.

	No affordable housing.	The proposal does not meet the thresholds to trigger affordable housing contributions under Cambridge Local Plan (2006) policy 5/5.
Response to context	Overdevelopment of the site.	See paras 8.7-8.14.
	Out of keeping with the character of buildings and the Conservation Area.	
	Loss of shop frontage would harm the street.	
	Landscaped buffer on Flower Street frontage should be enhanced.	
Residential amenity	Visually overbearing.	See paras 8.15-8.30.
	Overlooking from dormers of new building towards garden of No. 59 Norfolk Street.	
	Overlooking towards No. 15 Blossom Street.	
	Loss of light to neighbouring properties.	
	Noise and disturbance impact on neighbouring properties.	
	Increase in fly tipping as a result of high turnover of rental occupiers.	
	Increase in anti-social behaviour.	
	Increase in crime to neighbouring properties.	
	Noise and disruption during construction.	See para 8.29.

Highways	Increase in vehicle use of Flower Street impacting on highway safety.	See para 8.38.
	Increased pressure on parking.	See paras 8.38-8.39
Bins and bikes	Increase in the number of bins left on the public highway.	See paras 8.32-8.34. The preferred arrangement is for communal bins to be collected from within the site by the refuse team.
	Inadequate cycle parking.	See para 8.40
Other	Stress on local infrastructure.	Contributions towards the provision of infrastructure should not be sought for this development for the reasons set out in Section 9 below.
	Inadequate access for fire safety.	These are not a relevant planning matters that I can take into account.
	Capacity and security of water supply and foul sewage drainage.	
	Drastically reduce the value of property.	

Support:

<b>Comment</b>	<b>Response</b>
Beneficial for the area and community.	This is subjective. For the reasons set out in this report, in my opinion the proposal would not deliver net benefit to the wider area.
The removal of the existing debris and derelict building would also improve the visual appearance of the area.	I consider the proposal would enhance the appearance of the site.
In-keeping with the character	I consider the proposal is in-



of the area.	keeping with the character of the area for the reasons set out in paras 8.7-8.14.
Attractive for lettings due to proximity with Anglia Ruskin University, city centre and train station.	The proposal would provide units to contribute towards meeting evidenced demand within the city, however, in my opinion this benefit of this does not outweigh the significant harm that would be created by the proposed development.
Meet demand for wide choice of high quality homes.	
Attractive to foreign investors.	This is not a relevant planning matter.

## 9.0 Planning Obligations (s106 Agreement)

9.1 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.

9.2 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.

## 10.0 RECOMMENDATION

**REFUSE** for the following reasons:

1. The proposal, by virtue of the scale, orientation and proximity to site boundaries, fails to have an acceptable impact on the residential amenity of the occupants of neighbouring properties. The proposed one-and-a-half storey building would have a significant enclosing impact on the outdoor amenity space of No. 63 Norfolk Street and the proposal has failed to demonstrate that it would not result in a significant loss of light to this property. The western gable end of the proposed one-and-a-half storey building would have an unacceptable overbearing impact on the outdoor amenity space of No. 59 Norfolk Street. The dormer windows on the proposed one-and-a-half storey building would overlook the amenity spaces of Nos. 59 and 63 Norfolk Street and the rear windows of the latter property, which would lead to an unacceptable loss of privacy. The proposal would therefore be contrary to Cambridge Local Plan policies 3/4, 3/7, 3/10 and 3/12, and paragraph 56 of the National Planning Policy Framework (2012).
  
2. The proposal, by virtue of the number of proposed units and site layout, fails to have an acceptable impact in terms of noise and disturbance on the residential amenity of the occupants of neighbouring properties. The number of potential future occupiers would significantly increase the intensity of use on the site. Use of the communal amenity space would result in noise which would have a significant impact on the residential amenity of Nos. 59 and 63 Norfolk Street. The number of comings and goings along the single access and the positioning of the cycle parking and bin storage would generate significant noise and disturbance which would impact on the residential amenity of the occupants of No. 63 Norfolk Street. The proposal would therefore be contrary to Cambridge Local Plan policies 3/4, 3/7, 3/10 and 3/12, and paragraph 56 of the National Planning Policy Framework (2012).

3. The proposal fails to provide an acceptable level of amenity for the future occupants. The separation distance between the windows of habitable rooms on the proposed one-and-a-half storey building and the converted building would provide an unacceptable degree of overlooking. The overlooking from the communal amenity space into the ground floor habitable rooms would provide an unacceptable level of privacy for the future occupants. The amount and quality of the amenity space, which would be significantly overshadowed, would provide an unacceptable level of amenity. As such, the proposal fails to comply with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12 and 3/14, and paragraph 56 of the National Planning Policy Framework (2012).
  
4. The proposed refuse and recycling arrangements are unacceptable and the applicant has failed to demonstrate that the proposal would meet the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). The width of the passageway would not meet the standards required thereby preventing collection which would result in an unacceptable level of amenity for future occupants. As such, the proposal would be contrary to policies 3/10, 3/12 and 3/14 of the Cambridge Local Plan (2006), and paragraph 56 of the National Planning Policy Framework (2012).

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**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1919/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1st November 2016	<b>Officer</b>	Sav Patel
<b>Target Date</b>	27th December 2016		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	Land Rear Of 268 Queen Ediths Way Cambridge CB1 8NL		
<b>Proposal</b>	Erection of 3. No four bed houses, internal access road, car and cycle parking, hard and soft landscaping.		
<b>Applicant</b>	N/A 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 Inspector's decision to allow the appeal against the refusal of the first application for 3 detached dwellings is a material consideration.</li> <li>- The Inspector concluded that the design, scale and layout of the development to be acceptable as there would be no adverse impact on the character of the area, to the residential amenity of the adjacent occupiers, to the ecology of the site and surrounding area, to highway safety and on the living conditions of future occupiers.</li> <li>- The proposed alterations to the layout from the appeal scheme are acceptable and would not have any detrimental impact on the site and surrounding area over and above the appeal scheme.</li> <li>- On this basis approval is recommended.</li> </ul>
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## 0.0 BACKGROUND

- 0.1 Material to the consideration of this planning application is the planning history of the site. I therefore set this out in detail below.
- 0.2 The site has been the subject of three previous planning applications for residential development. The first application (14/1382/FUL) was for seven dwellings (1x5bed and 6x4bed detached dwellings). This application was recommended for refusal and presented to Planning Committee in February 2015. The proposed development was recommended for refusal on four grounds: detrimental impact on the character and appearance of the site and area; loss of trees; detrimental impact on the residential amenity of the adjacent occupiers; and no planning obligations. Members of the Planning Committee agreed with officer and resolved to refuse the application.
- 0.3 Following the refusal, a subsequent planning application (15/0596/FUL) was submitted for three (3x4bed) detached dwellings on a reduced site area. The planning application was presented to Planning Committee in October 2015 with a recommendation for refusal on three grounds: detrimental impact on the character of the site and surrounding area; significant loss of trees; and detrimental impact on the residential amenity in terms of overlooking of the existing occupiers in Queen Ediths Way and between future occupiers of the proposed development.
- 0.4 Members of the Planning Committee disagreed with the refusal reasons proposed by officers. However, after much debate, Members agreed to refuse the proposed development but only on the basis of the potential overlooking impact of private rear gardens between the future occupiers of the site. This related particularly to the occupiers of plots 2 and 3, due to the louvre screens at first floor, which were angled towards the rear gardens. The reason for refusal was as follows:

*The proposal would, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the*

*proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/7 and 3/12 of the Cambridge Local Plan (2006).*

0.5 Following this decision, the applicant resubmitted a new planning application (15/2063/FUL) for the same residential development but orientated the dwellings in a formalised pattern and pulled the dwellings away from the western boundary with the dwellings in Queen Ediths Way. The applicant also addressed the overlooking issue between future occupiers by changing the internal layout of the first floor so that the windows in the rear elevation served bathrooms which would be obscure glazed. As the applicant had addressed the reason for refusal in the previous application, Officers recommended the application for approval subject to conditions. The application was then presented to Planning Committee in March 2016.

0.6 The officer recommendation for approval was overturned at Planning Committee and Members resolved to refuse the planning application for an entirely new reason. The application was refused for the following reason:

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

0.7 Members were concerned that the proposed development would have a detrimental impact on the green corridor and rural character of the site and present an alien form in this green edge context from Lime Kiln Road.

0.8 In April 2016, the applicant appealed the refusal of planning permission for the earlier application ref: 15/0596/FUL. In August 2016, the Inspector allowed the appeal.

- 0.9 The Inspector concluded that the site does not fall within the East Corridor as it is defined by the Landscape Character Assessment and as such he did not consider the proposed development would significantly alter the characteristics of the site and how it would contribute to a green edge to the urban area. The Inspector said views of the appeal site are limited from the public realm due to the dense planting on Limekiln Road and that Limekiln Road is the edge of the built up area and plays an important role in containing the built form and preventing encroachment into the countryside. The Inspector considered the proposed design and simple form of the development as positive features that would make a positive contribution to the site.
- 0.10 The Inspector also concluded that the fitted louvre panels to the first floor of plots 1 and 2 would provide limited views over the garden of plot 3 such that privacy would not be compromised. The Inspector also came to the same conclusion about the overlooking from plot 1 over plot 2. In terms of overlooking, the Inspector did not consider the proposed development would lead to overlooking between the plots and as such would not give rise to harm to living conditions of the future occupiers.
- 0.11 A copy of the appeal decision is attached as Appendix 1. This is a material consideration to this current planning application which is for a similar proposal. The current proposed development reflects the layout of the refused scheme submitted in the last planning application ref: 15/2063/FUL.
- 0.12 The principle of residential development on this site has now been established by the appeal decision. The Inspector also did not consider the proposed development would have any adverse impact on the residential amenity of the existing and future occupiers, and did not consider the proposed tree loss would be harmful to the character of the site or area. The Inspector also did not raise any highway safety issues. Therefore as there has been no material change in planning policy or to the site since the last application was refused, I will only assess the proposed alterations to the appealed scheme in my assessment below.



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

- 1.1 The application site is located in the south-eastern corner of the City, on the southern side of Queen Edith's Way, close to the junction with Lime Kiln Road, which inclines from Queen Edith's Way. The site was a former chalk pit, which has been partly back-filled at the southern end of the site from spoil and fill from the construction of Addenbrooke's Hospital.
- 1.2 Queen Edith's Way is characterised as a suburban residential area consisting mainly of two storey detached and semi-detached dwellings with deep rear gardens and a good level of spacing between. The application site is located to the side (north-east) and rear (south) of No.268, which is a two storey detached dwellinghouse set back from the road. The site also adjoins the rear gardens of nos.252 to 266 Queen Edith's Way, which are two storey semi-detached dwellings with deep gardens. The garden depths of the dwellings that adjoin the site range from 71 metres (no.252) to 16 metres (no.268).
- 1.3 To the east is Lime Kiln Road which is a narrow rural road with limited footpaths and dense green verges on either side. There is no development along Lime Kiln Road. It is very much an exit and entry route into and out of the City from the south. The application site plays an important role in people's perception of having left the city and entering the countryside beyond.
- 1.4 The application site boundaries are defined by established tree and dense shrub planting which limits views into the site from Lime Kiln Road and Queen Edith's Way, particularly during summer months. Within the site, it is generally unmaintained and left to nature. Recently some of the trees within the site have been removed. There is also a wide opening at the south end of the site from the top of Lime Kiln Road which allows uninterrupted views into the site. Access is restricted into the site from here by a metal fence.
- 1.5 The application site is not designated within any site constraint or formally allocated. However, part of the designated Green Belt runs along the southern boundary. To the south of the application site is a caravan park, which is located within the Green Belt and designated as an area of Protected Open Space (POS), and also within a 'Site of Special Scientific Interest' (SSSI). To the east is Lime Kiln Road and to the east of this is

Cherry Hinton Pit, which is designated as a SSSI, Local Nature Reserve (LNR), POS and is also within the Green Belt. To the north of Cherry Hinton Pit (and north-west of the application site) is an area of land known as Lime Kiln Close (also known as East Pit) which is designated as an area of POS, LNR, and is within the Green Belt.

- 1.6 The site contains several individually protected trees made up of two group tree protection areas. The group protection areas are located along the eastern boundary with Lime Kiln Road and at the southern end of the site. There are eight individually protected trees, which are located in the northern and southern sections of the site.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for residential development consisting of 3x4bed detached dwelling including internal access road, car and cycle parking, bin storage and landscaping.

- 2.2 The proposed development has been amended from the appeal scheme by re-orientating the layout of the dwellings so they are parallel to each other and the internal access road. The dwellings have also been pulled further away from the rear boundaries of the dwellings in Queen Edith's Way to increase the gardens in each plot and the separation distance between existing dwellings. The proposed alterations to the layout also appear to have reduced the level of hardstanding within the site.

- 2.3 The first floor louvre panels have been removed from the scheme.

- 2.4 The application is accompanied by the following information:

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

### 3.0 SITE HISTORY

Reference	Description	Outcome
14/1382/FUL	Erection of a residential development consisting of 1 x 5 Bedroom House and 6 x 4 Bedroom Houses, along with internal access road, car and cycle parking and hard and soft landscaping.	REFUSED
15/0596/FUL	Erection of 3No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping	REFUSED– Appeal allowed
15/2063/FUL	Erection of 3.No four bed houses, internal access road, car and cycle parking and hard and soft landscaping.	REFUSED

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

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

	5/1 8/4 8/6 8/10
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### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (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>  Arboricultural Strategy (2004)  Cycle Parking Guide for New Residential Developments (2010)

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

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

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

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

## **6.0 CONSULTATIONS**

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

- 6.1 The junction and access details are the same as for applications 14/1382/FUL and 15/0596/FUL, but for reduced usage. They are therefore acceptable subject to the imposition of the same conditions.
- 6.2 The road is neither to an adoptable standard nor serves enough dwellings to justify requirement of same and so will remain as a private Accessway. The applicant should be made aware of this. The following conditions are recommended:
- No unbound material to driveway;
  - Not gates across access;
  - Access shall be laid to County Highway specification;
  - Parking provision;
  - Visibility splays;
  - Protection of highway;
  - Wheel washing;
  - Routing and traffic management;
  - Vehicular access informative.

### **Environmental Health**

- 6.3 The proposed development is acceptable subject to the following conditions:
- Construction hours;
  - Collection during construction;
  - Piling;
  - Unexpected contamination.

## **Urban Design and Conservation Team**

- 6.4 The submitted scheme remains largely the same as the previous application (15/2063/FUL) which was supported by the Urban Design Team. The revised Proposed Site Plan (drawing 314-P-01 Rev M) shows a 1.2m setback of the units from the internal access road. The previous application 15/2063/FUL Site Plan (drawing 314-P-01 Rev K) shows a setback of approximately 0.5m from the access road. The increased setback of approximately 0.75m is acceptable in design terms and allows for additional planting in front of the units.
- 6.5 The Urban Design Team support the submitted application as it replicates the previous application which included support from Urban Design subject to the following conditions:
- Materials;
  - Details of the solar panels.

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

- 6.6 No comments received.

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

- 6.7 The proposed development is acceptable subject to the following conditions:
- Hard and soft landscaping;
  - Landscape maintenance and management plan;
  - Boundary treatment

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

- 6.8 The proposed development is acceptable subject to the following conditions:
- Details of infiltration testing results to be submitted;
  - Surface water drainage;

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

- 6.9 The proposed development is acceptable subject to bat box condition.

### **Natural England**

- 6.10 No objection. Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Cherry Hinton Pit SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.
- 6.11 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:

- 236 Queen Ediths Way;
- 266 Queen Ediths Way;
- 24 Central Avenue;
- 21 The Meadows, Romsey (Support);

- 7.2 The representations can be summarised as follows:

#### **Objections:**

- Detrimental impact on the character of the area;
- The proposal would lead to the significant loss of green space that is the green corridor within the city;
- Loss of trees, shrubs and undergrowth;
- Degradation of the urban edge and entrance into the city;

- Highway safety issues caused by new traffic access onto Queen Ediths Way;
- The proposed development would appear as an intrusive backdrop;
- High density development is out of keeping with the surrounding properties;
- The proposed development would lead to further development to the south and west of the site;
- The proposed development would have a detrimental impact and threat to wildlife in this area;
- The proposed development would set a precedent for further development;
- The plot is too small for three 3 storey houses which have small gardens compared to the properties in Queen Ediths Way;

Support:

- High quality proposal which ensures that the special character is maintained;
- The proposal looks to safeguard existing trees, stabilise the bank and reinforces the green boundary with more planting;
- Density of development is low with generous amenity space for each unit;
- The perceived building height from neighbours will be two storey with a low profile roof;
- The development is set well away from the neighbouring properties and orientated to minimise overlooking;
- No objections from highway authority to safety at entrance to development;
- The proposed development would be set a significant distance from the existing houses in Queen Ediths Way;
- No loss of woodland as trees to be removed were planted by the current owner to fuel wood burning stove;
- In terms of wildlife and green corridor Natural England have raised no objection to the development;
- The proposal would increase green planting and stabilising work on an eroding bank giving life into the future.

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. Assessment of proposed alterations
3. Third party representations

### **Principle of Development**

8.2 The principle of residential development on this site has been established by the Inspector's decision to allow the appeal for the earlier planning application (15/0596/FUL). Therefore the principle of development is acceptable and in accordance with policy 5/1 of the Local Plan (2006).

### **Assessment of proposed alterations:**

8.3 The proposed development is of a similar scale and design to the scheme allowed at appeal. I therefore do not it necessary to assess this element of the proposed development. The Inspector has explained that the design and scale of the proposed development would make a positive contribution to the site and area.

