



## Planning

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

**Alternates:** Councillors Bird, Holland and Page-Croft

*Published & Despatched: Tuesday, 27 June 2017*

**Date:** Wednesday, 5 July 2017

**Time:** 10.00 am

**Venue:** Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

**Contact:** Toni Birkin

## AGENDA

### 1 ORDER OF AGENDA

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

- **PART ONE**  
Major Planning Applications  
Start time: 10am
- **PART TWO**  
Minor/Other Planning Applications  
Start time: 12.30pm
- **PART THREE**  
General and Enforcement Items  
Start time: At conclusion of Part Two

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

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

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

## **2 APOLOGIES**

## **3 DECLARATIONS OF INTEREST**

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

## **4 MINUTES**

To confirm the minutes of the meeting held on 7 June 2017

Minutes to follow

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

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

**5 16/0821/FUL - ROMSEY LABOUR CLUB, MILL ROAD** *(Pages 17 - 72)*

**6 17/0644/FUL - 1-4 WATER LANE** *(Pages 73 - 96)*

**7 15/2372/FUL - CITYLIFE HOUSE** *(Pages 97 - 186)*

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

**8 16/1691/FUL - BLOCK B STUDENT CASTLE 1 MILTON ROAD** *(Pages 187 - 224)*

**9 17/0483/S73 - 1 GREAT EASTERN STREET** *(Pages 225 - 252)*

**10 16/1529/FUL - 115-117 GRANTCHESTER MEADOWS** *(Pages 253 - 294)*

**11 17/0260/FUL - 268 QUEEN EDITHS WAY** *(Pages 295 - 324)*

**12 17/0259/FUL - 14 DANE DRIVE** *(Pages 325 - 340)*

- 13 **17/0588/FUL - LAND ADJACENT TO 81 DERWENT CLOSE** (*Pages 341 - 356*)
- 14 **17/0177/FUL - LAND ADJACENT TO 55 ALPHA ROAD** (*Pages 357 - 380*)
- 15 **17/0542/FUL - 103 HOWARD ROAD** (*Pages 381 - 396*)
- 16 **16/2243/S73 - 19 NEW SQUARE** (*Pages 397 - 410*)
- 17 **17/0658/FUL - 137 COLDHAMS LANE** (*Pages 411 - 426*)
- 18 **16/1364/FUL - GARAGE BLOCK 1-20, CAMERON ROAD AND LAND ADJACENT TO NOS. 33 AND 45 NUNS WAY** (*Pages 427 - 458*)

<b>Part 3: General and Enforcement Items</b>
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- 19 **EN/0089/17 WESTS GARAGE, 217 NEWMARKET ROAD TEMP STOP NOTICE REPORT**  
  
The Officer will give a verbal report
- 20 **LGO COMPLAINT 16 002 481** (*Pages 459 - 470*)
- 21 **LGO COMPLAINT 16 004 091** (*Pages 471 - 482*)

## Meeting Information

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

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

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

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

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

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

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

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

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

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

Members of the public who want to speak about an

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

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

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

Further information is available at

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

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

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

### **Representations on Planning Applications**

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

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

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

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

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

**Filming,  
recording  
and  
photography**

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

**Facilities for  
disabled  
people**

Level access to the Guildhall via the Peas Hill entrance.

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

Accessible toilets are available on the ground and first floor.

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

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

**Queries on  
reports**

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

**General  
Information**

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

(updated August 2015)

### **1.0 Central Government Advice**

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

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

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

Guidance is provided in relation to the following:

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

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

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

1.4 **Community Infrastructure Levy Regulations 2010**

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

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

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

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

have been entered on or after 6th April 2010

**Development Plan policy**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

10/1 Infrastructure improvements

#### Planning Obligation Related Policies

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

#### 4.0 Supplementary Planning Documents

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

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

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

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

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

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

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

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

5.0 **Material Considerations**

5.1 **City Wide Guidance**

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.2 Area Guidelines

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

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

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

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

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

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

Historic open space guidance.

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

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

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

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

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

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

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

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

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

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

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

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



<b>Application Number</b>	16/0821/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	5th May 2016	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	4th August 2016		
<b>Ward</b>	Romsey		
<b>Site</b>	Romsey Labour Club Mill Road Cambridge CB1 3NL		
<b>Proposal</b>	Mixed used development comprising a Day Nursery at ground floor and 40 self-contained 1xbed student rooms at the rear and on the upper floors along with a vehicle drop-off zone, cycle parking and associated landscaping.		
<b>Applicant</b>	Duxford Developments Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>-The principle is acceptable</li> <li>-The design and impact on surroundings is acceptable</li> <li>-The impact on neighbour amenity is acceptable</li> <li>-The overall removal and new land uses is acceptable in principle.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located on the south side of Mill Road, immediately east of the junction with Coleridge Road (to the south) and Hemingford Road (to the north). This site has an active frontage onto both Mill Road and Coleridge Road. Immediately south of the site is Ruth Bagnall Court, a four storey apartment building. The ground level rises from north to south across the site.
  
- 1.2 The site is located within the Central Conservation Area under the Mill Road Area Conservation Area Appraisal (2011). The

building presently occupying the site was originally constructed in the 1920s. The building is known as Romsey Labour Club. This building has been designated a Building of Local Interest. Its description is as follows:

*'The Labour Club is a single-storey red brick building on a corner site. It retains a stone cornice with the 'Romsey Town Labour Club' and some Venetian windows to either side of the front entrance with rubbed red brick arches. A decorative stone cartouche lies over the panelled double front doors and the flat roof hidden by a parapet. It was designed by E.W. Bond.'*

- 1.3 Originally, the principle central section of the building contained a Private Members Club which is a sui generis use. Until recently the central area of the building was used by the Arthur Rank Hospice as a second hand furniture store (Use class A1) granted temporary planning permission until August 2016. This shop has recently closed. The eastern wing is currently occupied by the Tsunami Fight Club, a non for profit gym and a D2 use. Above this gym is one self-contained residential apartment in C3 use. The Trumpington Boxing Club occupies the eastern wing. This is also a D2 use.
- 1.4 The majority of the site is covered in hardstanding, with some hedging between the building and Coleridge Road and some vegetation and small trees between the front façade of the building and Mill Road. The vehicular entrance to the site is to the rear off Coleridge Road.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for a mixed used development comprising a Day Nursery at ground floor and 40 self-contained 1xbed student rooms at the rear and on the upper floors along with a vehicle drop-off zone, cycle parking and associated landscaping.
- 2.2 The proposed re-development involves the demolition of the majority of the existing building on the site. The front elevation along Mill Road and part of the west elevation along Coleridge Road would be retained. Above these facades, two additional storeys are proposed within a gable ended pitched roof. This element is contemporary in design using zinc cladding and large

box dormers. The ridge height is 10.5 metres and eaves is 7.5 metres. This building would contain a nursery for 0-3 year olds at ground floor and student accommodation in floors above including twelve 1 bed flats and one 1 bed managers flat.

- 2.3 To the south of this building two new student apartment blocks are proposed to replace the Labour Club's existing wings. The block facing Coleridge Road would be four stories in height or 11.2 metres. This would contain nineteen 1 bed flats. The block adjoining the boundary with the rear garden of No. 276 Mill Road would be two storeys in height or 6 metres in height and contain a further eight one bed flats. Both are contemporary in appearance using large openings and flat roofs.
- 2.4 These proposed buildings all surround an internal landscaped courtyard which is split to cater for students and children using the nursery.
- 2.5 All plant and cycle storage is located within the proposed basement which is similar in area to the existing basement. A vehicular drop off area is proposed between the proposed four storey block and Coleridge Road.
- 2.6 Some minor amendments have been received to the original proposal during the process of this original application to address some points of concern, these include:
  - Altering the proportions of the dormer windows to be provided within the frontage block behind the existing BLI and these have been rearranged to replicate the proportions of the windows present at ground floor within the BLI.
  - A zinc clad mansard roof has been introduced to the upper floor of the student accommodation block facing onto Coleridge Road.
  - Steel perforated spandrels have been introduced to the Coleridge Road elevation windows.
  - The eastern wing elevation has been broken up with the introduction of a string course and dummy windows.
  - Defensible threshold space has been introduced to the units at ground floor within the eastern wing that are accessed from the central courtyard.
  - A further daylight/sunlight assessment was undertaken.
  - Patacake confirmed that opening hours for the nursery are 8am-6pm, however staff will be on site from 7.30am.

- Spandrel panels have now been introduced to the other windows on the Coleridge Road elevation.
- One powered door and hearing loop are to be provided for the nursery.
- Two mobility scooter charging points are to be provided within the basement.
- The entrance doors to the northern elevation are to be electrically powered.

### **3.0 RECENT RELEVANT SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/0733/FUL	Temporary change of use of part of the ground floor of the Romsey Labour Club from a Sui Generis Private Members Club to A1 (Shop) use to be occupied by the Arthur Rank Hospice Charity.	Approved
C/03/1010	Installation of new pedestrian access and replacement of existing window with door.	Approved
C/01/0508	Change of use of west wing from Labour Club (Use Class D2) to mental health centre (Lifecraft: Use Class D1); erection of single storey extension and porch.	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 3/8 3/11 3/12 4/4 4/11 4/12 4/13 4/15 5/1 5/4 5/5 5/7 5/11 5/12 5/14 6/1 7/10 8/1 8/2 8/4 8/6 8/9 8/10 8/16 8/18 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex 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) Affordable Housing (January 2008) Planning Obligations Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)

	<p>Strategic Flood Risk Assessment (2005) Cambridge City Council (2011) – Open Space and Recreation Strategy</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Buildings of Local Interest (2005)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</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, the following policies in the emerging Local Plan are of relevance:

Policy 46 - Development of student housing

This policy has been subject to a number of objections and so should be afforded only limited weight.

## **6.0 CONSULTATIONS**

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

- 6.1 No objection to highway safety. However, the local planning authority should take into account the potential for students to park vehicles on surrounding roads imposing additional parking demands upon the on-street parking. The following conditions are sought: No unbound material shall be used in the surface finish of the forecourt within 6 metres of the highway boundary of the site; no gates are erected without specific planning permission; the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification; the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway; the manoeuvring area and access shall be provided as shown and retained free of obstruction; and a traffic management plan shall be provided prior to commencement.

The Local Highway Authority has also requested that a Travel Plan should be secured through a planning condition.

### **Environmental Health**

- 6.2 No objection subject to conditions on limiting opening hours, limiting demolition/construction hours, limiting collection and deliveries during demolition/construction, a construction/demolition noise and vibration assessment, mitigation of dust, hours of use of the nursery, a noise insulation scheme for external and internal and to control lighting.

### **Refuse and Recycling**

- 6.3 No objection. The onus remains on the owner/users of the site to ensure that waste legislation, as enforced by the City Council, is followed when the dual-use site is operational. A shared bin store is not ideal but the Shared Waste Service does agree, if well managed, it may work. Any costs of clearance will fall to the producers of the waste, presumably the managing agent/commercial business on site. The council will only empty bins as per agreed schedules, both domestic (as part of the council tax collections) and commercial and only if the wheeled

containers are easily and readily accessible. Should the bin store have locks the Council request that they be key-coded, a star-key or key 7/70 - We do not accept any other key. Costs for return visits will also be incurred if the loading bay is blocked when the RCV arrives to empty bins. The council will endeavour to arrive outside of the business' operating hours to minimise chances of this.

## **Sustainability Design and Construction**

- 6.4 Policy 8/16 of the Cambridge Local Plan 2006 requires major developments to meet at least 10% of their predicted energy requirements through the use of on-site renewable energy, with the policy measured in terms of carbon reduction. The Design and Access Statement makes reference to the use of photovoltaic panels, which are also shown on the roof plan of the building (drawing number PL (21)-03- P1), with reference also made to the potential use of air source heat pumps (it should be noted that MVHR is not a renewable technology and as such should not be counted towards the 10% requirement). While the general approach to renewable energy provision is supported, carbon calculations following the requirements set out in Section 2.4 of the Council's Sustainable Design and Construction Supplementary Planning Document have not been submitted. It is considered that this could be dealt with by way of condition
- 6.5 A modular living wall is proposed, however these systems require significant maintenance and are also require significant inputs of water for irrigation, which, in an area of water stress such as Cambridge, is not considered sustainable. I would recommend that the proposed use of a green wall is not pursued as part of this application.
- 6.6 The Design and Access Statement does not cover all of the areas included in the Council's Sustainability Checklist, and as such further information is required. Some key areas for consideration include water efficiency measures, responsible sourcing of materials and climate change adaptation. This should take the form of a sustainability statement.
- 6.7 I have concerns about the potential for overheating in the student rooms facing Coleridge Road. These rooms are orientated west, are single aspect and have large floor to ceiling



windows which are likely to have restrictions on opening due to noise and air quality considerations and security issues on the ground floor. It is noted that Mechanical Ventilation with Heat Recovery (MVHR) is proposed for all units. While this is welcomed from an indoor air quality perspective, it may be insufficient on its own to deal with incidents of overheating, and, if incorrectly specified, may inadvertently contribute to unwanted internal heat gains in summer months. I would recommend the following be considered:

- The MVHR units need to be specified with a summer bypass mode;
- At the very least solar control glazing should be specified for all windows and I would also recommend consideration be given to the use of external shading, designed according to the elevation in question (e.g. vertical shading works better on west facing elevations, while horizontal brise soleil works better on south facing elevations).

## **Urban Design and Conservation Team**

### *Block facing Mill Road*

- 6.8 The pitched roof approach above the BLI and overall height of the Mill Road frontage is supported in design and conservation terms and forms a contemporary addition which relates well to the adjacent terraces. The amendments using red brick on the side elevations of this element on the side elevations are also supported in design terms. The scale of the block facing Coleridge Road is support with its amended mansard roof at third floor level. The steel perforated spandrel panels introduced on the ground, 1st and 2nd floor windows on the Coleridge Road elevation are supported in design terms and have the potential to improve privacy for the occupants. It is unclear why some of the windows (serving the bedroom areas of the studios) have not been given the same treatment. Spandrel panels should also be introduced for the full height windows at 3rd floor level. Further details of the spandrel panel treatment needs to be provided and should be conditioned should the application be approved. It is unclear if the spandrel panels form part of the window system. Locating the spandrel panels in front of the glazing may restrict access for cleaning the windows. A detailed plan showing the arrangement of the glazing, spandrel panels and screens needs to be provided.

*Block facing Coleridge Road*

- 6.9 No amendments have been made to the southeast corner of the Coleridge Road block, as such we remain concerned that the close proximity of the proposed block (between 4m and 7m) will appear overbearing from the north facing units in Ruth Bagnall Court. Whilst the introduction of the setback to the southeast corner of the block at 1st, 2nd and 3rd floor (introduced following pre-application comments) goes some way to improve the outlook from these units, we remain concerned that the close proximity of the proposed block will appear overbearing. This effect is increased given a number of the north facing rooms in Ruth Bagnall Court are single aspect and directly face the block. The proposed scheme by virtue of its scale and massing would fail to comply with Cambridge Local Plan Policy 3/4 Responding to Context and 3/11 The Design of New Buildings.

A BRE Daylight and Sunlight assessment accompanies the submitted amendments (dated September 2016). The report provides an analysis of the existing and proposed Vertical Sky Component (VSC) figures for 46 windows within Ruth Bagnall Court, 233-235 Mill Road and 229-231 Mill Road. The results show that of the windows assessed 3 would fail to meet the 80% BRE criteria for daylight (windows 1 and 4 In Flat 10 and window 7 in the ground floor flat).

- 6.10 A No Sky Line (NSL) test was applied to the 3 windows which do not meet the 80% VSC criteria. The results show that the daylight impacts to window 1 are minimal (retaining 96.83% of the former NSL level) due to the 2 windows on the western side facing Coleridge Road. The other 2 windows (windows 4 and 7) serve kitchens and the loss of daylight to these rooms is beyond the BRE recommendations (below the 80% threshold for VSC and NSL). The BRE assessment states that *'our opinion is that this falls under what BRE would term "unavoidable" in that the room is already so poorly lit by a window which is wholly inadequate for the usage, that a loss below BRE guidance levels is inevitable'*.
- 6.11 Window 4 receives 76.2% and window 7 receives 81.3% NSL, the proposal would reduce these percentages to 37% and 46.1% respectively which is almost half their existing values

6.12 In our view the existing poor levels of daylight received does not to justify a further loss of daylight to these rooms. The 4 storey scale of the south east corner remains a concern. The scale and close proximity to Ruth Bagnall Court is likely to result in overbearing and overshadowing impacts. The scheme fails to comply with Cambridge Local Plan Policy 3/4 Responding to Context and 3/12 The Design of New Buildings and cannot be supported in design terms.

*Block facing No. 278 Mill Road*

6.13 The sun path shows study (D&A Statement part 5) indicates that the two storey eastern 'wing' results in minor additional overshadowing to the rear garden of No. 276 Mill Road at 15:00 and 17:00 on the March and September equinox and June summer solstice. The proposals also result in minor additional overshadowing to the rear garden of No. 278 Mill Road at 17:00 on the June summer solstice. The level of overshadowing is minimal and is considered acceptable; the adjacent gardens remain predominantly well-lit spaces.

6.14 The existing building includes a 1 storey and part 2 storey extension that extends across approximately a third of side garden boundary to No. 276 Mill Road. The submitted scheme proposes a 2 storey eastern 'wing' which extends across the full length of the eastern site boundary and forms a uniform height which has the potential to appear overbearing from the adjacent garden. The absence of windows (to address overlooking impacts) also means the elevation appears blank and further increases the prominence of the proposal.

**Access Officer**

6.15 The proposal has a good access statement, however

- The entrance to the nursery should be powered or have one door leaf of a minimum of 900mm, making them asymmetrical.
- The nursery rooms should have hearing loops.
- The residential basement should have 2 secure mobility scooter charging points.
- As the site is remote from teaching facilities there should be at least 2 and possibly 5 Blue Badge parking spaces.

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

6.16 No objection, as there is no loss of any significant trees. Replacement planting is sought were possible.

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

6.17 Objects to the proposal as:

- The use of fastigate conifers as proposed will likely outgrow their locations and are not support as they create a visual barrier to the front of the building.
- The vehicle drop-off area will be difficult to use. The straight edges and location at the back of footpath will create conflicts between users of the site, the footway, and the highway. The Highway Authority has highlighted traffic and drop-off management as a key issue and which we also feel creates conflicts between uses and users around the pedestrian zones around the building. The area will be very busy because adjacent to the drop off are the student housing blocks, the main entrance to the cycle store and refuse store, footways along Coleridge Road and visitor cycle parking.
- The access for cycles has a constrained entry which requires cycles to angle into the doors around the parking spaces.
- The dominant path leads to the refuse store. We feel the frontage to the student block should be reworked to better relate to the hierarchy of uses. The path leading to the entrance to the student housing lobby should be the dominant path.
- Do not support the use of a green wall as it requires too much maintenance and usually fails. Public art would be supported.
- The central courtyard design does not really function as a multi-purpose amenity space. Each planter has been provided with seating but the overall feel is that most gathering space is around the edges nearest to the units.
- There is a poor relationship between the ground floor flats in the two-storey block with the amenity space, especially when the size of the floor to ceiling windows is considered. The provision of planting under the undercroft, facing northwest, will struggle to establish and thrive.

- The narrow gap between the building and the site boundary in the southeast corner offers no real purpose and as a paved area will likely become a litter trap.
- The external play area provided for the nursery is of poor quality. It is recessed below ground level, retained by walls which extend to form a barrier between it and the student amenity space. Half the space is an undercroft to the building. All the space will struggle for adequate day lighting as it is surrounded by retaining and barrier walls where it is not an undercroft.
- Any further comments on amended scheme dated 15/06/2017 will be added to the amendment sheet.

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

- 6.18 Acceptable subject to a standard condition on Surface Water Drainage. Any further comments on amended scheme dated 15/06/2017 will be added to the amendment sheet.

### **Policy**

- 6.19 These comments were first issued in June 2016 in response to the application and have now been updated as a result of the publication of the Cambridge Centre for Housing and Planning Research's Assessment of Student Housing Demand and Supply for Cambridge City Council (January 2017). The report, which has been endorsed as a material consideration for decision-making, includes a baseline analysis of the current structure of the student population, the current accommodation of students, and the future plans of the different educational institutions. It analyses what the level of purpose-built student accommodation (PBSA) could be if all current and potential future students were to be accommodated in PBSA, rather than, for example, in shared housing in the private rented market. The report also reviews relevant planning policies adopted or proposed by other local authorities experiencing particular pressure from student numbers.
- 6.20 There are an estimated 46,132 students in Cambridge with a need for some form of accommodation. Of these, 22,410 are housed in purpose built student accommodation, an estimated 9,157 are in shared housing, 12,129 are in existing family housing (either in the parental home or 'homestays'), and there

is no information for 2,436 students. 91% of undergraduates and 55% of postgraduates at the University of Cambridge are in University or College maintained accommodation, compared to 11% of undergraduates and 15% of postgraduates at Anglia Ruskin University.

