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Cambridge City Council

Planning

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

Alternates: Councillors Bird, Holland and Holt

Published & Despatched: Tuesday, 18 April 2017

Date: Wednesday, 26 April 2017

Time: 12.30 pm

Venue: Council Chamber, 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
There are no Major Applications for consideration at this meeting.
- **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 - 18*)

To confirm the minutes of the meeting held on 1st March 2016

Appendix 1 for Full Details of Central Government Planning Guidance

Part 1: Major Planning Applications

There are no Major Applications for consideration at this meeting

Part 2: Minor/Other Planning Applications 12.30pm

5 16/1591/FUL - 220 MILTON ROAD (*Pages 29 - 60*)

6 16/2135/FUL - 3 - 5 QUEEN EDITHS WAY (*Pages 61 - 98*)

7 16/2041/FUL - 4 CAVENDISH AVENUE (*Pages 99 - 124*)

8 16/1895/FUL - ELIZABETH HOUSE (*Pages 125 - 140*)

9 16/0163/FUL - 34 MILL ROAD (*Pages 141 - 166*)

10 17/0093/FUL - 55 MILL ROAD (*Pages 167 - 184*)

11 17/0132/FUL - 148 GWYDIR STREET (*Pages 185 - 194*)

12 16/1407/FUL - 28 FENDON ROAD (*Pages 195 - 214*)

13 17/0043/FUL - SOUTHAMPTON GUEST HOUSE, 7 ELIZABETH WAY
(*Pages 215 - 224*)

Part 3: General and Enforcement Items

- 14 ENFORCEMENT CE/5734 - 8 RICHARD FOSTER ROAD** (*Pages 225 - 238*)
- 15 ENFORCEMENT EN/0087/16 - 69 ST THOMAS SQUARE** (*Pages 239 - 246*)
- 16 ENFORCEMENT EN/0062/17 CITYLIFE HOUSE, STURTON STREET**

Report attached separately.

Meeting Information

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

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

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

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

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

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

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

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

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

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

Members of the public who want to speak about an

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

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

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

Further information is available at

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

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

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

Representations on Planning Applications

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

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

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

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

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

**Filming,
recording
and
photography**

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

**Facilities for
disabled
people**

Level access to the Guildhall via the Peas Hill entrance.

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

Accessible toilets are available on the ground and first floor.

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

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

**Queries on
reports**

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

**General
Information**

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

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PLANNING

1 March 2017
10.00 am - 4.15 pm

Present:

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

Councillor Pippas left after the vote on item 17/46/Plan.

Officers:

- City Development Manager: Sarah Dyer
- Principal Planner Nigel Blazeby
- Principal Planner: Lorraine Casey
- Principal Planner: John Evans
- Principal Planner: Toby Williams
- Senior Planner: Charlotte Burton
- Senior Planner: Lorna Gilbert
- Planning Enforcement Officer: John Shuttlewood
- Planner: Rob Brereton
- Planner: Michael Hammond
- Planning Assistant: Mairead O'Sullivan
- Legal Advisor: Richard Pitt
- Committee Manager: Toni Birkin
- Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

17/38/Plan Apologies

No apologies were received.

17/39/Plan Declarations of Interest

Name	Item	Interest
Councillor Hipkin	17/47/Plan	Personal and Prejudicial: The County Council were engaged in discussions regarding Milton Road Library and he was

		aware of their position. Did not vote on this planning item.
Councillor Smart	17/47/Plan	Personal: He and his daughter were both members of the rowing club

17/40/Plan Minutes

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

17/41/Plan 16/1108/FUL - Constitutional Club, Cherry Hinton Road

This application was withdrawn

17/42/Plan 16/1932/FUL - Kings College, Cramner Road

The Committee received an application for full planning permission.

The application sought approval for the erection of two new buildings for graduate student residential accommodation (73 bedrooms) and associated external works.

The Committee noted the amendment sheet.

Dr Carne (First Bursar at King's College) addressed the Committee in support of the application as follows.

- i. Problems with the application were unexpected.
- ii. Proposal was in keeping with Local Plan 7.7.
- iii. A recent study regarding student accommodation encouraged the University to build within existing sites.
- iv. The proposal would create a true graduate campus.
- v. West Cambridge appraisal was consistent with proposals such as this.
- vi. The area was already a mix of domestic and academic buildings with mixed scale and mass.
- vii. When considering an impact on the conservation area it was important to consider the entire area.
- viii. The design panel found the plans acceptable.
- ix. Local residents were largely supportive.

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

- i. Residents had expressed concerns.
- ii. Grange Road was currently a sensitive balance of domestic and institutional buildings.
- iii. As you moved into the area it became greener and more rural in nature.
- iv. This green aspect would be lost.
- v. Scale and Mass was out of keeping with the area.

The Committee:

Resolved (by 7 votes to 1) refuse the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report.

17/43/Plan 16/1811/FUL - UKCRIC, Rear of CAPE, 9 JJ Thomson Avenue

The Committee received an application for full planning permission.

The application sought approval for full planning permission for 4376sqm of D1 (Academic) floorspace, along with external landscape, cycle parking, temporary parking area and associated infrastructure including a new service road connecting to the existing entrance from Clerk Maxwell Road

The Committee noted the amendment sheet.

Philip Guildford, the Applicant's Agent, addressed the Committee in support of the application.

- i. The new building would offer an internationally significant resource.
- ii. Would be an exemplar example of sustainable infrastructure.
- iii. The current location on Fen Causeway was too small and cramped.
- iv. Noise concerns had been addressed by the building's design.
- v. The future operation of the building aimed to be a good neighbour.

Councillor Cantrill (Newham Ward Councillor) addressed the Committee about the application as follows.

- i. Did not agree with the recommendation.

- ii. There were on-going discussions about the master plan and agreeing this application now would impact on those decisions.
- iii. The Transport Strategy had yet to be agreed.
- iv. The 1999 masterplan protected residential properties by locating car parking adjacent to the eastern boundary.
- v. The proposed building would be much closer to existing domestic buildings.
- vi. The scale and mass was out of keeping with neighbours.
- vii. Proposed screening would not mitigate the impact of the building.

The Committee:

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

17/44/Plan 16/1850/FUL - Tanglewood, Gazeley Road

The Committee received an application for full planning permission.

The application sought approval for a 2 storey dwelling and associated landscape design.

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

The representations covered the following issues:

- i. Took issue with proposed materials. The current building was brick, but the proposed new one was wood clad.
- ii. The design was out of character with the area.
- iii. The new barn would be 2.5 times bigger than the current building.
- iv. Concern over loss of trees, particularly T4.
- v. Suggested the application did not meet Local Plan policies.
- vi. Asked for a s106 condition to limit the number of buildings on-site.

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

The Committee:

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

17/45/Plan 16/2040/FUL - The Cottage, Gazeley Road

The Committee received an application for full planning permission.

The application sought approval for erection of a dwelling in the rear garden and the creation of a vehicular access onto Gazeley Road.

The Planning Officer updated his report by referring to an amendment to Condition 6 as listed 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. Did not object to development of the site in principle, but objected to this specific application as it was too big/overbearing.
- ii. The footprint of the building was acceptable but it was too high. A 2 storey building would be more acceptable.
- iii. The transition between the height of the proposed building and neighbours' properties should be treated more sensitively.
- iv. Referred to the BRE shadow study in the Officer's report, light levels were only just acceptable.

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

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus amendment to Condition 6 as listed on the amendment sheet.

17/46/Plan 16/2060/FUL - Milton Road Library, Ascham Road

The Committee received an application for full planning permission.

The application sought approval for erection of a mixed-use development comprising a library and community facility at ground floor with seven residential flats on the upper floors (comprising two 2xbed units and five 1x bed units) along with cycle parking and associated landscaping, following the demolition of the existing building on site.

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

The representations covered the following issues:

- i. Objected to the demolition of the existing single storey library.
- ii. As a result of comments from residents council officers were currently considering listing the existing library as a Building of Local Interest.
- iii. Referred to a petition to preserve the library.
- iv. The library was linked to people of historical interest.
- v. Expressed concern about traffic and queried if a no car development was practicable/enforceable.
- vi. Ascham Road had existing traffic flow, parking and congestion issues.
- vii. Took issue with traffic details set out in the Officer's report.

A representative from Friends of Milton Road Library and Mr McKeown (Applicant's Agent) addressed the Committee in support of the application.

Councillor Blencowe proposed an amendment to the Officer's recommendation that delegated powers be been given to allow finalisation of the wording of Condition 23.

This amendment was **carried by 7 votes to 0**.

The Committee:

Resolved (by 7 votes to 0) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus delegated powers to allow finalisation of the wording of Condition 23.

17/47/Plan 16/1171/FUL - City of Cambridge Boathouse, Kimberley Road

The Committee received an application for full planning permission.

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

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

The representation covered the following issues:

- i. He lived in a house of local architectural interest.
- ii. Did not object to a new boathouse in principle, but did object to this specific application.
- iii. The new building was higher than the objector's, he took issue with it having a third storey.

Councillor Blencowe proposed an amendment to the Officer's recommendation to include a considerate constructor informative.

This amendment was **carried nem con**.

The Committee:

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

17/48/Plan 16/1956/FUL - 30 Canterbury Street

The Committee received an application for full planning permission.

The application sought approval for construction of a basement under the front part of property.

The Planning Officer updated his report by referring to amendments as listed on the amendment sheet.

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

The representation covered the following issues:

- i. The shared lane was part of the property of 32 Canterbury Street. It was shared by consent not by right.

- ii. The method of basement construction was a key factor determining its impact on neighbours. Asked Councillors not to grant permission without prior detail in the construction method statement. Took issue with the lack of detail on how enforcement action would be taken if construction was not undertaken in an appropriate way.
- iii. Took issue with the perceived lack of detail in the 2006 Local Plan on how basements should be constructed. Requested the Council developed an up to date policy.
- iv. Suggested the proposal would be turned down in London and would set a dangerous precedent in Cambridge.

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

In response to Member's comments the Principal Planner proposed amendments to the Officer's recommendation:

- i. That condition 5 be amended so wording was in-line with condition 7.
- ii. To include an informative about public sewerage system.

The amendments were **carried unanimously**.

The Committee:

Resolved unanimously (by 7 votes to 0) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus remove condition 6 and add surface water drainage condition, re-wording of condition 5 and the addition of informative 9.

Informative numbered No. 9 should be added to read:

Informative The applicant should be aware that some parts of the public sewerage system are situated within the boundary of properties and you must obtain our authorisation to carry out any building work over or within 3m of the public sewerage system. There are public sewers running along the highway fronting the property and a sewer running through the property's back garden. It is recommended that the applicant check the location of Anglian Water assets in relation to their proposed development via digdat – www.digdat.co.uk. Please note that planning consent does not grant approval to build over or within 3 metres of a public sewer.

17/49/Plan 16/1905/FUL - 150 Coldhams Lane

The Committee received an application for full planning permission.

The application sought approval for erection of a 1.5 storey dwelling with frontage onto Cromwell Road and the retention of two parking spaces for 150 and 150a Coldham Lane

The Planning Officer updated his report by referring to an amendment to remove Reason 4 (for refusal) as listed on the amendment sheet.

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

The Committee:

Resolved (by 4 votes to 3) to refuse the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report (minus Reason 4 as per amendment sheet).

17/50/Plan 16/1407/FUL - 28 Fendon Road

Resolved unanimously (by 7 votes to 0) to defer considering the application to allow time to correct an inaccuracy in the assessment.

17/51/Plan 16/2021/FUL - 56 Sturton Street

The Committee received an application for **change of use and full planning permission**. (Is this correct?)

The application sought approval for change of use of the property from a dwellinghouse to a 9 bedroom house in multiple occupation (HMO), with a maximum of 9 persons occupying the premises. The proposal also includes single storey rear extensions.

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

The Committee:

Resolved unanimously (by 7 votes to 0) to grant the application for **change of use and 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.

17/52/Plan 16/1878/FUL - 121 Milton Road

The Committee received an application for retrospective change of use.

The application sought approval to change from A1 Sandwich Bar to A3 Cafe with proposed installation of flue duct at the rear.

The Committee:

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

17/53/Plan Enforcement - EN/0065/16 - 49 Whitehall Road

The Committee received a report requesting authorisation to take formal enforcement action.

Address: 49 Whitehill Road, Cambridge

Details of Alleged Breaches of Planning Control:

A Planning Enforcement investigation has been carried out and ascertained that four breaches of planning control have occurred at the premises.

Without planning permission, the unauthorised change of use of the Premises to a large scale House in Multiple Occupation (Sui Generis), the unauthorised change of use of part of the ground floor (outlined in blue on attached plan for identification purposes only) of the main building at the Premises as a separate self-contained unit of accommodation, and the unauthorised use of the outbuilding (outlined in brown on attached plan for identification purposes only) at the Premises as a separate self-contained unit of accommodation.

The report sought authority to serve one Enforcement Notice encompassing the three change of use breaches at the premises that occurred at the same time, whilst under enforcing the removal of the outbuilding through the fallback position of the outbuilding

being used for 'incidental' use within The General Permitted Development Order.

The Committee received a representation in objection to the Enforcement Notice from Mr Khan who was speaking on behalf of the property owner.

The representation covered the following issues:

- i. Asked to keep the outbuilding and not require its demolition.
- ii. There were limited facilities for use in the outbuilding.
- iii. 7 family members and host students used the buildings on the property. This was permitted under Home in Multiple Occupation guidelines.
- iv. The property owner had made a retrospective application to use the outbuilding as accommodation, he expected this not to be granted.

The Committee:

Resolved unanimously (by 7 votes to 0) to accept the officer recommendation to serve one Enforcement Notice.

17/54/Plan Local Government Ombudsman (LGO) Complaint Reference 16 006 971

The Committee received a report stating the LGO has upheld a complaint relating to the determination of a planning application for an access control barrier to a private road (retrospective). The LGO did not find that any of the failures identified amounted to 'significant injustice'.

The City Development Manager updated the recommendations in the Officer's report (amendments shown in bold and struck through text):

- i. To note that the Local Government Ombudsman has upheld a complaint relating to the determination of a planning application.
- ii. To note that in these circumstances, the Head of Legal Services, as the Council's Monitoring Officer, has an obligation to report the findings to the Executive. ~~The Executive is obliged to set out what action has already been taken in respect of the findings, what action it intends to take and the reasons for taking the action to Council and that~~ **Committee is satisfied with the action that has been taken (set out in Section 4 of the Officer's report).**

The Committee:

Resolved unanimously (by 7 votes to 0) to accept the officer recommendation to note that:

- i. The LGO has upheld a complaint relating to the determination of a planning application.
- ii. In these circumstances the Head of Legal Services as the Council's Monitoring Officer has an obligation to report the findings to Council and that Committee is satisfied with the action that has been taken (set out in Section 4 of the Officer's report).

The meeting ended at 4.15 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)

PLANNING COMMITTEE

26th April 2017

Application Number	16/1591/FUL	Agenda Item	
Date Received	2nd September 2016	Officer	Rob Brereton
Target Date	2nd December 2016		
Ward	West Chesterton		
Site	220 Milton Road Cambridge CB4 1LQ		
Proposal	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.		
Applicant	Broadway Homes (Cambridge) Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal represents a net gain of 8 new dwellings which would contribute to meeting housing demand in the city. - The design and scale of the amended proposal are considered to positively address the surrounding built environment and character of the area. - The amended proposal would not have a significant adverse impact on adjoining residential amenity.
RECOMMENDATION	APPROVAL

0.0 UPDATE TO REPORT

0.1 The Planning Committee at the meeting of 05/04/2017 elected to defer planning application 16/2041/FUL to the next available Planning Committee meeting of 26/04/2017. The reason for this was because of an administrative error by the Council in failing

to notify all neighbours and interested third parties of the Planning Committee meeting.

0.2 Prior to the Planning Committee meeting of 05/04/2017 and after the below Committee Report was completed third party comments from the following addresses were received:

- Camcycle
- 124 Union Lane
- 206 Milton Road
- 222 Milton Road
- 234 Milton Road

0.3 These third party letters mainly reiterated their occupiers' previous points of concern. New points raised are summarised in the bullet points below:

- The number of proposed cycle spaces is less than one per occupant.
- 222 Milton Road wishes for a 3.5 metre tall replacement wall along the rear boundary with the proposal. The scheme proposes a 2 metre brick wall along this boundary.

0.4 In response to these new points plan No. PL(90)01 shows 13 cycle spaces which complies with policy 8/6 and it is my view that the proposed 2 metre tall wall is sufficient to dispel any detrimental impacts from the proposed development. A 3.5 metre wall would create detrimental enclosure impacts on the occupants of No. 222 Milton Road, therefore a condition is not considered warranted or justified. I also note this is a civil matter.

