



## 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, 28 March 2017*

**Date:** Wednesday, 5 April 2017

**Time:** 11.30 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: 11:30am
  
- **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 - 24*)

To confirm the minutes of the meeting held on 1<sup>st</sup> February 2017. Minutes for the 1 March 2017 to follow.

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

**Part 1: Major Planning Applications (11.30am)**

**5 16/1966/S73 - FORMER MILTON ROAD COUNTY PRIMARY SCHOOL, MILTON ROAD** (*Pages 35 - 62*)

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

**6 16/1272/S73 - CITYLIFE HOUSE, STURTON STREET** (*Pages 63 - 90*)

**7 16/1970/FUL - THE CHANTRIES, 1 LEYS ROAD** (*Pages 91 - 118*)

**8 16/2041/FUL - 4 CAVENDISH AVENUE** (*Pages 119 - 142*)

**9 16/2135/FUL - 3 - 5 QUEEN EDITHS WAY** (*Pages 143 - 178*)

**10 16/1703/S73 - 15B DERBY STREET** (*Pages 179 - 190*)

**11 17/0061/FUL - 49 HISTON ROAD** (*Pages 191 - 204*)

**12 16/2189/FUL - 13 AND 15 CATHARINE STREET** (*Pages 205 - 218*)

**13**      **17/0008/FUL - REAR OF 40B GREEN END ROAD** (*Pages 219 - 240*)

**14**      **16/1591/FUL - 220 MILTON ROAD** (*Pages 241 - 272*)

**15**      **16/2261/FUL - 50 HILLS AVENUE** (*Pages 273 - 280*)

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| <b>Part 3: General and Enforcement Items</b> |
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**16**      **VARIATION OF S106 AGREEMENT - APPLICATION REFERENCE  
13/1461/FUL -FORMER RED HOUSE SITE, 27-29 STATION ROAD  
(TAMBURLAINE HOTEL)** (*Pages 281 - 288*)

## 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

1 February 2017

10.00 am - 5.55 pm

### Present:

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

Councillor Pippas left the meeting after the decision on 16/1764/S73 - Gonville Hotel, Gonville Place

Councillor Holt joined the meeting prior to the decision on 16/1760/FUL - 2 Sturton Street

Councillor Hipkin left the meeting after the decision on 16/1943/LBC - 48 New Square

Councillor Holland joined the meeting prior to the decision on 16/1674/S73 - 28 Maids Causeway

### Officers:

City Development Manager: Sarah Dyer

Principal Planner Nigel Blazeby

Principal Planner: Lorraine Casey

Principal Planner: Toby Williams

Principal Planning Policy Officer: Joanna Gilbert-Wooldridge

Senior Planner: Charlotte Burton

Senior Planner: Lorna Gilbert

Senior Planner: Sav Patel

Arboricultural Officer: Joanna Davies

Planning Enforcement Officer: Ben Walther

Planner: Rob Brereton

Planner: Michael Hammond

Legal Advisor: Richard Pitt

Committee Manager: Toni Birkin

Committee Manager: James Goddard

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| <b>FOR THE INFORMATION OF THE COUNCIL</b> |
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**17/20/Plan Apologies**

No apologies were received.

**17/21/Plan Declarations of Interest**

No declarations of interest were made.

**17/22/Plan Minutes**

The minutes of the meetings of 30<sup>th</sup> November 2016 and 4th January 2017 were approved as a correct record and signed by the Chair.

**17/23/Plan 16/1389/FUL - Mount Pleasant House, Mount Pleasant**

The Committee received an application for full planning permission and noted the additional information included in the amendment sheet and the late representation from Cambridge, Past, Present and Future.

The application sought approval for 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).

The Principal Planner addressed the Committee to clarify Committee comments regarding cycling provision, design concerns and summer occupation.

Following discussion by the Committee, the Chair sought advice from the Legal Representative and from Planning Officers, regarding the merits of deferring the application on the basis of further consultation being undertaken with the County Council regarding highways mitigation and detailed design elements of the proposal being made more apparent. Planning Officers advised that there were no grounds for deferral.

The Committee resolved to move to the vote in agreement that the colour of the bricks and treatment of the mortar was to be delegated to Officers and controlled through condition, that there was no policy to restrict out-of-term time occupation of the building and that the highways mitigation/consultation had been undertaken satisfactorily.

The Committee requested that officers provide Committee Members with the opportunity to view and comment on the brick sample panel before condition 16 was discharged.

The Committee:

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

**17/24/Plan 16/1764/S73 - Gonville Hotel, Gonville Place**

The Committee received an application for Section 73 permission.

The application sought approval 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 northwest elevation, amend the roofline above glazed link and internal layout alterations.

The Committee noted that the drawings had not been included in the agenda pack but were available via the planning portal.

The Committee:

**Unanimously resolved** to grant the application for Section 73 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.

**17/25/Plan 16/1760/FUL - 2 Sturton Street**

The Committee received an application for full planning permission.

The application sought approval for replacement of existing roof plant.

The Planning Office referred to amendments to conditions as set out on the Amendment Sheet.

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

The representation covered the following issues:

- i. Raised the following concerns about the impact of the application:
  - a. Neighbour's amenities.
  - b. Out of character of the area.
  - c. Over development of site.
- ii. Took issue with the licence application for 2 Sturton Street and its impact on the planning application.
- iii. Asked for the following conditions to be imposed if planning permission was granted:
  - a. Obscure glass.
  - b. Keep windows/doors shut 24/7.
  - c. Keep refuse on-site.

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

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

The representation covered the following issues:

- i. Referred to a list of required conditions/informatives tabled at the meeting. These were listed on the public file as recommended by the Senior Technical Officer as part of a licensing application the site.
- ii. Residents' had concerns about the application:
  - a. Loss of amenity.
  - b. Noise and disturbance.
- iii. Adding the proposed roof plant would upscale the development leading to higher visitor numbers to the site. Current seating capacity was 40 people, this could increase to 114.
- iv. Extra conditions were needed to control site usage if planning permission were granted, as listed in the Senior Technical Officer's recommendations. The Planning Officer's report did not appear to reference these.
- v. Asked that the following conditions (as listed on P2 of the tabled notes) be imposed if the application were approved:
  - a. Close the alfresco terrace and covered areas by 22:00 7 days a week.
  - b. Contain refuse on-site, with collection during set hours.
  - c. Keep windows/doors shut 24/7.

- d. Obscure glazing and fix shut first floor kitchen and toilet windows.
- e. Filter kitchen exhaust at DEFRA's highest level of abatement.
- f. Provide off-pavement cycle parking.

Councillor Hipkin proposed an amendment to the Officer's recommendation to include one of the Senior Technical Officer recommendations affecting the site's licensing application:

- i. All doors/windows accessing the ground floor covered/terrace area and those that serve the first floor terrace shall be kept closed between 22:00 – 11:00 or at any time during the provision of entertainment or the playing of music.

This amendment was **carried nem con**.

#### The Committee:

**Resolved (by 7 votes to 1)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus additional conditions set out on the amendment sheet and additional condition:

- 8. The new doors hereby approved from the main building serving the ground floor terrace must be kept closed after 22:00 hrs until 11:00 hrs the following morning or at any time during entertainment of the playing of music.

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

#### **17/26/Plan 16/1002/FUL - 19-21 Godesdone Road**

The Committee received an application for full planning permission.

The application sought approval for 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.

The Planning Office referred to amendments to conditions as set out on the Amendment Sheet.

#### The Committee:

**Resolved (by 5 votes to 2)** to reject the officer recommendation to approve the application.

**Resolved** to refuse the application contrary to the officer recommendation for the following reasons:

**(By 6 votes to 2)**

1. The proposed building, by reason of its contrived design, height and bulk would appear incongruous within the street scene and would neither preserve nor enhance the character and appearance of the Conservation Area. As such the proposal is contrary to policies 3/4, 3/7, 3/12 and 4/11 of the Cambridge Local Plan 2006.

**(By 6 votes to 2)**

2. The proposal fails to provide a high quality living environment for future residents by reason of an insufficient provision of external amenity space. As such the proposal is contrary to policies 3/7 and 3/12 of the Cambridge Local Plan 2006.

**(By 6 votes to 1)**

3. The proposal fails to make appropriate provision for cycle parking. As such the proposal is contrary to policy 3/12 of the Cambridge Local Plan 2006.

**17/27/Plan 16/1942/FUL - 48 New Square**

The Committee received an application for full planning permission.

The application sought approval for the provision of 5 no. self-contained flats comprised of:

- i. The conversion of No. 48 to form 3 no. self-contained flats including internal and external works to the Listed Building.
- ii. The erection of a single storey building to provide 1 no. self-contained flat fronting Willow Walk, following removal of the car parking bays.
- iii. Demolition of the existing garage and the erection of 1 no self-contained studio-flat.
- iv. Associated landscaping and access arrangements.

Public speakers spoke about 16/1942/FUL and 16/1943/LBC at the same time.

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

The representation covered the following issues:

- i. Referred to a previous iteration of the planning application currently being considered by the Planning Inspector. The current application may be replaced by the previous iteration if the refusal decision was overturned.
- ii. Referred to previous residents' comments on 48 New Square applications. Queried if the new application was an improvement on the last.
- iii. Expressed the following concerns:
  - a. Unattractive design.
  - b. Sense of enclosure.
- iv. The application needed to be unobtrusive if approved eg hidden by a wall. The character of Willow Walk needed to be preserved.

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

Councillor Gillespie (Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Willow Walk is a Conservation Area.
- ii. This application was an improvement on the last design but there were still some concerns:
  - a. Location of the boundary wall.
  - b. The 'rejected' previous application may be built if the Planning Inspector overturned the refusal decision.
  - c. Light pollution from roof windows.
  - d. Construction vehicles may access New Square through Willow Walk if the application were granted. Willow Walk is not suitable for heavy traffic.
  - e. The site was difficult to access/travel to by car/bike.

Councillor Bick (Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Willow Walk residents preferred no development on site.
- ii. This scheme was an improvement on the unacceptable previous one, but there were still some concerns eg the unattractive design.
- iii. Queried the Applicant's intention about which planning application would be implemented if approved (this or the last one being considered by the Planning Inspector).
- iv. Made the following requests:
  - a. The boundary wall should be solid not permeated with vents etc.
  - b. Light sensitive blinds to prevent light pollution.
  - c. Willow Walk is a private road. Construction traffic access to New Square should be controlled by condition as the road was not adopted by the Highways Authority.
  - d. New planting to replace trees removed from the site. This should match the number of trees removed and improve on the quality of site trees.
  - e. Condition approval of the site releases family accommodation elsewhere, to take advantage of the Applicant's offer.

Councillor Blencowe proposed an amendment to the Officer's recommendation that no ventilation and extraction equipment shall be installed on the northern elevation of the building fronting Willow Walk, unless full details have been submitted to and approved in writing by the Local Planning Authority.

This amendment was **carried nem con**.

#### The Committee:

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

No vents, pipes, flues, exhausts, and other ventilation and extraction equipment shall be installed on the northern elevation of the building fronting Willow Walk, unless full details have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be installed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area and the setting of Listed Buildings (Cambridge Local Plan 2006 policies 4/10 and 4/11).

**17/28/Plan 16/1943/LBC - 48 New Square**

The Committee received an application for listed building consent.

The application sought approval for the provision of 5 no. self-contained flats comprised of:

- i. The conversion of No. 48 to form 3 no. self-contained flats including internal and external works to the Listed Building.
- ii. The erection of a single storey building to provide 1 no. self-contained flat fronting Willow Walk, following removal of the car parking bays.
- iii. Demolition of the existing garage and the erection of 1 no self-contained studio-flat.
- iv. Associated landscaping and access arrangements.

The Committee:

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

**17/29/Plan 16/1674/S73 - 28 Maids Causeway**

Councillor Hipkin withdrew from the meeting and Councillor Blencowe took the Chair.

The Committee received an application for Section 73 permission.

The application sought approval 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.

The Committee received representations in objection to the application from residents of Maids Causeway.

The representations covered the following issues:

- i. The objectors said that neighbours had accepted the garage on the grounds that it would not exceed 2.8m. The objectors queried why the additional height could be applied for in the current application.
- ii. The objectors expressed the following concerns about the current application:

- a. Was double the current volume of the last.
  - b. Loss of light.
  - c. Dominated neighbours' house and garden.
  - d. Overbearing.
  - e. Overlooking.
  - f. Sense of enclosure.
  - g. Out of character with the area.
- iii. The objectors alleged that the owners of 28 Maids Causeway had deliberately and repeatedly ignored conditions imposed on previous planning permission.

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

Councillor Gillespie (Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Objectors had supported the initial garage application, but the objectors thought the height on the current one was too high.
- ii. The objectors alleged the situation had been exacerbated as work was undertaken without planning permission.

Councillor Bick (Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Asked for strong and clear enforcement action.
- ii. Requested that the case be judged as fresh application even if some work needed to be dismantled.

The Committee:

**Resolved (by 7 votes to 1)** to reject the officer recommendation to approve the application.

**Resolved (by 7 votes to 0)** to refuse the application contrary to the officer recommendation for the following reasons:

1. By reason of the height and massing of the building, it is an overly dominant feature in the street that is harmful to the character of the area

and fails to preserve or enhance the character of the Conservation Area. As a result, the development is contrary to Policies 3/4, 3/7, 3/12 and 4/11 of the Cambridge Local Plan 2006.

2. By reason of the height of the building and its proximity to the boundary with No.26 Maid's Causeway, the development has an unacceptable enclosing and overbearing impact on this neighbouring property, to the detriment of the amenity of its occupiers. As a result, the development is contrary to Policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan 2006.
3. The rear windows serving the garden room result in an unacceptable level of overlooking of the first floor bedroom window in the rear elevation of No.26 Maids Causeway. As a result, the development is contrary to Policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan 2006.

### **17/30/Plan 16/1916/FUL - 61 Norfolk Street**

The Committee received an application for change of use permission.

The application sought approval for 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.

Mr Aguilar-Agon (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

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

### **17/31/Plan 16/1919/FUL - Land r/o 268 Queen Ediths Way**

The Committee received an application for full planning permission.

The application sought approval for the erection of 3x4 bed houses, internal access road, car and cycle parking, hard and soft landscaping.

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.

### **17/32/Plan 16/1617/FUL - 59 St Barnabas Road**

The Committee received an application for full planning permission.

The application sought approval for 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.

The Committee received representations in objection to the application from local residents.

The representations covered the following issues:

- i. Did not object to the application per se, but wanted it managed through conditions.
- ii. Requested that conditions imposed on the main building be imposed on the extension.
- iii. Requested the Management Plan be made publically available and the area covered by the smoking ban be extended due to the impact on neighbours.
- iv. Specific concerns:
  - a. Litter.
  - b. The number of students gathering in front of neighbour's properties.
  - c. No confidence in the existing Management Plan. The situation was expected to be exacerbated by increased student numbers in future.
- v. Asked for conditions to:
  - a. Mitigate doorbell noise.
  - b. Mitigate light pollution at night.
  - c. Stop smoking on the street.
  - d. Move the pedestrian access so it is next to the vehicle entrance.
  - e. Impose a curfew on break out room usage between 23:00 – 08:00.

- vi. Queried who were the students that visited the Kirby Building (eg were they limited to a particular organisation?) as the sheer volume of numbers affected the area due to throughput.

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

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

The representation covered the following issues:

- i. The area was affected by various issues as the current Management Plan was not implemented effectively, leading to concerns from residents:
  - a. Litter.
  - b. Smoking.
  - c. Site Manager (as referenced in Management Plan) not contactable.
- ii. Mitigation is needed for:
  - a. Doorbell noise.
  - b. Light pollution.
- iii. Queried if a new Management Plan could be implemented if the old one had not been.
- iv. Referred to conditions in the application from 2000.

The Planning Officer proposed an amendment to the recommendation as requested by the Agent:

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 0730.

This amendment was **lost nem con**.

Councillor Blencowe proposed an amendment to the Planning Officer's recommendation regarding condition 21: No organised activities to take place within the external spaces around the buildings between 2300 and 0800 on any given day.

This amendment was **carried nem con**.

The Committee:

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

Condition 21 – Wording amended as follows:

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. No organised activities shall take place within the external spaces around the buildings between 11pm and 8am on any given day. 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).

Condition 24 – No change from Committee Report (not to be used between 2300 and 0800).

### **17/33/Plan 16/1825/FUL - 63 Ditton Walk**

The Committee received an application for full planning permission.

The application sought approval for erection of 4 self-contained units following demolition of the existing workshops with associated refuse, cycle, access and landscaping works.

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.

### **17/34/Plan 16/1362/FUL - Land adj to 99 Kendal Way**

The Committee received an application for full planning permission.

The application sought approval for the erection of two 2-bed affordable houses, associated landscaping, parking spaces and rear gardens.

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

The representation covered the following concerns:

- i. Suggested the development did not comply with a number of Local Plan policies eg 8/4 as it did not meet the needs of people with disabilities.
- ii. Overlooking and loss of privacy.
- iii. Overbearing and sense of enclosure.
- iv. Loss of light.
- v. Accuracy of shadow studies.
- vi. Responding to context.
- vii. Sub-division of existing plots leads to small gardens.
- viii. Noise nuisance.
- ix. Ownership of land.

#### 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 plus and the alteration to condition 11 listed on the amendment sheet.

### **17/35/Plan 16/1358/FUL - Garages 1-48 Wiles Close**

The Committee received an application for full planning permission.

The application sought approval for the 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 21 space parking courtyard and landscaping.

The Planning Officer corrected a typographical error in condition 8.25 of the report. All 22 car parking spaces were on the hardstanding area.

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

The representation covered the following issues:

- i. Took issue with the accuracy of plans.
- ii. The application would exacerbate existing issues affecting:
  - a. Light loss.
  - b. Refuse collection.
- iii. Proximity of proposed housing on (existing) neighbours.
- iv. Parking provision.

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.

### **17/36/Plan 16/1087/FUL - 423-425 Newmarket Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of existing buildings and construction of four 1 bed flat and 1 studio replacement flats.

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

The representation covered the following concerns:

- i. Work undertaken on the front of the application site and safety concerns arising from these.
- ii. Loss of light at the rear of the property and impact on neighbour's amenities.
- iii. Refuse collection issues.
- iv. Sense of enclosure.

The Committee:

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

**17/37/Plan Tanglewood, Gazeley Lane**

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order (TPO) 182016 for Tanglewood, Gazeley Lane, Trumpington.

Members were asked to decide whether to confirm the TPO as is, confirm the TPO with modification or not confirm the TPO.

Members were recommended that the TPO be confirmed without modification.

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

The representation covered the following concerns:

- i. Trees provided amenity value but this did not mean they needed TPOs.
- ii. Reasons given for imposing the TPOs were not applicable so there was no need for the TPO.
- iii. Referred to assessment information in the Officer's report. Suggested the trees were not of sufficient amenity value to warrant protection from TPOs.

The Committee received a representation in support of the TPO from residents of Gazeley Road.

The representation covered the following concerns:

- i. Took issue with details in the Objector's report.
- ii. Concern about multiple planning applications affecting the site and this could lead to loss of trees.
- iii. The trees were healthy and needed protection.

The Committee:

**Unanimously resolved** to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

The meeting ended at 5.55 pm

**CHAIR**

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

(updated August 2015)

### **1.0 Central Government Advice**

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

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

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

Guidance is provided in relation to the following:

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

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

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

1.4 **Community Infrastructure Levy Regulations 2010**

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

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

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

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

have been entered on or after 6th April 2010

**Development Plan policy**

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

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

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

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

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

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

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

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

5/7 Supported housing/Housing in multiple occupation

5/8 Travellers

5/9 Housing for people with disabilities

5/10 Dwelling mix

5/11 Protection of community facilities

5/12 New community facilities

5/15 Addenbrookes

6/1 Protection of leisure facilities

6/2 New leisure facilities

6/3 Tourist accommodation

6/4 Visitor attractions

6/6 Change of use in the City Centre

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

6/8 Convenience shopping

6/9 Retail warehouses

6/10 Food and drink outlets.

7/1 Employment provision

7/2 Selective management of the Economy

7/3 Protection of Industrial and Storage Space

7/4 Promotion of cluster development

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

7/6 West Cambridge, South of Madingley Road

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

7/8 Anglia Ruskin University East Road Campus

7/9 Student hostels for Anglia Ruskin University

7/10 Speculative Student Hostel Accommodation

7/11 Language Schools

8/1 Spatial location of development

8/2 Transport impact

8/4 Walking and Cycling accessibility

8/6 Cycle parking

8/8 Land for Public Transport

8/9 Commercial vehicles and servicing

8/10 Off-street car parking

8/11 New roads

8/12 Cambridge Airport

8/13 Cambridge Airport Safety Zone

8/14 Telecommunications development

8/15 Mullard Radio Astronomy Observatory, Lords Bridge

8/16 Renewable energy in major new developments

8/17 Renewable energy

8/18 Water, sewerage and drainage infrastructure

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

9/2 Phasing of Areas of Major Change

9/3 Development in Urban Extensions

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

10/1 Infrastructure improvements

#### Planning Obligation Related Policies

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

#### 4.0 Supplementary Planning Documents

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

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

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

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

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

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

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

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

5.0 **Material Considerations**

5.1 **City Wide Guidance**

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.2 Area Guidelines

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

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

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

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

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

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

Historic open space guidance.

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

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

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

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

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

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

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

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

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

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

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

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

|                           |  |                    |               |
|---------------------------|--|--------------------|---------------|
| <b>Application Number</b> | 16/1966/S73  | <b>Agenda Item</b> |               |
| <b>Date Received</b>      | 11th November 2016   | <b>Officer</b>     | Lorna Gilbert |
| <b>Target Date</b>        | 10th February 2017   |                    |               |
| <b>Ward</b>               | West Chesterton  |                    |               |
| <b>Site</b>               | Former Milton Road County Primary School Milton Road Cambridge CB4 1UZ   |                    |               |
| <b>Proposal</b>           | Section 73 application to vary condition 2 of ref: 14/0052/FUL to replace the approved drawings with new drawings that are listed in the cover letter dated 8th November 2016. |                    |               |
| <b>Applicant</b>          | SPK Hospitality Cambridge Ltd, c/o Agent   |                    |               |

|                       |   |
|-----------------------|---|
| <b>SUMMARY</b>        | <p><b>The development accords with the Development Plan for the following reasons:</b></p> <ul style="list-style-type: none"> <li>- <b>The proposed amendments are acceptable in terms of their scale and the development would harmonise with the surrounding area.</b></li> <li>- <b>The amendments would not harm the amenities of neighbouring properties.</b></li> </ul> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>   |

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is an irregular polygon on the western corner of the junction of Milton Road and Gilbert Road. Its south-eastern boundary runs for 30m along the back of the footway on Milton Road from Gilbert Road towards Mitcham's Corner. Its north-eastern boundary runs for 115m along the back of the footway on Gilbert Road. The north-western (42m long) boundary adjoins the curtilage of the dwelling at 11 Gilbert

Road. The western boundary, 90m long, adjoins access roads and car parks associated with the Westbrook Centre. To the south, the site abuts that of the Manor Care Home. The surrounding areas to the north-west, north and east of the site are predominantly residential. The areas to the west and south are in more mixed uses, which include retail, offices, public houses, and new re-developed student accommodation.

- 1.2 The site was formerly occupied by Milton Road County Primary School. Following the granting of permission for redevelopment of the site (07/0328/FUL), the school buildings were demolished. Following the granting of permission to phase the development permitted under 07/0328/FUL (08/0428/S73), the Manor Care Home was erected on the area to the south of the present application site, and a vehicular access route created from an entrance on Gilbert Road, through the application site, to reach the rear and north-eastern side of the care home. The site is allocated as a site for housing and community facilities in the Cambridge Local Plan (2006). It falls within the area of the Mitcham's Corner Strategic Planning and Development Brief 2003. The site is not allocated for any specific use in the Cambridge Local Plan 2014 Proposed Submission, but it forms part of the designated Mitcham's Corner Opportunity Area to which Policy 21 of that Submission applies. The site is not within a conservation area.
- 1.3 The site falls within the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks permission to vary condition 2 (approved drawings) of planning permission reference 14/0052/FUL. This original planning permission was granted for a proposed mix use development consisting of a sui generis aparthotel (133 Units), 5 x residential townhouse units, class D2 Community space, underground car parking (80 spaces), and cycle parking (150 spaces). This was allowed on appeal on 23<sup>rd</sup> June 2015.
- 2.2 The amendments proposed under this current application are listed under Appendix A.

## **3.0 SITE HISTORY**

### 3.1 Relevant site history:

| Reference   | Description   | Outcome                     |
|-------------|---|-----------------------------|
| 07/0328/FUL | Redevelopment for 88-bed care home and 4 studio flats for employees, and 67 flats with community facilities and associated parking and landscaping.   | Approved with conditions    |
| 08/0428/S73 | Variation of conditions attached to 07/0328/FUL to permit phasing   | Approved with conditions    |
| 11/0091/FUL | Proposed erection of extra care accommodation (55 flats) (Use Class C2) including ancillary facilities, a community room (Use Class D1), 9no residential apartments (Use Class C3), new pedestrian accesses, car and cycle parking and hard and soft landscaping. | Refused                     |
| 14/0052/FUL | Proposed mix use development consisting of a sui generis aparthotel (133 Units), 5no. class C3 residential townhouse units, class D2 Community space, underground car parking (80 spaces), and cycle parking (150 spaces).  | Refused. Allowed on appeal. |

### 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 3/9 3/11 3/12 3/13 3/14 3/15<br><br>4/4 4/13 4/14 4/15<br><br>5/1 5/4 5/5 5/10 5/12<br><br>6/3 6/8<br><br>8/2 8/6 8/9 8/10 8/16 8/18<br><br>10/1 |

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

|                                 |   |
|---------------------------------|---|
| Central Government Guidance     | National Planning Policy Framework March 2012<br><br>National Planning Policy Framework – Planning Practice Guidance March 2014<br><br>Circular 11/95   |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)<br><br>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)<br><br>Affordable Housing (January 2008)<br><br>Planning Obligation Strategy (March 2010)<br><br>Public Art (January 2010) |
| Material                        | <u>City Wide Guidance</u>   |

|                       |  |
|-----------------------|--|
| <p>Considerations</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 City Nature Conservation Strategy (2006)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006)</p> <p>Cambridge Sub-Region Culture and Arts Strategy (2006)</p> <p>Cambridgeshire Quality Charter for Growth (2008)</p> <p>Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> |
|-----------------------|--|

|  |  |
|--|--|
|  | <p>Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p> |
|  | <p><u>Area Guidelines</u></p> <p>Cambridge City Council (2003)–Northern Corridor Area Transport Plan</p> <p>Mitcham’s Corner Area Strategic Planning and Development Brief (2003)</p>  |

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

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

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

## **6.0 CONSULTATIONS**

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

- 6.1 The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.

### **Planning Policy**

- 6.2 It is considered that there are no material planning policy issues with this proposal.

### **Environmental Health**

- 6.3 Is acceptable subject to the imposition of the conditions/informatives requested.

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

- 6.4 It is considered that there are no material Conservation issues with this proposal.
- 6.5 The submitted amendments are acceptable in design terms. Materials proposed for the lift overrun and additional plant areas should be conditioned.

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

- 6.6 It is considered that there are no material landscape or amenity issues with this proposal.

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

- 6.7 No comment.

### **Crime Prevention Design Team (Cambridgeshire Police Headquarters)**

- 6.8 We have no further comments, objections or recommendations. We are happy to discuss any security issues with the developer should they need a BREEAM security needs assessment.
- 6.9 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- 8, 17, 27, 119 Gilbert Road
- 4, 5 Mayfair Court

7.2 The representations can be summarised as follows:

### *Design – proposed houses*

- Five houses on a site that would barely accommodate one Gilbert Road house.

### *Design – proposed aparthotel*

- The aparthotel is not in keeping with Gilbert Road.
- Building remains as ugly facing Gilbert Road.
- Proposed height and roof of the development is out of keeping with the surrounding properties and the proposed variations that affect the visual aspect of the development should be refused.
- The southeast elevation is taller, blockier and less attractive than the plans which were approved.
- Proposed building is too high and near the pavement and the style is out of place in this residential area.

### *Residential amenity – proposed houses*

- Rear gardens are more like a yard, some of the houses would overlook No.11 Gilbert Road and be rather close to it.

### *Residential amenity – proposed aparthotel*

- On the Gilbert Road/Milton Road corner some of the amendments affect the height of the third floor, which has been raised. Street views are deceptive as they imply that the new taller third floor is set further back from Milton Road. It isn't. It is taller, and will cast a longer shadow and further obscure light from Mayfair Court and Gilbert Road.
- There's changed access arrangements for the roof terrace. Originally one of the studio units had a door to access the roof. That has gone, as has the plate window at the end of the upper corridor. The new window designs show sliding doors for both accommodation units, thus encouraging unlimited access to the N.E. parapeted roof area looking directly into the bedrooms of Mayfair Court.
- The rooftop terrace directly overlooks all of the west facing windows in Mayfield Court. General public access to this area should not be permitted.

### ***Other issues***

- Could not see what allowance has been made for car parking. From the previous plans, it was inadequate for the possible number of residents in the aparthotel. Likely to lead to parking problems on nearby streets including Gilbert Road.
- The road from the care home needs markings to protect pedestrians from cars that leave the care home road or the aparthotel.
- Third floor drawings no longer show anything about the internal designation of space within the units, question whether plans are definite. The doors which open from the third floor corridor are presumably for maintenance access to intermediate roof areas. How possible is it that the easternmost of them might be easily adapted to provide general roof terrace access?
- It is unacceptable to change the roof elevation and landscaping in the manner now proposed. The landscape architect must have been aware that the trees were sited above an underground car park on the original scheme.
- Two rows of trees have been moved, it is unclear where they have been moved to. Need to ensure that the new locations are suitable, about the street and will support trees of a size equivalent to indicated in the original application.
- There appears to be no facility for pick up and drop off for visitors travelling by car. The entrance lobby is located almost on the corner of Milton and Gilbert Roads where there are traffic

lights. This is a busy corner so where will visitors enter with their luggage?

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

- 8.1 The principle of development was considered to be acceptable by the Planning Inspectorate under planning permission reference 14/0052/FUL, which was allowed on appeal. The proposed description of the development would not be changed under this new application, and therefore in my opinion the previous assessment made by the Planning Inspectorate remains relevant to this new application. The Appeal Decision stated *'that the Council is not reliant on the appeal site to meet its existing or future housing needs, that there is a demonstrable need for aparthotels to meet the accommodation needs of visitors and the provision of an aparthotel would help stem the loss of residential units. I consider that jointly these amount to material considerations which outweigh the fact that the appeal scheme would breach the terms of Policy 5/1 insofar as this seeks to safeguard the site for housing.'*

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

### **Response to context**

- 8.2 The proposed alterations to the original planning consent are listed under paragraph 2.1 above.
- 8.3 The internal alterations will not have any material impact on the appearance of the building and are acceptable. I have considered the external changes below and my view is that these are acceptable in the site context.

#### *Alterations to the south-east elevation – Milton Road*

- 8.4 The south-east elevation illustrates that the parapet has been raised slightly (by 0.1m) on the main part of the building and part of the roof has been built up (by 0.8m) to form a consistent height. At roof level the plant room screen area has been extended to meet MEP requirements and now extends a length of 20.6m. The lift overruns and stair core have also been amended and increased in height of up to 2.9m above roof level. Other amendments to this elevation relate to the addition or relocation of windows and doors.
- 8.5 The CGI images indicate the plant and lift overrun will not be visible from street level. The increase in height of the parapet helps to limit views of the plant area at roof level.

#### *Alterations to the north-east elevation – Gilbert Road*

- 8.6 The parapet rise continues along this elevation. The dormer windows have been extended by up to 0.6m high. Repositioning and additions of doors and windows are proposed. Materials have been updated on this elevation to match planning approved.

#### *Alterations to the south-west elevation – Access Road*

- 8.7 Windows and doors have been repositioned or added. Six bicycle spaces have been relocated and ventilation louvers

added. The lift overruns and roof height build up are also visible on the drawings.

*Alterations to the north-west elevation – Access Road*

- 8.8 Dormer windows have also been increased in height on this elevation and height discrepancies on the building **have been** amended. Windows have been repositioned, removed or added. A screen infill has been added for car park security.

*Alterations to the five houses on site*

- 8.9 The houses are located on the north-western side of the site by the boundary with No.11 Gilbert Road. The upper floor rear wall of the building will be set back to align with the ground floor for construction reasons. Part of the roof will be raised again for construction and structural purposes. This does not affect the maximum height of the building and relates to the middle section of roof. Windows will be repositioned and rear brick piers slightly altered. A ground floor flank window on the south-west elevation has been repositioned. The canopy at the front of the houses will be rationalised.

Scale and massing

- 8.10 The proposed alterations and amendments to the scheme involve increasing the height of parts of the aparthotel building and the five residential houses (see outlined in paragraph 8.4). Concerns have been raised by third parties about the increased size of the building. However, in my view the combination of the position of the proposed changes and amount of height increase are acceptable for this site. The areas to the west and south of the site have a more urban character and contain buildings of larger scale and in my view the proposed increases in height would be compatible with the locality and its site context. The CGI images shown from Milton Road and Gilbert Road show that it would be difficult to see the lift overruns and plant screening from street level.
- 8.11 The Urban Design and Conservation Team have raised no objections to the proposed amendments. They have requested materials conditions which I agree with.