- 6.21 Anglia Ruskin University is therefore currently dependent upon housing 4,285 undergraduates and 785 postgraduates in shared housing, a total of 5,070 students, occupying at least 1,000 shared houses, assuming an average of 5 students to each shared house.
- 6.22 The position is reversed for the University of Cambridge, where only 729 undergraduates are housed in shared existing housing, but 3,003 postgraduates are accommodated in shared existing housing, occupying at least 600 shared houses, again assuming an average of 5 students to each shared house.
- 6.23 The application clearly states that no end user for the student accommodation is in place and that this is a speculative application (Para 8.1 of the applicant's Planning Statement). The application's speculative nature does not appear to have changed over the months since the initial comments were made. As such, Policy 7/10 Speculative Student Hostel Accommodation of the Cambridge Local Plan 2006 should be applied as the proposal is clearly speculative with neither Anglia Ruskin University nor the University of Cambridge tied into the application.
- 6.24 The type of student accommodation proposed is studio accommodation. The Council has no certainty that this form of accommodation is acceptable to Anglia Ruskin University or the University of Cambridge. Studio accommodation can be more expensive and less appealing to some students as it is entirely self-contained and reduces social contact with other students, unlike less expensive cluster flats. The Council would not wish to see student accommodation developed, which cannot be let due to its design and layout.
- 6.25 In conclusion, based on the information currently available and the Council's recent evidence base on student accommodation, the application as currently proposed is not considered suitable to meet the identified accommodation needs of Anglia Ruskin University or the University of Cambridge.

6.26 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. Any further comments on amended scheme dated 15/06/2017 will be added to the amendment sheet.

### **Developer Contributions Monitoring Unit (DCMU)**

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

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, a specific S106 contribution of £9,953.00 (plus indexation) is requested towards the provision of and /or improvements to squash court facilities at Kelsey Kerridge Sports Centre, Queen Anne Terrace, Cambridge CB1 1NA.

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

This proposed development is within 500m of Coleridge Recreation Ground, which is on the council's 2016/17 'target list' of outdoor sports facilities for which specific S106 contributions may be sought.

The Cambridge and South Cambridgeshire Playing Pitches Strategy (2016) highlights scope for improving the capacity of this facility there in order to mitigate the impact of local development.

Based on the funding formula set out in the council's Planning Obligations Strategy 2010, it is proposed that the council requests £8,806 (plus indexation) for the provision of and / or improvement of outdoor sports pitches and changing rooms at Coleridge Recreation Ground.

So far, the council has proposed only two specific contributions for this project (ref 16/0641/FUL at Perne Road, and 15/1759/FUL at CB1) so there is still scope for this contribution (and up to two others) to be requested.

This proposed development is within 500m of the Great Eastern Street informal open space land.

Based on the funding formula set out in the council's Planning Obligations Strategy 2010, it is proposed that the council requests £8,954 for the provision of and / or improvements to informal open space at land at Great Eastern Street.

So far, the council has proposed only one specific contributions for this project (ref 16/1904/FUL – Ridgeons) so there is still scope for this contribution (and up to three others) to be requested.

### **Cambridge County Council Growth & Development team**

- 6.28 No objection to amended scheme in terms of the provision of a nursery. The Growth and Development team agrees, after receiving further information, that it would be acceptable for the child care provider Patacake to move its 0-2 age group in Sedly Court to the Romsey Labour Club as this would free up more space for other age groups in their Sedly Court premises. It also agrees that Ofsted guidance has informed the design of this 0-2 age group nursery space and it is acceptable for their needs.

## **7.0 REPRESENTATIONS**

- 7.1 Two letters of representation have been received from Councillor Baigent. He has requested the application be considered by the Planning Committee and has made the following comments:

- Grateful the scheme incorporates a nursery.
- Residential accommodation is required in this location.
- The student flats proposed do not comply with the approved design by Anglia Ruskin University means that they are likely to go to crammer and EFL students and this is not good for our community.
- No council tax will be collected by this development.



- Currently the student to local residents ratio is high and our community recognising the need to house students is accepting but there is a question that has to be asked by planners - 'is there a point when the local residents will start to resent students living in their area', and if they believe that point is being reached then they should refuse this application.
- The design of the proposal will destroy the local streetscape.

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

- 19A Belgrave Road
- 8 Birdwood Road
- 3 Catherine Street
- 96 Cavendish Road
- 255 Cherry Hinton Road
- 193 Coleridge Road
- 109 Hemingford Road
- 13 Lady Jermy Way, Teversham
- 43 London Road, Stapleford
- 5 Malta Road
- 6A Malta Road
- 8A Malta Road
- 276 Mill Road
- 278B Mill Road
- 32 Romsey Road
- 17 Romsey Road
- 13 Sedgewick Street
- 150 Sedgwick Street
- Flat 8, Tom Amey Court, St. Phillips Road
- 86 Teversham Drift

7.3 The representations can be summarised as follows:

Use

*Support*

- The provision of a nursery is welcomed.

*Objection*

- This site should be used for affordable housing.

- This type of student accommodation (studio flats) is not what is required by Anglia Ruskin and Cambridge University Students. It is also not the affordable communal type of accommodation students require.
- 270 student flats have recently been approved yards away at the Co-Op site (McLaren Ltd) and there is already a surplus of student accommodation in Romsey.
- The council is undertaking a study on student accommodation and this application should not be determined without the results of the study.
- No council tax will be gained as part of this application.
- The loss of the current specialist gyms is unacceptable. These are important community facilities and should be incorporated in any proposal.
- Child users of the proposed nursery will be impacted by air pollution from traffic from busy junction.
- There is already a nursery in the Mill directly opposite and there is concern whether another is needed.

## Design and bulk

### *Support*

- The retention of the front façade of the Romsey Labour Club on Mill Road is welcomed.

### *Objection*

- The element above this front façade is considered unsympathetic and jarring with the original element and unsympathetic to the scale of the two storey buildings along Mill Road.
- The four storey element on Coleridge Road is an overdevelopment and unsympathetic to the conservation area.
- Full height windows proposed are not in keeping with the Conservation Area.
- Ruth Bagnall Court is not comparable as it is not within the Conservation Area.
- Access to the cycle storage appears to be across a pavement, which is behind a car parking space. The cyclist is supposed to navigate around a parked car, up a pavement, across a footway, through double doors, then down a stairway followed by a couple of sharp turns to get

to the very high-density racks which don't look like they've room to swing a track bike around in. Compare that with the car-parking provided at the next-door development, where there's a broad access ramp to underground parking and residents can drive straight in. more spaces are required for nursery and accommodation. Cycle spaces should be at street level.

- Traffic for the nursery from parents and workers will be significant and will be at peak "school run" times. Child-admission times cannot sensibly be staggered to ensure no more than two vehicles will be parked at any one time: this is a fantasy. In the real world, queueing parents will block Coleridge Road and cause gridlock at the Mill Road junction.

#### Impacts on adjoining neighbours

##### *Objection*

- An unacceptable level of noise will accompany the proposal of this level of student accommodation. No guarantees of supervision.
- This proposal will add further traffic to a busy interchange and put further pressure on on-street parking.
- The parking for servicing of both the nursery and the flats is not sufficient.
- The height of the four storey building will contribute to a feeling of enclosure to properties on Malta Road which back onto this proposal.
- Westerly light will be lost to the front façade and garden of No. 6A (6 and 8) Malta Road, as a four storey mass will replace a single storey mass. This has not been considered in the reports provided by the applicant.
- The proposed bulk of the four storey building on Coleridge Road and two and a half storey building on Mill Road will overbear and enclose the rear garden of the adjoining No. 276 Mill Road.
- Traffic disruption during construction.

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. Any further comments on amended scheme dated 15/06/2017 will be added to the amendment sheet.

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

#### Student Use

8.2 The application proposes the creation of 40 one-bed self-contained student studio flats. The proposal has come forward at a period in time when existing and emerging student accommodation policies are in a state of flux. Since the application has been registered, the Council has procured a Student Housing Demand and Supply Study (the Study) (January 2017) to form an evidence base for the emerging local plan. Emerging policy 46 has recently been amended to take account of the Study. The Study is a material consideration but has little weight in decision-making because it has not been subject to public consultation. Emerging policy 46 has little weight in decision making because it is subject to significant objection.

8.3 The key principle issues that arise from the application are that the applicants do not specify an end user for the student accommodation, such as Anglian Ruskin University (ARU) or the University of Cambridge; that they question whether it is necessary to enter into a S106 agreement to restrict occupation to either ARU or the University; and that they are seeking studio accommodation as opposed to hostel accommodation. The

applicants state that no end user is in place (despite discussions) and as a result the application is speculative. It is also evident that the proposal is in direct conflict with emerging policy 46 (as modified) which seeks that:

*‘Proposals for new student accommodation will be permitted if they meet identified needs of an existing educational institution within the city of Cambridge in providing housing for students attending full-time courses of one academic year or more. Schemes should demonstrate that they have entered into a formal agreement with the University of Cambridge or Anglia Ruskin University or other existing educational establishments within Cambridge providing full-time courses of one academic year or more. This formal agreement will confirm that the proposed accommodation is suitable in type, layout, affordability and maintenance regime for the relevant institution. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation for an identified institution and managed effectively....’*

- 8.4 Members will be aware that the Council’s policy section had raised an issue that there is no certainty that studio accommodation is acceptable to Anglia Ruskin University or the University of Cambridge and that it can be more expensive and less appealing to some students. They initially advised that in light of the evidence base on student accommodation, the application was not considered suitable to meet the identified accommodation needs of Anglia Ruskin University or the University of Cambridge and was contrary to policy 7/10.
- 8.5 Following the receipt of the policy advice, the applicants have sought Simon Bird QC’s advice. The advice deals with two main issues, firstly in respect of the continuing legitimacy of 7/10 in seeking to discriminate in favour of ARU and the University of Cambridge in terms of occupancy restrictions and, secondly, the consideration as to whether 7/10 is at all applicable to the proposal given that it is for student *studio* units as opposed to *hostel* accommodation. Following the receipt of this advice, the Council has sought its own advice from Douglas Edwards QC, who also represents the Council regarding the examination (EIP) into the emerging local plan. Members of the Planning Committee were invited to a briefing on the subject of student policy (existing and proposed) on 14 June 17 to discuss the

implications of the applicants and Council's QCs' advice, both of which concur on the key issues. The Council's QC's advice supersedes that provided initially by policy colleagues.

8.6 In summary, the outcome of Counsel advice is such that:

- Criteria a) of policy 7/10 in seeking to restrict speculative student hostel accommodation to full time students attending Anglia Ruskin University or the University of Cambridge is out of date and cannot be relied upon as a reason for refusal. 7/10 is discriminatory and is inconsistent with the NPPF and emerging policy in this respect.
- Policy 7/10 should not be applied to studio units, only hostel accommodation i.e. those with shared communal facilities. The policy does not reflect more recent trends in student accommodation provision for studios and is out of date in this respect. The proposed scheme cannot be reasonably considered to be hostel accommodation as no communal facility to any material extent within the building is provided.
- The Study as an evidence base suggests that there is a need for studio accommodation. Weight can be given to the objective assessment of student studio need but no weight can be attributed to the policy proposal contained therein as they have not been subject to public consultation. Studio accommodation for students cannot be resisted on the basis of the Study.
- Criteria b), c) and d) in relation to management arrangements regarding the keeping of cars, the proximity of the accommodation to the educational institution and appropriate provision for students who are disabled remain relevant for decision making when 7/10 is engaged.
- For decision making purposes, emerging policy 46 can only be given limited weight.
- In respect of the proposal, there is no conflict with the development plan and no objection to the principle or type of student accommodation (studios) can be sustained.

8.7 In light of the Counsel advice, whilst the application is clearly speculative, as the proposal is not for hostel accommodation and is for studio accommodation, 7/10 is not engaged for

decision making purposes. It would therefore be unreasonable to seek an occupation restriction to either ARU or the University of Cambridge.

- 8.8 The question therefore arises as to whether it is reasonable to seek to control issues of car parking management, proximity to the education institution and provision for disabled students in so far as other policies of the local plan may be relevant. I deal with each of these matters in turn below.

#### *Car Parking and Management*

- 8.9 In relation to car parking management, there are no car parking spaces provided on site for students. The proposal is located outside of the controlled parking zone. It is reasonable to assume that without any form of control over student ownership of cars at this site that students would own and park cars within the surrounding residential streets. From my site visit, it is clear that car parking within this part of Mill Road is at a premium. This part of Mill Road accommodates a good number of family housing in Victorian terraced streets which are reliant on on-street car parking within a tightly packed street frontage, with many cars straddling both pavement and highway in terms of parking provision. Being close to the city centre, the area is also subject to commuter parking. As a worst-case scenario, if 40 students were to own cars at this development, this would exacerbate local parking pressures and cause harm to the residential amenity of local residents, many of whom rely on on-street car parking. That harm could be defined as increased inconvenience in terms of finding space to park, the likely increased distance of a car parking space to a dwelling and noise and disturbance associated with increased car ownership and associated parking along the narrow streets of this part of Cambridge.
- 8.10 Policy 3/7 of the local plan requires at criterion K) that development proposals will be permitted where provision is made for the adequate management and maintenance of development. Supporting paragraph 3.22 states that new development will be expected to address or mitigate any impact it may have on community safety and the public realm. In my view, even in the absence of being able to continue to apply criterion b) of policy 7/10, policy 3/7 can be relied upon and there is sufficient evidence locally to suggest that without any

form of management of car ownership by students living at this site that harm, to the day-to-day amenity of local residents, would result.

8.11 In this location, on a main route into the City by foot, cycle or bus and in close proximity to the ARU campus in particular (600m), there should be no need for students to own a car (except for purposes of impaired mobility). On this basis, I am of the view that it is appropriate to seek a S106 agreement to seek to limit car parking ownership of future student occupiers.

8.12 The proposal incorporates studio units and no educational institution would be tied to the scheme through a S106. As such, students within the scheme could be attending multiple educational institutions at any one time. Those institutions may not be directly involved in the day-to-day management of the accommodation. It is therefore reasonable to approach a S106 clause on the following basis.

1: That it requires the appointment of a management company for *all* of the studio units comprised within the scheme to actively monitor and manage a stipulation that no students of the scheme, except for mobility reasons, shall be allowed to keep a car within Cambridge. The management company will need to be appointed prior to the occupation of any student unit and have an ongoing overarching management role for all of the student units.

2: That all students of the scheme prior to their occupation shall be required to sign a tenancy agreement that prohibits them from keeping a car in Cambridge.

3: That as part of the tenancy agreement, if a student is found to be keeping a car in Cambridge that an official warning is given and that following breaches result in the termination of the tenancy within a specified time period.

4: That the Council is able to request information concerning all breaches and action taken with regard to them, together with details as to what monitoring has taken place and any complaints that have been received.

8.13 I appreciate that even with an overarching management company in place, a S106 clause such as this can be difficult to



enforce because there are many streets within this part of Cambridge that a student could choose to park a vehicle and it is difficult to relate any such parking to the occupation of the building. Ultimately, the control over the parking on the City's streets lies with the County Council and any such obligation could not remove a student car from a street. It could only go as far as seeking to limit student ownership of cars, put measures in place to make students aware of this and invoke penalties if a breach of a tenancy agreement is found to have taken place. This is the practical limit of any such S106 clause.

8.14 With regard to overall management, I note that the application is accompanied by a draft management plan and that a warden will be resident within the building and be contactable 24 hours a day. A specific flat is allocated to them on the first floor of the proposal. The management plan sets out the following:

- Each room will be for a single student
- Tenancy agreements will be for 48-50 weeks
- Sub-letting will be prohibited
- The managing agent will be responsible for enforcing the tenancy agreement
- No car use by students (S106, Proctorial Control and Tenancy secured)
- Promotion of sustainable travel options
- Management of vehicle drop-off for term start/finish
- Bin collection

8.15 Subject to a S106 clause to seek the submission, agreement and implementation of a management plan to include these elements, I am satisfied that the application would accord with policy 3/7.

#### *Proximity*

8.16 In the absence of any identified educational institution being associated with the grant of planning permission, the question arises on the grounds of sustainability as to whether the location of the site is suitable for most educational institutions within Cambridge. This part of Mill Road is well served by public transport, the city centre, the railway station and the Mill Road local centre are all accessible by foot or by cycle and it is likely that most students living at this site will find themselves able to travel with relative ease to their associated educational

institution. On this basis, I do not consider it necessary for any permission to restrict, by name, the educational institution to which students could attend.

- 8.17 It is reasonable, however, to ensure that any students residing at the building are attending an educational institution on a full time course of at least an academic year within the City of Cambridge. I note that the applicant is proposing that tenancy agreements are to be no less than 48 weeks. Occupation by students attending educational institutions outside of Cambridge would not be meeting the needs identified in the existing local plan and as evidenced in the Student Study to support the emerging local plan of Cambridge's education sector. It is reasonable to conclude also that such occupation would not necessarily be a sustainable use of the building. Likewise, it is still necessary to ensure that occupation is by students who are enrolled on full time courses of at least an academic year. The reason for this is two-fold. Firstly, any shorter term occupation – say for example by language school students or crammer students– over the course of the year would be likely to attract a higher turn-over of use of the property and could cause considerably more noise and disturbance to the local neighbourhood than full time students. These students are typically younger, gather in larger groups and due to their shorter time in Cambridge, can be less respectful of the established amenity of an area if not properly managed.
- 8.18 The S106 will have to ensure that a clause is required to ensure the City Council is able to request the names of any occupiers, the length of associated tenancy periods, the educational institution to which they attend and the title of the occupier's course and its length. This is to ensure that the Council can be satisfied that the building accommodates students and student only on full time courses for the minimum tenancy period as set out by the applicant.
- 8.19 It would, however, be reasonable to allow a more flexible use of the building during the summer recess when it is no longer required for its primary purpose and may be vacant. Any such temporary use would have to be agreed first with the Council to ensure that adequate management arrangements are in place to protect residential amenity.

8.20 On this basis and with these controls in place, I consider the occupation of the building by full time students of a Cambridge educational institution would be sustainable and that the impact on residential amenity would be mitigated in accordance with adopted policies 3/1 and 3/7.

*Provision for Disabled Students*

8.21 Policies 3/11 and 3/12 seek for new buildings to be convenient, safe and accessible to all users and visitors. The applicant's Design and Access Statement states that all rooms are designed to be DDA compliant. The applicants confirm that:

- External surfaces and parking areas will be paved in a smooth hard material suitable for use by wheelchairs.
- All doors are to have level thresholds.
- Double doors are to have one leaf of minimum 900mm width.
- An internal lift is to be provided of sufficient size (minimum internal car size 1800x1800mm) for use by a wheelchair user and attendant. Control buttons are to be at a height suitable for wheelchair users and will include tactile indications and visual and audible indication of the floor reached.
- WC accommodation within each unit has been designed for use by the visiting disabled.
- Light switches, electrical socket outlets and intercom door entry systems are to be located at a height suitable for disabled use.
- A total of five units throughout the scheme are to be made fully accessible for disabled use. The desks and hobs are to be adjustable, and kitchen shelving on trolleys, rather than fixed units will be considered.
- Consideration is to be given to the interior colour contrast
- The communal garden is to be fully accessible.
- A charging point for disabled buggies is to be provided in the downstairs lobby.

- Hearing loops are to be provided in communal areas.

8.22 Notwithstanding that policy 7/10 is not engaged with regard to criterion d), policies 3/11 and 3/12 are still applicable. My view is that the applicants have suitably addressed this issue.

#### *Loss of Flat*

8.23 The existing building has one first floor flat on the rear south eastern wing above the Tsunami Fight Club. A manager's flat is to be re-provided as part of the redevelopment on the first floor of the scheme. As such, my view is that there would be no loss of residential accommodation and the scheme complies with the thrust of adopted policy 5/4.

#### *Affordable Housing*

8.24 The Council's adopted and emerging policies regarding student accommodation together with the Council's draft Affordable Housing SPD (2014) do not require student schemes to contribute towards the supply of affordable housing. As the proposal is for studio units which are a C3 use, without a S106 to ensure the units would remain in student use, adopted policy 5/5 would be engaged and the scheme would be required to provide 40% or more of the units or an equivalent site area as affordable housing. That notwithstanding, the scheme is clearly designed for student use and has limited amenity space associated with it. As such, I am doubtful that occupation other than by students on a temporary basis of an academic year would be appropriate.

#### *Studio Units*

8.25 The Study evidence base suggests that the Colleges of the University predict an increasing demand for self-contained studio flats, that expansion of the post-graduate population is predicted and there is a lack of studio style accommodation for this sector (see paras 4.25, 4.27, 4.32, 4.42 and 4.57 of the Study). Provision for this sector could release existing housing stock (a position taken by the Inspector in the Mill Road appeal 14/1496/FUL and put forward by the applicants) albeit the Council policy position is that there is no evidence to support this. The applicant's QC's advice on this issue is that emerging policy in respect of studio accommodation 'sets its face against

the provision of student flats' and that no weight can be given to this emerging policy. The Council's QC considers it 'doubtful that the 2017 Assessment [the Student Study], when considered as a whole, can properly be relied upon by the Council to oppose that element of Duxford's [the applicant] proposed development which seeks to provide self-contained student accommodation'.

8.26 As such, my conclusion is that the Study demonstrates an objectively assessed need for studio accommodation for students and there are no grounds to resist the application on this basis.

#### *Summary of Principle of Student Use*

8.27 Policy 7/10 is not engaged by the proposal and no conflict therefore arises. The site is not presently allocated for any particular land use and no other adopted policy regarding the principle of the student accommodation is engaged. This is a mixed use area and student accommodation is capable of being provided in principle on this site. As such, the principle of student accommodation on this site raises no conflict with the development plan and the proposal would help to meet the identified student accommodation need within Cambridge. Whilst the proposed development is in conflict with emerging policy 46, only limited weight can be attached to this because substantial objection has been raised to it. There is no sustained basis for objection arising from the Student Study in relation to the studios. The site is located in a sustainable location. Measures can be put in place and secured through a S106 for the management of the accommodation in terms of full-time student occupation and the keeping of cars.