8.4 The proposed alterations to the appealed scheme are as follows:

- The reorientation of the plots to increases the level of separation to the westerns boundary and existing occupiers in the dwellings in Queen Ediths Way;
- Increase in the size of the footprint of each dwelling;
- Removal of the hardstanding/paved area east of plot 3;
- Reduction in the amount of hardstanding within the site overall;

8.5 The proposed reorientation of the plots is acceptable as they would line up symmetrically in a linear pattern. This arrangement increases the size of the private gardens for each plot. I set out below a table showing the difference between the appeal scheme and the proposed scheme in terms of level of

separation between the western boundary and rear elevations of the dwellings in Queen Ediths Way.

<b>Plots</b>	<b>Appeal scheme distance (15/0596/FUL)</b>	<b>Proposed scheme distance</b>	<b>Proposed distance to rear elevation</b>
Plot 1 from rear boundary of no.268	1.0 metre	1.8 metres	17 metres
Plot 1 from rear boundary of no.266	7.6 metres	9.0 metres	31 metres
Plot 2 from rear boundary of no.266	5.2 metres	6.8 metres	36.8 metres
Plot 2 from rear boundary to no.264	8 metres	9.2 metres	44 metres
Plot 3 from rear boundary to 264	10.4 metres	12.6 metres	53 metres
Plot 3 from rear boundary to 262	9.2 metres	8.2 metres	55 metres
Plot 3 from rear boundary to 260	9.4 metres	8.2 metres	62 metres

(Approximate measurements based upon the proposed site plans for submitted for each scheme).

- 8.6 As a result of reorienting the proposed dwellings and increasing the level of separation from the western boundary and rear elevations of the existing dwellings in Queen Ediths Way, the proposed dwellings would be closer to the internal access road. In the appeal scheme the layout of the dwellings were angled so that they taper away from the access road. In the current application the dwellings are parallel to the road. Nevertheless each dwelling would be set back from the internal access road and as it would only serve three dwellings, I do not consider the proximity to the access would cause any adverse impact on residential amenity of future occupiers.

- 8.7 The other alterations are considered to be relatively minor and would not be noticeable from outside the site. The increase in the footprint of the dwellings would relate mainly to the ground floor section which would not be entirely visible from the rear gardens of the dwellings in Queen Ediths Way due to the proposed boundary treatment and location of existing trees within the rear gardens. The proposal includes the planting of additional trees adjacent to the boundary that further screen the proposed development. The layout of the proposed development is acceptable to the Urban Design Team and Landscape Officer. Therefore, as the proposed scheme is identical to the scheme which was supported by Officers under planning application 15/2063/FUL, the current scheme is also supported.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

### **Third Party Representations**

- 8.9 I set out below my response to the representation received to this proposed development:

<b>Representations</b>	<b>Response</b>
Detrimental impact on the character of the area;	See para 6 to 10 of Inspector's decision.
The proposal would lead to the significant loss of green space that is the green corridor within the city;	See para 24 of the Inspector's decision
Loss of trees, shrubs and undergrowth;	See para 21 and 22 of the Inspector's decision.
Degradation of the urban edge and entrance into the city;	See para 6 to 10 of the Inspector's decision.
Highway safety issues caused by new traffic access onto Queen Ediths Way;	See para 32 of the Inspector's decision.
The proposed development would appear as an intrusive backdrop;	See para 19 of the Inspector's decision.
High density development is out of keeping with the surrounding properties;	See para 7 of the Inspector's decision.

The proposed development would lead to further development to the south and west of the site;	See para 29 of the Inspector's decision.
The proposed development would have a detrimental impact and threat to wildlife in this area;	See para 25 of the Inspector's decision.
The proposed development would set a precedent for further development;	See para 29 of the Inspector's decision.
The plot is too small for three 3 storey houses which have small gardens compared to the properties in Queen Ediths Way;	See para 7 of the Inspector's decision.

## 9.0 CONCLUSION

- 9.1 The proposed development is for three 3 storey detached dwellings with vehicular and pedestrian access on an area of land to the rear of 268 Queen Edith's Way. The proposed development is acceptable in terms of design, scale and impact on the residential amenity of adjacent neighbours. The Inspector has concluded that the proposed development would not have a negative impact on the characteristics of the site.
- 9.2 I have recommended the conditions that the Inspector proposed in the appeal scheme. In my view, the revised scheme has addressed the previous refusal reason and should be approved.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. No development shall commence until details/samples of the materials and finishes to be used in the construction of the external surfaces of the dwellings 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/samples.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. No development shall commence until details of boundary treatments 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 an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

5. Demolition or construction works shall take place only between 08:00 and 18:00 Mondays to Fridays, 08:00 and 13:00 on a Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

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

6. In the event of the foundations for the dwellings hereby permitted require piling, and prior to development commencing, a method statement detailing the type of piling and mitigation measures to protect the living conditions of local residents shall be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.

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

7. The windows shown on the approved plans to be obscurely glazed shall not be installed until details of the type and nature of the opening of the obscured glazing have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details shall be retained thereafter.

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

8. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

10. All the trees and hedges shown on scheme of landscaping and/or any trees whose canopies overhang the site shall be protected by strong

fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

11. Prior to the first occupation of the first dwelling hereby permitted, a scheme for the location and design of bird and bat boxes 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 improve the bio-diversity contribution of the site (Cambridge Local Plan 2006 policy 3/1).

12. Prior to occupation, a "lighting design strategy for biodiversity" for the proposed buildings, gardens and access road shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used for foraging.
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

13. No development shall commence until a scheme for the control and discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. Such a scheme should also specify how surface water will be prevented from being discharged into the public highway. Development shall be carried out in accordance with the approved details.

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

14. The site access and vehicle manoeuvring areas as shown on the approved plans shall be kept free of any obstruction which would exceed 600mm in height.

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

15. The proposed access shall be finished in a bound material for the first six metres into the site from the point of its junction with the public highway.

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

16. Notwithstanding the provisions of the Part 1, Classes B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or buildings incidental to the enjoyment of the dwellinghouse shall be constructed other than those expressly authorised by this permission.



Reason: To protect the amenity of adjoining properties  
(Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

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## Appeal Decision

Site visit made on 22 June 2016

by **John Morrison BA (Hons) MSc MRTPI**

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

Decision date: 10 Aug 2016

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**Appeal Ref: APP/Q0505/W/16/3147205**

**Land rear of 268 Queen Ediths Way, Cambridge, Cambridgeshire CB1 8NL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Dudley Developments against the decision of Cambridge City Council.
  - The application Ref 15/0596/FUL, dated 27 March 2015, was refused by notice dated 7 October 2015.
  - The development proposed is the erection of 3 No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping at land rear of 268 Queen Ediths Way, Cambridge, Cambridgeshire CB1 8NL in accordance with the terms of the application, Ref 15/0596/FUL, dated 27 March 2015 and subject to the conditions shown in the attached schedule.

### Procedural Matters

2. The plans to which the Council refer on their decision notice do not correspond to the plans before me. The most recent plans that I have before me include amendments to the width of the access road, the orientation, positioning of the first floor and addition of angled louvres to the first floor windows of plots 1 and 2, and the addition of a bin collection point. For clarity, these are reference 314 P-01 Rev F, 314 P-02 Rev C, 314 P-03 Rev C, 314 P-04 Rev C and 314 P-05 Rev D.
3. The amendments on these plans correspond with the changes referenced in the officer's report to planning committee. That same report states explicitly that these plans have been consulted on by all parties. I do not therefore consider that any party would be prejudiced by my acceptance of the most recently amended plans in the determination of this appeal.
4. Notwithstanding the Council's reasons for refusal as shown on the decision notice, I have identified the effect of the proposed development on the character and appearance of the area as a main issue in the determination of this appeal. This is given the location of the appeal site relative to the East Corridor, a distinct character area in the Council's Landscape Character

Assessment 2003 (LCA). This is additional information that has come to light since the determination of the application and is raised by local residents.

### **Main Issues**

5. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of the future occupiers of the proposed development with specific regards to whether or not there would be overlooking between the plots which would affect privacy.

### **Reasons**

#### *Character and Appearance*

6. The appeal site does not fall within the East Corridor as it is defined by the LCA. Nevertheless it forms part of the wider setting and 'green edge' of the urban area at this point and is an undeveloped and sloping site characterised by dense mature planting of various hedges and trees. This character is typical of land to the west and east of Limekiln Road as well as the south eastern end of private gardens that abut the appeal site. Views of the appeal site from the public realm are limited to glimpses through the dense planting from the Limekiln Road elevation.
7. The proposed development would be low density and within this planted setting, surrounded by it rather than replacing it. Whilst it would involve the removal of some trees, additional planting is proposed as well as retaining and reinstating much of the dense planting to the site's boundaries. Furthermore, the proposed development would not alter the general gradient of the site as it follows the topography downhill, along the route of Limekiln Road, towards Queen Edith's Way. I consider therefore that the proposed development would not significantly alter the characteristics of the site and how it would contribute to a green edge to the urban area.
8. I consider that Limekiln Road acts as a defined edge to the built up area and plays an important role in containing built form to its western side and preventing encroachment into the countryside or other formally designated sites. The proposed development would be located to the western side of the road and thus, in character terms, more closely related to the established built form. The eastern side of the road, in my view, better defines the transition from urban to rural from the densely planted areas around the former chalk pits to the more open field system beyond.
9. The modern approach to the proposed design with the use of strong and simple geometric shapes would be a positive feature in itself. To my mind therefore, whilst it would be partially visible from Limekiln road, the proposed development would make a positive contribution to the site, particularly in the context of paragraph 60 of the Framework<sup>1</sup>.
10. It is for these reasons I consider that the proposed development would not cause harm to the character or appearance of the area and as such would be in accordance with Policies 3/2, 3/3, 3/4 and 3/12 of the Local Plan<sup>2</sup>. These Policies, along with section 7 of the Framework, seek to ensure that the design

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<sup>1</sup> The National Planning Policy Framework 2012

<sup>2</sup> The Adopted Cambridge City Local Plan 2006

of new buildings and their effect on the character and appearance of the area and landscape is appropriate, development conserves or enhances the setting and special character of Cambridge and responds to the characteristics of its surroundings.

### *Living Conditions*

11. Plots 1 and 2 of the proposed development would be orientated at an angle relative to Plot 3 and the first floors of plots 1 and 2 would be set back from the rear projection of the ground floor. Angled louvres would be fitted to the first floor windows of plots 1 and 2.
12. The fitted louvres would restrict any views of the rear gardens of existing properties from the first floors of plots 1 and 2 and in the case of Plot 2 offer a direct a line of sight towards plot 3. However, the rear projection of plot 3 is such that any views towards its garden from the first floor windows of plot 2 would be of part of the side elevation and then obliquely across the rear garden. I consider that this limited view and the extent of additional garden around the east and south of plot 3 means that the privacy of plot 3 would not be compromised.
13. Plot 3 would not have any windows to its north elevation on the first floor and as such no views of the garden of plot 2 would be offered.
14. The block of built form making up the first floor of plot 1 is almost level with and parallel to the front elevation of plot 2. This means that the rear element of plot 1's first floor, where the proposed first floor rear windows would be, would have views of mainly the side elevation of plot 2 and very limited views of the far corner of its garden. I therefore do not consider that the privacy of plot 2 would be compromised.
15. For these reasons I consider that the proposed development would not lead to overlooking between the plots and as such would not give rise to harm to the living conditions of the future occupiers of the proposed development.
16. I note the Council's decision notice refers to Policies 3/7 and 3/12 of the Local Plan when concluding on the effect of the proposed development on the living conditions of future occupiers of the proposed dwellings. Having looked in detail at these Policies however I note they seek to address matters of design quality and the functioning of designed spaces and as such are not directly relevant to the matter of living conditions. I have no other Policies before me, from the Development Plan, that deal specifically with the matter of living conditions.
17. Nevertheless, the proposed development would be in accordance with one of the core principles of the Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### **Other Matters**

18. I acknowledge that the use of angled louvres fitted to the exterior of a building are not a common feature to the area. However, and in the context of my comments concerning the design of the proposed dwellings, I consider them to be appropriate for the modern design approach that the proposed development

- would use and thus would serve a positive aesthetic role as well as a functional one.
19. The appeal site is to the rear of existing residential gardens and the proposed development would have two storey rear elevations facing them. Existing gardens are however relatively long and I find the distance between existing and proposed residential uses more than sufficient to ensure that the living conditions of existing occupiers are not adversely affected through any oppressive or over bearing impact. In addition, the proposed fitted louveres would restrict direct views of existing rear gardens and the retention of these can be secured by an appropriately worded planning condition.
  20. With regards to the first floor rear windows proposed to plot 3, I consider the distance that plot 3 would be from existing neighbouring dwellings would mitigate any direct overlooking. In the case of the size of the windows specifically, I consider that they would be relevant to the modern design and as such they would not appear out of place or cause any visual harm in their own right.
  21. With regards to the retention of existing trees, the evidence submitted states that some trees on the site are subject to legal orders for their protection and conditions are imposed to seek enhancements to them. Selective removal and management of the existing trees has been discussed with the Council's relevant officer and this has itself been based on condition surveying. A reasonable period for management and maintenance has also been included as a condition alongside protection of retained trees during construction.
  22. In terms of future pressure for the removal of trees on the site, to some extent this would be controlled in the short to medium term by appropriate planning conditions and in the longer term by legal orders. I acknowledge that, through the natural course of time, some trees may have to be removed and no doubt these will be considered at the time, if appropriate. By the same respect however I consider that there are sufficient safeguards in place to be able to mitigate that potential impact as far as it reasonably can be in this regard.
  23. I note the juxtaposition of the site relative to a Site of Special Scientific Interest (SSSI), Local Nature Reserves (LNR) and the Green Belt.
  24. In respect of the Green Belt, since the appeal site is not within it, the relevant policies for the restriction of development within it do not apply to this case. With regards to the nearby SSSI (Cherry Hinton Pit), the evidence before me suggests that it is noted for the populations of four nationally uncommon plant species that it supports. The appeal site itself however has no evidence of similar species within it and the semi natural vegetation and habitats present on the site are not of a high botanical value.
  25. By the same respect, the evidence before me suggests that the site is of low overall ecological value in respect of protected species. Whilst the sheltered grassland and scrub within the site provides habitat conditions that would be suitable for nesting birds and foraging bats, the overall size of the site is such that it is unlikely to support particularly large or important groups. Subject to suggested enhancements through the proposed development and measures suggested by the accompanying ecology report, the relevant statutory consultee, Natural England, does not object to the proposed development. On

- the basis of the evidence before me therefore, I see no reason to come to a different conclusion.
26. I note that the wider area has a number of protected grass verges either side of Limekiln Road. None of these protected areas however extend to the Limekiln Road elevation of the appeal site.
  27. With regards to the LNR, I refer to my comments above concerning specific species and the ecological survey work that has been undertaken at the appeal site. The appeal site is not a LNR in itself and there is similarly no evidence before me to suggest that the development of the site in the manner proposed will have an adverse impact on one.
  28. The nearby SSSI and the former chalk pits to the south and east of the appeal site are evidently part of a wider network of public rights of way and routes through them are clearly marked from points along Limekiln Road. I see no reason to disagree that they are well used locally. However, I consider that the proposed development would not directly affect the use or enjoyment of this network since the appeal site is not publicly accessible or part of this way marked network.
  29. Concern has been expressed over the precedent value of allowing this appeal and that it would be then more difficult to resist similar development proposed on other sites around this edge of urban area. Notwithstanding the fact that each development proposal is considered on its own merits, I have given weight in determining this appeal to factors specific to this site itself and the development proposed. I therefore give the precedent argument limited weight in my findings.
  30. I acknowledge that the setting back of the first floor of plots 1 and 2 of the proposed development would create an area of flat roof immediately outside the first floor windows at the rear. Concern has been expressed that this may lead to future pressure for the inclusion of a balcony. Notwithstanding the fact that such development is not before me for consideration as part of the appeal, I note that any balcony proposal in the future would require express planning permission in its own right and as such the impact of it on the living conditions of the occupiers of existing neighbouring dwellings would be considered at the appropriate time through the planning application process. A process which would also involve a period of public consultation.
  31. I note that the proposed development would likely involve internal artificial lighting that would be legible from the appeal site at times of the year when there is limited natural light and at night times. There is no external street lighting proposed. There is a possibility, albeit limited, that lighting may be more visible emanating from the rooms where windows are large. However I am not provided with any compelling evidence that this would in itself lead to an adverse visual impact when viewed from either neighbouring dwellings or the wider area given that any lighting would be internal to a building and designed to illuminate the inside only.
  32. With regards to the effect of the proposed access on highway safety, I note that the Highways Authority do not object as a matter of principle and given the scale of the proposed development and thus the likely frequency of the use of the proposed new access I do not come to a different conclusion.

33. Concern has been expressed over the effect of the proposed development on the caravan site which is located to the south west of the site (Cherry Hinton Caravan Club). Specifically, concern relates to the effect the proposed development would have on the rural surroundings and thus the setting and experience of staying at the site. Given how contained and enclosed the existing caravan site is, coupled with the separation between it and the proposed development and extent of intervening planting I do not consider that the proposed development would have an adverse effect on either the setting or users of the site.
34. I acknowledge that there is currently an access into the site at Lime Kiln Road. Anecdotal evidence suggests that that this was created to allow access into the site for equipment relating to the management of some trees within the site. Whilst this may be the case, it is not shown on the submitted plans to be any form of functional access for the proposed development and as such is not before me for consideration.