- 8.12 In my opinion the proposal is compliant with Local Plan 2006 policies 3/4, 3/7, 3/11, 3/12, 3/14.

#### Renewable energy and sustainability

- 8.13 This matter has been assessed under the previous permission (14/0052/FUL) and the proposed changes to the **drawings** have no impact on sustainability and renewable energy and sustainability aspects of the development.
- 8.14 In my opinion the issue of sustainability and renewable energy and the proposal is in accordance with the Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

#### Disabled access

- 8.15 The proposed alterations include moving the revolving entrance door for the aparthotel to allow the inclusion of a door for disabled users. This is a positive alteration that improves disabled access which I support.
- 8.16 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

#### Residential amenity

##### *Orientation and distance of nearby buildings*

- 8.17 Cambridge Manor Care Home is located to the south-west of the application site and is located between 8m and 22m away from the aparthotel.
- 8.18 To the north-west lies No.11 Gilbert Road. The rear gardens of the five residential houses (that form part of this application), borders the front garden of this neighbouring property. The nearest residential house (on the application site) is located 12m from the property of No.11 Gilbert Road.
- 8.19 To the north-east on the opposite side of Gilbert Road are a number of properties (even numbered 2 to 14 Gilbert Road and No.35 Milton Road). These neighbouring properties are located at least 24m from the aparthotel.

8.20 Mayfair Court and No.70 Milton Road lie to the east on the opposite side of the street, at least 27m from the development.

8.21 The Westbrook Centre is located to the west of the application site and is located at least 29m from the aparthotel.

*Impact on amenity of neighbouring occupiers*

8.22 The proposed enlarged plant screening area and lift overruns are set in from the roof edges, which helps to reduce their impact on the amenity of nearby residential properties. I consider the other alterations proposed to the roof, including raising the parapet height marginally and building up a section of the roof would not adversely harm residential amenities due to the position of the building and nature of the increases proposed.

Cambridge Manor Care Home

8.23 The proposal increases the scale of the buildings on site. However, the aparthotel building is set back between 8m and 22m from the Care Home to the south-west.

8.24 A number of amendments have been proposed to windows and doors including the relocation and addition. Alterations are proposed on the south west elevation facing the care home. Wider windows have been replaced with two smaller windows. I consider the repositioning of the windows to be acceptable as the majority of windows will be located in a similar position as previously approved. I also consider the repositioning of the other windows to be acceptable and it would not adversely harm neighbours' amenities. I do not consider the addition of a plant door at roof level and ground floor doors would affect residential amenities.

No.11 Gilbert Road

8.25 The five houses on the north-western side of the site are nearest this neighbour. The upper floors of the approved houses would be set back from this neighbour's boundary and therefore the proposal will be slightly further away than what has been approved. The maximum height of the houses will remain unchanged. The alterations to the roof in the centre of

the dwellings will be screened by the rear part of the roof that remains the same height as before. There have been some adjustments to the position of doors and windows but these are relatively minor and I do not consider would harm this neighbour. In my opinion, the proposed works would not be detrimental to this neighbour's amenity.

#### Properties on the north-eastern side of Gilbert Road

8.26 These neighbours are located at least 24m from the development. I consider the alterations proposed to the roof level, window repositioning and gyp door additions would not adversely harm these neighbours due to the nature of the changes proposed and the separation distance between these properties.

#### Properties to the south-east of Milton Road

8.27 Mayfair Court and No.70 Milton Road lie on the opposite side of the street to the development and are located at least 27m from the development. I consider the alterations proposed to the scale of the building and repositioning and addition of windows and doors to be acceptable due to the nature of the proposed amendments and distance between the buildings.

#### The Westbrook Centre

8.28 Office buildings that make up the Westbrook Centre are located to the west of the application site. These are located beyond the access road by the site and a road adjacent to the Westbrook Centre. I do not consider the proposal would adversely harm the amenity of these offices.

8.29 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

8.30 In my view, the proposed amendments will not be detrimental to future occupiers of the site due to the type of alterations proposed.

8.31 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

8.32 This matter has been assessed under the previous permission (14/0052/FUL) and the proposed changes to the drawings have no impact on the refuse arrangements.

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

#### Highway Safety

8.34 This matter has been assessed under the previous permission (14/0052/FUL) and the proposed changes to the drawings have no impact on highway safety.

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

#### Car and Cycle Parking

8.36 No changes are proposed to the car parking arrangement.

8.37 Six cycle parking spaces have been relocated to near the entrance of the Aparthotel building. I consider this to be acceptable.

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

#### Third Party Representations

8.39 The third floor gyp doors and doors on the roof are for maintenance purposes.

8.40 The ground floor plan indicates that four trees along the south-western side of the site are to be relocated. I consider the revised position to be acceptable.

## 9.0 CONCLUSION

9.1 The proposed amendments to the approved scheme will not 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 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 planning permission was granted for 14/0052/FUL.

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. Conditions 4 to 27 of planning permission 14/0052/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 14/0052/FUL have been discharged, the development of 16/1966/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.

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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 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.

6. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

7. Before the development hereby permitted is commenced details of the contractors' compound, the site storage areas and the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site shall be submitted to and approved by the local planning authority in writing. Thereafter the development shall be undertaken in accordance with the approved details.

8. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

9. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principal areas of concern that should be addressed are:

i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)

ii. Contractor parking, for both phases (all such parking should be within the curtilage of the site and not on street).

iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)

iv. Control of dust, mud and debris.

10. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the

demolition/construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of, BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. (COP) for basic information and procedures for noise and vibration control', BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

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 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 5228-2:2009+A1:2014: Part 4: 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. Consent for piling will only be granted where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

12. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the 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.

13. No development shall take place until details of site lighting during the construction period have been submitted to and approved in writing by the local planning authority. Lighting shall be installed only according to the agreed details.

14. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.

a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation

strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

d) 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.

e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remedial sampling and analysis to show the site has reached the required clean up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

15. No development shall take place until a scheme for the provision and implementation of surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be constructed and completed according to the approved plans.

16. Before the development hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

17. Prior to the first occupation of the development hereby permitted is commenced, a scheme for the insulation of the buildings and/or plant in order to minimise the level of noise emanating from the said buildings and/or 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.

18. Prior to the commencement of development hereby permitted, with the exception of below ground works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope to reduce the level of traffic and other noise experienced by occupiers shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233: 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.

19. No part of the development shall be occupied 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 (egg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (egg 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.

20. No part of the development shall be occupied until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

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

22. 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.

23. No development shall commence until details of facilities for the covered, secured 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 approved facilities shall be provided in accordance with the approved details before use of the development commences.

24. No occupation of the aparthotel shall take place until full details of the arrangements for the storage and collection of waste and recycling from that use have been submitted to, and approved in writing by the local planning authority. The arrangements shall be implemented prior to occupation, and shall not be changed except with the written approval of the local planning authority.

25. No development shall take place until a comprehensive scheme for ensuring the security of the aparthotel's basement car park and its entrances and access points has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be implemented prior to the occupation of the aparthotel and shall not be altered except with the written agreement of the Local Planning Authority.

26. Prior to commencement of occupation of the aparthotel, a register shall be established and maintained at all times when the building is occupied. The register shall contain information regarding the names of occupiers of the units within the aparthotel and the duration of their stay. The register shall be made available to the Council in response to all reasonable requests for information about occupancy of the aparthotel.

27. Prior to commencement of occupation of the aparthotel the following shall be provided and maintained at all times when the aparthotel is occupied:

- (a) a Combined Heat and Power system to serve the aparthotel;
- (b) a car club parking space within the car park to facilitate access to a car club vehicle for residents of the development;
- (c) a cycle hire facility to provide access to a minimum of 20 hire cycles for residents of the aparthotel;
- (d) an electric car charging point within the car park serving the development.

28. Prior to commencement on site, details of the materials proposed for the lift overrun and additional plant areas shall be submitted to and agreed in writing by the Local Planning Authority and shall be constructed in accordance with the approved details.

Reason: To accord with Local Plan 2006 policies 3/4, 3/7, 3/12 and 3/14.

## APPENDIX A – Amendments proposed:

### Variations to north-east elevation:

- Parapet and wall height amendments - Height increased to allow roof build-up required
- Plant room 01 screened area extended - Area extended to comply with MEP requirements
- Lifts 02 & 03 overrun indicated - Construction requirements to allow lift system
- Glass rain-screen cladding height amendments - Height increased to allow roof build-up required
- Duplex - Dormer windows amendments - Dormer extended horizontally to improved internal layout dimensions
- Double doors to plant room 02 added - Door added to allow access to roof. Doors to match aluminium louvers plant screen
- Material updated to match planning approved - Discrepancy between drawings A(GA) 103 & A(GA) 401. (Zinc finish shown instead glass cladding)
- Window at L02 added to NE elevation - Discrepancy between drawings A(GA) 102 & A(GA) 401. (Window shown in plan and omitted in the elevation)
- Secret gib doors to roof access indicated - Doors indicated to allow access to roof. For details refer to DMA drawing A 510 016 - Type 14

### Variations to south-east elevation:

- Parapet and wall height amendments - Height increased to allow roof build-up required
- Lift 01 overrun indicated - Construction requirements to allow lift system
- Lift 04 overrun and stair core 03 indicated - Construction requirements to allow lift system and access to roof from stair core 03. Discrepancy between drawings A(GA) 104 & A (GA) 402
- Windows removed and relocated to suit internal layout - New windows location to improved internal layout at floors L01, L02, L03
- Double doors to plant room 01 indicated - Doors indicated to allow access to plant. Doors to match aluminium louvers plant screen
- New windows added to suit internal layout - Windows to improved internal layout at floors L01, L02, L03

- Plant room 01 screened area extended - Area extended to comply with MEP requirements. Refer to updated external views 01 & 02
- Door indicated at ground floor to match planning approved - Discrepancy between drawing A(GA) 100 & A(GA) 401 - (Door shown in plan and omitted in elevation). For details refer to DMA drawing A 510 016 - Type 16
- Door added at ground level to fire escape - Door added to meet fire strategy requirements and Building Regs. For details refer to DMA drawing A 510 016 - Type 16
- Main entrance doors handing swapped

Variations to south-west elevation:

- Discrepancy between drawings A(GA) 099 & A (GA) 100 - Trees not possible to plant as basement void below. Pathway extended and trees moved across - Refer to DMA drawing SK-003 & SK-101
- Door to car park access added for security - Door added to allow security and access control
- Door to LW sub-station access location slightly moved - Door moved across to suit internal layout
- Door added to fire escape at ground floor (next to sub-station) - Door to meet fire strategy requirements and Building Regs
- Door indicated to fire escape at ground floor (next to bin store) - Discrepancy between planning approved drawings A(GA) 100 & A(GA) 402
- Window slightly moved at ground floor (next to delivery entrance) - Window moved to align with windows above
- Ventilation louvers added to suit MEP requirements - Louvers located at high level to allow ventilation of community space. For details refer to ventilation outlet specs
- Windows removed and relocated to suit internal layout - New windows location to improved internal layout to floors L01, L02, L03
- Parapet and wall height amendments - Height increased to allow roof build-up required
- Lift 01 overrun indicated - Construction requirements to allow lift system
- Lift 04 overrun and stair core 03 added - Construction requirements to allow lift system and access to roof from stair core 03. Discrepancy between drawings A(GA) 104 & A (GA) 402. Tender finish, white painted
- Double doors indicated to plant room 02 for access - Door indicated to allow access to plant

- 15 No. Double windows omitted and 30 No. single windows added - For details refer to DMA drawing A 510 001 - Type 02

Variations to north-west elevation:

- Window removed on NW elevation and relocated on NE elevation to match planning approved layout - Discrepancy between drawings A(GA) 102 & A(GA) 401. (Window shown in plan and omitted in the elevation) Added. Refer to DMA drawing SK-004
- Window removed to match plan layout approved - Discrepancy between drawings A(GA) 102 & A(GA) 402 -(Window shown in NW elevation and omitted in the plan). Added. Refer to DMA drawing SK-004
- External wall set forward to allow MEP services - Wall set forward to allow risers ventilation going up through to the roof
- Screen infill added - Screen added for car park security
- Duplex - Dormer windows amendments - Dormer extended horizontally to improved internal layout dimensions
- Plant room 02 screened area extended - Area extended to comply with MEP requirements
- Lift 04 overrun and stair core 03 indicated - Construction requirements to allow lift system and access to roof from stair core 03. Discrepancy between drawings A(GA) 104 & A (GA) 402
- 5 No. Double windows omitted and 10 No. single windows added - For details refer to DMA drawing A 510 001 - Type 02

Ground floor variations:

- Door indicated at ground floor to match planning approved - Discrepancy between drawing A(GA) 100 & A(GA) 401. (Door shown in plan and omitted in elevation)
- 6 No. bicycles spaces omitted and relocated - Removed from to clear delivery entrance and relocated next to main entrance
- Window slightly moved at ground floor (next to delivery entrance) - Window moved to align with windows above
- Trees omitted from elevation as not possible to plant - Discrepancy between drawings A(GA) 099 & A (GA) 100. Trees not possible to plant as basement void below.
- Door to car park access added for security - Door added to allow security and access control. For details refer to DMA drawing A 510 016 - Type 15
- Door to LW sub-station access location slightly moved - Door moved across to suit internal layout

- Door added to fire escape at ground floor (next to sub-station) - Door to meet fire strategy requirements and Building Regs
- Door indicated to fire escape at ground floor (next to bin store) - Discrepancy between planning approved drawings A(GA)100 & A(GA)402. (Door shown in Plan and omitted in SW Elevation)
- Window slightly moved at ground floor (next to delivery entrance) - Window moved to align with windows above
- Windows removed and relocated to suit internal layout - New windows location to improved internal layout at floors L01, L02, L03
- Double windows omitted and single windows added to NW & SW Elevations - For details refer to DMA drawing A 510 001 - Type 02
- Main entrance doors handing swapped

#### First Floor Variations:

- New windows added to suit internal layout - Windows to improved internal layout at floors L01, L02, L03
- Windows removed and relocated to suit internal layout - New windows location to improved internal layout at floors L01, L02, L03
- Rooflight added to suit internal layout - Rooflight to improved internal daylight conditions at ground floor level
- Double windows omitted and single windows added to NW & SW Elevations - For details refer to DMA drawing A 510 001 - Type 02

#### Second floor variations:

- New windows added to suit internal layout - Windows to improved internal layout at floors L01, L02, L03
- Windows removed and relocated to suit internal layout - New windows location to improved internal layout at floors L01, L02, L03
- Double windows omitted and single windows added to NW & SW Elevations - For details refer to DMA drawing A 510 001 - Type 02

#### Third floor variations:

- Layout amendment to match with planning approved - Discrepancy between planning approved drawings A(GA) 103,104 & A(GA) 401. Retained layout shown as per roof plan and elevations
- New windows added to suit internal layout - Windows to improved internal layout at floors L01, L02, L03

- Windows removed and relocated to suit internal layout - New windows location to improved internal layout at floors L01, L02, L03
- External wall set forward to allow MEP services - Wall set forward to allow risers ventilation going up through to the roof
- Double windows omitted and single windows added to NW & SW Elevations - For details refer to DMA drawing A 510 001 - Type 02

Fourth floor variations:

- Lift 01 overrun indicated - Construction requirements to allow lift system
- Lift 04 overrun and stair core 03 indicated - Construction requirements to allow lift system and access to roof from stair core 03. Discrepancy between drawings A(GA) 104 & A (GA) 402
- Plant room 01 screened area extended - Area extended to comply with MEP requirements
- Double doors indicated to plant room 01 for access - Door indicated to allow access to plant
- Windows omitted to duplex upper floors to NW Elevation - Discrepancy between to planning approved drawings A(GA)104 & A(GA)402. (Windows shown in plan and omitted in NW elevation)

Alterations to the five houses on site:

- The upper floor walls will be repositioned and set back to align with the ground floor for construction purposes.
- Part of the roof will be raised for construction and structural purposes. This does not affect the maximum height of the building and relates to the middle section of roof.
- Windows will be repositioned.
- Rear brick piers slightly altered.
- A ground floor flank window on the south-west elevation is repositioned.
- The canopy at the front of the houses will be rationalised.

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

|                       |  |
|-----------------------|--|
| <b>SUMMARY</b>        | <p><b>The development accords with the Development Plan for the following reasons:</b></p> <ul style="list-style-type: none"> <li>- <b>The proposed alterations would not have any adverse impact on the character and appearance of the Conservation Area or the Protected Open Space.</b></li> <li>- <b>The proposed alterations would not have any significant adverse impact on the residential amenity of the adjacent neighbours.</b></li> </ul> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>  |

**0.0 ADDENDUM**

0.1 This S73 application was deferred by Members when it was originally presented to Planning Committee in November 2016. The application was deferred on the basis that Members were not convinced by the proposal to paint the installed rooftop plant in black as a solution to mitigate its appearance. The Planning Committee asked officers to explore options for screening the rooftop plant. This addendum assessment reports the **outcome**

of that process. It should be read in conjunction with the original officer report attached at appendix A and the amendment sheet to the November Planning which forms part of the published minutes to that meeting. I note also, for the record, that a late letter from the MP Daniel Zeichner was received on the morning of the November Planning Committee which can be found on the on-line planning file.

- 0.2 Following the Planning Committee meeting, the applicant submitted draft details of three screening options: metal louvres, a reflective metal and a woven steel mesh; a section plan showing the height and location of the screens to the roof-plant and elevation plan; and a cover letter including a Means of Escape plan to explain why the external paths on the eastern side of the building are necessary. In discussion with officers, the applicant has chosen to propose the reflective metal screens and the plans have been amended accordingly. They are proposed as to give a mirror finish, would be made out of aluminium and fitted around the existing rooftop plant. The screens fitted around the plant to allow access to them for maintenance and to create a free air zone. The proposed screens are approx. 1.67m and 1.94m in height and will not exceed the height of the tallest plant unit.
- 0.3 The metal screening and additional information relating to the paths have been subject to further formal consultation with the Council's Urban Design and Conservation Team. They have raised concerns that the mirrored-finish could appear visually intrusive as it would represent a solid, visual mass on top of the existing building and cause glare. The Council's Urban Design and Conservation Team's preference is for the plant to be painted as originally proposed.
- 0.4 The further information in relation to the paths on the eastern side of the building has been subject to consultation with the Council's Access Officer. He has not raised any concerns and has advised that there needs to be a balance struck between what is desirable and what is achievable. He suggests a condition to achieve the shallowest possible ramp with a resting platform where necessary. As the application is retrospective and the paths installed, it is not possible to suggest a condition in this respect. In any event, my view is that the visual and practical impact of the paths on the character and appearance of the area and open space is acceptable. As such, I have not

recommended a condition in this respect. I explain my justification for this in the assessment section of the update report.

- 0.5 I have also asked the Councils' Shared Service Building Control Team to comment on the acceptability of the paths as a means of escape route in connection with the Building Regulations. They have indicated to me that they will not comment on this matter given that it is being controlled by MLM as the Approved Inspector, and that notwithstanding, they do not have all of the relevant information concerning the need for the paths or the availability or otherwise of existing egress paths or of other possible solutions to comment. This would include, for example, personal evacuation plans for wheelchair users.
- 0.6 My view is that independent advice from the Councils' Shared Service Building Control Team on the scheme's compliance with the Building Regulations is not required in order to assess whether planning permission should be given for the paths. This is a matter, quite rightly, for the Inspecting Body, in this case MLM Ltd. and compliance with the Building Regulations is not a material planning consideration. It may be the case, as set out in some of the third party representations that alternative (less steep) ramped paths with resting platforms and/or handrails could be installed, but these options are not before the Council for consideration. As installed, the substantive issue is whether the paths cause harm to the character and appearance of the Conservation Area and/or harm to the openness or practical use of the protected open space. I address the impact of the paths in the assessment section below.
- 0.7 Subsequent to Planning Committee considering this item in November of 2016, further representations have been received from the following owners/occupiers of the following addresses:
- 89 New Street;
  - 80B York Street;
  - 106 Gwydir Street;
  - 6 Edward Street (this resident has supplied three detailed reports, 23: Paths, 24: Roof Plant and 25: Gradient of Paths).

0.8 The representations can be summarised as follows:

- Concerns with the nuisance cause by reflection of sunlight from mirrored surfaces especially in winter when the trees are bare and the sun is low;
- This is less likely to occur with louvres or woven steel mesh;
- Roof plant is extremely ugly and highly visible from St Matthew's Piece;
- The roof plant is industrial in character and out of keeping with the surrounding area;
- Painting the plant will not resolve visual appearance and shielding height will heighten the low rise building;
- Paths reduce utility of the grass area;
- Paths not explicitly for disabled access;
- Please do not accept this intrusion into the protected open space;
- Paths should be removed and alternative access layout made;

Report 23:

- The applicant has not justified the unapproved paths as being Part M compliant for a fire escape route for wheelchair users;
- Document M does not address means of escape in the event of a fire and therefore the Fire Strategy Plan is irrelevant;
- The paths are nothing to do with providing emergency exits for disabled users;
- The paths severely disrupt and intrude significantly upon established Protected Open Space;
- Paths introduced over time following several iterations of the Site Plan;
- Not all Site Plans are available on the Planning Portal – versions H, J and K are missing;
- The unapproved paths would be detrimental to the safe emergency egress from the building by those with disabilities;

- Unapproved paths are likely to be related to the long-standing and now publically explicit plans for phase 2 development;

#### Report 24:

- Concerns with the height of proposed mirrored aluminium screens and unapproved substantial rooftop plant;
- Negative visual impact;
- Excessive acoustic burdens;
- Inappropriate massing;
- No justification for significant deviation from approved plans;
- Proposed screening would exacerbate the negative aesthetic rooftop plant and should be refused;
- Photographs supplied by local residents and Cllr Robertson show how the unapproved and ugly rooftop plant severely disrupts and interferes with St Matthew's Piece, Protected Open Space and the Conservation Area;
- Unapproved, ugly and noisy rooftop plant detracts from local residential amenity by damaging the streetscape from all sides, visual amenity from St Matthew's Piece; and would impair the quality of the Conservation Area;
- Fails to comply with policies 3/4, 3/7, 3/13 and 4/11 of the Local Plan 2006);
- Discharge of condition 6 (plant insulation) of 14/1252/FUL must not distract Members from reaching a correct decision;

#### Report 25:

- The unapproved paths are three times as steep as required by Building Regulations – this should be confirmed by a Building Control professional;
- Only the path nearest the car park is within the limits specified by Document M;
- The level north-south path adjacent to the east side of the building could have been used to feed the northerly path to create a safe and practical means of escape;
- Unapproved paths pose a hazard to wheelchair users either leaving or descending the slopes;
- The paths are not compliant with Part M;

- Numerous other breaches of design standards for disability access paths;
- Paths should be removed;

## **ASSESSMENT**

0.9 I set out below my assessment of the proposed reflective metal screening for the rooftop plant and the further information submitted in relation to the new paths and my response to the third party representations in respect of them.

### Screening of rooftop plant

0.10 Of the three screening options put forward by the applicant, my view is that the reflective metal screen is the most appropriate. This is because it would enable the canopy and branches (when not in leaf) of the surrounding trees to reflect off the screens. The louvre and woven steel mesh options are a more traditional way of hiding rooftop plant, however, they would be bulkier, more industrial in appearance and semi-transparent.

0.11 I understand the Conservation Officer considers the reflective metal option to be visually intrusive and that there is the potential for glare from the product to cause a nuisance to the surrounding area. This concern has been raised in third party representations. The Conservation Officer prefers the option of painting the rooftop plant but I am aware that Members did not consider this to be an appropriate solution.

0.12 The reflective metal would be located centrally on the building and would be between (approximately) 1.67m and 1.94m in height. This variation in height is due to the way the bracket for the 1.94m section of screens has to be installed. However the screens would be level with the top of the plant and would create a more unified appearance to the roof-scape of the building. It would be 8 panels long and 1 panel wide, creating a linear mirrored box running centrally across the building. Its visibility from surrounding streets and from the park would be varied, being less obvious as a structure closer to the building and from views from the east due to the raised parapet on this side of the building but more obvious in longer views between and underneath tree canopies. The chosen screen finish would be a more stylised/contemporary approach to mitigating the impact of plant, but I do not necessarily see this as visually

harmful in this instance. This is because the building at present already contrasts with its surroundings, effectively occupying an island of land and presenting a significant amount of glazing around its sides to Sturton Street, New Street and York Street. The mirrored screen, in my view, would sit harmoniously with the overall appearance of the building as a largely glazed and modern structure within this part of the Conservation Area.

- 0.13 I have recommended a condition for full details of the reflective screen to be provided (see proposed condition 6) which also includes treatment of the finish to minimise against glare. This can be achieved similar to rear view mirrors on a modern car where the main beam of the car behind is diffused to reduce glare on the driver. This would reduce glare from the sun whilst maintaining a mirrored appearance to reflect the canopy of the surrounding trees.
- 0.14 Whilst my original recommendation to paint the rooftop plant was not taken forward, in light of the revised plans, my recommendation is to approve the revised application with the reflective metal screen subject to condition.

### **New paths**

- 0.15 The applicant has installed a new path with three spurs linking to the building which forms part of the S73 plans put forward for determination. The three spurs link to the main path by ascending to it from the side elevation of the building. According to the topographical survey the level difference between the lowest points of the spurs to the main path is between 0.65 and 1.55 for approx. 12.2 metres.
- 0.16 At the Planning Committee meeting in November of last year, concerns were raised by Members and by local residents about the paths in terms of why they are required and the applicant's justification for them. The applicant has explained that the paths are required as a means of escape to allow wheelchair access. The applicant has advised that this was agreed with the architect and their Approved Inspector – MLM Building Control.
- 0.17 As advised, the matter of compliance with the Building Regulations is not for the Planning Committee to adjudicate. The need for and justification for the paths to meet Building Regulations is for the applicant's chosen Approved Inspector.

As installed, the substantive issue is whether the paths cause harm to the character and appearance of the Conservation Area or harm to the openness or practical function of the protected open space.

0.18 In terms of whether the paths affect the openness of the protected open space and its use, it is important to note that the protected open space (POS) designation does not abut the side (east) elevation of the building. The POS designation is between approx. 5 metres and 3.89 metres away from the side elevation. Therefore, parts of the spurs are outside the POS. I will show this in my presentation so that members can see what is inside and what is outside the POS.

0.19 That notwithstanding, the main linear path running parallel to York Street is within the POS. It would be very difficult to argue, in my view, that it adversely affects its openness or the ability of people to use it. The paths are 1.1 metre wide tarmac strips. They have no kerb edging or handrails which could compromise the openness of the space and the area around the paths is laid to grass. Whilst the paths do fragment the open space, I am of the view that in this location and in consideration of the use and layout of the POS as a whole, that the paths do not significantly diminish its usability. Paths are part and parcel of open spaces across the City and this is not a space that is formally laid out for any particular recreational purpose that would be compromised. I am satisfied that the paths are acceptable and would not adversely affect the openness or usability of the POS.

0.20 Following a site visit with the Conservation Officer, the Urban Design and Conservation Team has not raised any specific concern with the paths. The paths are visible from the footpath along York Street and New Street and from the play area, but in my view they do not appear out of character or context in this location. The paths would preserve the character and appearance of the Conservation Area.

### **Third Party Representations**

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

| Representation             | Response              |
|----------------------------|-----------------------|
| Concerns with the nuisance | See paras 0.10 – 0.14 |

|  |  |
|--|--|
| cause by reflection of sunlight from mirrored surfaces especially in winter when the trees are bare and the sun is low;    |  |
| Glare is less likely to occur with louvres or woven steel mesh;  | Agreed, but the reflection of the tree canopies on the screen could be an attractive features and the mirrored screen would be less industrial in appearance.  |
| Report 23:   |  |
| The applicant has not justified the unapproved paths as being Part M compliant for fire escape route for wheelchair users; | See paras 0.15 - 0.20  |
| Document M does not address means of escape in the event of a fire and therefore the Fire Strategy Plan is irrelevant;     | As above.  |
| Paths nothing to do with providing emergency exits for disabled users;   | As above.  |
| The paths severely disrupt and intrude significantly upon established Protected Open Space;                                | See para 0.10 – 0.14   |
| Path introduced over time following several iterations of the Site Plan;   | Noted  |
| Not all Site Plans are available on Planning Portal – versions H, J and K are missing;                                     | All site plans that were submitted to the City Council have been uploaded onto public access.  |
| The unapproved paths would be detrimental to safe emergency egress from the building by those with disabilities;           | Document M advises that there is no obligation to adopt any particular solution contained in the Approved Document if an alternative solution can be achieved. |
| Unapproved paths are likely to be related to the long-standing and now publically explicit plants for phase 2 development; | This is not material to the consideration of this application. The paths have to be treated on their own merits in relation to the S73 application.            |
| Report 24:   |  |

|   |  |
|---|--|
| Concerns with the height of proposed mirrored aluminium screens and unapproved substantial rooftop plant;   | The proposed reflective metal screen would conceal the appearance of the roof plant from view from street level. The reflective screen would make use of the tree canopies to reduce and soften the appearance of the plant.   |
| Negative visual impact;   | Whilst the screens would add additional mass to the rooftop this would in my view be outweighed by the benefits of the visual screening of the plant with a reflective screen.   |
| Excessive acoustic burdens;   | The acoustics of the roof plant have been considered under condition 7 of 14/1252/FUL.   |
| Inappropriate massing;  | The massing would be increased at rooftop level but I do not consider it would impact harmfully on the character or appearance of the Conservation Area.   |
| No justification for significant deviation from approved plans;   | The alterations are considered to be minor material amendments directly related to and a function of the original planning permission for the change of use.   |
| Proposed screening would exacerbate the negative aesthetic rooftop plant and should be refused;   | The reflective metal screen subject to further details being provided would in my view provide a suitable screening solution to the plant.   |
| Photographs supplied by local residents and Cllr Robertson show how the unapproved and ugly rooftop plant severely disrupts and interferes with St Matthew's Piece, Protected Open Space and the Conservation Area; | The rooftop plant is not wholly visible from the surrounding streets Oblique views are available from various vantage points but, because it is centrally located on the rooftop, views from Sturton Street and York Street are limited, especially as the York Street elevation has a raised parapet. There are also views of the rooftop from Abbey Walk which is approx. 90 metres from |

|  |  |
|--|--|
|  | the building. At this distance the rooftop plant does not appear intrusive.  |
| Unapproved, ugly and noisy rooftop plant detracts from local residential amenity by damaging the streetscape from all sides, visual amenity of and from St Matthew's Piece; and impair the quality of the Conservation Area; | The screening of the rooftop plant will in my view help to mitigate the appearance and impact of the plant on the surrounding area.  |
| Fail to comply with policies 3/4, 3/7, 3/13 and 4/11 of the Local Plan 2006);  | Noted, but do not agree for the reasons as set out in the officer assessment.  |
| Discharge of condition 6 (plant insulation) of 14/1252/FUL must not distract Members from reaching a correct decision;   | Noted.   |
| Report 25:   |  |
| The unapproved paths are three times as steep as required by Building Regulations – this should be confirmed by a Building Control professional;   | It is not for the Local Planning Authority to adjudicate on the compliance of the scheme with the Building Regulations.  |
| Only the path nearest the car park is within the limits specified by Document M;   | As above.  |
| The level north-south path adjacent to the east side of the building could have been used to feed the northerly path to create a safe and practical means of escape;   | There are possible alternative locations for the paths but it is not for the Local Planning Authority to assess these. The scheme, as submitted, has to be assessed on its own merits. |
| Unapproved paths pose a hazard to wheelchair users either leaving or descending the slopes;  | The paths are for evacuation purposes. The Access Officer has not reiterated these concerns.   |
| Numerous other breaches of design standards for disability access paths;   | Document M advises that there is no obligation to adopt any particular solution contained in the Approved Document if an alternative solution can be achieved.                         |
| Paths should be removed;   | The paths are not considered to negatively impact the character  |

|  |  |
|--|--|
|  | and appearance of the Conservation Area, St Matthews Piece or the POS. |
|--|--|

### **Other Matters**

0.22 Since the officer report in November 2016, the applicant has installed the cycle racks and has discharged condition 7 in relation to the installation of noise limiters to the studio rooms in accordance and in agreement with the Council's Environmental Health Officer. The proposed conditions to this S73 application therefore reflect these changes.

### **Conclusion**

0.23 Members are encouraged to determine this application as proposed for the minor material amendments to the original planning permission 14/1252/FUL, including the reflective metal screen and pathways as shown on the submitted revised plans. My view is that the screen, pathways and other operational revisions to the plans are compliant with adopted policies 3/4, 3/7, 3/12, 3/13, 4/2, 4/11 and 4/13. If permission is not forthcoming, officers seek delegated authority to pursue enforcement action to seek removal of those elements that are contentious, subject to the rights of appeal afforded to the applicants. The fact that retrospective planning permission is being sought in this instance for the majority of the operational works should not influence Planning Committee's decision to approve or refuse permission.

### **RECOMMENDATION**

APPROVE, subject to conditions, as amended and as set out at the end of the November 2016 Planning Committee Report attached at Appendix A:

In the event that permission is refused, Officers seek delegated authority to commence enforcement proceedings as appropriate.