A S106 could secure the following:

- A management plan to be submitted, agreed and implemented for all units with a specific requirement for overarching control through appointment of a management company with responsibility for all the student units concerning the monitoring and management of car parking etc.
- Occupation only by full time students attending an educational institution within Cambridge.

- Requirement for minimum tenancy period of 48 weeks for all student occupants
- Requirement for request of information in relation to car parking management and occupier details (name, educational institution, tenancy length and course length)
- Allowance for out of term time use subject to submission of management information to the satisfaction of the LPA regarding the protection of residential amenity.

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

#### Response to context

8.28 This application has gone through the pre-application process and different designs have been examined. This section of Mill Road predominantly comprises of fine grain two storey domestic scaled terrace houses, whilst directly opposite the site lies the two storey Romsey Mill Community Centre which is also designated as a BLI. Directly to the south of the site, outside of the conservation area lies Ruth Bagnall Court, a part three and four storey shallow pitched roof flat block. The scale and massing of this flat block forms a contrast to the prevailing two storey semi-detached properties on Coleridge Road. Opposite Ruth Bagnall Court lies a smaller two storey flat block (Denham Place) which is setback from the road frontage behind mature tree planting.

#### Mill Road frontage

8.29 All the most valuable architectural features as listed in the Building of Local Interest description are located on the front façade and side elevations of the Romsey Labour Club. The rest of the building has been heavily altered and is not considered of particular architectural merit. The retention of these elevations is welcomed. The proposed two storeys above this single storey element are contemporary in design using vertically proportioned box dormers and zinc cladding. This modern design is considered in keeping with the streetscene of the Conservation Area as it uses a gable ended pitched roof framed by two chimneys on both side elevations and a third central chimney. Many other properties on Mill Road are of a

similar pitched roof design, it is also noted the height is stepped down in line No. 276 where the building adjoins the boundary with this neighbour.

8.30 The proposed first and second floors are also considered subservient to the BLI below. This is because they are indented 2.2 metres from the ground floor front elevation and 2 metres from the side elevation. Its bulk is further assimilated by the second floor being within a pitched roof and the use of zinc cladding. It is noted amendments have re-located the four dormer openings so that they match the rhythm of the windows below within the BLI elevation. Similarly the proposed red brick treatment of the gable elevations is supported and forms a relationship with the retained BLI frontage and contrasts with the Coleridge Road block. It is therefore considered that the proposed addition would complement the retained BLI ground floor elevations below.

8.31 The Urban Design and Conservation Team has no objection to this element of the development.

#### Coleridge Road frontage

8.32 The proposed block facing Coleridge Road would be four storeys in height or 11.2 metres and 19.6 metre wide. The block forms a similar scale to the adjacent Ruth Bagnall Court to the south. The amendment to contain the third floor within a mansard roof gives this block in my opinion an acceptable impact on the scale of existing houses opposite on Mill Road. The proposed 2.6m gap between the Coleridge Road and Mill Road blocks at 2nd and 3rd floor level is considered acceptable and emphasises the two separate blocks. The block is contemporary in design with the mansard roof clad in zinc and the use of large glazed openings. Further examination of materials is recommended via condition.

#### Block adjoining the boundary with No. 276 Mill Road

8.33 The block proposed for this location would be very similar in form to the eastern wing of the Romsey Labour Club it replaces but is 6 metres deeper. It would be two storeys in height or 6 metres in height. The design of this block is considered acceptable and its sedum roof complementary to the contemporary design.

8.34 The Urban Design and Conservation Team has no objections to this part of the development. In my opinion the proposal will have a positive impact on the heritage asset of the Building of Local Interest and surrounding Conservation Area. In my opinion is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 4/11 and 4/12.

### **Renewable Energy and Sustainability**

8.35 Policy 8/16 of the Cambridge Local Plan 2006 requires major developments to meet at least 10% of their predicted energy requirements through the use of on-site renewable energy, with the policy measured in terms of carbon reduction. The renewable energy officer has stated that the applicant's general approach is supported but further clarity is required, specifically in relation to carbon calculations. A condition requiring a fully calculated scheme of renewable energy is therefore recommended.

### **Disabled Access**

8.36 The amended scheme has incorporated some aspects of the Disabled Access officer's recommendations. These include making the entrance to the nursery powered, incorporating hearing loops at fit out stage and putting two mobility scooter charging points within the proposed basement. However, the applicants have not provided disabled parking on site, instead stating that outside of nursery hours the drop off bay on Coleridge Road could possibly accommodate disabled car parking. I consider this is sufficient, but the Disabled Access officer has been re-consulted and any further comments will be reported and responded to on the amendment sheet prior to planning committee.



## **Residential Amenity**

### *Impact on amenity of neighbouring occupiers*

Loss of daylight to habitable rooms

#### Ruth Bagnall Court

- 8.37 The proposed four storey block is located between 4m and 7m away from the north facing units of Ruth Bagnall Court. A daylight/sunlight assessment was sought as windows to the ground floor apartment facing this proposed block.
- 8.38 A BRE Daylight and Sunlight assessment accompanies the submitted amendments (dated September 2016). The report provides an analysis of the existing and proposed Vertical Sky Component (VSC) figures for 46 windows within Ruth Bagnall Court, 233-235 Mill Road and 229-231 Mill Road. The results show that of the windows assessed 3 would fail to meet the 80% BRE criteria for daylight. These are windows 1 and 4 in Flat 10 and window 7 in the ground floor flat in Ruth Bagnall Court. A No Sky Line (NSL) test was applied to the 3 windows which do not meet the 80% VSC criteria. The results show that the daylight impacts to window 1 are minimal (retaining 96.83% of the former NSL level) due to the 2 windows on the western side facing Coleridge Road. The other 2 windows (windows 4 and 7) serve kitchens and the loss of daylight to these rooms is beyond the BRE recommendations (below the 80% threshold for VSC and NSL). The BRE assessment states that 'our opinion is that this falls under what BRE would term "unavoidable" in that the room is already so poorly lit by a window which is wholly inadequate for the usage, that a loss below BRE guidance levels is inevitable'. Urban Design disagree with this statement stating the existing poor levels of daylight received does not justify a further loss of daylight to these rooms. All these windows are north facing. Having been into both apartments and looked through these windows I am of the opinion the existing daylight situation is so poor a slight degree of worsening to this situation will not lead to a detrimental impact to these habitable rooms significant enough to warrant a reason for refusal for this entire scheme. It is also noted these neighbours did not object to this scheme. I am therefore of the opinion this impact to daylight is on balance acceptable.

### Mill Road

- 8.39 All the windows within the front facades of Nos. 229, 231, 233 and 235 Mill Road where subject to a Sunlight Daylight Assessment including a Vertical Sky Component, Average Daylight Factor and Annual Probable Sunlight Hours. These properties are located across the street and the assessment found that the impact would be negligible to these properties. I therefore consider the minor level of loss of light to these properties to be acceptable.
- 8.40 No. 276 Mill Road is located immediately to the east of the subject side. It is an end of terrace property and has a single storey garage adjoining boundary. The rear garden of this proposal slopes downward toward the south and is at a lower level. No. 276 Mill Road has no windows in its side elevation. It has three windows in the side elevation of its rear return facing the proposal these are to a kitchen at ground floor and two obscurely glazed windows at first, one to a small bedroom and the other to a bathroom. All these windows would be located 10 metres away from the proposed side elevation of the scheme. Currently the elevation they face is between 1.5 metres lower than the proposal and 0.9 metres higher than the proposal, which is 6 metres tall. A first floor rear bedroom window and a ground floor dining room window is also located perpendicular to this elevation. The dining room is dual aspect so a loss of daylight to this window is considered acceptable. The aforementioned Sunlight Daylight Assessment concluded that these windows described above would receive a slight improvement in daylight as the flat above the Romsey Labour Club is removed and therefore reducing the height by 0.9 metres south west of these windows.

### Malta Road

- 8.41 The corner of the rear elevation of the proposed two storey block is nearly 17 metres west of the rear elevation of No. 6 Malta Road. This is considered a sufficient distance to dispel any potentially detrimental impacts to the rear windows to these properties on Malta road.

## Outlook

### Ruth Bagnall Court

8.42 Amendments have introduced a setback to the southeast corner of the block at first, second and third floor of the block facing Coleridge Road. I am mindful that the Urban Design team does not consider this goes far enough to ensure the block will not appear overbearing when viewed from the north facing flats in Ruth Bagnall Court but in my opinion, on balance, the impact is now acceptable. The ground floor flat in Ruth Bagnall Court facing the proposed rear elevation of the four storey block has a very poor north facing outlook. It looks out onto a single storey storage/plant building and a boundary wall. I do not consider the proposal will create a detrimentally different outlook to this existing situation for this flat.

### No. 276 Mill Road

8.43 The windows in the rear elevations of this property already have a poor outlook onto the eastern wing of the Romsey Labour Club and the flat above. The uniform height of the proposed elevation is considered to give a similar outlook and where height is lowered would improve outlook.

### Malta Road

8.44 Because of the aforementioned distances between the proposal, outlook to these properties is not considered to be unduly impacted.

### Enclosure of amenity space

### Ruth Bagnall Court

8.45 Three flats on the north western corner of Ruth Bagnall Court have balconies which face the proposal. The setback to the southeast corner at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor of the four storey block facing Coleridge Road is considered to remove any potential detrimental enclosure impacts. It is also noted these balconies are all dual aspect and also face Coleridge Road.

## Mill Road

- 8.46 The sun path study (D&A Statement part 5) indicates that the two storey eastern 'wing' results in minor additional overshadowing to the rear garden of No. 276 Mill Road at 15:00 and 17:00 on the March and September equinox and June summer solstice. The proposals also result in minor additional overshadowing to the rear garden of No. 278 Mill Road at 17:00 on the June summer solstice. The level of overshadowing is considered acceptable as it would be minimal and comparable with the existing situation. Adjacent gardens west on Mill Road remain predominantly well-lit spaces.
- 8.47 The Urban Design team is concerned that the proposal would lead to the development appearing overbearing to the rear garden of No. 276 Mill Road. The existing 2/3 elevation forming the western wing of the Romsey Labour Club already in my opinion encloses this neighbour, with several first floor windows overlooking the garden adding to this sense of enclosure. While the proposal adjoining this boundary is greater in height and 6 metres deeper the area adjoining the patio and outbuilding would be 0.9 metre less in height and the proposal would have no windows facing No. 276 Mill Road. It is therefore my opinion that this proposal would not have a greater overbearing impact on the garden to No. 276 Mill Road than is the current situation.
- 8.48 No. 274 Mill Road is currently used as a Language Institute. It is a large mock Tudor two storey red brick and wood panelling building. It is set within a large parcel of land bordered along Coleridge Road by mature trees. It is noted from the sun path study there would be additional overshadowing during the Winter Solstice at 9am and 11am on the north western corner of the plot of No. 274 Mill Road. This sun path and shadow study does not factor in the mature vegetation on the boundary which already creates some overshadowing. I am therefore of the opinion as this proposal will only impact a small proportion of No. 274's large grounds the impact is acceptable.

## Noise

- 8.49 The Environmental Health team is satisfied that subject to conditions, noise from this proposal will not create detrimental impacts to neighbouring properties. I concur with its assessment as this development is located on a busy junction.

It is also noted the main amenity space will be contained within the middle of the proposed scheme. I have therefore recommended conditions requiring noise insulation and construction/demolition noise and vibration assessment to be submitted and examined prior to commencement as well as several standard conditions to ensure construction and demolition causes as minimal impact as possible. The team has asked for the nursery hours of use to be agreed and subject to a condition.

8.50 Patacake, the proposed end user for this nursery, proposes to be open 8am-6pm Monday to Friday and closed on Saturdays, Sundays and Bank Holidays. It is therefore recommended that these opening times are restricted by means of a planning condition since the impact of opening outside of these hours has not been considered. It is also noted the proposed nursery would be closed during the period between Christmas and New Year. In my opinion I consider the proposed opening hours would not cause any undue noise or disturbance to local residents.

8.51 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

#### Mill Road Frontage

8.52 All windows to student apartments in this section of the proposal are considered to have an acceptable outlook. The managers flat and three other flats would have acute views of the nursery's amenity space directly below. This relationship is considered acceptable. Having visited Patacake's nursery premise at Sedley Court, that also has student accommodation above, I witnessed two uses that have in my opinion work well together. These student flats also overlooked nursery open space. I am of the opinion therefore this overlooking is acceptable. First and second floor flats have very acute views diagonally of windows to student flats in the Coleridge Road block and the block adjoining the boundary with No. 276 Mill

Road. Because of the location of glazing this impact is not considered detrimental.

Block facing Coleridge and block adjoining the boundary with No. 276 Mill Road

- 8.53 All windows to student apartments in this section of the proposal are considered to have an acceptable outlook. There is 10 metres between the ground floor and first floor flats in the block facing Coleridge Road and those in the block adjoining the boundary with No. 276 Mill Road. While no windows directly face each other there will be inter looking, spandrel panels have been added to curtail this. This is considered an acceptable situation in terms of student accommodation.

*Amenity space*

- 8.54 The central courtyard is 10 metres wide by 21 metres deep. Of this area the nursery has an amenity space of 9.3 metre wide by 5.2 metres deep. The nursery courtyard is enclosed on the south side by a 1.7m high boundary wall and is partially covered by the 1st floor student accommodation above. This makes the space quite overshadowed and I note the comments of the Landscape Team in this regard. However, having spoken to Patacake, the potential future occupant, I understand this is purposely like this as children of the young age proposed to use this nursery cannot be too exposed to the weather and UV. Having been to their premises at the nearby Sedley Court I saw the outdoor amenity space currently used for the similar age group is well covered. I am therefore of the opinion that this space is acceptable for this premises.
- 8.55 The proposed central courtyard space is considered adequate for the future occupants of the student apartments. The shadow path study shows this courtyard space will receive sufficient light from mainly the south. I agree with the conditions the landscape officer has recommended that ensure this is a high quality space. Buffer planting is sought as part of the recommended landscape condition to ensure there is no overlooking from this space into ground floor flats.
- 8.56 Both the Landscaping Team and the Sustainability Officer have objected to the proposed green wall on the south elevation facing Ruth Bagnall Court as they consider such walls are

difficult to maintain and have failed in the past. These views have been communicated to the agent who disagrees and is committed to maintaining this green wall. I am of the opinion this green wall does add visual interest to what would otherwise be a blank elevation when viewed from Ruth Bagnall Court and consider that any identified difficulty in maintaining it would not justify a reason for refusing this scheme.

- 8.57 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.

### **Loss of leisure facilities**

- 8.58 Currently the east and west wing of the existing building are used as gymnasiums (Class D2) by Tsunami Gym (Mixed Martial Arts) and Becket Boxing Gym. It is noted that neither operate with the benefit of planning permission however both appear to have been in situ for more than 10 years and, if so, are therefore established.

- 8.59 Policy 6/1 of the Cambridge City Local Plan (2006) states that development leading to the loss of leisure facilities will be permitted if:

- a. the facility can be replaced to at least its existing scale and quality within the new development; or
- b. the facility is to be relocated to another appropriate premises or site of similar or improved accessibility.

- 8.60 In my opinion, the gymnasiums are established and their loss would not be in compliance with this policy since neither policy criterion is met by the proposal. However, I consider there would be a public benefit to the proposed new nursery which would create a recognised need for additional 0-2yr spaces in the area (recognised by the Cambridge County Council Growth and Development team). I consider this to be a material planning consideration that, in this instance, outweighs the policy requirement. I also note that Patacake, as the proposed end user, intends these additional premises to free up their current 0-2yr unit at Sedley Court for more child care places. In

addition, the proposed nursery would be of a similar floor area to the two gymnasiums it is proposed to replace.

- 8.61 I am therefore of the opinion that the harm associated with the loss of these two small specialist gyms is outweighed by the public benefits of the proposed nursery and whilst contrary to Policy 6/1 this is a material consideration that is sufficient to weigh in favour of the development.

### **Refuse Arrangements**

- 8.62 An adequate amount of bin storage has been provided in this scheme. The onus remains on the owner/users of the site to ensure that waste legislation, as enforced by the City Council, is followed when the dual-use site is operational. While a shared bin store for waste from the nursery and the student apartments is not ideal, it would work if well managed. It is also noted there is a set of sliding doors to demarcate the nursery's refuse facility away from the students bin store. This situation is acceptable. The refuse officer is satisfied the loading bays provided are large enough to accommodate RCV emptying bins and the location of the bin store is satisfactory to accommodate this. Further comments from the refuse officer are awaited and Members will be updated prior to the committee meeting.
- 8.63 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Transport and Highway Safety**

- 8.64 The Highway Authority is satisfied the proposal will not have an adverse impact on highway safety based modeling provided in the Transport Statement by Transport Planning Associates. The Transport Statement presents trip rates for a generic occupier taken from TRICS (Trip Rate Information Computer System). This forecast of trips by mode is modelled using local census data. The conclusion is that a generic occupier might attract 3 arrivals by car in the morning and 2 in the evening.
- 8.65 The Transport Statement also presents an analysis using data taken from a local nursery (Patacake) which also happens to be the prospective end occupier. This forecasts four arrivals by car in the morning and 2 in the evening. The theoretical capacity of the parking provision using the evidenced dwell time, has



capacity for 24 car arrivals eight times the number of forecast arrivals for the generic TRICS based assessment and six times that when considering the occupier survey. I agree with this assessment in this sustainable location. Conditions are recommended to ensure highway safety is not unduly impacted by the development and during its construction.

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

### **Car and Cycle Parking**

8.67 No vehicle parking is proposed as part of this application, just a set down area. This is less than the maximum parking standards outlined in Appendix C of the Cambridge Local Plan (2006). The City Council promotes lower levels of private car parking particularly where good transport accessibility exists. This site is located in a particularly sustainable location on the junction of Mill Road and Coleridge Road. Mill Road has many shops and services and the city centre is within walking distance or cycling distance. It is, therefore, my view that it would be unreasonable to refuse the application for this reason on the basis of lack of parking. The impacts of off-site car parking are to be dealt with through the S106 as set out in the assessment of the principle of development.

8.68 All cycle parking for students is located in the basement. The scheme has been amended to make this area easier to access. The ramp down to the basement is over 5 metres long and 2.2 metres wide has a break in the middle. In my opinion this is considered acceptable. 48 cycle spaces are proposed in this basement and 12 further visitor spaces are proposed outside facing Coleridge Road. This amount of parking is in line with policy.

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

### **Third Party Representations**

8.70 The majority of third party representations are addressed in the report above, those issues that are not address are considered in the table below:

<b>Concern</b>	<b>Response</b>
No council tax being collected	This is not a planning consideration
Children using the nursery will be impacted by air pollution.	The Environmental Health team has not objected to the application in this regard and is content that users will not be detrimentally impacted by the proposal subject to recommended conditions.
Need for nursery	The nursery has been considered to be acceptable for the reasons given in the report. It is not necessary therefore to seek to justify the nursery on grounds of need. However, it should be noted that Cambridge County Council Growth and Development team has identified that there is a current need for additional nursery places in the area.
Ruth Bagnall Court is not comparable as it is outside of the Conservation Area	While it is agreed Ruth Bagnall Court is outside of the Conservation Area, it forms part of the context of the site and its relationship to the proposal is a planning consideration.

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

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

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

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

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

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

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

Three contributions are identified as being necessary. These are £9,953.00 (plus indexation) to Kelsey Kerridge, £8,806 (plus indexation) to Coleridge Recreation Ground and £8,954 Great Eastern Street informal open space land.

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

#### Occupation

- 8.75 In accordance with my assessment regarding the principle of development, the following S106 provisions are required:

- A management plan to be submitted, agreed and implemented for all units with a specific requirement for overarching control through appointment of a management company with responsibility for all the student units concerning the monitoring and management of car parking etc.

- Occupation only by full time students attending an educational institution within Cambridge.
- Requirement for minimum tenancy period of 48 weeks for all student occupants
- Requirement for request of information in relation to car parking management and occupier details (name, educational institution, tenancy length and course length)
- Allowance for out of term time use subject to submission of management information to the satisfaction of the LPA regarding the protection of residential amenity.

### Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

9.1 Policy 7/10 is not engaged by the proposal and no conflict therefore arises. The site is not presently allocated for any particular land use and no other adopted policy regarding the principle of the student accommodation is engaged. This is a mixed use area and student accommodation is capable of being provided in principle on this site. As such, the principle of student accommodation on this site raises no conflict with the development plan and the proposal would help to meet the identified student accommodation need within Cambridge. Whilst the proposed development is in conflict with emerging policy 46, only limited weight can be attached to this because substantial objection has been raised to it. There is no sustained basis for objection arising from the Student Study in relation to the studios. The site is located in a sustainable location. Measures can be put in place and secured through a S106 for the management of the accommodation in terms of full-time student occupation and the keeping of cars.

9.2 The design of the development is considered to respect the context of the site and to be in keeping with the character and

appearance of the conservation area. The works to the building respect its status as a Building of Local Interest and importantly retain existing architectural features of merit. The site lies in a sustainable location and the proposal can provide the required level of renewable energy, disabled access requirements, car and cycle parking and appropriate refuse arrangements. The proposal will not adversely impact on highway safety or harm the amenity of occupiers of nearby dwellings and will provide a high quality living environment for its future occupiers. The proposal will result in the loss of two small gymnasiums but this is outweighed by the benefits of providing a nursery use that meets a recognised need. Measures necessary to secure infrastructure provision and to mitigate the development can be secured through a S106 in full compliance of the CIL regulations.