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 4/13 5/1 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 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

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 21st 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 residents 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 policy 4/13

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 runoff 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 (eg 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.

PLANNING COMMITTEE

26th April 2017

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

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

0.0 Update to report and reason for deferral from Planning Committee Meeting 05/04/2017

0.1 The Planning Committee at the meeting of 05/04/2017 elected to defer planning application 16/2135/FUL to the next available Planning Committee meeting of 26/04/2017. The reason for this was because of an administrative error by the Council in failing to notify neighbours and interested third parties of the Planning Committee meeting. Officers were alerted by interested parties of the fact that neighbour consultation letters were not sent to neighbours in advance of the meeting which is standard practice. Following this, officers advised the planning committee to defer the item to the next committee meeting.

- 0.2 Prior to the committee meeting, the agent of the application had submitted a revised proposed site plan (drawing number P-01 Rev O) to move the proposed access approximately 1m further to the west. This was in response to the consultee comments from the Tree Officer to try and alleviate the pressure on the large tree at the front of the site. This was updated on the amendment sheet for the previous planning committee. This amendment is still carried through and this new site plan will form the drawing that the planning committee will consider.
- 0.3 Proposed condition Nos.22 (cycle parking) and 23 (waste storage) were also updated on the amendment sheet to make reference to this new drawing (drawing number P-01 Rev O) and remove reference to the originally proposed drawing (drawing number P-01 Rev M). These amendments have been carried through to the list of proposed conditions at the end of this report.
- 0.4 The Urban Design Team has also commented on the application formally since the original report was produced by the case officer. Their comments were uploaded to public access on 22/03/2017. This confirms that they have no objection to the amended scheme as per paragraph 6.8 of the original report.

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 ²)	Garden Size (m ²)
Plot 1 (North-West)	5.8	8.85	148	178
Plot 2 (North-Central)	5.8	8.85	148	125
Plot 3 (North-East)	5.8	8.85	148	310
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

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

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

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

	Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cambridge City Nature Conservation Strategy (2006) Cycle Parking Guide for New Residential Developments (2010)

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 146m². 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:

The existing buildings are in keeping with the character of the area and should be retained. Overdevelopment/ cramped plot 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.	This has been addressed in paragraphs 8.7 – 8.17 of this report.
Impact on environment and wildlife	This has been addressed in paragraphs 8.47 – 8.49 of this report.
Insufficient car parking	This has been addressed in paragraph 8.39 of this report

<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 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 report.</p>
<p>The provision of large 5-bedroom dwellings is inappropriate in Cambridge</p>	<p>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.</p>
<p>Traffic noise and pollution from vehicle comings and goings</p>	<p>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.</p>
<p>Disturbance from construction process</p>	<p>This has been addressed in paragraph 8.38 of this report.</p>
<p>Overlooking/ Loss of privacy Visual enclosure/ overbearing impact. Noise disturbance for future occupants from vehicle movements on site Overshadowing/ Loss of light</p>	<p>These issues have been addressed in the residential amenity section of this report.</p>

<p>The proposal is contrary to Local Plan (2014) policies 32, 45, 52, 57 and 81.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>The excessive parking is contrary to the Council's desire to promote lower levels of private car ownership</p>	<p>The proposal is in accordance with the maximum car parking standards of the Local Plan (2006).</p>
<p>The developer is making no contribution to the area.</p>	<p>This has been addressed in paragraphs 8.56 – 8.57 of this report.</p>
<p>Shadow study insufficient.</p>	<p>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.</p>

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 O 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 O 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

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

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

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

INFORMATIVE: 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

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

26th April 2017

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

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

0.0 UPDATE TO REPORT

0.1 The Planning Committee at the meeting of 05/04/2017 elected to defer planning application 16/2041/FUL to the next available Planning Committee meeting of 26/04/2017. The reason for this was because of an administrative error by the Council in failing to notify all neighbours and interested third parties of the Planning Committee meeting.

0.2 Prior to the Committee meeting, Officers recommended that 2 additional conditions, No.15 (sample materials) & No.16 (hard & soft landscaping), and informatives relating to dust and asbestos be added to the recommendation. These have been carried through to the list of proposed conditions at the end of this report.

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 Plan 2006	Local	3/1 3/3 3/4 3/7 3/10 3/11 3/12 4/4 4/13 5/1 5/5 8/2 8/4 8/6 8/10 8/18 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The 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 21st March then the loss of light is likely to be noticeable. Looking at the Shadow Study on 20th 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 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.

15. 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)

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

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

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).

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

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

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

INFORMATIVE: Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

PLANNING COMMITTEE

26th April 2017

Application Number	16/1895/FUL	Agenda Item	
Date Received	27th October 2016	Officer	Michael Hammond
Target Date	22nd December 2016		
Ward	East Chesterton		
Site	Elizabeth House 1 High Street Chesterton Cambridge CB4 1NQ		
Proposal	Single storey extension to existing Dining Room		
Applicant	Cats College Cambridge		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development is considered to be in keeping with the character of the area. - Subject to conditions, the proposal would not give rise to unacceptable levels of noise and disturbance to neighbours.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated on the north-east corner of the roundabout junction between Chesterton Road, Chesterton High Street and Elizabeth Way. The site area totals 300m² and is located centrally within the wider curtilage of the property. Elizabeth House is used as student accommodation, including classrooms, staff offices and private study rooms. The site of the proposed works relates specifically to the existing canteen area close to the front of the site. The surrounding area is predominantly residential in character.

1.2 The site is not within a Conservation Area and the building is not listed or locally listed. The site falls outside the controlled parking zone. The building is located within the Air Quality

Management Area. There are tree preservation orders on the site protecting numerous trees around its boundaries.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission to extend the existing canteen area to the side (south-east) by approximately 11.5m and set back from the front building line, with a footprint of approximately 162m². The proposed extension would be single-storey in scale with a flat roof and a fully glazed fenestration. It would be constructed in render to match the existing building.
- 2.2 The application has been called in to Planning Committee for determination by Councillor Sarris and Councillor Manning due to concerns regarding impact on neighbour amenity and failure of the occupier to adhere to the S106 legal agreement.

3.0 SITE HISTORY

Reference	Description	Outcome
14/1355/NMA	Non material amendment on application 14/0387/S73 for amendment to condition 8 to require compliance with Bat Method Statement.	Permitted.
14/0387/S73	S73 application to vary conditions on planning application 13/1305/FUL to allow changes to roof (including lift over run, additional roof light, increased height above lecture theatre, vents and extracts) and to renewable energy strategy.	Permitted.
14/0282/NMA	Non material amendment on application on 13/1305/FUL for changes in positioning of windows, brise soleil and access points and alterations to basement and main entrance.	Permitted.
13/1305/FUL	Change of use and extensions to Elizabeth House to provide 2,932sqm of educational floorspace and 261 student bedrooms.	Permitted.

12/0591/FUL Change of the use from offices (Class B1) to managed hall of residence for 261 students (use class C2). Permitted.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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 No objection.

Environmental Health

Original Comments (22/11/2016)

6.2 No objection, subject to the following conditions:

- Plant noise insulation
- Construction hours
- Collection hours during construction
- Piling
- Unexpected contamination
- Plant noise insulation informative

Second Comments (related to Development Control Forum) (09/03/2017)

6.3 The proposed extension is a reasonable distance from residential boundaries and the North residential will be shielded

by the existing building structure from external noise to some degree. The use of a mainly glass structured canteen for discos does not appear to be a very good idea, depending on the insulation qualities of the glass.

- 6.4 A condition ensuring all doors and windows are kept closed during the playing of amplified music is recommended. A condition prohibiting the playing of amplified music within the extension could be used if it is that much of a concern. Our records don't appear to indicate any noise complaints to the service re loud music from Elizabeth house

Head of Streets and Open Spaces (Tree Team)

- 6.5 No comments received.

Head of Streets and Open Spaces (Landscape Team)

- 6.6 No objection subject to conditions.

Developer Control Forum (Meeting of 16 February 2017)

- 6.7 The minutes of this meeting have been included within appendix A.
- 6.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- 277 Chesterton Road
- 287 Chesterton Road
- 291 Chesterton Road
- 295 Chesterton Road
- 297 Chesterton Road
- 39 Lingholme Close (owner of 6 Laburnum Close)
- 41 Pearl Close
- 44 Cambanks
- 3 Laburnum Close (Secretary of Three Trees Residents' Association)

7.2 The representations can be summarised as follows:

- Noise and disturbance from late night discos in the canteen
- Noise and disturbance from students playing basketball and table tennis outside building.
- Displacement of outdoor seating closer to Chesterton High Street due to proposed extension and subsequent noise impact on neighbours.
- The development needs adequate noise insulation.
- In the event of approval; construction work should not take place at weekends, efforts to mitigate the transmission of noise outside the building should be made and the use of audible amplified sound should be forbidden during the week and allowed only until 10pm on either Friday or Saturday evenings (but not both)
- Cats College are in violation of the sixth schedule of the S106 agreement under the original permission (13/1305/FUL) in terms of student management and use of the premises as offering solely English language courses.
- The basketball hoop at the front of the site does not have planning permission and a curfew should be imposed on its use.
- A defined space for smokers away from houses should be implemented.
- The College should use off site public facilities for sport such as Chesterton Recreation Ground, the Commons, Kelsey Kerridge and Chesterton Community College, instead of on-site facilities.
- There should be round the clock 24/7 onsite supervision of students, with out of hours contactable telephone numbers of named, residents managers provided.
- The number of students on-site well exceeds the 291 student limitation stated in the S106 agreement when the College is used as an English Language School in the summer.
- The materials of the extension approved under 13/1305/FUL are out of character with the area and local residents were not notified of this.

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

8.0 ASSESSMENT

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

1. Context of site, design and external spaces
2. Residential amenity
3. Third party representations

Context of site, design and external spaces

8.2 The proposed works would be visible from Chesterton High Street to the south of the site. The proposed extension would project out to the south-east of the building, extending out from the existing dining room at single-storey level.

8.3 The existing building is three-storeys in scale and the proposed single-storey extension would in my view read as a subservient addition. It would be constructed in materials to match the existing fenestration of the building. I am of the opinion that the proposed extension is of a relatively simple and unobtrusive design and would be in keeping with the character and appearance of the area.

8.4 The proposed dining room extension would project over the existing outdoor space and it has not been detailed at this stage how the outdoor space may be reconfigured as a result of this development. The Landscape Team has not objected to the loss of this outdoor space but has recommended a condition for a hard and soft landscaping scheme to be agreed by way of condition.

8.5 The proposal would involve the loss of a small tree and hedge at the front of the existing canteen. The tree and hedge are both classified as category C trees and the Tree Officer did not raise any objection to the loss of these features at pre-application stage. They have a relatively low public amenity value when compared to the much denser and larger trees closer to the

front perimeter of the site and I am content that their loss is acceptable.

- 8.6 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The proposed extension is a considerable distance from any neighbouring properties and I am confident that there would be no overshadowing or visual enclosure experienced at neighbours. The views out from the glazing would be similar to that of present and there would be ample separation distance from properties along Chesterton Road to the south and south-east. As a result, I am content that no harmful loss of privacy would be experienced from views out in this direction.
- 8.8 The main concerns raised by third parties is the noise and disturbance that is currently experienced and the potential exacerbation of this that the proposed development could cause.
- 8.9 At present, the canteen and dining area is understood to be used by the current occupants for discos and other events that involve amplified sound, particularly during the evenings and in the summer months. Neighbours have raised concerns regarding the noise that is audible from their nearest windows and gardens, particularly during the summer when their outdoor spaces are more frequently used and windows are typically left open more often. Residents have requested that in the event of permission being granted conditions relating to the restriction of amplified noise and timings of events are imposed.
- 8.10 The permission (13/1305/FUL) for the change of use did not impose any conditions relating to the use of amplified sound or how and when the dining room can or cannot be used. The dining room is an incidental function of the overall permitted use of the site as student accommodation (C2) and educational floorspace (D1). There were no conditions relating to the levels of noise experienced at neighbouring properties other than that of plant noise which is not relevant to this specific issue. A

management plan was not agreed under the S106 legal agreement or through any planning conditions. The only legal obligation relating to the management of the premises under the planning permission that the occupier must adhere to is to display the 24 hour point of contact for the operator of the student accommodation. It is understood that the 24 hour contact details have now been displayed at the front of the site.

- 8.11 In my opinion, as the proposed development relates solely to the extension of the dining room, the assessment of this application needs to focus solely on any impacts that the specific additional floorspace proposed may have. It would not be reasonable to assess the impact of the existing situation experienced or seek to control how the existing dining room operates. This is because these current arrangements were approved under the previous permission.
- 8.12 In light of the above, I am of the view that it would not be reasonable to propose conditions that restrict the timing of events and how the dining room can be used functionally. The dining room extension would be fully glazed which from a practical perspective is one of the poorest materials in terms of noise insulation. The proposed extension would be projecting closer to the properties on the opposite side of the road to the south and south-east. The Environmental Health Team has been consulted since the third party representations were received and the Development Control Forum was conducted. They have advised that a condition to keep windows and doors closed during the playing of amplified music, and, if necessary, a condition prohibiting the playing of amplified music in the extension itself could be proposed. The suggested third party condition to ensure that amplified sound is not audible outside the premises is not recommended by the Environmental Health Team and would in any case be difficult to enforce and not reasonable to impose. This is because there would not be a precise means of defining what is audible to one person and it would not in my view be reasonable given that this condition was not applied to the original permission.
- 8.13 In my opinion, given that the proposed extension would be fully glazed and would be projecting closer to the neighbours opposite on Chesterton Road, it is reasonable to recommend conditions that ensure windows and doors are kept closed during the playing of amplified music, and, that no amplified

music is played within the extension itself. Subject to these conditions, I am of the view that the over 40m separation distance between the extended dining hall and neighbours is sufficient to protect the amenity of these neighbours.

8.14 It is acknowledged that neighbours have also raised concerns regarding the potential displacement of the seating area and how this may result in students using the open area further to the south more frequently which would disturb neighbour amenity. The position of where students use external seating within the grounds of the application site is outside the control of planning. There is no planning related restriction on where students may use externally on the site. As a result, whilst the extension may shift outdoor seating elsewhere on the site, this cannot be controlled as this feature does not itself require planning permission.

8.15 The Environmental Health Team did originally recommend a plant noise condition as it was not clear whether new plant would be installed or not. The agent has since clarified that it is solely the existing plant that would be re-arranged and consequently this condition is no longer recommended.

8.16 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Third Party Representations

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

<u>Comment</u>	<u>Response</u>
Noise and disturbance from late night discos in the canteen	This has been addressed in the main body of this report.
Noise and disturbance from students playing basketball and table tennis outside building.	Similar to paragraph 8.14 of this report, how and when students choose to use the outdoor amenity space is outside the control of this planning application. No management plan was conditioned as part of the original consent for the change of

	<p>use and there are no restrictions related to this within the S106 agreement. If students using the outdoor sports facilities are causing noise and disturbance then this is a civil matter between the College and local residents. Local residents can also report a noise issue through the Environmental Health Team at the City Council.</p>
<p>Displacement of outdoor seating closer to Chesterton High Street due to proposed extension and subsequent noise impact on neighbours.</p>	<p>This has been addressed in paragraph 8.14 of this report.</p>
<p>The development needs adequate noise insulation.</p>	<p>Given the scale of proposed works in comparison to the existing building on-site, it would not be reasonable to impose a building insulation condition in this case. Conditions have been recommended to try and control noise from the extension itself.</p>
<p>A defined space for smokers away from houses should be implemented.</p>	<p>This is not a planning consideration and is a civil matter between the occupier and neighbours.</p>
<p>The basketball hoop at the front of the site does not have planning permission and a curfew should be imposed on its use.</p>	<p>The position of the basketball hoop has been agreed under condition 19 of the original consent which relates to hard and soft landscaping. The reason why this condition was recommended was for visual amenity reasons only and so the matter of noise was not factored into the decision to discharge this condition.</p>
<p>In the event of approval; construction work should not take place at weekends, efforts to mitigate the transmission of noise outside the building should be made and the use of audible</p>	<p>This has been addressed in the main body of this report. It would not be reasonable to restrict construction hours on weekends and the standard construction hours condition (which includes</p>

amplified sound should be forbidden during the week and allowed only until 10pm on either Friday or Saturday evenings (but not both)	Saturday hours) has been recommended.
CATS College are in violation of the sixth schedule of the S106 agreement under the original permission (13/1305/FUL) in terms of student management and use of the premises as offering solely English language courses.	This matter has been raised with the Planning Enforcement Team who will respond separately to this allegation.
The College should use off site public facilities for sport such as Chesterton Recreation Ground, the Commons, Kelsey Kerridge and Chesterton Community College, instead of on-site facilities.	How students choose to use the outdoor amenity space of the College is outside the control of this planning application. This was not restricted under the original consent and I do not consider it reasonable to prevent students from using the outdoor space for sports if they wish to do so.
There should be round the clock 24/7 onsite supervision of students, with out of hours contactable telephone numbers of named, residents managers provided.	No management plan was agreed under the original consent. The only legal requirement is for the College to display the name and 24 hours contact details of the Manager (or their assistant) in a prominent location on the land so as to be visible to local residents and members of the public, as per the Sixth Schedule of the S106 agreement (15/1305/FUL).
The number of students on-site well exceeds the 291 student limitation stated in the S106 agreement when the College is used as an English Language School in the summer.	This has been raised with the Planning Enforcement Team and this will be addressed as a separate enforcement matter.
The materials of the extension approved under 13/1305/FUL are out of character with the area and local residents were not notified	The materials were approved under condition 2 of permission 13/1305/FUL. This was approved by powers delegated to officers to

of this.	discharge conditions. There is no requirement to consult neighbours on discharge of condition applications.
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9.0 CONCLUSION

9.1 The proposed development would be in keeping with the character of the area and would not unduly overshadow, overlook or visually enclose any neighbouring properties. The proposed development would not adversely disturb neighbours, subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. No 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 amplification equipment shall be used at any time within the boundary of the dining room extension hereby approved. The boundary of the dining room extension is defined by the red-line as shown on drawing number 21406F_03_B.