## **APPENDIX A: November 2016 Planning Committee Report**

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

- 1.1 The application site consists of a flat roof rectangular building located north of St Matthew's Piece in the Petersfield area of the city. The site is bounded on the east side by York Street which is characterised by two storey housing; on the north side by New Street which is characterised by a mixture of residential and commercial development; on the west side by Sturton Street which is mainly characterised by two storey housing; and to the south by the open space of St Matthew's Piece. The areas to the east, south and west of the site are primarily residential, including many small nineteenth-century terraced houses, and small modern houses and flats. The area to the north is a mixed area, which includes light industrial and retail uses as well as dwellings and student accommodation.
- 1.2 The site lies wholly within the City of Cambridge Conservation Area No. 1 (Central) and outside the Controlled Parking Zone.
- 1.3 The trees which stand along the eastern, northern and western boundaries of the site (London planes and one Lime) are protected by Tree Protection Order (TPO) 4/2005. The majority of the site does not have any specific designation in the adopted Cambridge Local Plan of 2006, but a strip of land on the east side of the building, fronting onto York Street, is designated as Protected Open Space. This strip of land includes a number of Plane trees and forms part of the St Matthews Piece which is an area Protected Open Space. The strip of land is currently covered by tarmac and is used as car parking associated with Citylife House.

### **2.0 THE PROPOSAL**

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

bin store, revised location of plant from the eastern elevation to the rooftop, emergency access provision from the eastern elevation and alterations to the car parking.

- 2.2 The original amendment to the cycle parking location has been revised following issues over landownership. The rooftop plan has also been revised to include details of the finish following concerns over its visibility from outside the site. The proposed amendment also includes alterations to the footpaths on the eastern side of the building for emergency access for disabled and wheelchair users, the opening for the bin store and the car parking layout to limit access to 17 spaces.
- 2.3 Some of these works such as the cycle parking at the south of the building and rooftop plant have been carried out, so this application is part retrospective.
- 2.4 The application is accompanied by the following supporting information:
1. Cover letter; and
  2. Plans

### 3.0 SITE HISTORY

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

| <b>Reference</b> | <b>Description</b>   | <b>Outcome</b>         |
|------------------|--|------------------------|
| 15/2372/FUL      | Change of use from the permitted use as a studio/cafe/bar/multimedia education centre and community facility (sui generis) granted under permission 97/1020 to general education use within use class D1, including alterations to eastern & southern elevations, external landscaping and reconfigured cycle parking. | Pending consideration  |
| 14/1252/FUL      | Change of use from the permitted use as a studio/cafe  | Permitted, this is the |

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

#### 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 3/14<br>4/4 4/11<br>8/2 8/4 8/6 8/10 |

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

|                                 |  |
|---------------------------------|--|
| Central Government Guidance     | National Planning Policy Framework March 2012<br>National Planning Policy Framework – Planning Practice Guidance March 2014<br>Circular 11/95  |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)<br>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) |
| Material Considerations         | <u>City Wide Guidance</u><br>Cycle Parking Guide for New Residential   |

|  |   |
|--|---|
|  | Developments (2010)   |
|  | <u>Area Guidelines</u><br>Mill Road Area Conservation Area Appraisal (2011) |

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

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

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

#### **6.0 CONSULTATIONS**

Cambridgeshire County Council (Highways Development Control)

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

Urban Design and Conservation Team

- 6.2 No material conservation issues with this proposal.

Environmental Services Team

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

## **Refuse and Recycling Team**

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

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations:
- 6 Edward Street;
  - 27 Ainsworth Street;
  - Petersfield Area Community Trust;
- 7.2 The representations can be summarised as follows:

Original scheme of amendments:

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

- Any approval of this application should reiterate the conditions from 97/1020 to ensure the public status of this area;
- The open space has been hoarded off for two years.

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

- The applicant seeks to use part of the public land for cycle parking (south of the building) parking. They have already installed Sheffield stands but I believe they have accepted this is an error and are removing them from the public land. This will leave them short of bike racks they need to provide and I cannot see an alternative layout;
- The relocation of plant equipment onto the roof has already been carried out and can be seen from the play area and other vantage points. The effect is very ugly. The erection of a parapet on the York Street elevation to hide it adds to the overbearing nature of the building. It is unacceptable for the developer to make such a big change to the building in a Conservation Area and expect to get retrospective permission.

7.3 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**

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

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

- Cycle Parking;
- Rooftop plant;
- New paths;

- Bin store;
- Car park layout;

### **Cycle parking**

- 8.2 The approved cycle parking provision consisted of 118 spaces located adjacent to the north, west and south elevations of the Howard Mallet Centre (HMC). The number of spaces is not proposed to change. The proposed amendment consists of redistributing the number of cycle spaces around the site. The proposed site plan shows 58 cycle parking across the northern and western side of the building instead of 74 as originally approved. The cycle parking along the southern elevation is increased from 44 spaces as approved to 60 spaces and includes some covered stands. Concerns have been raised by Cllr Robertson and local residents regarding the location of cycle racks within a strip of land south of the HMC known as “the burdened land” which restricts the space from being enclosed so as to allow the public to have access over it. The applicant has removed all cycle parking from this strip of land and arranged the spaces accordingly within the site. The Walking and Cycling Officer is satisfied with the revised layout of the cycle parking.
- 8.3 The Tree Officer agreed to the discharge of condition 4 (Tree Protection) of the original planning permission (14/1252/FUL) on the basis of the site plan which contains the same cycle parking arrangements as proposed for this S73 application. Therefore, the revised cycle parking arrangement would not have any adverse impact on existing protected trees subject to the agreed tree protection measures being installed.
- 8.4 I am therefore satisfied that the revisions to the cycle parking arrangement are acceptable and would not have any adverse impact on the site or character and appearance of the Conservation Area.

### **Rooftop plant**

- 8.5 The external plant that was approved on the eastern elevation has been installed on the rooftop. The rooftop plant consists of extractors and condenser units. The plant runs north to south and is located within the centre of the roof (600mm wide, 800mm high and 21.8 metres in length). The plant would be

partially hidden behind a parapet and due to the span of the HMC and existing tree coverage, views of it are limited and oblique. The plant is located closer to the edges of the north (7 metre set back) and south (8.3 metre set back) elevations and so would be more visible from these ends. However, only the slender profile of the plant is generally visible from these locations and so it does not appear obtrusive. The applicant has agreed to paint the plant black to match the overall appearance of the building in order to mitigate its appearance from views outside the site. I am satisfied that painting the plant will address concerns of its visibility from outside the site and its impact on the character and appearance of the Conservation Area. I have recommended a condition for this to be carried out within 1 month from the date of any permission.

### **New paths**

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

### **Bin store**

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

the refuse collection team, and avoids cluttering the site or visual impact on the area.

### **Car park layout**

- 8.8 In the original planning permission (14/1252/FUL), 17 of the 39 car parking spaces available are used for staff parking during core hours. The applicant is proposing to section off the rest of the 22 spaces. Members of the public that attend classes would be able to use the car parking after core hours (from 6pm) and this is controlled by the approved car parking management plan via condition 11, which has been discharged. None of the students are permitted to park in the car park. The proposed alteration is to install bollards/fencing/planters to section the remaining car parking spaces off that are not associated with the approved use of the building. The proposal to install a barrier within the car park is acceptable as it would be low level and unobtrusive and would ensure the car park is only used in connection with the approved use.
- 8.9 In summary, the proposed alterations are acceptable in terms of their visual impact on the site and surrounding area. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 4/4, 8/2, 8/4 and 8/6.

### **Impact on the Conservation Area**

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

Conservation Area. I am therefore satisfied the alterations are acceptable in terms of their impact on the Conservation Area.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

8.12 The proposed amendments would not have any adverse impact on the residential amenity of the surrounding occupiers. In terms of noise from the relocated plant, this has been assessed as part of the discharge of condition 6 (Plant Noise Mitigation) of 14/1252/FUL. The Environmental Services Team is satisfied that the relocation of the plant to the rooftop would not increase background noise levels by more than 3dB and as such the installation is acceptable.

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

### **Third Party Representations**

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

| Representations   | Response   |
|---|--|
| Some of the proposed cycle parking south of the building is located on land that is covenanted as public open space;        | See para 8.2   |
| The Conservation Team cannot have adequately considered the impact of the view from street level of the ugly rooftop plant; | The impact of the rooftop plant on the Conservation Area has been carefully assessed and the applicant has agreed to paint it black which is supported by the Conservation Team. |
| None of the waste storage or waste management facilities should ever intrude upon the protected public open space on        | The location of the bin store has already been approved and the proposed amendment does not significantly alter this.  |

|   |  |
|---|--|
| the east side of the building;  |  |
| None of the hundreds of individuals who objected to 15/2372/FUL have been consulted on this S73 application;            | All residents that made comments on the original planning application 14/1252/FUL were consulted. The proposal amendments are to the original consent and therefore sufficient individuals have been consulted.      |
| The rooftop plant will be entirely visible;   | See para 8.3   |
| Industrial appearance in this location is a major issue;  | The location of the plant was approved to be located externally on the eastern elevation. This would have made the plant more prominent. By locating it on the rooftop and painting it black reduces its appearance. |
| The green space needs protection due its recreational and conservation value;   | None of the area of protected open space will be enclosed or restricted from use as part of the proposed amendments.   |
| If a similar rooftop plant was proposed on the surrounding houses the application would be dismissed;                   | Each planning application is considered on its own merits.   |
| Any approval of this application should reiterate the conditions from 97/1020 to ensure the public status of this area; | This application only seeks minor material amendments to the original planning permission. Therefore the amendments are the only issues that can be considered.  |
| The open space has been hoarded off for two years.  | This has been to ensure the health and safety of the public during external and internal works to the building. The applicant advises that it will be removed once works have been completed.                        |

## 9.0 CONCLUSION

9.1 Planning permission has already been granted under planning permission ref 14/1252/FUL for the change of use of the existing to a dance school/studio use. The current S73

application seeks minor material amendments to the original planning permission. Therefore the principle of the change of use has been established and cannot be reconsidered as part of this application. Only the proposed amendments can be.

- 9.2 The proposed minor material amendments consist of alterations to the cycle parking arrangements, relocation of the external plant from the east elevation to the rooftop, alterations to the bin store, alterations to improve the fire escapes on the eastern elevation, and alterations to the car parking by sectioning off 22 spaces so that only 17 are available to staff and also to members of the public during specific times.
- 9.3 Each of the proposed alterations have been carefully assessed to ensure they relate to the use of and respect the existing building without having a detrimental impact on the character and appearance of the Conservation Area. The amendments would not have any adverse impact on the residential amenity of the surrounding neighbours.

## **10.0 RECOMMENDATION**

**APPROVE**, subject to the following conditions:

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

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

2. Cycle parking, plant noise insulation, waste provision, the management of parking within the site and the operation of noise limitation devices shall be provided and managed in accordance with the details as approved under conditions 3, 6, 7, 10, 11 and 12 of 14/1252/FUL concurrently with the occupation of the building and shall be retained and managed in accordance with the approved condition details thereafter.

Reason: To ensure satisfactory on-going provision of cycle parking, plant noise insulation, waste, the management of car parking and operation of noise limitation devices (Cambridge Local Plan 2006, policies 3/4, 8/2, 8.6 and 8/10).

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

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

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

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

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

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

6. Within two months of the date of this permission, material samples of the rooftop screening shall be submitted to and approved in writing by the Local Planning Authority. The mirrored screening shall be treated so as to reduce glare from the sun and shall be fixed to the rooftop in accordance with the submitted plans within 4 months from the date of this decision. It shall thereafter remain in-situ for as long as rooftop plant is present within its confines.

Reason: To ensure that the appearance of the external finish of the screening is appropriate to the building, does not create glare and does not appear visually obtrusive within the Conservation Area (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/14 and 4/11).

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

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

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|---------------------------|---|--------------------|-----------------|
| <b>Application Number</b> | 16/1970/FUL   | <b>Agenda Item</b> |                 |
| <b>Date Received</b>      | 21st November 2016  | <b>Officer</b>     | Michael Hammond |
| <b>Target Date</b>        | 16th January 2017   |                    |                 |
| <b>Ward</b>               | West Chesterton   |                    |                 |
| <b>Site</b>               | The Chancies 1 Leys Road Cambridge<br>Cambridgeshire CB4 2AP  |                    |                 |
| <b>Proposal</b>           | Erection of detached house and detached two storey annex consisting of four one bed self-contained flats following demolition of existing dwelling and annex. |                    |                 |
| <b>Applicant</b>          | Mr & Mrs Long<br>The Chancies, 1, Leys Road CAMBRIDGE CB4 2AP   |                    |                 |

|                       |  |
|-----------------------|--|
| <b>SUMMARY</b>        | <p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would be in keeping with the character and appearance of the area.</li> <li>- The proposal would not adversely impact on the surrounding streets in terms of on-street parking.</li> <li>- The amenity of neighbouring occupiers would not be significantly harmed by the proposed works.</li> </ul> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>  |

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

1.1 The application site, The Chancies, Leys Road, is comprised of a large detached property set within a spacious plot. The site is situated adjacent to the end of the cul-de-sac close to Highworth Avenue. There are some trees in the rear garden of the property and a large London Plane tree on the public highway at the front of the site. The surrounding area is

residential in character and is formed of a variety of detached and semi-detached properties.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal, as amended, seeks planning permission to replace the existing detached property with a new dwelling, and to sub-divide the garden to accommodate a two-storey building (called the annex building) that would host 4no. one-bedroom flats.

2.2 The proposed replacement dwelling would be two-storeys in scale with a double-pitched roof, measuring approximately 5.2m to the eaves and 8.8m to the ridge. It would occupy a footprint slightly smaller than that of the existing property and would be situated in a similar position on the plot. It would be constructed in brick with a clay tiled roof. There would be a row of three dormer windows set at the junction point between the eaves and the front wall of the dwelling. The existing rear annexe building that runs deep into the garden along the north-eastern boundary would be re-constructed and the internal arrangement altered. Four car parking spaces would be provided at the front of the site.

2.3 The proposed annex building would be detached to the south-west of the replacement dwelling. It would project approximately 2.4m forward of the replacement dwelling but would be approximately level with the front building line of other properties further to the east along Leys Road. It would be constructed with a pitched roof measuring approximately 4m to the eaves and 8.4m to the ridge. The gable end of the building would face onto Leys Road and there would be rows of dormers set above the eaves lines on both of the side elevations. This building would also be constructed in brick with a clay tiled roof. There would be a small rear garden (67m<sup>2</sup>) at the back of the building for future occupants of all of the flats to use as external amenity space.

2.4 Following concerns raised by officers, the proposal was amended to move the annex building back into the plot, the pool in the rear garden wing being moved away from neighbouring trees and the main house roof form being amended to a double-

pitched roof, reflecting the nearby vicarage building, and reduced in height.

2.5 The application is accompanied by the following information:

1. Drawings
2. Design and Access Statement
3. Tree Survey, Tree Protection Plan and Arboricultural Implications Assessment

### 3.0 SITE HISTORY

| <b>Reference</b> | <b>Description</b>  | <b>Outcome</b> |
|------------------|---|----------------|
| C/01/0362        | Erection of rear porch to existing dwellinghouse.   | Permitted.     |
| C/96/0142        | Erection of single storey rear extension consisting of garden room and potting shed.  | Permitted.     |
| C/93/0506        | EXTENSION TO HOUSE (SINGLE STOREY REAR EXTENSION).  | Permitted.     |
| C/91/0628        | ADDITION TO BOW WINDOW TO SIDE OF HOUSE.  | Permitted.     |
| C/87/1292        | ERECTION OF SINGLE STOREY REAR EXTENSION TO EXISTING DWELLING HOUSE TO ACCOMMODATE INDOOR SWIMMING POOL.                            | Permitted.     |
| C/84/0313        | ERECTION OF SINGLE STOREY EXTENSION TO EXISTING DWELLING HOUSE (AS AMENDED BY LETTER DATED 27TH APRIL, 1984 AND ENCLOSED DRAWINGS). | Permitted.     |
| C/70/0206        | Extension to existing house   | Permitted.     |

### 4.0 PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

|                                       |   |
|---------------------------------------|---|
| Central<br>Government<br>Guidance     | National Planning Policy Framework March 2012<br>National Planning Policy Framework – Planning Practice Guidance March 2014<br>Circular 11/95 ( Appendix A)   |
| Supplementary<br>Planning<br>Guidance | Sustainable Design and Construction (May 2007)<br>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)<br>Planning Obligation Strategy (March 2010) |
| Material<br>Considerations            | <u>City Wide Guidance</u><br>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 applicant states that two of the flats will be let on a car-free basis. The Planning Authority should consider how enforceable this arrangement would be as otherwise the development may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

#### **Environmental Health**

- 6.2 No objection, subject to conditions.

#### **Refuse and Recycling**

- 6.3 No objection.

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

6.4 No objection, subject to conditions.

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

6.5 No objection, subject to condition.

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

6.6 No objection, subject to condition.

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

## **7.0 REPRESENTATIONS**

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

|                     |                      |
|---------------------|----------------------|
| 2 Leys Road         | 3 Leys Road          |
| 4 Leys Road         | 5 Leys Road          |
| 7 Leys Road         | 8 Leys Road          |
| 9 Leys Road         | 10 Leys Road         |
| 13 Leys Road        | 19 Leys Road         |
| 21 Highworth Avenue | 30 Highworth Avenue  |
| 37 Highworth Avenue | 44 Highworth Avenue  |
| 51 Highworth Avenue | 51A Highworth Avenue |
| 53 Highworth Avenue | 55 Highworth Avenue  |
| 59 Highworth Avenue | 61 Highworth Avenue  |
| 63 Highworth Avenue | 28 Orchard Avenue    |
| 38 Orchard Avenue   |                      |

7.2 The representations can be summarised as follows:

- Significant increase in traffic in the area and impact on highway safety.

- Inadequate parking provision/ pressure on on-street car parking in surrounding streets.
- The occupancy of flats is not in keeping with the family dwellings present in the area.
- The design of the new buildings does not respect the character and context of the site and the surrounding area.
- Impact on adjacent trees.
- Overbearing impact/ enclosure
- Overshadowing/ loss of sunlight
- Overlooking/ Loss of privacy
- Odour disturbance from barbecue chimney.
- Machinery noise from plant room.
- The recently dismissed appeal decision at 57 Highworth Avenue (15/2157/FUL) has parallels to this application.
- If approved, appropriate measures to prevent congestion of the highway and noise during the construction process will be necessary.
- Cycle parking/ storage appears limited.
- The front space between the road and the annex flats should be used for car parking.
- Comings and goings and associated noise disturbance.
- If a residents' parking scheme is introduced, no permits should be allowed for the additional flats.
- The existing house is in keeping with the surrounding area and the demolition of this would be harmful.
- The applicant states that two of the four flats will be left empty for family/ friends. How will this be controlled?
- Noise and antisocial behaviour associated with flats.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety

6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

## **Principle of Development**

- 8.2 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 Local Plan policy 3/10 states that 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 application site occupies a prominent corner location along Leys Road and Highworth Avenue. The vast majority of the proposed works would be visible from the street scene.

8.8 It is acknowledged that objections have been raised to the demolition of the existing dwelling due to the contribution it makes to the character of the area. Whilst I agree that the original building has some architectural merit and is in keeping with the character of the area, it is not statutorily protected and there is no policy basis on which to resist the principle of demolition. Provided that the replacement built form on the site is acceptable in design terms, I consider the demolition to be acceptable.

8.9 The proposed replacement dwelling would occupy a consolidated position on the plot in a square form but would connect to the rear garden wing running along the boundary of no.3 Leys Road. This element of the scheme would still read comfortably within the site from a layout perspective. The proposed dwelling would be two-storeys in scale and of a similar height to that of other properties along Leys Road. Officers had highlighted concerns with the application originally as the height of the roof projected above that of other properties along the street. The application was subsequently amended to reduce the height down to that of the adjacent property at no.3. In my opinion, the reduction in height has overcome this concern and the scale and massing of the building would be appropriate in its context. The fenestration of the proposal is relatively unique with a series of front dormers set low within the roof plane and large bay windows and a front entrance. The site is situated in juxtaposition between Leys Road and Highworth Avenue, where although the pattern of development is similar, the architecture treatment and form is varied. As a result, I do not consider the proposal has to conform to a particular typology and that the principle of a contemporary style dwelling

in this location is acceptable. The alterations to the garden wing element are relatively minor from a design perspective and not highly visible from public viewpoints. A materials sample condition has been recommended for details of the facing materials to be agreed prior to development.

- 8.10 In terms of the proposed annex building, officers had raised concerns with the proposal initially due to the position of this building close to the front of the site and the visual intrusion this would have caused. In response, the building has been moved further back into the site to the approximate front building line of the semi-detached properties further to the east along Leys Road. In my opinion, the revised position of the building away from the road frontage would retain the open feel of the corner of the site. The proposed annex building would also be two-storeys in scale but would be lower in both eaves and ridge heights than the proposed replacement dwelling. I am of the view that the annex building would read subserviently to the proposed replacement dwelling and would sensitively mediate between the change in height between the lower no.63 Highworth Avenue to the west and the higher proposed replacement dwelling to the east. It would be orientated with the gable end fronting the road which is not an uncommon feature at the end of Highworth Avenue. The entrance would be situated on the side (west) elevation of the building but there would be habitable windows on the frontage that ensure that the building would engage with the street scene and provide an active frontage.
- 8.11 It is acknowledged that concerns have been raised by third parties due to the fact that Highworth Avenue and Leys Road are formed of family dwelling houses and that the introduction of single occupancy flats would be out of character with this context. Whilst I appreciate that there are no other examples of this type of accommodation present in the local area, I do not consider that the proposed use of part of the site for flats would harm the character of the area. The Council had previously used this argument as a reason for refusal for a similar type of development at no.6 Greville Road (15/1076/FUL) which sought permission for five self-contained units in a street which was dominated by family dwellings. In the appeal decision (APP/Q0505/W/15/3135167), the planning inspector did not agree with this reasoning, stating that:

*“This would still be a residential use which, in itself, would not significantly alter the character of the street. Although a family house would be lost the proposals would provide additional small units of residential accommodation which would accord with those principles of the Framework that seek to significantly boost the supply of housing and the types of available accommodation.”*

8.12 In light of this recent appeal decision, I do not consider that the introduction of flats into the area would have a harmful impact on the character of the area.

8.13 The proposal would involve the removal of a small category U tree in the site which is considered to be acceptable. The proposed development would be situated outside of the root protection area of three category A trees at the front of the site, including the large London Plane tree. The end of the garden wing and small shed would be situated within the root protection area of two category A trees within the gardens of no.3 Leys Road and no.28 Orchard Avenue respectively. The arboricultural implication assessment states:

*“Works to underpin and upgrade the foundations of the snooker room will encroach into the rooting areas of T8 and T9, however trial pits to determine the depth and type of foundation have found a concrete trench fill foundation along the boundary wall to a depth of 1200mm. It is very unlikely therefore that roots from T9 are under the footprint of the existing building.”*

8.14 The Tree Officer and Landscape Team have assessed the proposals and are satisfied that the landscaping and tree works are acceptable, subject to conditions.

8.15 The proposal shows a fence sub-dividing the front garden of the flats from the drive of the proposed replacement dwelling. I am of the opinion that this demarcation of the space through hard landscaping is inappropriate and that soft landscaping, such as low hedging, should be used to retain the green and open character of the front of the plot. As a result, I have recommended a boundary treatment condition to control this. In addition, I have also recommended a condition for the appearance of the bin store at the front of the flats to be agreed in order to ensure that this store does not appear out of keeping with the area.

- 8.16 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, 3/14 and 4/4.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.17 The main consideration is the impact of the proposed works on the two adjacent occupiers at no.63 Highworth Avenue and no.3 Leys Road.

#### Impact on no.63 Highworth Avenue

- 8.18 No.63 was formerly a single-storey bungalow that has since had an additional floor added, as approved under planning reference 13/1738/FUL. There is currently a high hedge on the boundary between the application site and this neighbour but the plan suggests that this would be removed under the proposed works.
- 8.19 This neighbour has front ground-floor kitchen windows and first-floor bedroom windows that face out towards the street. The only side facing window that faces directly towards the site is a small utility/ storage room. The proposed annex building would be sited roughly 9m to the east of the nearest front window of this neighbour. This neighbour would still have open outlooks from the windows on this elevation and the proposed development would fall outside of the 45° line from the closest of these windows. It would not project any further to the rear of this neighbour's rear building line. As a result, given the separation distance and orientation of the development from this neighbour, I do not consider the proposal would visually overbear or harmfully overshadow them.
- 8.20 No.63 has raised concerns regarding overlooking of their front facing windows from flat 3 at first-floor level. The proposed room of flat 3 would have a south-west facing living room window which would face out over the front drive of this neighbour. However, the view towards the front windows of this neighbour would be relatively oblique and not a direct window-to-window relationship. I do not consider that this outlook would compromise the privacy of this neighbour.

8.21 Concerns have also been made regarding the disturbance from people coming and going to and from the flats and the associated anti-social behavior from single-occupancy lettings. I am of the opinion that provided there is an acceptable boundary between the two sites, the movement of people coming and going would not harm neighbour amenity. The main windows and private amenity space of this neighbour are positioned away from the main route into the flats and I do not anticipate the day-to-day movements related to the flats would be disturbing.

#### Impact on no.3 Leys Road

8.22 No.3 Leys Road is a two-storey dwelling that was constructed following the approval of planning permission reference 10/0193/FUL. It is situated to the north-east of the application site.

8.23 The proposed replacement dwelling would have peripheral views from the first-floor rear windows across the garden of this neighbour but these would be no worse than from existing rear first-floor windows.

8.24 No.3 has an open plan kitchen/ dining/ living room that has side and rear windows. In addition there are first-floor bedroom windows that have small side windows and large rear and front windows. From a visual outlook perspective, all of the windows that are affected generally serve as secondary windows and the rooms affected benefit from rear or front windows that would not be impacted by the additional mass proposed. As such, I do not consider the proposed replacement dwelling would visually enclose this neighbour.

8.25 The existing garden wing on-site projects nearly the entire length along the western boundary of no.3's garden by way of a solid blank wall measuring approximately 3.2m high. The proposed works to the garden wing would involve changing the roof form from a mono-pitch roof to a pitched roof, with an eaves height of 3.2m and overall height of approximately 3.8m. In my opinion, given that the additional height proposed would be sloping away from this neighbour's boundary and there is already a 3.2m high wall in this position, the proposed garden

wing would not significantly exacerbate the level of enclosure experienced in this neighbour's garden and is acceptable.

- 8.26 Concerns have been raised from this neighbour regarding overshadowing and loss of light. There are several south-west side facing windows which could be affected by the proposed development. These windows consist of two first-floor secondary bedroom windows, two ground-floor secondary living room windows and a ground-floor secondary kitchen window. The windows of these rooms are relatively narrow and appear to have been designed as a means of capturing daylight/sunlight into the rooms, rather than as visual outlooks. The proposed detached house would break the 25° line from the nearest first-floor side bedroom window and a daylight/ shadow study has been submitted to determine the likely impact on these rooms. I will assess the impact on the affected rooms and outdoor spaces in turn below.
- 8.27 Firstly, the nearest first-floor side bedroom windows would experience a degree of overshadowing at around 3pm during the vernal/ autumnal equinoxes. However, this level of overshadowing would not be significant enough to warrant refusal of the application. During the summer equinox, the levels of light reaching these windows would be similar to that of present. The degree of overshadowing in the winter caused by the proposed development compared to that of present would be minimal and not significant enough to harm this neighbour's amenity.
- 8.28 Secondly, the ground-floor windows would be the subject of increased overshadowing after 1pm during the vernal/ autumnal equinoxes. Nevertheless, the windows in question would not be fully overshadowed and there would consequently be light entering the affected spaces, albeit less than that of present. Similar to the preceding paragraph, the ground-floor windows do not benefit noticeably from low winter sun in the winter and during the summer these windows would not be overshadowed by the development. As a result, I am of the view that the exacerbated impact of overshadowing would not demonstrably harm this neighbour's amenity in terms of loss of light or daylight.
- 8.29 Finally, in terms of the impact of the proposed garden wing extension on the neighbour's garden, any additional

overshadowing would be limited to after 4pm and the levels of light reaching this neighbour's garden would well exceed the two hours of sunlight over 50% of the garden recommended by the BRE Site Layout Planning For Daylight and Sunlight: A Guide to Good Practice (2011). Conditions have been recommended to remove permitted development rights relating to extensions of the dwellinghouse to protect No.3 from any harmful overshadowing or visual enclosure that these works could cause.

- 8.30 This neighbour has also raised concerns regarding odour disturbance from the proposed barbecue chimney. The Environmental Health Team have been made aware of the proposed chimney but given its domestic scale do not consider that this would emit harmful levels of odour disturbance. This neighbour has also highlighted the potential noise that the plant for the swimming pool could cause. A plant noise insulation condition has been recommended to ensure that the noise from this plant equipment does not harm neighbour amenity.

#### Car Parking

- 8.31 The vast majority of third party representations have identified lack of car parking and the pressure this would put on on-street parking in the surrounding streets.
- 8.32 The design and access statement states that the front drive of the replacement dwelling has capacity to accommodate four car parking spaces, two for the replacement dwelling and two for the adjacent flats. The statement also explains that a further two spaces could be accommodated on the front drive although this would require a degree of maneuvering to achieve in practice. As these have been identified as 'optional' spaces, I have assessed the application on the basis of four car parking spaces being provided.
- 8.33 The applicant has explained that the intention is to let the two ground-floor flats out on the basis that they do not have a car. However, it would not be reasonable to control this by way of condition and consequently I have assessed the proposal on the grounds that the occupants of all the residential units could own and park their own cars.

- 8.34 The existing house on-site is an eight bedroom dwelling with three car parking spaces. The proposal would provide eight bedrooms on-site (4no. for the replacement dwelling and 4no. within the four flats). Whilst there would be no change in the number of bedrooms on-site, the sub-division into five units would likely have a higher parking demand than one large dwellinghouse.
- 8.35 The City Council has maximum car parking standards and the site does not fall within the controlled parking zone. Highworth Avenue and Leys Road are both the subject of unrestricted on-street parking and the proposal would likely increase parking pressure on these surrounding streets. Notwithstanding this, I do not consider the likely impact on the existing parking demands on the area would be significant enough to adversely impact on the amenity of nearby occupiers. Future occupants would be within walking distance of the Milton Road/ Arbury Road Local Centre, as well as frequently served bus stops along Milton Road. The proposal also makes provision for cycle parking on-site and the City Centre is within cycling distance of the site. In my opinion, the site is highly sustainable and would not be dependent on the private car as the only means of travel to and from the site which would alleviate the impact on on-street parking.
- 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 3/10.

#### Amenity for future occupiers of the site

- 8.37 The proposal would provide 1no. four-bedroom dwelling house and 4no. one-bedroom flats. The proposed dwelling would have a large rear garden and the proposed flats would have a reasonable sized rear communal garden of approximately 67m<sup>2</sup>. The two gardens would be formally sub-divided by way of hard and soft landscaping and a curtilage condition has been recommended to ensure the garden is retained for future occupants. Defensive planting adjacent to the north-facing ground-floor windows is necessary to protect the amenity of future occupants of this flat but this can be agreed through the hard and soft landscaping condition. All habitable rooms would have acceptable outlooks. There is space for cycle and bin

storage for all units, albeit the details of the secured covered cycle parking needs to be agreed by way of condition. The Milton Road/ Arbury Road Local Centre is within walking distance of the site and there are good public transport and cycle links into the City Centre.

- 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, 3/10 and 3/12.

### **Refuse Arrangements**

- 8.39 There would be space at the side of the proposed dwelling house for the storage of bins which would be within suitable walking distance of the public highway for collection days. The bins for the proposed flats would be situated in a store at the front of the site which also has a straightforward means of access for collections.

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

### **Highway Safety**

- 8.41 The Highway Authority has raised no objection to the proposal on the grounds of highway safety.
- 8.42 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.43 Car parking has been addressed in paragraphs 8.31 – 8.35 of this report.
- 8.44 The proposal includes space for eight cycle parking spaces which is in accordance with the minimum standards of the Local Plan (2006). The plans show the cycle parking for the flats as being in the form of two cycle hoops that are not enclosed or secured which is unacceptable. However, there is adequate room at the side and rear of the proposed development to

accommodate a cycle store and I have therefore recommended a condition to control this.