### **Conditions**

35. I have regard to the schedule of conditions that has been suggested by the Council. In the interests of certainty, I have imposed the standard condition which limits the lifespan of the planning permission as well as one which refers to the approved plans. To ensure that the external appearance of the development is satisfactory and the interests of the living conditions of the occupiers of existing and proposed dwellings, I have imposed a condition requiring agreement of the external materials and finishes as well as one requiring details of boundary treatments.
36. I have also, in the interests of the living conditions of the occupiers of existing neighbouring dwellings, imposed conditions restricting the hours for construction works on site and the specification for obscure glazing. There is no dispute on the hours for construction works suggested by the Council and I consider them reasonable. For the same reasons, and considering the topography of the site and design of the proposed dwelling relative to it, I have imposed a condition requiring agreement of any methods for piling foundations.
37. Given the landscaped nature of the site and its importance to the character and appearance of the area, as well as the trees suggested for retention on site, a condition requiring a scheme to detail the specification and location of protective fencing is reasonable. Such a condition also specifies the restriction on the location for the storage of materials during construction works. I consider that there are a number of ways to achieve the agreement of these details and as such the Council's suggestion of a meeting on site by a separate condition is not necessary.
38. For the same reason, and notwithstanding the plans submitted with the appeal, I have imposed a condition requiring the agreement of a suitable scheme of landscaping and its implementation and management for a reasonable period. I note the Council's suggestion of the agreement of a 'long term arboricultural management plan' as well as the same for landscaping. However, I have attached a condition requiring the agreement of a landscaping scheme which includes a reasonable period for management for both retained planting and additional. I consider that the Council's suggestion is therefore superfluous and not sufficiently explicit. I therefore consider that it would not be reasonable.



39. In the interests of mitigating the ecological effects of the proposed development, and in accordance with the recommendations of the appellant's ecology report, I consider that conditions requiring agreement of the location and design of bat and bird boxes as well as a lighting design are reasonable.
40. In addition, and to ensure the proper functioning of the proposed development, a condition requiring the agreement of a scheme to control the drainage of surface water would be reasonable. Such a scheme should also specify how surface water will be restricted from being discharged into the public highway, in the interests of highway safety.
41. I note that the visibility splays and the proposed access design as shown on the submitted plans is acceptable. In the interests of maintaining visibility both within the site and at the point of access however, I have included a condition requiring obstructions within vehicle manoeuvring areas and the access to be kept below the required height of 600mm.
42. I consider that the scale of the development is such that the agreement of a traffic management plan would not be reasonable. However, I do consider a condition requiring part the surfacing of the proposed access to be in a bound material is reasonable to prevent the deposit of loose material onto the public highway. The Council suggest the first six metres is appropriate and I see no reason to consider this is unreasonable.
43. Having regards to the approved plans which are subject to a separate condition, and the relevant detail shown specific to bin storage and collection, I consider that a condition requiring the agreement of arrangements for the storage and collection of waste is unnecessary.
44. I have no evidence before me that gives me any indication that the land or the former uses thereof have been exposed to contamination. As such I do see it reasonable to attach conditions requiring additional work in this respect. Similarly, I consider that a condition requiring details of all solar panels; their type, fixing, location, materials and dimensions would not be necessary to make the development acceptable in planning terms.
45. Given the size of the proposed rear gardens and the location of the proposed dwellings relative to existing neighbouring gardens I consider that a condition restricting the erection of outbuildings and new windows under Part 1 Classes E and B respectively of the Town and Country Planning (General Permitted Development) (England) Order 2015 to be reasonable. I do not however consider there to be a justified case for limiting extensions to the proposed dwellings. I consider that the siting of the proposed dwellings relative to their respective boundaries would be sufficiently restrictive and therefore governing in that respect.

### **Conclusion**

46. For the above reasons and having regard to all other matters raised, the appeal is allowed subject to the conditions shown on the attached schedule.

*John Morrison*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 314 P-01 Rev F, 314 P-02 Rev C, 314 P-03 Rev C, 314 P-04 Rev C and 314 P-05 Rev D.
- 3) No development shall commence until details/samples of the materials and finishes to be used in the construction of the external surfaces of the dwellings 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/samples.
- 4) No development shall commence until details of boundary treatments have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a plan showing the material, design, angle and fitment of the proposed louvres to the first floors of plots 1 and 2 of the dwellings hereby approved has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the details as approved and retained thereafter.
- 6) Demolition or construction works shall take place only between 08:00 and 18:00 Mondays to Fridays, 08:00 and 13:00 on a Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) In the event of the foundations for the dwellings hereby permitted require piling, and prior to development commencing, a method statement detailing the type of piling and mitigation measures to protect the living conditions of local residents shall be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.
- 8) The windows shown on the approved plans to be obscurely glazed shall not be installed until details of the type and nature of the opening of the obscured glazing have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details shall be retained thereafter.
- 9) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) All the trees and hedges shown on scheme of landscaping and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 12) Prior to the first occupation of the first dwelling hereby permitted, a scheme for the location and design of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) Prior to the first occupation of the first dwelling hereby permitted, a "lighting design strategy for biodiversity" for the proposed buildings, gardens and access road shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used for foraging.
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 14) No development shall commence until a scheme for the control and discharge of surface water from the site has been submitted to and approved in writing by the local planning authority. Such a scheme should also specify how surface water will be prevented from being discharged into the public highway. Development shall be carried out in accordance with the approved details.
- 15) The site access and vehicle manoeuvring areas as shown on the approved plans shall be kept free of any obstruction which would exceed 600mm in height.
- 16) The proposed access shall be finished in a bound material for the first six metres into the site from the point of its junction with the public highway.
- 17) Notwithstanding the provisions of the Part 1, Classes B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or buildings

incidental to the enjoyment of the dwellinghouse shall be constructed other than those expressly authorised by this permission.

**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1617/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	7th September 2016	<b>Officer</b>	Lorna Gilbert
<b>Target Date</b>	2nd November 2016		
<b>Ward</b>	Petersfield		
<b>Site Proposal</b>	59 St Barnabas Road Cambridge CB1 2BX Refurbishment and extensions to the existing St Barnabas House, Stable Blocks and Kirby Building to provide 42 student bedrooms, manager accommodation and breakout space along with cycle parking following the demolition of existing single storey rear projection to St Barnabas House and kitchen store.		
<b>Applicant</b>	N/A C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> In my opinion, the proposed extensions would preserve the character and appearance of the conservation area and would not adversely affect the Building of Local Interest on site.</li> <li><input type="checkbox"/> It is considered the proposal would not detrimentally harm neighbours' amenities.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site includes a detached Victorian building formerly the old vicarage located on the western side of St Barnabas Road. Built during the early Victorian period, it is constructed from Cambridge gault brick on the walls with a red brick cornice and natural slate covering on the roof.

- 1.2 To the rear of the property is a single storey extension of solid brick construction attached to the main building. There are two additional detached converted two storey brick built former stable buildings to the rear and a dining area extension.
- 1.3 The buildings are used by, Cambridge College for Sixth form Studies (CCSS) and serves as student accommodation with a kitchen and a dining hall.
- 1.4 The property is located within the Central Conservation Area and Mill Road Conservation Area Appraisal. The main building of No.59 St Barnabas Road is also a Building of Local Interest (BLI) and the site contains three Tree Preservation Order Trees in the rear garden. It is within the Controlled Parking Zone.
- 1.5 To the north-east of the site lies St Barnabas Church, Hall and the Old School which are all Buildings of Local Interest. To the north-west lies No.5 to 15 Tenison Road and No.23 Tenison Road, The Salvation Army Citadel. To the west lies No.25 to 29 (odd) Tenison Road. To the south lies The Vicarage, No.57 St Barnabas Road.
- 1.6 There are a number of BLIs along Mill Road including No.84, 86, 90a and 92a Mill Road. There are BLIs further along St Barnabas Road including No.s 49 and 51 St Barnabas Road. The Salvation Army Citadel and No.23 Tenison Road are also BLIs.

## **2.0 THE PROPOSAL**

- 2.1 The application proposes to refurbish the existing St Barnabas House and the Stables buildings and to extend to provide extra accommodation.

### *St Barnabas House*

- The reorganisation of existing accommodation.
- The erection of a new extension to accommodate new bedrooms. The extension extends to between 2.9m and 9.4m high and is part single storey and part two and a half storey with accommodation at ground, first and second floors.
- The removal of various services to the Kirby building.

- The agent has confirmed they are happy for the lower half of the windows in the new rear extension (facing towards the Vicarage) to be obscure glazed.

### *The Stables*

- The reorganisation of the accommodation, Laundrette, stores and kitchenettes.
- The erection of a new extension to accommodate new bedrooms. This extends 5.2m in length, 3.35m in width and between 5.1m and 6m high.

### *Kirby Building*

- Updating the kitchen and dining hall.
- The erection of a new extension to accommodate social space and welfare facilities. This measures between 10.7m and 17.2m long by 4.1m and 9.9m wide. It extends to 3m high.

2.2 The existing floor area will increase from 973.9m<sup>2</sup> to 1366m<sup>2</sup> so there will be an increase of 392m<sup>2</sup> in floor space. There are currently 29 student rooms. The proposal seeks permission for a total of 42 rooms which is an increase of 13 rooms.

2.3 Landscaping works are proposed in the garden area.

2.4 The students at CCSS would continue to be taught at Salisbury Villas on Station Road and Benet Place on Lensfield Road. The classrooms and other teaching facilities have capacity to accommodate the increase in students. The students normally study for one, two or three years at CCSS. 59 St Barnabas Road is for boarding students, aged 14 years and above.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/72/0350	Change of use from furniture depository to offices and residential	Approved with conditions
C/83/0651	Erection of single-storey parsonage and garage.	Approved
C/85/0836	Conversion of existing dwelling into 13 no. bedsitting rooms, wardens flat and ancillary	Approved with conditions

	accommodation.	
C/90/0822	Extension to hostel (erection of a first floor front extension)	Approved with conditions
C/95/0301	23A Tenison Road: Change of use of house and outbuildings (C3) to hostel for 14 students and a warden with associated parking (sui generis)	Approved with conditions
C/00/0276	Erection of a single storey student common room and kitchen following the demolition of existing storage building.	Approved with conditions
C/04/0075	Erection of temporary kitchen store.	Approved with conditions
16/0552/FUL	Removal of existing front fencing and replacement with new 600mm height low level brick wall with 900mm height period fence/railings above. Total height 1500mm new front pedestrian gate and new railing to existing locations of right side brick boundary wall. Also tree works are sought throughout the site.	Approved with conditions

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
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Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14
		4/4 4/11 4/12 4/13
		8/2 8/4 8/6 8/9 8/10 8/17 8/18

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

Central Government Guidance	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge Landscape and Character Assessment (2003)</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</p>

	Management Plan (2011)  Cambridge Walking and Cycling Strategy (2002)  Cycle Parking Guide for New Residential Developments (2010)  Buildings of Local Interest (2005)
	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

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

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

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

## 6.0 CONSULTATIONS

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

- 6.1 The applicant must provide a short Transport Statement. Following implementation of any permission issued by the Planning Authority in regard to this proposal the residents of the scheme will not qualify for Residents' Permits (other than visitor

permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.

*Response to the agent's email received 30<sup>th</sup> October 2016:*

- 6.2 The applicant has provided the Transport Statement information requested, and this demonstrates that the proposal, if approved, should not result in any significant adverse impact upon the highway network. Further correspondence from the Highways officer confirms they are satisfied with vehicular turning within the site.

### **Highways England**

- 6.4 No objection.

### **Environmental Health**

- 6.5 The proposal is acceptable subject to the imposition of the following conditions and informatives:

#### Conditions:

- Construction hours
- Collection during construction
- Piling
- Contaminated land
- Plant noise insulation

#### Informatives:

- Plant noise insulation
- Dust

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

- 6.6 The development proposed is acceptable subject to the imposition of the conditions outlined below:

- Joinery details matching
- New joinery
- Joinery materials
- Window details at 1:10

- Matching brickwork
- Brickwork details –sample panel
- Roofing details
- Dormers
- 1:20 details of the new porch
- Revised plan of the roof form of the single storey element

*Response received 2<sup>nd</sup> November 2016 following the receipt of amended drawings on 30<sup>th</sup> October 2016:*

6.7 The amendments are acceptable.

**Access Officer**

6.8 Reiterate Disability Panel’s comments that at least 3 rooms of the 42 should be designed to meet at least Part M Building regulations guidance on accessible rooms. The proposed rooms should be redesigned.

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

6.9 The tree removals as shown on the Tree Protection Plan have already been accepted. No objection subject to appropriate replacement planting and the conditions requested.

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

6.10 With respect to the totem poles, it is suggested that given that there is likely to be a desire line across the grass, it would be better to provide for it, rather than put bollards/poles in. If people can get through the poles easily, which as proposed, they can, they will still traverse the grass. They suggest that freedom of movement through this space is provided for with hard paving, rather than trying to segregate a very small space.

*Comments received 8<sup>th</sup> November 2016 in response to the amended site plan drawing:*

6.11 The amended site plan drawing (90)02 Rev.A does address our concerns.

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

- 6.11 The cycle parking is adequate in number but needs to be covered.

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

- 6.12 Unacceptable. It has not been demonstrated within the application that there are suitable drainage proposals or that flood risk will not be increased by the development proposals. Require a surface water drainage strategy covering both surface water and foul drainage.
- 6.13 Additional information was received on 30<sup>th</sup> October 2016 from the applicant in response to the Sustainable Drainage Officer's concerns. The Sustainable Drainage Officer was re-consulted about the additional information received.

*Response from Sustainable Drainage Officer (9<sup>th</sup> November 2016):*

- 6.14 The drawings do not address Simon Bunn's comments. In particular the following points:
- 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.*
  - Flow rates from the site must be restricted to 5 l/s.*
- 6.15 No information has been submitted to demonstrate this, additionally if they are looking to discharge surface water to soakaways then they will need to undertake infiltration testing following BRE365 guidance.

*Response from Sustainable Drainage Officer (9<sup>th</sup> January 2017):*

- 6.16 Until infiltration testing has been completed not able to confirm the suitability of the proposal. However as it is likely that a

suitable method is possible then recommend a standard drainage condition.

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

- 6.17 The development proposed is acceptable subject to the imposition of a condition to secure bird and bat boxes.

### **Waste**

- 6.18 Requires a more detailed plan, with tracking information.

### **Disability Consultative Panel (Meeting of 27<sup>th</sup> September 2016)**

- 6.19 The Access Statement appears quite thorough, although this is not reflected in the plans.
- 6.20 The Panel would emphasise the need for a-symmetrical doors in the corridor spaces and manifestations on the glazed screen. The inclusion of only a single accessible unit is disappointing, as the two or three would be more appropriate for a development of this size (with window sill heights suitable for wheelchair users). All rooms should include handrails so as to appeal to a wider range of users.
- 6.21 The kitchen should also include a dual-height hatch.
- 6.22 It was not clear whether parking provision would be made for visitors; for example parents.
- 6.23 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:

- 45, 57 (The Vicarage), 72, 76, 78, 80, 82 St Barnabas Road
- 29 Tenison Road

- Diocesan Office, Bishop Woodford House, Barton Road, Ely

## 7.2 The representations can be summarised as follows:

- Concerned with increase footfall, disturbance and noise.
- Access to the house has been brought nearer to the residential homes.
- Will need a buffer to limit noise and an area within the grounds for students to congregate and not on the pavement.
- 42 student bedrooms will have a dramatic effect on the road.
- Anticipate increased vehicular disturbance from delivery vehicles and students arriving and departing.
- Although this appears to be a sensitive and imaginative infill, the number of occupants envisaged, 42, is far too high an additional imposition for a residential road like St Barnabas Road.
- Students currently congregate on St Barnabas Road, often blocking the pavement and the bank car park. Littering is a problem that does not appear to be controlled by the language school owners.
- The applicants have already completed a major landscaping project which exposes neighbours to bright pathway lighting, changing the subtle street lighting which has existed until now. Can the planning officers please visit at night to see the impact?
- The impact of a substantially increased number of students will affect immediate neighbours living and will need to be managed sensitively by the college.
- Three level extension to St Barnabas House will overlook the Vicarage garden and house and will be intrusive.
- The recent work on 59 St Barnabas Road is yet to be completed. It is vital to assess the impact of those changes in our road before extending accommodation further.
- I welcome the single storey extension to the Kirby building to provide much needed break out space for the students. Additionally this will serve to block the Stables windows which, since the removal of the Leylandii now overlook the Vicarage.
- The new installation of security lighting is excessive and lights up more than the grounds of the building. It shines brightly directly through the windows of several houses opposite from early evening to dawn each day.
- The Diocese of Ely (as owner of adjacent property; The Vicarage, 57 St Barnabas Road), continues to be aware and concerned about the ever decreasing privacy of the vicarage as a result of this escalating development. Security continues to

be an issue and the quiet enjoyment of the house as a home. The garden which was once secluded will be in open view. A condition should be imposed that glazing to all windows overlooking the vicarage is frosted on any new extensions and increased height in boundaries allowed to screen.

- The kitchen/student common room (Kirby Building) is separated from No.29 Tenison Road by a wall and is only a few metres from the back of their house. Concerned with noise from this building. Conditions for the original approval of the student common room and kitchen were included in 2000 on permission C/00/0276/FUL. Request conditions on this permission are included if approved. These relate to hours of use, rooftop lantern shall be non-opening, no amplified music played, the responsibilities of the resident warden approved under permission C/0301/95 shall be extended to the supervision and management of the Kirby Building, scheme for acoustic treatment of the building be submitted. Also request a construction hours condition.
- On two occasions when the school ignored the existing condition prohibiting amplified music in the building, the noise has been intolerably loud. The only other times the site has generated significant noise disturbance was during the summer periods when, I assume, the site is occupied by summer language school students.
- CCSS have generally been good neighbours, but concerns that the proposed changes and additions to the Kirby building and to the external space will create serious noise disruption for all surrounding properties unless steps are taken to manage this problem by conditions. For this reason request all the existing noise-related conditions attached to the Kirby building be attached. Request conditions relating to amplified music and a management are extended to the landscaping of the outside area, given that this development appears to propose outdoor seating areas.