## **10.0 RECOMMENDATION**

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

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

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

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

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

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

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

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

4. No development shall commence until details/specification of solar control glazing for all windows has been submitted to and approved in writing by the local planning authority. The windows shall be installed in accordance with the approved details and maintained thereafter.

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

5. No development shall commence until a method statement for the retention of the front and return elevations of the existing Labour Club building has been submitted to and approved in writing by the local planning authority. The development works shall be undertaken in accordance with the approved method statement unless otherwise agreed in writing by the local planning authority.

Reason: to ensure the structural integrity of the elevations of the existing building to be retained are consistent with Cambridge Local Plan (2006) Policy 4/12.

6. Prior to demolition of the parts of the Labour Club building not due for retention, an archaeological building record by an approved archaeological contractor shall be undertaken and submitted to the local planning authority for approval.

Reason: to be consistent with NPPF paragraph 141.

7. Prior to any demolition works being undertaken, a schedule of works of repair or alteration of the Labour Club Building elements to be retained (front and return elevations) shall be submitted to and approved by the local planning authority. The schedule shall include for instance, any cleaning, repointing, brick or stone works and window repairs or replacement.

Reason: to protect the appearance of the retained elements of the BLI in accordance with Cambridge Local Plan (2006) Policy 4/12.

8. 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).

9. No development shall commence until details of the proposed spandrel panels, including a schedule of the windows they are to be introduced to, have been submitted to and approved in writing by the local planning authority. The panels shall be erected in accordance with the approved details and thereafter maintained unless agreed otherwise in writing by the local planning authority.

Reason: To ensure that the appearance of the external surfaces of the development and levels of privacy achieved are appropriate (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/12 and 3/14).

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

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

11. 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 ensure appropriate surface water drainage. (Cambridge Local Plan 2006 policy 4/16)



12. 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; buffer planting to the front of ground floor units; 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, privacy 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)

13. No unbound material shall be used in the surface finish of the forecourt 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

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

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

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

Reason: To prevent surface water discharging to the highway in the interests of highway safety.

16. 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.

17. 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

18. 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)

19. 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)

20. 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)

21. 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

22. The nursery use, hereby permitted, shall be carried out only between the hours of 8.00am - 6.00pm Monday to Friday. The use shall not be carried out on Saturdays, Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of nearby properties and because the merits of operation outside of these hours have not been considered (Cambridge Local Plan 2006 policy 4/13)

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

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenity of the proposed new residential units (Cambridge Local Plan 2006; Policy 4/13).

24. Prior to the installation of any artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

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

25. Prior to the commencement of development, with the exception of the demolition of the existing buildings on the site, a renewable energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the total predicted energy requirements of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme. It shall also include an assessment of any air quality noise or odour impact and mitigation measures required to maintain amenity and prevent nuisance in accordance with the Council Sustainable Construction and Design Supplementary Planning Document to be submitted in writing and agreed with the LPA prior to installation. The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any of the flats hereby approved and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that the development does not give rise to unacceptable pollution. (Cambridge Local Plan 2006 policies 4/13 and 8/16).

26. No occupation of the building shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the Local Planning Authority.

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

27. Notwithstanding the provisions of the Use Classes Order (1987) and the Town and Country Planning General Permitted Development Order (2015) as amended, the proposed nursery use shall only be used as a nursery and for no other purpose, either in a different use class or within the D1 use class as set out in the Use Classes Order (1987) as amended.

Reason: The application has only been assessed on the basis of the nursery use and for no other purpose in relation to its impact or justification as a community facility in replacing the existing leisure use (Cambridge Local Plan policies, 5/11, 6/1, 4/13).

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

Reason: In the interests of highway safety.

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

The noise and vibration report should include:

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

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

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

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

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

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

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

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

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

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

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

**INFORMATIVE:** If suspect ground conditions or contaminated materials are encountered whilst undertaking the development, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and an appropriate remediation and validation/reporting scheme agreed with the LPA. Remedial actions shall then be implemented in line with the agreed remediation scheme and a validation report will be provided to the LPA for consideration.

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

**INFORMATIVE:** In relation to Condition No. 4, it is recommended that consideration be given to the use of external shading, designed according to the elevation in question (e.g. vertical shading works better on west facing elevations, while horizontal brise soleil works better on south facing elevations).

**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.



**PLANNING COMMITTEE**

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

<b>Application Number</b>	17/0644/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	20th April 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	15th June 2017		
<b>Ward</b>			
<b>Site Proposal</b>	Development Land At 1 - 4 Water Lane Cambridge Revisions to application 16/1299/FUL to permit the subdivision of unit F1 to create an additional one bed flat, thereby increasing the total number of units to 14, together with amendment to 1.8m high obscure glazed screen to be replaced with louvered screen.		
<b>Applicant</b>	Water Street (Cambridge) LLP		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposal is for revisions to an approved scheme, and the extant consent establishes the principle of development. The proposed revisions would not have a material impact on the scale, appearance and site layout of the approved scheme;</p> <p style="padding-left: 40px;">The proposed subdivision would not have a significant additional impact on the residential amenity of the neighbouring properties or demand for on-street parking;</p> <p style="padding-left: 40px;">The proposed timber louvered screen would protect the privacy of neighbouring properties.</p>
<b>RECOMMENDATION</b>	Delegated powers for APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site consists of Nos. 1-4 Water Lane which is a terrace of two-storey properties on the western side of the road.

The properties have a rear garden which is accessed via Waterhouse private access. There is a private car parking area at the rear which is outside the application site.

- 1.2 The surrounding area is predominantly residential. To the north is the rear of Nos. 232-238 High Street which have long rear gardens. To the south is a block of flats known as 'Waterhouse', which is a two storey block plus an attic storey with dormer windows. The building fronts onto Water Lane and has a rear access via the shared access (also known as 'Waterhouse') from Water Street.
- 1.3 Within the vicinity is the residential development on the opposite side of the road which is currently under construction for 24 residential units, including 14 affordable units for over 55s. The units are split between two blocks and private houses. The units fronting Water Lane are two storey plus an attic storey with dormer windows, in buff brick.
- 1.4 The site is not within a conservation area, however to the west of the car park at the rear is the Ferry Lane Conservation Area. The existing building is not listed and is not a Building of Local Interest, nor are there any within the vicinity. The site is outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for revisions to the approved scheme 16/1299/FUL for:

*Erection of 13 flats (following the demolition of existing buildings 1-4 Water Lane), together with the provision of one disabled space, cycle parking, landscaping and associated infrastructure.*

- 2.2 The approved building is two-storeys plus a set-back third storey, with a two storey rear wing. There is an area of communal open space at the rear of the site and associated bin and bike storage. There is one car parking space which would be marked out of disabled use and accessed via Waterhouse.

## 2.3 The proposed revisions comprise:

- The subdivision of the ground floor unit F1 from 1 x 2-bed unit to 2 x 1-bed units (F1 and F2), thereby increasing the total number of units to 14. The overall mix of units would be 5 x 1-bed flats, 8 x 2-bed flats and 1 x 1-bed studio.
- The change from a 1.8m high obscure glazed screen to a 1.8m high timber louvered screen on the south-west side of the roof terraces to units F12 and F13. The obscure glazing of the balustrade was secured through condition 19 on the extant consent.

2.4 There would be no change to the footprint, scale or massing of the building compared to the approved scheme.

## 3.0 SITE HISTORY

3.1 The site history comprises:

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1299/FUL	Erection of 13 flats (following the demolition of existing buildings 1-4 Water Lane), together with the provision of one disabled space, cycle parking, landscaping and associated infrastructure.	Approved subject to conditions and Unilateral Undertaking

## 4.0 PUBLICITY

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

4.2 The advertisement and site notice consultation expiry dates are ongoing at the time of the planning committee, and as such, should the committee support the proposed development, officers recommend delegated powers to determine the application following the consultation expiry, subject to no new issues arising.

## 5.0 POLICY

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

5.2 Relevant Development Plan policies:

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex 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)  Affordable Housing (January 2008)  Planning Obligation Strategy (March 2010)  Public Art (January 2010)

Material Considerations	<u>City Wide Guidance</u>  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Strategic Flood Risk Assessment (2005)  Cambridge and Milton Surface Water Management Plan (2011)  Cambridge City Council (2011) - Open Space and Recreation Strategy  Cycle Parking Guide for New Residential Developments (2010)
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

The proposed development will 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.

Recommended condition/informative:

- Traffic management plan and accompanying informative.

## 6.2 **Developer Contributions Monitoring Officer**

The previous consent was subject to planning obligations seeking contributions towards community facilities, comprising £6,280.00 towards the provision and / or improvement of the facilities and equipment at Browns Field Youth & Community Centre.

These contributions have been secured through a Unilateral Undertaking and the payments have been received upon completion of the legal agreement.

The revision would generate an additional £1,256 towards community facilities. In line with the CIL Regulations, Councils can pool no more than five S106 contributions towards the same project. So far, the Council has agreed two specific contributions for this facility so there is only scope for three further contributions to be requested.

It would not be in the Council's interest to seek contributions towards the additional unit, and therefore these should not be sought.

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

## 7.0 **REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations **objecting** to the proposal:

- 39 Water Street
- 41 Water Street
- 222 High Street, Chesterton

7.2 The representations can be summarised as follows:

- The additional unit will put further pressure on traffic and on-street parking in the area.
- The subdivision of the unit promotes a buy-to rent occupation and more transient pattern of occupation.
- Access to the area to the west of the site (shown as 'car park' on the submitted plans) via the gate on the western boundary should be restricted in order to discourage anti-social behaviour, and the ownership and management of this area should be ascertained prior to determination.

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 The proposal is for revisions to an extant consent (16/1299/FUL) and therefore the extant consent is a material consideration which must be taken into account in the assessment of this application.

8.2 If granted, the current application would result in a new planning consent and thus I have recommended similar conditions to those applied to the approved scheme, or compliance with those conditions where they have been discharged and the proposal would not alter the agreed details.

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

1. Principle of development
2. Affordable housing
3. Context of site, design and external spaces
4. Residential amenity
5. Car parking / Highway safety
6. Cycle parking / Refuse arrangements
7. Third party representations
8. Planning Obligations (s106 Agreement)

## **Principle of development**

- 8.4 The principle of demolition and residential development on the site has been established through the extant consent and the proposed revisions do not alter this. In my opinion, the principle of development is acceptable in accordance with policy 5/1 which supports residential development on windfall sites.

## **Affordable housing**

- 8.5 The proposed subdivision would create a total of 14 no. units on a site area of 0.07 ha. The proposal does not trigger the requirement for affordable housing under policy 5/5.

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

- 8.6 The proposed subdivision does not alter the scale, form and massing of the building, or the site layout and landscaping compared to the extant consent, which was considered to be in context with the character of the area.
- 8.7 The proposed change from an obscured glazed screen to a timber on the south western side of the roof terrace for units F12 and F13 would not have a material impact on the appearance of the building. It would be set back from the edge of the building, in my opinion, would not substantially increase the mass of the building. Timber screens have been approved elsewhere on the building, so this would be in-keeping and acceptable.
- 8.8 For these reasons, in my opinion the proposed revisions respect the character of the area and the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.9 The nearest neighbouring properties are Nos. 232-238 High Street which have gardens adjoining the north western boundary of the application site; Flats 16-24 Waterhouse to the south east; and Nos. 43-45 Water Street to the south.



### *Subdivision*

- 8.10 The subdivision of the unit would not, in my opinion, have a significant additional impact on the residential amenity of the occupants of neighbouring properties compared to the approved scheme. There would be an additional unit on the site, however the approved unit was 2-bed, which would be likely to be occupied by 3 no. persons. The proposed units would be 1-bed, which are likely to be occupied by individuals, but could be occupied by up to 4 no. people in total. In my opinion, this would not generate a significant additional impact on the residential amenity of the occupants of neighbouring properties compared to the approved scheme.
- 8.11 Third parties have raised concerns about the impact of the additional unit on demand for on-street car parking. In my opinion, the future occupants of the proposed 1-bed units would be less likely to be car-dependent than the occupants of the approved 2-bed unit, which could be occupied by families. Thus, while there would be an increase in the number of households, in my opinion there would not be a significant increase in demand for on-street car parking compared to the approved scheme. The proposed revision accords with the adopted maximum standards and the site is in a highly sustainable location. In my opinion, this would not be reasonable grounds to recommend refusal of the current application. I have recommended the same informative on previous consent for future occupants to be made aware of the local car club schemes.
- 8.12 Third parties have also raised concern that the subdivision would promote a buy-to rent occupation and more transient pattern of occupation. The occupation of any units by tenants rather than home-owners cannot be controlled through the planning system. I have no evidence that suggests that 1-bed units rather than 2-bed units are more likely to be tenanted, and moreover, I have no evidence that suggests that tenants have a greater impact on residential amenity than home-owners. For this reason, in my opinion, the occupation of these units is not a material planning issue.
- 8.13 There would be no change to the scale and massing of the building as a result of the subdivision, so the proposed revision would not have an overbearing, overshadowing or overlooking

impact on neighbouring properties compared to the approved scheme.

### *Screen*

- 8.14 The obscure glazing of the glass balustrade on the south western side of the roof terrace of units F12 and F13 was secured through condition 19 on the approved scheme in order to restrict views from the roof terrace towards the rear gardens and windows of No. 45 Water Street. The proposed timber screen would be 1.8m high which would be the same height as the approved glass balustrade. It would restrict views in the same way as the approved scheme and protect the privacy of the occupants of No. 45. In my opinion, the revision would be acceptable. The installation of the screen prior to occupation would be controlled through recommended condition 18.
- 8.15 For these reasons, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### Amenity for future occupiers of the site

- 8.16 In my opinion, the proposed sub-division would create 2 no. units which would provide an acceptable level of amenity for the future occupants. The occupants of unit F2 would have access to a ground floor patio. The additional unit would not have a significant impact on the amenity of the future occupants of the other units on the site.
- 8.17 The proposed timber louvered screen would provide an acceptable quality environment to the roof terraces compared to the glass balustrade for the future occupants of units F12 and F13.
- 8.18 In my opinion, the proposal provides an acceptable 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.

## **Car Parking / Highway Safety**

- 8.19 Third parties have raised a concern that the sub-division would increase the demand for on-street car parking. I have addressed this in paragraph 8.11 above and the proposal accords with the adopted maximum car parking standards. The Highways Authority has not objected on highway safety grounds. In my opinion, these would not be reasonable planning grounds to recommend refusal and the proposal is in accordance with Cambridge Local Plan (2006) policies 8/2 and 8/10.

## **Cycle Parking / Refuse arrangements**

- 8.20 The subdivision would result in the same number of bedrooms, so the number of cycle spaces required under the adopted standards would be the same as the approved scheme. Therefore, the proposal is compliant with Cambridge Local Plan (2006) policy 8/6, subject to the recommended condition requiring the cycle parking to be provided prior to first occupation of the development.
- 8.21 The waste storage capacity for the proposed 2 no. 1-bed studios would be similar to the approved 1 no. 2-bed unit, which would be within the communal bin store. In my opinion the proposal is compliant with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) And Cambridge Local Plan (2006) policy 3/12, subject to the recommended condition for the bin store to be provided prior to first occupation.

## **Third Party Representations**

- 8.22 The representations regarding the impact of the subdivision of the unit have been addressed in the residential amenity section above.
- 8.23 Third parties have raised concerns about access to the area to the west of the site which is (shown as 'car park' on the submitted plans) via the gate on the western boundary should be restricted in order to discourage anti-social behaviour. The gate from the cycle store to this area was approved under the

extant consent and it would not be reasonable to seek to address this issue through the current application.

- 8.24 Third parties have also commented that the ownership and management of the area to the west of the site should be ascertained prior to determination. In my opinion, the proposed revisions do not alter the impact on this area and it would not be reasonable to require further information as part of the current application. This area is not within the application site and its use and management is a civil matter and not a planning matter.

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

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

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

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

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

- 8.28 The previous consent was subject to planning obligations seeking contributions towards community facilities, comprising £6,280.00 towards the provision and / or improvement of the facilities and equipment at Browns Field Youth & Community Centre. These contributions have been secured through a Unilateral Undertaking and the payments have been received upon completion of the legal agreement.

- 8.29 The additional unit would generate a further £1,256 towards community facilities. The restrictions within the CIL Regulations limit Councils to pooling no more than five S106 contributions towards the same project. The Council has already secured two contributions towards this project, so only three further contributions could be sought. The Developer Contributions Monitoring Officer has advised that contributions that could be sought from consents on other sites in the future are highly likely to be more than £1,256. Therefore, it would not be in the Council's interests to seek the additional contribution in this instance.
- 8.30 On the basis that planning obligations have been secured on the site, the minor scale of the additional contributions that could be sought and the restrictions on pooling contributions, in my opinion, the proposal is acceptable without the need for further planning obligations, in accordance with Cambridge Local Plan (2006) policy 10/1.

## **9.0 CONCLUSION**

- 9.1 The proposal is for revisions to an approved scheme and the extant consent is a material consideration. The principle of development has been established and the proposed revision would not have a material impact on the scale, appearance and site layout. The proposed subdivision would not have a significant additional impact on the residential amenity of the surrounding area and would not generate a significant additional demand for on-street car parking compared to the approved scheme. The proposed timber louvered screen would protect the amenity of the occupants of neighbouring properties similar to the approved glass balustrade. For these reasons, I recommend approval of the proposed revision.

## **10.0 RECOMMENDATION**

Delegated powers to **APPROVE** subject to no new issues arising from consultation process and subject to the following conditions:

1. The development hereby permitted shall be begun before 15 December 2019.

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. 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)

4. Demolition and construction works shall be carried out in accordance with the traffic management plan approved under the discharge of condition 4 on consent 16/1299/FUL, or in accordance with alternative details that have been submitted to and agreed in writing by the Local Planning Authority prior to commencement of development.

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

5. 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)

6. 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)

7. Development shall be carried out in accordance with the programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period approved under discharge of condition 7 on consent 16/1299/FUL, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

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

8. If previously unidentified contamination is encountered whilst undertaking the development, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and an appropriate remediation and validation/reporting scheme agreed with the Local Planning Authority. Remedial actions shall then be implemented in line with the agreed remediation scheme and a validation report will be provided to the Local Planning Authority for consideration.

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

9. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Surface Water Drainage Statement (Project no 07074, Rev 01 dated: June 2016), and detailing the final drainage proposal, has been submitted to and approved in writing by the Local Planning Authority and Lead Local Flood Authority. 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, to improve and protect water quality, and improve habitat and amenity.

10. Infiltration testing should be undertaken across the site in accordance with BRE365 guidance (prior to any works commencing). Upon completion of infiltration testing, the results are to be provided to the Lead Local Flood Authority for review and approval.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

11. 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 subcatchments, 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.



12. Development shall be carried out in accordance with the hard and soft landscaping scheme approved under discharge of condition 12 on consent 16/1299/FUL, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development (other than demolition and enabling works). 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)

13. The landscape maintenance and management plan shall be carried out in accordance with the details approved under discharge of condition 13 on consent 16/1299/FUL, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. This includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens.

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)

14. The boundary treatments shall be completed prior to first occupation of the development hereby permitted in accordance with the details approved under discharge of condition 14 on consent 16/1299/FUL, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development (other than demolition and enabling works). This 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 (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12).

15. Development shall be carried out in accordance with the samples of the materials to be used in the construction of the external surfaces of the development hereby permitted that have been approved under the discharge of condition 15 on consent 16/1299/FUL, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development (other than demolition and enabling works).

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

16. Development shall be carried out in accordance with the details of all non-masonry walling systems, cladding panels or other external screens that have been approved under discharge of condition 16 on consent 16/1299/FUL, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development (other than demolition and enabling works). This shall include structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing are to be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples.

Reason: To ensure that the materials selected are of a high quality and appropriate to the context of the building (Cambridge Local Plan 2006 policy 3/12).

17. The windows identified as having obscured glass on drawing number 'P-03 REV J' and the first floor window on the south east elevation serving the bathroom of unit F7 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to first occupation of the development hereby permitted, and shall have restrictors to ensure that the 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).

18. The 1.8m high balcony/terrace screens as shown on drawing number ' P-02 Rev J' and the 1.2m high patio screens as shown on drawing number 'P-01 REV M' shall be erected prior to first occupation of the development hereby permitted, in accordance with details submitted to and approved in writing by the Local Planning Authority. The screens shall be retained as such thereafter.

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

19. Prior to the commencement of the installation of solar panels, full details of their location, design and a maintenance programme shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall remain fully operational in accordance with the approved maintenance programme.

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

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16 and the Cambridge Sustainable Design and Construction SPD 2007).

20. The cycle parking shall be provided in accordance with the approved details prior to first occupation of the development hereby permitted, and shall be retained thereafter.

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

21. The bin store shall be provided in accordance with the approved details prior to first occupation of the development hereby permitted, and shall be retained thereafter.

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

**INFORMATIVE:** Traffic Management Plan:

The principle areas of concern that should be addressed are:

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

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

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

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

**INFORMATIVE:** Construction/demolition noise/vibration assessment:

The noise and vibration report should include:

a) An assessment of the significance of the noise impact due to the demolition/construction works and suitable methods for this are to be found in 5228-1:2009+A1:2014 Annex E - Significance of noise effects. It is recommended that the ABC method detailed in E.3.2 be used or the 2-5 dBA change method in E.3.3.

b) An assessment of the significance of the vibration impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228-2:2009+A1:2014 Annex B - Significance of vibration effects

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

Vibration levels within nearby properties are not to exceed 0.3mm s<sup>-1</sup> in accordance with BS 5228-2:2009+A1:2014. Predicted vibration levels at nearby properties are required. Complaints of vibration will require vibration monitoring within the complainant's property in order to investigate and mitigate if required.