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

### **Third Party Representations**

8.46 The third party representations have been addressed in the table below:

| <b><u>Comment</u></b>  | <b><u>Response</u></b>  |
|--|---|
| Significant increase in traffic in the area and impact on highway safety   | The Highway Authority has raised no objection to the proposal on the grounds of highway safety.   |
| Inadequate parking provision/ pressure on on-street car parking in surrounding streets.                          | This has been addressed in paragraphs 8.31 – 8.35 of this report.   |
| The occupancy of flats is not in keeping with the family dwellings present in the area.                          | This has been addressed in paragraphs 8.11 – 8.12 of this report.   |
| The design of the new buildings does not respect the character and context of the site and the surrounding area. | This has been addressed in paragraphs 8.9 – 8.10 of this report.  |
| Impact on adjacent trees.  | This has been addressed in paragraphs 8.12 – 8.13 of this report.   |
| Overbearing impact/ enclosure<br>Overshadowing/ loss of sunlight<br>Overlooking/ Loss of privacy                 | These matters have been addressed in the relevant paragraphs of the residential amenity section of this report.   |
| Odour disturbance from barbecue chimney.<br>Machinery noise from plant room.                                     | This has been addressed in paragraph 8.30 of this report.   |
| The recently dismissed appeal decision at 57 Highworth Avenue (15/2157/FUL) has parallels to this application.   | The application has been assessed on its own merits. I have read the appeal decision and studied the plans and have concluded that it does not have a material bearing on the determination of this application. It is not directly relevant. |

|   |  |
|---|--|
| If approved, appropriate measures to prevent congestion of the highway and noise during the construction process will be necessary. | Conditions relating to dust, piling, delivery and construction hours have been recommended. The Highway Authority has not recommended a traffic management plan condition and I do not consider it is necessary to require this. |
| Cycle parking/ storage appears limited.   | This would be controlled by way of condition.  |
| The front space between the road and the annex flats should be used for car parking.  | I do not consider the imposition of front car parking in this space to be necessary.   |
| Comings and goings and associated noise disturbance.  | This has been addressed in paragraph 8.21 of this report.  |
| If a residents parking scheme is introduced, no permits should be allowed for the additional flats.                                 | This is a matter for the County Council who are responsible for residents' permits,  |
| The existing house is in keeping with the surrounding area and the demolition of this would be harmful.                             | This has been addressed in paragraph 8.8 of this report.   |
| The applicant states that two of the four flats will be left empty for family/ friends. How will this be controlled?                | This will not be controlled and the application has been assessed on the basis that the flats could be occupied separately from the main dwelling.   |
| Noise and antisocial behaviour associated with flats.   | This has been addressed in paragraph 8.21 of this report.  |

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

8.47 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.

8.48 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a

maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 The proposed development would not harm the character and appearance of the area and would respect the amenity of neighbouring properties. The proposed replacement dwelling and the annex building to accommodate the flats have been reduced in scale and mass and are considered to respect the surrounding context of Leys Road and Highworth Avenue. The proposal would provide an acceptable living environment for future occupants. The impact on on-street parking in the surrounding area would not be so great as to harm residential amenity.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 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 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)

8. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3.10 and 3/12)

9. No development shall take place until 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.

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, 3/10, 3/11 and 3/12)

10. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

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

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 and 4/4)

13. 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 and 4/4)

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 details and 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 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)

16. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. The details shall include elevations of the storage and the proposed materials. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained for their intended use thereafter.

Reason - In the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/12)

17. The curtilage (garden) of the proposed flats as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed flats or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed flats.

Reason: To avoid a scenario whereby the flats could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10)

18. 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 shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

19. Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

**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:** In order to meet the hard and soft landscaping condition (no.8) the following information should be submitted to the Local Planning Authority:

Hard Landscape works shall include:

- proposed finished levels;
- means of enclosure;
- car & cycle parking layouts,
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- external lighting layouts;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports).
- hard boundary treatments

Soft landscape works shall include:

- works proposed to restore, mitigate or replace planting at key aspects such as between neighbours, along street frontages or in the vicinity of existing trees and hedges which are being retained.
- Tree planting strategy and specification of new trees
- Tree pit details
- Soft boundary treatments

|                           |  |                    |               |
|---------------------------|--|--------------------|---------------|
| <b>Application Number</b> | 16/2041/FUL  | <b>Agenda Item</b> |               |
| <b>Date Received</b>      | 21st November 2016   | <b>Officer</b>     | Lorna Gilbert |
| <b>Target Date</b>        | 16th January 2017  |                    |               |
| <b>Ward</b>               | Queen Ediths   |                    |               |
| <b>Site</b>               | 4 Cavendish Avenue Cambridge CB1 7US   |                    |               |
| <b>Proposal</b>           | Erection of dwelling following demolition of existing triple garage block. New vehicular access from highway to serve existing dwelling. |                    |               |
| <b>Applicant</b>          | Mrs L J Bradford<br>C/o Agent  |                    |               |

|                |   |
|----------------|---|
| SUMMARY        | <p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- It is considered the development would harmonise with the surrounding area in terms of its scale.</li> <li>- It would not adversely harm neighbours' amenities.</li> </ul> |
| RECOMMENDATION | APPROVAL  |

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located to the south-east of the main dwelling of No.4 Cavendish Avenue and contains three garages and garden space with trees. It is accessed from Cavendish Avenue which lies to the north. The site is bordered to the north-east by No.6 and 6a Cavendish Avenue and No.3 Hills Avenue and The Coach House, 1 Hills Avenue. To the south lies No. 1 Hills Avenue. To the west lies No.3 and 4a Cavendish Avenue.
- 1.2 The site is within the Cambridge Airport Safeguarding Zone for structures greater than 15m and the site contains a Tree Preservation Order tree by the entrance by Cavendish Avenue.

## 2.0 THE PROPOSAL

- 2.1 The application proposes a four bedroom single storey dwelling with a basement below. The building stands between 1.8m and 3.2m high above ground level. The building has a staggered form. The building measures between 5.7m and 12.3m wide at ground floor level and between 6.9m and 15.2m in length. It contains three light wells and two sets of external stairs that link to the basement.
- 2.2 It proposes the walls be constructed from brick and vertical timber boarding, the roof from zinc sheet and green roof treatment. The windows and doors will both be powder coated aluminium clad timber.
- 2.3 It is accessed via an access route that is located between No.4 Cavendish Avenue and an access road to No.6a Cavendish Avenue.
- 2.4 It proposes a bin and bike store that accommodates three bicycles and space to park two vehicles, along with manoeuvring space.

## 3.0 SITE HISTORY

| Reference   | Description  | Outcome                  |
|-------------|--|--------------------------|
| C/85/0404   | Provision of pitched roof over existing flat roof.   | Approved with conditions |
| C/89/0721   | Erection of one bungalow (outline)   | Refused                  |
| 16/0568/FUL | Erection of dwelling following demolition of existing triple garage block. New vehicular access from highway to serve existing dwelling. | Withdrawn                |

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

| PLAN                      | POLICY NUMBER  |
|---------------------------|--|
| Cambridge Local Plan 2006 | 3/1 3/3 3/4 3/7 3/10 3/11 3/12<br>4/4 4/13<br>5/1 5/5<br>8/2 8/4 8/6 8/10 8/18<br>10/1 |

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

|                                 |   |
|---------------------------------|---|
| Central Government Guidance     | National Planning Policy Framework March 2012<br>National Planning Policy Framework – Planning Practice Guidance March 2014<br>Circular 11/95   |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)<br>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)<br>Planning Obligation Strategy (March 2010) |
| Material Considerations         | <u>City Wide Guidance</u><br>Cambridge and South Cambridgeshire   |

|  |   |
|--|---|
|  | Strategic Flood Risk Assessment<br>(November 2010)    |
|  | Strategic Flood Risk Assessment (2005)                |
|  | Air Quality in Cambridge – Developers<br>Guide (2008) |

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

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

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

## 6.0 CONSULTATIONS

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

- 6.1 The proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the conditions and informatives requested into any permission that the Planning Authority is minded to grant in regard to this application

### **Environmental Health**

- 6.2 The development is acceptable subject to the imposition of the conditions and informatives requested.

### **Head of Streets and Open Spaces (Trees)**

- 6.3 No objection, subject to the imposition of conditions.

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

- 6.4 Acceptable, subject to the imposition of a hard and soft landscaping condition.

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

- 6.5 As the Design and Access statement in the previous application 16/0568/FUL made reference to a proposed use of pervious hardstanding areas, surface water soakaways and rainwater recycling as well as the water storage facility of the new sedum roof covering, the Sustainable Urban Drainage Officer recommended that a condition be attached.
- 6.6 The recommended condition asks for details of a surface water scheme including information about the design storm period and intensity and a management and maintenance plan.

### **Cambridgeshire Fire and Rescue Service**

- 6.7 From the information given, access for fire appliances may be considered inadequate.
- 6.8 Access and facilities for the Fire Service should be provided in accordance with the building Regulations Approved Document B5, Section 16.
- 6.9 The responsibility for approving access and facilities for the Fire Service rests with the Building Control Department of the Local Authority and they should be consulted on any proposals.
- 6.10 It should be minded that Cambridgeshire Fire and Rescue Service have a non-standardised Fire Appliance, the details of which you can find attached.
- 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:

- 2b, 3, 4a, 6a Cavendish Avenue
- The Coach House 1 Hills Avenue, 1, 3, 5 Hills Avenue

7.2 The representations can be summarised as follows:

- The proposal is archetypal “garden grabbing” and as such should be rejected under the terms of the Local Plan 2006 and new Local Plan.
- Concerned it would start a precedent for development.
- Disagree with the claim in the application that the level of traffic will be less than that which would be generated by the existing triple garage block and it would ensure a reduced level of traffic and noise nuisance. The garage block is derelict.
- Detrimental to residential amenities and that of neighbours and on the character of the neighbourhood.
- Policy 3/10 - A) The 4 bedroom house would harm the privacy and amount of light reaching the garden of No.3 Hills Avenue which has very limited amenity. This property has a very small courtyard garden at the front of the house and no other amenity space for the family home. Amenity and privacy will be massively eroded by a family house up against our boundary. Disagree with the proposals claim that there will be limited additional shadow. The Shadow Study shows there will be a large impact on sunlight to our property from noon until dusk in winter, spring and autumn.
- Overbearing sense of enclosure.
- No. 3 Hills Avenue has a small landing window on the north side of the house and none on the east, meaning light comes from the south and west.
- Light pollution from the skylights proposed.
- Neighbouring properties would overlook the proposal.
- A four bedroom house introduces a much higher level of activity.
- Garages on site are not in use for vehicles and have not been for decades.
- Extra vehicular activity is a serious concern, with a turning area next to a neighbouring garden.
- Noise.

- B) Provides inadequate amenity space or vehicular access arrangements and parking spaces for proposed and existing properties.
- Concerned with surface water run off especially with the proposed basement.
- C) Detract from the prevailing character and appearance of the area. Contemporary design is unattractive, inappropriate for the space and out of character in with the surrounding buildings.
- Hard to see how it can have a positive impact on the setting in terms of location, scale and form, materials and available views (3/12 section a) and is not an acceptable extension of the existing development character.
- D) adversely affect the setting of Listed Buildings, or buildings or gardens of local interest – No.3 Hills Avenue and the coach house next door are Victorian buildings and are both modest, with only a little amenity space. The introduction of a large, modern building so close to the boundary would ruin the charm of these beautifully conserved buildings of historic interest.
- Concerned with the impact of the construction of the basement.
- E) Results in the loss of trees and is a habitat for flora and fauna (policy 4/4).
- Policy 3/12 – Fire and Rescue states access for fire appliances is inadequate. Concerned that fires could spread to neighbouring properties and proposed dwelling.
- Proposed building is in breach of the drag distance for refuse collection.
- Previous planning application for a bungalow on the site C/89/0721 was refused on the basis it constituted “backland development and would result in an unacceptable loss of amenity to surrounding residential properties by reason of increased noise, disturbance and loss of privacy”.
- Proposal does not allow for protection of existing trees or retention of sufficient space around existing dwellings.
- Shadow studies hard to ascertain impact because wrong scale and not detailed enough.
- Design, especially curved metal roof, would be in jarring contrast with Victorian character of adjacent homes.
- Planning conditions on working times and noise and vibration limits would need to be imposed to protect local amenity and avoid nuisance.
- The Coach House is misidentified as a ‘separate ancillary building’ to 3 Hills Avenue in the planning application and its amenities have not been considered at all. It is 6m from the proposed building. It would suffer a loss of privacy and an

overbearing sense of enclosure as well from increased traffic and domestic noise.

- Planning application misleading as the proposed building is 8m from the main living area of No.1 Hills Avenue.
- The amenity space for the proposed building is too small; raising concerns about water drainage in an area where damp is a major problem.
- The basement would endanger two Victorian buildings, the Coach House and 3 Hills Avenue which have very shallow foundations. It would also endanger the old brick wall on the east boundary of the proposed building site.
- The site is a wildlife sanctuary. Developers have not acknowledged the impact of their building on these animals.
- The proposal to incorporate a 'domestic sprinkler system' and does not obviate 'the need for fire tender access'.
- The Tree Survey does not guarantee the survival of the ancient apple trees from the Victorian orchard of historical value. The mature apple trees are located on the southern boundary of the proposed building and which represent an important amenity for the Coach House.
- 6a Cavendish Avenue and 3 Hills Avenue are two properties sited to the rear of other dwellings does not provide justification for another. It would make it cramped and set an unwelcome precedent.
- Cavendish Avenue is already congested. Traffic and parking concern.
- Difficult to see how the proposed dwelling will have any positive impact on its setting (Local Plan policy 3/12).
- Flooding and drainage concerns.
- Disturbance through construction.
- Refuse vehicles and fire engines cannot easily access site.
- Backland development.
- Foundations of the basement appear to be under the canopy of No.1 Hills Avenue's apple trees and right next to my wooden fence and hedge. Building works are likely to impact on No.1 Hills Ave boundary and foundations of the Victorian brick wall and coach house.
- What are the local ground conditions and soil types in the immediate area? What is the water table and will the new basement cause 'heave' to the adjoining properties.
- Do daylight levels in the bedrooms satisfy light requirements?
- Will the house ultimately be used as a HMO and harm future occupier's health?

- Height of the building is difficult to scale of the plans. Ceiling heights look low.
- 1 Hills Avenue has four windows in two bedrooms and a bathroom window that overlooks the site.
- Query whether adequate turning space for a vehicle.
- Air pollution.
- Do not believe the new building will comply with policy 3/12 as does not provide adequate accessibility for all users and is not easily adaptable and therefore not sustainable.
- If approved I will need you to confirm a specific planning condition to require a construction method statement from the builders to protect the boundary at No.1 Hills Avenue and the coach house, brick wall, hedge and the trees.
- Proposed dwelling would abut No.3 Cavendish Avenue's quiet garden with a bathroom and hall window. Its proximity would destroy my peace.

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. Third party representations

### **Principle of Development**

8.2 Outline application (reference C/89/0721) proposed the erection of a bungalow on the site in 1989. It was refused on the grounds that *'the proposal constitutes backland development which would result in an unacceptable loss of amenity to*

*surrounding residential properties by reason of increased noise, disturbance and loss of privacy’.*

- 8.3 This previous application was assessed under different policies. The current planning application will be considered against the adopted Local Plan 2006 and other relevant policies, including the NPPF.
- 8.4 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.
- 8.5 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.
- 8.6 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, Sections 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). Policy 3/10 reads:

*Residential development within the garden area or curtilage of existing properties will not be permitted if it will:*

*a) have a significantly adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic or noise nuisance;*

*b) provide inadequate amenity space, or access arrangements and parking spaces for the proposed and existing properties;*

*c) detract from the prevailing character and appearance of the*

area.

*e) adversely affect trees, wildlife features or architectural features of local importance located within or close to the site.*

- 8.7 It is considered the proposal will comply with the principle of development in relation to policy 3/10. The reasons will be expanded upon in the sections below within this report.

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

- 8.8 The proposed family house stands up to 3.2m high above ground level and is located behind the existing dwellinghouse at No.4 Cavendish Avenue. The site currently contains a triple garage that stands at between 2m and 2.3m high. The existing garages will be removed as part of the proposal.
- 8.9 The proposed four bedroom dwelling would not be visible from the highway due to its position and scale. The site is not within a conservation area and the application site and neighbouring properties contain neither Listed Buildings nor Buildings of Local Interest. The proposed dwelling has a modern design which contrasts with the neighbouring properties which are characterised by Victorian two storey properties. The proposed dwelling would be constructed from brick and timber cladding on the walls with a curved zinc sheet roof and green roof. Policy 3/12 The Design of New Buildings of the Local Plan 2006 does not limit either the materials or design of a new building to be exactly the same as the surrounding area. I consider that the proposed development would introduce a new and distinctive character that successfully contrasts with the surrounding house style.
- 8.10 The proposal would be distinctive in terms of its material and form but yet would not compete with the prevalent housing typology of Victorian houses, which underpin the character of the area from an architectural standpoint, by way of its subservient scale and mass.
- 8.11 The proposal includes a green roof. Landscaping has responded to the consultation and has requested the inclusion of a hard and soft landscaping condition which I consider acceptable.

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

### **Disabled access**

8.13 The Planning Statement proposes the inclusion of level and ramped surfaces to ground floor level. It explains wheelchair access will be provided to the ground floor. The ground floor contains one of the bedrooms. The basement contains three bedrooms. I consider the accommodation to be acceptable in terms of disabled access.

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 nearest neighbouring properties to the proposed dwelling are The Coach House 1 Hills Avenue, 1 and 3 Hills Avenue and 3, 4, 4a, 6, 6a Cavendish Avenue.

#### *The Coach House 1 Hills Avenue*

8.16 The nearest dwelling to the application site is The Coach House 1 Hills Avenue which is located 5m away from the new dwelling. This dwelling is set back 3.2m from the shared boundary. It is orientated to the east of the proposed dwelling. This property is part two storey and part single storey. A single storey element is located on the west side of the building towards the proposed dwelling. It has no upper floor windows facing the application site. It has a flank door and high level ground floor window facing towards the application site. It has limited amenity space which is located to the west and south of the property. The Shadow Study submitted does not indicate this neighbouring property would experience a detrimental loss of light as a result of the proposal. As the proposed dwelling is single storey only above ground, in my opinion this neighbour would not experience a detrimental loss of privacy or outlook.

### *No.3 Hills Avenue*

8.17 This property is also positioned to the east of the application site. It is located between 5.2m and 11.6m from the new dwelling. It directly faces the setback element of the new dwelling. The shared boundary fence is positioned 3.4m from this dwelling. This neighbouring dwelling stands at two storeys high and has ground floor and upper floor flank windows that face the application site and both serve bedrooms. Its garden is located to the south and west of the property. There is a fence and some vegetation along the boundary; however the upper part of the ground floor window is visible from the application site. There is potential for overlooking; however the nearest window it would directly face is a minimum of 11.4m away. I recommend the inclusion of a boundary treatment condition to ensure fences of at least 1.8m high are located by the closest neighbours. This will ensure there is not direct overlooking at ground floor level between both properties. A car parking area is proposed in front of the new dwelling and a bin and bike store is located 1.2m away from the boundary. I do not consider the position of these would adversely harm this neighbour's amenity as they are for domestic use by one dwelling. The Shadow Study demonstrates the proposal would not lead to a detrimental loss of light to this neighbour. In terms of outlook and being overbearing, I do not consider the proposed dwelling to harm this neighbour's amenity in this way because of the height and position of the new dwelling.

### *No.1 Hills Avenue*

8.18 This neighbour is located to the south of the proposal. It is positioned 10.4m away from the closest part of the proposed building and 8.9m from the shared boundary fence. The rear garden of this neighbour contains some mature fruit trees towards the boundary. The rear windows of this neighbouring house face towards the application site. This neighbouring property is two storeys high with a single storey rear projection. I do not consider the proposal would lead to a loss of outlook or privacy to this neighbour due to the height of the proposed building. The upper floor windows of this property could result in some overlooking of this proposed dwelling and amenity space, however I do not consider this to be so detrimental to warrant refusal of the application. The Shadow Study highlights

this neighbour would not experience a loss of light due to the proposal.

#### *No.3 Cavendish Avenue*

8.19 Land owned by No. 3 Cavendish Avenue is located to the west of the application site. This contains an extended garden space with vegetation and grass. There is a low fence separating both sites. The proposed dwelling will be set in 0.8m from the shared boundary and extends up to 2m high closest to this neighbour's boundary. Two ground floor windows are proposed on the part of the dwelling closest this neighbour, which serve the stairs and en-suite. The application proposes the installation of a 1.8m high boundary fence between these sites. I consider this would overcome any potential loss of privacy from these proposed windows. The Shadow Study shows the proposal would not lead to a loss of light reaching this neighbour's garden. The height of the proposed dwelling would avoid this neighbour from experiencing a loss of outlook in my opinion.

#### *No.4 Cavendish Avenue*

8.20 The original dwelling on the site is located to the north of the application site. The drawings indicate the front garden will be remodelled to accommodate two car parking spaces. The proposal provides garden space for this dwelling. A new 2m high timber fence will be provided along this neighbour's rear boundary. I consider the proposal would not harm outlook or privacy to this neighbour due to the position of the dwelling which is set back between 10.5m and 23.5m from the rear boundary.

8.21 The Shadow Study indicates the new dwelling and boundary fence would increase shadowing to this neighbour's garden through the year with winter most affected. The rear garden is already relatively shaded as it contains trees and is south facing. The windows on this neighbouring property would not be adversely affected. The BRE 'Site Layout Planning for Daylight and Sunlight' document explains that if as a result of a new development, an existing garden or amenity area does not meet the 50% criteria where at least two hours of sunlight on 21<sup>st</sup> March then the loss of light is likely to be noticeable. Looking at the Shadow Study on 20<sup>th</sup> March the new dwelling

does not cast shadow on this neighbour's garden. The boundary fence proposed leads to some loss of light. This could be constructed through permitted development and therefore the new dwelling would meet this test.

#### *Other nearby properties*

- 8.22 No.4a Cavendish Avenue is located to the north-west of the application site. The very south-eastern corner of its garden borders the application site.
- 8.23 The access road for No.6a Cavendish Avenue borders the site boundary to the east. It has a separate garage block which is located close to the application site with the bungalow beyond.
- 8.24 No.6 Cavendish Avenue does not directly border the site. It is located beyond the access road to No.6a Cavendish Avenue.
- 8.25 No.237 Hills Road is located beyond the rear garden of No.3 Cavendish Avenue some 14.2m from the proposed dwelling.
- 8.26 I do not consider these nearby properties would experience a loss of amenity due to their position and the scale of the proposed development.

#### *Noise*

- 8.27 Some neighbours have raised concerns with noise from the application site. The proposal does intensify the site by introducing a four bedroom family dwelling to the site and there would be people coming and going. Two car parking spaces are also provided at the front of the site and there is an outdoor amenity area to the rear. I accept these are likely to increase additional noise to what is currently experienced by neighbouring properties. However, as the proposal is for a single dwellinghouse I do not consider this would be considerable so as to warrant refusal of the planning application.

#### Overspill car parking

- 8.28 As two car parking spaces have been allocated for both No.4 Cavendish Avenue and the proposed new dwelling, I do not consider the proposal would lead to a significant pressure to on-

street car parking. The proposed new access way for No.4 Cavendish Avenue requires the removal or replanting of a street tree. I recommend the proposal be conditioned to ensure the tree is replanted and an informative for the applicant to contact the relevant Tree Officer for consent prior to starting works.

#### Construction activities

- 8.29 Neighbours' have raised concerns with construction works and in particular the building of the basement. I have recommended the inclusion of the construction hours and piling conditions and considerate contractors informative to help safeguarding neighbours' amenities. These conditions were requested by Environmental Health. Potential damage to neighbouring properties is a civil matter.
- 8.30 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

- 8.31 The new dwelling provides four bedrooms, three at basement level and one at ground floor. The site does not fall within the Flood Zone. The amended drawing reference 15/919/PL 10 Rev.D has lowered the cill of bedroom 2 within the basement which increases the available daylight (to 1.07%) and conforms to BRE guidelines. BRE guidelines recommend a minimum Average Daylight Factor of 1% for a bedroom. Bedroom numbers 1 and 4 in the basement also exceed this.
- 8.32 The proposal does provide an area of private outdoor amenity space to the rear of the dwelling. It is modest in size (around 32sq.m). However, nearby properties including No.6a Cavendish Avenue and The Coach House 1 Hills Avenue and No.3 Hills Avenue also have modest areas of amenity space at the rear. I consider the provision to be acceptable in this instance.
- 8.33 Upper floor windows of neighbouring properties could overlook the application site. However, I do not consider this to be detrimental as there is vegetation along some of the site

boundaries and because of the distance of these windows from the application site.

- 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.

### **Refuse Arrangements**

- 8.35 Presently the bin storage arrangement does not fully accord with the RECAP guide. Residents should not have to take their waste and recycling more than 30 metres to a bin storage area. The distance between the bin store and bin collection point exceeds 30 metres. However, the bin store could be moved slightly further up the access way on to the wider part of the verge and the bin collection point moved closer to the front of No.4 Cavendish Avenue to overcome this. I therefore consider the proposal to be acceptable, subject to condition.

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

### **Trees**

- 8.37 A Tree Survey has been submitted as part of the planning application. The site is not within a conservation area and therefore the majority of trees are not subject to protection. There is a Lime Tree Preservation Order tree located at the entrance to the access road close to Cavendish Avenue. The Tree Preservation Order tree would be retained. It proposes tree and ground protection, no dig driveway and deadwood and crown raise all round to 3.5m.

- 8.38 The Council's Tree Officer does not object to the proposal subject to the inclusion of tree protection conditions. I recommend the inclusion of these.

- 8.39 A neighbour has raised concern about the impact of the proposal on the trees in her rear garden. They are not protected trees and have no public amenity value. The Tree Officer finds the proposal acceptable, which I support.

8.40 In my view the proposal complies with policy 4/4 of the Local Plan 2006.

### **Highway Safety**

8.41 Sufficient space has been provided to allow two vehicles to manoeuvre into and out of the proposed car parking spaces for both No.4 Cavendish Avenue and the proposed dwelling. There is space for vehicles to turn around within the site. The Highways Authority does not consider the proposal would have a significant impact on the public highway, which I agree with.

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

### **Car and Cycle Parking**

8.43 Two car parking spaces are provided for both the proposed dwelling and No.4 Cavendish Avenue and this is in line with the Car Parking Standards in the Local Plan 2006. A bike store has been provided for the new dwelling. It provides three bicycle spaces which are in line with the Cycle Parking Standards within the Local Plan 2006. The bin and bicycle store has not been shown on the drawing for No.4 Cavendish Avenue; however there is sufficient space on this site to accommodate both.

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

### **Third Party Representations**

8.45 Concerns have been raised over light pollution from the proposal. I do not consider the height of the building or its fenestration would lead to adverse light pollution to harm neighbours' amenities.

8.46 The Sustainable Drainage Engineer has requested a condition that deals with surface water run-off. I recommend its inclusion.

8.47 Fire and Rescue commented on the application. They explained that the information given for access for fire appliances may be considered inadequate. They do also note they have a non-standard fire appliance. They highlight that access for facilities

for the Fire Service needs to be provided in accordance with Building Regulations. The agent has said they can install a domestic sprinkler system if needed. As this matter falls under Building Regulations, I do not consider it necessary to add a condition or refuse the application on fire safety grounds.

8.48 I consider the Shadow Study submitted to be acceptable as the agent has confirmed it has been produced to scale.

8.49 A neighbour considers the application site to be a wildlife sanctuary. The site is not designated as such and no evidence is before me that any protected species would be adversely affected by the proposal.

8.50 Concerns about whether the construction of the building and in particular the basement would harm nearby properties has been raised by neighbours. This is not a material planning matter and would be considered under Building Regulations.

## **9.0 CONCLUSION**

9.1 I recognise that a substantial number of concerns have been raised by nearby residents to the scheme. I have dealt with the substantive issues within the body of the assessment. I recognise that a scheme of this particular design, in this location, is unlikely to attract universal support. However, notwithstanding the third party objections, my view is that this proposal is sensitively designed and respectfully positioned on the plot, taking due regard of the close physical presence of nearby dwellings. This is a back-land development, but in its immediate context, it is not out of character and neither is a contemporary design necessarily harmful. The proposal would help meet housing need and my recommendation is to approve.

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

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

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

5. No 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 and to comply with policy 8/2 of the Local Plan 2006.

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

Reason: In the interests of highway safety and to comply with policy 8/2 of the Local Plan 2006.

7. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site and to accord with policy 8/2 of the Local Plan 2006.

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

Reason: To prevent surface water discharging to the highway and to comply with policy 8/2 of the Local Plan 2006.

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

Reason: In the interests of highway safety and to accord with policy 8/2 of the Local Plan 2006.

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

Reason: In the interests of highway safety and to comply with policy 8/2 of the Local Plan 2006.

11. 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 accord with policy 4/13 of the Local Plan 2006.

12. 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)

13. 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 accord with policy 4/4 of the Local Plan 2006.

14. 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 accord with policy 4/4 of the Local Plan 2006.

**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:** 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).

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**PLANNING COMMITTEE**

**5<sup>th</sup> April 2017**

|                           |  |                    |                 |
|---------------------------|--|--------------------|-----------------|
| <b>Application Number</b> | 16/2135/FUL  | <b>Agenda Item</b> |                 |
| <b>Date Received</b>      | 6th December 2016  | <b>Officer</b>     | Michael Hammond |
| <b>Target Date</b>        | 31st January 2017  |                    |                 |
| <b>Ward</b>               | Queen Ediths   |                    |                 |
| <b>Site</b>               | 3 - 5 Queen Ediths Way Cambridge CB1 7PH   |                    |                 |
| <b>Proposal</b>           | Erection of six dwellings with garages and carports, cycle parking and associated landscaping (following demolition of existing buildings on site) |                    |                 |
| <b>Applicant</b>          | Gibson Developments Ltd<br>C/O Agent   |                    |                 |

|                       |  |
|-----------------------|--|
| <b>SUMMARY</b>        | <p><b>The development accords with the Development Plan for the following reasons:</b></p> <ul style="list-style-type: none"> <li>- <b>The proposed development is considered to be in keeping with the character of the area.</b></li> <li>- <b>The proposal respects the amenity of neighbouring properties.</b></li> <li>- <b>The proposed development would provide a high quality living environment for future occupants.</b></li> </ul> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>  |

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is comprised of two detached dwellings, Nos. 3 – 5 Queen Edith’s Way, and the associated garden land of these properties. The site is situated on the north side of the road and approximately 100m to the east of the cross-road junction between Hills Road, Queen Edith’s Way and Long Road. No.5 appears to date from the 1930’s and has elements of arts and craft style architectural features, although the original building has been extended considerably since. No.3 is

positioned on a narrow plot, set back noticeably from the road and of a relatively orthodox form and scale. There are individual vehicle accesses to each of the properties and there is a strong presence of soft landscaping at the front of the site, as is characteristic of the frontages along Queen Edith's Way. There is a high density of trees at the rear of the site and a large tree at the front, none of which are protected.

1.2 Queen Ediths Way is residential in character and is formed predominantly of large detached houses. The south-side of the road has a fairly consistent building pattern and style of architecture, notably arts and crafts. In contrast, the north-side has a varied building line and diverse vernacular, ranging from the Grade II Listed modernist Sun House building and the more contemporary residential development at Wessex Court.

1.3 There are no relevant site constraints.

## 2.0 THE PROPOSAL

2.1 The proposal, as amended, seeks planning permission for the erection of six two-and-a-half storey dwellings on the site following the demolition of the existing buildings. The site would be laid out effectively into two rows of three dwellings with a central access road running through the site.

2.2 The scale, massing, footprint and vernacular of the proposed six dwellings are all very similar. They would be constructed in brick with red clay tiled pitched roofs. The southern row of three dwellings would be designed as a pair of semi-detached dwellings on the eastern side of the plot and a stand-alone detached dwelling close to the west boundary. The northern row would all be detached. The below table sets out the approximate scale, footprint and garden sizes of each of the proposed dwellings:

| Plot & Position on site | Eaves Height (m) | Ridge Height (m) | Building Footprint (m <sup>2</sup> ) | Garden Size (m <sup>2</sup> ) |
|-------------------------|------------------|------------------|--------------------------------------|-------------------------------|
| Plot 1 (North-West)     | 5.8              | 8.85             | 148                                  | 178                           |
| Plot 2 (North-Central)  | 5.8              | 8.85             | 148                                  | 125                           |
| Plot 3 (North-          | 5.8              | 8.85             | 148                                  | 310                           |

|                        |     |      |     |     |
|------------------------|-----|------|-----|-----|
| East)                  |     |      |     |     |
| Plot 4 (South-East)    | 5.2 | 8.85 | 107 | 129 |
| Plot 5 (South-Central) | 5.8 | 8.85 | 96  | 48  |
| Plot 6 (South-West)    | 5.8 | 8.85 | 116 | 88  |

- 2.3 There would be five carports situated around the site and uncovered car parking outside plots 2, 4 and 6 providing a total of 12 spaces. The car ports would also provide 24 secured covered cycle parking spaces.
- 2.4 The application was amended in response to comments made by the Urban Design and Conservation Team, and Landscape Team. Plots 4 and 5 were combined to form a pair of semi-detached dwellings rather than detached as previously shown. The eaves line of plot 4 was lowered to match that of No.7 Queen Edith's Way adjacent. The landscape buffer provided to the east of the driveway by plot 5 was increased in width. The dwelling at plot 1 was pulled forward (south) by approximately 1m.
- 2.5 The application is accompanied by the following information:
1. Drawings
  2. Planning Statement
  3. Design and Access Statement
  4. Transport Statement
  5. Ecology Report
  6. Drainage Strategy
- 2.6 County Councillor Taylor has requested that this application be called in for determination at Planning Committee due to concerns raised with the mass of the scheme and potential overlooking.