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

7. During the playing of amplification equipment in the existing dining room, all windows and doors of the dining room extension hereby approved shall not be left open.

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

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)

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;
- outdoor recreation and seating areas;
- hard boundary treatments

Soft landscape works shall include:

- Tree planting strategy and specification of new trees
- Tree pit details
- Soft boundary treatments

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PLANNING COMMITTEE

26th April 2017

Application Number	16/0163/FUL	Agenda Item	
Date Received	17th February 2016	Officer	Michael Hammond
Target Date	13th April 2016		
Ward	Petersfield		
Site	34 Mill Road Cambridge CB1 2AD		
Proposal	Demolition of single storey rear retail space and the change of use of existing HMO to 5 studios apartments including 2nd floor rear extension and the creation of 2 studio dwellings within semi-detached two storey unit in rear garden.		
Applicant	Mr Chhotu Chhaya 45 Bishops Avenue Northwood Middlesex HA6 3DD		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed works would be in keeping with the character and appearance of the Conservation Area and would respect the setting and special interest of the Building of Local Interest. - The proposed development would not give rise to any adverse impacts to neighbouring properties and would not pose a threat to highway safety. - Subject to conditions, the proposal would provide an acceptable living environment for future occupants of the proposed units.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, No.34 Mill Road, is comprised of a two-and-a-half storey terraced building situated on the south side of the road. The ground-floor is occupied as a retail unit and the upstairs is a five-bedroom house in multiple occupation (HMO). The building is constructed in brick with a tiled roof, as are the majority of other buildings in the wider area. There is a side access from Covent Garden to the east of the site. The surrounding area is formed of a range of city centre style uses at ground-floor level with residential typically above.
- 1.2 The building is a Building of Local Interest (BLI). The site falls within the Conservation Area, Controlled Parking Zone, Mill Road West District Centre and the Air Quality Management Area.

2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks permission for the demolition of part of the rear retail space, the change of use of the existing HMO to five studio apartments (including second-floor rear extension) and the creation of a semi-detached two-storey unit in the rear garden to accommodate two additional studio units.
- 2.2 The demolition of part of the retail space would reduce the footprint of this retail unit down from 86m² to 45.2m². This has been proposed in order to provide a means of entrance from Mill Road to the rear of the site for the ground-floor studio apartment within the main building, as well as a route to the semi-detached units at the rear.
- 2.3 The breakdown of the position and internal space of each of the proposed studio units within the site has been provided in the table below paragraph 2.4. The main physical change proposed to the BLI itself is the addition of a second-floor outrigger style extension, effectively projecting above the existing first-floor rear wing. The design of this would mirror and adjoin onto the existing two-storey rear wing at No.32 immediately to the west. Alterations to the fenestration of the building are proposed to provide window openings to rooms.
- 2.4 The semi-detached building in the rear garden area would accommodate studio apartments at ground-floor and first-floor

respectively. It would be constructed in brick with a pitched tiled roof measuring approximately 5m to the eaves and 7m to the ridge. The building would be identical in form, scale and design to that of the adjacent approved building at 32 Mill Road (12/1132/FUL). This adjacent permission has commenced by way of completion of works to the main building but the new build in the rear garden has not commenced to date. It is understood that in the event of approval of this application (16/0163/FUL) and the adjacent permission (12/1132/FUL) would be constructed at the same time.

<u>Studio Number</u>	<u>Position</u>	<u>Floorspace (approximate)</u>
1	Original Building - Ground-Floor	32.4m ²
2	Original Building – First-Floor	27.36m ²
3	Original Building – First-Floor	52m ²
4	Original Building – Second-Floor (extended)	27.36m ²
5	Original Building – Second-Floor	52m ²
6	New Building – Ground-Floor	24.1m ²
7	New Building – First-Floor	24.1m ²

2.5 The proposal includes a dedicated bin store area and a cycle shelter to provide ten cycle spaces within the rear garden area.

2.6 The application has been accompanied by the following additional information:

1. Design and Access Statement
2. Drawings
3. Noise assessment

3.0 SITE HISTORY

Reference	Description	Outcome
15/1261/FUL	The provision of two residential studios adjoining the neighbouring block of no. 32 Mill Road, ref: 12/1132/FUL.	Pending Consideration.

12/1132/FUL	The retention of the existing CB1 Internet Cafe and the provision of 9 new Studio Flats, by conversion and new build. (32 Mill Road)	Permitted.
12/0823/FUL	The retention of the existing CB1 Internet Cafe and the provision of 10 new Studio Flats, by conversion and new build.	Withdrawn.
C/90/1051	Single storey rear extension for use as pharmacy and post office.	Approved.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Air Quality in Cambridge – Developers Guide (2008) Buildings of Local Interest (2005)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited

objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Original Comments (24/02/2016)

- 6.1 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 that the Planning Authority is minded to issue with regard to this proposal.

Comments on Refuse Arrangements (07/02/2017)

- 6.2 The provision of additional bins on Covent Garden would not make the existing situation demonstrably worse in terms of highway safety. This is a matter of inconvenience for the public and not a highway safety matter.

Environmental Health

First to Fourth Comments (15/03/2016 – 06/10/2016)

- 6.3 The Cambridge Acoustic plant noise assessment has indicated significant adverse impact from plant noise causing significant adverse harm to quality of life / amenity. This is a fundamental material consideration that should not be left to conditioning. There needs to be a reasonable degree of certainty that they can be mitigated to an acceptable level and to secure a high quality design and a good standard of amenity for all future occupants of the development.

- 6.4 The principle of non-openable windows helps to overcome the noise issue but fails to provide acceptable alternative forms of natural ventilation to rooms. Additional information on noise calculations is needed.

Fifth Comments (02/12/2016)

- 6.5 The revised plans indicate satisfactory non opening windows to protect occupants from existing plant noise off site. It has been confirmed that certain rooms will be supplied with Sonair F+ units to provide alternate ventilation concerning traffic noise on Mill road and plant noise from the 'Zi's Piri Piri chicken' premises. The amendments to the windows, ventilation details and noise calculations are sufficient to overcome the original objection. No objection subject to the following conditions:

- Construction hours
- Glazing compliance
- Non-opening windows compliance
- Ventilation compliance
- Collection during construction
- Piling

Refuse and Recycling

- 6.6 No objection.

Urban Design and Conservation Team

- 6.7 No objection subject to the following conditions:

- Matching brickwork (extension)
- Sample panel (new building)
- Roof samples
- Joinery
- Timber joinery only

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.8 No objection subject to drainage condition.

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:

2 Covent Garden	4 Covent Garden
2 Willis Road	3 Emery Street
36A Mill Road	South Petersfield Residents Association

7.2 The representations can be summarised as follows:

- The accumulation of bins on the pavement of Covent Garden would create a highway safety hazard.
- There is no management plan provided to demonstrate how bins will be retrieved after emptying.
- The proposal provides inadequate amenity space and cramped conditions for future occupants.
- Ventilation will be difficult.
- Unacceptable level of scale and massing
- If Covent Garden is blocked by bins this will block emergency access for users of this.
- The Covent Garden access should not be used by builders during the construction process if approved.
- The area is already densely developed and the addition of studio accommodation is objectionable and should be for families and long terms residents instead.
- The plans do not accurately represent reality and the applicant does not have access to Covent Garden.
- The plans do not dimension distances from neighbours.
- They have already cut down trees on the site.
- Impact on air quality of 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. 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 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 trees, wildlife features or architectural features of local importance (e) 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;

d) Adversely affect the setting of buildings of local interest within the site.

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.

8.7 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of single residential properties into self-contained dwellings will be permitted except where:

a) The residential property has a floorspace of less than 110m²;

b) The likely impact upon on-street parking would be unacceptable;

c) The living accommodation provided would be unsatisfactory;

d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and

e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

8.8 The existing HMO has a floorspace of over 110m² and the proposal is therefore compliant with criteria A of policy 5/2. I consider that the proposal complies with parts B – E of this policy 5/2 for the reasons set out in the relevant sections of this report.

8.9 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10, 5/1 and 5/2 of the Local Plan (2006).

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

- 8.10 The proposed works would not be visible from the public realm by virtue of their position to the rear of the building and the site and the compact urban grain of the surroundings.
- 8.11 The proposed second-floor extension would mirror that of the adjacent extension approved at No.32 Mill Road (12/1132/FUL). It would be constructed with a pitched roof that slopes down to meet the existing eaves line of the rear elevation and set well below the overall ridge line. It would be constructed in brick and tile to match the existing BLI and would have an orthodox rhythm of windows that mimic No.32. The removal of the large single-storey flat roofed extension is also welcomed as this is considered to be a poor addition to the original building. The proposed replacement single-storey element is more sympathetic to the special interest of the BLI which is achieved through its smaller scale and re-positioning in relation to the rear building line.
- 8.12 The principle of sub-dividing the rear garden for further residential development is well established in the area. There is already precedent at No.32, to which the proposed new building would adjoin onto, as well as existing two-storey buildings further to the west such as No.18A Mill Road.
- 8.13 The proposed new building would mimic the overall scale, appearance and layout of the adjacent permission at No.32 Mill Road. It would be two-storey in scale and constructed in brick with a tiled roof. The overall fenestration and design of the proposed building would be domestic in character. It would clearly read as a later addition to the curtilage of the BLI by way of its detached nature, sufficient separation distance and lower level of massing. There would be a comfortable separation distance from the curtilage of the Grade II Listed Hughes Hall building to the south which is shielded by trees.
- 8.14 The Urban Design and Conservation Team is supportive of the proposed works subject to conditions and I agree with this advice.
- 8.15 The proposal includes a reasonable amount of soft landscaping, the majority of which has been integrated to provide 'defensive

planting' to prevent future occupants' from walking directly past other occupants windows and to shield the proposed bin store area. There is a rectangular strip of artificial grass (28.8m²) proposed between the original building and the proposed two-storey building which would provide the rear area with a degree of greenery which is supported given the presence of hard landscaping that is typical in these type of urban areas. To ensure that the soft landscaping is of a high standard and is maintained, I have recommended hard and soft landscaping and replacement planting conditions.

- 8.16 Overall, I am of the opinion that the proposal would be in keeping with the character and appearance of the Conservation Area and would not detract from the setting or special interest of the BLI.
- 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, 3/14, 4/10, 4/11 and 4/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

Impact of proposed extension

- 8.18 The proposed extension does not project any further to the rear than that of No.32 and I am therefore confident this element of the proposal would not harm any neighbours to the west of the site.
- 8.19 There is a rear window on the first-floor of No.36 to the east which appears to serve a habitable room. The proposed extension would project above the existing first-floor rear wing of the building. The 45° line from the center of this neighbour's window would fall above the pitch of the proposed roof. The existing outlook of this neighbour is also partially self-enclosed by the large flue from the restaurant below which effectively filters views away from the application site. In my opinion, this neighbouring window would still receive high levels of daylight and sunlight until the late afternoon and would not be visually enclosed by the proposal.

8.20 There would be sealed windows on the side elevation of the proposal at first-floor and second-floor level serving kitchen/bedrooms that could allow for views back towards the neighbour's window. As these rooms are also served by other outlooks on the rear (south) elevation I consider that obscure glazing these windows can protect the privacy of this neighbour.

Impact of proposed new building

8.21 The proposed new building is situated to the west of neighbouring properties along Covent Garden. It would be a relatively narrow building with a pitched roof and there is a comfortable separation distance between the neighbours and the proposed building. The only windows proposed which would face out to the east are bathroom windows which would be conditioned to be obscure glazed and not fully openable.

8.22 The proposed new building is considered to be a sufficient distance away from all other neighbours.

Impact on Covent Garden access and bins

8.23 The main concern raised by third parties is the accumulation of bins on Covent Garden and the exacerbation this would cause in terms of highway safety.

8.24 At present, trade bins from units on Mill Road are wheeled out onto Covent Garden through the narrow access and left on the pavement for collection. The narrow width of the footpath along this one-way road means that the path is often obstructed whilst bins are left out for collection. In addition, due to the size of these bins, they can often overhang onto the cycle lane.

8.25 The proposal would rely on leaving bins out on Covent Garden on collection days and indicates that nine bins would be provided for the future occupants, the existing retail unit and the existing and future occupants of the adjacent permission at No.32 Mill Road. The Waste Team has assessed the proposals and is satisfied with the refuse arrangements and the principle of using the Covent Garden access for collections.

8.26 Although I sympathise with the current situation that residents along Covent Garden experience, I do not consider the addition of further bins is a justified reason for refusal on highway safety

grounds. The temporary obstruction of footpaths by bins on collection days is an established part of living and circulating in tightly knit terraced streets such as this. The majority of side streets off Mill Road experience this scenario and I do not consider it reasonable to assess this application as an isolated example. The Highway Authority has been made aware of this concern and remains of the view that the proposal would not pose a threat to highway safety.

- 8.27 It is acknowledged from visiting the Covent Garden side access that this access can be blocked by the commercial units along Mill Road leaving their trade bins out. The applicant has demonstrated that they have a legal right of ownership over this access. Therefore, if one of the other properties or commercial units was found to be preventing a route through, this is a legal/civil matter to be addressed between the respective owners/occupiers. As the applicant has demonstrated a right of access for bins, the application has been assessed on bins being able to be successfully wheeled out to the edge of the highway, as per the proposed plans.

Impact on on-street car parking

- 8.28 The proposal does not include any dedicated car parking. The existing occupants of the HMO do not benefit from any dedicated car parking. The site is situated within the controlled parking zone. The nearest streets outside the controlled parking zone are the other side of the railway bridge along Mill Road. The application site is situated in a highly sustainable location, within the Mill Road West District Centre, within walking distance of the city centre and well served by cycle and bus routes.
- 8.29 As a result, I do not consider the proposal is reliant on private car and the constraint of the controlled parking zone would deter occupants from parking on surrounding streets in any case.

Noise and disturbance

- 8.30 The proposal has been designed with a direct access through from Mill Road to the rear of the site. This reduces the need for Covent Garden to be used as the primary means of entrance to the units. The Covent Garden access would be used for bins

and bikes but I do not consider that the levels of comings and goings associated with this would be significant enough to have an adverse impact on neighbour amenity.

- 8.31 The site is situated in a dense urban area which is the subject of both existing noise from residential gardens and commercial uses nearby. Given the existing context of the area, I am of the opinion that noise from future occupants using the outdoor communal space would integrate into the area successfully and not harm neighbour amenity.
- 8.32 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 5/2.

Amenity for future occupiers of the site

Noise

- 8.33 The main issue related to the amenity for future occupants is the noise that would be experienced from the adjacent commercial units. The Environmental Health Team had originally raised concerns with the proposal due to the noise that would be audible from the nearby flues and extraction when the proposed windows are open. This relates specifically to the flats that would be accommodated within the original building (Nos.1-5).
- 8.34 In response to this, the agent has amended the plans to show the windows on the side and rear elevations that are within close proximity to the adjacent kitchen extraction unit and flue as being non-openable. In addition, in order to provide sufficient ventilation to the proposed dwellings, the agent has also confirmed that the rooms affected will be served by a specific mechanical ventilation system and details of the acoustic quality of the glazing to be used have also been specified.
- 8.35 The Environmental Health Team has reviewed the plans and information provided and is satisfied that, subject to these details being controlled through condition, future occupants would experience acceptable levels of background noise.