Monitoring, recording protocols:

Guidance on noise monitoring is given in 5228-1:2009+A1:2014 Section 8.4 - Noise Control Targets and in Annex G - noise monitoring.

Full details of monitoring are required. Whilst it may not be necessary to undertake continuous noise and vibration monitoring, agreement should be reached on when it will be undertaken. For example spot noise checks could be undertaken on a regular basis at site boundary locations closest to sensitive receptors.

Longer term continuous monitoring of noise and vibration needs to be undertaken when:-

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

Ideally, contact details for monitoring personnel, site manager including out of hours emergency telephone numbers should be provided when available.

Consideration should be given to further measures, including communication such as giving notice to building owners/occupiers when noisiest operations, such as piling, are to be expected and implementation of a complaints procedure.

**INFORMATIVE:** In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365/CIRIA 156.
- d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

f) Calculations should demonstrate how the system operates during a 1 in 100 annual probability critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

**INFORMATIVE:** The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

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**PLANNING COMMITTEE**

5<sup>th</sup> July 2017

<b>Application Number</b>	15/2372/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	20th January 2016	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	16th March 2016		
<b>Ward</b>	Petersfield		
<b>Site Proposal</b>	Citylife House Sturton Street Cambridge CB1 2QF Change of use from the implemented use as a class D1 dance school/studio (granted under planning permission 14/1252/FUL) to general educational use within use class D1 including limited alterations to the external appearance of the building & associated landscaping works		
<b>Applicant</b>	Chard Robinson 2 Hills Road Cambridge CB2 IJP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The proposed change of use to general D1 education use is acceptable in principle. There are no grounds to resist the change.</li> <li>▪ The revised location of the rooftop plant is appropriate, an improvement on the previous location and would not harm the character and appearance of the Conservation Area</li> <li>▪ The proposed paths on the Protected Open Space have been removed from the application.</li> </ul>
RECOMMENDATION	APPROVAL

## **0.0 ADDENDUM**

### **Background**

- 0.1 This application was deferred by members when it was originally presented to Planning Committee on 30 November 2016. The application was deferred on the basis that members were not satisfied that the application could be determined without further amendments and details of the proposed Community Access Agreement (CAA). Committee asked that the final CAA be brought back to Planning Committee for approval. Members were also concerned by the proposal to paint the installed rooftop plant in black as a solution to mitigate its appearance and asked officers to explore options for its screening. No further revisions to the CAA have been put forward by the applicants since 30 November 2016.
- 0.2 On 20<sup>th</sup> February 2017, the building was occupied by Cambridge School of Visual and Performing Arts (CSVPA) in accordance with the permitted use as a dance school/studio granted under planning permission 14/1252/FUL. Dance lessons initially commenced using non-amplified music and, following the discharge of condition 7 of 14/1252/FUL, the building has been used for dance classes using amplified music with noise limiters in place.
- 0.3 Members will recall that application ref. 16/1272/S73 - seeking retrospective permission for the plant and paths as installed - was also reported to the 30 November 2016 Planning Committee. That application was not fully considered by members but deferred for consideration to a subsequent committee because the proposed plant was the same as that put forward under 15/2372/FUL. The applicant subsequently submitted revised plans for a reflective metal finish screen around the plant as an alternative solution. The S73 application also included a series of retrospective paths leading from the east side of the building into the protected open space to serve as means of escape from the building. A site visit was arranged for members to assess the plant, paths and use of the building by CSVPA on the morning of the 5<sup>th</sup> April 2017 Planning Committee when the S73 application was reported back to members for consideration.

- 0.4 The S73 application was refused by the 5 April 2017 Planning Committee for two reasons. The first reason was that the plant and the proposed screen were deemed to be harmful to the character and appearance of the Conservation Area, park and protected open space contrary to policy 4/11. The second reason was that the proposed paths unnecessarily fragment the configuration of the protected open space and are harmful to its former soft grassed character, being at odds with the setting of the building within its landscaped environment and reducing the flexibility of the open space for recreational use contrary to policies 4/2 and 4/11. The full reasons for refusal can be found against the Council's Public Access on-line records.
- 0.5 Following refusal of the S73 application, two enforcement notices have been served by the Council. The first relates to the existing unauthorised rooftop plant and paths (issued on 14 April 2017) seeking their removal. The second relates to a series of cowls and flues (issued 4 May 2017) installed mainly around the perimeter of the rooftop of the building which had not formed part of any of the recent applications and appear to have been installed in 2016 as part of the refurbishment of the building relating to CSVPA's occupation without the benefit of planning permission. An enforcement notice was authorised by members to seek the removal of the cowls at the 26 April 2017 Planning Committee.
- 0.6 The S73 refusal and both enforcement notices have been appealed by the applicants and are subject to the written representations procedure.
- 0.7 I note that a number of representations, including several additional reports from 6 Edward Street, were received in relation to application 16/1272/S73 and this application, following the submission of amended plans in relation to plant screens and paths for the S73. These have not been reported as part of this addendum report because of the changes now put forward (set-out below) but can be found summarised on the 5<sup>th</sup> April 2017 committee report for 16/1272/S73 and in full against the Council's Public Access on-line records.

### **The Current Application**

- 0.8 Following the refusal of the S73 and the lodging of the appeals, the current application 15/2372/FUL for general D1 education

use therefore remains undetermined. The applicants have sought, as part of revisions to the plans, to address some of issues raised through the unauthorised plant and paths that arose with the S73 application and also to provide some further context/evidence in relation to the existing use and clarification regarding their intentions regarding community access to the building.

0.9 The revised plans and an addendum Planning Statement were received on 6 June 17. They constitute the following:

- 1 A revised description of development to omit reference to the previous operative consent 97/1020 and instead reference the existing operative and permitted Class D1 dance school/studio use granted under permission 14/1252/FUL.
- 2 Revised plans showing the air conditioning units relocated on a lower part of the roof with an accompanying photographic study.
- 3 Revised plans showing the removal of the external paths.
- 4 Revised plans showing the cowls/flues replaced with lower 'bird beak' Vent Axia termination sets.
- 5 A timeline of planning conditions and their respective discharge in relation to 14/1252/FUL, dates of occupation of the building and key decision dates relating to the S73 and enforcement notices.
- 6 Summary of timetable for dance classes week 1, commencing 20 February 2017, showing 36.5% of the available floor area in use and week 6, commencing 27 March 2017, showing 55% of the total available floor area in use.
- 7 Statement regarding Community Access

0.10 This officer addendum report provides an assessment of the revised plans and further information provided by the applicant. It supersedes those relevant parts of the original officer assessment attached at appendix A. The proposed conditions have been amended/removed to reflect the discharge of various

conditions associated with 14/1252/FUL and change in the use of the building by CSVPA as a dance school/studio.

## **Representations**

0.11 The additional plans and latest addendum Planning Statement are out for re-consultation to members of the public at the time of writing this report. Those representations that have thus far been received are reported below. Any further comments received will be reported on the amendment sheet.

0.12 Representations have been received from the owners/occupiers of the following addresses:

- 6 Edward Street
- 99 St Matthews Gardens
- 16 Stone Street
- 131 Sturton Street x2
- 168 York Street

0.13 The representations can be summarised as follows;

- It is clear that the boundary between the cycle racks and the red-painted low metal fence of the playground area has not been properly maintained and is a safety risk to children using the playground.
- Have previously written to express interest in using space as runs a not for profit dance community group.
- Do not support the general education use; there is a creep of educational uses in the residential area of Petersfield.
- Would support a use where dance and other movement classes, such as yoga, were allowed.
- The reason for refusal previously suggested in relation to loss of community facilities may now be irrelevant (as the operative consent has changed) but feel needs and wishes of local people have not been considered.
- Concerned about wording of language school restriction condition.
- Plant is ugly and little attempt has been made to improve the building.
- Land was given in perpetuity to the residents for rest and recreation and should not be used as a private educational institute, office or other business.

- Concerned about the way in which the application was dealt with.
- The dance school use was considered to be at the limit of acceptability as it had some community use element but what is proposed is completely unacceptable.

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- Considers the information provided is inadequate to assess whether the dance school use of the building has been implemented.
- Alterations to the external envelope of the building are significant rather than 'minor'.
- The developer is simultaneously appealing and re-submitting plans which is contrary to appeal guidelines.
- Protected Open Space within the site must be returned to green space.
- The developer has not demonstrated a commitment to providing any community access to the building.
- The revised plant location would still be visible from St Mathews Piece and would be unacceptable. Request plant is screened and positioned on side of building as approved under 14/1252/FUL.
- Concerned there may be acoustic implications from the bird beak roof terminals.
- Members need to consider whether the proposed means of escape for those with disabilities is acceptable.
- The outline Phase 11 is shown on the roof plans. This application has not been formally submitted but concerned about impact on conservation area, amenity of St Mathews Piece and on the surrounding trees.

**ASSESSMENT**

Change of Use / Community Access Agreement

- 0.14 When this application was last heard at the Planning Committee meeting of 30 November 2016, officers reported on the progress of a sought CAA, the justification for this in relation to the operative consent, what the applicants at that point in time were prepared to commit to and what revisions officers/consultees thought necessary in order for the CAA to be agreed through the mechanism of a S106.

0.15 The crux of the justification for the requirement for a CAA rested with the fact that in November of last year, officers considered that the operative consent for the site was C/97/1020. This was a sui generis consent for a studio/café bar/multi-media education centre and community facility. Under C/97/1020, the community use was secured via a S106 agreement, the details of which are set out in the original officer report of 30 November 2016 at paragraphs 8.13 - 8.18 (Appendix A).

0.16 The November report noted that existing community access to the building was not being provided and had been limited, with the building being vacant at that point in time. Paragraph 8.23 of the original officer report states:

*'Officers consider that the 2014 application can be lawfully implemented (see paragraph 8.22 of report 14/1252/COND12A also on this agenda). The permission is extant and is a material consideration. If condition 12 for 14/1252/FUL is discharged and the use as a dance school/studio is established, it would be possible for any subsequent D1 user to operate from the site without planning permission under the terms of the Use Classes Order 1987 and without any community access. This is a strong fall-back position for the applicants if this application is refused and could, for example, include CSVPA or any other educational provider or D1 user. This is because the existing planning permission is not conditioned as either being personal to Bodywork or restrictive as to the nature of any future D1 use of the building. D1 uses are broad and are set out under paragraph 8.8 above. Neither does the S106 to the 2014 application secure community access. The same logic is true of 16/1272/S73 if approved, subject to condition discharge, as the description of development is the same'*

0.17 Since the 30<sup>th</sup> November Planning Committee meeting there has been a material change in circumstances in relation to the use of the building and discharge of outstanding conditions in relation to 14/1652/FUL. Conditions 7 (amplified noise) and 12 (travel plan) of 14/1652/FUL have been discharged. Most notably, however, is that CSVPA commenced dance school/studio use of the building on 20 February 2017. Case officers and members witnessed use of the building for dance purposes during a site visit of 5 April 2017. The applicants have submitted extracts from two timetables for the weeks commencing 20 February 2017 and 27 March 2017. From these

timetables, I have no reason to doubt that dance lessons have occurred in the building since the 20 February 2017 and that the most recent timetable is accurate in recording 55% of the building in use in accordance with 14/1252/FUL. I have no evidence to the contrary.

0.18 As a result, officers are of the view that the use of the building as a dance school/studio use under planning permission 14/1252/FUL has now commenced and can be considered to be the operative consent for the site. As such, the applicants have proposed to amend the description of development - which previously referenced the 97/1020 permission - to reference 14/1252/FUL to reflect this change. Officers are in agreement that the revised description is an accurate reflection of the current use. It would therefore appear that the use of the building by CSVPA as a dance school/studio use in connection with 14/1252/FUL has commenced, has been established for over 4 months and is likely to be lawful, albeit it would be for a certificate of lawfulness to be submitted and granted to categorically demonstrate this.

0.19 Members will be aware that permission 14/1252/FUL contains no S106 safeguard for on-going community use of the building. Whilst the application documentation cited Bodywork as the likely occupier at that time and the case officer concluded that use by Bodywork would be 5/11 compliant, the permission itself is not personal to Bodywork (as is the case for most applications) and does not restrict other D1 uses from taking place. The consequence, therefore, of 14/1252/FUL being implemented on this site is that a D1 use has now been established and no further planning permission is required for any other D1 use of the building as set out and allowed for by the Use Classes Order 1987 (as amended). This significantly limits the reasonable scope of the local planning authority to control planning issues relating to the use of the building under this application, as the proposal is for a D1 educational use and the fall-back position available to the applicants is that, even with a refusal of planning permission of 15/2372/FUL, a general D1 educational use of the building is capable of being implemented by the applicants without any further permission from the Council. The effect of the occupation and use of the building as a D1 dance school/studio is that the description of the development in terms of use now proposed is of little to no consequence relative to the decision before members.



- 0.20 As such, it follows that there is now no justifiable requirement for a CAA, a S106 agreement or for conditions pertaining to the use of the building over and above those secured under 14/1252/FUL.
- 0.21 The CIL regulations state that a planning obligation can only constitute a reason for granting planning permission, if the obligation is:
- Necessary to make the proposed development acceptable in planning terms
  - Directly related to the proposed development
  - Fairly and reasonably related in scale and kind to the proposed development
- 0.22 As the operative consent 14/1252/FUL did not secure community access to the building, the legal advice which I have received confirms that it is no longer possible to seek a CAA as part of this application. It is simply not necessary in planning terms to make the proposed development acceptable against adopted policy 5/11 and it would be unreasonable to require a CAA either through a S106 or by way of planning condition.
- 0.23 The applicant's addendum Planning Statement sets out that they still intend to provide members of the public with access to the building. They state that two local dance groups have used the building on a number of occasions. It would appear that ongoing use by dance groups is to be arranged and secured directly with CSVPA. Arrangements such as this are not relevant to the current application because it is no longer reasonable or necessary to secure community access to the building through the planning process.

#### Rooftop plant

- 0.24 Rooftop plant has been installed in breach of the approved plans in relation to 14/1252/FUL. It was originally shown on the plans as to be installed on the eastern wall of the building but has in fact has been installed across the centre of the building. At the Planning Committee meeting of 30 November 2016, members expressed concerns regarding the retrospective roof plant and requested that some screening options should be explored. At the subsequent 5 April 2017 Planning Committee

meeting and just prior to a site visit as part of application ref 16/1272/S73, members were presented with an option of mirrored screens around the plant. Members did not share the view of officers that the screens were acceptable and resolved to refuse the S73 application for the following reason:

*'The plant and its associated screening, because of its length, height and visibility from surrounding streets and from St Matthew's Piece, appears as a cumbersome addition to the roof top of the existing building and is of poor design. Its presence is incongruous and the external mirrored screen finish proposed would only serve to draw attention to it. Painting the plant as a substitute for the screen would not be appropriate and a condition seeking an alternative screening detail would not overcome the impact of its presence. As such, the plant installation as existing and as proposed with the mirrored screen finish would detract from the character and appearance of the Conservation Area and surrounding park and open space contrary to Cambridge Local Plan (2006) policy 4/11. The harm would be less than substantial to the significance of the Conservation Area as a whole but would not be outweighed by any identifiable public benefit arising from its installation and is therefore contrary to paragraph 134 of the NPPF (2012).'*

- 0.25 As a result of the refusal reason and notwithstanding that the refusal and related enforcement notice are subject to appeal, the applicant has revised the proposal for the rooftop plant. This does not breach appeal guidelines as it shows willing by the applicant to address outstanding issues. The plans now show the existing 19 air conditioning units to be moved to the lower (approximately 69cm) western part of the roof, positioned centrally and occupying an area of 17m x 5.5m rather than forming a continuous line as existing. They sit alongside three other existing air extraction units on this part of the roof as shown on the plans that are low-lying. The 19 air conditioning units are of two different heights, 105cm (10 in total) and 143cm (9 in total). The taller units are proposed to be grouped in two banks of four, with the smaller units positioned around these.
- 0.26 The applicant has submitted a photographic study to illustrate the visibility of the revised plant, attached at appendix II of the applicant's addendum Planning Statement. It was undertaken by erecting a series of cardboard boxes in the locations as

shown on the plans, of similar height and bulk to the existing air conditioning units.

0.27 The applicant sets out from paragraph 3.4 of the addendum Planning Statement and in subsequent correspondence that advice from their noise consultants - MLM Acoustics - is that the relocation of the plant is unlikely to result in the need for an acoustic screen according to the relevant British Standard. However, the relocated plant, being lower and closer to houses on Sturton Street will need a revised noise assessment to demonstrate this and this will need to be agreed with the Council's Environmental Health Officer (EHO). I propose condition 8 to deal with the issue.

0.28 I consider the revised plant location to be an improvement to the existing plant location. The lower roof height (69cm lower) would result in a lessening of the visibility of the plant. The photographic study demonstrates this, albeit the plant would not be totally obscured from view. I am mindful that the applicant's photographic study was undertaken recently with the Plane trees in full leaf as opposed to members' last visit to the site on 5 April 2017 when the trees were not in full leaf. As such, the photographic study, whilst reasonably accurate, does not represent a worst case scenario in terms of visual impact and does not include the potential for an acoustic screen.

0.29 Officers supported the existing location of the plant and support the new location of the plant because it would be less visually prominent than as existing (with or without an acoustic screen). The main issue for members is whether the revised location has overcome the previous reason for refusal for the S73 application in terms of impact on the character and appearance of the conservation area and policy 4/11 compliance.

#### Cowls and Flues

0.30 There are a 36 stainless steel 60cm tall cowls and a pair of boiler flues currently installed on the roof of the building and shown on the proposed roof plan. The cowls did not originally form part of this or any other recent application for the building. Officers were concerned regarding the prominence of the cowls from the surrounding streets and park and their impact on the character and appearance of the Conservation Area. They are mainly located towards the outside edge of the roof of the

building. An enforcement notice was issued on the 4<sup>th</sup> May 2017 requiring their removal which has been appealed by the applicants.

0.31 In response to these concerns and to the enforcement notice, the applicant has included reference to the cowls within the current application and submitted a proposal to move them to within the structure of the roof of the building and link to roof top 'bird beak' vents of which there would be 18 in number. A photograph and product type of what these would look like is included in the applicant's latest addendum Planning Statement and I consider this is sufficient with the proposed roof plan in order to assess their visual impact. The proposed elevations have been updated to remove the profile of the cowls to reflect the change in circumstances.

0.32 The revised vents are to have a low profile with a total height of between 12.5cm -15cm. As a result, it is considered that they are unlikely to be visible from the street and are a significant improvement in terms of appearance from that existing. My view is that their presence would preserve the character and appearance of the Conservation Area and accord with policies 3/4, 3/7, 3/14 and 4/11.

#### Means of Escape / Access Paths

0.33 The applicant has installed a new path with three spurs linking to the building which formed part of the plans for the S73 and the current application put forward for determination. The path and spurs were proposed to be used as a means of escape. They were refused planning permission as part of the S73 application for the following reason:

*'The proposed paths and associated spurs off the east side of the building and within the protected open space and Conservation Area unnecessarily fragment its configuration and are harmful to its former soft grassed character and setting. The former character of the protected open space provided a continuous grassed area connecting the protected open space from the east of the building to the south side of the building and to the remainder of St Matthew's Piece. As a result of their installation, the paths appear at odds with the former setting of the building within its landscaped environment and reduce the flexibility of the open space for recreational use by members of*

*the public and users of the building. They do not serve to enhance either the use or setting of the protected open space and only serve the building for means of fire escape. As such, the paths are contrary to Cambridge Local Plan (2006) policies 4/2 and 4/11 and are contrary to paragraph 134 of the NPPF (2012).'*

0.34 As a result of the refusal reason and notwithstanding that the refusal and related enforcement notice are subject to appeal, the applicant states that their appointed Approved Inspector (MLN) for Building Regulations has reviewed and revised the Fire Risk Assessments and Personal Escape Management Plans for the building. The applicants state that the amended strategies allow for the removal of the paths and instead have replaced this strategy with a framework providing for one-to-one assistance (to physically assist mobility-impaired visitors up the grassy bank during an emergency) on site for each and every disabled person attending the building at any given time.

0.35 The paths are no longer shown on the revised site plan. As advised as part of the previous application, the matter of compliance with the Building Regulations is not for the Planning Committee to adjudge. The paths were considered to have an unacceptable impact on the Protected Open Space and Conservation Area. They no longer form part of the application and as a result I am satisfied that the associated S73 refusal reason has been overcome.

Third Party Representations

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

<b>Representation</b>	<b>Response</b>
It is clear that the boundary between the cycle racks and the red-painted low metal fence of the playground area has not been properly maintained and is a safety risk to children using the playground.	Noted but this is not relevant to the current application.
Have previously written to express interest in using space as runs a not for profit dance community group	Noted.