### 3.0 SITE HISTORY

| Reference      | Description  | Outcome           |
|----------------|--|-------------------|
| 16/1890/DEMDET | Prior notification of the demolition of a two storey detached dwelling | Pending Decision. |
| C/95/0701      | Single storey rear extension.  | Permitted.        |

C/87/1071

**ERECTION OF SINGLE  
STOREY EXTENSION TO  
EXISTING DWELLING  
HOUSE.**

**Permitted.**

**4.0 PUBLICITY**

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

**5.0 POLICY**

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

5.2 Relevant Development Plan policies

| <b>PLAN</b>            |       | <b>POLICY NUMBER</b>  |
|------------------------|-------|---|
| Cambridge<br>Plan 2006 | Local | 3/1 3/4 3/7 3/10 3/11 3/12<br>4/4 4/9 4/13<br>5/1<br>8/2 8/4 8/6 8/10<br>10/1 |

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

|                                   |   |
|-----------------------------------|---|
| Central<br>Government<br>Guidance | National Planning Policy Framework March 2012<br>National Planning Policy Framework –<br>Planning Practice Guidance March 2014<br>Circular 11/95 (Appendix A) |
| Supplementary<br>Planning         | Sustainable Design and Construction (May 2007)  |

|                         |   |
|-------------------------|---|
| Guidance                | <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>    |
| Material Considerations | <p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> |

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

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

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

#### **6.0 CONSULTATIONS**

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

6.1 No objection, subject to the following conditions:

- No unbound material

- No gates erected
- First use of vehicular access
- Highways drainage
- Visibility splays
- Manoeuvring area
- Access as shown
- Traffic management plan
- Traffic management plan informative

### **Environmental Health**

6.2 No objection, subject to the following conditions:

- Construction Hours
- Collection during construction
- Construction/ demolition noise/ vibration & piling
- Dust
- Dust informative

### **Refuse and Recycling**

6.3 No comments received.

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

#### Original comments (31 January 2017)

- 6.4 The arrangement of three detached gable fronted properties on Queen Ediths Way (Plots 4-6) forms a poor relationship with the large scale semi-detached and detached houses on Queen Ediths Way. Plots 4 and 5 should be combined to form a pair of semi-detached houses and the gabled roof forms re-configured. Combining these two units would also provide additional landscape buffer space in front of the floor-to-ceiling window on the side elevation of Plot 5.
- 6.5 The increased height of Plot 4 (compared to the existing No. 5 Queen Ediths Way), located closer to the eastern site boundary, could appear overbearing from west facing windows in the gable end of No. 7 Queen Ediths Way. As raised in the initial pre-application letter from the case officer (16/5265/PREAPP dated 30th September 2016) a site section needs to be provided through Plots 4 and No. 7 Queen Ediths Way showing the scale relationship and potential impact. Shadow studies of

the existing houses and a refuse vehicle tracking diagram are missing from the submitted application and need to be provided.

Conservation Officer comments on amended scheme (15 March 2017)

- 6.6 The arrangement of three detached gable fronted properties on Queen Ediths Way (Plots 4-6) forms a poor relationship with the large scale semi-detached and detached houses on Queen Ediths Way. Plots 4 and 5 should be combined to form a pair of semi-detached houses and the gabled roof forms re-configured. The increased height of Plot 4 (compared to the existing No. 5 Queen Ediths Way), located closer to the eastern site boundary, could appear overbearing.
- 6.7 As submitted the scheme is not supported in design and conservation terms and fails to address Cambridge Local Plan Policy 3/4 Responding to Context, 3/7 Creating Successful Places and 3/12 The Design of New Buildings.

**Urban Design Officer Comments on amended scheme**

- 6.8 The Urban Design Officer has confirmed verbally to the case officer that in light of the amendments to the design, shadow study and refuse vehicle tracking diagram, they have no objection to the application. The written confirmation of this will be updated on the amendment sheet when it is received.

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

- 6.9 Trees T3 and T5 overhang the site considerably and will have a significantly detrimental impact on the new property no. 3 in terms of light and debris. The development will significantly increase pressure to allow significant tree works that will be detrimental to amenity. The increased density will also increase pressure for additional and more extreme pruning of T1. Should permission be granted the following conditions will be required:
- Tree protection plan & arboricultural method statement
  - Site visit
  - Implementation of protection measures

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

### Original comments (13 January 2017)

- 6.10 Further information regarding tree protection and amendments to hard and soft landscaping are required.

### Comments on amended scheme (14 March 2017)

- 6.11 No objection subject to hard and soft landscaping and boundary treatment conditions.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.12 Further information regarding the surface water drainage strategy and calculations are needed. The written acceptance of the scheme by Anglian Water is needed.

## **Head of Streets and Open Spaces (Nature Conservation Officer)**

### Original comments (26 January 2017)

- 6.13 The proposed back garden development sits within a significant area of mature gardens and the buildings proposed for development have the potential to support roosting bats. Prior to determination I would recommend that an internal and external inspection of the existing buildings and any mature trees on site be undertaken by a qualified ecologist. This inspection should indicate if the buildings support roosting bats and / or if any additional protected species surveys are required.

### Comments on additional information (6 March 2017)

- 6.14 The Applied Ecology report has identified that the: 'house was considered to offer moderate bat roost potential. This is because it possessed a large number and range of different potential bat roost features associated with its roof, and was located in a suburban situation characterised by large mature gardens that would be attractive to foraging bats.'

- 6.15 In addition it identified considerable access constraints to the survey. Much of the roof space was not accessible and therefore the presence or absence of bats is impossible to determine. For this reason I would concur with the report that additional emergence surveys are required to confirm if bats are or are not present prior to determination.

Comments on request for bat surveys to be completed through condition (10 March 2017)

- 6.16 Whilst I agree the risk of a significant roost being present may be low, until such time as the proposed emergence surveys have been completed, we should not assume a negative result. If we consent to a scheme which then does not allow suitable provision for necessary bat mitigation, should a roost be discovered pre demolition, then the authority would be in a position of approving a scheme that cannot be legally delivered as per the approval. Mitigation may not be as simple as providing a roosting space within the new property, it may also include flight lines that could impact upon approved external lighting, boundary treatments etc.
- 6.17 There is an argument that as not all survey information has been provided (as acknowledged by the applicants appointed Ecologist) the application is technically not valid. Since it is not possible for the authority to make an informed decision with regard to protected species (in this case bats). We are currently entering the bat survey season and emergence surveys can begin in May, the proposed surveys should not considerably extend the decision process.

**Cambridgeshire County Council (Archaeology)**

- 6.18 No objection subject to archaeology condition.
- 6.19 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

**7.0 REPRESENTATIONS**

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

|                      |                                  |
|----------------------|----------------------------------|
| 1 Queen Edith's Way  | 7 Queen Edith's Way              |
| 8 Queen Edith's Way  | 9 Queen Edith's Way              |
| 12 Queen Edith's Way | 14 Queen Edith's Way             |
| 23 Queen Edith's Way | 24 Queen Edith's Way             |
| 26 Queen Edith's Way | Hills Road Residents Association |
| 70A Holbrook Road    |                                  |

7.2 The representations can be summarised as follows:

- The existing buildings are in keeping with the character of the area and should be retained.
- Impact on environment and wildlife
- Overdevelopment/ cramped plot
- Insufficient car parking
- The development is not needed as there is already a 5 year housing supply in place.
- Overshadowing/ Loss of light
- The drawings do not annotate the windows of No.7 Queen Edith's Way
- There is a covenant which prevents any structures being placed within 30 feet of the highway.
- Additional traffic generated
- Exacerbation of surface water run-off from paving.
- The provision of large 5-bedroom dwellings is inappropriate in Cambridge
- The siting and orientation of the dwellings is at odds with the character of the area.
- The development does not respond positively to its surroundings and would have a negative impact on the area.
- The scale and massing is too large.
- Traffic noise and pollution from vehicle comings and goings
- Highway safety concerns
- Noise disturbance for future occupants from vehicle movements on site
- Disturbance from construction process
- Overlooking/ Loss of privacy
- Visual enclosure/ overbearing impact.
- The proposal is contrary to Local Plan (2014) policies 32, 45, 52 and 57.
- The proposal fails to address the enforceability of the parking limit and visitor/ disabled parking.
- The excessive parking is contrary to the Council's desire to promote lower levels of private car ownership

- The developer is making no contribution to the area.
- Shadow study insufficient.
- Cars will likely end up parking on the road rather than in garages. This will make it difficult for refuse or emergency vehicles to navigate the site.

7.3 A petition has been submitted which contains 107 signatures. The specific addresses of each of the signatories are not provided. The petition raises the following points:

- The proposal is contrary to Cambridge Local Plan (2014) policies 52, 57 and 81.
- The proposed design and site layout is out of character with the surrounding buildings and with the Queen Edith's are in general.
- The density of development is too high and the detachment distance should be increased.
- Loss of privacy/ Overlooking
- Overshadowing/ Loss of light
- Queen Ediths Way is designated as a priority cycle route and the increase in traffic movements will bring increased risk of conflict with cyclists.
- The limitation of car parking on site will not be enforceable and there will likely be more vehicles parked on site than shown.
- Developer contributions should be sought.
- There is a covenant which prevents any building within 30 feet of the road.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Drainage
6. Ecology

7. Highway safety
8. Car and cycle parking
9. Third party representations
10. 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 Local Plan policy 3/10 states that 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 application site is visible along Queen Edith's Way and the front row of three dwellings would be prominent in the street scene. The rear row of three dwellings to the north would be visible from views between the front row.

- 8.8 It is acknowledged that objections have been raised to the demolition of the existing dwelling at No.5 Queen Edith's Way due to the contribution it makes to the character of the area from an architectural perspective. It is also noted that references have been made to its special interest as the former home of Rev. Boston.

- 8.9 Whilst I agree that the original building has some architectural merit and is in keeping with the character of the area, it is not statutorily protected and there is no policy basis on which to resist the principle of demolition. In addition to this, the original building has been extended considerably with later additions. The Urban Design and Conservation Team have raised no objection to the demolition of this building and do not consider it of any special interest. In my opinion, provided that the replacement built form on the site is acceptable in design terms, I consider the demolition of the buildings on site to be acceptable.

- 8.10 It is acknowledged that there is a discrepancy between the urban design officer and conservation officer on the amended scheme. The conservation officer was consulted solely for the purposes of advising whether the existing buildings had any architectural or heritage related merits and if the demolition of these buildings would be harmful. The conservation officer has not raised any objection to the demolition of the buildings and as there are no heritage assets in the immediate vicinity of the site, I do not consider their comments on the design of the scheme to be relevant. I have assessed the design of the

scheme based on my impressions and the advice of the urban design officer.

8.11 In terms of the layout of the plot, I am of the view that the proposal would not appear out of context with the surrounding area. The north side of this stretch of Queen Edith's Way has an eclectic building line and there is no obvious consistency in terms of building positions. There are examples of garden subdivisions in close proximity to the site along Holbrook Road to the north and the arrangement of built form in this area is in my view diverse and the principle of sub-dividing the large plot is acceptable.

8.12 It is acknowledged that concerns have been raised regarding the density of development. In studying the surrounding context, there are patterns of high density residential developments at Dean Court and Wessex Court in the immediate area. A good indicator as to whether a proposal represents overdevelopment is to analyse the garden sizes proposed compared to that of its surroundings. The table below paragraph 2.2 of this report lists the approximate garden sizes of each of the dwellings. The average garden size afforded under this scheme equates to approximately 146m<sup>2</sup>. I consider this to be a relatively generous level of outdoor amenity space, particularly given the size of the proposed dwelling (5-bedrooms) and the quantity of space also allocated to vehicular access and car ports. Furthermore, in comparing the density (dwellings per hectare) of the proposal compared to the two other notable higher density developments at Dean Court and Wessex Court, the density of the proposed development is lower. This is summarised in the table below. As a result, I do not consider that the proposed development would represent an overdevelopment of the plot from a design perspective.

| Site             | Area (ha) | Number of dwellings | Density (dwellings per hectare) |
|------------------|-----------|---------------------|---------------------------------|
| Wessex Court     | 0.38      | 15                  | 39dph                           |
| Dean Court       | 0.22      | 8                   | 36dph                           |
| Application Site | 0.29      | 6                   | 21dph                           |

8.13 The proposed dwellings have been designed in a relatively simple style with facing brick and pitched tiled roofs. The

contemporary elements of the scheme are confined to the more detailed aesthetic elements of the scheme, for example the projecting oriel windows. The elevational treatment engages positively with the street scene and provides a strong active frontage. A materials sample condition has been recommended. It is appreciated from the neighbour objections that the orientation of the proposed dwellings, with gable ends facing towards the road, is generally at odds with the wider character of Queen Edith's Road. However, it is pertinent to note that the existing dwellings on-site have gable ends which face towards the street and there are sporadic examples of this further along the street. In addition, following the advice of the Urban Design and Conservation Team, plots 4 and 5 have been merged to form a pair of semi-detached dwellings to soften the perceived impact of the gable ends. In my opinion, the fenestration of the proposed development is acceptable in the context of the site and would not appear out of character with the area.

8.14 The site is situated between the one-and-a-half storey building of No.1 and the two-storey form of No.7 Queen Edith's Way. The scale of the proposed development consists of two-and-a-half storey dwellings. The buildings would be higher in ridge height than that of No.1 immediately to the west but I do not consider this relationship to appear out of context with the area given that there is already a larger scale of built form present on the application site. The proposed development would be higher than No.7 to the east. The existing building at No.5 transitions from a higher two-storey scale, adjacent to No.1, down to a lower one-and-a-half storey height next to No.7. The proposal has been amended to bring the eaves line of plot 4 level with that of No.7 which was encouraged by the Urban Design and Conservation Team to better mediate this change in massing.

8.15 Inevitably, the proposed development would read as a larger scale compared to that of its surroundings but I am not convinced that the development necessarily needs to conform to the adjacent building as a height limit. The proposed development in my view reads as a divergence from the arts and craft and inter-war style housing present in the wider area and would be read as a modern intervention in the street scene. I consider it would be read within its own context as a contrasting yet unimposing addition to the character of the area. Paragraph 60 of the National Planning Policy Framework (2012) states that; *"decisions should not attempt to impose*

*architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles...*" In my opinion, the scale and massing of development would not harm the character or appearance of the area and is acceptable.

8.16 The proposal includes the retention of some of the hedging and the large ash tree at the front of the site. The landscape plan provided also includes additional hedge planting and a new small tree in the south-west corner of the site. I am of the view that this would retain the dense row of soft landscaping that runs along the front of properties on Queen Edith's Way and this is supported. The spaces around the proposed dwellings are to be well landscaped with hedging and replacement tree planting which the Landscape Team is supportive of, subject to conditions. The Tree Officer has raised no objection to the removal of trees on-site. The Tree Officer has however identified the possible pressure to fell the two large trees at the rear of the site along the boundary of No.7 due to the orientation of plot 3 in the north-east corner. The tree further to the north would be situated to the north-east of the garden of plot 3 and does not block any of the proposed dwelling's main outlooks. In my opinion, the pressure to fell this tree would be minimal. The other tree, further to the south would be situated to the south-east of the kitchen window and first-floor dormer bedroom window. The kitchen is open-plan and connects to the dining/ living room which provide alternative sources of light. The bedroom at first-floor is identified as a study/ bedroom and is the smallest of the proposed bedrooms. There would also be times of day around midday and early afternoon where light could enter these rooms. In any case, it is relevant to note that neither of the trees referenced are protected, and given their limited public visibility, in my view they have relatively limited amenity value. The applicant has indicated that these trees will be retained nonetheless and I have therefore included conditions for the protection of these trees, as per the comments of the Tree Officer.

8.17 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.

### **Residential Amenity**

## **Impact on amenity of neighbouring occupiers**

8.18 In my opinion, the main considerations from a residential amenity perspective are the impacts of the proposed development on Nos. 1 and 7 Queen Edith's Way, No.3 Dean Drive, Nos. 5 – 8 Dean Court and No.70A Holbrook Road.

### **Impact on No.1 Queen Edith's Way**

8.19 No.1 Queen Edith's Way is a one-and-a-half storey bungalow situated to the west of the application site. The closest proposed dwellings are plots 1 and 6.

8.20 Plot 6 to the east only projects marginally beyond the rear wall of No.1 and would not be visible from the habitable outlooks and vast majority of views from this neighbour's garden. Any overshadowing would be limited to around 09:00hrs and would not be noticeably worse than that already cast by the row of trees running along the eastern boundary of this neighbour's garden. The views from the proposed rear first-floor windows over this neighbour would be relatively oblique and not harmful to the privacy of this neighbour.

8.21 Plot 1 would be situated over 23m to the north-east and the nearest proposed window would be over 27m from this neighbour's windows. The dormer window would allow for views back towards the garden of this neighbour but I consider the 14m distance from the garden boundary to be sufficient to protect this neighbour's amenity.

8.22 The access road, although intensified in terms of its use, would be set a considerable distance from this neighbour's boundary which is an improvement compared to the existing access for No.3. I do not anticipate vehicle movements and car parking to disturb this neighbour's amenity.

8.23 Overall, the proposal would not in my view harmfully impact this neighbour's amenity.

### **Impact on No.7 Queen Edith's Way**

- 8.24 No.7 Queen Edith's Way is a two-storey semi-detached property situated to the east of the application site. The closest proposed dwellings are plots 3 and 4.
- 8.25 Plot 4 to the west only projects marginally beyond the building line of this neighbour and also drops down in height to single-storey deeper into the garden. The main two-storey bulk of the development is set off the boundary of this neighbour and is outside the 45° line of adjacent windows. The small side kitchen window serves as a secondary outlook to this room and I do not consider the additional mass of the proposal would impact the main rear outlook for the kitchen/ dining room. The only proposed first-floor side windows serve a bathroom and a bedroom but these are both labelled to be obscure glazed, which would be controlled by way of condition. The proposed rear first and second-floor windows would allow for oblique views across this neighbour's garden but this relationship would be comparable to that of present and the mutual sense of overlooking that exists over gardens.
- 8.26 This neighbour has raised objection to the loss of light that would be experienced, specifically to a window in the side entrance corridor, utility room, bathroom window, landing window, kitchen/ dining room window and the rear patio area. I will assess the impact on each of the areas concerned in turn. The window in the side entrance corridor does not serve a habitable room and I do not consider any additional loss of light experienced would be harmful. Similarly the bathroom and utility room windows are not considered to serve habitable rooms. The landing window does provide some light into the stair and corridor area but this is typically more for natural daylighting purposes. This circulation space is not as dependent on sunlight as, for example, a habitable room such as a bedroom, living room or kitchen where you would be likely to spend considerably more time.
- 8.27 There is a small window in the side elevation which serves an open plan dining/ kitchen area. At present, around half of this outlook is blocked by the mass of the existing building. The proposed two-storey mass of plot 4 would project roughly 1.8m deeper into the plot and the pitch of the roof would be approximately 2.9m higher than the existing roof. This will likely decrease the levels of direct sunlight that reach this neighbour's window from mid-afternoon (15:00hrs) onwards. There will still

be light reaching these windows in the gap between plot 4 and this neighbour up until around 15:00hrs. The window is relatively small and the room itself is also served by three large roof lights and a wide set of bi-folding doors on the north elevation and I am confident that daylight levels reaching this room would remain sufficient. After 5pm, the levels of sunlight reaching the ground-floor side window of this property are relatively limited as the sun sets in the west. In my opinion, whilst I accept the levels of direct sunlight reaching this window will be somewhat restricted by the proposed development, I do not consider this impact significant enough to warrant refusal. The window is relatively small in terms of the size of the room it serves and has limited sunlight reaching it at present. The levels of light reaching the rooflights will be similar to that of present and continue to provide some sunlight to this open plan habitable room.

- 8.28 The shadow study suggests that there will likely be some overshadowing over the north-facing patio area of this neighbour around 15:00hrs during the vernal and autumnal equinoxes. However the garden would still receive well in excess of the two hours of sunlight over 50% of the garden recommended by the BRE Site Layout Planning For Daylight and Sunlight: A Guide to Good Practice (2011). The levels of light reaching this space in the summer will likely remain as is and during the winter months there is limited light reaching this space due to the early setting of the sun. In my opinion, the level of overshadowing demonstrated is not substantial enough to adversely impact on this neighbour's amenity given the limited levels of light that reach this space at present and the quantum of additional garden space available.
- 8.29 Plot 3 would be set approximately 5m off the boundary of this neighbour's garden with the nearest element being single-storey only. The direct view from the closest proposed dormer window is approximately 20m from the boundary of this neighbour. The proposed carport would be situated behind a hedgerow and at 2.5m in height would not visually oppress the garden of this neighbour. The main two-storey mass is set well to the west of the end of this neighbour's garden and would not result in any harmful overshadowing.
- 8.30 The movement of vehicles at the front of the site would be similar to that of present. The proposed carport to the south of

plot 3 would be over 12m from the main patio area of this neighbour and situated behind a dense hedge row. The main access road would run through the centre of the site.

- 8.31 Overall, I am of the opinion that the proposed development would not adversely impact on the amenity of this neighbour. There would likely be some overshadowing in the mid-afternoon period during the vernal and autumnal equinoxes but the impact is not considered to be so great as to warrant refusal of the application.

#### Impact on No.3 Dean Drive

- 8.32 No.3 Dean Drive is a detached property situated to the north-west of the application site. The main consideration is the impact of plots 1 and 6 on this neighbour.
- 8.33 Plot 6 would be in excess of 30m to the south-east of this neighbour. The main private patio space of this neighbour is over 25m from the nearest first-floor window of the proposed dwelling. The distances involved would ensure that no harmful overshadowing, overlooking or visual enclosure would be experienced.
- 8.34 Plot 1 would be situated immediately to the east of this neighbour. At present, No.3 Queen Edith's Way runs approximately 26m hard up against this neighbour's boundary, with the majority of this at two-storey scale. In contrast, the proposal would be set over 1m off this neighbour's boundary and only project just over 12m along this boundary, with the main two-storey bulk positioned further away from this boundary. The shadow study indicates that this would actually improve the levels of light reaching this neighbour. This would also be less visually imposing. The views from the rear dormer would allow for oblique views across the latter part of this neighbour's garden but I am confident this would not harmfully infringe upon the privacy of this neighbour. The existing access road that led to No.3 would be moved and re-positioned into the centre of the site which would also represent an improvement to this neighbour's amenity. The position of the proposed carport would be at the end of the neighbour's garden and the movement of vehicles would not in my view disturb the tranquility of this outdoor space.

8.35 Overall, the proposed works would respect the amenity of this neighbour.

#### Impact on Nos. 5 – 8 Dean Court

8.36 Nos.5 – 8 Dean Court are situated to the north of the application site. Plots 1 and 2 are the closest proposed dwellings. There would be a separation distance of approximately 18m between the nearest proposed first-floor window and the side (south) windows of these flats. I consider this distance sufficient to protect the privacy of these neighbours. Furthermore, this separation distance, coupled with the fact that the windows in question are secondary windows to rooms that have larger outlooks on the west and east elevations, ensures the proposal would not visually enclose these neighbours. The shadow study demonstrates that there would be no overshadowing arising from this scheme during the vernal, autumnal and summer equinoxes. There is limited light reaching the side windows of these neighbours during the winter equinox due to the low trajectory of the sun and the dense vegetation along this boundary. In my opinion, the proposal would not adversely impact on the amenity of these neighbours.

#### Impact on No.70A Holbrook Road

8.37 No.70A Holbrook Road is a detached property situated to the north of the application site. The nearest dwellings proposed are plots 2 and 3. There would be a separation distance of over 23m between the side (south) patio doors of this neighbour and the two-storey rear wall of the closest proposed dwelling. The proposed two-storey mass would also be positioned over 12m from the boundary. I consider this separation distance sufficient to ensure there would be no harmful enclosure, loss of privacy or loss of light experienced at this neighbour.

#### Construction activities

8.38 Conditions relating to noise, vibration and piling, as well as the hours of construction and collections/ deliveries have all been recommended in accordance with Environmental Health advice. A traffic management plan condition has also been recommended to ensure that disruption to the public highway of Queen Edith's Way is limited and contractor parking is managed during the demolition and construction phases.

## Car Parking

- 8.39 The proposal includes 12 car parking spaces which is at the limit of the maximum car parking standards of the Cambridge Local Plan (2006). Queen Ediths Way, Hills Road, Mowbray Road and Fendon Road within close proximity are all double-yellow lined. In respect of the high provision of car parking on-site and limited on-street car parking availability in the immediate context, I do not consider the proposal would adversely impact on the amenity of nearby residential properties in terms of car parking.
- 8.40 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

## **Amenity for future occupiers of the site**

- 8.41 The proposal would provide six 5-bedroom residential dwellings all with dedicated on-site car parking, cycle storage and refuse arrangements. Each dwelling would have its own private garden and the size and quality of these spaces are all considered to be of a high standard. There are bus stops within walking distance along Mowbray Road and Hills Road, as well as good cycle links to the City Centre via Hills Road. The Wulfstan Way Local Centre is also within walking distance of the site.
- 8.42 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

## Refuse Arrangements

- 8.43 Each dwelling would have its own dedicated bin storage area and the applicant has submitted a refuse tracking diagram to demonstrate that bins can be collected by the refuse team on-site and would not have to wait outside the front of the site. A compliance condition has been included for the waste storage points to be provided in accordance with the approved plans and retained thereafter.

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

### **Drainage**

8.45 It is acknowledged that the Drainage Officer has requested further information regarding the detailed calculations of the preliminary drainage strategy that has been submitted and confirmation from Anglian Water of their approval of the scheme. In my view, the calculations of this can be dealt with by way of a pre-commencement condition rather than prior to determination. In addition, the need for Anglian Water's approval of the drainage scheme is typically dealt with separately under building regulations. As a result, I have recommended the standard surface water drainage condition.

8.46 In my opinion, subject to conditions, the proposal is compliant with paragraph 103 of the NPPF (2012).

### **Ecology**

8.47 The Nature Conservation Project Officer had requested an ecology report to determine whether bat roost surveys are necessary prior to the demolition of the buildings on site due to the presence of mature trees on site. The initial report explained that the buildings have some bat roost potential and a survey of the building will need to be conducted. Bat roost surveys can only be carried out between May – September of the year. The Nature Conservation Project Officer believes that this should be done prior to determination of the application which would prolong the determination of the application until June at the earliest.

8.48 In my opinion, this survey should be conducted prior to the formal determination of the planning application in accordance with the advice of the Nature Conservation Project Officer. However, I consider that it would be reasonable for members of the Planning Committee to grant officers delegated authority to approve the appropriate bat survey (including any follow up surveys if needed) and include a mitigation condition, if necessary, prior to issuing the formal decision notice in the event of approval. This would enable the Planning Committee to make a motion to approve the application, if supportive of the

officer recommendation, whilst also retaining the ability for officers to assess and agree the bat survey, and include a condition if needed, after the Planning Committee motion but importantly before any permission is formally issued.

- 8.49 In my opinion, subject to delegated authority being granted for the bat survey to be completed and agreed, and any appropriate mitigation condition being formulated, the proposal is compliant with paragraph 118 of the NPPF (2012).

### **Highway Safety**

- 8.50 The Highway Authority has raised no objection to the application. It is acknowledged that concerns have been raised in terms of the increase in traffic movements and the conflict this would have with cyclist and pedestrian users. Whilst the vehicle movements to and from the site will likely increase, the proposal would consolidate the existing two vehicle entry points into one and has demonstrated that a safe means of egress to the public highway can be achieved. Conditions would be imposed to prevent gates being installed and the provision of acceptable visibility splays. The overall management and flow of traffic in Queen Edith's Way and the wider area is a matter for the County Council to control on a more strategic, rather than site-specific level.

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

### **Car and Cycle Parking**

- 8.52 The proposal would provide 12 car parking spaces which is in accordance with the maximum standards of the Local Plan (2006).

- 8.53 The application states that 24 cycle parking spaces would be provided in the carports which is acceptable. I have recommended a compliance condition for these spaces to be provided in accordance with the plans and retained thereafter.

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

### Third Party Representations

8.55 The third party representations have been addressed in the table below:

|  |  |
|--|--|
| <p>The existing buildings are in keeping with the character of the area and should be retained.<br/>Overdevelopment/ cramped plot<br/>The siting and orientation of the dwellings is at odds with the character of the area.<br/>The development does not respond positively to its surroundings and would have a negative impact on the area.<br/>The scale and massing is too large.</p> | <p>This has been addressed in paragraphs 8.7 – 8.17 of this report.</p>  |
| <p>Impact on environment and wildlife</p>  | <p>This has been addressed in paragraphs 8.47 – 8.49 of this report.</p>   |
| <p>Insufficient car parking</p>  | <p>This has been addressed in paragraph 8.39 of this report</p>  |
| <p>The development is not needed as there is already a 5 year housing supply in place.</p>   | <p>The principle of development accords with policy 5/1 of the Cambridge Local Plan (2006). The development of windfall sites, such as this proposal, is accounted for in the 5 year housing supply of the City Council.</p> |
| <p>The drawings do not annotate the windows of No.7 Queen Edith's Way</p>  | <p>The application does not have to annotate the precise window locations of neighbouring properties.</p>  |
| <p>There is a covenant which prevents any structures being placed within 30 feet of the highway.</p>   | <p>This is a legal matter and the applicant has demonstrated on the site plan that they would not be in breach of this.</p>  |
| <p>Additional traffic generated<br/>Highway safety concerns</p>  | <p>This has been addressed in paragraph 8.50 of this report.</p>   |
| <p>Exacerbation of surface water run-off from paving.</p>  | <p>This will be addressed in the surface water drainage condition as per paragraph 8.45 of this</p>  |

|   |   |
|---|---|
|   | report.   |
| The provision of large 5-bedroom dwellings is inappropriate in Cambridge  | The site is situated in an area of large detached properties and I do not consider there to be any policy basis on which to resist the number of bedrooms proposed.   |
| Traffic noise and pollution from vehicle comings and goings   | The vehicle movements on site are not considered to disturb the amenity of adjacent properties. The Environmental Health Team has raised no objection to the proposal on the grounds of air quality.  |
| Disturbance from construction process   | This has been addressed in paragraph 8.38 of this report.   |
| Overlooking/ Loss of privacy<br>Visual enclosure/ overbearing impact.<br>Noise disturbance for future occupants from vehicle movements on site<br>Overshadowing/ Loss of light  | These issues have been addressed in the residential amenity section of this report.   |
| The proposal is contrary to Local Plan (2014) policies 32, 45, 52, 57 and 81.   | The Cambridge Local Plan 2014 is not formally adopted yet and the application is assessed under the policies in the 2006 Local Plan. The application has been assessed against these 2006 policies and is considered to be acceptable.  |
| The proposal fails to address the enforceability of the parking limit and visitor/ disabled parking. Cars will likely end up parking on the road rather than in garages. This will make it difficult for refuse or emergency vehicles to navigate the site. | There is no obligation for visitor/ disabled parking on a development of this size. The access road would not form part of the adopted public highway and this could not be enforced, as per other private roads in the City. Given the sustainable location and level of parking already proposed, I do not consider it likely that the access road will be parked on significantly. Any blocking of the access road within the site would |

|  |  |
|--|--|
|  | be a civil/ legal matter for the future occupants.   |
| The excessive parking is contrary to the Council's desire to promote lower levels of private car ownership | The proposal is in accordance with the maximum car parking standards of the Local Plan (2006).   |
| The developer is making no contribution to the area.   | This has been addressed in paragraphs 8.56 – 8.57 of this report.  |
| Shadow study insufficient.   | The shadow study is considered to be sufficient for officer's to make a judgement on the likely impact of overshadowing and do not consider any further hourly intervals are required. |

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

8.56 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.

8.57 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 In conclusion, the proposed development is considered to be in keeping with the character of the area and would not represent an overdevelopment of the plot. It would respect the amenities of its neighbours whilst also providing a high quality living environment for future occupants. Matters of drainage and tree protection can be controlled by way of conditions. It is considered that delegated authority should be granted to

officers to ensure that the bat survey is completed and the results agreed with officers. Delegated authority is also requested for officers to include a follow up bat mitigation condition if necessary.

## **10.0 RECOMMENDATION**

APPROVE subject to the following conditions and delegated authority to agree the bat emergence survey and include a bat mitigation condition if necessary:

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

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

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

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

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

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

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

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

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

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

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

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

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

7. 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)

8. No development shall take place until 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.

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, 3/10, 3/11 and 3/12)

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

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

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

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

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

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

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

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

13. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority. Development shall be carried out in accordance with the approved details.

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

14. 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)

15. Before first occupation of the dwellings, hereby permitted, the access shall be provided as shown on the approved drawings and retained in accordance with the drawings thereafter.

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

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

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

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

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 and 4/4)

18. 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 and 4/4)

19. No development shall commence 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 minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

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

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

21. The windows identified as having obscured glass on drawing numbers P-02 D, P-03 D, P-04 F, P-05 E 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).

22. Prior to occupation of the development hereby approved, the cycle parking shall be provided as shown on drawing number P-01 Rev M and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

23. Prior to occupation of the development hereby approved, the refuse arrangements shall be provided as shown on drawing number P-01 Rev M and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

**INFORMATIVE: 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:** In order to meet the hard and soft landscaping condition (no.8) the following information should be submitted to the Local Planning Authority:

Hard Landcape works shall include:

- proposed finished levels;
- means of enclosure;
- car & cycle parking layouts,
- other vehicle and pedestrian access and circulation areas;

- hard surfacing materials;
- external lighting layouts;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports).

- hard boundary treatments

Soft landscape works shall include:

- works proposed to restore, mitigate or replace planting at key aspects such as between neighbours, along street frontages or in the vicinity of existing trees and hedges which are being retained.