Living environment and local amenities

- 8.36 As explained earlier in this report, the main entrance into the development would be from Mill Road which is considered to be an acceptable point of entry.
- 8.37 The upper-floor occupants of the original building would access their dwellings from an internal staircase. All of these rooms would have acceptable outlooks and the living environment for future occupants is considered to be sufficient.
- 8.38 The front door of the proposed ground-floor flat of the original building would be situated on the side elevation and would have side facing windows and a rear facing window. The proposal indicates soft landscaping around this side elevation. This is to deter occupants of the other units from walking directly past the windows of this ground-floor flat when entering/ leaving the rear garden area. In my opinion, subject to landscaping conditions to retain adequate defensive planting, the living environment for the future occupants of this flat is acceptable.
- 8.39 The proposed ground-floor studio dwelling in the new building does not have any defensive planting directly outside the main habitable window which faces onto the communal outdoor area. There is a small threshold proposed to the west of this window to deter occupants of the development associated with No.32 from walking past this window but I consider this could be enhanced. I am content that this could be controlled by way of the landscaping conditions. The proposed outlooks for the ground-floor and first-floor units in the new building are sufficient for future occupants.
- 8.40 There would be some inter-overlooking between the windows of the proposed new building and that of the original building. However, this is a relatively typical relationship in these types of compact sites where there is already a strong presence of backland development. In addition, inter-overlooking was present on the approved plans of No.32 adjacent and the proposed scheme is comparable to this adjacent development. The views over the open space are considered to be acceptable given the communal nature of this outdoor area.
- 8.41 The proposal would provide an artificially grassed strip of outdoor communal space for future occupants which would

cover an area of approximately 28.8m². There would also be other hard landscaped areas from the amalgamation of the consented scheme at No.32 and that of the proposed development utilising the same external area. It is appreciated that there would be a high demand on this space given the number of occupants that would be present at Nos.32 and 34. Notwithstanding this, there are a number of examples of HMOs and dwellings above existing commercial units along Mill Road that do not benefit from any outdoor space. Furthermore, the dependency on dedicated on-site outdoor space is typically far lower for studio and one-bedroom units, compared to that of larger sized dwellings. Parkers Piece is also within walking distance which would provide an alternative area of large open space for future occupants if the proposed communal area was at capacity. The site is situated in a highly sustainable location as it is within walking distance of the city centre, served by the Mill Road West District Centre and is subject to frequent bus routes.

- 8.42 In my opinion, subject to conditions, the proposal provides an acceptable living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10, 3/12, 3/14 and 5/2.

Highway Safety

- 8.43 The Highway Authority has raised no objection to the application.
- 8.44 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.45 Car parking has been addressed in paragraphs 8.28 – 8.29 of this report.
- 8.46 The proposal indicates a cycle shelter to provide ten cycle parking spaces for future occupants. This is acceptable in principle but further details as to the type of secure parking and the shelter need to be agreed through condition.

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

Third Party Representations

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

<p>The accumulation of bins on the pavement of Covent Garden would create a highway safety hazard.</p>	<p>This has been addressed in paragraphs 8.23 – 8.27 of this report.</p>
<p>There is no management plan provided to demonstrate how bins will be retrieved after emptying.</p>	<p>The proposed bin store would be used by three different users (Flats of No.32, the retail unit of No.34 and the proposed flats of No.34). I consider it reasonable for a waste management condition to be applied which would include management arrangements for the movement of bins.</p>
<p>The proposal provides inadequate amenity space and cramped conditions for future occupants.</p>	<p>The proposal is considered to provide an acceptable living environment for the reasons set out in paragraphs 8.36 – 8.42 of this report.</p>
<p>Ventilation will be difficult.</p>	<p>This has been addressed in paragraphs 8.33 – 8.34 of this report.</p>
<p>Unacceptable level of scale and massing</p>	<p>This has been addressed in paragraphs 8.10 – 8.17 of this report.</p>
<p>If Covent Garden is blocked by bins this will block emergency access for users of this.</p>	<p>The blocking of this access is a civil/ legal matter between all those who have rights to use this access. The application demonstrates that the access will not be blocked and the application has been assessed on this basis.</p>

<p>The Covent Garden access should not be used by builders during the construction process if approved.</p>	<p>I do not consider it is reasonable to prevent builders from using this access as the applicant has a right of access over it.</p>
<p>The area is already densely developed and the addition of studio accommodation is objectionable and should be for families and long terms residents instead.</p>	<p>The site is situated in an area with a high concentration of studio and other single-occupancy residential development. The application has been assessed on the basis of policies 3/10 and 5/2 of the Cambridge Local Plan (2006) in terms of the principle of further sub-division. Paragraph 50 of the NPPF (2012) seeks to significantly boost the supply of housing and the types of available accommodation.</p>
<p>The plans do not accurately represent reality and the applicant does not have access to Covent Garden.</p>	<p>The plans are considered to be an accurate reflection of the site and its surroundings. The application form has been amended to demonstrate that the applicant does have a legal right to the Covent Garden access.</p>
<p>The plans do not dimension distances from neighbours.</p>	<p>The plans are to scale and it is not a validation requirement to detail all of the dimensions on the plans.</p>
<p>They have already cut down trees on the site.</p>	<p>This is a matter which pre-empted this application and is not a planning consideration under this application.</p>
<p>Impact on air quality of area.</p>	<p>The proposal is for residential development in a relatively built up area. I do not foresee how this use would adversely contribute to air pollution in the area. There is also no on-site car parking proposed. The Environmental Health Team has raised no objection to the proposal.</p>

Planning Obligations (s106 Agreement)

8.49 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.

8.50 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 works would not harm the character or appearance of the Conservation Area and would respect the setting and special interest of the BLI. The proposal would not adversely impact on the amenities of neighbouring properties. Subject to conditions regarding ventilation, glazing, noise and landscaping, the proposed development would provide an acceptable standard of living for future occupants.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. 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. The window glazing specification as detailed within tables 8 & 10 of Cambridge Acoustics Summery Noise Assessment dated May 2016 shall be fully implemented, maintained and not altered.

Reason: To protect the amenity of future occupants of the proposed dwellings from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policies 3/10, 4/13 and 5/2)

7. The non-opening windows specified on drawing number 14559.10 Rev A shall be fully implemented, maintained and not altered.

Reason: To protect the amenity of future occupants of the proposed dwellings from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policies 3/10, 4/13 and 5/2)

8. As stated within the email from BBS Surveyors to Michael Hammond dated 22 September 2016, each of the following rooms shall be supplied with a Titon Sonair F+ mechanical ventilation unit:

Flat 1

- Lounge/dining

Flat 3

- Bedroom 1
- Lounge/kitchen
- Bedroom 2/lounge

Flat 5

- Bedroom 1

Annex

- Ground floor bedroom/living room
- First floor bedroom/living room

The mechanical ventilation units shall be installed before the use hereby permitted is commenced. The scheme shall be retained thereafter and shall not be altered.

Reason: To protect human health and to provide an acceptable living environment for future occupants of the proposed flats (policies 3/10, 4/14 and 5/2 of the Cambridge Local Plan (2006)).

9. The windows on the east elevation of the proposed annex building serving bathrooms, as shown on drawing number 14559/11 Rev B, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

10. The windows on the east elevation of proposed flat numbers 2 and 4 at first-floor and second-floor level, as shown on drawing number 14559/10 Rev A, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/14).

11. 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, 3/12 and 5/2)

12. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Any soft landscaping that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity and to retain an acceptable living environment for future occupants. (Cambridge Local Plan 2006 policies 3/4, 3/10, 3/11, 3/12 and 5/2)

13. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed, the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point and identify which bins are commercial or residential. 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: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/12, 4/13 and 5/2).

14. 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)

15. Prior to commencement of development a scheme for the disposals of surface water and foul water shall be provided to and agreed in writing with the local planning authority. All external areas should utilise permeable surfaces. The development shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

16. All new brickwork of the proposed extensions to No.34 Mill Road shall match exactly the historic work nearby in terms of bond, mortar mix design, joint thickness, pointing technique, brick dimension, colour and texture, etc.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

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

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

18. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

19. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details. All new joinery is to be of timber only and not metal or plastic.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

20. The proposed residential entrance from Mill Road through to the rear of the application site shall remain open in perpetuity to occupants of the proposed units hereby approved.

Reason: To provide an acceptable means of access for future occupants. (Cambridge Local Plan 2006 policies 3/4, 3/10, 3/12 and 5/2)

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

INFORMATIVE: In order to meet the hard and soft landscaping condition (no.11) the following information should be submitted to the Local Planning Authority:

Hard Landscape works shall include:

- proposed finished levels;
- means of enclosure;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- external lighting layouts;
- hard boundary treatments

Soft landscape works shall include:

- Soft landscaping planting strategy and specification of new planting
- Soft boundary treatments

PLANNING COMMITTEE

26th April 2017

Application Number	17/0093/FUL	Agenda Item	
Date Received	24th January 2017	Officer	Charlotte Burton
Target Date	21st March 2017		
Ward	Petersfield		
Site	55 Mill Road Cambridge CB1 2AW		
Proposal	Demolition of existing single storey garage and the erection of a one and a half-storey sunken apartment		
Applicant	Mr Patrick Horsley 46 Royston Road Harston CB22 7NH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The current proposal is a resubmission of a scheme which has an extant planning consent, which is a material consideration.</p> <p style="padding-left: 40px;">The principle of development has been established by the extant consent.</p> <p style="padding-left: 40px;">The impact of the proposal – including the impact on the Conservation Area and the impact on residential amenity - would be the same as the extant consent.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located to the rear of No. 55 Mill Road and is currently occupied by a single storey, flat roof double garage with dropped kerb access from Emery Street. The garage abuts the northern, western and eastern site boundaries. No. 55 has a two storey outrigger and is understood to be currently occupied as a House in Multiple Occupation (HMO).

- 1.2 There is a shared access passageway to the rear of the properties along Mill Road. To the north is No. 1 Emery Street which forms the end of a traditional terrace. To the east is No. 57 Mill Road with rear garden. The surrounding area is predominantly residential with mixed residential and commercial uses fronting onto Mill Road.
- 1.3 The site falls within the Mill Road Area of the Central Conservation Area and within the Controlled Parking Zone. There are no other relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal is for the demolition of the existing garage and erection of a one bedroom residential unit. The building would be sunken into the ground by 300mm and it would have a pitch roof. The proposal includes associated bin store and cycle parking, and would be car-free.
- 2.2 The application is accompanied by the following supporting information:
1. Design and Access Statement;
 2. Daylight Assessment including Shadow Analysis.

3.0 SITE HISTORY

Reference	Description	Outcome
13/1631/FUL	Demolition of existing single storey garage and erection of a one and a half storey sunken apartment.	Appeal allowed
13/0459/FUL	The proposal is to provide a single bedroom 2 storey apartment dwelling. The proposal includes the demolition of the existing single storey garage.	Application withdrawn

- 3.1 A copy of the Inspector's Decision letter in relation to the appeal of 13/1631/FUL is attached.

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

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

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

Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

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

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. Whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity. The residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits).

Recommended conditions and informative:

- Redundant kerb
- Traffic management plan
- Highways informative

6.2 Urban Design and Conservation Team

No objection. This is a renewal of a previous application granted approval under appeal and the previous conservation comments still apply. Provided that the detailing of the gable ends and the materials can be agreed, this proposal can be supported as it will not be detrimental to the character or appearance of the conservation area. It therefore complies with policy 4/11.

Recommended conditions:

- External joinery
- Brickwork details
- Roof details

6.3 Environmental Health

No objection. Recommended conditions and informatives:

- Construction hours
- Dust informative
- Contamination informative

6.4 Sustainable Drainage Engineer

It is not possible to comment. Surface water drainage and foul water drainage details have not been submitted to the local planning authority.

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 **objecting** to the proposal:

- 57 Mill Road
- 34 Emery Street
- 36 Emery Street

7.2 The representations can be summarised as follows:

- Lack of car parking and additional pressure on residents' parking spaces.
- Zinc cladding is an inappropriate material for the Conservation Area which is predominantly slate roofed.
- Out of keeping and detracts from the character of the Conservation Area.
- No precedent for flats within the current housing stock.
- Overcrowding of unit.
- The proposal should be considered as part of Emery Street, not Mill Road.
- Lack of amenity space for occupants of No. 55 HMO.
- Inaccuracies in the applicant's Daylight and Sunlight Assessment and Shadow Study.
- Loss of light, overbearing and noise impact on No. 55.

7.3 Councillor Sinnott for Petersfield Ward has also commented on the application, which can be summarised as follows:

- Inaccuracies in the applicant's Daylight and Sunlight Assessment and Shadow Study.
- Effectiveness of zinc roof for noise insulation and noise from falling rain.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces / Impact on the character and appearance of the Conservation Area
3. Residential amenity

4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Drainage
8. Third party representations
9. Planning Obligations

Principle of Development

- 8.2 The site has an extant consent for the same scheme, which expires on 25 July 2017. The current application effectively seeks to extend the implementation period. As such, the scheme could be implemented, subject to discharging a pre-commencement condition relating to materials. This is the fall-back situation which changes the circumstances compared to the previous application, and is a material consideration in the assessment of the current application.
- 8.3 The extant consent establishes the principle of development on this site and I have no reason to take a different view. Cambridge Local Plan (2006) policy 5/1 supports development for housing, stating, "Proposals for housing development on windfall sites shall be permitted subject to the existing land use compatibility with adjoining uses". The site sits within a residential area and as such in my view, the principle of residential development on this site is acceptable.

Context of site, design and external spaces / Impact on the character and appearance of the Conservation Area

- 8.4 The scheme could be built under the extant consent, subject to discharge of the pre-commencement condition. This is the fall-back situation against which the current application must be assessed. The impact on the Conservation Area would be the same as could be built under the extant consent. For this reason, in my opinion, there would be no valid planning justification to refuse the application on the grounds of the impact on the character and appearance of the Conservation Area.
- 8.5 Notwithstanding this, I have set out the reasons for the Council's view below. The Council concluded on the previous

application that the scheme would not harm the character and appearance of the Conservation Area and the Inspector concurred with this view (paragraph 12). The Conservation Team continues to support the scheme.

- 8.6 The site is situated to the rear of No.55 Mill Road with a frontage onto Emery Street. Access to the site would be from Emery Street. The site therefore has a much stronger association with the residential character of Emery Street, rather than the more mixed residential and commercial character of Mill Road. The wider surrounding area comprises a mix of uses, including retail, cafes, takeaways and residential.
- 8.7 In terms of the scale and mass of the building, it would be subordinate to the residential dwellings of Emery Street and Mill Road, and is sunken into the ground by 300mm. This helps to reduce the visual impact of the building. I consider that the general scale of the building is acceptable, particularly given that the former garage was of a domestic scale and occupied a small area. The height of the proposed building would appear subordinate and not obtrusive in the street scene.
- 8.8 The design is contemporary and a contrast from the Victorian architecture of Emery Street. This approach picks up on elements of the traditional Victorian era. By introducing a modern design within a strong historic environment, it is therefore necessary to ensure that the design is of high enough quality and does not harm the character of the street. I share their previous case officer's view that it is plausible to design a modern building to fit in with the historic character of an area, provided that attention is given to the scale, mass and materials of a building. I concur that in terms of the design and scale of the proposal, it succeeds in providing a complete contrast which is distinctive and complementary to the historic environment and picks up on the existing material palette within the locality.
- 8.9 The Inspector attached a condition for submission of a materials sample, and I have recommended the same condition. In my opinion this condition would be reasonable in order to control the appearance of the building and the impact on the Conservation Area. I have not recommended the conditions requested by the Conservation Team for details of external joinery and roof details, as these were not attached to the

extant consent and therefore, in my opinion, would not be reasonable.

- 8.10 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

Residential Amenity

- 8.11 The nearest residential properties are No. 57 Mill Road to the east and No. 1 Emery Street to the north. The impact on the amenity of the current and future occupiers of No. 55 HMO is also a material consideration.

- 8.12 The impact on the private amenity space of No.57 was the reason officers refused the previous application for the same scheme. The concern was with regard to the overbearing and overshadowing impact. The Inspector took a different view and concluded that the proposal would not be harmful to their living conditions. This was on the basis that the proposed side elevation along the boundary would be 2.5m high to the eaves, which is the same as the existing flat-roof garage; and that the increase in the length of the building along the boundary, and the slope of the pitched roof, would not have a significant adverse impact compared to the fall-back permitted development situation (erection of a 2m high boundary wall).

- 8.13 While I acknowledge that the Inspector's conclusion is contrary to the Council's assessment of the previous application, the appeal decision changes the circumstances for the current planning application. The extant consent is the fall-back situation and the impact of the current proposal must be assessed against this. As the current proposal is for the same scheme as the extant consent, the impact on residential amenity is also the same. For this reason, I must conclude that the impact on residential amenity would be acceptable and there would no planning justification to refuse the application on the grounds of the impact on residential amenity.