Do not support the general education use; there is a creep of educational uses in the residential area of Petersfield	See paragraphs 0.14-0.23
Would support a use where dance and other movement classes, such as yoga, were allowed.	See paragraphs 0.14-0.23. Under the current proposal the building could be used for movement classes, as suggested in the representation
The reason for refusal previously suggested in relation to loss of community facilities may now be irrelevant (as the operative consent has changed) but feel needs and wishes of local people have not been considered.	See paragraphs 0.14-0.23
Concerned about wording of language school restriction condition	See paragraphs 0.39-0.41
Plant is ugly and little attempt has been made to improve the building	See paragraphs 0.24-0.32
Land was given in perpetuity to the residents for rest and recreation and should not be used as a private educational institute, office or other business	See paragraphs 0.14-0.23
Concerned about the way in which the application was dealt with	Noted.
The dance school use was considered to be at the limit of acceptability as it had some community use element but what is proposed is completely unacceptable.	See paragraphs 0.14-0.23

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<b>Representation</b>	<b>Response</b>
Considers the information provided is inadequate to assess whether the dance school use of the building has been implemented	I have no reason to doubt the information provided in terms of the amount of use of the building and do not consider that additional information is needed to demonstrate that 14/1252/FUL has been

	implemented.
Alterations to the external envelope of the building are significant rather than 'minor'	I note the change in physical alterations to the building since the application was submitted but the proposal is broadly the same.
The Developer is simultaneously appealing and re-submitting plans which contrary to appeal guidelines	I note the approach regarding appeals and re-submission of applications. It is entirely reasonable of a developer to put forward amendments to schemes to address objections/enforcement appeals.
Protected Open Space within the site must be returned to green space	See paragraphs 0.37-0.38
The developer has not demonstrated a commitment to providing any community access to the building	I note these concerns but community access can no longer be secured via the planning process. See paragraphs 0.14 – 0.23
The revised plant location would still be visible from St Mathews Piece and would be unacceptable. Request plant is screened and positioned on side of building as approved under 14/1252/FUL	See paragraphs 0.24-0.32
Concerned there may be acoustic implications from the bird beak roof terminals	I am awaiting comments from the EHO; comments will be added on the amendment sheet. I have informally discussed with the EHO who is satisfied with the principle of the revised plant and cowls subject to condition.
Members need to consider whether the proposed means of escape for those with disabilities is acceptable.	This is not a material planning consideration and cannot be assessed as part of the planning application
The outline of the following phase is shown on the roof plans. This	This does not form part of the current application. The

application has not been formally submitted but concerned about impact on conservation area, amenity of St Mathews Piece and on the surrounding trees	plans have been revised at the time of writing this report to remove reference to any subsequent phase.
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### Conditions

- 0.37 Condition 8 was previously recommended (Appendix A, paragraph 8.39) to ensure the public had continued access to the Protected Open Space to the east of the building and within the site to accord with policy 4/2 of the Cambridge Local Plan (2006). It read as follows:

*'The Protected Open Space within the site to the east of the building shall be available and freely accessible to members of the public at all times and within 1 month from first occupation, all hoardings around the site shall be removed.'*

*'Reason: To ensure continuing access to the Protected Open Space in accordance with policy 4/2 of the Cambridge Local Plan (2006).'*

- 0.38 The condition followed on from condition 15 of permission 97/1020 which required that the open space within the site to the east of the building be freely accessible to members of the public at all times. Officers considered as part of the 30 November 2016 officer report that it was justifiable to continue to propose this condition as the operative consent was still 97/1020.

- 0.39 The condition was omitted from permission 14/1252/FUL, which is now the operative consent for the site. In my view, given that the operative consent has changed, it is not necessary to append this condition in order to grant planning permission.

- 0.40 Condition 7 was previously recommended to remove potential language school use of the building. It read as follows:

*'The premises shall not be used as a dedicated language school or any other non-educational use falling within Use Class D1 of the Use Classes Order 1987 without the express planning approval of the Local Planning Authority.'*



*Reason: To ensure compliance with policy 7/11 of Cambridge Local Plan (2006) and because other D1 uses of the building have not been assessed as part of this application.'*

- 0.41 The proposed condition deals with the provisions of policy 7/11 in terms of restricting additional language school establishment and limits use within the D1 class to education as other non-educational D1 users could have very different impacts associated with them. It was considered reasonable to attach a condition restricting the use of the building to prevent the building being used as a language school or any non-education use within the D1 use class.
- 0.42 However, the use of the building by CSVPA as a dance school/studio in connection with 14/1252/FUL began on 20 February 2017 and has continued for over 4 months. The consequence of 14/1252/FUL being implemented is that a D1 use has now been established and no further planning permission is required for any other D1 use of the building as set out and allowed for by the Use Classes Order 1987 (as amended). This would include use as a dedicated language school and other uses within the D1 use class category. The condition is no longer necessary in order to grant planning permission and it would be unreasonable to continue to recommend it.
- 0.43 I have revised condition 5 to phrase the permitted hours of use more accurately.

#### S106

- 0.44 The County Council previously indicated that a Real Time Passenger Information (RTPI) mitigation package was required to be secured as part of a S106 agreement. The County required a contribution of £27,000 to be secured for RTPI inclusion in a breakout area or similar in the building. However, given that a general education use can now be undertaken at the premises without any further permission from the local planning authority, there is no longer a requirement for this contribution to be secured in order to grant planning permission. I note secured highways contributions under the S106 to 14/1252/FUL have been paid.

## Conclusion

- 0.45 The proposed revisions to the building plant location and removal of the paths are considered to preserve the character and appearance of the Conservation Area. The revised plant locations are less visually prominent when viewed from the surrounding streets. The revised vent design for the cowls has a low profile and they are unlikely to be visible from the street.
- 0.46 As application 14/1252/FUL has been implemented and is now the operative consent for the site, it is not reasonable or necessary to ask for a CAA to make the change of use acceptable in planning terms or continue to require certain conditions previously recommended.

## **RECOMMENDATION**

**APPROVE** subject to conditions, as amended and as set out at the end of the November 2016 Planning Committee Report and Amendment Sheet attached at Appendices A and B:

## **Appendix A: 30 November 2016 Committee Report**

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

- 1.1 The site lies adjacent to St Matthew's Piece in the Petersfield area of the city. It is bounded on the east side by York Street, on the north side by New Street, on the west side by Sturton Street, and to the south by the open space of St Matthew's Piece. The areas to the east, south and west of the site are primarily residential, including many small nineteenth-century terraced houses, and small modern houses and flats. The area to the north is a mixed area, which includes light industrial and retail uses as well as dwellings and student accommodation.
- 1.2 The site lies wholly within the Central Conservation Area. The northern and eastern boundaries of the site also form the boundary of the Conservation Area.
- 1.3 The trees which stand along the eastern, northern and western boundaries of the site (London planes and one lime) are protected by Tree Protection Order (TPO) 4/2005. The majority of the site does not have any specific designation in the adopted Cambridge Local Plan of 2006, but a strip of land on the east side of the site, fronting onto York Street, is designated as Protected Open Space. This strip includes a number of Plane trees and is of an irregular shape. Part of the northern section of the Protected Open Space is currently covered by tarmac. The site is presently surrounded by hoardings and a small tarmac path has been installed diagonally across it.

### **2.0 THE PROPOSAL**

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

proposed within the entrance foyer. Changing facilities are provided including an accessible WC and shower room. A number of small offices are included; these would be ancillary to the general educational use of the site.

- 2.2 The application also proposes a number of alterations to the southern and eastern elevations, landscaping works and the reconfiguration of cycle parking on the site.
- 2.3 The plans have been amended since submission. The proposed plant has been relocated from the eastern wall to the roof. An additional external stairs is proposed leading to the northernmost door on the west elevation. The plans submitted as part of this application match those submitted under application 16/1272/S73 which seeks amendments to 14/1252/FUL (see paragraph 3.8) also before Planning Committee.
- 2.4 The external and internal works are retrospective and have been largely completed.
- 2.5 The applicant has submitted two addendums to the initial planning statement submitted as part of the application. These provide further information regarding the proposed use and community access to the building, including a draft Community Access Agreement to form part of a S106 agreement.

### 3.0 RELEVANT SITE HISTORY

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

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1272/S73	Section 73 application to vary condition number 2 of permission 14/1252/FUL to permit revised cycle and bin storage locations, revised internal configurations and revised location of plant from the eastern elevation to the roof.	Pending consideration

14/1252/FUL	Change of use from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.	Permitted
06/0567/FUL	Erection of a community innovation centre.	Appeal Dismissed
06/0631/CAC	-	Withdrawn
05/1171/FUL	Change of use of land (Howard Mallett Centre) from Sui Generis use to public open space as part of St Matthew's Piece.	Permitted (not implemented)
05/1180/CAC	Demolition of Howard Mallett Centre.	Permitted (not implemented)
C/97/1020	Change of use from a youth club to a broadcasting studio, cafe-bar and multi media education centre, and community facility (a sui generis use), with external alterations to building, laying out of car park and landscaping.	Permitted (operative consent)
C/90/0678	USE OF LAND FOR CAR PARKING.	Appeal Allowed – temporary period ending 31/12/93

C/86/1229	CONTINUED USE OF SITE AS A CAR PARK (EXTENSION PERIOD OF CONSENT).	Approved with conditions
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3.2 The 1997 application is the current operative consent for the site and planning permission is sought for a change of use from this permission to general education use within use class D1. The 1997 permission was subject to a S106 agreement which secured a variety of community access related provisions. The material weight to be attributed to this permission and what it secures is set out as part of the officer assessment.

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

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

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

- 3.5 In 2014, application 14/1252/FUL was submitted for a class D1 dance school/studio use. The application was recommended and endorsed for approval by Planning Committee at its meeting of 4 March 2015. It was subject to a S106 agreement for contributions amounting to £31,831 relating to highways improvements to St Matthew's Street Junction. Planning permission was given on 28 October 2015.
- 3.6 The intended occupier at the time of the 2014 application had been Bodywork; a local dance school. Like most planning permissions, the permission was not personal and was not conditioned or secured as part of the S106 specifically for Bodywork. The permission is for a D1 dance school/studio use and this has been confirmed as part of the applicant's legal advice and advice from the Council's solicitor. The permission for the 2014 application does not secure community access to the building albeit it was Bodywork's intentions at the time of the application to relocate to the site and allow community access to its dance programme offer. The implications of the terms of the 2014 permission are discussed as part of the officer assessment.
- 3.7 Members will note that in terms of the 2014 application, internal and external operational works have begun and are almost complete. A number of the operational works relate to pre-commencement conditions, some of which have been retrospectively discharged. The permitted use has not commenced at the time of writing this report and condition 12 remains outstanding (separately reported to Committee). The 2014 permission is extant and can be lawfully implemented. As a result of this, the current application proposes a change of use from the operative consent obtained for the site in 1997.
- 3.8 The 2014 application is also subject to a S73 material amendment application (16/1272/S73) to alter some of the approved plans as per condition 2 in respect of bin storage, plant and cycle parking and the internal layout. The proposed amendments seek to regularise works which have been done to the building which do not accord with the approved drawings. This amendment application is also before Planning Committee for determination, having been called-in by Cllr Robertson.
- 3.9 The above summary of the planning history of the site relates to more recent applications. Officers are aware of various

applications for use of the building dating back to the 1960's, including for the erection of a Youth Centre.

#### 4.0 PUBLICITY

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

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014
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	Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

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

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

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

## 6.0 CONSULTATIONS

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

#### *First comment*

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

#### *Second comment*

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

#### *Third comment*

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

*Fourth Comment*

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

- Car parking management plan

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

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

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

**Environmental Health**

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

*Second comment*

6.6 No comments on the amendments

*Third comment*

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

construction hours (condition 3), noise limitation devices (condition 4), hours of use (condition 5) and the closure of doors and windows (condition 6).

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

#### *First comment*

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

#### *Second comment*

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

#### *Third comment*

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

### **Access Officer**

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

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

- 6.12 The Design & Access Statement does not state how many students and staff are anticipated to use the site. A location for

the additional cycle parking spaces needed must be shown on a plan and not left to a condition – the applicant must show that there is space for all the cycle parking required.

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

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

## **7.0 REPRESENTATIONS**

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

### First and second consultation

- 10B, 12 and 39b Abbey Street
- 36 and 37 Abbey Walk
- 27 and 70 Ainsworth Street
- 1 Athlone, Staffordshire Street
- 15 Bloom Street
- 6 Edward Street x 3 + 9 Reports
- 12 Enfield Road
- 1 and 14 Fairsford Place
- 17 and 18 Fairsford Place x2
- 14A Geldart Street
- 69 Glisson Road
- 12 and 113 Gwydir Street x2
- 142 Gwydir Street
- 119 High Street
- 23 Hope Street
- 30 Lyndewode Road
- 15A and 20 Milford Street
- 89 New Street
- 16 Norfolk Terrace
- 52 Norwich Street
- 4 Oswald Terrace

- 34 Petworth Street
- 2 Regent Street (Cambridge Cycle Campaign)
- 83 and 95 St Mathews Garden
- 17 and 20 Saxon Road
- 22 Sleaford Street
- 16 Stone Street
- 1, 14, 47-49, 60, 61, 63, 72, 102, 131, 143, 158, 164, 1176A and 196 Sturton Street
- 2 The Old School, Norfolk Street
- 1A and 6 Upper Gwydir Street
- 4 Vinery Road
- 50, 80, 80B, 84, 106B, 121, 152, 154 and 168 York Street
- 80B York Street
- 48 Young Street
- 2, 11 and 16 York Terrace

### Third and fourth consultations

- 52 Abbey Road
- 108B Abbey Street
- 34 Abbey Walk
- Albert House, Young Street
- 1 Athlone, East Road
- 68 Beche Road
- 50 Cavendish Road
- 82 Chartfield Road
- 18 Devonshire Road
- 6 and 8 Edward Street
- 4 Eltisley Avenue
- 1, 7, 15, 17 and 18 Fairsford Place
- 25-29 Glisson Road
- 12, 106, 113 and 142 Gwydir Street
- 28-29 Haymarket, London
- 61 Highsett, Hills Road
- 14 Hooper Street
- 81 Mawson Road
- 89 New Street
- Old School, Norfolk Street
- 29 Perowne Street
- 26 Petworth Street, Saxon Road, Cirencester
- 74 Saint Barnabas Road
- 17 Saxon Road

- 1A Silverwood Close
  - 61, 63, 183, 185 and 186A Sturton Street
  - 5 The Broadway, Mill Road
  - 1A and 10 Upper Gwydir Street
  - 102, 103, 108, 114, 121, 152 and 168 York Street
  - 68 Young Street
- 7.2 A number of representations did not include an address. These cannot be taken into consideration.
- 7.3 The owners/occupiers of the following addresses have made representations in support of the application:
- 35 Romsey Road,
  - 36 Springfield Road
  - 102 and 170 Sturton Street
- 7.4 Councillor Robertson requests that the application be decided at Planning Committee. He requests that the applicant clarify the intended use for the site. He expresses concern that the change of use could result in the building being used for an educational use which would not comply with policy and sites policy 7/11 which relates to language schools as an example.
- 7.5 Councillor Gillespie expresses concern regarding the loss of a community facility and the failure of the applicant to discharge pre-commencement conditions. He questions whether it would be possible for the tarmac covered area of the Protected Open Space to be returned to green space.
- 7.6 Councillor Richard Johnson, Caroline Hart and Peter Roberts all request that the application be heard at Planning Committee following a concerned email from a local resident. This email expresses concern that the community facility would be replaced by a private enterprise with no benefit to local people.
- 7.7 Due to the volume and detail of the third party representations made in objection to the application, a table containing a summary of the comments received in objection with a response to each issue raised can be found in appendix 1.
- 7.8 An objector at 6 Edward Street has submitted a number of individual reports in objection to the application. These reports

are summarised and issues which are raised are responded to in appendix 2.

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

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

- The proposal would result in the loss of a community facility
- CSVPA are not an eligible occupier as they are a university teaching accommodation/language school
- CSVPA caters mainly to international students
- Contrary to policy 5/11
- The proposed occupier would not benefit the local community
- Future community use of the site must be protected
- Concerned about an increase in traffic to the area
- Travel Statement(s) is/are flawed
- There is a high level of taxi use by CSVPA students
- Cycle parking is inadequate
- Noise/light disturbance from the use of the building.
- Request that Protected Open Space is freely accessible
- Request that tarmac is removed from Protected Open Space
- The Draft Community Access Scheme is not fit for purpose and would discourage community use
- Deposit for community use is prohibitive/flat cost of access is important
- Pre-commencement conditions on 14/1252/FUL were not discharged/offer little protection
- Area is already overcrowded with students/student facilities
- Concerned that intended occupier did not come to light



until late in the process

- Any member of the community could book a class with Bodywork

7.11 At the time of writing, an additional consultation period is on-going. This relates to additional information submitted by the applicant. A technical statement relating to the Transport Statement has been submitted to address comments by the County Council Transport Assessment Team. Any representations received relating to this item will be reported on the amendment sheet.

7.12 The representations in support can be summarised as follows:

- The redevelopment will provide refurbished studio spaces which will be available to rent for little cost
- People and small enterprises of Cambridge need these types of community spaces
- Will greatly benefit the community by provision of more rooms to rent
- Many people oppose the scheme without fully considering the benefits that it will provide to other local residents.
- In line with all of the relevant local plan policies
- Hope it would result in an increase to lighting in park

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Disabled access
4. Protected open space
5. Residential amenity

6. Highway safety and transport impact
7. Cycle parking
8. Third party representations

## **Principle of Development**

### Introduction

- 8.2 The site has a complicated planning history that requires assessment against the current proposal. In particular, the 2014 application - while granting a D1 dance school/studio use – does not restrict subsequent D1 users of any kind from occupying the building in the future. Neither does it secure on-going community access to building via a S106 agreement or via condition. The 2014 application is capable of lawful implementation but, at the time of writing this report, has not been lawfully implemented. Conversely, the operative 1997 consent for the site, from which this application seeks a change of use, does secure community access to the building via a S106, but the level of community access realised through that consent has been limited in practice and the building is not presently occupied or utilised for community use at all.
- 8.3 The key policy that requires consideration is 5/11. This relates to the protection of existing community facilities. It states:
- ‘Development leading to the loss of community facilities will only be permitted if it can be demonstrated:*
- a) The facility can be replaced to at least its existing level and quality within the new development; ...’*
- 8.4 This part of the assessment takes Planning Committee through the planning issues that arise as judged against policy 5/11. It starts with issues surrounding the D1 use class. The history of the use of the building is then considered in detail in relation to the 1997 application, which is followed by an assessment of the 2014 application, its current status and how this should be taken into account. The proposed Community Access Agreement (CAA) as part of this application is then considered. Planning Committee will note that the CAA is a draft document and further revisions to it will be reported on the amendment sheet. Lastly, in terms of principle, the planning balance is assessed.

- 8.5 In summary, the key issue for the Planning Committee to determine is whether the proposed use of the building, with a suitable Community Access Agreement, can adequately safeguard continued community use in compliance with adopted policy 5/11 and the provisions of paragraph 70 of the NPPF (2012).

### Use Class

- 8.6 In order to approach the issue of use, the first consideration is the proposed use class and not the intended occupier. This application seeks planning permission for a D1 general education use.
- 8.7 If an unconditional permission for the sought use was issued, a wide variety of future uses of the premises under the D1 use class category could be undertaken without the need for planning permission. The D1 use class category is broad and the uses of the building under the 1987 Use Classes Order could include: for medical or health services; crèche, day nursery or day centres; use for display of works of art; a museum; a public library or a public reading room; a public hall or exhibition hall; a place of public worship or instruction; or as a law court.
- 8.8 The wide number of uses allowed under the D1 use class category is not assessed as part of the applicant's submission. This is because the applicants are agreeable that any permission for D1 general educational use could be subject to the following condition:

*'The premises shall not be used as a dedicated language school or any other non-educational use falling within Use Class D1 of the Use Classes Order 1987 without the express approval of the Local Planning Authority.'*

*Reason: To ensure compliance with policy 7/11 of Cambridge Local Plan (2006) and because other D1 uses of the building have not been assessed as part of this application.'*

- 8.9 This forms proposed condition 7, as it deals with the provisions of policy 7/11 in terms of restricting additional language school establishment and limits use within the D1 class to education as

other non-educational D1 users could have very different impacts associated with them.

- 8.10 Adopted policy 5/11 distinguishes between certain types of D1 educational uses as protected community facilities. Specifically, university teaching accommodation, language schools and tutorial colleges are excluded as being protected under 5/11. By implication they are not community facility uses. These three uses mainly serve transient student population profiles and do not cater for a primarily local market.
- 8.11 The applicants have indicated that Cambridge School of Visual and Performing Arts (CSVPA) is likely to be the intended occupier of the building. CSVPA offers a number of university accredited courses and as such could be partly classed as providing university teaching accommodation. CSVPA are part of the Cambridge Education Group (CEG) to which CATS Cambridge - a tutorial college – are also part. CSVPA does offer English language courses albeit its primary educational offer is not language tuition but for courses in the visual and performing arts. The current CSVPA educational programme could not be said to cater primarily for a local market in any meaningful sense. Policy 5/11 is framed to protect identified community facility uses, particularly when considering land value and my view is that CSVPA as it currently operates does not meet the criteria warranting protection.
- 8.12 It may be the case that CSVPA intend to occupy the Howard Mallet as a dance school either solely or in connection with Bodywork or another dance school, but permission is not being sought for a dance school use and members should be mindful that a personal permission is not being sought. In my view, it would not be reasonable or enforceable to restrict by condition occupation of the building to CSVPA only or to limit the courses/tuition that could be provided there given that a general educational consent is being sought. The applicants are not seeking a restriction of D1 use any further than its educational aspect with a prohibition on language school use. This opens up a myriad of possible educational uses of the building, beyond CSVPA, and on this basis, my view is that without an appropriate safeguarding of continuing community access to the building secured through a S106, the principle of the proposed change of use is not acceptable as it could result in the

complete loss of a community facility contrary to the provisions of policy 5/11.