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

## **8.0 ASSESSMENT**

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



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

### **Principle of Development**

- 8.2 Currently the site is being used as a boarding house for mainly sixth form students for Cambridge College for Sixth form Studies (CCSS). It includes kitchens and a dining hall. There is no adopted policy which explicitly restricts the extension of existing residential educational operators such as this. The principle of development is acceptable.

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

- 8.3 Policy 3/14 Extending Buildings of the Local Plan 2006 explains how
- 8.4 *'the extension of existing buildings will be permitted if they:*
- a) reflect or successfully contrast with their form, use of materials and architectural detailing;*
  - b) do not unreasonably overlook, overshadow or visually dominate neighbouring properties;*
  - c) retain sufficient amenity space, bin storage, vehicular access and car and cycle parking; and*
  - d) do not adversely affect listed buildings or their settings, the character or appearance of conservation areas, gardens of local interest, trees or important wildlife features'*
- 8.5 In my opinion, the proposed extensions and landscaping works will harmonise with and complement the existing buildings on site and the neighbouring buildings. I consider the proposal complies with part a) of this policy.
- 8.6 The impact on residential amenities will be assessed later on in this report. Outdoor and indoor amenity space is included as

part of the proposal. Bin and bike storage has also been included. Three car parking spaces have been provided as part of the scheme. This will be assessed further under the relevant sections within this report.

- 8.7 In my opinion, the development is acceptable in terms of massing and design and is in accordance with policy 3/14.

### **Impact on heritage assets**

- 8.8 There are no listed buildings on site or bordering it. 59 St Barnabas Road is a Building of Local Interest as is St Barnabas Church and associated buildings to the north. The site is within a Conservation Area and contains TPO trees.

- 8.9 No. 59 is an attractive Victorian former vicarage of buff brick with red brick decorations. The proposed extension to the rear of the house and new porch at the side of the building is considered acceptable in terms of its scale and appearance.

- 8.10 An extension to the Kirby Building provides additional dining/break out space for the students. This is a single storey extension with a curved form. It links to the Stable Block. I recommend the inclusion of a materials condition to ensure the bricks used are a good match to the buildings on site.

- 8.11 The Stable Block will be reconfigured and extended to create additional bedroom space. It provides a two storey extension that links the two Stable Blocks together. This is located at the rear of the site and backs on to a car park for offices at 23 Tenison Road. The proposed two storey extension has a pitched roof and extends to a maximum of 6m high. The existing Stable Blocks on site are a maximum of 6.5m high. The extension would be set in 0.35m from the rear boundary.

- 8.12 The proposal includes a covered walkway that links St Barnabas House to the Stable Blocks at the rear of the site. It is an unheated walkway towards the rear of the site constructed from timber with a raised timber deck. It has brick/timber screen walls with glazing and a slate roof.

- 8.13 The Urban Design and Conservation team have commented on this application and find it to be acceptable with the inclusion of safeguarding conditions. In my opinion the new development

will have a positive impact on its setting and will contribute to a sense of place and is acceptable in terms of its scale and appearance.

- 8.14 Landscaping, cycle storage, a front boundary treatment and pedestrian and vehicle gates. This was approved as part of the previous planning application reference 16/0552/FUL. A grassed area with paths in front of the extension to the Kirby building is included as part of this planning application. I consider this outdoor amenity space and the proposed landscaping to be acceptable in terms of its design and in my opinion it will enhance the appearance of the site.

#### Movement, Access and Layout

- 8.15 Much of the movement and access around the site was dealt with under the previous planning application reference 16/0552/FUL. Pedestrians are separated from vehicles entering and exiting the site as there is separate access for both. I consider the circulation and connections between buildings to be acceptable.
- 8.16 Cycling is encouraged with the inclusion of cycle stands. Some on site car parking has been provided.
- 8.17 The proposal does not alter the frontage of 59 St Barnabas Road facing the street. I consider the extensions to be sympathetic to the Building of Local Interest. In my opinion, the location of student accommodation windows allows good natural surveillance of the site and street.

#### Open Space and Landscape

- 8.18 The site is within a Conservation Area and there are Tree Preservation Order trees on site. The Council's Tree Officer has commented on the application. She notes the removal of the trees shown on the Tree Protection Plan have already been accepted and she does not object to the proposal subject to appropriate replacement planting and conditions relating to the submission of an Arboricultural Method Statement and Tree Protection Plan. I accept the Tree Officer's recommendations.
- 8.19 Landscaping find the proposal acceptable. They recommended the outdoor amenity space by the Kirby building be hard

landscaped as people are likely to walk across this space. However, she does not object to the use of grass as preferred by the applicant. I find the landscaping to be acceptable and find the use of grass to be acceptable for this space.

8.20 The Nature Conservation Officer has suggested some conditions with regard to bird and bat boxes. I have conditioned the bird and bat boxes as suggested.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 4/4, 4/11 and 4/12.

### **Disabled access**

8.22 The Design and Access Statement explains that disabled access has been provided which is compliant with current Approved Document Part M of the Building Regulations. External routes will be paved in a smooth hard material suitable for wheelchairs. It clarifies the main doors will have level thresholds. Consideration has been given to the location of light switches, electrical sockets and intercom door entry systems for communal welfare facilities to be appropriate height for disabled use. Consideration is to be given to interior colour schemes to provide a contrast between elements such as skirting and wall; and signage is to be of an appropriate size to aid the visually impaired. A wheelchair accessible room will be provided in the main house. All ground floor rooms in the main house and the Stable Block can be designed in such a way to cater for the sensory impaired.

8.23 The Access Officer and Disability Panel explain that at least 3 of the 42 rooms should be designed to meet at least Part M Building regulations guidance on accessible rooms.

8.24 The Disability Panel would like a-symmetrical doors in the corridor spaces and manifestations on the glazed screen. They would also like all rooms to have handrails and the kitchen should have a dual-height hatch. They question who the parking is for. The agent has explained that the car parking spaces would be rarely used and the agent does not detail a specific purpose for them, and therefore I consider they could be used by the disabled if needed.

8.25 I consider the inclusion of an informative to highlight the points raised by the Access Officer and Disability Panel. The applicant will need to adhere to the Building Regulations requirements, which is separate from planning.

8.26 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

#### *St Barnabas Church and Community Rooms*

8.27 To the north-east lies St Barnabas Church, Hall and The Old School. The proposed two and a half storey extension to the rear of the main building at No.59 St Barnabas Road is located 6.8m from the Old School building on this adjoining site. The Old School building is located along the shared boundary and has windows facing the application site. I do not consider the proposal would adversely affect this neighbour's amenity. There are community rooms on this neighbouring site.

#### *The Vicarage, No.57 St Barnabas Road*

8.28 To the south-west lies The Vicarage at No.57 St Barnabas Road. This is in residential use. This is a single storey house with two flank windows in the roof space fronting No.59 St Barnabas Road. There is a solid wooden boundary fence along the shared boundary with some trellis above. This neighbouring property has a rear garden behind the main dwelling. This neighbour has raised concerns that the new accommodation at No.59 St Barnabas Road will overlook this property.

8.29 At its closest, the single storey break-out extension to the Kirby Building will be located 7.2m from the Vicarage building. It will be located close to the boundary of this neighbour's garden. I do not consider the Kirby Building extension would adversely harm this neighbour's amenity due to the single storey height of the extension and its position behind a solid wooden boundary fence.

8.30 The proposed extension to the student accommodation within the main building on site is located between 13.3m and 15.8m

from the Vicarage. The proposed extension to the main building at No.59 St Barnabas Road includes windows for student bedrooms at ground, first and second floor that face towards the Vicarage. The ground floor rooms would be obscured from view by the wooden boundary fence. The extension includes two first floor bedroom windows and one second floor bedroom window that face towards the Vicarage. This main building at No.59 St Barnabas Road is already used as student accommodation. I recommend the bottom half of the first and second floor windows on the extension facing the Vicarage be obscure glazed with restrictors to lessen the impact on the Vicarage and its garden. This can be dealt with by a condition. I consider the distance between the proposed extension of the student accommodation and The Vicarage and the inclusion of the condition recommended will help to lessen the impact of the proposal on The Vicarage and its garden. The majority of windows on the Vicarage are located at ground floor level as it is a single storey dwelling and there are two flank roof windows facing towards the Vicarage. The position of the windows also helps to lessen the impact of the extension in terms of overlooking. The current use of this building as student accommodation has also been established.

8.31 This neighbour has concerns with overlooking of their garden. At its closest the extension will be located 10m from this neighbour's boundary fence. On balance, I consider the additional bedrooms would not have a detrimental impact upon the Vicarage's garden as the first and second floor windows on the extension would directly face the side elevation of the Vicarage rather than the garden, although there would be oblique views towards the gardens. The proposed first floor windows sit lower than the existing first floor windows on this side elevation of 59 St Barnabas Road and the second floor window is located a maximum distance of 2.2m away from the main part of the existing building which also helps to reduce the degree of overlooking of this neighbour's garden.

8.32 This neighbour has concerns over noise disturbance from an increase in the number of students on site. The proposal provides accommodation for 13 additional students. The proposal includes the enlargement of the dining/break out space which would provide indoor space for the students to socialise. I do not consider the addition of a further 13 students

would result in a detrimental level of noise disturbance to neighbouring residents.

*Buildings along Tenison Road*

- 8.33 No.23 Tenison Road is a Building of Local Interest in office use. There is a car park at the rear of the building. The proposed extension to the Stable Block would link the existing two stable block buildings with a two storey extension. It is located close to the boundary shared with No.23 Tenison Road. No windows are proposed that would face neighbours to the rear. I consider the proposed extension would not harm the amenity of its closest neighbour due to its office use. I do not consider the proposed two storey extension which extends to 5.1m high towards the shared boundary and is set in 0.15m from this boundary would harm amenities of other nearby properties and buildings due to its position and scale.
- 8.34 Third party comments have raised concern with potential noise generated by students from the proposed development. A neighbour has requested noise related conditions attached to planning permissions reference C/00/0276 and C/0301/95 for previous development at the site be replicated on the proposed permission. These conditions include that the Kirby building and its extension shall not be used between the hours of 2300 and 0800, that the existing rooftop lantern be non-opening. It should be noted that rooflights are proposed on the Kirby building under this application. Another of these previous conditions is that no amplified music be played on the premises and a neighbour has requested this cover the outdoor amenity space too. A further condition is that a scheme for the acoustic treatment for the building shall be submitted. A request has also been made that the responsibilities of the resident warden approved under planning permission C/0301/95 be extended to the supervision and the management of the building approved and details submitted to the Local Authority and asked that this also covers the outdoor amenity space. I consider it reasonable to include conditions in relation to the times of use of the Kirby Building and extension, that the roof lantern and rooflights be non-opening and that no amplified music is played on the premises or outdoor areas. A student management condition 21 is recommended which requires details of the resident warden. As an amplified music condition is proposed I do not consider the acoustic treatment condition to be necessary and

therefore have not recommended it. However, this could be included if Planning Committee consider it to be necessary. The recommended conditions on this scheme will help protect nearby neighbours' in terms of noise pollution.

- 8.35 The Design and Access Statement refers to air source heat pumps could be utilised but will require further investigation. No details have been provided under this planning application. Therefore the location, noise and visual impact cannot be assessed. A separate planning application would be required if the pumps were required in the future as these are not shown on the proposed drawings. Environmental Health have requested a plant noise insulation condition and informative in the absence of further information.
- 8.36 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

#### Amenity for future occupiers of the site

- 8.37 59 St Barnabas Road is presently used as student accommodation and therefore there are facilities on site to cater for the additional 13 student rooms. The Kirby building dining area/break out space will also be enlarged as part of the planning application and this will provide additional indoor amenity space for the students. There is outdoor space on site which the students can use for socialising and the accommodation is also not far from Parkers Piece. A living room will be lost from St Barnabas House, however a common room has been provided in this building for students. A Resident House Manager will have accommodation on the ground floor of St Barnabas House. I consider the proposal provides satisfactory student accommodation for future occupiers.
- 8.38 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.



## **Refuse Arrangements**

- 8.39 The Design and Access Statement explains that the bin store has been relocated within the secure service area as shown on the site plan. Kitchens are to be provided with integral separate waste containers to encourage recycling.
- 8.40 The complex is serviced by the college so a refuse vehicle is not required to enter the site. It explains it will be in accordance with RECAP Waste Management Design Guide. The location of the bin store by the side of the main building at No.59 St Barnabas Road is shown on the site plan.
- 8.41 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.42 The Highways Authority is satisfied with the Transport Statement provided. More information was requested to understand how vehicles parked on the site would turn around. The agent does not anticipate any vehicles will enter the site but has shown three car parking spaces. They expect these will be rarely used. The agent has said the bin store could be moved if required to allow vehicles to turn around within the site. The Highways Authority considers this to be acceptable. I consider a Management Plan condition should be included to ensure the servicing arrangement is satisfactory. I also recommend a bin storage condition is included to ensure the location and appearance of the bin store is acceptable. If vehicles require this space to manoeuvre then there is adequate space on site to relocate the bin store.
- 8.43 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

### Car Parking

- 8.44 Appendix C of the Local Plan 2006 provides maximum car parking standards. For residential schools and colleges it details 1 space for every 3 non-resident staff plus 1 space per resident warden/staff. Where rooms are specifically designed

for people with disabilities, disabled parking of at least 1 space for each room so designed should be provided.

- 8.45 A Transport Statement was provided on 30<sup>th</sup> October 2016. It highlights that no car parking will be provided at the site and entrance gates have been installed at the site to prevent this. The additional 13 student rooms will cater mainly for students from overseas between 16 and 18 years old, who do not have access to a car. The site is located close to Cambridge station. The site is within a Controlled parking Zone and there is a public pay and display car park located in close proximity to the site on the opposite side of Mill Road on Gwydir Street.
- 8.46 Although the agent does not anticipate that the three car parking spaces shown on site will be used I do consider that if needed the provision of three car parking spaces is satisfactory.
- 8.47 The Highways Authority explains that the proposal will not qualify for Residents' Permits. I recommend a condition be included in relation to this.

#### Cycle Parking

- 8.48 The total number of student rooms on site is 42. Appendix D of the Local Plan 2006 explains that student accommodation requires 2 spaces per 3 bedspaces and 1 visitor space per 5 bedspaces. There is a provision for 28 cycle spaces.
- 8.49 The Council's Cycle Officer considers the cycle parking to be adequate but requests it is covered. I recommend a condition be included for the provision of covered bicycle stores.
- 8.50 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

#### **Third Party Representations**

- 8.51 Comments have been raised in response to details approved under previous planning application reference 16/0552/FUL. Matters on this application cannot be considered under the current planning application.
- 8.52 Concerns have been raised with the Security Lighting that has been installed on site. A neighbour is concerned that it shines

into neighbours' windows. This is not part of the current planning application. However, the applicant has been contacted with regards to this and in response to neighbours' concerns they have toned down the lighting levels and installed the timer so that the lights go off at 11.10pm.

8.53 A request has been made that all new windows facing towards the Vicarage, 57 St Barnabas Road are frosted windows. I do not consider this to be appropriate as the windows on the extension to the main building at No.59 St Barnabas Road serve bedrooms at ground, first and second floor.

## **9.0 CONCLUSION**

9.1 I consider the proposed extensions and reconfiguration at No.59 St Barnabas Road would preserve the character and appearance of the conservation area and Building of Local Interest on site and would not detrimentally harm neighbours' amenities.

## **10.0 RECOMMENDATION**

**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. 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. If during the works suspected contamination or suspect ground conditions are encountered, the Local Planning Authority should be informed, the suspect materials shall be fully assessed and an appropriate remediation scheme agreed in writing with the Local Planning Authority. 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.

Reason: In the interest of environmental and public safety and in accordance with Cambridge Local Plan 2006 Policy 4/13.

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

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

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

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

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

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

Reason: in the interests of residential amenities in accordance with Cambridge Local Plan 2006 Policy 4/13.

8. All new joinery works shall match exactly the existing in every respect including material, style, moulding detail and workmanship unless otherwise agreed in writing by the local planning authority.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

9. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

10. All new joinery is to be of timber and not metal or plastic.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

11. No new windows shall be installed in the existing building, nor existing windows altered until drawings at a scale of 1:10 of details of new or altered sills, lintels, jambs, transoms, and mullions 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 Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

12. All new brickwork shall match exactly the historic work nearby in terms of bond, mortar mix design, joint thickness, pointing technique, brick dimension, colour and texture, etc.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

13. 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)

14. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

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

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

16. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

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

17. Prior to the occupation and use of the development hereby approved further details of the bin storage arrangements will need to be agreed in writing with the Local Planning Authority. This shall include the submission of a detailed plan with bin lorry tracking information, details of the location and appearance of the bin storage area and you will need to demonstrate that there is sufficient space for vehicles to turn around within the site.

Reason: To ensure its visual appearance is acceptable and for highway safety reasons and to comply with policies 3/12 and 8/2 of the Local Plan 2006.

18. 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 protect residential amenities and Highway safety and to comply with the National Planning Policy Framework 2012.

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

Reason: To protect trees of amenity value and accord with policies 4/4 and 4/11 of the Local Plan 2006.



20. 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 trees of amenity value and accord with policies 4/4 and 4/11 of the Local Plan 2006.