- 8.14 Third parties have raised concerns about the accuracy of the applicant's Daylight Assessment and Shadow Analysis and the Inspector's assessment of the previous application. I have considered these concerns below, however, as they do not alter the validity of the extant consent, it does not alter my conclusion

that there would no planning justification to refuse the current application. Any concerns about the Inspector's assessment of the previous application should have been addressed as part of the appeal process and cannot be resolved through the current application.

- 8.15 The owners of No. 57 have raised concern that the applicant's Daylight Assessment, which is the same version as submitted for the previous application. They note that the assessment does not include their ground and first floor windows on their rear outrigger, some of which serve habitable rooms. In my opinion, as the calculations show the impact on the windows assessed would be significantly within acceptable limits, and the proposal would be to the north west of these windows, the impact on the omitted windows is also very likely to be acceptable.
- 8.16 The third parties have also raised concern that the Inspector did not take into account the studio at the rear of their property and the air raid shelter at the rear of the outrigger, which limit the amount of useable outdoor amenity space. The Inspector noted that the building would extend approximately 1.3m along the boundary to the south of the existing garage. The Inspector also commented that the 2.5m high elevation along the boundary would have an acceptable impact compared to a 2m high boundary that could be erected under permitted development, and that the pitched roof would slope away from the neighbouring property. Therefore, in my opinion, the impact on their amenity space was adequately assessed. As these features were present previously there is little justification to differ in view from the Inspector.
- 8.17 I have recommended the same condition to remove permitted development rights for windows and dormers on the eastern elevation and roof slope as attached to the extant consent, which in my opinion is reasonable to protect the privacy of the occupants of No. 57. I have also recommended the same condition to control construction hours, and I have recommended the informatives requested by the Environmental Health Team.
- 8.18 For these reasons, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site compared to the fall-back situation and I

consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

- 8.19 The proposed dwelling would not provide any outdoor amenity space for the occupants. However, given the central location of the site, there are alternative facilities nearby. The proposed dwelling itself would provide a high quality living environment with good connections to shops and public transport routes.
- 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 The proposal shows provision of three bins associated with the dwelling, in accordance with the Council's waste management requirements. They appear to be in a secure compound, adjacent to the dwelling and the bins can be easily moved to the front on collection days, without disrupting free flow of pedestrian and vehicular traffic.
- 8.22 These details are the same as the extant consent. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway safety

- 8.23 The Highways Authority has recommended a condition for the dropped kerb on Emery Street to be reinstated. In my opinion, this condition would not be reasonable, as it was not included on the extant consent, which means the scheme could be built without this requirement. For the same reason, it would also not be reasonable to recommend the condition for a traffic management plan requested by the Highways Authority, which was not included on the extant consent.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.25 The proposed development would include the loss of garage parking for the existing dwelling and car free development for the proposed unit. This is the same as the extant consent. The case officer on the previous scheme considered that, given the central location and good connections to public transport routes, a car parking space was not required, and I concur with this assessment.
- 8.26 While I acknowledge the Highways Authority's comments and third party representations with regard to the additional demand for on-street parking within the controlled parking zone, as the impact of the proposal would be the same as the extant consent, in my opinion there would be no planning justification to refuse the application on the basis of a lack of car parking spaces.
- 8.27 In terms of cycle parking, two cycles are shown in a secure compound. This level of provision is acceptable and is the same as the extant consent.
- 8.28 These details are the same as the extant consent. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Drainage

- 8.29 The Sustainable Drainage Engineer has commented that details are required of the surface water drainage and foul water drainage systems. I note that these were not included in the previous application and the Inspector did not deem it necessary to condition this information. As such, in my opinion, in these particular circumstances, I consider it would not be reasonable to request or condition this information, given the scheme could currently be built without this. For this reason, I consider the current proposal is acceptable in this regard.

Third Party Representations

8.30 I have responded to these as follows:

Comment	Response
Lack of car parking and additional pressure on residents' parking spaces.	Paragraph 8.26.
Zinc cladding is an inappropriate material for the Conservation Area which is predominantly slate roofed.	Paragraphs 8.4-8.10.
Out of keeping and detracts from the character of the Conservation Area.	Paragraphs 8.4-8.10.
No precedent for flats within the current housing stock.	Paragraphs 8.4-8.10.
Overcrowding of unit.	As there is extant consent for the scheme, I must conclude that the proposal would be acceptable in this regard.
The proposal should be considered as part of Emery Street, not Mill Road.	Paragraphs 8.4-8.10.
Lack of amenity space for occupants of No. 55 HMO.	As there is extant consent for the scheme, I must conclude that the proposal would be acceptable in this regard. In addition, the proposal is for a one-bed property which would be close to Parkers Piece, Petersfield and Donkey Common, which provides excellent access to external space.
Inaccuracies in the applicant's Daylight and Sunlight Assessment and Shadow Study.	Paragraphs 8.15.8-16.
Loss of light, overbearing and noise impact on No. 55.	Paragraphs 8.15.8-18.

Planning Obligation Strategy

- 8.31 The previous consent was subject to planning obligations relating to open space, community facilities, waste and recycling and monitoring, which was secured through a legal agreement.
- 8.32 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.
- 8.33 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floor space of no more than 1000sqm. This is a material consideration which I must give weight to and a change in circumstances since the previous application. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

9.0 CONCLUSION

- 9.1 The current proposal is a resubmission of a scheme which has an extant planning consent due to expire in July 2017. While I acknowledge that the scheme was previously refused by officers under delegated powers, the appeal decision to allow the scheme is a material consideration which changes the circumstances for assessing the current application. The current application must be assessed against the fall-back situation, which is that the scheme could be built under the extant consent, subject to discharge of a pre-commencement condition. The principle of development has been established and the impact of the proposal – including the impact on the Conservation Area and the impact on residential amenity - would be the same as what could be built under the extant consent. As a result, I conclude that the current proposal is acceptable compared to the fall-back situation and, in my

opinion, there would be no planning justification to refuse the 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 of this permission.

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

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

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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 preserve and enhance the Conservation Area (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11).

4. Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or dormer windows shall be constructed on the eastern elevation or eastern-facing roof slope of the dwelling hereby permitted.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/10 and 3/12).

INFORMATIVE: Highways:

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

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

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

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

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

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

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

INFORMATIVE: Contaminated land informative

If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. The applicant/agent to need to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future.

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PLANNING COMMITTEE

26th April 2017

Application Number	17/0132/FUL	Agenda Item	
Date Received	30th January 2017	Officer	Charlotte Burton
Target Date	27th March 2017		
Ward	Petersfield		
Site	148 Gwydir Street Cambridge CB1 2LW		
Proposal	Single storey rear extension and enlargement of existing dormer.		
Applicant	Mr & Mrs Newhouse 148 Gwydir Street Cambridge CB1 2LW		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal would not cause significant harm to the character and appearance of the Conservation Area. - The proposal would not have a significant adverse impact on residential amenity of neighbouring or future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No. 148 is a two-storey mid terrace property on the eastern side of the road. It has an existing two storey rear extension and a rear dormer window. It has a long rear garden with an outbuilding.
- 1.2 The property adjoins No. 146 to the north and No. 150 to the south. The garden backs onto the rear of Kingston Street. The surrounding area is predominantly residential.
- 1.3 The site falls within the Mill Road Area of the Central Conservation Area. The site falls within the controlled parking zone. There are no other relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal is for a single storey rear extension and enlargement of an existing dormer. The rear extension would be set off the northern boundary and would project 3.95m from the rear elevation with a flat roof height of 2.75m. The proposed dormer would be full width with a flat roof and would be constructed in lead cladding. The dormer would extend to the eaves and the ridge.
- 2.2 During the course of the application, revised plans for the fenestration on the proposed dormer were submitted which reduced the size of the glazed window, and reduced the number and size of the windows.
- 2.3 The application is accompanied by the following supporting information:

1. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
C/00/0134	Erection of a two storey rear extension and a rear roof dormer window.	Approved

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14 4/4 4/11 4/13

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u> Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u> 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 No objection.

Urban Design and Conservation team

6.2 Objection. This proposal does not respond to the prevailing character of the conservation area. The roof extension does not comply with the Roof Extension Design Guidelines. The changes to the rear single storey extension are acceptable.

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 application has been called-in to Planning Committee by Councillor Sinnott. A summary of the planning grounds for calling-in the application and the officer's response to these will be included in the amendment sheet.

7.2 The owners/occupiers of the following addresses have made representations to object to the proposal:

- 47 Kingston Street
- 57 Kingston Street
- 55 Kingston Street

7.3 The representations can be summarised as follows:

- The roof dormer is out of keeping with the Victorian terrace houses.

- Rear extension is excessively large and takes up too much of the remaining garden.

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

8.0 ASSESSMENT

Context of site, design and external spaces / Impact on the Conservation Area

- 8.1 This is a traditional mid-terrace property which has been extensively remodeled and extended at the rear in a contemporary, but sympathetic manner. The property does not have the typical rear outriggers or roof slope of the Victorian terraced properties in this part of the Conservation Area.
- 8.2 The proposal ground floor extension would have the same height as the existing extension, and would have a similar appearance. It would project approximately 3.95m from the existing rear elevation to the same line as the two storey rear outrigger of No. 148. In my opinion, the scale of the extension would be appropriate to the existing property and within the context of the existing extensions at the neighbouring property. I do not share the view of third parties that the extension would be excessively large for the plot, as the property would retain a long rear garden.
- 8.3 Notwithstanding this, the ground floor extension would not be visible from the public highway within the Conservation Area and, as it would be single storey, would not be prominent from the rear of the neighbouring properties. I share the view of the Conservation Team that the proposed ground floor extension is acceptable and would not harm the character and appearance of the Conservation Area, subject to a condition for the brickwork to match the appearance of the existing building.
- 8.4 The proposed dormer would be full width and would extend to the eaves line. It would be zinc clad with contemporary glazing, which was amended during the course of the application. I acknowledge the Conservation Team's comments that the dormer would not respect the scale, design and proportions of the existing property and I acknowledge the concerns of third

parties, however, in this particular instance, I consider that there are other material considerations that I must give weight to.

- 8.5 In this particular instance, there is a strong precedent for similar dormers at Nos. 152, 156 and 158 Gwydir Street. These are full-width, flat-roof, metal-clad dormers which extend to the eaves and ridge at Nos. 152 and 156. The scale and massing of these dormers is similar to the current proposal. The dormer at No. 158 is not full width, however it is still boxy with a flat roof. There are also dormers on the rear of properties along Kingston Street which are visible from the application site, which have a variety of contemporary styles, including a box dormer at No.69.
- 8.6 The dormers at Nos. 152 and 156 Gwydir Street and No. 69 Kingston Street were granted planning permission in 2013 and are visible from the rear garden of the application site. In my opinion, this sets a strong precedent for this form of development within the immediate vicinity. Moreover the rear roof slope has already been altered by the existing contemporary dormer. The majority of the dormer would be obscured from view from Hooper Street and therefore, although visible from the rear of neighbouring properties, it would not be prominent within the Conservation Area.
- 8.7 I am satisfied that the proposed amendments to the fenestration submitted during the course of the application have addressed my concerns that the large area of glazing originally proposed would be out of keeping and would harm the character of the Conservation Area.
- 8.8 For these reasons – namely the proximity, number and similarity of other roof extensions - combined with the fact that the roof has already been altered and the dormer would not be prominent, the proposal would not cause significant harm to the character and appearance of the Conservation Area. As such, my view is that the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/11.

Residential Amenity

- 8.9 No. 146 has an existing two-storey rear extension which the proposed extension would not extend past. As such, the proposal would not have an impact on the amenity of the occupiers of No. 146.

- 8.10 No. 150 has a single storey element with a window on the ground floor which is obscure glazed. I am not concerned about the impact on this window, which does not appear to be a habitable room. Nonetheless, the impact on the amenity space of this property is a material consideration. In my opinion, No. 150 has a long rear garden which provides ample amenity space, although the area closest to the house is typically more intensively used and more sensitive.
- 8.11 The ground floor extension would project approximately 3.95m from the existing rear elevation which would be approximately 4.6m beyond the rear elevation of No. 150. It would extend to the boundary but would be set behind the existing fence, which would be retained. It would be to the north of No. 150, so would not have an overshadowing impact on this property's amenity space. It would be 2.75m high with flat roof, which in my opinion would not have a significant overbearing impact. For these reasons, I am satisfied that the proposal would not have a significant adverse impact on the residential amenity of the occupiers of No. 150.
- 8.12 The windows on the rear elevation of the dormer would provide some views towards neighbouring gardens, however this would be similar to the current situation with views from the existing dormer. Moreover, these would be oblique to the adjacent gardens or would be long distance to the gardens opposite, and this amount of overlooking is acceptable in high density parts of the city.
- 8.13 In my opinion, No. 148 would retain a good sized garden, which would provide an acceptable level of amenity for the occupants.
- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours, the constraints of the site and the residential amenity of the occupants of the application site, and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Trees

- 8.15 The proposal requires the loss of one tree on the northern side of the site. This tree is not covered by tree preservation orders, but is protected by virtue of its location within the Conservation

Area. In my opinion, this is a garden tree, which does not make a significant positive contribution to the Conservation Area. For this reason, I consider the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

Third Party Representations

8.16 I have responded to the comments regarding the response to context in the relevant section above.

9.0 CONCLUSION

9.1 In this particular instance, due to the proximity, number and similarity of other roof extensions, and the fact that the roof has already been altered and the dormer would not be prominent, the proposal would not cause significant harm to the character and appearance of the Conservation Area. The ground floor extension would be acceptable. I am satisfied that the proposal would not have an adverse impact on the residential amenity of neighbouring properties or future occupants.

10.0 RECOMMENDATION

APPROVE, subject to the following conditions:

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

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

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

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

3. 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 ground floor extension hereby permitted shall be constructed in brickwork to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building and the character of the Conservation Area.
(Cambridge Local Plan 2006 policies 3/4, 3/14 and 4/11)

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PLANNING COMMITTEE

26th April 2017

Application Number	16/1407/FUL	Agenda Item	
Date Received	28th July 2016	Officer	Charlotte Burton
Target Date	22nd September 2016		
Ward	Queen Ediths		
Site	28 Fendon Road Cambridge CB1 7RT		
Proposal	Part two storey part single storey rear extension, two storey front elevation, change of use of garage to habitable accommodation and change of use to three flats		
Applicant	Mr D Hazel 28, Fendon Road Cambridge CB1 7RT		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposed extensions would have an acceptable impact on the residential amenity of neighbouring properties.</p> <p style="padding-left: 40px;">The proposal would provide an acceptable level of amenity for future occupiers.</p> <p style="padding-left: 40px;">The proposed front and rear extensions would enhance the appearance of the building and would not harm the character of the streetscene.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No. 28 is a two-storey detached property on the eastern side of Fendon Road. The property is red brick with a tiled hipped roof. The site has off-street parking on the front drive and a large garden to the rear.

- 1.2 The surrounding area is residential in character and is formed of similar-sized detached properties. To the east of the site lies a large recreation ground.
- 1.3 The site is not within a Conservation Area. The property is not listed and is not a Building of Local Interest. It is not within the controlled parking zone. There are no other relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal is for a part two storey / part single storey rear and side extension, two storey front elevation to form a bow frontage, and change of use from dwelling to three flats, with associated landscaping, parking, bin store and cycle store.
- 2.2 During the course of the application, revised plans were submitted which included the following amendments:
- Relocated proposed bin and cycle stores to the front of the site.
- 2.3 The application was deferred by the Planning Committee on 1 March and following this the scheme was amended further:
- Reduced depth of first floor rear extension by 0.2m to 3.4m to be the same depth as the extant consent.
- 2.4 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
15/1368/FUL	Two storey rear extension and single storey side extension (following demolition of garage and store)	Permitted
15/0838/FUL	Two storey rear extension and single storey side extension (following demolition of garage and store)	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 Plan 2006	Local	3/1 3/4 3/7 3/11 3/14 4/13 5/1, 5/2 8/2 8/6 8/10 10/1

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

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

	Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

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 No objection.