- Tree planting strategy and specification of new trees

- Tree pit details

- Soft boundary treatments

**INFORMATIVE:** Traffic Management Plan informative: The principle areas of concern that should be addressed are:

i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)

ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).

iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)

iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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## PLANNING COMMITTEE

5<sup>th</sup> April 2017

|                           |   |                    |                 |
|---------------------------|---|--------------------|-----------------|
| <b>Application Number</b> | 16/1703/S73   | <b>Agenda Item</b> |                 |
| <b>Date Received</b>      | 23rd September 2016   | <b>Officer</b>     | Michael Hammond |
| <b>Target Date</b>        | 18th November 2016  |                    |                 |
| <b>Ward</b>               | Newnham   |                    |                 |
| <b>Site</b>               | 15B Derby Street Cambridge Cambridgeshire CB3 9JE   |                    |                 |
| <b>Proposal</b>           | Section 73 application to vary condition 1 (drawings) of permission reference 15/0065/FUL to amend the defined curtilage of the property. |                    |                 |
| <b>Applicant</b>          | C/O Agent   |                    |                 |

|                       |  |
|-----------------------|--|
| <b>SUMMARY</b>        | <p><b>The development accords with the Development Plan for the following reasons:</b></p> <ul style="list-style-type: none"> <li>- <b>The reduction in the size of the private garden would retain an acceptable living environment for future occupants.</b></li> <li>- <b>There would be adequate space for cycle parking storage within the reconsolidated garden area which would be controlled by way of condition.</b></li> </ul> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>  |

### 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 15B Derby Street is the ground floor element of a two-storey building situated at the end of the Derby Street terrace. It is situated on the eastern side of Derby Street, close to the junction of Derby Street and Merton Street, and set back from the road behind the established building line. The surrounding area is predominantly residential and the site is within a Conservation Area. The building was originally built as a garage to 31 Grantchester Street.

1.2 There is another flat on the first-floor for which a certificate of lawfulness was granted under 14/2063/CLUED.

## 2.0 THE PROPOSAL

2.1 The proposal seeks to vary condition no.1 (approved drawings) of planning permission reference 15/0065/FUL to amend the defined curtilage of the property. In the approved scheme, the garden of the proposed dwelling wraps around the side and rear of the property. Since the original permission was implemented, this garden has been reconsolidated and the proposal therefore seeks to reduce the size of the garden by removing the wrap around and limiting the external amenity space to a small courtyard garden.

2.2 The application is accompanied by the following supporting information:

1. Drawings

## 3.0 SITE HISTORY

| Reference     | Description   | Outcome                   |
|---------------|---|---------------------------|
| 16/1711/NMA   | Non Material Amendment on application 15/0065/FUL to change the Proposed Front Elevation to show clear glazing as opposed to "Dark tinted glass behind solid panelling behind". | Permitted.                |
| 15/0065/FUL   | Conversion of ground floor store to 1 Bedroom Studio flat (retrospective)   | Permitted.                |
| 14/2063/CLUED | Application for a Certificate of Lawfulness under Section 191 for use as an independent dwelling (C3)   | Certificate Granted       |
| C/98/0129     | Erection of first floor extension over existing double garage fronting onto Derby Street to provide studio room.  | Approved with conditions. |

|           |  |                           |
|-----------|--|---------------------------|
| C/99/0931 | Amendment to planning permission ref: C/98/0129/FP, for alterations to rear elevations and roof. | Approved with conditions. |
|-----------|--|---------------------------|

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

#### 5.2 Relevant Development Plan policies

| PLAN                |       | POLICY NUMBER   |
|---------------------|-------|---|
| Cambridge Plan 2006 | Local | 3/4 3/7 3/10 3/11 3/12<br>4/11<br>5/1 5/2<br>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<br><br>National Planning Policy Framework – Planning Practice Guidance March 2014 - Circular 11/95 (Annex A) |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)   |
| Material                        | <u>City Wide Guidance</u><br>Cycle Parking Guide for New Residential   |

|                |   |
|----------------|---|
| Considerations | Developments (2010)   |
|                | <u>Area Guidelines</u><br>Newnham Croft Conservation Area<br>Appraisal (2013) |

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

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

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

#### **6.0 CONSULTATIONS**

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

- 6.1 Please provide dimensions of the car parking spaces to ensure that vehicles would not overhang and obstruct the highway.

##### **Urban Design and Conservation team**

- 6.2 No objection.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

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

|                         |                 |
|-------------------------|-----------------|
| 1 Merton Street         | 3 Merton Street |
| 5 Merton Street         | 6 Merton Street |
| 14 Derby Street         | 15 Derby Street |
| 13 Newnham Croft Street |                 |

7.2 The representations can be summarised as follows:

- The provision of 3 parked cars and storage of bins at the front would provide a poor quality living environment for future occupants.
- The size of the garden is not sustainable development.
- The entrance does not comply with building regulations.
- Obstruction of the highway from the third car parking space.
- Inability to access cycle storage due to third car parking space.
- The bin storage arrangement is not practical.
- The red-line plan is incorrect and has been done so in a manner to make it easier to develop the undercroft area and lose the car parking in the future.
- The development has been processed in a way to avoid planning control.
- The building is not in keeping with the character and appearance of the area.

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. Residential amenity
2. Highway safety
3. Car and cycle parking
4. Refuse arrangements
5. Third party representations

- 8.2 The proposal has reduced the size of the garden for the future occupants of the flat. No material external changes to the building have been undertaken. I therefore consider the assessment of this application should be limited to the amenity for the future occupants, highway safety, cycle parking and bin storage. All other matters were considered under the previous permission (15/0065/FUL) and I consider the previous assessment pertinent to this application.

## **Residential Amenity**

### **Amenity for future occupants**

- 8.3 The proposal would reduce the size of the garden as approved down from approximately 25m<sup>2</sup> to 2.6m<sup>2</sup>. The applicant has also agreed in writing to amend the plans to provide an additional 2m<sup>2</sup> of buffer space outside the bedroom window of the ground-floor flat to avoid occupants of 31 Grantchester Street from walking up to the window. The flat which the small garden would serve is one-bedroom in size and is likely to be used in a single-occupancy manner. As a result there is less dependency on this space than a two or more bedroom flat where it could be occupied by a family for example. Furthermore, the large public outdoor open space at Lammas Land is within walking distance of the site to provide larger space for future occupants if desired. The courtyard garden does provide space for a small table and chairs to be used or somewhere to dry clothes externally. This outdoor space is also south-facing and therefore receives good levels of sunlight when it is more frequently used in the summer. Overall, I consider that given the size of the one-bedroom unit, coupled with the availability of open space in close proximity to the site, the redefined curtilage and reduction in garden size for the dwelling provides an acceptable living environment for its occupants.
- 8.4 In my opinion the proposal provides an acceptable living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12 and 5/2.

## **Highway Safety**

- 8.5 The proposal originally included plans to include a third car parking space. The Highway Authority had requested full dimensions of this new car parking space and objections had been received from residents regarding the hazard to highway safety this space presented. However, this has since been removed from the proposal and as such I do not consider the variation to the approved drawings would pose a threat to highway safety.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Cycle Parking**

- 8.7 Cycle parking was originally shown in an enclosed shed at the rear of the dwelling. However, the change to the garden of the dwelling has resulted in this shed being retained for the existing occupants of 31 Grantchester Street and no longer accessible by the occupants of 15B Derby Street. The revised drawing shows that cycle parking is accommodated underneath the external staircase. Whilst I am content that there is adequate space in this location for the provision of the one cycle parking space needed, having visited the site I could not identify any form of cycle stand or other means of locking cycles. I have therefore recommended a condition for details of the secure parking of cycles to be provided within 6 months of this permission being approved.
- 8.8 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 5/2 and 8/6.

## **Refuse Arrangements**

- 8.9 The proposal originally sought permission to revise the drawings to show refuse arrangements stored sporadically across the front of the site between the three car parking spaces. This has since been amended following the removal of the third car parking space to show the bins lined up along the southern boundary behind a 1m high fence. This would provide a straightforward means of access onto the highway on collection days and the level of waste storage is acceptable.

8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 3/12 and 5/2.

### **Third Party Representations**

8.11 The third party representations have been addressed in the table below:

| <u>Comment</u>  | <u>Response</u>  |
|---|--|
| <p>The provision of 3 parked cars and storage of bins at the front would provide a poor quality living environment for future occupants.</p> <p>Obstruction of the highway from the third car parking space.</p> <p>Inability to access cycle storage due to third car parking space.</p> <p>The bin storage arrangement is not practical due to the provision of three car parking spaces.</p> | <p>The third car parking space has been removed from the proposed plans and therefore I consider these matters have been addressed.</p>  |
| <p>The size of the garden is not sustainable development.</p>   | <p>The size of the garden is considered appropriate for the level of development proposed. This has been addressed in the main body of this report.</p>  |
| <p>The entrance does not comply with building regulations.</p>  | <p>This is building regulation matter and not a planning consideration.</p>  |
| <p>The red-line plan is incorrect and has been done so in a manner to make it easier to develop the undercroft area and lose the car parking in the future.</p>   | <p>The red-line plan outlines the location of the development and also outlines the other land owned by the applicant. This does not have any bearing on the determination of a future application to develop the undercroft area. Any application for this would be assessed on its own merits.</p> |
| <p>The development has been</p>   | <p>The change of use of the</p>  |

|   |   |
|---|---|
| processed in a way to avoid planning control.                                 | building and principle of residential development was clearly stated and assessed under the original permission (15/0065/FUL).  |
| The building is not in keeping with the character and appearance of the area. | The external appearance of the building has not been materially altered since the original permission (15/0065/FUL) was permitted. I therefore consider this matter was addressed under the previous application. |

## 9.0 CONCLUSION

- 9.1 The reconsolidation of the garden space for the future occupants of the ground-floor flat is considered to retain an acceptable living environment for its future occupants. The proposed outdoor amenity space, although smaller than that originally proposed, would provide sufficient space and privacy for the future occupants.

## 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

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 curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10).

5. The development hereby permitted shall not be occupied until an approved system of parking control measures (e.g. permanent bollards or low rise walling or such other means of physical barrier) which are positioned alongside the Derby Street pavement edge in front of the area proposed for bin storage and access to both 15a and 15b Derby Street, which forms a physical barrier to prevent any person(s) from parking a vehicle in that space (not including the area shown as 'parking under cover' on plan reference 14643-02 Rev B) has been submitted to and approved in writing by the local planning authority. The parking control measures shall be implemented prior to the occupation of the living space area residential unit 15b Derby Street and shall remain in place in perpetuity.

Reason: In order to prevent parked vehicles overhanging the footpath and causing an obstruction to pedestrians and to ensure adequate space is provided for access to 15a and 15b Derby Street for occupiers of those properties including for storage of bikes and bins. (Cambridge Local Plan 2006, policies 3/7, 3/10, 5/2 and 8/2).

6. Within 6 months of this permission being granted, details of facilities for the secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details and retained thereafter.

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

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## PLANNING COMMITTEE

5<sup>th</sup> April 2017

|                           |  |                    |                    |
|---------------------------|--|--------------------|--------------------|
| <b>Application Number</b> | 17/0061/FUL  | <b>Agenda Item</b> |                    |
| <b>Date Received</b>      | 17th January 2017  | <b>Officer</b>     | Mairead O'Sullivan |
| <b>Target Date</b>        | 14th March 2017  |                    |                    |
| <b>Ward</b>               | Arbury   |                    |                    |
| <b>Site</b>               | 49 Histon Road Cambridge CB4 3JD                                       |                    |                    |
| <b>Proposal</b>           | Erection of two bedroom dwelling to rear with access off North Street. |                    |                    |
| <b>Applicant</b>          | Mr Zac Bishop-Peck   |                    |                    |

|                       |   |
|-----------------------|---|
| <b>SUMMARY</b>        | <p><b>The development does not accord with the Development Plan for the following reason:</b></p> <ul style="list-style-type: none"> <li>- <b>The proposed building would appear dominant in the streetscene and would not preserve or enhance the character and appearance of the Conservation Area.</b></li> <li>- <b>The proposal would unduly enclose the gardens of nos. 47 and 51 Histon Road and harmfully overshadow the garden of no. 51.</b></li> </ul> |
| <b>RECOMMENDATION</b> | <b>REFUSAL</b>  |

### 1.0 SITE DESCRIPTION/AREA CONTEXT

**1.1** The application site relates to land to the rear of 49 Histon Road. 49 Histon Road is a two storey mid-terrace property. The land which the application relates to is to the rear of the property and would be accessed from North Street. North Street is a predominantly residential area which has a mixed character. The site was originally a back-track serving as an access to the rear of dwellings on this part of Histon Road. Over

the years a number of contemporary dwellings have been built fronting North Street. Most of these are of a modest scale and designed to mimic the existing outbuildings on the street. The site lies in close proximity to the junction with Canterbury Street to the south.

- 1.2 The site falls within the Central Conservation Area and falls within the remit of the Castle and Victoria Road Conservation Area Appraisal.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of a two bedroom dwelling to the rear of the property. The new dwelling would be accessed from North Street. A previous proposal for the site was considered by officers as unacceptable in terms of design and impact on the Conservation Area. It was withdrawn prior to determination.
- 2.2 The proposed building would have a total height of 7.5m dropping to 4.6m at the eaves and be 15.8m long. A large window is proposed to the first floor front gable. The building would be finished in Mystique brick with zinc cladding to the first floor of the front elevation. The first floor of the front elevation would over-sail the ground floor by 3.3m.
- 2.3 One off street car parking space is proposed to the front of the new dwelling. A secure cycle store and bin store are also proposed to the front of the dwelling. A garden would be provided to the rear. This would provide approx. 29.5sqm of outdoor amenity space. The dwelling would accommodate two ensuite bedrooms at first floor. The ground floor is comprised of a kitchen/dining room, W.C. and lounge.

## **3.0 SITE HISTORY**

| Reference   | Description   | Outcome   |
|-------------|---|-----------|
| 16/2095/FUL | Erection of detached two bedroom dwelling to rear with access off North Street. | 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<br>Plan 2006 | Local | 3/1 3/4 3/7 3/10 3/11 3/12<br>4/11 4/13<br>5/1<br>8/2 8/6 8/10<br>10/1 |

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

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

|                         |   |
|-------------------------|---|
|                         | Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  |
| Material Considerations | <u>City Wide Guidance</u><br><br>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)<br><br>Strategic Flood Risk Assessment (2005)<br><br>Cambridge and Milton Surface Water Management Plan (2011)<br>Cycle Parking Guide for New Residential Developments (2010) |
|                         | <u>Area Guidelines</u><br><br>Castle and Victoria Road Conservation Area Appraisal (2012)   |

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

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

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 will displace the car parking provision for the existing dwelling and, as this dwelling will continue to retain access to residents' Permits within the Residents' Parking Scheme operating in the area; this additional demand is most likely to appear on-street in competition with existing residential uses. This is unlikely to have any significant adverse impact on highway safety but may impact on residential amenity. Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any permission.
- 6.2 No comments on additional plans.

### **Environmental Health**

- 6.3 The proposal is acceptable. Construction hours and piling conditions are recommended.

### **Drainage**

#### ***First comment***

- 6.4 There is insufficient information to comment on the application as surface water drainage details have not been provided.

#### ***Second comment***

- 6.5 Details can be established via condition. Two conditions, relating to surface water and foul water drainage are requested.

### **Urban Design and Conservation team**

- 6.6 No Objection: This 2 bedroom 2 storey high dwelling is proposed to be built facing North Street to the rear of no 49 Histon Road. Over the last few years a number of small,

modern properties have been built at the end of the gardens of Histon Road which has given North Street a new modestly built character.

This proposal is an improvement on a previous application as the building now has a gable end facing the street and is very similar to the design approved at No 71 Histon Road. The overall length of the building has been reduced and the roof is a more conventional form.

This position of this site makes any building here more visible especially from the corner with North Street and Canterbury Road. The southern gable will be prominent in those views and so the detailing of the roof and eaves will be important.

### **Streets and Open Spaces (Tree Officer)**

6.7 No comments received.

### **Landscape**

6.8 The proposal is acceptable. No additional comments.

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

## **7.0 REPRESENTATIONS**

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

- 69 Histon Road
- 69A Histon Road
- 71 Histon Road
- 23 North Street
- 33 North Street
- The Granary

7.2 The representations in support can be summarised as follows:

- Well thought out design
- Welcome addition to North Street
- Fully support a new contemporary dwelling on North Street

- New houses have improved security on the street
- New houses are creating an attractive street
- The revised scheme is more outbuilding-like and more in keeping with the character of the street

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

- 5 Canterbury Street
- 85 Histon Road

7.4 The representations in objection can be summarised as follows:

- Concerned about roofing materials
- Building appears to be set forward. This would be an anomaly and would crowd the street
- Requests clarification regarding height of velux window as potential to impact on privacy
- Due to proximity to corner will make thoroughfare feel more hemmed in.

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

## **8.0 ASSESSMENT**

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

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

## **Principle of Development**

- 8.2 Policy 5/1 states that Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The character of the surrounding area is predominantly residential. As a result the proposal accords with policy 5/1
- 8.3 The proposal would be built in garden land of 49 Histon Road. As a result policy 3/10 which relates to the sub-division of plots is relevant. This policy requires consideration to be given to the impact on amenities of neighbours (part a), amenity space/car parking (b), impact on the character of the area (c), effect on listed buildings/BLI (d), impact on trees (e) and whether the proposal would compromise comprehensive redevelopment (f). In this case parts (d) and (f) are not relevant. I have addressed the other parts of policy 3/10 below.

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

- 8.4 The previously submitted scheme was very different in character and design to the proposal now put forward and was not formally determined. I have therefore assessed this application on its own merits.
- 8.5 The front elevation would comprise a relatively narrow and straight gable occupying the full width of the plot. It would be quite tall, 7.5m to the ridge, with the bulk of the first floor accommodation near to a full two storeys in height. It appears to be more dominant in its design than other recent comparable approvals along North Street, whose first floor windows and floor levels appear more readily set into their respective roof spaces. Given the position of the site, in view from Canterbury Street, great care needs to be taken to ensure the scheme sits comfortably on the plot.
- 8.6 The prominence of the front of the proposed building and its relatively high eaves line turns to propose a very long southern side façade. The first impression is that the southern elevation is unduly elongated. The neighbour to the south, at 47 Histon Road, has a small timber shed at the end of the garden and this area feels relatively open and green at the moment. The

proposed southern elevation would be highly visible from Canterbury Street and extending at a length of 15.8m, with an eaves height of 4.6m and an entirely blank brick elevation - save for three roof-lights - it would stand too prominently within the intimate context of the junction of Canterbury Street and North Street and appear out of context. In coming to this conclusion, I have looked at other similar proposals approved along North Street, for example at the rear of nos. 71 and 89 Histon Road, and it appears to me that this proposal is longer and more dominant than those approved and as currently built. The site is also more sensitive and less forgiving than other plots along North Street where proposals are mostly infilled either side by existing development and do not appear as open and are more obliquely appreciated. In this case and by way of contrast, the full side elevation would be seen in close proximity from Canterbury Street.

- 8.7 In my view the combination of the height of the front of the building and the mostly blank south side return and expanse of brickwork and roof (length and height), would have an adverse impact on the streetscene and would appear too dominant.
- 8.8 I note that the Conservation Officer has not objected to the proposal but also that the response is limited in detail and by far from a positive endorsement of the proposal. Given my assessment, I have to respectfully disagree with this advice.
- 8.9 Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 132 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation.
- 8.10 In this case, I consider less than substantial harm would arise from the proposal. In light of this, paragraph 134 of the NPPF indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.11 The public benefits of the scheme may be considered to include the provision of an additional residential unit and the economic

and social benefits through the development works themselves. My view is that the public benefits are limited and given that the site is clearly capable of accommodating a more modest infill development (reduced first floor length and height), the benefits as described are insufficient to outweigh the less than substantial harm that would arise to the heritage asset.

- 8.12 I note that a number of objections have raised concerns regarding the positioning of the proposed first floor element over the off-street car parking space. A number of other similar schemes which have been recently approved on North Street also include an element with an over-sail. As a result I am satisfied that this element would not appear out of character.
- 8.13 The proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/11.

## **Residential Amenity**

### **Impact on amenity of neighbouring occupiers**

- 8.14 The proposed new dwelling would be significantly set away from the host dwelling at 49 Histon Road. There would be a distance of approx. 13m from building-to-building and it would be the narrow gable of the scheme that would face no.49. As a result, I am satisfied that the proposal would not enclose or overshadow these occupiers. There are no first floor windows proposed on the rear elevation (only two high level roof-lights) and likewise the rear first floor of no. 49 does not possess any first floor rear facing habitable windows that would impinge upon the future privacy of the occupants of the building. As a result, I am satisfied that there would be no significant impact on the privacy of no.49 or future occupiers. If I were minded to approve the application, I would recommend a condition to remove permitted development rights for first floor windows to protect the amenity of the surrounding occupiers on Histon Road.
- 8.15 The dwelling would be located adjacent to areas of garden and parking at the end of the rear gardens of both adjacent dwellings on Histon Road, no. 47 to the south and no. 51 to the north. Both rear parts of the gardens to both properties appear to be in domestic use, no. 47 being landscaped with hedging and shrubbery and no. 51 possessing a rear greenhouse. Given

the significant distance between the new dwelling and these properties, I am of the opinion that the proposal would not be overbearing or impact on the privacy of the adjacent buildings. I am concerned, however, with the impact on their respective rear gardens.

8.16 The proposal is of such a length and height – approximately half the length of the original gardens - that it would stretch far back into the site, some 10m beyond the rear of no. 51's garage. As such, it would significantly enclose the bottom half of each of the respective gardens and for no. 51, also cause significant overshadowing. As stated above, the proposed scheme is longer than other approvals further down North Street and would be more apparent from adjacent gardens. Its stretched form would dominate the rear part of the gardens and enclose the outlook from both. I recognise that neither neighbour has objected and that it may be the case that both are looking to subdivide their gardens in a similar fashion to that proposed at some point in the future. However, this is not a good planning reason to accept otherwise detrimental residential impacts that would arise from the scheme. I have noted that issues of enclosure and loss of light were not raised as part of the earlier withdrawn scheme, but no weight can be attributed to this and in any event, the earlier plans that I have seen showed a more broken roof form and a footprint set away from the garden of no. 47.

8.17 In my opinion the proposal does not adequately respect the residential amenity of its neighbours and the constraints of the site and I consider that it is contrary to Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12.

### **Amenity for future occupiers of the site**

8.18 There were concerns that the previously withdrawn scheme would not provide an adequately high standard of living for future occupiers as the outdoor amenity space provided was smaller than that provided to other recently approved dwellings on the road. The proposed dwelling includes two bedrooms and could be occupied by a small family. As a result, it is important for there to be a reasonable amount of outdoor living space. The amended proposal provides outdoor space (6m x 5m) which equates to other recently approved schemes and as a

result I am satisfied that it would provide a satisfactory living environment for future occupiers.

8.19 The Environmental Health Officer is satisfied that the proposal is acceptable subject to conditions. I share this view.

8.20 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**

8.21 A bin enclosure is proposed to the front of the property. I am satisfied with this arrangement and consider the proposed refuse arrangement to be acceptable.

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

### **Highway Safety**

8.23 The Highway Engineer raised concerns regarding the proposed parking arrangements as it was not clear if there was adequate space to accommodate an off-street car parking space without the car overhanging the public highway. The applicant has provided revised plans and

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

### **Car and Cycle Parking**

8.25 One car parking space is proposed to the front of the new dwelling. The Highway Engineer raises the loss of off-street parking for the host dwelling at 49 Histon Road. The occupiers of the host dwelling will still be eligible for the residents' parking scheme and given the sustainable location of the site I am satisfied that the car parking arrangement would be acceptable were I minded to approve the application.

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

## **Third Party Representations**

- 8.27 I note that a number of letters have been received in support of the application. However in my view, as discussed in paragraphs 8.4-8.13 and 8.16, the proposed scheme would have an adverse impact on the streetscene when viewed from Canterbury Street and an unacceptable impact on the amenity of the adjoining occupiers.

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

- 8.28 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.
- 8.29 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 The proposal would appear dominant in the street scene when viewed from Canterbury Street and parts of North Street. Given its height and length, extending over 15m and its visibility close to the junction, the mass of the proposed new dwelling, with its blank façade facing toward Canterbury Street, would appear incongruous, of poor design with little relief or detail and have an unacceptable negative impact on the street scene. The proposal would harm the character and appearance of this part of the Conservation Area contrary to policy 4/11. The public benefit of the proposal would not outweigh the harm to the Conservation Area and as a result the scheme is contrary to Paragraph 134 of the NPPF.

9.3 The proposal would also unduly harm the enjoyment of neighbouring gardens through its close proximity to them, its length along their respective boundaries and because of its height at 7.5m, contrary to policies 3/4, 3/10 and 3/12.

## **10.0 RECOMMENDATION**

**REFUSE for the following reasons:**

- 1. The proposal, by virtue of its height, length and siting, would result in a large and overly dominant and elongated built form when viewed from Canterbury Street and North Street. The large expanse of blank, unrelieved façade would negatively impact on the streetscene and would harm the character and appearance of the Conservation Area. As a result, the proposal is contrary to policies 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan (2006) and the provisions of the National Planning Policy Framework paragraph 134.**
- 2. The proposal, by virtue of its height, length and proximity to the neighbouring gardens of nos. 47 and 51 Histon Road, would create a large enclosing and dominant form that would unreasonably curtail the enjoyment of the use of adjacent garden areas and, for no. 51 Histon Road also, unreasonably overshadow it. The proposal would have a significant adverse effect on neighbouring amenity, contrary to policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan (2006) and the provisions of the National Planning Policy Framework paragraph 17.**

|                    |  |             |                    |
|--------------------|--|-------------|--------------------|
| Application Number | 16/2189/FUL  | Agenda Item |                    |
| Date Received      | 16th December 2016   | Officer     | Mairead O'Sullivan |
| Target Date        | 10th February 2017   |             |                    |
| Ward               | Romsey   |             |                    |
| Site               | 13 And 15 Catharine Street Cambridge CB1 3AW   |             |                    |
| Proposal           | Raising of ridge, eaves and chimneys and formation of box dormer to rear with Juliet balcony, single storey extension to side and rear, first floor rear extension and subdivision of enlarged dwellings to form 2 x 2-bed and 2 x 1 bed apartment. Bike and bin store and fencing to rear garden. |             |                    |
| Applicant          | Mr Christopher and Mark Toynbee<br>16 Cardigan Street Newmarket Cambridge CB8 8HX  |             |                    |

|                |  |
|----------------|--|
| SUMMARY        | <p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would not harm the character and appearance of the Conservation Area</li> <li>- The proposal would not significantly impact on the amenity of the surrounding occupiers</li> <li>- The proposal would provide an adequate standard of living to future occupiers.</li> </ul> |
| RECOMMENDATION | APPROVAL   |

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site relates to mid and end of terrace properties on the south western end of Catharine Street near the junction with Mill Road. Catharine Street itself is a predominantly residential area but the site is within close proximity to the Mill

Road East District Centre. The site falls within the Mill Road Area of the Central Conservation Area. The properties are each in use as a small House in Multiple Occupation (HMO). No. 13 currently has 5 bedrooms and No.15 has 4 bedrooms.

## 2.0 THE PROPOSAL

- 2.1 The application proposes a change of use from C4 HMO to create two x 2 bed and two x 1 bed flats.
- 2.2 The application also proposes the erection of single storey side/rear extensions, first floor rear extensions and roof extensions incorporating rear dormers. Bike/bin storage and fencing are proposed to the garden.
- 2.3 The application has been revised since submission. In the original plans submitted the garden was to be communal and shared between the four units. At the request of the planning officer this has been amended and the whole of the garden is to be divided in two and provided solely to the two bedroom units.

## 3.0 SITE HISTORY

| Reference   | Description   | Outcome |
|-------------|---|---------|
| 16/1626/FUL | Change of use of 13 and 15 Catharine Street from HMO (use class C4) to create 2 x 2-bed and 2 x 1 bed flats following single storey side/rear extensions, single storey first floor rear extension and roof extension incorporating raising ridge & eaves height, formation of box dormer with Juliet balcony. Bike and bin store and fencing to rear garden. | Refused |

- 3.1 16/1626/FUL was refused as it was not considered to provide appropriate access to garden space. It had a different arrangement of units, with the larger 2 bed units more remotely located from the garden space at a higher level.

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 3/10 3/11 3/12<br>4/11 4/13<br>5/1 5/2<br>8/28/6 8/10<br>10/1 |

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

|                                 |   |
|---------------------------------|---|
| Central Government Guidance     | National Planning Policy Framework March 2012<br>National Planning Policy Framework – Planning Practice Guidance March 2014<br>Circular 11/95 |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)<br>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><br>Cycle Parking Guide for New Residential Developments (2010)<br>Roof Extensions Design Guide (2003) |
|                         | <u>Area Guidelines</u><br>Mill Road Area Conservation Area Appraisal (2011)   |

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

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

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

#### 6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection: The proposal seeks to justify a zero level of off-street car parking provision The Planning Authority should

assess the impact of the proposal having no parking in relation to NPPF guidance.

- 6.2 The development may impose additional parking demands upon the on-street parking on the surrounding streets. This is unlikely to result in any significant adverse impact upon highway safety but there is potentially an impact upon residential amenity.

#### Environmental Health

- 6.3 No objection: The proposal is acceptable. There are no concerns regarding contaminated land. In the interest of amenity, a standard construction hours condition is recommended.

#### Urban Design and Conservation Team

- 6.4 Objection: The roof extension does not comply with the Roof Extension Design Guidelines and does not respond to the prevailing character of the conservation area.

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

## 7.0 REPRESENTATIONS

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

- 1 Sedgwick Street

- 7.2 The representation can be summarised as follows:

- Scale - The development is too big for the plot.
- Privacy - It would overlook garden and the back of house.
- Density - Area is already very densely populated.

- 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. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

### Principle of Development

8.2 Policy 5/1 states that applications for housing on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The site is currently in residential use and Catharine Street is a predominantly residential area. As a result, I consider the proposal to comply with policy 5/1.

8.3 Policy 5/2 relates to the conversion of larger properties. This states that the conversion of single residential properties into self-contained dwellings will be permitted except where: a) the property has a floorspace of less than 110m<sup>2</sup>; b) there would be an unacceptable impact on parking c) the living accommodation provided would be unsatisfactory; d) the proposal would fail to provide for satisfactory refuse bin/bike storage e) the location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

8.4 Both properties have a floor space marginally above 110sqm and as a result satisfy criteria a). I have noted the compatibility of the site with residential use in paragraph 8.2. I will assess the proposal against criteria b), c) and d) in the below paragraphs.

Context of the site, design and external spaces and impact on the Conservation Area.

- 8.5 The site consists of two terraced properties. There are no views to the rear of the properties from the public realm as these are screened by the adjacent properties on Mill Road and Sedgwick Street.
- 8.6 The proposed extensions are subservient to the existing houses and would clearly read as later additions. The Conservation Officer notes that the retention of the existing pitched roof extension is a positive change and has maintained the traditional character of the houses. In my view the first and ground floor rear extensions are sympathetic to the host dwelling and are considered acceptable in terms of design.
- 8.7 The ridge and eaves heights are proposed to be raised. The existing ridge is set down from the adjoining properties and raising the ridge will bring the roof height in line with the surrounding buildings. The Conservation Officer considers this element to be acceptable in principle. I share this view and consider that the raising of the ridge height would not impact on the character of the area subject to the materials matching existing. I recommend a condition requiring a sample of the proposed materials to be approved prior to beginning of any brickwork.
- 8.8 The proposed dormers are boxy in nature but are to be set-in from the side and would be no higher than the new raised ridge height. The Conservation Officer considers the dormers to be too large. However, in my view, as these are set-in from the side and comprise large areas of glazing, they do not overpower the roof and would appear as lightweight structures, contrasting with the traditional form of the original dwellings. There are not many examples of dormers on Catharine Street, however, a very similar style box dormer with Juliet balcony was approved at 3 Catharine Street in 2012 (12/1518/FUL). Similar to No.3, I note that the rear roof slope of the site is not visible in the street scene. As a result of this and given the set-ins to the dormers and their proximity to the approved dormer at no.3 Catharine Street, I consider the dormers acceptable.

- 8.9 The proposed dormer is to be clad in Rockpanel cladding. This is a contemporary material. In my view this could be acceptable and help the dormers contrast with the traditional roof form. I recommend that details of the cladding are approved prior to construction.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

#### Residential Amenity

##### Impact on amenity of neighbouring occupiers

- 8.11 The proposed raising of the ridge is marginal and would bring the building height up to that of both adjacent properties. The proposed dormers would not overhang the ridge and would be no higher than the raised ridge. I am satisfied that this element would not harm the amenity of the adjoining occupiers.
- 8.12 The neighbour at No.11 Catharine Street lies to the south of the site and forms part of the terrace. The proposed first floor element would break the 45 degree rule when taken from the nearest window of No.11. I was not able to gain access to this property but the window appeared to serve a bedroom. Whilst the proposal would result in some enclosure of this window I note that this is not untypical in the area with the existing extension to No.11 breaking the 45 degrees when taken from the bedroom window of No.13. The proposed ground floor element would sit in line with an existing ground floor protrusion at No. 11. As a result I am satisfied that this element would not impact on the amenity of No.11.
- 8.13 No. 17 Catharine Street lies to the north of the site. This property is set off the boundary. The proposed first floor element would clip the 45 degree line when taken from the nearest upper floor window of No. 17. I also could not gain access to this property to make an assessment but the window appeared to serve a bathroom. As the extension would only marginally break the 45 degree I am satisfied that there would not be an unacceptable impact on this occupier in terms of enclosure of this window. The proposed ground floor extension would be marginally shorter than the existing extension at No.17. Whilst one window on the extension would face towards the side of the proposed extension, this window also appeared

to be served by glazing on the western end of the extension. As a result I consider that this element would not have an unacceptable impact on the occupier of this dwelling in terms of enclosure or loss of light.

- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/13.

#### Amenity for future occupiers of the site

- 8.15 The previous application was refused on the grounds that the proposal would not provide an adequately high standard of living to future occupiers of the first floor units. The first floor units in the previous application were two bed units. To access the private outdoor amenity space, the occupiers of these units would have needed to travel down stairs, out the front door and around a narrow and potentially dark access track. This was not considered acceptable given that the flats accommodated two bedrooms and could potentially be occupied by a small family.
- 8.16 The current application swaps the flat layouts with the two bedroom units moved to the ground/first floor and the one bedroom units on the first/second floor. The original plans showed the garden to be communal with a private patio proposed for the ground floor units. At the request of the case officer this layout has been amended and the whole of the garden is to be retained by the ground/first floor two bedroom units. The one bed units on the upper floor are not proposed to have any outdoor amenity space.
- 8.17 The proposed garden provision would give each of these units approx. 53sqm of outdoor space; this is considered acceptable.
- 8.18 The upper floor units are one bedroom and could only be occupied by an individual or a couple. Whilst these units being without any outdoor space provision is not ideal; the area is densely populated and it is preferable to afford the two bed units the private amenity space. The one bed units would have Juliet balconies and, on balance, I consider this arrangement to be acceptable.

- 8.19 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, 3/14 and criterion c) of 5/2.

#### Refuse Arrangements

- 8.20 A bin storage area is shown to the rear of the property. A condition is recommended requiring the details of this.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and criteria d) of policy 5/2.

#### Highway Safety

- 8.22 The Highway Engineer does not consider the proposal would have any significant adverse impact on highway safety. I share this view.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

#### Car and Cycle Parking

- 8.24 No car parking is proposed as part of the application. I consider this to be acceptable given the sustainable location of the site; within walking distance of the Mill Road District Centre and within close proximity to cycle and public transport infrastructure.
- 8.25 14 cycle parking spaces are shown. This exceeds minimum standards and is considered acceptable. A condition is recommended requiring the cycle storage to be provided as shown on the plans.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6, 8/10 and criteria b) and d) of policy 5/2.

#### Third Party Representations

- 8.27 No. 1 Sedgwick Street would not be overlooked by the proposal as it is on the opposite side of Sedgwick Street.

8.28 I note that Petersfield is a densely populated area. However I do not consider that to be a reason to refuse the application.

8.29 I have assessed the design and impact of the proposal on the character of the area in paragraphs 8.5-8.9. In my view the proposal would not be overdevelopment.

#### Planning Obligations (s106 Agreement)

8.30 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.

8.31 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary

#### 9.0 CONCLUSION

9.1 The proposed extensions are to the rear of the property and relatively modest in scale. The raising of the ridge and eaves heights would bring the properties in line with the surrounding houses. The proposed extensions are subservient in scale and considered acceptable in terms of design. The proposed extension would not have any significant adverse impact on the amenity of the adjoining occupiers. The proposed flats would provide adequate living accommodation to future occupiers of the site.

#### 10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. No 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 curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the properties could be occupied without their garden land. (Cambridge Local Plan 2006 policies, 3/4, 3/7 and 5/2)

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. Prior to the occupation of the flats, details of the proposed bin storage provision for the units will be submitted to and approved in writing by the Local Planning Authority. Bin storage will thereafter be in accordance with the approved details.

Reason: to ensure adequate bin storage provision in accordance with Cambridge Local Plan 2006 policies 3/7, and 5/2)

7. The 14 cycle parking spaces shall be provided as per the approved plans prior to the occupation of the flats. Cycle parking shall thereafter be maintained.

Reason: To ensure adequate cycle parking provision in accordance with policy 8/6 of the Cambridge Local Plan 2006.

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|                           |  |                    |              |
|---------------------------|--|--------------------|--------------|
| <b>Application Number</b> | 17/0008/FUL  | <b>Agenda Item</b> |              |
| <b>Date Received</b>      | 6th January 2017   | <b>Officer</b>     | Rob Brereton |
| <b>Target Date</b>        | 3rd March 2017   |                    |              |
| <b>Ward</b>               | East Chesterton  |                    |              |
| <b>Site</b>               | Rear Of 40B Green End Road Cambridge<br>CB4 1RY            |                    |              |
| <b>Proposal Applicant</b> | New dwelling<br>Mr Ben Giove<br>4 Green End Road Cambridge |                    |              |

|                       |  |
|-----------------------|--|
| <b>SUMMARY</b>        | <p><b>The development accords with the Development Plan for the following reasons:</b></p> <ul style="list-style-type: none"> <li>- The development would have an acceptable impact on the character of the area.</li> <li>- The development would not have a significant adverse impact on residential amenity.</li> <li>- The development would not have a significant adverse impact on highway and pedestrian safety.</li> </ul> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>  |

## 1.0 SITE DESCRIPTION/AREA CONTEXT

**1.1** The site is located to the rear of No 40B, No. 40 and No. 38 Green End Road. It is currently made up of disused single storey garages, hardstanding and rear garden space. The site area, excluding the access road is 605 square metres with an overall width of 27.6 metres and a depth ranging between 16 metres and 23 metres. **The site is accessed by an existing access road providing access to redundant garaging and**

**an electricity sub-station located on the north-eastern corner of the site.**

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for the erection of a new dwelling.
- 2.2 The proposal will remove all existing disused single storey garages and replace them with a two storey detached dwellinghouse. The proposed two storey detached house is L-shaped in footprint and contemporary in design. The second floor will be within the pitched roofspace and box dormers. Associated landscaping and a single storey outbuilding containing a bin and cycle store are also proposed as part of this scheme.
- 2.3 An amendment was received reducing the size of the outbuilding to allow for better manoeuvring space for vehicles.

## **3.0 SITE HISTORY**

| Reference   | Description  | Outcome   |
|-------------|--|-----------|
| 16/1756/FUL | New dwelling   | Withdrawn |
| 16/0980/FUL | Change of use from garaging to single dwelling including access road, parking and private amenity space. | Withdrawn |

These applications were withdrawn as officers had concerns their design was not of a high quality and in keeping with the character of the area and the bulk and scale of the proposal impacted detrimentally on the amenity of adjoining neighbours.

## **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 3/12<br>4/13<br>5/1<br>8/4 8/6 8/10 |

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

|                                 |  |
|---------------------------------|--|
| Central Government Guidance     | National Planning Policy Framework March 2012<br><br>National Planning Policy Framework – Planning Practice Guidance March 2014<br><br>Circular 11/95 (Appendix A)                             |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)<br><br>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) |

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

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some

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

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

## **6.0 CONSULTATIONS**

Cambridgeshire County Council (Highways Development Management)

- 6.1 Objected to the original proposal as there was not sufficient space for the manoeuvring of vehicles. The footprint of the outbuilding was subsequently reduced via an amendment and the Highway Authority removed its objection.

### **Environmental Health**

- 6.2 Records show that the northern-most part of the application site once formed land used by the military. In addition, there is garaging on site. This application involves more significant ground works and a new dwelling over the footprint of the garaging. As such, the risks associated with any potential contaminated land issues are increased. Therefore the 6 standard contaminated land conditions have been recommended. Conditions limiting construction hours, construction collection and deliveries, piling and dust are also recommended to ensure neighbour amenity is adequately protected. A condition requiring a noise report is also required to inform whether addition insulation is required to curtail any potential noise impacts from the electricity substation.

### **Sustainable Drainage**

- 6.3 No objection subject to recommended condition of surface water drainage.

## Urban Design

- 6.4 The Urban Design Team has reviewed the above application and whilst it is acceptable in scale and massing terms, the overlooking of rear gardens to Mortlock Avenue needs to be resolved. As proposed, the master bedroom will provide elevated views to private amenity space beyond the control of the applicant. All materials will need to be covered by condition should the application be approved.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

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

- No. 34 Green End Road
- No. 38 Green End Road
- No. 40 Green End Road
- No. 6 Mortlock Avenue
- No. 8 Mortlock Avenue

- 7.2 The representations can be summarised as follows:

- This application is a welcome improvement to the current unsightly garages.
- The proposed design takes into account No. 38's privacy.
- This proposal will overlook the property and garden of No. 6 Mortlock Avenue from the proposed master bedroom and downstairs living area.
- A single storey building would be more appropriate for this site.
- The proposed design and scale of the proposal is out of keeping for this backland location.
- The first-floor master bedroom is shown with 3 large windows which would overlook directly into a number of private gardens, reducing privacy significantly. These windows would also give direct line of sight into the rear bedrooms and conservatories of the houses facing them on Mortlock Avenue (numbers 6 & 8).

- The proposed 7/8 bedroom house would impact on-street parking on Green End Road

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Currently the site contains disused garages, hardstanding and back garden land. 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 Policy 3/10 of the Cambridge Local Plan (2006) states residential development will not be permitted if it [the relevant extracts are listed below]:

- Has a significant impact on the amenities of neighbouring properties;
- Provides an inadequate amount of amenity space/vehicular access for the proposed and existing properties;
- Detracts from the character of the area.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. The relevant criteria of policy 3/10 are considered in further detail below.

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

### **Response to context**

- 8.5 As the proposed detached property is located on a backland site and there are no other backland developments in this area it differs from the established urban form of the area. However, as there will be only be glimpse views of the proposal from the streetscene, it is not considered that in these circumstances this change in the pattern of development will adversely impact the character of the area. The main view will be from Green End Road at the entrance to the site and as the proposal is over 40 metres from the highway, it is not considered to have a detrimental impact. While the dwellinghouse is substantial in scale at circa 260 square metres and has 7-8 bedrooms it is considered subservient. This is because the second floor of the property is located within the pitched roofspace and three box dormers and the height of the proposal resembles a one and half storey dwelling at 3.9 metres to eaves and 6.4 - 6.8 metres to ridge.
- 8.6 It is my opinion that this proposed contemporary dwellinghouse is a high quality design. The proposed L-shaped dwelling fronts on to the access driveway and faces two parking spaces and a single storey outbuilding containing a bin and bike store and room for storage. The main amenity space is located to the north of the proposed house. The proposed main dwellinghouse uses contemporary materials including large pains of glazing, a white render finish, black roof tiles and box pillars. A condition is recommended to ensure these materials are of high quality. While the proposal is modern in its approach it is adjudged to complement the surrounding architecture by using a pitched roof.
- 8.7 I therefore consider the proposal would not have a significant adverse impact upon the character of the area and be an improvement on the current derelict site. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12.

## **Residential Amenity**

### **8.8 Impact on amenity of neighbouring occupiers**

#### **Subdivision of Open Space**

- 8.9 The majority of the proposal is located within a disused parking area containing garaging. No. 38 Green End Road will lose garden space as part of this proposal. However the remaining rear amenity space is considered sufficient for the occupiers of this property as it is 17 metres deep by 8 metres wide.

#### **Overshadowing and enclosure**

- 8.10 The proposed dwelling is located north of rear gardens of properties Nos. 38, 40 and 40B Green End Road, south of the rear gardens of Nos. 6 and 8 Mortlock Avenue, west of the rear garden of No. 36 Green End Road and east of No. 42 Green End Road.

#### ***No. 38 Green End Road***

- 8.11 No. 38 Green End Road will face a hipped element of the proposal which is 6.4 metres tall to ridge and 3.9 to eaves, 3 metres away from the rear boundary of this property and 22.6 metres away from the rear façade. It is considered as the proposal is of modest height, located to the north and is a sufficient distance away that it will have an acceptable impact in terms of overshadowing and enclosure on this property and its amenity space.

#### ***No. 40 Green End Road***

- 8.12 A proposed gable end is 6.4 metres tall to ridge and 3.9 to eaves and is 1.6 metres away from the rear boundary of this property and 22.6 metres away from the rear façade of No. 40 Green End Road. It is considered as the proposal is of modest height, located to the north and is a sufficient distance away that it will have an acceptable impact in terms of overshadowing and enclosure on this property and its amenity space.

### ***Nos. 6 and 8 Mortlock Avenue***

- 8.13 The proposal is located 13 metres south of the rear garden boundary and 29 metres south of the rear façade of No. 6. Similarly the proposal is located 10 metres south of the rear garden boundary and 29 metres south of the rear façade of No. 8. It is adjudged these distances are great enough to dispel any potentially detrimental enclosure or overshadowing from this building of modest height (6.4 metres tall to ridge and 3.9 to eaves).

### ***No. 36 Green End Road***

- 8.14 No. 36 Green End Road has a long rear garden of 44 metres deep. A gable end of the proposed dwellinghouse 6.5 metres in width would face the bottom end of this garden and is indented 2.05 metres from this boundary. It is not considered this bulk would have a detrimental impact on this large rear garden.

### ***Nos. 40B and 42 Green End Road***

- 8.15 The proposal is not considered to have an addition detrimental level of impact on these properties when compared to the exiting site which contains single storey garages.

### **Overlooking/loss of privacy**

- 8.16 A boundary treatment condition is recommended to ensure all ground floor windows will not overlook neighbouring properties. A landscaping condition is also recommended to be added to ensure hedging and tree planting depicted along the boundaries in the proposed site plan are implemented. First floor bedroom windows 2, 3, 4 and 5 all look out onto the parking spaces, outbuilding of the proposal and No. 42's rear garden 12.3 metres beyond. It is considered this relationship is acceptable and No. 42's and No. 44 rear gardens will not be unduly impacted by overlooking. It is also noted these proposed first floor window look onto the rear end of these neighbours' long gardens and not the most private areas which are located adjoining the rear façade.
- 8.17 The two proposed windows first floor landing windows face the garden of No. 38. A condition is recommended to obscurely

glaze these windows as they are only 3 metres away from the boundary of this neighbouring property.

8.18 Urban design and third parties have voiced concerns that the proposed master bedroom window facing the boundary with No. 8 Mortlock Avenue would provide elevated views to **private** amenity space. I disagree with this view and in my opinion a condition to obscurely glaze this window is not warranted. The rear facades of Nos. 6 and 8 Mortlock Avenue are 29 metres away; this is a substantial distance to dispel any potential overlooking impacts. The proposals amenity space lies between the rear façade in which this window is located and the rear boundary of No. 8 Mortlock Avenue. Therefore there is 10 metres between this window and the rear boundary of this property. This relationship is considered acceptable in this suburban location and the amenity spaces on Mortlock Avenue will not be unduly overlooked by this window. The first floor bathroom window also facing these properties is recommended to be conditioned to be obscurely glazed.

8.19 All other first floor windows are high level skylights which are located 1.7 metres above finished floor level, therefore overlooking out of these openings is not envisaged.

### **Noise**

8.20 I do not consider that the proposed dwelling will have a detrimental impact on the neighbours using their amenity space given that this land was already used for parking and garden space. It is not considered the movements of vehicles associated with one dwelling will detrimentally impact the amenity space of the adjacent properties. I concur with Environmental Health that the 6 standard contaminated land conditions and conditions limiting construction hours, construction collection and deliveries, piling and dust should be added to ensure neighbour's amenity during the demolition of the existing garages and construction of this 2 storey dwelling with basement and they are therefore recommended.

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 3/10.

## **Amenity for future occupiers of the site**

- 8.22 The proposal would have a 200 square metre rear amenity space which is considered of good quality and size for the **future occupiers of this 7/8 bedroom property. This open space is not considered to be detrimentally overlooked** as the rear façade of No. 6 Mortlock Avenue is 15 metre away. Conditions are recommended to remove permitted development rights to extend and erect outbuildings so that this amenity space is not unduly diminished. All rooms in the proposed dwelling have a good outlook onto private amenity space. Obscurely glazing first floor hallway and bathroom windows is considered acceptable as these are non-habitable rooms.
- 8.23 An electricity substation can emitted a low frequency hum, therefore a condition requiring a noise report is required to inform whether additional insulation within the dwellinghouse is required to mitigate against any potential noise impacts from the electricity substation. It is considered the 10 metres between the electricity substation and the proposed rear garden is sufficient to dispel noise impacts.
- 8.24 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

## **Refuse Arrangements**

- 8.25 The proposed bin store which is located to the front of the property is sufficient to meet the needs of future residents.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway safety**

- 8.27 The Highway Authority has no objections to this proposal on highway safety grounds. It is noted the access arrangements to the electricity sub-station remain in place and will not be hindered by this application. The gating of the development has an acceptable impact on highway safety because of its location well back from the main carriageway of Green End Road.

## Car and Cycle Parking

**8.28** Three parking spaces are to be provided as part of this scheme, one is within an internal car-porch and the other two are outside. The Highway Authority originally objected to the scheme as there was insufficient space for manoeuvring vehicles. The footprint of the outbuilding has since been reduced via an amendment and the Highway Authority removed its objection. Third parties have raised concerns regarding the potential for the application to increase on-street parking. However, the provision of 3 off-street spaces for a 7 bed home complies with policy 8/10. It is also noted policy 8/10 promotes lower levels of private car parking particularly where good transport accessibility exists. The subject building is located just off Milton Road which has excellent transport links to the city centre and contains many shops/services. Vehicular assess to the proposal will not impact the parking for the business at ground floor and flats above at 40B Green End Road any more than the previous garage use of the site. The proposed parking is therefore considered acceptable.

**8.29** Six cycle spaces are required for this seven bed dwellinghouse. It is considered there is sufficient space between the cycle store and the storage element of the outbuilding to house this amount of bicycles, however further details can be sought via a recommended condition to ensure this.

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

### **8.31 Third Party Representations**

| <b>Concern</b>   | <b>Response</b>   |
|--|---|
| Overlooking from the master bedroom window                     | See paragraph 8.18                                      |
| Single storey building is more appropriate                     | Each planning application is adjudged on its own merits |
| Scale and design is out of keeping with this back land site    | See paragraph 8.5 – 8.7                                 |
| The proposed dwellinghouse would impact upon on-street parking | See paragraph 8.28                                      |

## 9.0 CONCLUSION

In conclusion, this is a contemporary designed detached dwelling that is of subservient scale to its surroundings and which has an acceptable impact on adjoining neighbours and the streetscene. It is also considered the sub-division of the plot would leave an acceptable level of amenity space for both the occupiers of the proposal and No. 38 Green End Road. The development would also not result in harmful highway or pedestrian safety impacts.

## 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 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 and 40 percent 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: In order to safeguard against the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site (Cambridge Local Plan 2006 policy 4/16).

10. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

11. 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)

12. 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)

13. 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)

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 policy 4/13

15. Noise assessment and mitigation - plant near new development

Part A

Prior to the commencement of development works a noise report that includes the provisions of British Standard (BS) 4142:2014, Methods for rating and assessing industrial and commercial sound, which considers the impact of noise upon the proposed development shall be submitted in writing for consideration by the local planning authority.

Part B

Following the submission of a noise report and prior to the commencement of development works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential unit (having regard to the building fabric, glazing and ventilation) for protecting the residential unit from noise from the neighbouring electricity sub-station shall be submitted to and approved in writing by the local planning authority.

The scheme as approved shall be fully implemented prior to occupation of the residential unit and shall thereafter be retained as such.

Reason: To protect the amenity of future occupants of this property from potentially high ambient noise levels in the area Cambridge Local Plan 2006 policy 4/13

16. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), 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 future residents through the potential reduction of amenity space (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

17. Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: To protect the amenity of future residents through the potential reduction in amenity space (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

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

Reason: To protect the amenity of future residents through the potential reduction in amenity space (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

19. 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 (egg furniture, play equipment, refuse or other storage units, signs, lighting). 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)

20. The two first floor hallway window facing the rear garden of No. 38 Green End Road and the first floor bathroom window facing the rear garden of No. 6 Mortlock Avenue 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 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).

21. 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)

22. 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)

**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: for drainage condition:**

All external surfaces should utilise permeable paving.

Details of the location and size of soakaway required with supporting calculations.

A plan showing where within the boundary of the site the 1 in 100 year event and 40 percent climate change allowance will be stored with supporting calculations.

**PLANNING COMMITTEE**

**5<sup>th</sup> April 2017**

|                           |   |                    |              |
|---------------------------|---|--------------------|--------------|
| <b>Application Number</b> | 16/1591/FUL   | <b>Agenda Item</b> |              |
| <b>Date Received</b>      | 2nd September 2016  | <b>Officer</b>     | Rob Brereton |
| <b>Target Date</b>        | 2nd December 2016   |                    |              |
| <b>Ward</b>               | West Chesterton   |                    |              |
| <b>Site</b>               | 220 Milton Road Cambridge CB4 1LQ   |                    |              |
| <b>Proposal</b>           | Erection of a residential development containing 9 flats comprising seven 1 x Bed units and two 2 x Bed units along with car and cycle parking and associated landscaping following the demolition of the existing buildings on site. |                    |              |
| <b>Applicant</b>          | Broadway Homes (Cambridge) Ltd<br>C/O Agent   |                    |              |

|                       |   |
|-----------------------|---|
| <b>SUMMARY</b>        | <p><b>The development accords with the Development Plan for the following reasons:</b></p> <ul style="list-style-type: none"> <li>- <b>The proposal represents a net gain of 8 new dwellings which would contribute to meeting housing demand in the city.</b></li> <li>- <b>The design and scale of the amended proposal are considered to positively address the surrounding built environment and character of the area.</b></li> <li>- <b>The amended proposal would not have a significant adverse impact on adjoining residential amenity.</b></li> </ul> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>   |

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The subject site is at the junction of Milton Road and Union Lane and has a dual frontage on to both of these streets. The

site is currently occupied by a two storey, 4 bed dwellinghouse. This dwellinghouse, built circa. 1920s is of a traditional design with exposed chimney breasts, Tudor wood panelling and a mix of roof profiles including hipped and gabled ends. There is a single storey flat roofed outbuilding to the northeast of the existing dwellinghouse which includes a library, home office and storage. Access to the site is currently off Milton Road. There is also a mature vegetation buffer between the existing dwellinghouse, Milton Road and Union Lane.

1.2 The surrounding area is predominantly characterised by residential uses, however, a variety of commercial units are present on the western side of Milton Road, opposite the application site.

1.3 The subject building is not Listed, a Building of Local Interest or within a Conservation Area.

## **2.0 THE PROPOSAL**

2.1 As amended, planning permission is sought for the erection of a residential development containing 9 flats comprising seven 1 x bed units and two 2 x bed units along with car and cycle parking and associated landscaping following the demolition of the existing buildings on site.

2.2 The amendments include the following:

- The original proposal was for eleven 1 x bed flats, this was amended to seven 1 x bed flats and two 2 x bed flats
- The existing vehicular access off Milton Road has been closed off and replaced with a new hedge
- The disabled turntable space has been removed from the northern corner of the site and replaced by planting and lawn
- The depth of the building facing Union Lane has been decreased, increasing the area of the rear communal garden
- One enclosed parking space has been removed and relocated to face No. 126 Union Lane
- Hedging and a 2 metre tall brick wall have been added along the garden boundaries with No. 126 Union Lane and No. 222 Milton Road.
- The location of vegetation outside flats F1, F2 and F3 has been amended to improve outlook and privacy

- The windows of unit F8 are now proposed to be obscure glazed up to 1.7 metres in height facing No. 222 Milton Road
- A sunlight/daylight assessment and shadow study have been provided to assess overshadowing and loss of daylight to adjoining properties

2.3 This proposal would demolish all current buildings on site. The proposed development turns the corner and presents elevations to both Milton Road and Union Lane. The brick built proposal would be 2 storeys tall with a zinc pitched roof, stepping down to 1 and a half storeys towards the boundary with No. 222 Milton Road. The vehicular access will be off Union Lane, this will provide access to one undercroft parking space, and two outdoor visitor spaces, one of which is a disabled space. The existing access on the western corner of the site facing the junction off Milton Road and Union Lane is to be retained as a pedestrian access. Another pedestrian access is also proposed onto Milton Road. The majority of mature hedging on site facing the streetscene is proposed to be retained and hedging and a new 2 metre high brick wall are proposed to enclose the rear communal garden from the boundaries with No. 126 Union Lane and No. 222 Milton Road. A mixture of associated hard and soft landscaping is also proposed.

2.4 Four 1-bed units (F1, F2, F3 and F4), 11 internal cycle spaces and a bin store are proposed at ground floor. Three 1-bed units (F5, F6 and F7) and one 2-bed unit is proposed for the first floor. Previously the original proposal proposed five 1-bed units on this first floor. One 2-bed unit is now proposed within the roofspace, previously two one bed studios were located within this roofspace.

### 3.0 SITE HISTORY

| Reference | Description                       | Outcome  |
|-----------|-----------------------------------|----------|
| C/68/0355 | Extension of existing Living Room | Approved |

3.1 Proposals for this site have been subject to pre-application discussions.

#### 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 3/2 3/4 3/6 3/7 3/12<br>4/13<br>5/1<br>8/2 8/6 8/10 8/18 |

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

|                                 |  |
|---------------------------------|--|
| Central Government Guidance     | National Planning Policy Framework March 2012<br>National Planning Policy Framework – Planning Practice Guidance March 2014<br>Circular 11/95 (Appendix A)                                 |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)<br>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) |

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

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

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

## **6.0 CONSULTATIONS**

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

- 6.1 No objection to the amended scheme on Highway Safety grounds subject to recommended conditions on the surface finish of the driveway, removing permitted development rights for gates, drainage to prevent run-off onto public highway, maintaining visual splays and a construction management plan.

The Highway Authority also advises that the proposed development has significantly less than one space per unit and this must be a consideration in terms of residential amenity.

### **Environmental Health**

- 6.2 No objection to amended scheme subject to conditions on demolition/construction hours, delivery/collection during demolition and construction, dust, building noise insulation and plant noise insulation.

## **Urban Design and Conservation Team**

- 6.3 No objection to the amended scheme. The proposed scale and massing is acceptable in design terms with the central element replicating the scale, ridge and eaves heights, chimneys and arrangement of gable ends on the existing No. 220 Milton Road house. The 1.5 and 2 storey side extensions or 'wings' relate to the scale of the adjacent houses either side. The scheme takes a contemporary approach to the proposed elevations and materials treatment but replicates the existing features of no. 220 Milton Road in terms of the position of chimneys, the porch canopy and arrangement and proportion of windows and roof pitches. This approach is supported in design terms. All units are dual or triple aspect and the BRE Daylight and Sunlight assessment and shadow assessment provided prove the proposal would have an acceptable impact on the amenity of No. 222 Milton Road.

## **Landscape Architecture**

- 6.4 Objected to the original scheme as the size and quality of the open space proposed was too small for the amount of units proposed and flats F1, F2 and F3 had a poor relationship with the rear communal garden. After the amendment decreased the number of units and increased the area of the rear communal garden the Landscape Architecture team withdrew its objection subject to standard conditions on hard and soft landscaping, boundary treatment and open space management.

## **Senior Sustainable Construction Officer**

- 6.5 No objection in relation to the original scheme subject to a condition requiring measures for the generation of renewable energy.

## **Lead Local Flood Authority**

- 6.6 No objection to the proposal subject to the addition of a condition requiring a surface water drainage scheme based on sustainable drainage principles.

## **Sustainable Drainage Officer**

- 6.7 Objected to the original proposal as attenuation/soakaways appeared to conflict with the proposed vegetation. The landscape layout has since been amended and the drainage officer now has no objection to the scheme subject to the condition recommended by Anglian Water.

## **Anglian Water**

- 6.8 States that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.
- 6.9 The surface water strategy/flood risk assessment submitted with the planning application is unacceptable and therefore a condition is requested to requiring a drainage strategy to be agreed.

## **Developer Contributions Monitoring Unit**

- 6.10 Government guidance states that contributions should not be sought for a development of this scale.

## **Archaeology Cambridgeshire County Council**

- 6.11 No objection subject to a recommended condition requesting a site investigation.
- 6.12 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. 124 Union Lane
- No. 131 Milton Road
- No. 185 Milton Road
- No. 189 Milton Road
- No. 206 Milton Road
- No. 222 Milton Road

- No. 224 Milton Road
- No. 230 Milton Road
- No. 232 Milton Road
- No. 234 Milton Road
- No. 238A Milton Road
- Camcycle
- Councillor Sargeant

7.2 The representations can be summarised as follows:

### 7.3 Principle

- Object to the removal of existing attractive dwellinghouse, which is a landmark in the area
- The high number of proposed units on this small site will cause noise and disturbance especially in communal outdoor space
- The proposal is an overdevelopment of the site
- Family homes in this area should be protected
- No social housing is provided
- The proposal would set a precedent of demolishing family homes to make way for flat complexes
- Knocking the 2 studios into one one-bedroom flat does not address the density concerns
- The density of the proposal is not in line with document 'Cambridge sub-region Strategic Housing Market Assessment (2013) (SHMA)'

### 7.4 Design

- The building is out of character with the neighbourhood
- The louvered construction of the top floors is most unsightly
- It is pleasing to see the design of the existing dwelling is being reproduced in this proposal

### 7.5 Vehicle Parking

- The proposal will put pressure on existing stretched on-street parking on Union Lane
- The amount of parking proposed is unrealistic for this scale of development
- The very busy junction this development faces will result in difficult access for cars, bicycles and pedestrians

- The servicing and construction of so many units will add to congestion in the area

#### 7.6 Cycle Parking

- The cycle parking provided is insufficient in size to accommodate the bicycles of all future residents and does not accommodate larger bicycles with child carrying capabilities
- The cycle parking will be hard to access and do not accept there are truly 14 usable cycle parking spaces within the store
- No consideration given to multiple cycle ownership
- The applicant proposes a low-car development, which is laudable, but has not truly designed for one. Low-car developments need to not only limit car parking provision but also provide first class cycle parking to encourage occupants to avoid using cars.

#### 7.7 Landscaping

- All hedgerows should be retained on site
- The proposal will cause a boundary issue with No. 222 Milton Road as the garage wall of No. 220 Milton Road is currently used as the boundary. Any new wall should be built a similar 3.3 metres tall and details should be provided upfront rather than by condition

#### 7.8 Overlooking

- The rear facing window of flats F5 and F8 will overlook the rear garden of No. 222 Milton Road

#### 7.9 Overshadowing and impact on daylight

- Immediate neighbours will be overshadowed by this proposal and a daylight/sunlight assessment is required

#### 7.10 Drainage and impact on infrastructure

- Impact on drainage and foul drainage has not been provided
- The proposed bins are too large to be lifted by regular lorries

7.11 Councillor Sargeant has made a representation objecting to the proposal and this is set out in full below:

- 11 flats is overdevelopment of the site which is currently a detached house
- There is insufficient car parking for the proposed number of flats
- The design is not sympathetic to the other houses on Milton Road which typically are rendered for the top 3/4 and then brick for the lower part. The roof material is also very different to adjoining houses which are tiled. The upper floor ventilation is also not in keeping

7.12 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. Drainage
8. Disabled access
9. Renewable energy and sustainability
10. Third party representations
11. Planning obligations

### **Principle of Development**

8.2 The existing house is not a Listed building or a Building of Local Interest (BLI) and the officer view is that it is not worthy of such protection. I understand the view this is a 'landmark' in the area but it is my opinion there are no grounds for refusing its demolition.

- 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 uses. The surrounding area is predominantly residential and it is therefore my view that the proposed erection of a new building to provide seven 1 x bed units and two 2 x bed units complies with policy 5/1 of the Local Plan.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

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

#### **Response to context**

- 8.5 The building is arranged as three elements, the corner of Milton Road/Union Lane is 2.5 storeys with rooms located within the pitched roof space. The block steps down in height to 1.5 storeys on the Milton Road frontage and 2 storeys on the Union Lane frontage. I consider this proposal relates well to the scale of the adjacent No. 222 Milton Road and 126 Union Lane houses. It is also noted the use of a steeply pitched roof articulated with an arrangement of chimneys imitating similar features of the dwelling it would replace, therefore in my opinion creating a modern version of the existing 'landmark dwelling'.
- 8.6 Overall I consider the proposed scale and massing to be acceptable in design terms with the central element replicating the scale, ridge and eaves heights, chimneys and arrangement of gable ends on the existing No. 220 Milton Road house. I also consider the 1.5 and 2 storey side extensions or 'wings' relate well to the scale of the adjacent houses either side.

#### **Elevations and materials**

- 8.7 The scheme takes a contemporary approach to the proposed elevations and materials treatment but replicates the existing features of no. 220 Milton Road in terms of the position of chimneys, the porch canopy and arrangement and proportion of windows and roof pitches. This design approach is considered acceptable.

- 8.8 Details of the materials treatment have not been provided. However the submitted elevations and 3D CGI views appear to show brown/red facing brickwork for the elevations, standing seam zinc cladding on the roofs and timber infill panels for the gable ends. While this use of modern materials differs from the surrounding building stock, I am of the opinion they create a modern statement scheme. I have recommended a condition be sought requesting samples of materials to ensure those to be used are of high quality so that the proposal will complement the local architecture.
- 8.9 In my opinion the proposal adequately responds to the character of the area. I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

## **Residential Amenity**

### ***Impact on amenity of neighbouring occupiers***

- 8.10 This section will focus on the two immediately adjoining neighbours as all other neighbouring properties are adjudged to be located a sufficient distance away to dispel any potentially detrimental impacts.