21. Prior to the occupation of the development, a student management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include provisions relating to travel advice; specific stipulations prohibiting the keeping of a car in Cambridge (excluding disabled students); check-in time slots in order to stage the impact of the check-in process; the organization of the move-in day; site security; the management of deliveries; responsibilities expected of students both inside and outside the site; the management of move-out times; maintenance cover; tenancy checks; waste management; and the external display of contact information for on-site management and emergencies. It shall include details of the resident warden. The scheme shall be managed in accordance with the approved details.

Reason: In order to ensure the occupation of the site is well managed and does not give rise to significant amenity issues for nearby residents (Cambridge Local Plan, policies 4/13 and 7/10).

22. Prior to the occupation of the new extensions, a scheme for the provision of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be delivered prior to the occupation of the new extensions in accordance with the approved details.

Reason: In order to promote ecological enhancements (Cambridge Local Plan 2006 policy 3/1 and the Council's SPD regarding Sustainability and Construction)

23. The bottom half of the first and second floor windows approved on the south elevation of the extension to No.59 St Barnabas Road shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

24. The Kirby Building and extension for the student common room/break out space hereby approved shall not be used between the hours of 2300 and 0800.

Reason: In the interests of residential amenity and to comply with policy 4/13 of the Local Plan 2006.

25. Full details of the new rooflights on the Kirby Building, which shall be non-opening, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Both the rooftop lantern and rooflights shall be non-opening.

Reason: In the interests of residential amenity and to comply with policy 4/13 of the Local Plan 2006.

26. There shall be no amplified music played on the premises (including the outdoor areas).

Reason: In the interests of residential amenity and to comply with policy 4/13 of the Local Plan 2006.

**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 occupiers of the new student accommodation will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

**INFORMATIVE:** The Disability Panel would emphasise the need for a-symmetrical doors in the corridor spaces and manifestations on the glazed screen. The inclusion of two or three accessible units would be more appropriate for a development of this size (with window sill heights suitable for wheelchair users). All rooms should include handrails so as to appeal to a wider range of users. The kitchen should also include a dual-height hatch.

**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:** The following comments are in accordance with the Housing Health & Safety Rating System (HHSRS) (Housing Act 2004) - a system for evaluating potential risks to health and safety from any deficiencies identified in dwellings:

Hazard - Crowding & Space

A sleeping room for one student should measure no less than 6.5m<sup>2</sup> where there is also other habitable space available such as a common room or dining room. The space taken up by an en-suite cannot be included to achieve this requirement.

Loft rooms should have a minimum ceiling height of 2.14m over at least 75% of the usable floor area, and when measuring usable floor area of a loft room, any floor area where the ceiling height is less than 1.53m shall be disregarded.

#### Hazard - Food Safety

Kitchenette's must be provided in both St Barnabas House and the Stable Block to ensure snacks and refreshments can be prepared outside of the opening hours of the dining hall and as per the Councils requirements for Gyp Rooms

In addition, St Barnabas House was granted a Mandatory HMO License (Housing Act 2004 S.64) on 25th October 2015 for up to 13-persons. For any proposed change to the number of occupiers, a HMO license variation application must be submitted to Environmental Health.

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**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1825/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	14th October 2016	<b>Officer</b>	Sav Patel
<b>Target Date</b>	12th December 2016		
<b>Ward</b>	Abbey		
<b>Site</b>	63 Ditton Walk Cambridge Cambridgeshire CB5 8QD		
<b>Proposal</b>	Erection of 4 No. self-contained units following demolition of the existing workshops with associated refuse, cycle, access and landscaping works.		
<b>Applicant</b>	Mr Ian Purkiss C/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would enhance the appearance of the site by replacing a redundant commercial building with a building that sympathetically assimilates into the residential context of the site;</li> <li>- The proposed building is of high quality in terms of its design which responds to the existing pattern of the development along Ditton Walk and is of a scale which is respectful of this setting;</li> <li>- The proposal would not have any adverse impact on the residential amenity of the adjoining neighbours and would provide future occupiers with a high quality living environment.</li> </ul>
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<b>RECOMMENDATION</b>	<b>APPROVAL</b> subject to conditions.

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

- 1.1 The application site consists of a pitched roof single storey vacant warehouse building which is set back from the road. The building is more or less full width apart from a narrow gap along the western boundary which is contained between two sections of the building which are located on the western boundary. The building straddles most of the eastern boundary past the rear elevation of no.65 Ditton Walk which is a two storey end of terrace residential property. The red line boundary for the application site does not include a small section of site to the rear. This area of land contains an outbuilding and whilst in the applicant ownership is not part of the proposed development site.
- 1.2 To the west of the site is an existing car repair use with a large front forecourt area and beyond this use there are other commercial uses. To the east is a terrace of two storey dwellings with deep rear gardens, particularly no.65 and 67. To the north-east of the site is a recent development of a three storey residential apartment block and car parking area.
- 1.3 The residential form of the area is characterised by mainly two storey Victorian semi-detached and terrace houses, which are set back from the highway with small front threshold spaces. There are several recent infill houses and small scale residential developments along Ditton Walk and nearby to the site.
- 1.4 The application site is not located within any designated area of constraint and there are no listed buildings or similar building nearby. However, to the north of the site is Stourbridge Common which is a protected open space and within the Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission (ref: 15/2196/FUL) was granted for the redevelopment of the site including demolition of the existing



warehouse and construction of a building containing three residential flats at Planning Committee in August 2016.

- 2.2 The planning application seeks planning permission for the construction of no.4 flats following demolition of the existing warehouse building, associated refuse, cycle and access provision and landscaping.
- 2.3 There would be very little change to the external appearance of the approved scheme. The proposal over and above the approved scheme consists of the following alterations:
- o The additional flat would be created by the subdivision of Flat 3 into two flats (1x1bed flat and 1 studio). Flat 3 was approved as a 2bed duplex flat with the bedroom in the loft space. The proposed studio flat would be located entirely with the roofspace.
  - o The introduction of a new window in the second floor of the side (south-west) gable.
- 2.4 No additional alterations are proposed from the approved scheme. Therefore, the only issue for consideration is whether the additional flat and window are acceptable.
- 2.5 I have attached a copy of the committee report for the previous scheme in Appendix 1.

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
15/2196/FUL	Erection of 3No. self-contained flats (1 x 2bed and 2 x 1bed) following demolition of the existing workshops with associated refuse, cycle, access and landscaping works at the land of 63 Ditton Walk	APPROVED
09/1101/FUL	Erection of part single and two storey commercial building to be used in connection with catering butchers (following demolition of existing building).	APPROVED

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

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

	Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

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

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

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

## 6.0 CONSULTATIONS

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

6.1 The proposal is likely to impose additional parking demands upon on street parking. This is unlikely to result in any significant adverse impact on highway safety. However the potential impact on residential amenity should be considered. Otherwise the proposal would have no significant impact on the public highway subject to the following conditions/informatives:

- Surface water drainage;
- Redundant crossover closed;
- Offence to carry out work to highway without permission;
- No overhanging of highway;
- Public utility apparatus;

## **Environmental Health**

6.2 The proposed development is acceptable subject to the following conditions:

- Construction hours
- Collection during construction
- Construction/demolition noise/vibration and piling
- Dust condition
- Contaminated land (x6)
- Acoustic assessment compliance;
- Ventilation;
- Dust informative
- Asbestos informative
- Site investigation informative
- Remediation works informative
- Materials chemical testing informative

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

6.3 The proposal is acceptable subject to a surface water drainage condition.

## **Landscaping**

6.4 Landscape proposals for this development must include a complete and thorough method statement associated with the decompaction of the area where the existing structure currently stands. It is expected that a significant amount of concrete foundations, hard core, rubble and compacted soils will be removed to reach undisturbed subsoil. The decompaction and refilling of this excavation should achieve a topsoil depth of 250mm for lawns and 400mm for shrub/tree planting, the remainder of the excavation should be filled with quality subsoils. All subsoils to conform to BS 8601:2013, topsoils to conform to BS 3882:2014 and the infilling to conform with the Construction Code of Practice for the Sustainable Use of Soils:2011.

6.5 Aside from this, the proposed development is acceptable subject to the following conditions:

- Hard and soft Landscaping;
- Boundary treatment;

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:

- 62 Ditton Walk
- 60 Ditton Walk
- 69a Ditton Walk

7.2 The representations can be summarised as follows:

- Too many units for a small site and do not meet minimum space requirements;
- No parking provided which would have an adverse impact on local residents by increasing pressure for on street parking;
- Scale, height, form, materials and detailing of proposed development is unacceptable;
- The development should be similar to no.65, 67 and 69;
- Inadequate size of proposed units that do not comply with the technical Housing Standards;
- Lack of private amenity space;
- Concerns with additional car parking associated with the proposed development which will lead to increase traffic generation;
- No evidence submitted to demonstrate car free development would be acceptable in this location;
- Proposal should include car parking or number of units reduced;
- Materials for the building need to be specifically chosen and match 65-69a;

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 The principle of demolishing the existing warehouse building and construction of a 2 " storey residential building has already been established on this site in the previous planning application (Ref: 15/2196/FUL). Therefore, as there has been no material change in the appearance of the site or to planning policy, I do not consider it necessary to repeat my assessment of the principle of development here.

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

8.3 The design, scale, layout and external amenity space has not changed from the previously approved scheme. I therefore do not consider it necessary to reassess the proposed development other than the two new issues; proposed new flat and new second floor side window.

8.4 The proposal to create a self-contained studio in the roofspace of the building via the subdivision of Flat 3 is considered to be acceptable. Other than the introduction of a window in the side gable the addition of a new flat would not be noticeable. There would be no increase in the size of the approved building or to its design in terms of roof profile.

8.5 The proposed studio flat would be the smallest of the four flats and accessed via the communal side entrance. The studio flat would be 26.11m<sup>2</sup> (281sqft). Whilst the emerging Local Plan has a policy on internal space standards, this cannot be given any material weight at this stage. There are national space

standards in the National Planning Policy Guidance: Technical housing standards (March 2015). However, this document has no “statutory meaning or use” and therefore cannot be used to assess this proposal. In this context, therefore, the addition of a studio flat is acceptable.

- 8.6 The proposed second floor window would help to break up the blank side gable of the building. The proposed window is acceptable.
- 8.7 In my opinion the proposed development is of high quality and responds sensitively to the site contexts and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 In terms of residential amenity of the adjacent occupiers, this was also assessed in the previous application in terms of impact on privacy, outlook overshadowing, and noise and disturbance. As the proposed building in terms of scale, design and layout is identical to the approved building, except for the second floor window, I do not consider it necessary to repeat my assessment on the impact on neighbouring occupiers.
- 8.9 The proposed new window would not cause any overlooking or loss of privacy to existing dwellings as the window would face south-west and towards the existing commercial uses.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.11 The future occupiers of the four flats would have access to a large area of communal space at the rear of the site which includes bin and cycle storage. The ground floor flat would have a private garden area which is fenced off from the rest of the communal garden in order to mitigate the impact on other

residents walking past the bedroom and living room windows. Each flat offers a high quality level of living accommodation for future occupiers without causing any inter-overlooking issues.

- 8.12 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, 3/12 and 4/13

### **Refuse Arrangements**

- 8.13 The proposal includes a dedicated storage area for the waste receptacles which is located at the rear of the site and within the pull distance of the Waste Design Guide.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.15 The proposed development would not have any adverse impact on highway safety. The proposal would reduce the number of vehicle movements that would normally be associated with a commercial use.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

Car parking

- 8.17 The proposal does not include any off street car parking. The Local Plan encourages a modal shift towards alternative modes of transport in sustainable locations which are close to public transport links, shops and services. The site is located within walking distance of bus stops located on Newmarket Road. The site is also located within a 14 minute walk and 5 minute cycle ride of Cambridge Retail Park off Newmarket Road and the Tesco Extra store off Cheddar Lane. The site is also within close proximity to public open space such as Barnwell Park and Ditton and Stourbridge Common. Therefore the site is considered to be located within reasonable walking and cycling



distance of local amenities. Furthermore, given the proposed units four bed flats there is a high probability that future occupiers will not own their own car. I have therefore applied a car club informative.

### Cycling parking

8.18 The proposal includes parking for seven cycles in a storage area located at the rear of the site opposite the bin store. The side access provides sufficient width (1.5 metres) to push a cycle and bin along. The side access would contain a security gate half way down to increase security of the rear communal area.

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

### Third Party Representations

8.20 I have addressed the majority of the concerns raised by neighbours in the above section of the report. However, I set out below the issues I have not directly addressed:

<b>Representations</b>	<b>Response</b>
Too many units for a small site and do not meet minimum space requirements;	The Council does not have any internal space standards from which to assess proposals for residential development. However, the units are considered to be adequate in terms of their size.
No parking provided which would have an adverse impact on local residents by increasing pressure for on street parking;	Due to the size of the units and location to local shops and service including public transport links, this type of development would be suitable as a car free scheme.
Scale, height, form, materials and detailing of proposed development is unacceptable;	The scale of development is in keeping with the pattern of new development along Ditton Walk and in the area.
The development should be similar to no.65, 67 and 69;	Noted.

Inadequate size of proposed units that do not comply with the technical Housing Standards;	The Council does not have any internal space standards from which to assess proposals for residential development. However, the units are considered to be adequate in terms of their size.
Lack of private amenity space;	The rear ground floor flat has access to a private area. The other three flats would have access to a generous communal area to the rear.
Concerns with additional car parking associated with the proposed development which will lead to increase traffic generation;	The Highway Authority has not raised any objections to the proposed development in regards to highway safety.
No evidence submitted to demonstrate car free development would be acceptable in this location;	Planning permission has been granted on this site for a car free scheme. The addition of one new flat is unlikely to materially impact the area.
Proposal should include car parking or number of units reduced;	As above.
Materials for the building need to be specifically chosen and match 65-69a;	I have recommended a materials conditions.

## 9.0 CONCLUSION

- 9.1 The proposal is for the demolition of the existing single storey pitched roof structure and development of a two and half storey building to accommodate four self-contained flats with cycle and bin storage and outdoor space. Planning permission (15/2196/FUL) has already been granted by Planning Committee for a three flat scheme on this site last year.
- 9.3 The proposed development is of high quality design which responds to and draws inspiration from the site. The building appears as a modern detached property with features that are found locally such as a front bay window, sash windows, lintel and cill detailing and chimney. The eaves line would match the

existing terrace to the north but project above the ridge similar to modern houses at no.77 to 79 which are similar in appearance and scale to the proposed development.

- 9.4 The proposed development would not have a detrimental impact on the residential amenity of the adjoining neighbours; south and north. The proposal would not result in any loss of privacy as there are no clear windows in the side elevation at first floor or above that would directly face the garden of no.65 and there are no windows in the southern elevation facing the commercial units in order to mitigate the noise impact from the commercial uses. In terms of future occupiers, the windows in the rear elevation at first floor relate to an en-suite and bathroom with the main living and bedrooms located furthest away. The rear ground floor flat would have a double door and window serving a living room and bedroom but the applicant has proposed to provide an enclosed garden space to attenuate any noise from the commercial uses. I have recommended a boundary treatment and hard and soft landscaping conditions so that details of the enclosure and boundary details are submitted for consideration prior to occupation to ensure the impact from noise is sufficiently mitigated.
- 9.5 The proposed development is therefore considered to be acceptable and would represent a positive addition to the site and street scene without having an adverse impact on the residential amenity of the adjacent neighbours.

## **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 out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

12. Prior to the commencement of the use hereby permitted, the arrangements for the disposal of waste detailed on the approved plans shall be provided and information shall be provided on the management arrangements for the receptacles to facilitate their collection from a kerbside collection point. 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

13. Prior to occupation of the hereby approved development, the noise insulation scheme and mitigation requirements as stated within the Cass Allen acoustic design assessment dated 26 May 2016 (ref: RP01-16260) shall be fully implemented, maintained and not altered.

Reason: To protect the amenity of future occupiers Cambridge Local Plan 2006 policy4/13

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

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

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



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

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

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

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

16. 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)

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

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

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

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

19. Prior to first occupation of the hereby development, the existing vehicular access at the front of the site from Ditton Walk shall be reinstated to kerb and pavement in accordance with the approved details.

Reason: In the interests of highway safety and the efficient operation of the highway in accordance with Policy 8/10 of the Cambridge Local Plan 2006.

20. The window identified as having obscured glass on drawing number PL(21)01 rev P6 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

21. 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)

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

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

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

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

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

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

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**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1362/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th August 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	11th October 2016		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Land Adjacent To 99 Kendal Way Cambridge Cambridgeshire CB4 1LP		
<b>Proposal</b>	Erection of two 2-bed affordable houses, associated landscaping, parking spaces and rear gardens.		
<b>Applicant</b>	Cambridge City Council Cambridge City Council CB4 1LT		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal is considered to provide a high quality living environment for future occupants.</li> <li>- The proposed works would not adversely impact on residential amenity in terms of increased parking pressure, overshadowing, overlooking or visual dominance.</li> <li>- The proposed development would be in keeping with the character and appearance of the area</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of former garden land associated with no.99 Kendal Way which is under the ownership of the City Council. The site is a wedge of land situated in-between nos.97 and 99 Kendal Way. The surrounding area is residential in context and properties are

typically two-storeys in scale and either terraced or semi-detached in form.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal seeks planning permission for the erection of a pair of semi-detached properties and associated parking and landscaping.

2.2 The proposed development would be two-storeys in scale and constructed with a tiled hipped roof measuring approximately 5.1m to the eaves and 8.3m to the ridge. The proposed building would be constructed in buff brick with grey upvc windows and timber panelling at first-floor level.

2.3 There would be a parking space for each dwelling at the front of the site with side passageways leading to the rear gardens. Bin and cycle storage would be provided in the private outdoor spaces.