Sustainable Drainage Engineer

6.2 No objection. Recommended conditions:
 - Details of surface water drainage scheme

Environmental Health

6.3 No objection. Recommended conditions:
 - Construction hours
 - Piling

- 6.4 Recommended informative:
- Housing health and safety rating system

Refuse and Recycling team

- 6.5 No comment received.
- 6.6 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- 26 Fendon Road
- 30 Fendon Road

- 7.2 The representations can be summarised as follows:

- Support in principle for renovation of building in poor state of repair, however current proposal not sympathetic.
- Proposed extension is large and out of keeping with the size of the existing houses in the road.
- Proposed flats out of character with other family houses on the road.
- The property is likely to be used for HMO which will lead to increased noise and disturbance.
- Insufficient parking and noise and disturbance as cars are moved around.
- Plans are unclear about access to the front door, or about access for bikes and bins.
- Unclear about proposed brick material.
- Overshadowing from rear extension on No.30 rear rooms, conservatory and garden, and from front extension.
- Likely to be used to provide temporary accommodation for visiting hospital workers, so no real benefit to Cambridge.
- Frontage, rear garden and exterior will not be well maintained.
- Bowed frontage is out of keeping with the character of the road.
- Unclear whether the footpath on the eastern site boundary would be retained.

7.3 The owner/occupier of the following address has made a representation on the first set of amendments relating to the revised landscaping plan:

- 26 Fendon Road

7.4 The representation raised similar concerns as summarised above and made no specific comment on revised proposed bin and cycle stores.

7.5 The consultation on the latest set of amendments relating to the depth of the first floor rear extension is ongoing and will be summarised in the amendment sheet.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car parking
7. Cycle parking
8. Third party representations

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) supports residential development on windfall sites, subject to the existing land use and compatibility with adjoining uses. The site is already in residential use and is situated within an established residential area, and therefore I consider that additional dwelling units on this site could be supported.

- 8.3 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of single residential properties or non-residential properties into self-contained dwellings will be permitted except where:
- a) The residential property has a floorspace of less than 110m²;
 - b) The likely impact upon on-street parking would be unacceptable;
 - c) The living accommodation provided would be unsatisfactory;
 - d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
 - e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.
- 8.4 The property would have an external floor space of more than 110m² and therefore meets part a. I have assessed the impact on parts b-e in the relevant sections below and, in summary, in my opinion the proposal meets the criteria of policy 5/2, subject to conditions, and the principle of development is acceptable.

Context of site, design and external spaces

- 8.5 The property is located on the south eastern side of Fendon Road in a row of predominantly detached properties set back from the road with front gardens and a landscaped verge. The area is residential in character. The properties are typically post-war and individually designed, although red brick and render are common. The existing property is relatively poor quality compared to its neighbours and, in my opinion, has an unattractive frontage, however the red brick and traditional features blend in with the street scene.
- 8.6 The proposal includes a front extension to create a bow frontage. The box would project a maximum of 0.9m from the existing front elevation and would have a parapet which would project approximately 0.4m above the eaves. The property would retain the existing hipped roof. The windows would be arranged on a grid around a central front door. The front elevation would be smooth render with a brick plinth and edge to the parapet, brick quoins and brick headers.
- 8.7 Third parties have raised concern that the proposed bow front is out of character with the street scene. There is a mixture of building styles along Fendon Road and each of the properties is

individually designed. As such, in my opinion, the proposed bow front – while unusual – would not conflict with the prevailing character of the street scene. The symmetrical arrangement of openings would, in my view, enhance the elevation. The depth of the front extension and the height of the parapet wall would not make it unduly prominent within the street scene. The use of render would match the neighbouring property and the brickwork detailing would be an attractive feature.

- 8.8 Also on the frontage, the proposal includes a single storey side extension to replace the existing garage, which would be visible from the street. This element already has planning permission under the extant consent on the site (15/1368/FUL), albeit with a smaller window on the front elevation. Nonetheless, in my opinion, the scale and design would be appropriate for the street scene and the extension would appear subservient to the main house.
- 8.9 The proposed layout of the area in front of the building would provide some soft landscaping to enhance the streetscene. I have some concerns about the design of the cycle store annotated on the drawings with 'greysheeting', which would be located at the front of the site in a prominent position. I have recommended a condition for further details to be submitted so that materials can be controlled. No details have been provided regarding boundary treatments, and as such, I have recommended this is agreed through conditions. Subject to this, in my opinion, the external spaces would be acceptable.
- 8.10 The rear extensions would not be visible from the street and as such are less sensitive. The two storey extension would have hipped roof which would be lower than the ridge height of the existing building. Nonetheless, as the extension would be subservient to the existing house and would not be visible from the street scene, in my opinion, it would not harm the character of the area, subject to a condition for brickwork to match the appearance of the existing building. The proposed extensions are the same as those that were approved under the extant consent, which is a material consideration.
- 8.11 For these reasons, 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

8.12 The nearest neighbours are the two adjacent properties - Nos. 26 and 30 Fendon Road. The extant consent for the rear extension is a material consideration as it provides a fallback situation. The impact of the rear extension on residential amenity – in terms of overlooking, overbearing and overshadowing – would be the same as the fallback situation. As such, in my opinion, the impact of the rear and side extensions on residential amenity would not be reasonable planning grounds on which to refuse the current application. Nonetheless, for completeness, I have addressed these below, as I consider the impact to be acceptable.

- Side and rear extensions

8.13 In terms of overlooking, the proposed extension would have windows in similar positions to that of the existing rear elevation. The existing rear dormer and first floor windows on the side elevation would be removed. As a result, I consider that the overlooking from the proposed extensions would be acceptable.

8.14 Regarding overshadowing, the proposed works, by virtue of the orientation of the site to the northeast of No. 26, would not have an impact on light to this property. The main consideration is the impact on No. 30 which is to the north east and has a rear conservatory, rear facing windows and a large garden area.

8.15 The conservatory is situated to the southeast of the rear elevation, adjacent to the boundary with the application site. The windows of this conservatory that face out towards the southeast are already partially blocked by the wall of the existing side garage of No. 28 and so do not receive high levels of direct sunlight. There are also windows on this conservatory that face out towards the southeast and northeast but these windows only receive direct sunlight during the early morning hours due to the orientation of these windows to the sun's path. While there may be a slight increase in overshadowing during a limited period of time in the late morning and early afternoon hours from the extension, I do not consider this overshadowing

will be so significant as to adversely harm the amenity in respect of this conservatory.

- 8.16 The windows on the rear elevation of No. 30 all face southeastwards and serve predominantly habitable rooms such as a kitchen and bedrooms. The proposed two-storey element of the extension will likely lead to an increase in overshadowing of the windows closest to the application site, but, again, this would be for a relatively limited period of the day and the amount of light these windows receive overall will not be significantly affected by the proposed development. Furthermore, the proposed two-storey extension has been designed with a hipped roof and set away from the boundary of this neighbouring property. I consider these design measures are acceptable in reducing the impact of overshadowing over these neighbouring windows to a level that would not significantly harm this neighbour's amenity.
- 8.17 Finally, the garden space closest to the rear of the house would likely experience a degree of overshadowing during the middle of the day for a limited period of time. However, for the same reasons set out in the preceding paragraph, the design measures and extent of overshadowing is not considered to be so significant. Furthermore, the garden is of a considerable size and so the vast majority of the garden will not be significantly overshadowed by the proposed development.
- 8.18 In terms of visual enclosure and dominance, the proposed single-storey extension, by virtue of its scale and height, coupled with the detached nature and separation distances between properties, will not be perceived as visually enclosing or dominant from neighbouring properties. The main consideration is the impact of the proposed two-storey extension on neighbouring properties.
- 8.19 No. 26 Fendon Road is situated to the southwest of the application site and has several rear (southeast) facing windows on both floors, as well as some northeast facing windows on the side of a recent single-storey extension to this neighbouring property, which all serve habitable rooms. The proposed extension would not break the 45° line from the nearest rear facing windows. The proposed extension has also been set in marginally from the existing width of the dwelling to help mitigate the impact of enclosure on this neighbouring property.

The northeast facing windows on the extension of this neighbouring property would be able to see the proposed extension. However, these windows would be situated approximately 9.5m from this proposed extension and this extension does have a southeast facing window which would not have a view of the proposed extension. In my opinion, whilst the proposed extension will be visible from the neighbouring windows, I do not consider the proposed extension would visually dominate this neighbour, particularly given that the proposal does not break the 45° line of this neighbour's windows and is set away from this neighbour with a subservient ridge height and hipped roof.

8.20 No. 30 Fendon Road is situated to the northeast of the site and has a rear conservatory and rear facing windows which serve habitable rooms. As discussed, the conservatory of this neighbour does not have a positive outlook towards the application site and so I do not consider the proposed extension will exacerbate the levels of visual dominance any worse than at present. The proposed extension would not break the 45° line from the nearest first-floor window of No. 30 and the extension would be set approximately 3m away from the shared boundary with this neighbour. As a result, I do not consider the proposed extension will visually dominate the outlook from this neighbouring property.

8.21 It is worth stating that under permitted development rights, the applicants could extend out to the rear by up to 3m (where more than 2m away from the neighbouring boundary (such as the relationship with No. 30) without the need for planning permission (subject to meeting other criteria of these permitted development rights). Therefore, an assessment as to what the harm of the additional 0.4m proposed, particularly on no. 30, would have needs to be taken into account. I am of the opinion, that this additional 0.4m is unlikely to raise any significantly different residential amenity issues compared to that of a two-storey 3m deep extension, 2m away from the boundary.

- Front extension

8.22 I am satisfied that the proposed front extension would not lead to a significant overshadowing or enclosure on neighbouring properties, due to the scale of the projection and the separation distance between the bow front and the site boundary.

- Change of use

- 8.23 Third parties have raised concerns about the impact of noise and disturbance from the increased number of units on the site. In my opinion, the property has a relatively large plot with space around it, so that there would not be an unacceptable impact.
- 8.24 Third parties have also raised concern about noise and disturbance from car movements due to a lack of car parking. The existing property already has a large area of hardstanding at the front which provides space for multiple cars to park. The site is in a highly sustainable location close to public transport links. In my opinion, the proposal is unlikely to generate a significant number of additional car movements compared to the existing situation.
- 8.25 During the course of the application, revised plans were submitted which relocated the bin store from the rear of the site to the front. The bin store provides space for three bins for each unit. I have concerns about the impact on residential amenity of the neighbouring property in terms of noise and odour from having 15 no. bins against the shared boundary. In my opinion, the units should have a communal bin store. As such, I have recommended a condition for further details of the bin store and management arrangements to be submitted.
- 8.26 In my opinion, the impact of noise and disturbance during construction on the residential amenity of nearby properties could be satisfactorily addressed through a condition to restrict construction and delivery hours.
- 8.27 Subject to the recommended conditions, it is my view that 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 5/2.

Amenity of future occupiers

- 8.28 The ground floor unit has two bedrooms which have windows on the front elevation. During the course of the application, revised plans were submitted which provided more space for a landscape buffer in front of the ground floor bedroom windows.

I have recommended a condition for details of a soft landscaping scheme for the area in front of the building, which should be implemented before the end of the first planting season following first occupation. In my opinion, this overcomes my previous concerns about noise and disturbance from car parking and the bin/cycle store, and overlooking affecting the amenity of the occupants of this room.

- 8.29 The ground floor unit also has a bedroom window on the side elevation facing towards the shared access. As this bedroom has a dual aspect, in my opinion, the future occupants could protect their privacy should they wish to do so, without having a significant adverse impact on their residential amenity.
- 8.30 At the rear, the ground floor unit would have bedroom, lounge and kitchen windows. I have concerns about overlooking from communal open space at the rear. The applicant has not submitted a landscaping scheme showing how the open space would be laid out, however, in my opinion, given the size of the plot, there would be space for defensible space in front of these windows, as well as providing a communal area of open space beyond. Furthermore, given the ground floor unit is 3-bed, an area of private amenity space should be provided for this unit. I have recommended a condition for the position of boundaries and boundary treatments to be submitted for approval, which would allow the space to be subdivided to provide private amenity space.
- 8.31 Subject to the comments above, I am satisfied that the future occupants would have access to an adequate amount and quality of amenity space at the rear of the site.
- 8.32 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, 3/14 and 5/2.

Refuse Arrangements

- 8.33 During the course of the application, revised plans were submitted which relocated the bin store from the rear of the site to the front. The bin store provides space for three bins for each unit. I am satisfied that the bin store provides the required

capacity and is in a convenient location. However, I have concerns about the impact on residential amenity of the neighbouring property in terms of noise and odour from having 15 no. bins against the shared boundary. As such, in my opinion, the units should have a communal bin store. I have recommended a condition for further details of the bin store and management arrangements to be submitted. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/13 and 5/2 in this regard.

Highway Safety

- 8.34 The Highways Authority has not objected to the proposal on highway safety grounds and I accept their advice. For this reason, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car Parking

- 8.35 The proposal includes three car parking spaces. Third parties have raised concern about inadequate car parking spaces, however the proposed provision is in accordance with the adopted maximum car parking standards outside the controlled parking zone. Moreover, the site is in a highly sustainable location within cycling and walking distance of the city centre, Addenbrooke's Hospital and public transport links. For this reason, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/10.

Cycle Parking

- 8.36 During the course of the application, revised plans were submitted which relocated the cycle store from the rear of the site to the front. The cycle store provides four spaces which meets the adopted standards. I am satisfied that the store meets the required dimensions and is in a convenient location, however I have concerns about the proposed materials given the store's location at the front of the site, and it is not clear whether the store would be secure. For this reason, I have recommended a condition for further details of the cycle store to be submitted. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/6.

Third Party Representations

8.37 Response as follows:

Comment	Response
Support in principle for renovation of building in poor state of repair, however current proposal not sympathetic.	Noted.
Proposed extension is large and out of keeping with the size of the existing houses in the road.	Paragraph 8.10.
Proposed flats out of character with other family houses on the road.	I do not consider that the proposed flats would be out of character with the residential area in principle.
The property is likely to be used for HMO which will lead to increased noise and disturbance.	The proposal is for conversion of the property to three flats and I have considered the impact of this use on residential amenity in the relevant section of my report. If the property was used as a HMO by 7 or more unrelated people then this would require planning permission and an assessment of this use would be made accordingly.
Insufficient parking and noise and disturbance as cars are moved around.	See paragraphs 8.24 and 8.35.
Plans are unclear about access to the front door, or about access for bikes and bins.	In my opinion, this has been resolved through the amended plans and the recommended condition for a detailed landscaping plan.
Unclear about proposed brick material.	I have recommended a condition for the bricks to match the appearance of the existing.

Overshadowing from rear extension on No.30 rear rooms, conservatory and garden, and from front extension.	See paragraphs 8.14 – 8.17.
Likely to be used to provide temporary accommodation for visiting hospital workers, so no real benefit to Cambridge.	The proposal would provide a mix of units which would contribute to meeting an evidenced demand in the city.
Frontage, rear garden and exterior will not be well maintained.	The maintenance of the property is not a relevant planning matter.
Bowed frontage is out of keeping with the character of the road.	See paragraph 8.7.
Unclear whether the footpath on the eastern site boundary would be retained.	I have recommended a condition for details of boundary treatments to be submitted and for these to be installed prior to first occupation.

9.0 CONCLUSION

- 9.1 There is an extant consent for the side and rear extensions, which is a material consideration, and I am satisfied the extensions would be acceptable in terms of response to context and residential amenity. The main considerations are therefore the proposed front extension, landscaping and the change of use. I am satisfied that, subject to conditions, the proposal meets policy 5/2 for the conversion of large properties, and the other relevant development plan policies.

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. The brickwork hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)

7. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - ii. provide a management and maintenance plan for the lifetime of the development.
 - iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

Reason: In the interests of flood risk.

8. Notwithstanding the approved plans, prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be store, the dimensions and appearance of the storage facility including materials, and the arrangements to enable collection from the kerbside. The approved facilities shall be provided prior to the first occupation of the units hereby permitted and shall be retained thereafter.

Reason: To protect the amenities of nearby residents /occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/11, 4/13 and 5/2).

9. Notwithstanding the approved plans, prior to first occupation of the units hereby approved, the cycle store shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The cycle store shall be retained thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and to protect the visual amenity of the area. (Cambridge Local Plan 2006 policies 3/11, 5/2 and 8/6).

10. Prior to first occupation of the units hereby permitted, details of soft landscape works for the area in front of the building shall be submitted to and approved in writing by the local planning authority. Such details shall include planting plans; a schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The soft landscaping shall be planted in accordance with the approved details before the end of the first planting season following first occupation of the units hereby permitted, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and 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 5/2)

11. Notwithstanding the approved plans, prior to first occupation of the units hereby permitted, the boundary treatments shall be provided in accordance with details that have been submitted to and approved in writing by the local planning authority. Such details shall include a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be retained thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of residential amenity (Cambridge Local Plan 2006 policies 3/11 and 5/2).