### **Sunlight and daylight impact**

#### ***No. 222 Milton Road***

- 8.11 No. 222 Milton Road is located north east of the proposal. The existing single storey flat roofed outbuilding of No. 220 Milton Road at 11.4 and 3.3 metres tall forms the majority of the boundary with this property. The element of the proposal located closest to this boundary is one and a half stories with flats F1 and F2 in the ground floor and flat F5 within the mansard roofspace. This element is 9.9 metres deep, 2.6 metres tall to eaves and is indented 1 metre from the boundary. A 2.5 metre brick is proposed for the boundary with planting in front.
- 8.12 The submitted Daylight and Sunlight Assessment, dated January 2017, identified 8 windows to habitable rooms within No. 222 that are located adjacent to the proposed development. No. 1 is to the sitting room, No. 2 a bedroom, No. 3 sitting room/stairwell, No. 4 a bedroom window, No. 5 a conservatory,

No. 6 French doors to a kitchen, No. 7 a bedroom and No. 8 also a bedroom window.

8.13 The Vertical Sky Component (VSC) assessment indicates that of the windows assessed all will retain more than 80% of their former VSC results for daylighting. The windows also retain more than 80% of their former Annual Probable Sunlight Hours (APSH) for the whole year and for the winter months. The daylight and sunlight impacts to No. 222 Milton Road are in accordance with their commended BRE criteria set out within the BRE guidance *Site Layout Planning for Daylight and Sunlight A Guide to Good Practice (second edition)* and therefore are considered acceptable.

### ***No. 126 Union Lane***

8.14 No. 126 Union Lane is the other immediately adjoining neighbouring property. This dwellinghouse is located south east of the proposal. The element of the proposal closest to No. 126 contains flat F8 at first floor and the bin and cycle store at ground floor together with a visitor parking space located towards the front of the site. The built form is similar in scale to the detached properties of Nos. 122, 124 and 126 Union Lane. This element has an amended depth of 6 metres and is in line with the front porch of No. 126 Union Lane. There are 5 metres between the proposal and this dwellinghouse. As the only window in the side elevation of No. 126 is to a non-habitable room, no adverse impacts are therefore envisaged.

### **Enclosure and garden overshadowing**

#### ***No. 222 Milton Road***

8.15 No. 222 Milton Road has a long 35.4 metres deep rear garden laid to lawn. Toward the rear elevation this property wraps around a small patio space, which can be directly accessed from the conservatory and French doors of the kitchen. This patio is enclosed on two sides by the two storey dwellinghouse and on the third side by the existing 3.3 metre tall outbuilding of No. 220 Milton Road.

8.16 The Daylight and Sunlight Assessment assesses the overshadowing impacts to the rear garden of adjoining neighbours. Using the BRE guidance the report describes No.

222 Milton Road's rear garden as a well-lit space as being one which receives at least two hours of direct sunlight on the 21st March over 50% of its area. The results indicate that with the proposed development in place 97.4% of the garden will receive direct sunlight for two hours on the 21<sup>st</sup> March (retaining 99% of the current sunlit area). The level of overshadowing as a result of the proposal is therefore in accordance with the BRE criteria and is considered acceptable.

- 8.17 A Sun Path and Shadow Study also accompanies the submitted application and shows the difference between the existing and proposed situations as regards overshadowing. It is considered after assessing these shadow paths the additional bulk of the proposal will not create any detrimental overshadowing impacts to the rear garden of No. 222 Milton Road. However it is noted on the winter solstice that some light will be lost when comparing the existing and proposed situation to the middle of the rear garden at 13.00 as the gap between the proposal and No. 126 Union Lane is narrowed. This loss of light is in my view minor and would not constitute harm to this neighbour. The proposed element replacing the outbuilding bordering this neighbour's patio space would be indented 1 metre from the boundary and 2.6 metres in height to eaves with a boundary wall of 2.5 metres tall. Both the sunlight and daylight assessment and sun path and shadow study show this space will not receive additional overshadowing when compared to the existing situation.

### ***No. 126 Union Lane***

- 8.18 No. 126 is located southeast of the proposal. The element of the proposal closest to No. 126 contains vehicle parking and a cycle and bin store at ground level with unit F8 at first floor level. The rear elevation of this element is set well to the front of the rear elevation of No. 126 and there is some 5 metres between the proposal and this dwellinghouse. The main bulk of the building is set to the northwest and at a significant distance. In my opinion no detrimental overshadowing to the amenity space to No. 126 will therefore occur. The submitted shadow study also confirms this.

## **Overlooking**

### ***No. 222 Milton Road***

- 8.19 There is potential for this proposal to overlook No. 222 and its amenity space from the rear facing dormer in unit F5, the rear facing kitchen and bedroom windows of unit F8 and unit F6's kitchen/lounge window. These will be assessed below.
- 8.20 The rear facing bedroom window of unit F5 faces the communal garden of the scheme and not directly towards the rear garden of No. 222. While there may be some oblique views of the mid to lower portion of this garden the private enclosed garden area immediately to the rear of the property would not be directly overlooked. In addition, this dormer window is also only 1.8 metres wide and in my opinion is unlikely to result in a detrimental level of overlooking such that it would justify a condition to require it to be obscurely glazed.
- 8.21 There is a distance of 13.4 metres between the rear first floor windows of unit F8 and the boundary with the rear garden of No. 222 Milton Road which I consider is not dissimilar to the relationship of first floor bedroom windows at Nos. 126, 124 and 122 Union Lane and this rear garden space. In fact these are even closer at approximately 10.4 metres away. However, as F8 has the potential to overlook the more private area of the garden, amendments were sought and received that ensure these windows will be obscurely glazed up to a height of 1.7 metres above finished floor level. As such I consider this relationship to be acceptable.
- 8.22 There is a small first floor kitchen/lounge window in unit F6 that faces the boundary with this neighbour. I recommend a condition to ensure this will be obscurely glazed.
- 8.23 This is a further window serving a shared landing at first floor level which faces the rear garden of No. 222. I similarly recommend a condition to ensure this will be obscurely glazed.
- 8.24 The second floor proposed flat F9 has a dormer which faces the side elevation of No. 222 Milton Road but only the sides of this dormer are glazed and this will not in my opinion result in any overlooking of No. 222.

### ***No. 126 Union Lane***

- 8.25 Three proposed upper floor windows will face the rear garden of No. 126 Union Lane. These are a kitchen and a landing window in flat F5, 12.8 metres from the boundary with No. 126, and a bedroom window, 14.8 metres from the boundary. These distances are considered sufficient to dispel any potential detrimental overlooking impacts.
- 8.26 All other upper floor windows face either Milton Road or Union Lane.

### **Noise impact**

- 8.27 Several objections have been received from neighbours stating that the proposal represents an overdevelopment of the site with the potential to house up to 22 residents and create a detrimental level of noise and disturbance when compared to the existing single dwelling on site. The proposal has been amended from 11 one bed units to 7 one bed units and 2 two bed units and it is my opinion that the potential number of residents who will live on site has been markedly reduced as a result.
- 8.28 No. 220 Milton Road is located at a very busy interchange which has a high level of ambient noise. Much effort has gone into a scheme that uses a variety of boundary treatments to limit the impact of sound on adjoining neighbours from the communal garden. These include decreasing the number of units that would use this space from 11 to 9, increasing the size of the rear communal garden by 38.7 square metres (by decreasing the depth of the element facing Union Lane) and adding a new 2 metre brick wall around it with hedging and vegetation in front. Bike and bin storage have also been internalised to minimise noise nuisance. I am therefore of the opinion the additional noise from the activity of additional future occupiers on the site will not have an unacceptable impact on adjoining properties.
- 8.29 It is noted that the Environmental Health team has not objected to the application on noise impact grounds subject to conditions

including a condition on details of plant noise being provided and approved prior to commencement.

### **Construction activities**

- 8.30 A condition is recommended to limit construction and demolition hours, delivery and collection hours during construction, piling during demolition/construction and dust during demolition/construction to ensure neighbours are not unduly impacted.
- 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, 3/12 and 4/13.

*Amenity for future occupiers of the site*

### **Outlook of units**

- 8.32 All flats are at least dual aspect.

*Ground floor*

- 8.33 Units F1, F2 and F3 all have bedroom windows facing the communal open space. The location of hedging has been amended in relation to these windows to give screening and they will now face new hedging approximately 1 metre away. While this is not an ideal outlook, it is on balance considered acceptable as the main living space of the flats has a good front facing outlook. The bedroom windows of flat F4 are located 2 metres away from the visitor parking space. There are three windows into this bedroom, one of which is dual aspect. This relationship is considered acceptable. Similarly the windows to the main living space of flat F4 have an acceptable outlook.

*First Floor*

- 8.34 As previously stated the bedroom and both kitchen windows of flat F8 will be obscurely glazed up to 1.7 metres above finished floor level with transparent glazing above. This is considered an acceptable solution for a bedroom and as the kitchen/main living space is dual aspect it is also adjudged an acceptable solution for this room. While one of the bedroom windows of flat

F7 faces the blank wall of flat F8, 1.5 metres away, it is dual aspect and outlook of the other window is considered acceptable. One of the small kitchen/lounge windows in unit F6 and will be conditioned to be obscurely glazed. As this room is triple aspect its outlook is considered acceptable.

### ***Second Floor***

- 8.35 In my opinion, Flat F9 within the roof space will have an acceptable outlook.

### **Outdoor amenity space**

- 8.36 The scheme has retained the majority of mature vegetation adjoining Milton Road and Union Lane. This creates a front garden area defended from the heavy traffic on Milton Road which could be used informally by future residents but this is not intended to be the prime open space which is located to the rear. There are three accesses to this area, one through the centre of the building by the central stairwell and the other two are via external site entrances. Previously I had concerns that this rear 'communal garden' was not of sufficient size. After much consultation with the agent, the number of units has been decreased from 11 to 9, thus reducing the demand for the space, and the size of the space has been increased by 38.7 square metres. I now therefore consider this is an adequate sized space for the likely number of future occupiers of the site. I also consider this communal garden is of high quality with a hardstanding seating area and a central lawned area surrounded by mature vegetation on the boundaries. The Landscape Architecture team also accepts the quantity and quality of this amenity space. A landscaping condition, a landscaping management and a boundary treatment condition are recommended to ensure this is achieved. It is also noted this site is in a central location with good transport links to several green spaces nearby.
- 8.37 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**

- 8.38 A covered bin storage area has been provided and is accessed from the site entrance off Union Lane. This bin store is located within 10 metres of the highway, so a refuse vehicle is not required to enter the site. The refuse arrangements appear satisfactory and to comply with the RECAP Waste Management and Design Guide 2012.
- 8.39 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.40 No objection to the new access off Union Lane has been received on highway safety grounds from the Local Highway Authority and it has accepted that all vehicular and pedestrian visual splays are acceptable. The following conditions are recommended to ensure highway safety is maintained during construction and into the future: surface finish of the driveway; removing permitted development rights for gates; drainage to prevent run-off onto the public highway; maintaining visibility splays; and a construction management plan.
- 8.41 The proposal involves the closing of the existing access onto Milton Road. This access is located close to the busy junction with Union land and I consider its closure to represent an improvement to highway safety.
- 8.42 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.43 The scheme proposes three vehicle spaces. One is a disabled space, another is a visitor space and the final is a resident's space.
- 8.44 The Local Highway Authority advises that the proposed development has significantly less than one space per unit and this must be a consideration in this planning application. Concerns have also been expressed by neighbours that

additional future residents will add to the pressure for on-street parking in the area.

- 8.45 The subject building is located just off Milton Road which has excellent transport links into the City Centre and contains many shops/services. This is shown in SLR's Global Environmental Solution's 'Proposed Residential Redevelopment of Land at 220 Milton Road, Cambridge – Transport Statement'. I therefore consider that this proposal is located in a highly sustainable location and the proposed level of off-street parking is therefore adequate. It is also noted the insertion of the proposed new access to this development will not reduce the availability of on-street parking on Union Lane.
- 8.46 Policy 8/10 promotes lower levels of private car parking particularly where good public transport, cycling and walking accessibility exists and the policy requires car parking to be in accordance with the parking standards in the Local Plan which are maximum levels. In this regard the proposal is policy compliant.
- 8.47 11 cycle spaces are required by policy 8/6 and 15 have been provided including 4 visitor spaces. As the bin and bike store are now combined the stands are more accessible and there is now more room for larger sized bikes, for which there is no policy requirement. I note the concerns of Camcycle but I maintain the provision is acceptable.
- 8.48 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Drainage**

- 8.49 Whilst the Drainage Officer objected to the location of some trees in the original proposal as they were in conflict with the soakaway of this development, the scheme has now been amended to overcome this issue and a landscaping condition is recommended that could control this. I also agree with the comments of the Lead Local Flood Authority, the Sustainable Drainage Officer and Anglian Water that that a surface water drainage scheme and details of its future maintenance should be required by conditions.

8.50 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/18.

### **Disabled access**

8.51 One disabled car parking space is provided as part of this scheme and there are four one bed units at ground floor with level access.

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

### **Renewable energy and sustainability**

8.53 The comments of the Senior Sustainable Construction Officer are noted, however, since the scheme has now been amended and the number of units reduced to less than 10 it is no longer within the remit of policy 8/16 of the Cambridge Local Plan (2006) and no renewable energy requirements can therefore be secured by condition.

### **8.54 Third Party Representations**

| Concern  | Response   |
|--|--|
| Removal of dwellinghouse                                     | Para 8.2   |
| Additional noise on site                                     | Para 8.27 to 8.29  |
| Overdevelopment of the site                                  | Para 8.3   |
| No social housing proposed                                   | Below threshold of policy 5/5  |
| Setting a precedent  | Each planning application is adjudged on its own merits  |
| Density of development is too high and not in line with SHMA | This is not a policy document. The proposal complies with the relevant housing policies in the Local Plan 2006 |
| The proposal is out of character                             | Para 8.5 to 8.6  |
| Impact on vehicle parking                                    | Para 8.43 to 8.46  |
| Cycle parking is inadequate                                  | Para 8.47  |
| Retaining hedgerows  | Para 8.36  |
| Boundary issues  | These are civil matters and not planning issues  |
| Overlooking  | Para 8.19 – 8.24   |
| Overshadowing  | Para 8.15 – 8.18   |

## **Planning Obligations**

- 8.55 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.
- 8.56 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 I consider the principle of development to be acceptable and in accordance with Cambridge Local Plan (2006) Policy 5/1. I consider the new building will fit well within the context of the site and surroundings with respect to its design and visual impact. I have assessed the proposal in relation to its impact on both the amenity of existing residents and on the living conditions for future occupiers of the development and I consider this to be acceptable. I have assessed the application against the relevant development plan policies and given full consideration to third party representations. I have had regard also to the technical advice of consultees. In my opinion, the proposal, subject to conditions, is acceptable and compliant with all relevant development plan policies. I therefore consider that planning permission should be granted in accordance with the 'presumption in favour of sustainable development' contained within the National Planning Policy Framework.

## **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 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

4. Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

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

Reason: To prevent surface water discharging to the highway.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

9. 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

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

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

11. 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)

12. 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)

13. 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)

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

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policy 4/13)

16. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate that infiltration drainage is used where site-specific BRE365 infiltration tests show it to be appropriate and if infiltration is not appropriate the scheme should demonstrate the surface water run off generated up to and including the 1 in 100 annual probability rainfall event (including an appropriate allowance for climate change and urban creep) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the **development** is completed.

Reason: To prevent the increased risk of flooding, both on and off site

17. Details for the long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

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

18. No development should 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).

19. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

21. 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 (egg furniture, play equipment, refuse or other storage units, signs, lighting). Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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

22. A landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

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

23. The bedroom window and two kitchen windows of flat F8 facing north east shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent up to a minimum of 1.7 metres above finished floor level prior to commencement of use and shall have restrictors to ensure that these 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).

24. The kitchen/Lounge window of unit F6 and first floor landing window facing north east 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 these 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).

25. The bathroom window of unit F8 facing north east 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 these 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).

26. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no gates are to be erected without the granting of specific planning permission.

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

27. No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- The statement of significance and research objectives;
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

**INFORMATIVE:** The principle areas of concern that should be addressed are:

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

**INFORMATIVE:** 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.

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|                           |  |                    |                |
|---------------------------|--|--------------------|----------------|
| <b>Application Number</b> | 16/2261/FUL  | <b>Agenda Item</b> |                |
| <b>Date Received</b>      | 29th December 2016   | <b>Officer</b>     | Nathan Makwana |
| <b>Target Date</b>        | 23rd February 2017   |                    |                |
| <b>Ward</b>               | Queen Ediths   |                    |                |
| <b>Site</b>               | 50 Hills Avenue Cambridge CB1 7XB  |                    |                |
| <b>Proposal</b>           | Single storey rear extension and front boundary wall, fence (1.2m high). |                    |                |
| <b>Applicant</b>          | Mr And Mrs A Linney<br>50 Hills Avenue Cambridge CB1 7XB                 |                    |                |

|                       |   |
|-----------------------|---|
| <b>SUMMARY</b>        | <p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would not harm the character or appearance of the area.</li> <li>- The proposal would not unacceptably harm the amenities of occupiers of neighbouring properties.</li> </ul> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>   |

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

1.1 This section of Hills Avenue is a residential area comprised of a mixture of terraced, detached and semi-detached properties. Properties consist of a variety of wall finishes including brick and render, with roof types comprising a mixture of gabled and hipped styles. The property is beige rendered on a brick base. The application site is comprised of a two storey mid-terraced property on the southern side of Hills Avenue. It is finished in beige render and possesses red slated roof tiles.

1.2 There are no site constraints.

## 2.0 THE PROPOSAL

- 2.1 The application seeks planning permission for single storey rear extension and a mixed front boundary wall and fence at 1.2m high.
- 2.1 The single storey rear extension measures at 5.2m in depth from the rear elevation, 3.1m in height and 7.8m in width across the rear façade. It will possess a sarnfil/zinc or similar style clad roof with an overhang off the rear extension by 1.5m. The extension will possess a side door and window and rear sliding doors and rear window. The front boundary fence is comprised of part brick at 0.6m and part timber hit and miss boarding, also measuring at 0.6m.
- 2.2 In terms of materials the walls of the rear extension are to be painted in render to match that of the existing dwellinghouse, with windows and doors consisting of grey aluminium frames. The roof of the rear extension is to be of single ply sarnafil.
- 2.3 The application is being brought to Planning Committee as per the Scheme of Delegation due to the applicant being an employee of Cambridge City Council.

## 3.0 SITE HISTORY

| Reference | Description  | Outcome   |
|-----------|--|-----------|
| C/83/0366 | Erection of front porch to existing dwelling house | Permitted |

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

| PLAN                |       | POLICY NUMBER               |
|---------------------|-------|-----------------------------|
| Cambridge Plan 2006 | Local | 3/4, 3/7, 3/11, 3/14<br>8/2 |

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

|                                 |   |
|---------------------------------|---|
| Central Government Guidance     | National Planning Policy Framework March 2012<br>National Planning Policy Framework – Planning Practice Guidance March 2014<br>Circular 11/95 |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007)  |

## 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 front boundary fence has appropriate panels allowing inter-visibility. This satisfies the Highway Authority.
- 6.2 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 No representations have been received

## **8.0 ASSESSMENT**

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

1. Context of site, design and external spaces
2. Residential amenity
3. Highway safety

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

- 8.2 The proposed extension is to be located at the rear of the property and will not be visible to the street scene. The rear extension is modest in its dimensions and proportions and the choice of smooth render ensures that it will match with the render that is used on the wall of the main dwellinghouse. The materials proposed for the doors and windows will be to aluminum. The choice of sarnafil for the roof material is an appropriate choice for a flat roofed extension of this type and design.
- 8.3 The boundary fence/wall at 1.2m high is only 0.2m above what could be constructed under permitted development rights. The hybrid 0.6m brick and 0.6m wooden splay style fencing is low lying and this type of hybrid wall and fence is well within context for the immediate area and will assimilate into its surroundings. Many properties along Hills Avenue have a variety of differing

low and high boundary treatments, consisting of trellis style fencing, soft hedging, low lying brick walls and open driveways. A recently approved planning application for the neighbour at 48 Hills Avenue (Ref: 17/0036/FUL) also possesses the same style of fence/brick front boundary and will mean that the two proposals are in keeping with each other.

- 8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.5 The proposed boundary fence and wall to the front of the property, in my opinion, will not impact on the residential amenity of the immediate and adjacent neighbours.
- 8.6 The single storey rear extension at 3.1m in height and 5.2m in depth only just falls outside of what can be constructed under permitted development prior approval (a reduction in the roof height by 0.1m would suffice). Furthermore, at 48 Hills Avenue planning permission has been granted for a similar style of rear extension measuring at 3m in height, 5.6m in depth and 8.3m in width, similar proportions to this application proposal (application reference: 17/0036/FUL). With the extensions being of a similar length, I do not envisage any residential amenity issues between the two neighbours of 48 and 50 Hills Avenue. There is also boundary a passage of just over 1m that separates the two properties.
- 8.7 The other adjacent neighbour at 52 Hills Avenue currently possesses a single storey rear extension measuring at 3.2m in depth and 3.6m to its ridge height and 2.7m to its eaves height. 52 Hills Avenue was also granted planning permission under application ref 15/0969/FUL for a single storey front and side extension and part single, part two storey rear extension. At the time of my site visit the rear element was not under construction, however, should it be built and granted planning permission, the part single storey extension would be adjacent to the boundary with 50 Hills Avenue and be of the same dimensions as the existing one. It currently possesses and would continue to possess large sliding rear doors and a rooflight, meaning any overshadowing impact is mitigated by

the large sliding doors and the rooflight, allowing plenty of light into the rear of 52 Hills Avenue.

- 8.8 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 3/4.

### **Highway Safety**

- 8.9 The Highways Officer has requested that pedestrian visibility splays be included as part of this application proposal. The 'hit and miss' style of the proposed fence ensures that there is a gap between every other board of the 0.6m fenced element. The Highways Officer has reviewed the plans and is satisfied that this intervisibility between the fencing boards acts as a suitable pedestrian visibility splay. This style of 'hit and miss' boarding is replicated with the fence that has been granted permission at 48 Hills Avenue which has also satisfied the concerns of the Highways Officer.

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

### **9.0 CONCLUSION**

- 9.1 I consider this application proposal to be modest in its scale and size and in keeping with the main dwellinghouse. It will not be readily visible within the street scene. I consider the impact on the residential amenity of occupiers of both adjacent properties to be acceptable. As such I consider the proposal complies with Cambridge Local Plan 2006 policies 3/1, 3/4, 3/7, 3/11 and 3/14.

### **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Director of Planning and Environment

TO: Planning Committee

05/04/2017

WARDS: Petersfield

### **VARIATION OF S106 AGREEMENT – APPLICATION REFERENCE 13/1461/FUL –FORMER RED HOUSE SITE, 27-29 STATION ROAD (TAMBURLAINE HOTEL)**

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#### **1 INTRODUCTION**

- 1.1 In August 2014 planning permission was granted for the erection of a 169 room hotel, together with ancillary facilities at the former Red House site on Station Road. The consent is subject to a s106 Agreement which secures amongst other things a car parking scheme, travel plan and transport mitigation measures. The applicant's agent has submitted a request to vary the s106 Agreement to remove the requirement for the car parking scheme.

#### **2. RECOMMENDATIONS**

- 2.1 That the s106 Agreement associated with application ref. 13/1461/FUL be varied to remove Schedule 5 (Car Parking Scheme)
- 2.2 That delegated authority is granted to planning officers to make necessary consequential changes to the s106 Agreement in conjunction with advice from legal officers.

#### **3. BACKGROUND**

Planning application ref. 13/1461/FUL and associated s106 Agreement

- 3.1 The former Red House site is on the north side of Station Road between the Microsoft Office and the office building known as One The Square which is nearing completion and partly occupied. The approved hotel is also nearing completion and it is anticipated that it

will be open by the end of March 2017. The hotel has been named Tamburlaine Hotel and is operated by O'Callaghan Hotels. The site has been the subject of a number of planning permissions including for office and residential development. In 2013 a planning application was submitted for a 169 bed hotel. This application followed on from successful applications for a 149 bed hotel in 2006, a 169 bed hotel (allowed at appeal) in 2009 and a 157 bed hotel in 2010. The 2013 scheme has subsequently been amended to 155 beds.

3.2 The 2013 application was publicised in the usual way and was reported to Planning Committee on 2 April 2014. The variation to the s106 Agreement relates to car parking therefore the focus of my assessment is car parking/transport related issues. The response from the County Transport team was to note that the applicants proposed a valet parking scheme to address the needs of hotel guests. They identified that there are limited opportunities for on-street parking nearby the hotel and that the charge for valet parking would be lower than the cost for long term on-street parking that was available. The potential for parking in the Rustat Road area was recognised. Two representations from local residents raised concerns that traffic problems would be worsened by valet parking proposal and that guest would avoid valet parking charges by parking on surrounding streets.

3.3 In the 2013 report reference is made to the 2009 appeal scheme. At that time the Committee had added a reason for refusal as follows

The proposed development, by virtue of the lack of off-street car parking provision on site, fails to make adequate provision to meet the needs of car borne guests, which would be likely to result in additional demands being placed upon on-street parking space in an area where competition for parking space is at high levels. In addition the valet car parking arrangements would generate additional traffic on the road network, which already experiences high volumes of traffic and associated congestion. In so doing the development will have an unacceptable transport impact and would be detrimental to residential amenity which represents a failure of the development to respond positively to the site context and constraints. Also, in the absence of evidence to demonstrate that car parking demand could reasonably be expected to be lower than the car parking standards set out in the Local Plan, the development fails to make provision for an appropriate level of car parking.

Further information was submitted about the way in which the valet parking system would operate and with the agreement of Members this reason for refusal was subsequently withdrawn before the appeal was determined.

- 3.4 The Inspector did however go on to consider the issue of car parking and concluded as follows:

The valet parking and the residents' parking scheme should substantially limit any adverse effects and that it is worth noting that the location is very sustainable with respect to public transport, having regard to the proximity of the station, the guided bus-route and the city centre. It is an area where its use can be expected to be high and that of the private car commensurately lower

- 3.5 The 2013 application was approved on the basis that the s106 Agreement secured the following:

Car parking scheme (Fifth Schedule) – prior to first occupation to provide details of the arrangements that have been entered into to secure provision of 40 car spaces/or an amount to be agreed on a 24/7 basis for a one year period and a review to agree an amount of car parking for a subsequent one year period.

Travel Plan for staff and customers (Sixth Schedule) - prior to first occupation identification of a Travel Plan Co-ordinator, implementation of the draft Travel Plan which was incorporated in the Transport Assessment, implementation of a Travel Survey within 6 months and agreement and implementation of a final Travel Plan.

Financial contributions toward transport impact mitigation measures (Seventh Schedule)

#### Assessment of applicants grounds for removal of the Fifth Schedule

- 3.6 It should be noted that the applicant only seeks to remove the Fifth Schedule and that the Sixth and Seventh Schedules will remain enforceable. In my view the Sixth and Seventh Schedules are essential to address the transport impacts of the development and to ensure that hotel is a sustainable form of development. The variation which is sought also has no bearing on on-site car parking provision for disabled parking spaces of which there will be two.

I have set out below reasons which the applicant has put forward in favour of the variation together with my comments on the weight which I consider the Committee should afford these arguments.

*Given the highly sustainable/accessible location guests are unlikely to require car parking provision*

- 3.7 I agree that the hotel is located in a very accessible location. This was clearly also the case when planning permission was granted in 2013 but in my view the sustainability of the site has been further improved by the improvements to Cambridge Station including the additional island platform, changes to the ticket hall and opening of Cycle Point which provides enhanced facilities for cycle hire. The completion of the Station Square works will also improve the accessibility of the site through an improvement to the pedestrian experience. I think it is also important to note that the Inspector for the 2010 appeal also refers to the site's accessibility and likely reduced demand for car parking.

*The experience of O'Callaghan Hotels is that there is no need for city centre hotels to offer dedicated car parking*

- 3.8 I have followed this point up by asking the applicant for more information about demand for car parking at its other hotels. They have confirmed that they have 32 spaces for 400 bedrooms in Dublin City Centre. However their experience is that about 5% (occupiers of 20 rooms) of guests arrive by car and they have been renting car parking to local office users. If the same level of demand is applied to a 155 bed hotel it would equate to 8 car parking spaces. However in my view the likelihood of guests arriving by car is also influenced by the availability of car parking at or close to the hotel. I have considered this further below in relation to the Travel Plan.

*The IBIS hotel on Station Square has no car parking*

- 3.9 The planning application for the IBIS hotel (application reference 12/1622/FUL) was approved in July 2013. This hotel has no car parking which was justified in my report by reference to the highly accessible nature of the site. Comparisons were drawn with the Red House site and in particular I noted that the valet parking scheme had been secured and that the original approval of a hotel on the site pre-dated the NPPF guidance which puts greater emphasis on promotion of non-car modes of transport. The applicants for the IBIS hotel provided information on other IBIS hotels in similar locations without car parking.

- 3.10 The recommendation of approval of the IBIS hotel was accepted by the Planning Committee and planning permission was granted. The legal agreement associated with the planning permission for the IBIS hotel is subject to a car parking survey to monitor and mitigate against overspill car parking on the east side of the railway in common with other schemes that form part of the CB1 development.
- 3.11 I have given consideration to whether a pre and post occupation car parking survey is justified for the Tamburlaine hotel. My view is that given that the Tamburlaine hotel is much smaller than the IBIS hotel (115 beds v 231 beds) and that the operators experience is that demand will be very low I do not think the pre and post survey is justified in this case.

*The Council is promoting a modal shift away from the private car through initiatives such as City Deal and the applicant is keen to play a part in providing a car-free development and implementing the Travel Plan*

- 3.12 I agree that the Council is continuing to promote 'Green travel' and that there are advantages in terms of car trips if a development is 'car-free'. The issue of the adverse effects of additional car trips associated with a valet scheme has been a matter of concern for the Committee in the past and clearly removal of the valet scheme would remove the need for such trips. However a key consideration is where staff and guest could park cars if they wanted to drive. The Travel Plan seeks to help to resolve this issue by pointing out alternative means of travel, advising hotel guests of the lack of opportunities for car parking and setting robust targets for use of non-car modes of transport.

#### 4. **CONSULTATIONS**

- 4.1 In common with similar applications for variation of s106 obligations this request has not been subject to neighbourhood consultation however the details have been placed in the public domain as part of the electronic application file on Public Access.
- 4.2 The County Council Transport team has been consulted and their comments are as follows:

CCC does not object to the proposals. I recognise that the site is in a well-connected, sustainable location that has received significant

investment as a key transport hub. I also appreciate that the nearby IBIS hotel does not provide parking.

The area is subject to rigorous on-street parking controls and so these proposals are unlikely to result in any significant adverse impact upon highway safety.

The hotel operator should advise its guests of the nearby parking facilities and I would welcome confirmation that there is adequate capacity in the nearby public car parks. (Officer Note: I have asked the applicant to provide more information on this issue and if this is provided I will make reference to it on the Amendment Sheet or orally at the Committee meeting).

Note that the DoV to remove to valet parking would necessitate a change to the detail as part of the preparation of the final travel plan.

Monitoring will be required as part of the Travel Plan. I require the hotel to monitor staff and guest modal split (and indeed drivers parking locations) on an ongoing basis.

- 4.3 The Legal Officer has been asked to review the draft report to ensure that the process of varying the s106 is addressed properly. He had no comments to make.

## 5. **OPTIONS**

- 5.1 Option 1 – approve the variation of the s106 Agreement to remove the Fifth Schedule and associated changes to the legal agreement

Option 2 – refuse the variation in which case there is a right of appeal to the Planning Inspectorate. If the appeal is dismissed the requirements under the Fifth Schedule would remain extant.

## 6. **CONCLUSIONS**

- 6.1 In my view the grounds upon which the applicant's seek to vary the s106 Agreement to remove the Fifth Schedule are sound. The site is in a highly accessible location and where further improvements are on-going. The context for making a decision on car parking provision has changed since the early consents for the hotel were approved and the NPPF highlights the importance of promoting green travel options. I accept that in the absence of the valet parking scheme there is some potential for guests to park on unrestricted streets but in practical terms given the distance which guests would have to walk

with luggage etc. this is unlikely. The valet parking scheme was never intended to apply to staff and two disabled parking spaces are provided on the hotel forecourt.

## 7 IMPLICATIONS

(a) Financial Implications - None

(b) Staffing Implications - None

(c) Equality and Poverty Implications – Parking provision for people with reduced mobility is retained on site.

Has an Equality Impact Assessment been conducted on this strategy/policy/procedure/process/service change/decision? No. (No change to strategy/policy/procedure/process/service)

(d) Environmental Implications – Positive impact on air quality arising from reduction in car trips.

(e) Procurement - None

(f) Consultation and communication – None

(g) Community Safety - None

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

Planning application electronic file on Public Access (13/1461/FUL)

To inspect these documents contact Sarah Dyer on extension 7153.

The author and contact officer for queries on the report is Sarah Dyer on extension 7153.

Report file: N:\Growth Areas\Station Area (cb1)\Red House site\s106 variation 2017

Date originated: 09 March 2017

Date of last revision: 09 March 2017

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