2.4 The proposed dwellings would be owned by the City Council and used for affordable housing.

## **3.0 SITE HISTORY**

3.1 There is no 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 3/10 3/11 3/12 4/3 4/4 4/13 5/1 8/2 8/4 8/6 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Affordable Housing (January 2008) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cycle Parking Guide for New Residential Developments (2010)
Supplementary Planning	Sustainable Design and Construction (May 2007)

Guidance	<p>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>
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

- 6.1 Provided that the Planning Authority is content that the Highway Authority can specify the final form of the crossing (which may impact upon the adjacent tree) the Highway Authority has no objection subject to conditions.

## **Environmental Health**

- 6.2 No objection subject to conditions

## **Refuse and Recycling**

- 6.3 No objection.

## **Urban Design Team**

- 6.4 No objection subject to conditions.

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

- 6.5 No arboricultural objection subject to minor adjustment of new cross over to exclude it from the RPA of the street tree.

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

- 6.6 No objection subject to conditions.

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

- 6.7 No objection subject to condition

## **Nature Conservation Project Officer**

- 6.8 No objection subject to conditions.

## **Disability Consultative Panel (Meeting of 30 August 2016)**

- 6.9 The Panel felt these homes were particularly small, and although described as 'Lifetime Homes compliant' details of the accessible unit are not specified (although the inclusion of a bathroom hoist is noted). Consultation with an Occupational Therapist is recommended regarding the 'Lifetime' standards. Sliding doors are recommended for the bathrooms, particularly if space is limited.
- 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:

- 97 Kendal Way
- 190 Kendal Way
- 192 Kendal Way

7.2 The representations can be summarised as follows:

- Loss of privacy/ overlooking
- Overbearing/ enclosure
- The proposal is contrary to the Human Rights Act Protocol 1, Articles 1 and 8
- Loss of light/ overshadowing (daylight, sunlight and moonlight)
- Shadow study inaccurate/ requires further detail
- The proposal is contrary to policies 3/1, 3/4, 3/7, 3/10, 8/2, 8/4 and 8/6 of the Cambridge Local Plan (2006).
- The revised plans are inaccurate in terms of dimensions.
- Land ownership concerns.
- Clarification of internal features in terms of Lifetime Homes standard needed.
- What type of trees/ plants will be used?
- Section 8 of the application form has been filled out incorrectly.
- The proposal is out of keeping with the character of the area.
- The materials are not in keeping with the area.
- The kitchens should be placed on the rear to provide a better active frontage to Kendal Way.
- Increased parking pressure on surrounding streets.
- Overdevelopment of the plot.
- Issues concerning utilities/ drainage
- Loss of garden land detrimental to wildlife.

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. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligations (s106 Agreement)

## **Principle of Development**

- 8.2 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**

8.7 The proposed dwellings would be set back from and front onto the street in a similar manner to that of other properties along the road. The building line would be marginally forward of the adjacent pair of semi-detached properties at nos.99-101 Kendal Way. Nevertheless I do not consider this progression forward of the established building line would be significant and the proposed dwellings would still be read in a similar context to that of the surroundings. It is acknowledged that the building would not directly line up with nos.186 – 188 opposite in the same manner as that of the relationship between nos. 99 – 101 and nos. 190 – 192. However, I do not consider the proposal must conform to this pattern in order for it to integrate successfully into its surroundings. It would still read as a pair of semi-detached properties and there would be a comfortable separation distance from the boundaries of neighbours. The additional footprint of the dwelling compared to its neighbours would be situated to the rear of the site and would not result in the proposed development being too prominent or out of proportion within its context.

8.8 The proposal would have the appearance of a pair of semi-detached properties which would be in keeping with the general pattern of development in the surrounding area. The two-storey scale proposed is appropriate and is informed by the built form in the area. It would be designed with a strong active frontage with a consistent fenestration of doors and windows. It is noted that an objection has been made on the grounds that the kitchen windows at the front would not provide a sufficient active frontage. I disagree with this as the kitchen use is deemed to be a habitable room and would fulfil the objectives of

engaging with the street scene. The use of red brick with a hipped tiled roof would match the overall material palette of the surrounding area. Concerns have been raised regarding the specific colours and type of materials proposed and how the development should instead mimic that of properties in the immediate vicinity of the site. I do not agree with this and am of the view that the use of alternative materials and colours would give the building a contemporary feel compared to the post-war style housing in the immediate vicinity and would help rejuvenate the appearance of the area to provide a successful yet subtle contrast. The Urban Design Team has recommended a condition regarding material samples and this is proposed as a condition.

- 8.9 The proposed dwellings would have two main points of access. There would be a front door and path adjacent to the proposed car parking spaces which connects to Kendal Way. There would also be gates at the side of the dwellings which would likely be used when future occupants are accessing the cycle stores or taking out bins. I consider the proposed arrangement of car parking and main routes into the proposed dwellings would be acceptable from a design perspective.
- 8.10 A vehicular access would be introduced to provide car parking for plot 1, the northern-most property. Approximately 1m<sup>2</sup> of this new access would fall marginally with the root protection area of a large lime tree immediately to the west of the street which, although not specifically protected, is considered to be a positive feature in the street scene. Although the interference in the root protection area would be small in size I have recommended relevant tree protection conditions to ensure that this tree is adequately protected during any works and any relevant mitigation measures implemented accordingly. An informative has been recommended to make the applicant aware of the need to satisfy both the Highway Authority, in terms of highway safety, as well as the City Council, in respect of tree protection, when constructing this new access.
- 8.11 The Landscaping Team has raised no objection to the proposed landscaping works, subject to conditions, which would ensure that suitable species of trees, soft landscaping and hard landscaping is implemented.

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

### **Disabled access**

- 8.13 The Disability Consultative Panel has sought clarification regarding the schemes compliance with the Lifetime Homes standard. The floorplans do demonstrate that there would be the ability for wheelchair turning areas in the majority of the rooms and space for the possible provision of an internal lift in the corner of each of the living rooms up to the first-floor bedrooms. Any modifications needed to ensure that these dwellings would meet the Lifetime Homes standard would be restricted predominantly to internal works beyond the control of planning. I have recommended an informative to make the applicant aware of this
- 8.14 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

- 8.15 The main consideration is the impact of the proposed works on the adjacent occupiers of nos.97 and 99 Kendal Way.

#### Impact on no.97 Kendal Way

- 8.16 No.97 Kendal Way is a semi-detached property situated to the north of the application site. This neighbour has raised several concerns about the proposal, including loss of light, loss of privacy and visual enclosure. I have visited this neighbour and assessed each of these points in turn below.

#### *Privacy*

- 8.17 I do not consider the proposed development would compromise the privacy of this neighbour. At ground-floor level there would be a side living room window to a lounge whose main outlook is onto the rear garden. The side window would serve as the secondary outlook for this room. It would be facing out onto a 1.8m high fence and so there would not be a direct line of sight



to no.97's side kitchen window or garden. The other windows on the side elevation at ground-floor and first-floor are both bathroom windows and I have recommended a condition to ensure that these are obscure glazed and not fully openable. The proposed first-floor rear bedroom window would allow for direct views across the east rear-most part of the garden of this neighbour and obliquely into its centre. Whilst this is additional overlooking, it is not into the immediate rear garden area of this property adjacent to the house. Coupled with the fact that the plot for no.97 is large, I do not consider that the overall privacy, given the orientation of the proposal and distances involved, would be significantly prejudiced.

### *Enclosure*

- 8.18 I am of the opinion that the proposal would not harmfully visually dominate this neighbour. No.97 has a side kitchen window which faces out to the south towards the proposed development. This kitchen is also served by a part-glazed kitchen door on the east elevation. The side first-floor window of this neighbour appears to serve the landing area at first-floor. This neighbour benefits from a front, side and rear garden. The remaining windows are on the rear and front elevations and would not be visually affected by the proposed development. At a distance of approximately 8.5m from the kitchen to plot 1 and given the off-set position of the plot, whilst the proposal would be clearly visible from the kitchen and garden land there would remain a spaciousness around it. There would be no significant visual enclosure arising from the development.
- 8.19 Taking a direct line from the approximate position of this neighbour's side kitchen window out to the south there would be a separation distance of roughly 10.5m between this window and the proposal. At its closest point, the proposed development would be approximately 8.5m away when looking south-east from this window but this would be a less direct line of sight. The proposed dwelling would introduce a 5.1m high wall opposite this window and then the 8.3m high hipped ridge of the roof would slope away from this neighbour. In plotting the approximate position of this window, 10.5m away from the proposed development, the 25° line of sight would not be interrupted by the proposed works.

8.20 The garden of this property is considerable in size and I am of the view that the main private outdoor amenity space is at the rear which leads out from the ground-floor patio doors. The side and front garden area is currently exposed and visible from the public realm. The proposed development would not be readily visible from views looking eastwards down this neighbour's garden from the main private garden area. I have recommended a condition regarding the cycle store which would be adjacent to this neighbour's garden to ensure that the height of this structure is not visually imposing. Given that the site is currently undeveloped, it is inevitable that the proposed built form would have a visual impact. Nonetheless, I do not anticipate that the physical presence of the building would be harmful to this neighbour's amenity with respect to visual dominance.

### *Overshadowing*

8.21 In terms of overshadowing, I do not consider the proposal would significantly harm this neighbour's amenity. As explained in paragraph 8.19, the proposed works would not break the 25° line of sight taken from the side kitchen window of this neighbour. The BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) states that in cases where new developments would be in close proximity to existing outlooks directly opposite, the 25° calculation should be undertaken to ascertain whether the levels of daylight reaching the affected outlook would be acceptable. In this case, as the proposal falls outside this 25° angle, the proposal is considered to be acceptable in this respect.

8.22 The applicant has also produced a shadow study which shows the likely levels of overshadowing that the proposal would cause at 09:00hrs, 13:00hrs and 17:00hrs at each of the relevant equinoxes. During the autumnal/ vernal equinoxes at 09:00hrs there would likely be some overshadowing over the side kitchen window and side garden area of this neighbour. There would also be a strip of this neighbour's south-eastern garden boundary which would be overshadowed throughout the day. At 13:00hrs there would be a small shadow cast over part of this neighbour's garden but this would not be significant. During the summer equinox, when the sun is at its highest point, the levels of overshadowing over this neighbour would be minimal. At the winter equinox, there would be considerable

overshadowing over the front garden during the morning and the rear garden during the afternoon.

8.23 The BRE Site Layout Planning For Daylight and Sunlight: A Guide to Good Practice (2011) recommends that 50% of neighbour gardens should receive at least 2 hours of sunlight during the autumnal/ vernal equinox. Whilst there would inevitably be a larger shadow cast over this neighbour's garden than currently experienced, this neighbour would still receive well in excess of the recommended 2 hours of sunlight over 50% of the garden. There would be a degree of light loss experienced at the side kitchen window in the early morning hours during the autumnal/ vernal equinoxes. However by late morning this window would still receive light for this habitable room up until the early afternoon. In addition, the kitchen door would capture some morning sunlight for this room which would retain some morning light. Overall, I am of the opinion that the levels of overshadowing would not be significant enough to warrant refusal of the application.

#### *Conclusion of overall impact on no.97*

8.24 The occupier of no.97 has lodged a strong objection and I have carefully considered the points raised. To my mind, as a development proposal, its siting and scale appear to be adequately respectful of the amenities of no.97. Whilst an impact would result from the scheme, neither issue of privacy, enclosure or loss of light would result in significant harm. The impact is acceptable.

#### Impact on no.99 Kendal Way

8.25 No.99 Kendal Way is a semi-detached property situated to the south-east of the site.

8.26 For the same reasons as set out in paragraph 8.17 of this report, I do not anticipate the proposal would compromise the privacy of this neighbour. The side windows would have limited outlooks or be obscure glazes/ fixed opening. The views from the first-floor bedroom window would be no worse than that of the existing views from no.101 Kendal Way.

8.27 The proposed works would not visually dominate this neighbour's main outlooks. The ground-floor side facing window

of this neighbour serves a bathroom and the first-floor side window appears to serve a landing. The proposed development is set off this neighbour's boundary and the nearest rear first-floor window also serves a bathroom. The proposal does not break the 45° lines from any of this neighbour's habitable outlooks. The neighbouring garden would still have a relatively open outlook out to the north-east, east and south which would be unaffected.

- 8.28 The proposal would not harmfully overshadow this neighbour. The levels of light reaching this neighbour for the vast majority of the day would not be impacted by the proposal. Any overshadowing over this neighbour would be limited to the late afternoon/ early evening and would not in my view have a significant impact on this neighbour's amenity.

#### Noise and disturbance

- 8.29 In my opinion, the proposed residential use of the site should not of itself introduce any harmful noise or disturbance to neighbouring properties. The site is situated in a residential context and the use of the gardens, movement of bins and bikes and parking of cars would not be dissimilar to that of existing properties in the surrounding area.

#### Car Parking

- 8.30 Each of the proposed dwellings would have their own dedicated car parking space and the City Council has maximum car parking standards. The proposed dwellings are two-bedrooms in size and if ownership exceeds this the impact on-street would be minimal.
- 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, 3/7 and 8/2.

#### Amenity for future occupiers of the site

- 8.32 The proposal would provide two affordable dwellings in a suburban location. The proposed dwellings would have their own private outdoor amenity space, bin storage area, bike store and car parking space. All of the habitable rooms would have

acceptable visual outlooks and the dwellings would have an internal area of roughly 78m<sup>2</sup>. The Green End Road Local Centre is within 300m of the site and there are bus stops along Green End Road and good cycle links into the city centre.

8.33 It is acknowledged that concerns have been raised from neighbours' regarding the narrowness of the path to plot 2 and the difficulty of manoeuvring bins and cycles through this space for future occupants. The width of the passageway would be approximately 1.15m which falls marginally below the desired width of 1.2m. Whilst I appreciate that this is narrower than normal it would not prevent future occupants from moving bins and cycles into and out of the site. A typical wheelie bin is 580mm in width.

8.34 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.

### **Drainage**

8.35 The Drainage Officer has raised no objection to the proposed works subject to condition which I agree with.

8.36 The proposal is compliant with paragraph 103 of the National Planning Policy Framework (2012)

### **Refuse Arrangements**

8.37 The proposal would provide bins in the side and rear garden areas of each property and the Waste Team are supportive of this approach.

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

### **Highway Safety**

8.39 The Highway Authority is satisfied that the proposal would not pose a threat to highway safety, subject to conditions, and I agree with this advice.

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

### **Car and Cycle Parking**

8.41 The application form does not specify how many cycle parking spaces each of the stores in the gardens would provide. Notwithstanding this, there appears to be adequate room to accommodate the necessary number of minimum cycle parking spaces and I have recommended a condition to control this.

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

### **Third Party Representations**

8.43 The third party representations have been addressed in the table below:

<b><u>Comment</u></b>	<b><u>Response</u></b>
Loss of privacy/ overlooking	See paragraph 8.17 of this report.
Overbearing/ enclosure	See paragraphs 8.18 – 8.20 of this report.
The proposal is contrary to the Human Rights Act Protocol 1, Articles 1 and 8	The part of the Act relates to an individual's right to peaceful enjoyment of their property. I have considered the potential amenity impact of the development and consider that no significant harm would arise.
Loss of light/ Overshadowing (daylight, sunlight and moonlight)	This has been addressed in paragraphs 8.21 – 8.23 of this report. Moonlight is not a planning consideration.
Shadow study inaccurate/ requires further detail	The level of information provided is considered to be acceptable for officers to make an informed assessment as to the likely impacts of overshadowing.
The proposal is contrary to policies 3/1, 3/4, 3/7, 3/10, 8/2, 8/4 and 8/6 of the Cambridge Local Plan (2006).	The proposal is considered to be compliant with these policies for the reasons set out in this report.

The revised plans are inaccurate in terms of dimensions.	The revised plans are fully dimensioned and appear to be accurate to officers.
Land ownership concerns.	This concern relates to a dispute over the position of the boundary of the site in relation to no.97 Kendal Way. The Estates and Facilities Team has been in separate discussions with the neighbour regarding the precise position of the boundary. The Estates and Facilities Team has provided an OS plan and Land Registry details which appear to accord with the red-line plan provided under the location plan. Based on the information provided, the proposed development would fall within the red-line location plan submitted with this application and I consider the application valid in this respect. Any party wall matters could be dealt with separately from planning.
Clarification of internal features in terms of Lifetime Homes standard needed.	See paragraph 8.13 of this report.
Section 8 of the application form has been filled out incorrectly.	The application has been submitted by the Cambridge City Council housing team and section 8 has been filled out correctly.
What type of trees/ plants will be used?	This would be dealt with under the hard and soft landscaping condition.
The proposal is out of keeping with the character of the area.	The proposal is not out of keeping with the area for the reasons set out in paragraphs 8.7 – 8.12 of this report.
The materials are not in keeping with the area.	This has been addressed in paragraph 8.8 of this report.
The kitchens should be placed on the rear to provide a better active frontage to Kendal Way.	This has been addressed in paragraph 8.8 of this report.

Increased parking pressure on surrounding streets.	This has been addressed in paragraph 8.30 of this report.
Overdevelopment of the plot.	The proposal is not considered to be an overdevelopment of the plot for the reasons set out in paragraphs 8.7 – 8.8 of this report.
Issues concerning utilities/drainage	This is a Building Regulation matter and not a planning consideration. A drainage condition has been recommended.
Loss of garden land detrimental to wildlife.	Conditions have been recommended in respect of shrub clearance and a reptile survey/mitigation strategy. The Nature Conservation Projects Officer has no objection to the development subject to these conditions.

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

8.44 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.

8.45 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

9.1 The proposed development adequately respects neighbouring occupiers in terms of overlooking, overshadowing, visual dominance and noise and disturbance. The proposal would be



in keeping with the character of the area, would provide a high quality living environment for future occupants and would help to meet affordable housing need.