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

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

Further information may be found here:

<https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>

PLANNING COMMITTEE

26th April 2017

Application Number	17/0043/FUL	Agenda Item	
Date Received	12th January 2017	Officer	Nathan Makwana
Target Date	9th March 2017		
Ward	West Chesterton		
Site	Southampton Guest House 7 Elizabeth Way Cambridge CB4 1DE		
Proposal	Change of use from a guest house to a large house in multiple occupation (Sui Generis)		
Applicant	Mr Peter Smith 14 St Andrews Close Stapleford Cambridge CB22 5DX		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would not harm the character or appearance of the area - The proposal would not unacceptably harm the amenities of occupiers of neighbouring properties and would provide a high quality living environment for future residents subject to a condition limiting the occupation of the house to nine people
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The Southampton Guest House (7 Elizabeth Way) is an end of terraced house located centrally to Elizabeth Way, in front of Lovers' Walk which runs behind it. The surrounding area is made up of a mixture of residential and commercial uses, with a warehouse and petrol garage opposite. The site falls within the De Freville Conservation Area.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for change of use from a guest house to a large house in multiple occupation (HMO) (sui generis) (seven or more occupants). The application proposes no material change to the structure of the house and the nine existing guest bedrooms will be retained and used as the nine bedrooms of the HMO. An existing outbuilding will be converted into a cycle store for a capacity of nine bicycles. A bin store will be located to the rear of the property.

3.0 SITE HISTORY

Reference	Description	Outcome
C/99/1052	Erection of a car port to existing dwellinghouse.	Approved subject to conditions.
C/92/0667	Erection of garden canopy.	Approved subject to conditions.
C/91/1031	Erection of brick built storage unit to rear of property (retrospective)	Permitted.
C/90/1047	Formation of a lay-by	Refused
C/90/0366	Formation of a lay-by	Refused
C/85/0913	Provision of vehicular crossing.	Refused
C/84/1033	Conversion of existing roof space to form habitable rooms (amended by drawings received 19/3/86)	Approved subject to conditions.
C/83/0408	Continuation of use as guest house - (Section 32 application)	Permitted
C/75/0619	Erection of single-storey extension to existing dwelling house	Permitted
C/75/0353	Single-storey rear extension to dwelling house	Refused
C/72/0755	Erection of a private garage	Unknown

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

	<u>Area Guidelines</u> De Freville Conservation Area Appraisal (2009)
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5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No off-street car parking provision is made for the development.

6.2 The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

6.3 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 that the Planning Authority is minded to issue with regard to this proposal.

Environmental Health

- 6.4 No objection, subject to a condition restricting construction hours and an information regarding housing standards.
- 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:

- 9 Elizabeth Way

7.2 The representations can be summarised as follows:

- Request for frosted/obscured glazing on windows that look straight into kitchen, breakfast room and dining room as the future tenants will invade privacy.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations

Principle of Development

- 8.2 Policy 5/7 of the Cambridge Local Plan (2006) states that the development of properties for multiple occupation will be permitted subject to a) the potential impact on the residential amenity of the local area; b) the suitability of the building or site; and c) the proximity of bus stops and pedestrian and cycle routes, shops and other local services.
- 8.3 The site is close to public transport routes and it is my view that the proposals, therefore, comply with part c) of policy 5/7 of the Local Plan. Parts a) and b) of policy 5/7 are addressed below.

Context of site, design and external spaces

- 8.4 There is no material alteration to the property itself apart from some alteration to an existing outbuilding that is currently used for storage purposes. This will be modified and converted to house the proposed cycle store and racks. This element is located to the rear of the property and will not be visible to the street and it is my opinion that it would not have a detrimental impact on the appearance of the house. I consider it to be visually acceptable.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The property itself will not undergo any structural changes and the resulting bedrooms will not change. There will be no additional overlooking towards other neighbouring properties.
- 8.7 The proposed floorplans show nine bedrooms and the agent has confirmed that the house would be occupied by nine people. A house can be occupied by up to six people without the need for specific planning permission as an HMO. I have assessed the impact of a nine bedroom HMO at this property within this context. In my opinion, the impact of these rooms being used as an HMO rather than that of their existing guest house usage in terms of noise and disturbance would not be significant and it is my view that the occupation of the house by

nine people is acceptable. I do not believe that the amenity of adjoining neighbours would be impacted by this change of use as a 9 bed guest house in its current form to a 9 bed HMO.

- 8.8 Some of the rooms may be large enough to accommodate two people and it is possible that the house could be occupied by up to 18 people. As the surrounding area predominantly consists of family houses it is my view that such an intensive use of the property could have a significant detrimental impact on the amenity of neighbours. I therefore recommend that the occupancy of the house is limited to nine people by condition.
- 8.9 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.10 The occupiers would share a relatively small communal garden/yard area. Whilst I consider this is not ideal for a household of up to nine people I am mindful that provision has been made to retain an existing communal lounge that opens out onto this area and the property is located not far from Midsummer Common. In this regard I consider that a high quality living environment would be provided for the future residents.
- 8.11 A 1.4m high fence is to be erected to separate the bin store area from the bedroom window of bedroom 2 to provide a satisfactory level of privacy and outlook for the future occupier of this ground floor bedroom.
- 8.12 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) policy 3/7 and part c) of policy 5/2.

Refuse Arrangements

- 8.13 A bin store is proposed in the rear garden and in my opinion this is acceptable. Bin collection points are located towards the rear of the property at Lovers' Walk rather than onto the front at Elizabeth Way.

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

Highway Safety, Car and Cycle Parking

8.15 The Highway Authority has commented that the proposal is unlikely to have a significant adverse impact on highway safety and that new residents of the dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. In my opinion the additional occupants would not place such a strain on on-street parking spaces to warrant refusal of the application. Provision of secure cycle storage for up to 9 bikes to the rear of the property will encourage alternative means of transport, rather than reliance on private car ownership.

8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2, 8/6 and 8/10.

Third Party Representations

8.17 The third party representation has raised concerns of overlooking and there has been a request that obscured glass be installed into the openings in bedrooms that already face onto the side of No. 9 Elizabeth Way. It is understood that this request arises from a concern that the change of use would result in a more intensive use of the bedrooms. However, there is already a degree of overlooking from these rooms as guest bedrooms and no evidence that the change of use would exacerbate this. In my opinion it would not be justified to seek to improve an existing situation by requiring obscure glazing that would adversely impact on the outlook of future occupiers of these rooms.

9.0 CONCLUSION

In my opinion, the proposed change of use from the guest house to the large HMO (sui generis) would not have a detrimental impact towards neighbouring properties. It is my view that the proposed use would not have a significant detrimental impact on and to the amenity of neighbouring

properties. I recommend that the application is approved subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions

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

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

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

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

3. The house shall be occupied by no more than nine people at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2006, policy 3/7)

4. Prior to occupation as a House in Multiple Occupation (HMO) 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. Thereafter the development shall be in accordance with the approved details. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

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

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

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

Further information may be found here:

<https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>

INFORMATIVE: The scheme will not qualify for Residents' Permits within the existing Residents' Parking Schemes operating on surrounding streets.

CAMBRIDGE CITY COUNCIL

REPORT OF: Director of Environment

TO: Planning Committee DATE: 26 April 2017

WARD: Trumpington

**PLANNING ENFORCEMENT
REPORT CASE REF. CE/5734 FOR:**

Address: 8 Richard Foster Road, Cambridge CB2 8DW

**Details of Development for which Specific Planning Permission has
not been obtained:**

Erection of roof over external amenity space, insertion of two rooflights and conversion of carport to playroom/storage area contrary to a planning condition requiring the space to be reserved and maintained for car parking.

SUMMARY	A Planning Enforcement investigation has been carried out. The new roof was found to be Permitted Development, the rooflights require specific planning permission and the conversion of the carport is in contravention of a planning condition.
RECOMMENDATION	The planning harm identified is in relation to the new roof, however, this cannot be controlled for the reasons given below. The rooflights and carport conversion are not considered to represent harm that would justify enforcement action. It is not considered expedient to take enforcement action in relation to these matters and it is therefore recommended that no further action be taken.

1.0 INTRODUCTION

- 1.1 No. 8 Richard Foster Road is part of the Accordia development. The property is a terrace dwelling that fronts onto a public area of open grass to the west, which was the former garden and parkland to Brooklands House, a Grade II Listed Building, the rear of which is visible from the open space.
- 1.2 The surrounding area is residential in nature and the site lies within the Brooklands Avenue Conservation Area (2002 and 2013 designations). It lies outside of the controlled parking zone.
- 1.3 The wider Accordia development was granted Outline Planning Permission in October 2001. The permission was subject to a number of conditions. Of particular relevance to the development are conditions 9 and 28. These sought, respectively, to ensure sufficient off-street car parking was provided and to remove Permitted Development rights for additions or extensions. The precise conditions and their reasons are reproduced below:

Condition 9

No part of the development shall be occupied until space has been laid out within the site, in accordance with the approved plans, for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning spaces provided shall thereafter be retained and shall not be used for any purpose other than the parking or turning of vehicles, unless and until adequate, alternative parking and turning space is provided to the satisfaction of the local planning authority which is also to be given in writing.

Reason

To avoid obstruction of the surrounding streets and in the interests of highway safety and convenience.

Condition 28

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 extension, 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.

2.0 THE DEVELOPMENT

- 2.1 There are three elements to the development that this report seeks to address.
- 2.2 The first of these is the erection of a new roof that covers an external amenity area situated on the second floor of the dwelling. The open nature of the amenity space was an integral design feature of the building that is repeated throughout the terrace. The new roof covers but does not fully enclose the area since it remains open at either end but it does serve to visually enclose the space when viewed from outside the building within the public realm.
- 2.3 The second element is the insertion, within the new roof, of two large rooflights, one at either end of the roof. These are clearly visible from outside the building within the public realm.
- 2.4 The third element is the conversion of the carport to a lobby/storage area and a playroom. This space was reserved for car parking within the scheme and as such the dwelling no longer benefits from any off-street car parking. The conversion is also apparent from the public realm and alters the external appearance of the building.

3.0 PLANNING APPLICATION HISTORY

- 3.1 The following table sets out the planning application history of relevance to the site.

C/00/1175/OP	Outline Application for 9.45ha of Residential Development (Class C3) comprising not more than 382 dwellings; together with 1.92ha office development (Class B1) comprising a total maximum floorspace of 16500sq metres (gross); alterations to the public highway, access, car parking and ancillary development.	Approved 10 October 2001
C/02/0999/RM	Approval of siting design and external appearance, and landscaping relating to the redevelopment of 9.45 hectares of	Approved 03 June 2003

	land for residential development pursuant to condition 3 of the outline planning permission Ref:C/00/1175/OP at the government offices site Brooklands Avenue.	
13/0637/FUL	Provide roof and roof lights over upper floor terrace, convert car port to playroom and provide storage in entrance lobby (retrospective)	Refused 16 September 2013

4.0 ENFORCEMENT INVESTIGATION AND ACTION

- 4.1 In December 2012 a complaint was received alleging the unauthorised conversion of the carport and the erection of a new roof.
- 4.2 In May 2013, following an initial investigation, a Planning Contravention Notice was served.
- 4.3 In June 2013 a retrospective planning application was received (detailed above).
- 4.4 The application was considered at the September 2013 South Area Planning Committee meeting. The committee report addressed the need for planning permission arising from the non-compliance with two conditions attached to the original outline planning permission for the Accordia site (ref. C/00/1175/OP). These are reproduced at paragraph 1.3 above.
- 4.5 The application was refused for the following reasons:

The proposed conversion of the garage and the roof extension by virtue of the enclosure of the voids, detracts from the lightness and semi-open nature of the building and the rhythm and appearance of the terrace, appearing starkly out of place against the prevailing architectural uniformity. The impacts are from public vantage points and are clearly harmful to the special character and qualities of the terrace and Brooklands Avenue Conservation Area. As such, the proposal is contrary to policies 3/4, 3/7, 3/14 and 4/11 of the Cambridge Local Plan (2006).

- 4.6 In May 2014 an Enforcement Notice was served alleging that the works had been carried out without the benefit of planning permission. Following the receipt of the Enforcement Notice, the appellant's agent

alleged that the works undertaken constituted Permitted Development and that the Enforcement Notice had been incorrectly served.

- 4.7 In June 2014 an appeal against the Enforcement Notice was received by the Planning Inspectorate.
- 4.8 In October 2014, it came to light that a procedural error had occurred during the process of serving the notice such that no delegated report had been signed to authorise the action. In retrospect, it was also felt that the Council needed to consider whether a Breach of Condition Notice needed to be served as an alternative to an Enforcement Notice.
- 4.9 For the above reasons, the Enforcement Notice was withdrawn and the appeal fell away. A notification was sent out to residents on 16 October 2014. During 2014/2015 officers sought to reach a view on the issue of the need for planning permission for the works with assistance from legal officers.
- 4.10 In September 2015 an appeal decision, for a development on a different part of the Accordia development, was received by the Council that officers considered impacted upon the Council's ability to continue to pursue enforcement action.
- 4.11 This appeal decision was for 43 Aberdeen Avenue and related to an Enforcement Notice alleging that without planning permission a heat source pump and solar panels had been erected at the property. As part of his decision, the Planning Inspector determined that condition no. 28 (detailed above) was flawed in that it was not sufficiently precise or reasonable to enable the Local Planning Authority to categorically require specific planning permission in respect of works in relation to Schedule 2 Part 1 of the General Permitted Development Order 1995 (as amended) or subsequent re-enactments of that Order.
- 4.12 The Inspector stated:

The wording of condition No. 28 is flawed. It does not state explicitly the Classes of development or Parts within Schedule 2 that the condition is seeking to remove. The vague reference to "no extension, or additions or garages" infers some types of development that would be permitted by Part 1 (Development within the curtilage of a dwellinghouse), such as Class A (the enlargement, improvement or other alteration of a dwellinghouse) and Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), but the condition does not say so.

I consider that condition No. 28 would have failed the tests of precision and reasonableness when it was imposed. To seek to apply such a vaguely worded condition to the installation of domestic microgeneration equipment, a class of permitted development that did not exist when the condition was imposed, is unreasonable.

It appears to me that the Council has come to realise that condition No. 28 is ineffective in achieving its objective of maintaining the appearance of the buildings and their surroundings on this estate. In 2014 it made an Article 4 Direction, which has the effect of withdrawing permitted development rights for particular types of development that fall within Part 1 Classes A, F and G and Part 2 Classes A and C of Schedule 2 within the GPDO 1995 as amended (now the GPDO 2015).

- 4.13 Following the appeal decision, officers considered that the addition of the roof was Permitted Development and that the Inspector's conclusions in relation to condition No. 28 meant that it could not be relied upon to seek to control the works through enforcement action. The works to the carport remained in breach of condition No. 9.
- 4.14 In November 2016 officers wrote to the occupiers of 8 Richard Foster Road requesting the submission of a retrospective planning application in order to seek to regularise all of the works. No application was received and it now falls upon the Local Planning Authority to determine whether it is expedient to pursue enforcement action.

5.0 RELEVANT PLANNING POLICIES

5.1 Cambridge Local Plan 2006

- 3/1 Sustainable Development
- 3/4 Responding to Context
- 3/7 Creating Successful Places
- 3/11 The Design of External Spaces
- 3/14 Extending Buildings
- 4/3 Safeguarding Features of Amenity Value
- 4/13 Conservation Areas
- 8/10 Off-Street Car Parking

5.2 The National Planning Policy Framework states:

‘Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control’. (Paragraph 207 (extract))

5.3 National Planning Policy Guidance states:

‘Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations.’ (Paragraph: 003 Reference ID: 17b-003-20140306)

‘Nothing in this guidance should be taken as condoning a wilful breach of planning law. Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case.

In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed’.

(Paragraph: 011 Reference ID: 17b-011-20140306)

6.0 PLANNING CONSIDERATIONS

6.1 The planning merits of the three elements of the development are assessed below:

Roof structure

6.2 As detailed above, planning permission was refused for the erection of the roof. In my opinion, the harm that was identified in the reasons for

refusal remains. However, I consider the roof was erected as Permitted Development and the condition that sought to remove Permitted Development rights has been found to be flawed. In my view, therefore, the Local Planning Authority would be ill advised to seek to rely upon it to control this aspect of the development.

Rooflights

- 6.3 Since the erection of the new roof, two rooflights have been installed. It is my understanding that these were inserted into the new roof at a much later date to the roof structure itself and after the Council served an Article 4 Direction. This Direction was served in September 2014 and removed Permitted Development rights from the whole Accordia development.
- 6.4 It is my opinion that the rooflights would be Permitted Development by virtue of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, however, they require specific planning permission by virtue of the Article 4 Direction.
- 6.5 Of themselves, I do not consider the rooflights to be harmful. In my opinion they actually help to lighten the roof structure and go some way to reinstating the open feel of the development, providing some transparent views through the structure when viewed from outside the building within the public realm. In this regard I do not consider they represent any planning harm.