#### History of Community Use and the 1997 Application Provisions

- 8.13 There is a substantial amount of third party correspondence regarding the development and use of the site, including the fact that the building originally stood on common land. The Howard Mallet was originally developed as a Youth Centre in 1968. It was transferred from the City Council to the County Council in 1974. There has been subsequent multiple transfer of leases/ownership, including to the applicants (Chard Robinson) in 2015. Neither the identity of the applicants or the owners are material planning considerations. The intended occupant's desire to commercially operate a business from the site does not amount to a reason for refusal.
- 8.14 The key planning history to the current application is the 1997 application (granted in December 1998) for Dawe Media for a broadcasting studio, cafe-bar and multi-media education centre, and community facility. The officer report to the 1997 application notes that prior use of the building had included for rehearsal and performance of drama and music but that the use of the building had declined and was under-utilised, accommodating a limited number of art and theatre groups. The County Council had also indicated that its use solely as a youth centre was not viable and that bookings had declined.
- 8.15 The 1997 permission allowed for the following uses within the building: a commercial radio and television centre in the northern section (217sqm) with some employees tasked with both commercial and community roles; a media centre and educational area - provided with professional audio and visual equipment for the community - in the southern section; a performance café/bar – providing predominantly food and drink and being available for professional and amateur groups - in the western (Sturton Street) section; and a hall in the eastern (York Street) section to be shared for commercial and community use. The intention was for the facility to be used for both commercial and community purposes, with sole commercial use designated to the northern section studio.
- 8.16 The disparate nature of the combined uses meant that the permission was deemed to be sui-generis and as such it does

not benefit from any broader use class entitlement to change to other uses as a general D1 use would. As such, planning permission is required for any change of use of the building for as long as the 1997 is considered the operative consent, which it is currently.

- 8.17 It is clear from the representations and from previous officer reports that despite best intentions, the permitted use may have resulted in limited community access for the prescribed purposes, such as from Parkside Community College. Indeed the case officer, in his 2006 report regarding the City Life application, stated:

*'Following a number of changes in the use of the Howard Mallett building, the extent of community or leisure use of the building in recent years has been very limited; the building is not well suited to such uses in the modern era, and suffers particularly from a number of inconvenient and restricting changes of level. If the building can be regarded as a community facility or a leisure facility at all, it is of poor quality in both respects.'*

A variety of different uses of the building have also taken place since the permission for the 1997 application was granted, including as a Chinese community centre, a gym/boxing club, charities and for social enterprise use. These uses have not necessarily aligned with the consented use of the building and little material reliance can be made of them.

- 8.18 The 1997 permission was subject to a S106 agreement which secured a variety of community access related provisions to the various spaces described including:

- Funding of a youth worker to work with the 11+ age group in the south of the City with a liaison focus for the site.
- Funding of a media facilitator/trainer through Dawe Media.
- The day-to-day management of the community access to the building was to be administered through Parkside Community College.
- Establishment of a user group.
- A contribution towards consultation on changes to the residents' parking scheme.

## Community Provision Under the 2014 Application

- 8.19 The permission for the 2014 application is for a dance school/studio use. The intended occupiers were Bodywork, a local dance school. The officer report for the 2014 application states at paragraphs 2.4 to 2.5 that:
- 8.20 *'Bodywork also offers a range of dance and fitness classes from Monday to Saturday. This is proposed to continue within the existing building. The proposed use would operate student classes from 0800 (registration) until 1700 or 1800 Monday - Friday. Term and half term dates follow Cambridge school holidays. Theatre school children classes start at approximately 1630 and all day on Saturday. Adult/community classes start at 1830 - 2200 Community classes could also run at weekends, popular classes include adult ballet, contemporary dance, tap, Zumba, pilates, yoga and various fitness classes. Weekends additional classes and workshops could be arranged.*
- 8.21 *Saturday hours overall would be 0900-1800 and Sunday hours 1000-2100. The Sunday activities will be predominantly for community based activities, and Saturday activities will equally be geared towards the local community. Classes after 6pm during the week (Monday to Friday) are principally aimed at the local community.'*
- 8.22 Use of the building by Bodywork was considered to be a community facility as judged against policy 5/11. The 2014 application has not, at the time of writing this report, been lawfully implemented. Various operational works have been carried out to the building, some of which have been in breach of pre-commencement conditions and some works to which are a deviation to the approved plans. Retrospective discharge for a number of conditions has been granted, though condition 12 (Travel Plan) remains outstanding and forms part of separate report to this Planning Committee. There is also a live S73 application (16/1272/S73) to vary and regularise the approved plans in respect of bin storage, plant and cycle parking and the internal layout to align with the completed building operations. The consideration of 16/1272/S73 is confined to the conditions sought to be amended and whether the specific amendments are acceptable. It is also reported to Planning Committee.

- 8.23 Officers consider that the 2014 application can be lawfully implemented (see paragraph 8.22 of report 14/1252/COND12A also on this agenda). The permission is extant and is a material consideration. If condition 12 for 14/1252/FUL is discharged and the use as a dance school/studio is established, it would be possible for any subsequent D1 user to operate from the site without planning permission under the terms of the Use Classes Order 1987 and without any community access. This is a strong fall-back position for the applicants if this application is refused and could, for example, include CSVPA or any other educational provider or D1 user. This is because the existing planning permission is not conditioned as either being personal to Bodywork or restrictive as to the nature of any future D1 use of the building. D1 uses are broad and are set out under paragraph 8.8 above. Neither does the S106 to the 2014 application secure community access. The same logic is true of 16/1272/S73 if approved, subject to condition discharge, as the description of development is the same.
- 8.24 Officers have taken legal advice on these matters following the receipt of leading Counsel's advice from Simon Bird QC on behalf of the applicants. This includes that condition 12 of the 2014 application (Travel Plan) does not amount to a personal permission for Bodywork but rather the permitted use as a dance school/studio.

#### Proposed Community Access

- 8.25 The applicant has agreed to enter into a legal agreement to ensure that community access to the building is safeguarded through a Community Access Agreement (CAA). This has the potential to safeguard community use and ensure compliance with policy 5/11.
- 8.26 One method to address community use is to compare the amount of space that was safeguarded under the 1997 application to that proposed. The section 106 agreement to the 1997 application details that a total of 217sqm of the building was solely for commercial use, with the remaining 710sqm (excluding circulation and storage spaces) available for community use, of which the hall (293sqm) was to be shared with the media operation. The section 106 agreement details that the multi-media editing suite and performance area were not to be used outside the hours of 07.00 and 23.00 whilst the



café/bar was not to be used outside of the hours of 09.00 and 23.00.

8.27 The application and associated draft community access clause currently proposes 468sqm of space which would be accessible to the public. This would comprise 4 finished studios (4, 5, 8 and 9) which would be available from 18:00 to 22:00 Mondays to Fridays and 09:00 to 17:00 during weekends and for performances only between 18:00 to 22:00 during weekends, excluding bank holidays. The studio spaces are all new and equipped for dance. Studios 4, 5, 8 and 9 all have sprung floors and are suitable for dance and performance uses in particular rather than as for general purpose community meeting rooms. Studios 4 and 5 can be combined and have a folding wall between them. Studio five is the largest of the studios, is double height and approximately 100sqm in size. Combined with studio 4, this dance space available for community use would amount to 170sqm and could be described as the core dance space within the building. On this basis, hours of wider community access to the building do not appear out of alignment with that theoretically proposed for Bodywork but are, of course, for a more limited time period compared to the permission for the 1997 application.

8.28 Officers have raised the following concerns with the detailed drafting of the current CAA:

- The management of bookings.
- Explicit allowance for use only for three named community dance/theatre groups with no clarity of how additional community groups may access the building and for use of the spaces by no more than three groups at any one time.
- Clarity regarding the cost price for the use of the facilities and deposit amount.
- Terms relating to revocation or cancellation of bookings or limitations regarding future bookings by community groups in breach of the terms of use.
- The drafting provisions of a low demand notice and its implications.
- Terms of payment over extended bookings.
- Practical arrangements for identification and entry into the building by community groups.

- 8.29 These concerns are partly reflected in third party representations, including from PACT.
- 8.30 The amount of space offered is clearly less than potentially available under the 1997 application with more limited hours of use, albeit that the space is new and equipped to a high standard. The type of potential community use of the building and its spaces is different to before but this of itself is not a reason to resist a community access offer given the permission for the 2014 application and likely community access provisions that would have resulted from Bodywork's occupation. CSVPA has indicated that there is interest from Elevation Dance, Cambridge Theatre Company and Theatre Train to use the dance studio spaces.
- 8.31 In my view, the principle of a CAA is acceptable and should be welcomed. It will be required to be subject to a number of amendments to secure an acceptable level of community access to the building and further iterations of this document are expected and will be reported to the Planning Committee on the amendment sheet. Community access would be secured through legal agreement as opposed to there being no legal binding community access under the previous consent (14/1252/FUL).
- 8.32 As part of this recommendation, officers would have delegated authority to agree the final version of the CAA. As part of on-going negotiations with the applicants, officers have been taking advice on its structure from the Council's solicitor, officers in Community Services and from third party representations. If Planning Committee wish to retain oversight and approve the final CAA, they should clearly indicate this as part of an amendment to the recommendation.

#### Planning Balance

- 8.33 The building is currently vacant and is neither being used as a business for economic benefit or for community use for community benefit. Despite the safeguards put in place by the 1997 application, the aspirations for its permitted purposes have not been realised. The extant permission resulting from the 2014 application does not secure on-going community access to the building and could be lawfully implemented and in time could allow for a wide range of D1 users to operate from the

site. There is considerable correspondence on file regarding the previous intended occupiers - Bodywork - the now intended occupiers - CSVPA – and possible combinations of either, or combinations of other dance or theatre groups with CSVPA. Who occupies the building is not a material planning consideration, provided the occupation accords with the permitted use(s). The Committee should be concerned with land use planning matters and not be concerned with commercial decisions relating to property as these are not planning considerations.

- 8.34 The basic premise of policy 5/11 is to safeguard existing community facilities. It is a matter of judgement as to whether a revised CAA would provide for compliance with this policy and clearly it needs to be assessed against the level and quality of provision. The amount of community space is smaller than before but the quality of it could be argued to be greater. These factors have to be weighed against no current community use of the building and limited former community use of the building and the strong fall-back position available under the 2014 application. In the round and subject to suitable revisions to the CAA and appropriate conditions, my view is that the principle of development is acceptable.

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

- 8.35 The proposed alterations to the building are similar to those permitted under 14/1252/FUL. One of the windows on the east elevation, above the door, has been extended from a high level to full length window. The ground level has also been reduced on this elevation and steps have been removed as a result. A door on the east elevation is proposed to be reduced in width. A further window on the west elevation is to be removed. Additional stairs are proposed on the west elevation. All of the above are minor alterations to the previously approved scheme and not visually significant. As a result, these elements are considered acceptable in terms of design.
- 8.36 The location of the proposed plant has been amended since submission. Originally the proposed plant was to be located on the eastern elevation side wall. This was also the case in the previously approved scheme (14/1252/FUL). The plant is now

to be located on the roof. All of the exposed plant is to be painted black.

- 8.37 The proposal also includes an increase to the height of part of the roof of the building to accommodate the mezzanine level. This was permitted under 14/1252/FUL and is considered acceptable in terms of design. The impact of the scheme on the surrounding area, including the character and appearance of the Conservation Area is in my view acceptable. The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 4/11.

### **Disabled Access**

- 8.38 The Access Officer originally noted that, from his former knowledge of the layout of the building, that amendments to it would be needed to make it more accessible. The comments were made prior to the submission of floor plans and these have since been discussed with the Access Officer and he has updated his response. He is now satisfied with the external access arrangements and the internal provision of a lift suitable for wheelchair use. An accessible WC and shower room is provided on the ground floor and an informative is suggested in respect of the detailed design of the seating arrangement.

### **Protected Open Space**

- 8.39 Many of the representations make reference to an area of Protected Open Space (POS) which runs along the eastern side of the site linking in from St Matthew's Piece (also POS). This space is partially covered by tarmac and has been concealed with hoarding by the developer while works to the building have been taking place. Local residents request that the tarmac is removed and that the community have access to this space. Condition 15 of C/97/1020, the operative permission on the site, states that the open space within the site to the east of the building shall be freely accessible to members of the public at all times. Whilst no such condition was imposed on the previous consent (14/1252/FUL), in my view this omission was made in error and did not take account of the importance of the space in relation to the original development of the Howard Mallet. As a result, I recommend condition 8 is imposed to ensure that this strip of Protected Open Space is freely accessible to members

of the public for their continuing enjoyment as originally envisaged and that the current hoarding is removed.

- 8.40 Third party representations also request that the tarmacked area within the protected open space is returned to grass. This area has been tarmacked and used for car parking for a substantial period of time and was noted as being used for these purposes in the officer report to 06/0567/FUL. Officers do not disagree that it is desirable for the tarmac to be returned to grass given that it is protected open space. However, this is the current situation and it is beyond the reasonable scope of this application to rectify.
- 8.41 There are also various references to a 'disputed' strip of land to the south of the building adjoining the Piece. Matters of ownership of this land – which I understand have been resolved – and covenants over it, are civil matters and not for the local planning authority.
- 8.42 The proposal itself does not lead to the loss of any protected open space as the majority of the works are within the envelope of the building. A small tarmacked pathway over it has been installed and consent is sought for this, but this does not impact on its openness or overall quality. As part of the development of sites, it is not uncommon for hoarding and other structures for temporary periods to be erected. General permission, under the permitted development regulations, is granted for hoardings and other structures under part 4 of the GPDO 2015. Given that operational works to the building are substantially complete, officers have asked for the hoarding to now be removed. This issue could be pursued separately under enforcement provisions if necessary but forms part of proposed condition 8.
- 8.43 I do not have any substantial concerns with the possible abuse of St Matthew's Piece as a result of the use of the building and the number of students likely to be attending courses there. It would not be reasonable to exclude the student use of the park given that it is a public space and the building is located in a part of the City already popular with students. The building is likely to have an on-site management team and any subsequent issues could be taken up directly with the operator.
- 8.44 Condition 8 is recommended to ensure the public have continued access to the Protected Open Space to the east of

the building and within the site. As a result, the proposal accords with policy 4/2 of the Cambridge Local Plan (2006).

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.45 Concerns have been raised in terms of noise disturbance from the proposed use. The Environmental Health Officer considers the proposal to be acceptable subject to a number of conditions. These conditions seek to control construction hours, ensure windows and doors are closed during performances, control hours of use and seek details of noise limitation devices (see proposed conditions 3, 4, 5 and 6.)
- 8.46 A number of third party concerns relate to a fear that the majority of the students will be foreign and the impacts of this and that students will congregate in large groups outside the site and be anti-social. The nationality of potential students is not a planning issue. It is not uncommon for students to gather in groups at educational establishments and this is not necessarily harmful. My view is that if such groupings become problematic i.e. pathways are blocked or the behavior of the students is unacceptable, there would be recourse through the management structure of the school to resolve the issue(s).
- 8.47 Concerns have been raised regarding the increase in traffic to the area that would result and the impact this would have on the amenity of local residents. The applicants have indicated that students of the intended occupier – CSVPA – would not be allowed access to the site by car. Access would be controlled via a FOB barrier system and so abuse of this is unlikely. Given the very central location of the site and the fact that many students attending the building are likely to live locally and will walk or cycle, I do not foresee an issue of parking demand within the surrounding non-CPZ streets being exacerbated. Free, on-road car parking spaces are already in high demand and there would not necessarily be a substantial need or demand from students for their use. It is realistic that there would be some taxi or private car drop-off to the site in combination with the main general education use and also wider community use. Community groups would be eligible to use the car park, which has been limited to 17 car parking spaces (of an overall 39 spaces), the barrier to which would be

open from after core hours (from 6pm) and closed overnight. The limitation on car parking is an indication that sustainable modes of travel to the building are being promoted and that vehicular impact in terms of amenity, compared to a pre-existing combined commercial/community consented use with 39 spaces, is unlikely to be materially worse.

- 8.48 Whilst any planning permission would not be personal, it would be consistent with how the Local Planning Authority deals with educational uses, to limit student access to the site by car in accordance with its car parking standards, except if required for mobility purposes. I recommend condition 10 accordingly.
- 8.49 In the round, my view is that it is far better for the building to be actively occupied and used and to deal with the amenity impacts arising from this rather than for it to sit empty and be under-utilised. Subject to the above conditions as suggested by Environmental Health and in relation to car parking, the proposed use would not have an adverse impact on the amenity of nearby residents and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

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

- 8.50 The applicant has submitted a Transport Assessment (TA) with the application. The County Council Transport Officer has considered the TA and has requested a number of amendments, clarification and further information in relation to it. Their fourth consultation response summarises that they have removed their holding objection.
- 8.51 I am aware that numerous third party objections have been received in relation to the transportation information and the County Council Transport Officer responsible for providing the advice on this application has received third party representations in this respect. I have also verbally briefed the officer on the related issues and those associated with the submission of the Travel Plan regarding condition 12 of 14/1252/FUL for completeness. The County Council's advice has therefore taken these representations into consideration. They are satisfied that:

-The trip generation for the development is unlikely to exacerbate existing accident issues.

- The staff car mode share for the D1 general use is acceptable.
- The overall trip generation is shown to result in 450 additional student trips throughout the day and *if* CSVPA be the operator that the trips are expected to be by sustainable modes.
- The expected use of the site during evenings and weekends is comparable to what was assessed under 14/1252/FUL.
- The general D1 use, using TRICS data to identify the trip generation, is acceptable.
- The modal split information is acceptable.

8.52 I note that the Travel Plan and Car Park Management Plans submitted by the applicant relate to the discharge of conditions 11 and 12 of 14/1252/FUL for a dance school/studio use. These submissions have been subject to initial refusal of discharge by the Local Planning Authority and have been subject to amendment and re-submission against 14/1252/FUL. Condition 11 is now discharged and can be reasonably transposed as an approved document under proposed condition 11 as the management of the car park itself would not alter with the differing use. Condition 12 is outstanding. The Travel Plan for the wider general education use does need to be relevant to the nature of the permission sought. I recommend condition 9, in line with County Council advice and comments regarding its specification, to secure the submission of a Travel Plan. In the case of the Travel Plan, as is common with their use, it would be subject to a post-occupation survey to establish an accurate base-line from which travel targets could be set. Condition 10 is recommended in line with the County advice to limit the car park to a maximum of 17 car parking spaces only. Lastly, the County Council indicates that a mitigation package will be required as part of a S106 agreement or via condition. I note from the previous approval on this site that Eastern Corridor Area Transport Contributions were agreed to a value of around £30,000. Nothing specific is suggested by the County Council at this stage and I will report any further progress on this issue, together with an assessment of CIL compliance, on the amendment sheet.



8.53 In accordance with the advice that I have received from the County Council Transport Team and in respect of highway safety, taking into the account the third party representations, my opinion is that the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Cycle Parking**

8.54 The Council's Walking and Cycling Officer considered the original proposal to be unacceptable and requested amendments and further information. The proposal now includes 118 cycle parking spaces. These plans match those which have been approved to discharge condition 3 of 14/1252/FUL and are hence secured under recommended compliance condition 11. Whilst the Walking and Cycling Officer has not formally commented on the amended plans submitted as part of this application, I am satisfied that as the proposed plans match the approved plans on 14/1252/FUL, that this arrangement would be acceptable and in accordance with the adopted standard. I will report any further comments from the Walking and Cycling Officer on the amendment sheet or orally at the meeting.

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

### **Third Party Representations**

8.56 The third party representations, reports from 6 Edward Street and letters from PACT are summarised and addressed in appendices 1 and 2. The main issues are dealt with in the main body of the report above.

## **9.0 CONCLUSION**

9.1 Commercial decisions regarding the eventual occupier of the building are not material to the determination of planning applications and neither is land ownership. Many of the issues raised by third parties refer to the dis-benefits of CSVPA compared to the benefits of Bodywork as occupiers and what each could or could not offer to the wider community. The applicants are keen to point out the benefits of CSVPA as a future occupier and what they could provide in terms of an enhancement of dance provision at the site with its existing

visual and performing arts offering either on a standalone basis or in collaboration with other users. Whilst interesting, the issue of the identity of the future occupier(s) is not relevant to the terms of the permission being sought, which is for a general D1 educational use as framed by proposed condition 7.

- 9.2 The community does not currently have access to the building. Whilst the 1997 application provides for this, the aspirations for its community use in combination with the commercial arm of Dawe Media do not appear to have been realised. It is not unreasonable to expect the current applicant should seek to make commercial use of the property but this needs to be balanced against the safeguard of a Community Access Agreement attached to a S106 to ensure compliance with policy 5/11.
- 9.3 The planning permission for the 2014 application does not safeguard continuing community access to the building, is extant, capable of lawful implementation and a material consideration. This is a strong fall-back position for the applicants.
- 9.4 Officers recommend approval of this proposal, subject to conditions and subject to an appropriate Community Access Agreement secured through a S106.

## **10.0 RECOMMENDATION**

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

## **Appendix 1**

- A.1 The below tables contain the representations made in objection to the application. The representations are presented on the left hand side of the table with a response to the right. The first table contains comments from the first and second consultations. The second table contains representations from the third and fourth consultations. A fifth consultation period is on-going at the time of writing. Any additional comments will be reported on and addressed in the amendment sheet.