## 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 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).

7. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure forward of the principal elevation shall be erected within the curtilage of the dwellinghouse(s) without the granting of specific planning permission.

Reason: To protect the visual amenity of the neighbourhood and in the interests of highway safety (Cambridge Local Plan 2006 policies 3/4 and 8/2).

8. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

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

9. 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).

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

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

11. The windows serving the bathrooms on drawing number 1441-P-001 Rev A on the elevations labelled B and D shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to use of the rooms and shall have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

12. Prior to any site works, a reptile survey and mitigation strategy 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 protect reptile species (Cambridge Local Plan 2006 policy 4/3)

13. The clearance of the vegetation, as shown on drawing no.1443-901 Rev A, shall only take place 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. 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 management and maintenance plan.

Reason: To minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

15. No development shall commence until details, including floorplans and elevations, of facilities for the covered, secure parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: In the interests of residential amenity and to ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2006 policies 3/3, 3/12 and 8/6).

16. Prior to commencement of development of the proposed new vehicular access to plot 1, as shown on drawing no.1443-P-501 Rev D, 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. 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 road side tree adjacent along Kendal Way. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

**INFORMATIVE:** The Disability Consultative Panel felt these homes were particularly small, and although described as 'Lifetime Homes compliant' details of the accessible unit are not specified (although the inclusion of a bathroom hoist is noted). Consultation with an Occupational Therapist is recommended regarding the 'Lifetime' standards. Sliding doors are recommended for the bathrooms, particularly if space is limited.

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

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

**INFORMATIVE:** The proposed vehicular access to parking plot 1 will need to satisfy both the Highway Authority and the City Council in respect of condition 16.

**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<b>Application Number</b>	16/1358/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th August 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	11th October 2016		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	Garages 1 - 48 Wiles Close Cambridge Cambridgeshire		
<b>Proposal</b>	Erection of three 2-bed affordable houses, associated landscaping, parking spaces, rear gardens and an alleyway for access following demolition of two garage blocks. Replacement of one site (Parking Court) with 21no. space parking courtyard and landscaping.		
<b>Applicant</b>	Cambridge City Council Cambridge City Council CB10JH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal is considered to provide a high quality living environment for future occupants.</li> <li>- The proposed works would not adversely impact on residential amenity in terms of increased parking pressure, overshadowing, overlooking or visual dominance.</li> <li>- The proposed development would be in keeping with the character and appearance of the area.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of two rows of single-storey garages and associated hardstanding situated in the residential

area of Wiles Close, owned by the City Council. The site backs onto the gardens of properties along Lavender Road, Wiles Close and St Kilda Avenue. The majority of residential development in the surrounding context is two-storeys in scale and formed of terraced or semi-detached properties.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal, as amended, seeks planning permission for the erection of three dwellings following the demolition of two garage blocks. The proposed dwellings would be situated on the land associated with the eastern-most row of garages. The dwellings would be established as a row of three terraced properties, each with their own parking space, garden and waste/ cycle storage areas. The proposed dwellings would be two-storeys in scale and constructed with tiled pitched roofs measuring approximately 5.2m to the eaves and 8.6m to the ridge. The walls would be constructed in red brick.

2.2 The row of western-most garages would be demolished and replaced with an open car parking area to provide 20no. car parking spaces with landscaping.

2.3 The proposed dwellings would be owned and let out by Cambridge City Council for affordable housing.

## **3.0 SITE HISTORY**

3.1 There is no 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 4/13 5/1 8/2 8/4 8/6 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Affordable Housing (January 2008) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cambridge City Nature Conservation Strategy (2006)

	Cycle Parking Guide for New Residential Developments (2010)
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

### 6.0 CONSULTATIONS

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

- 6.1 The development may displace 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. No highway safety objection subject to conditions.

#### **Environmental Health**

- 6.2 No objection subject to conditions.

#### **Refuse and Recycling**

- 6.3 No objection.

## **Urban Design Team**

6.4 No objection subject to conditions.

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

6.5 No objection.

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

6.6 No objection subject to conditions.

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

6.7 No objection subject to condition.

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

6.8 No objection.

## **Disability Consultative Panel (Meeting of 30 August 2016)**

6.9 The Panel felt these homes were particularly small, and although described as 'Lifetime Homes compliant' details of the accessible unit are not specified (although the inclusion of a bathroom hoist is noted). Consultation with an Occupational Therapist is recommended regarding the 'Lifetime' standards. Sliding doors are recommended for the bathrooms, particularly if space is limited. It was also not clear from the plans as to how parking provision would be allocated. With the loss of so many garages as a result of these schemes, the Panel questioned what the overall loss of parking provision would be.

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:

- 14 St Kilda Avenue
- 20 St Kilda Avenue
- 22 St Kilda Avenue
- 24 St Kilda Avenue
- 26 St Kilda Avenue

7.2 The representations can be summarised as follows:

- Loss of light/ overshadowing
- Impact on wildlife
- Insecurity of rear gardens due to creation of narrow passage way
- Light pollution and disturbance
- Overlooking/ Loss of privacy
- Maintenance of road due to increased comings and goings.
- Noise and disturbance from comings and goings.
- Contaminated land concerns.
- Increased parking pressure on surrounding streets
- Proposed houses too close to neighbouring properties.

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. Disabled access
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 (s106 Agreement)

## **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses. The site is located within a residential context. Therefore, the proposed redevelopment of the site to three new dwellings is acceptable in principle.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

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

- 8.4 The existing garages on the site do not have any positive impact on the character and appearance of the area. The majority of these garages are in poor condition and set back a considerable distance from the road. They do not offer any means of active frontage or surveillance along Wiles Close. In my opinion, the demolition of these structures is acceptable and this aspect of the proposed works would not detrimentally impact on the character and appearance of the area.
- 8.5 The proposed dwellings would be set back from and front onto Wiles Close in a similar manner to that of nos.5 – 8 Wiles Close to the west of the site. The building line would be recessed marginally further back from the road frontage than that of the adjacent property in order to accommodate parking at the front. In my opinion, there is not an established pattern of development or strict building line in the context of the area. Wiles Close properties are orientated at different angles and the wider area is fairly mixed in terms of the urban grain and layout. The proposal footprint, layout and building line all adequately respect the character and appearance of the area. There would be ample space around the proposed development and it would, in my view, read comfortably within its plot.
- 8.6 The proposal would have the appearance of a row of three terraced properties which would be in keeping with the pattern of development in the surrounding area. It would be designed with a strong active frontage with a consistent fenestration of doors and windows. The use of red brick with a pitched tiled roof would match some of the properties in the surrounding

area. The two-storey scale proposed is appropriate and is informed by the built form in the area. The use of timber paneling and modern door and window detailing would give the building a contemporary feel compared to the post-war style housing in the immediate vicinity but I consider this would help rejuvenate the appearance of the area and provide a successful yet subtle contrast. The Urban Design Team has recommended a condition regarding material samples and this has been included accordingly.

- 8.7 The proposed dwellings would have two main points of access. There would be a front door and path adjacent to the proposed car parking spaces which would connect to Wiles Close .There would also be gates at the side of the dwellings which would likely be used when future occupants are accessing the cycle stores or taking out bins. I consider the proposed arrangement of car parking and main routes into the proposed dwellings would be acceptable from a design perspective.
- 8.8 There are two large trees in the gardens of St Kilda Avenue and Wiles Close adjacent to the site. Neither of these trees are protected. The Tree Officer has assessed the information provided and has raised no objection to the proposal due to the separation distance of the proposed works from these trees.
- 8.9 The proposed replacement of the garages on the western-side of the site with an open car parking area is considered to be acceptable by the Landscape Team. This part of the land is currently covered by hard standing and the proposal would introduce pockets of landscaping with tree planting to this space and remove the visually unattractive garages. In my opinion, the proposed works to this space would improve the visual amenity of this land and is acceptable.
- 8.10 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/4.

### **Disabled access**

- 8.11 The Disability Consultative Panel have sought clarification regarding the schemes compliance with the Lifetime Homes standard. The floorplans do demonstrate that there would be the ability for wheelchair turning areas in the majority of the

rooms and space for the possible provision of an internal lift in the corner of each of the living rooms up to the first-floor bedrooms. Any modifications needed to ensure that these dwellings would meet the Lifetime Homes standard would be restricted predominantly to internal works. I have recommended an informative to make the applicant aware of this

- 8.12 In my opinion, subject to informative, the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.13 The main consideration is the impact of the proposed works on the adjacent properties on Wiles Close, St Kilda Avenue and Lavender Road.

#### Impact on Wiles Close

- 8.14 The proposed dwellings would in my view only have a material impact on no.8 Wiles Close by virtue of their close proximity.
- 8.15 There would be first-floor bedroom windows from the nearest proposed dwelling to no.8 which would allow for oblique views across this neighbour's garden. However these views would be similar to the existing views between nos.6 and 8 Wiles Close and this mutual sense of overlooking is already experienced. As a result I do not consider any harmful loss of privacy would be experienced at this neighbouring property.
- 8.16 The proposed development would be situated roughly 2.6m away from the boundary of this neighbour and there would be a 3.7m wall-to-wall separation distance. The proposal would project roughly 4.6m beyond the rear building line of this neighbour. The proposed works would fall outside the 45<sup>0</sup> line of this neighbour's nearest ground-floor and first-floor windows and I am of the opinion that these outlooks would not be visually dominated. The garden of this neighbour would retain a relatively open outlook and I am of the view that the visual presence of the proposed dwellings would not enclose this outdoor space.

8.17 The proposed built form would be situated to the south-east of this neighbouring property and consideration as to the impacts of overshadowing needs to be made. The applicant has provided a shadow study to demonstrate the likely impacts at 09:00hrs, 13:00hrs and 17:00hrs at each of the relevant equinoxes. There would be a slight increase in overshadowing during the autumnal/ vernal equinox over part of this neighbour's garden during the morning and midday hours. However this overshadowing would be limited to the south-eastern boundary of this neighbour and there would still be more than sufficient levels of light reaching this adjacent garden for the majority of the day. In the summer there would not be a significant impact on the levels of light reaching this neighbour. In the winter the proposal would overshadow some of this neighbour's garden up until approximately 13:00hrs as the sun would be at its lowest point. Nevertheless the BRE Site Layout Planning For Daylight and Sunlight: A Guide to Good Practice (2011) recommends that 50% of neighbour gardens should receive at least 2 hours of sunlight during the autumnal/ vernal equinox. As the proposal would be in keeping with this guidance I do not anticipate the overshadowing caused during the winter months would have an adverse impact on this neighbour's amenity.

#### Impact on St Kilda Avenue

8.18 It is acknowledged that a concern has been raised from one of the neighbouring properties along St Kilda Avenue regarding overlooking. The east facing first-floor side window of the nearest dwelling would serve a bathroom and I have therefore recommended a condition to ensure this window is obscure glazed and not fully openable. The rear and front facing first-floor windows would not face directly towards these adjacent properties and would only have oblique views across the latter parts of gardens. Consequently, I am of the opinion that the privacy of these neighbours would be retained.

8.19 I do not consider the proposal would visually enclose these neighbouring occupiers. There would be a separation distance of approximately 16.5m wall-to-wall between the proposed development and the rear elevations of these neighbours. In my opinion, this separation distance is adequate to ensure that the rear windows of these neighbours would not be visually enclosed by the proposed works. At present the garages adjoin



onto the rear boundaries of these neighbours, effectively forming a wall of roughly 2.2m in height. The removal of this long wall would provide a degree of benefit to these properties in terms of visual outlook. The introduction of the two-storey gable end at the end of these neighbours' gardens would clearly be noticeable from the gardens of these neighbours, particularly at nos.20 and 22 St Kilda Avenue. Nevertheless I do not anticipate the physical mass would visually dominate these neighbour's garden as they would still have outlooks to the north-east and south-west that would be unaffected by the proposed works. Overall, I do not consider the visual enclosure experienced would be significant enough to warrant refusal of the application.

- 8.20 It is acknowledged that concerns have been raised from properties along St Kilda Avenue in terms of loss of light. The proposed works would be situated to the west and north-west of these neighbours and so any overshadowing would likely be limited to the late afternoon. There would be a degree of overshadowing over the latter parts of these neighbours' gardens in the late afternoon. Notwithstanding this, the levels of light reaching these neighbours' gardens in the morning and early afternoon would remain similar to that of present and I therefore do not consider the impact would be significant enough to have an adverse impact on these neighbours' amenities.

#### Impact on Lavender Road

- 8.21 Nos.1 and 3 Lavender Road back onto the site of the proposed dwellings from the north-east.
- 8.22 The proposed dwellings would be situated roughly 11.5m away from the rear boundaries of these neighbours and there would be a wall-to-wall separation distance of over 27m. Given this level of separation distance I do not anticipate the proposed works would visually enclose these neighbours. In addition, the views from the first-floor windows of the proposed dwellings would be far enough away to ensure that the privacy of these neighbours is respected. Furthermore, the shadow studies do not demonstrate any harmful impact in terms of overshadowing and I do not consider this to be an issue either.

## Noise and disturbance

- 8.23 In my opinion, the proposed residential use of the site should not of itself introduce any harmful noise or disturbance to neighbouring properties. The site is situated in a residential context and the use of the gardens, movement of bins and bikes and parking of cars would not be dissimilar to that of existing properties in the surrounding area. The site of the proposed dwellings is currently used for car parking and storage and the removal of this function from the backs of neighbour's garden would be an improvement.
- 8.24 I do not anticipate the intensification of car parking spaces in the north-western area of the site from 14no. spaces to 20no. spaces would harmfully impact on the amenity of nearby properties in terms of vehicle movements. This parcel of land is already used for car parking purposes and the additional six vehicle movements that the proposal would generate would not be significantly different to that of present in my view.

## Car Parking

- 8.25 The application form states there are at present 22no. car parking spaces. The design and access statement explains that 11 of each row of the garages are used for car parking and the remaining four garages are used for storage only.
- 8.26 The proposal would provide 20no. car parking spaces in the new parking court area to the north-west and three car parking spaces on the site of the proposed dwellings.
- 8.27 As a result, there would be a net increase of one car parking space on site. The proposed three dwellings could increase parking pressure on the surrounding streets but I do not consider this additional pressure would be significant enough to harm residential amenity. Each of the proposed dwellings would have their own dedicated car parking space and the City Council has maximum car parking standards. The proposed dwellings are two-bedrooms in size and if ownership exceeds this the impact on-street would be minimal.
- 8.28 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, 3/12 and 8/2.

#### Amenity for future occupiers of the site

- 8.29 The proposal would provide three affordable dwellings in a suburban location. The proposed dwellings would have their own private outdoor amenity space, bin storage area, bike store and car parking space. All of the habitable rooms would have acceptable visual outlooks and the dwellings would have an internal area of roughly 72m<sup>2</sup>. The Campkin Road Local Centre is within 150m of the application site and there are bus stops along Campkin Road and King Hedges Road, both within walking distance.
- 8.30 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

#### **Ecology**

- 8.31 A concern was raised from one of the neighbours along St Kilda Avenue regarding the potential impact of the development on wildlife. The applicant has provided an ecology report which demonstrates that the proposed redevelopment of the garages would not have a detrimental impact on wildlife. The garages were not deemed suitable for roosting bats and no roosting features were identified. The report did recommend that the privet hedge may be used by nesting birds and that clearance of this feature should be conducted outside of the breeding bird season. I have therefore recommended a condition to this effect. The Nature Conservation Project Officer has raised no objection to the proposed works.
- 8.32 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 4/3.

#### **Drainage**

- 8.33 The Drainage Officer has raised no objection to the proposed works subject to condition which I agree with.

8.34 The proposal is compliant with paragraph 103 of the National Planning Policy Framework (2012)

### **Refuse Arrangements**

8.35 Bins would be stored at the end of each of the proposed gardens and there would be individual access points for bins to be wheeled out to the kerbside on collection days. The Waste Team has raised no objection to the proposed works.

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

### **Highway Safety**

8.37 The Highway Authority has raised no objection to the proposed works subject to conditions.

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

### **Car and Cycle Parking**

8.39 The application form does not specify how many cycle parking spaces each of the stores at the end of the gardens would provide. Notwithstanding this, there appears to be adequate room to accommodate the necessary number of minimum cycle parking spaces and I have recommended a condition to control this.

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

### **Third Party Representations**

8.41 The third party representations have been addressed in the table below:

<b><u>Comment</u></b>	<b><u>Response</u></b>
Loss of light/ overshadowing	This has been addressed in the main body of this report.
Impact on wildlife	This has been addressed in paragraph 8.31 of this report.

Insecurity of rear gardens due to creation of narrow passage way	The proposed passage way would be gated and I do not consider this would compromise the security of neighbouring gardens.
Light pollution and disturbance	The Environmental Health Team has raised no objection to the proposal on light pollution/disturbance grounds. I do not anticipate light associated with each of the dwellings would be any worse than that of other residential properties in the surrounding area.
Maintenance of road due to increased comings and goings.	This is a matter for the Highway Authority and not a planning consideration.
Noise and disturbance from comings and goings.	This has been addressed in paragraphs 8.23 and 8.23 of this report.
Contaminated land concerns.	Contaminated land conditions have been recommended in accordance with Environmental Health advice.
Increased parking pressure on surrounding streets	This has been addressed in paragraph 8.27 of this report.
Proposed houses too close to neighbouring properties.	The proposed houses are not considered too close to neighbouring properties. This has been covered within the residential amenity section of this report.

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

8.44 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.

- 8.45 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 The proposed development adequately respects neighbouring occupiers in terms of overlooking, overshadowing and visual dominance. The use of one of the garage sites for residential development would not adversely displace car parking on the surrounding streets. The proposal would be in keeping with the character of the area, would provide a high quality living environment for future occupants and would help meet affordable housing need.