Carport

- 6.6 In relation to the carport conversion, this is in breach of condition No. 9 (detailed above) that effectively required this space to be retained for car parking and turning. It is my opinion that Condition No. 28 is not relevant to these works since they were internal only and did not, of themselves, constitute development.
- 6.7 I consider the visual impact of the conversion works has had some negative impact on the uniformity of the terrace, however, the condition was not imposed to protect this and it is clear from the reason for the condition that it was imposed to ensure surrounding streets were not obstructed and in the interests of highway safety and convenience.
- 6.8 Having regard to this reason, I have considered the planning harm that may result from the failure to provide off-street parking for this dwelling and assessed it against relevant planning policies.

6.9 Policy 8/10 Off-Street Car Parking of Cambridge Local Plan 2006 states:

“Off-street car parking must be in accordance with the Parking Standards”

6.10 The Parking Standards set out in the Cambridge Local Plan 2006 state:

“The standards set out in this document define the maximum levels of car parking that Cambridge City Council, as a Local Planning Authority, will permit for various types of development in different areas of the City. These levels should not be exceeded but may be reduced where lower car use can reasonably be expected.”

6.11 The parking standards state that a maximum of 2 spaces would be the relevant provision for this dwelling.

6.12 Areas where lower car use can reasonably be expected include those areas within the city that are close to a good range of services and facilities and where there are a range of transport options available such as public transport, walking and cycling. In my opinion, Richard Foster Road is one such location.

6.13 Having regard to the above policy position, and the reason for the condition, it is my opinion that it would not be possible to demonstrate that the failure to provide off-street parking is contrary to relevant planning policies within the Development Plan and therefore that there is sufficient harm to justify enforcement action.

7.0 CONSIDERATION OF ENFORCEMENT OPTIONS

7.1 As detailed above, I consider the erection of the roof structure to be Permitted Development. A detailed assessment of the Permitted Development status of the roof is attached as Appendix A. At the time it was erected, control over Permitted Development had been sought by condition No. 28 of the outline permission, however, this has since been found to be flawed. In my opinion, therefore, the condition cannot be relied upon to control this aspect of the works. Whilst the Council is not prevented in law from relying on this condition, and could serve a Breach of Condition Notice, in my opinion this would be ill advised given the Inspector’s findings that the condition fails the tests of precision and reasonableness.

- 7.2 It appears that the breach of planning control in relation to the insertion of the rooflights has occurred within the last 4 years. No record of planning permission for the rooflights exists. Permitted Development rights have been removed by virtue of an Article 4 direction and the Local Planning Authority could serve an Enforcement Notice to seek the removal of the windows. However, for the reasons given in the report I do not consider that sufficient harm can be demonstrated to justify such action.
- 7.3 The conversion of the carport is a breach of condition 9. It appears that the breach has occurred within the last 10 years and the Local Planning Authority could therefore serve a Breach of Condition Notice. However, for the reasons given in the report I do not consider that sufficient harm can be demonstrated to justify such action given the reasons provided for the imposition of the condition.
- 7.4 Enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. For the reasons given in this report I do not consider there is sufficient harm identified to justify enforcement action and I do not believe it would be in the public interest to do so. I therefore consider that no further action should be taken and the enforcement case closed.

8.0 ENFORCEMENT POLICY CONSIDERATIONS

- 8.1 Enforcement is a discretionary power and the Planning Committee should take into account the planning history, the details of the breaches of planning control and the other relevant facts set out in this report.
- 8.2 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Enforcement Policy and the City Council's Corporate Enforcement Policy.

9.0 OTHER ENFORCEMENT INVESTIGATIONS

- 9.1 An Enforcement investigation has taken place at No. 5 Richard Foster Road, a dwelling forming part of the terrace with No. 8. An internal sliding door has been erected that subdivides the parking space. As the door amounts to internal works it does not constitute development. It does not prevent the parking of cars and I do not consider it is in breach of condition No. 9, referred to in paragraph 1.3 above. The enforcement case has recently been closed.

9.2 An Enforcement investigation has taken place at 7 Copse Way, a dwelling of similar design to No. 8 Richard Foster Road. A timber panel had been erected that blocked the end of its outdoor terrace area obscuring all views through the structure. The panel has since been removed and the enforcement case has recently been closed.

10.0 RECOMMENDATION

It is recommended that Members consider sufficient harm has not been identified to justify enforcement action and that it is neither expedient nor in the public interest to serve an Enforcement Notice and/or a Breach of Condition Notice to seek to remedy the breaches of planning control identified. As such no further action should be taken and the enforcement case closed.

Roof Structure – Permitted Development Assessment

The relevant Statutory Instrument is *The Town and Country Planning (General Permitted Development) Order 1995 (as amended)*. This has since been amended and updated but was the Order that was in force at the time the structure was erected and is the relevant Order to assess the works against.

Schedule 2 Part 1 Class A of the Order states that the **enlargement, improvement or other alteration of a dwellinghouse** is Permitted Development unless the works fall within any of a number of exception criteria. These are set out below along with my assessment of each:

(a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse —

(i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land [Conservation Area], by more than 50 cubic metres or 10 %, whichever is the greater,

(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater,

(iii) in any case, by more than 115 cubic metres;

It is my assessment that the works do not enclose any space since the ends of the roof terrace remain open such that this space remains an external area. It cannot therefore be considered to be part of the internal space of the dwellinghouse and in this regard I do not consider that the works amount to an increase in the cubic content of the original dwellinghouse. As such the development does not fall within criterion (a)

(b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;

It is my assessment that the building has not been enlarged but it has been altered. However, the works do not exceed the highest part of the roof of the original dwellinghouse.

(c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than—

(i) the part of the original dwellinghouse nearest to that highway, or

(ii) any point 20 metres from that highway,

whichever is nearer to the highway;

It is my assessment that the works are not nearer to any highway which bounds the curtilage than any part of the original dwellinghouse.

(d) in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;

It is my assessment that the part of the building altered by the works is within 2 metres of the boundary of the curtilage. However, the part of the building that has been altered is approximately 200mm in height and does not therefore exceed the 4 metre limit.

(e) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

It is my assessment that the works do not exceed 50% of the total area of the curtilage and the area of the original dwellinghouse is in any case excluded.

(f) it would consist of or include the installation, alteration or replacement of a satellite antenna or a microwave antenna;

The works do not include such an installation.

(g) it would consist of or include the erection of a building within the curtilage of a listed building.

The works are not within the curtilage of a listed building.

(h) it would consist of or include an alteration to any part of the roof.

It is my assessment that the works constitute an additional area of roof. They make no changes to the existing roof and are not therefore an alteration to any part of the roof.

Class A has two additional sections:

A.2. In the case of a dwellinghouse on any article 1(5) land [Conservation Area], development is not permitted by Class A if it would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles.

The works do not consist of cladding of any part of the exterior.

A.3. For the purposes of Class A —

(a) the erection within the curtilage of a dwellinghouse of any building with a cubic content greater than 10 cubic metres shall be treated as the enlargement of the dwellinghouse for all purposes (including calculating cubic content) where—

(i) the dwellinghouse is on article 1(5) land [Conservation Area], or

(ii) in any other case, any part of that building would be within 5 metres of any part of the dwellinghouse;

(b) where any part of the dwellinghouse would be within 5 metres of an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purpose of calculating the cubic content.

The works do not constitute the erection of a building with a cubic content greater than 10 cubic metres and the dwellinghouse would not be within 5 metres of an existing building within the curtilage.

Having regard to the above, it is my view that the erection of the roof structure, whilst constituting development, does not fall within any of the exception criteria and was therefore Permitted Development at the time it was installed. As such, specific planning permission was not required at that time and the works therefore benefit from deemed planning permission by virtue of the Order.

CAMBRIDGE CITY COUNCIL

REPORT OF: Director of Environment

TO: Planning Committee DATE: 26 April 2017

WARD: Coleridge

PLANNING ENFORCEMENT REPORT FOR:

Address: 69 St Thomas's Square, Cambridge, Cambridgeshire CB1 3TG

Details of Alleged Breaches of Planning Control:

Without planning permission, the unauthorised change of use of the single storey outbuilding (outlined in blue on attached plan for identification purposes only) at the Premises as a separate self-contained unit of accommodation.

SUMMARY	A Planning Enforcement investigation has been carried out and ascertained that a breach of planning control has occurred at the premises.
RECOMMENDATION	Serving one Enforcement Notice dealing with the change of use breach at the premises.
NOTICE TYPE	Enforcement Notice Material Change of Use x1.

1 INTRODUCTION

1.1 69 St Thomas's Square is a semi-detached two storey house on the south side of the road. The property has retained its original dimensions with access to the public highway from the rear of the premises through a side gate.

1.2 During the investigation it has ascertained that the site is occupied as follows:

House – owner occupier and family;

Outbuilding – two tenants who each have their own en-suite room and share a communal kitchen area within the outbuilding.

- 1.3 The site is not in a Conservation Area and there are no protected trees, listed buildings or Buildings of Local Interest (BLI) in the vicinity. The site is not in the Controlled Parking Zone (CPZ).

2 PLANNING HISTORY

2.1 Planning applications

06/0031/FUL	Erection of single storey front, side and rear extension	Granted Permission – but not carried out
C/82/0754	Erection of garage and store / hobby room	Permission granted

- 2.2 A Double Garage with Store/Hobby room was built in 1982 and granted planning permission with no additional conditions concerning the usage.

2.3 Planning Enforcement

Current Investigation ref: EN/0087/16.

3 COMMENTS OF ENFORCEMENT INVESTIGATION

- 3.1 The site was initially referred to the Planning Enforcement Team by officers from the City Council Tax Team in April 2016 and a site visit took place on 18th April 2016 when photos were taken of the exterior of the outbuilding. Council records record that the owner stated the outbuilding was occupied by a family member and a tenant at the time.
- 3.2 Council records show that on 29th April 2016 the owner stated during a telephone conversation with a planning enforcement officer that he would submit a retrospective planning application online.
- 3.3 The owner was advised of a breach of planning control at the premises in a letter on 3rd May 2016.
- 3.4 Several attempts were made to visit the premises to confirm the on-going nature of the breach throughout November 2016. The owner was present during the site visit in December 2016 where internal photos

were taken of the outbuilding. It was found that two tenants occupy the outbuilding and have an en-suite each with a shared kitchenette area and have no interaction with the host dwelling. The owner was advised to revert back to the lawful use or if an application was not forthcoming, formal enforcement action would be taken. The owner stated that he completed an application form online and just had to pay his planning fee but there are no records available reflecting this. It was also stated that he had been letting out the outbuilding in this manner since the summer of 2012, which is in excess of the 4 year lawful use scenario. It should be noted that this is the first time that this statement has been made by the owner. He was advised to submit a retrospective planning application and to collect as much evidence of lawful use as possible in the meantime in order to build a body of evidence sufficient to satisfy the burden of proof that a Certificate of Lawful Development application requires.

- 3.5 A case review was carried out in January 2017. Council records relating to Council Tax, Housing and Environmental Health do not support such a lawful use of the outbuilding if an application was to be received. No retrospective planning applications have been received for the breach identified and listed below:

Without planning permission, the unauthorised use of the single storey outbuilding (outlined in blue on attached plan for identification purposes only) at the Premises as a separate unit of self-contained accommodation.

- 3.6 It is noted that the breaches would be immune from enforcement action after 4 years from the date that the breaches occurred. If the decision were taken not to continue with formal enforcement action the unauthorised changes of use would benefit from planning consent after 4 years.
- 3.7 In relation to each breach, all interested parties are to be served with notice to carry out the requirements of the notice.

4 RELEVANT PLANNING POLICIES AND OTHER MATERIAL CONSIDERATIONS

- 4.1 The National Planning Policy Framework states:

'Para 207 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is

discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'

4.2 National Planning Policy Guidance states:

Para 17b-003: 'There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control'.

4.3 Cambridge Local Plan 2006

3/4 Responding to context
3/10 Sub-division of Existing plots
3/12 The Design of New Buildings
4/13 Pollution
8/6 Cycle Parking

5 INVOLVEMENT OF OTHER COUNCIL DEPARTMENTS OR OTHER AGENCIES

5.1 The Council Tax Team originally notified Planning Enforcement Team of the alleged breach and has been kept updated throughout the course of the investigation.

6 CONSIDERATION OF ENFORCEMENT OPTIONS

6.1 It appears to the Council that the breaches of planning control have occurred within the last 4 years as council tax records have only started within the last four years and no other evidence has been provided by the owner to show the breach has occurred for more than 4 years.

6.2 The Council has no record that planning permission has been granted for the use outlined above.

- 6.3 It is considered that planning conditions or any subsequent application could not overcome the identified planning harm described within the reasons for service of the Enforcement notice with regard to the unauthorised change of use.
- 6.4 It is noted that the breach would be immune from enforcement action after 4 years from the date that the breach occurred. If the decision were taken not to continue with formal enforcement action the unauthorised change of use could benefit from planning consent after 4 years.
- 6.5 It would appear from planning history (C/82/0754) that the outbuilding has planning permission to be used for a garage and store/hobby room use. When combined with a permitted change of use to an ancillary use, this would result in a lawful use of the building. With the enforcement notice in this instance the removal of just the kitchen and cooking facilities from the outbuilding would be sufficient.

7 POLICY CONSIDERATIONS

- 7.1 Enforcement is a discretionary power and the Planning Committee should take into account the planning history, the details of breaches of planning control and the other relevant facts as set out in this report.
- 7.2 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Enforcement Policy and the City Council's Corporate Enforcement Policy.
- 7.3 Consideration should be given to the Human Rights Act 1998 and to the Equality Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) as being relevant considerations. The Council must also have regard to its public sector equality duty (PSED) under S.149 of the Equality Act. The duty is to have due regard to the need (in discharging its functions) to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing, minimising disadvantages suffered by persons who

share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnerships, race, religion or belief, sex and sexual orientation.

Officers do not consider that the recommendation in this report would have a disproportionate impact on any protected characteristic.

- 7.4 Officers consider that the service of the Enforcement Notices, referred to above, with a reasonable period for compliance would be lawful, fair, proportionate, non-discriminatory, and necessary in the public interest to achieve the objective of upholding national and local planning policies.

8 OTHER MATTERS

- 8.1 There are no other matters to report.

9 RECOMMENDATION

Without planning permission, the unauthorised use of the single storey outbuilding (outlined in blue on attached plan for identification purposes only) at the Premises as a separate self-contained unit of accommodation.

- 9.1 (i) To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) alleging that there has been a breach of planning control within the last four years, involving the unauthorised material change of use of the outbuilding at the premises as a separate self-contained unit of accommodation, specifying the steps to comply and the period for compliance set out in paragraphs 9.2 and 9.3, for the reasons contained in paragraph 9.4.

- (ii) to authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- (iii) to delegate authority to the Head of Planning Services (after consultation with the Head of Legal Services) to exercise the Council's powers to take further action in the event of non-compliance with the enforcement notice.

9.2 Steps to Comply

9.21 Permanently cease the use of the single storey outbuilding (outlined in blue on attached plan for identification purposes only) at the Premises as a separate unit of self-contained accommodation.

9.22 Permanently remove the kitchen and cooking facilities from the outbuilding.

9.3 Period for Compliance:

Four[4] month(s) from the date the notice comes into effect.

9.4 Statement of Reasons:

- (i) It appears to the Council that the breach of planning control has occurred within the last four years (Section 171B(2)). The applicant has undertaken development without the benefit of planning permission.
- (ii) The introduction of the self-contained unit of accommodation in the outbuilding located in the rear garden of the property increases the comings and goings to the property. Occupants and visitors to the self-contained unit of accommodation in the outbuilding may give rise to conditions resulting in noise disturbance and light pollution to the main dwelling and adjacent neighbouring properties at 67 and 71 St Thomas's Square. This is contrary to policies 3/10 and 4/13 of the Local Plan (2006).
- (iii) Insufficient details have been received regarding bin and bicycle storage for the use of the outbuilding as a separate unit of accommodation. This is contrary to policies 3/10, 3/12 and 8/6 of the Local Plan (2006).

- (iv) The use of the outbuilding at the Premises as a separate unit of self-contained accommodation detracts from the prevailing character and appearance of the area. The nearby properties are characterised by long gardens to the rear that do not contain separate units of self-contained accommodation. The introduction of the use of the outbuilding as a separate unit of accommodation is therefore at odds with the predominant character of the area. This is contrary to policies 3/4, 3/7 and 3/10 of the Local Plan (2006).
- (v) It is considered that planning conditions could not overcome the identified objections with regard to this unauthorised change of use.

9.5 Mindful of the NPPF, Development Plan policy and other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

BACKGROUND PAPERS

Site visit site notes 12.12.16

Site visit photographs 12.12.16

APPENDICES

Plan detailing layout of site 'Premises'

The contact officer for queries on the report is John Shuttlewood on extension 457326.