## **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 out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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



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

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

12. 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. 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).

14. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure forward of the principal elevation shall be erected within the curtilage of the dwellinghouse(s) without the granting of specific planning permission.

Reason: To protect the visual amenity of the neighbourhood and in the interests of highway safety (Cambridge Local Plan 2006 policies 3/4 and 8/2).

15. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

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

16. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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).

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

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

18. The windows serving the bathrooms on drawing number 1441-P-001 Rev A on the elevations labelled B and D shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to use of the rooms and shall have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

19. Facilities for the covered, secure parking of at least 2 bicycles per house shall be provided prior to the occupation of each house and retained thereafter.

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

20. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4 and 3/12).

21. The clearance of the privet hedge, as shown on drawing no.1441-P-901 Rev A, shall only take place 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).

22. 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 management and maintenance plan.

Reason: To minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

**INFORMATIVE:** The Disability Consultative Panel felt these homes were particularly small, and although described as 'Lifetime Homes compliant' details of the accessible unit are not specified (although the inclusion of a bathroom hoist is noted). Consultation with an Occupational Therapist is recommended regarding the 'Lifetime' standards. Sliding doors are recommended for the bathrooms, particularly if space is limited.

**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 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.





**PLANNING COMMITTEE**

**DATE: 1<sup>ST</sup> FEBRUARY 2017**

<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		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The 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>
RECOMMENDATION	APPROVAL

## 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 was 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. Application 16/1044/FUL was approved by Committee. The subject application for the redevelopment of Nos. 423-425, Newmarket Road was deferred as it was discovered the land ownership adjoining No. 427 Newmarket Road was not fully taken into account in the proposed and existing plans. Accurate amended plans have since been received and neighbours re-notified. If any further letter of representation are received they will be dealt with on the Amendment Sheet prior to committee.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
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	Approved

C/94/0688 booking office (sui generis).  
 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 Local Plan 2006	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)
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

- 6.1 No 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.

7.3 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 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.

The existing two storey rear return nearest the boundary with No. 427 extends 2.8 metres, 0.9 metres away from said boundary. This existing element is 5 metres tall to eaves and 6.9 metres tall to ridge.

A two storey gable ended rear return extends 2.7 metres, 0.9 metres away from this boundary. This takes into account No. 427's ground floor bathroom. It then indents 0.3 metres and extends a further 2.3 metres. This element of the proposal is 5 metres tall to the eaves and 5.7 metres tall to ridge.

As recommended by 2015 BRE Guidance a 45 degree vertically falling plain was taken from the eaves of this element. This plain 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 approved 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 approved 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.
Curtailing 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

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CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 01.02.17  
WARDS: Trumpington

## **OBJECTION TO CITY OF CAMBRIDGE TREE PRESERVATION ORDER (TPO) NO. 18/2016**

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### **1.0 INTRODUCTION**

- 1.1 A Tree Preservation Order (TPO) has been served to protect trees at Tanglewood, Gazeley Lane, Trumpington.
- 1.2 As objections to the TPO have been received the decision whether or not to confirm the TPO is brought before Committee.
- 1.3 Members are to decide whether to confirm the TPO as is, confirm the TPO with modification or not confirm the TPO.

### **2.0 RECOMMENDATION**

- 2.1 It is recommended that the TPO be confirmed without modification.

### **3.0 BACKGROUND**

- 3.1 The Council received a number of calls from concerned residents regarding recent tree removal at Gazeley Road and the possibility that people were clearing sites, where trees were not protected, to make way for development. The TPO records were checked and following a site visit it was determined that additional trees that make a contribution to amenity were suitable for TPO protection. At the same time the TPO at Tanglewood was served a planning application was received for the demolition of the existing building and its replacement with two new dwellings. This application, which has since been withdrawn, required the loss of a number of significant trees and all those protected by the subject TPO.

### **4.0 POWER TO MAKE A TPO**

- 4.1 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.

#### 4.1.1 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 necessary to serve a TPO.

#### 4.1.2 Amenity

While amenity is not defined in the Town and Country Planning Act, government guidance suggests that trees suitable for TPO should normally be visible to the public, at the time of making the TPO or in the 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.

#### 4.1.3 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.

### 4.2 Suitability of this TPO

#### 4.2.1 Expedience

Trees were considered to be at risk generally from development pressure but this proved to be a real risk when an application was made that required the removal of recently TPOd trees.

#### 4.2.2 Amenity

The trees are clearly visible from Trumpington Road and Gazeley Lane and make a positive and substantial contribution to amenity, both visually and environmentally. While some views of the trees from Trumpington are obscured by other trees on Trumpington Road, the condition and suitability to site of some of these trees is low and the loss of these trees or significant works to them in the future is foreseeable. This would further open views to the TPOd trees behind, increasing their already substantial significance in the landscape.

#### 4.2.3 Suitability

With consideration of age, species and condition, all the trees are considered to be suitable to their current surroundings.

### 5.0 CONSULTATIONS

- 5.1 A TPO must be served upon anyone who has an interest in land affected by the TPO.
- 5.2 Following such consultation an objection has been received to the TPO from Middlemarch Environmental on behalf of Vida Architecture Ltd and the property owners.

### 6.0 CONSIDERATIONS

- 6.1 The objection is made on the following grounds:
  - 6.1.1 The authority has not assessed the amenity value of the trees in a structured and consistent way.
  - 6.1.2 Had the authority assessed the amenity value of the trees in a structured and consistent way it would have been established that a TPO is not appropriate as the trees are not sufficiently visible from a public place that their loss would have a significant impact on the local environment or its enjoyment by the public.
  - 6.1.3 The above opinion is substantiated by Middlemarch's extensive assessments of the trees using The Helliwell System, a system primarily used to quantify amenity value, and TEMPO, which is a tool used to aid in the assessment of TPO suitability. The Helliwell assessment concluded that trees within the Tanglewood site have very little amenity when considered from the view of the general populace. The TEMPO assessment concluded that two of the seven trees did not merit TPO protection but that five of the trees may potentially merit protection but because they scored low under the public visibility criterion, they do not merit TPO either. Full details of the assessments can be made available by contacting the case officer.
- 6.2 Officer's response to the objection.
  - 6.2.1 The authority consistently follows the following structure when considering the suitability of tree protection:
    - Visual contribution – present and future
    - Environmental and cultural contribution
    - Tree condition
    - Suitability to site

6.2.2 An assessment made as described above established that the protection of the trees that are the subject of TPO 18/2016 is appropriate because they are sufficiently visible from a public place and have sufficient environmental value that their loss would have a significant impact on the local environment and its enjoyment by the public.

6.2.3 It should be noted that, as with all assessments associated with amenity value, the results calculated in the proprietary systems are dependent on the scores attributed to trees by the assessor. Had the authority assessed the trees using a proprietary system it would still have concluded that the subject trees are sufficiently visible from a public place and have sufficient environmental value that their loss would have a significant impact on the local environment and its enjoyment by the public and therefore merit protection.

## **7.0. OPTIONS**

7.1 Members may

- Confirm the Tree Preservation Order.
- Decide not to confirm the Tree Preservation Order.
- Confirm the Tree Preservation Order with modification

## **8.0 RECOMMENDATION**

8.1 Members are respectfully recommended to confirm City of Cambridge Tree Preservation Order 18/2016.

## **9.0 IMPLICATIONS**

(a) Financial Implications	None
(b) Staffing Implications	None
(c) Equal Opportunities Implications	None
(d) Environmental Implications	None
(e) Community Safety	None

### **APPENDICIES:**

**Appendix 1 TPO Plan**

**Appendix 2 Photos**

### **BACKGROUND PAPERS:**

The following are the background papers that were used in the preparation of this report:

Objection letter from Middlemarch Environmental dated 5<sup>th</sup> September 2016

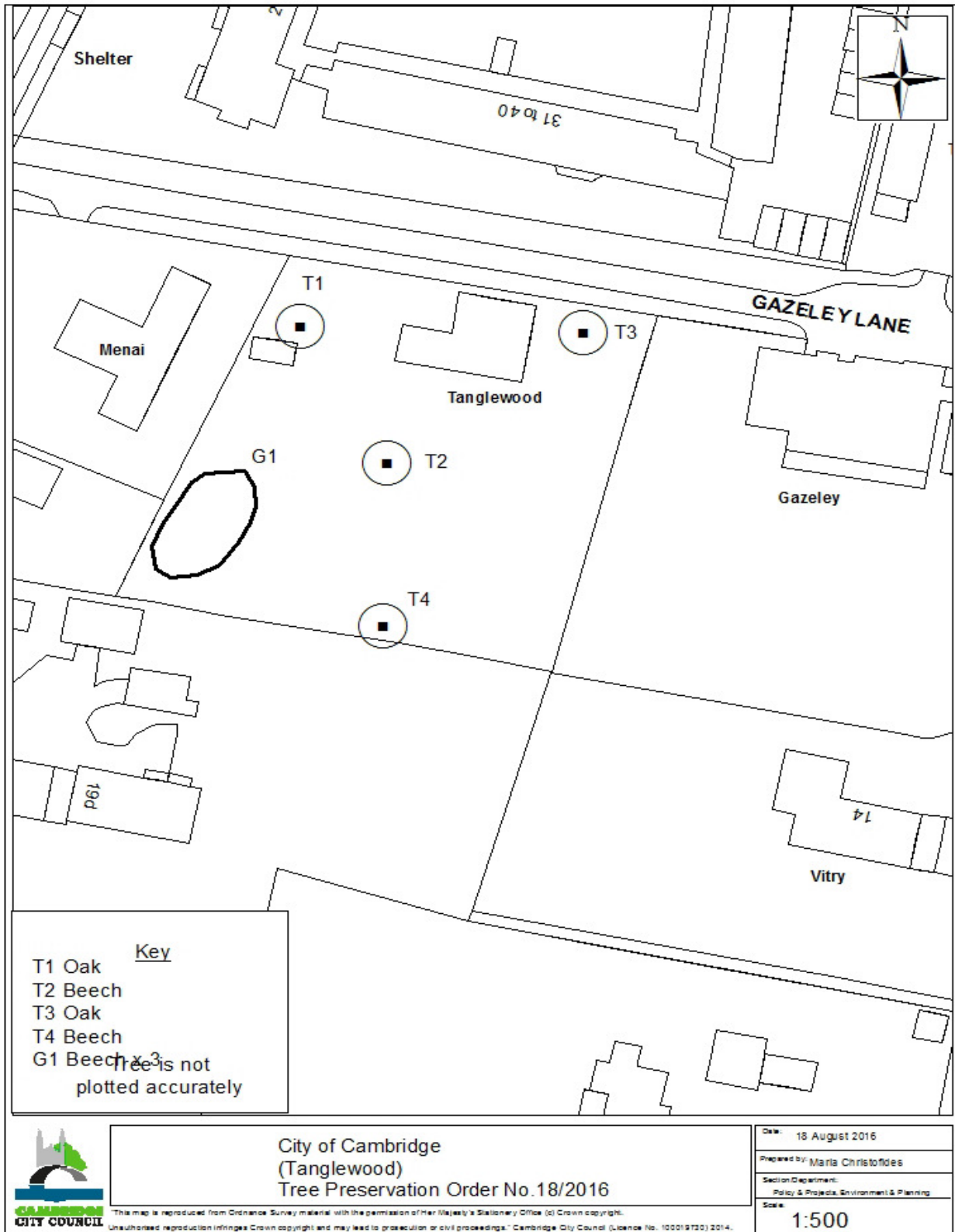
Visual Tree Assessment prepared by Middlemarch Environmental dated September 2016

City of Cambridge Tree Preservation Order 18/2016

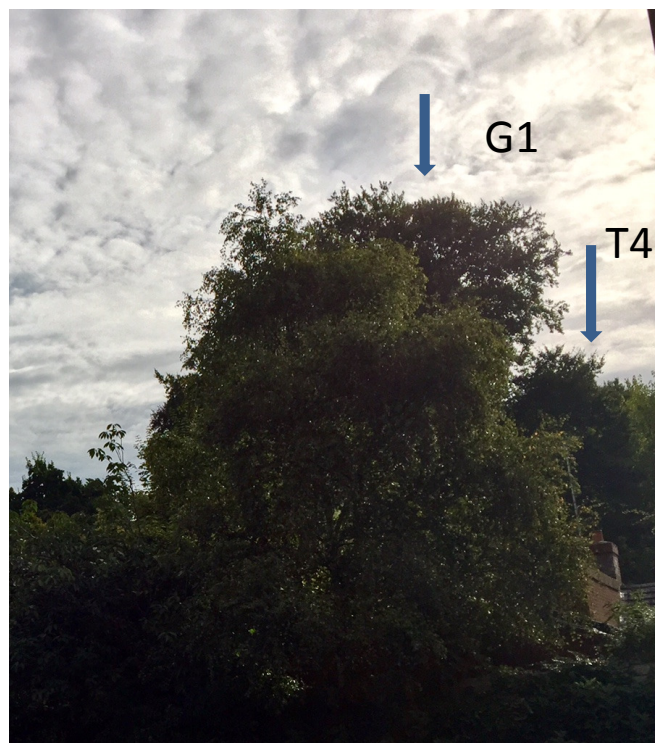
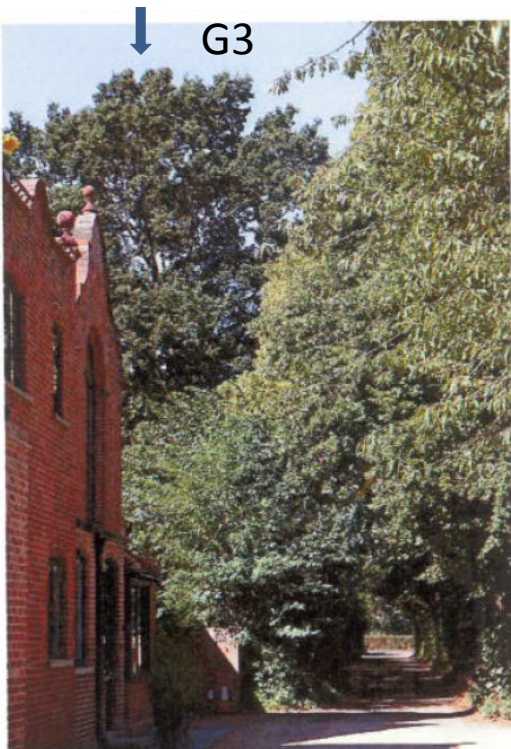
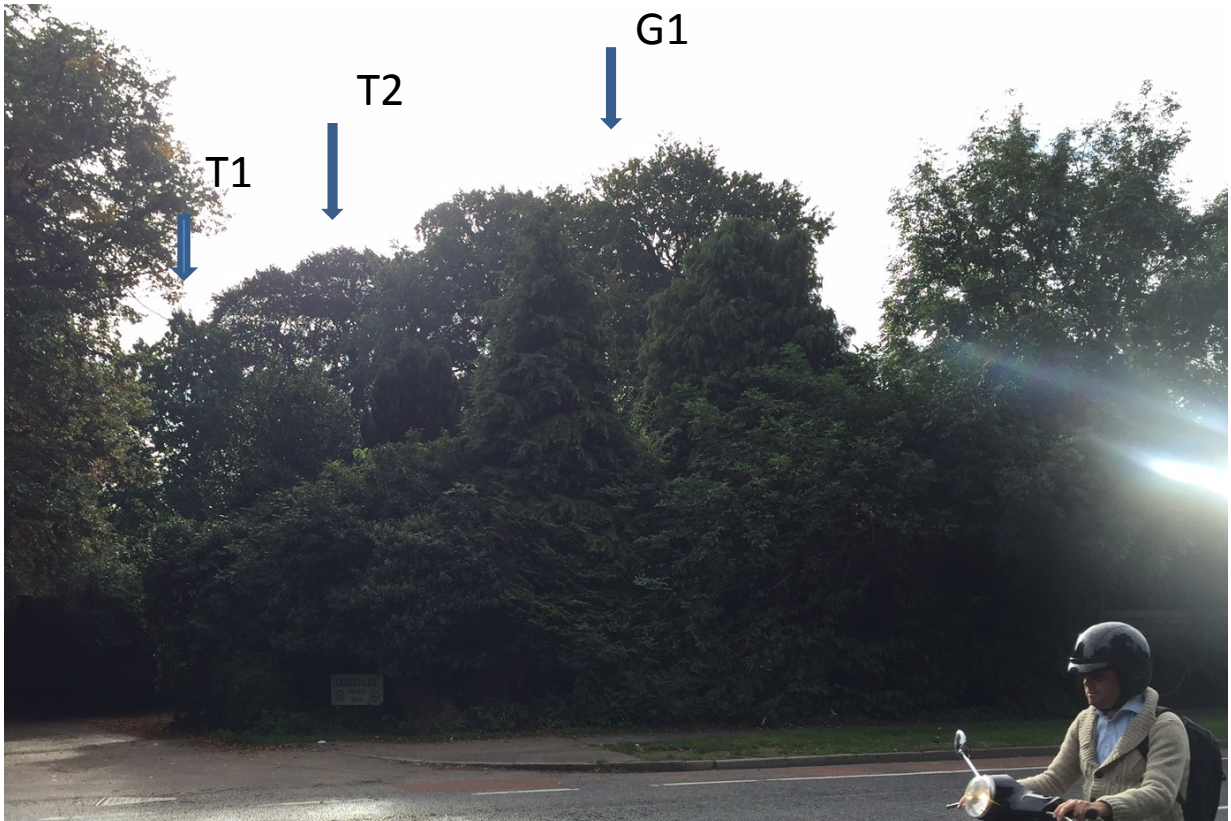
To inspect these documents or for queries on the report contact Joanna Davies on extension 8522

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