<b>Objection</b>	<b>Response</b>
<i>Community/D1 use</i>	
D1 use leaves the site open to a wide range of uses	A condition is recommended to ensure the site is only used for uses falling within a D1 (general education) use, excluding language school use.
Concerned D1 use will lead to appropriation by Anglia Ruskin University (ARU).	ARU could occupy the site under a general education use. Any future use would need to maintain community access to the building in line with the agreed S106 provisions
The site needs to maintain a community use	See paragraphs 8.2-8.34
A language school would contravene the local plan	See paragraph 8.8-8.9
CSVPA would not be an eligible occupier/ would offer nothing to local community	See paragraphs 8.11-8.12
Only vague commitment to community access.	See paragraphs 8.25-8.32
Does not accord with policy 5/11	See paragraphs 8.2-8.34

<p>CSVPA is not a language school but its sister company CATS is.</p>	<p>See paragraphs 8.11-8.12. Any permission would not be personal to either school.</p>
<p>CSVPA could be considered university teaching accommodation</p>	<p>See paragraph 8.11-8.12, this is accepted as per their current operation.</p>
<p>CEG does not cater for a primarily local market</p>	<p>See paragraph 8.11-8.12. Many of CSVPA and CAT students under CEG are foreign students</p>
<p>The previous application was not specific to Bodywork but the local plan differentiates on the basis of activity undertaken rather than who benefits.</p>	<p>See paragraphs 8.19-8.24. The issue is one of use and its appropriateness.</p>
<p>Bodywork is locally run</p>	<p>Noted</p>
<p>Cost of community access is a key problem</p>	<p>I share this view. Facilities are to be provided at cost. Details of which will be dealt with through the section 106 agreement and regularly reviewed.</p>
<p>No detail of CSVPA's community outreach programme</p>	<p>Three companies, Elevation Dance, Cambridge Theatre Company and Theatre Train have been identified as potential users of the studio space after core CSVPA hours. Wider community access to the building, subject to it being suitable for the dance studio space provided, has been raised as an issue and is sought by officers through a revised community access agreement to be secured through legal agreement.</p>

<p>Not acceptable to exclude community access at any period when the school is closed; it must be available on an all-year around basis</p>	<p>The draft community access agreement does not exclude use outside of term times. I consider that this is an acceptable approach</p>
<p>Concerned about wording of suggested language school condition</p>	<p>Noted but the condition is enforceable</p>
<p>Agree that community access is good value but the primary issue is the protection of the community facility use of the entire site at all times</p>	<p>See paragraphs 8.25-8.32</p>
<p>No guarantee of community access</p>	<p>See paragraphs 8.25-8.32</p>
<p>Site has always had a community focused use</p>	<p>I have noted the historic community use of the site.</p>
<p>Need for more community facilities in the area</p>	<p>I note from the representations that there is a shortage of community facilities in the area</p>
<p>Methodist Church Hall recently closed nearby</p>	<p>See above</p>
<p>Will result in a loss of a community facility</p>	<p>See paragraphs 8.25-8.32</p>
<p>Bodywork caters for members of the community/anyone can book a class</p>	<p>I note that this is the case. Bodywork were considered to meet with policy 5/11. CSVPA are not currently considered to meet with these criteria, however, community access is to be secured via legal agreement and the applicants have a strong fall-back position.</p>

<p>Land seen as a commercial opportunity rather than a community facility</p>	<p>See paragraphs 8.33-8.34 and 9.1-9.4. It has been used commercially and for community use in the past.</p>
<p>Request legally binding statement from the developer to reassure of long term plans</p>	<p>The planning permission would secure the legal use of the building and this does not need to be completely inflexible. Further plans would be subject to further applications for planning permission.</p>
<p>No justification for loss of community facility</p>	<p>See paragraphs 8.2-8.34</p>
<p>Lots of new housing in the area (most densely populated part of Cambridge) but lack of community facilities for growing population</p>	<p>Note that Petersfield is a densely populated ward which has a need for community facilities</p>
<p>Big difference between a dance studio catering for dedicated students and a general education use</p>	<p>There is a material difference however the fall-back position is also a material consideration. See paragraph 8.2-8.34.</p>
<p>Bodywork offered a community coffee shop</p>	<p>The community coffee shop shown on the previously approved plans and on the original floor plans submitted with this application showed a room marked 'community coffee shop back up facilities'. Having discussed this with the applicant it became clear that the intention was not to provide a community coffee shop under the current application (15/2372/FUL) or previous application (14/1252/FUL). The intention</p>

<p>Neither proposals cater for local need</p>	<p>was to provide this coffee shop under a future application. As a result this has been removed from the proposed plans. There would still be a coffee bar/break-out space on entrance to the building available for the wider community.</p> <p>See paragraphs 8.11-8.12</p>
<p><i>Amenity</i></p>	
<p>Will overshadow the public open space</p> <p>Disturbance from noise and light</p> <p>Concerned that site will be used for afterhours entertainment venue</p> <p>Loss of privacy from windows</p> <p>Increased traffic in the area over the years has resulted in</p>	<p>The proposed increase to the height of the building is marginal and equal to that approved under permission 14/1252/FUL. In my view this will not harmfully overshadow St Mathew's Piece.</p> <p>See paragraphs 8.45-8.49 in terms of noise impact. The Environmental Health Officer has not raised an issue in terms of light.</p> <p>The site could not be used as an afterhours entertainment venue under a D1 use</p> <p>The window situation is similar to that approved under the previous consent. Many of the windows are smoked. There is also a significant separation distance between the building and the adjacent residential properties. As a result I do not consider there to be any inter-looking issues.</p> <p>See paragraphs 8.45-8.49</p>

a loss of quality of life	
<i>Design/conservation area</i>	
Detrimental to the character of the conservation area	The changes to the external envelope of the building are minor. The Conservation officer considers there to be no material conservation issue.
Design is not in keeping	See above.
Recent building work is unattractive	See above
Accept the student/residential use for the site having seen the architects plans	This does not form part of the current application.
<i>Public open space</i>	
Concerned that public open space will be used for car parking	See paragraph 8.39-8.44
Request that the open space is available to the public at all times and fences are removed	See paragraph 8.39-8.44
Request that open space protection is extended as part of this application and tarmac/parking removed from public open space	See paragraph 8.39-8.44
A park is not an appropriate location for a sixth form college	See paragraphs 8.39-8.44
Original application for youth club was granted as it was complimentary to the public open space use.	The use of the site has changed over the years since it was a youth club but I do not necessarily see how the proposed use would differ significantly in its relationship to the open space than before in planning terms.



<p>Will result in a loss of public open space</p> <p>In the past the whole are bounded by New Street, York Street, Abby Walk and Sturton Street was open to the public.</p> <p>CSVPA use will put additional pressure on St Mathew's Piece</p> <p>Students will not show as much care to St Mathew's Piece as locals</p>	<p>See paragraphs 8.39-8.44</p> <p>History noted.</p> <p>In my view the D1 (general education) use would not result in any significant further pressure on the park in comparison with the previously permitted D1 (dance school/studio) use.</p> <p>See paragraph 8.45-8.49</p>
<p><i>Highway safety</i></p>	
<p>Concerned about highway safety</p> <p>Travel plan does not match intended occupier</p> <p>CATS building on Occupation Road has heavy traffic from taxis</p> <p>The cycle parking is unacceptable</p>	<p>See paragraphs 8.50-8.53</p> <p>See condition 9</p> <p>Noted, a post occupation survey would be carried out to inform the Travel Plan.</p> <p>See paragraph 8.54-8.55</p>
<p><i>Other</i></p>	
<p>Bodywork would be an asset to the area</p> <p>Concerned about consultation</p>	<p>The 2014 permission is not personal to Bodywork.</p> <p>As per my previous comments, I note that there were concerns regarding consultation however the adjacent occupiers were notified of the application when it was submitted. A site notice was also erected.</p>

<p>Bodywork are not in talks with CSVPA</p> <p>Intended occupier did not emerge until after the initial consultation period</p> <p>Area already overcrowded with students</p> <p>Developers should be encouraged to set up in economically deprived parts of the country</p> <p>Concerned about signage</p> <p>Concerned about signatories of planning application</p> <p>Petersfield area has become dominated by student facilities and accommodation</p> <p>No consultation between local residents and the developer</p> <p>Local residents/businesses should not be denied access to building in favour of a company with no local connection</p> <p>The process used by the developer suggest a desire to mislead the public</p>	<p>Neither permission is or would be personal to either school.</p> <p>This is not a material planning consideration</p> <p>Noted, the area is a mix of students and residents.</p> <p>Members have to consider the proposal for this site</p> <p>It is likely that any signage would require advert consent, but this depends on its size and illumination and would separate consent.</p> <p>I have no concerns regarding the signatories</p> <p>I note that there are a number of educational institutes located within Petersfield but do not consider the proliferation of student uses to be harmful enough to warrant a refusal of the current proposal.</p> <p>Noted, but the developers would dispute this.</p> <p>Some community access to the building will be maintained through legal agreement</p> <p>This is not a material planning consideration</p>
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Should be donated to the local community	This goes beyond the remit of the planning application
Lack of information	Further information has been supplied to meet with the request of officers
Concerned about use for student accommodation	This does not form part of the current application
Should be returned to parkland	This goes beyond the remit of the planning application
Area already overcrowded	I note the high density population and number of educational institutes in the area but do not believe these to be reasons for refusal
Chisholm Trail will also result in an increase to number of cyclists in area	Noted but not a significant factor

<b>Objection</b>	<b>Response</b>
Community/D1 use	
Object to use of the site as university teaching accommodation/tutorial college/language school	See paragraphs 8.11-8.12
CSVPA does not offer any kind of dance course	This application is for a change of use to D1 (general education). As a result whether or not CSVPA offers dance courses is not relevant as a main consideration of land use to this application.
Contravention of the local plan / contrary to policy 5/11	See paragraphs 8.11-8.12
Need to safeguard community facilities	See paragraphs 8.25-8.32

<p>Very few community/recreational facilities in the area</p>	<p>I note the lack of community and recreational facilities in the area</p>
<p>Howard Mallett Centre was an important community facility</p>	<p>I note from the many representations the importance of the Howard Mallett as a community facility</p>
<p>CSVPA caters for a primarily overseas market</p>	<p>Noted</p>
<p>Must apply strict conditions to any future consent</p>	<p>Further conditions regarding the restriction of the proposed use and access to the Protected Open Space are recommended. Community access to the site will also be required via legal agreement</p>
<p>Building should be open to the community in perpetuity</p>	<p>The application may secure community access to the building. See paragraphs</p>
<p>No benefit to local people</p>	<p>See paragraphs 8.25-8.32</p>
<p>The use will further erode community use of the site</p>	<p>See paragraphs 8.2-8.34</p>
<p>Neither previous nor current applications are suitable for the site as both result in a loss of community facilities</p>	<p>The extant permission is a material consideration.</p>
<p>Community Access Scheme</p>	
<p>Restricting community access will lead to a diminishing use over time</p>	<p>I share the concerns expressed by the third party representations in relation to the draft community access scheme. As a result a number of significant amendments are required to make the community access offering acceptable. This is addressed in paragraphs 8.2-8.34</p>

Draft community Access Scheme is designed to put-off potential users	As above
Too many get out clauses in community access scheme	As above
The Community Access Scheme is not practical	As above
Deposit is unreasonable	As above
Too much power to occupier	As above
Protected Open Space	
Hoarding over site is unattractive	See condition 8
Lack of communal open space in Petersfield	I note the lack of public open space in Petersfield
Paths are shown on Protected Open Space as means of escape to building	See paragraph 8.39-8.44
Concerned about expanse of railing around site	Noted
St Mathews Piece is an asset to the community	I note the importance of St Mathews Piece as a community asset in a densely populated area with a lack of protected open space.
Amenity	
Concerned about noise and disruption	See paragraph 8.45-8.49
Increased in traffic	See paragraphs 8.45-8.49
Need more information about how people will travel to the site	See paragraphs 8.50-8.53

Opening hours need to be considered in terms of traffic congestion	These are secured in line with Environmental Health advice.
<u>Other</u>	
Bodywork is not in negotiations with CEG	This is not material to the consideration of the application
CSVPA have no links to the local community	See paragraphs 8.11-8.12
Already a high density of students in the area	This is noted but the impact of an additional educational use on the site is not considered significantly harmful to warrant a refusal. The fall back PD position is also relevant.
Developer should not be given any further permissions until all matters have been adequately enforced by planning authority	Each application, for planning permission, S73 amendment and condition discharge needs to be considered on its own merits.
Object to development on the site without permission	Unauthorised works are not material to the consideration of an application
Building should not have private use	A commercial use of part of the building is currently permitted

## Appendix 2

- A.2 The first table below contains a summary of comments from PACT with a response to the issues raised. The second table contains a summary of the reports submitted by an objector at 6 Edward Street.

### *Petersfield Area Community Trust*

<b>Objection</b>	<b>Response</b>
Letter dated 7 <sup>th</sup> May 2016	
<p>Given troubled history of the site the use of the Howard Mallet Centre (HMC) by a school which qualifies as a community facility was seen as best possible outcome</p> <p>The change of intended occupier did not come to light until after the consultation period.</p> <p>CSVPA have offered some use of the building to the community outside of hours but there is no legal guarantee</p> <p>Use has varied over the years but somebody has challenged the status of the building as a community facility</p> <p>Excluded uses (5.21 of Cambridge Local Plan) such as university teaching accommodation must not be allowed on the site and this should be controlled via condition</p> <p>CSVPA is not an eligible occupier of the site</p>	<p>The planning authority should not seek to control named occupiers of a building.</p> <p>I note that the intended occupier did not become apparent until several weeks after the application was submitted.</p> <p>See paragraphs 8.25-8.32</p> <p>I note that the applicant has not challenged the cessation of the community use of the site.</p> <p>See paragraphs 8.11-8.12</p> <p>See paragraphs 8.11-8.12</p>

<p>Request that tarmac be removed from Protected Open Space</p> <p>The protected space should be freely accessible as per the condition on C/97/1020</p> <p>Note that the student body of CSVPA is larger than that of Bodyworks.</p> <p>There appears to be a high use of taxis by CSVPA students at the existing Round Church site.</p>	<p>See paragraph 8.39-8.44</p> <p>See paragraph 8.39-8.44</p> <p>I note that the student body is larger, however, see paragraph 8.33-8.34 regarding the permitted development fall back.</p> <p>See highways advice.</p>
<p>Letter dated 10<sup>th</sup> June 2016 – in response to addendum planning statement</p>	
<p>The protection of community facilities is the key concern</p> <p>The local plan differentiate on the basis of activities undertaken rather than ownership</p> <p>Any resident can book a class with Bodyworks</p> <p>Bodyworks have said they are not in discussions with CSVPA</p> <p>No details of the community outreach programmes undertaken by CSVPA</p> <p>Reiterate concern regarding Protected Open Space</p>	<p>See paragraphs 8.2-8.34</p> <p>See paragraphs 8.2-8.34</p> <p>See paragraphs 9.1-9.4</p> <p>I note that this is likely to be the case as representations have been received from Bodyworks. However. this is not material to this planning application</p> <p>See above</p> <p>See paragraphs 8.39-8.44</p>



<p>The value of the lease increases if the occupier no longer has to cater primarily for the local market</p>	<p>Noted as part of 8.33</p>
<p>Flat cost of access is a problem for other community facility offerings</p>	<p>See paragraphs 8.25-8.32</p>
<p>Contravention of the local plan</p>	<p>See paragraphs 8.2-8.34</p>
<p>It is not acceptable to exclude access at times when the school is closed</p>	<p>See paragraphs 8.25-8.32</p>
<p>CSVPA is not a dedicated language school but language teaching elements form part of the prospectus</p>	<p>I note that there are English language classes provided as part of the curriculum of CSVPA</p>
<p>Protection of the community use of the site is more important than the value of the offering</p>	<p>See paragraphs 8.25-8.32</p>
<p>Letter dated 5<sup>th</sup> October</p>	
<p>Request that Protected Open Space is freely accessible to the public</p>	<p>See condition 8</p>
<p>Letter dated 11<sup>th</sup> October</p>	
<p>Concerned about Low Demand Notice; experience with organisations acting unreasonably resulting in community spaces being unusable</p>	<p>These points are addressed in paragraphs 8.25-8.32 of my report</p>
<p>A corrective Action Plan should be submitted by applicant if uptake is low</p>	
<p>Day time use of the site should change if evening uptake is low</p>	

<p>Agreement needs to be permanent</p> <p>£250 deposit is onerous and should be discretionary</p> <p>Clause regarding precedence of school activities is unacceptable</p> <p>A warning arrangement needs to be in place and more details of issues relating to unacceptable behaviour are needed.</p> <p>There should be a maximum attendance to avoid confusion</p> <p>Bookings are likely to be on a term-by-term basis therefore a booking series should be available</p> <p>A ticket system is impractical. Users should sign in.</p> <p>A reasonable wear and tear clause should be added</p> <p>Contact arrangements for booking should be provided on the City Council and CSVPA websites with a reasonable response time guaranteed</p>	
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A.3 A response to the reports from 6 Edward Street can be found below. The representations have been submitted as reports which are each individually numbered. Reports 1-9, 15 and 18 relate to this application:

<b>Objection</b>	<b>Response</b>
1. This is how we got here	
This report provides a history of the site	This documents provides a useful background of the site from the opening of St Mathew's Piece in the late 19 <sup>th</sup> century to the present day
2. Chard Robinson and the making of a "modern new home for Bodywork" company	
<p>Provides background information on Bodywork Company</p> <p>All publicity relating to the HMC for the months following the 2014 application (14/1252/FUL) related to Bodywork. No other occupiers were suggested or mentioned</p> <p>The developers held an exhibition in December 2014 which was focused on Bodywork</p> <p>Documents submitted with the application all related to Bodywork</p> <p>In April 2016 Chard Robinson signed an agreement to lease the HMC to two companies; Cambridge Arts &amp; Sciences LTD and Cambridge Education Ground LTD. The next day the current application (15/2372/FUL) was lodged</p> <p>The switch from Bodywork was never publicised</p>	<p>Noted</p> <p>I note that all documentation at the time of the application reference 14/1252/FUL related to Bodywork</p> <p>See above</p> <p>See above</p> <p>I note that the intended occupier for the site has changed.</p> <p>This is not a material planning consideration</p>

<p>The Truth was revealed when the 'head of cats' mentioned that he would be taking over the HMC when in conversation with a taxi driver</p>	<p>This is not a material planning consideration</p>
<p>3. CEG, CATS &amp; CSVPA are ineligible occupants or beneficiaries of D1 status of Howard Mallet</p>	
<p>Provides extract from Independent Scholl Inspections Report (October 2015) which describes CSVPA as an international college.</p> <p>At a meeting with PACT in April 2016 Chard Robinson confirmed that CSVPA intended to move into the HMC</p> <p>Provides another extract from Independent Scholl Inspections Report (October 2015) which states that CSVPA as part of CATS has a total of 743 students with a wide range of nationalities. Most students are from overseas speaking English as an additional language</p> <p>The CSVPA prospectus details entry requirements of a mandatory English level ranging from 'limited user' to 'modest user' CSVPA offers BA-level and pre-MA courses CEG is owned by a private equity company</p> <p>Clear contrast between CEG/CATS/CSVPA and Bodywork</p>	<p>I note the status of CSVPA as discussed in paragraph 8.11-8.12</p> <p>I note that the application had been lodged for a substantial period of time before the intended occupier was announced</p> <p>Although the applicant has failed to provide details of the student profile of CSVPA I note that a substantial number of the students are not local.</p> <p>I note that some of the courses provided by CSVPA provide an English language teaching element however CSVPA would not be considered a language school.</p> <p>I note that the activities undertaken by CSVPA differ from Bodywork but this does not mean CSVPA could not</p>

	lawfully implement the 2014 application provided the use was as a dance school/studio, as the permission for this is not personal to Bodywork.
4. 14/1252/FUL & 15/2372/FUL: Change of use or sleight of hand	
<p>Chard Robinson submitted two planning applications for change of use (including the current application). They publicly expressed an intention to submit a further application for “phase II” once the current application is permitted</p> <p>The local community was unaware of the change of use from a D1 dance studio to “general education” until late in the application process</p> <p>The local community did not get a chance to debate either change of use application</p> <p>On 14/1252/FUL neither a site notice nor advert was posted. Only 32 letters to neighbours were sent. The consultation took place over the summer holiday period.</p> <p>Two representations were not considered as part of the officer’s report</p> <p>All publicity related to Bodywork’s intention to occupy the building rather than the application for change of use</p>	<p>I note that this is the second application for change of use on the site. Any future applications are not material to the current proposal</p> <p>I note that there were concerns regarding consultation, however, the adjacent occupiers were notified of the application when it was submitted. A site notice was also erected</p> <p>An opportunity has and will be available to address Planning Committee.</p> <p>The consultation on 14/1252/FUL is not material to the current application</p> <p>See above</p> <p>An application was submitted for change of use. The local authority has no control over the publicity material distributed by the developer</p>

5. What does it signify when the LPA imposes pre-commencement planning conditions	
<p>There are twelve conditions attached to 14/1252/FUL. All of the pre-commencement conditions have been ignored.</p> <p>Developer considers cycle parking issues to be the same as previous application as the current change of use is considered 'somewhat immaterial'. Cambridge Cycle Campaign has raised an objection to the application.</p> <p>An Arboriculture Method Statement or Tree Protection Plan have not been submitted to discharge condition 4</p> <p>A travel plan has not been submitted in relation to condition 12</p>	<p>A number of pre-commencement conditions were not discharged as part of 14/1252/FUL and operational works have been carried out. Condition submissions have been late but the development could be lawfully implemented.</p> <p>The cycle parking layout has been amended in line with comments from the Walking and Cycling Officer to address the issues and no further comment from the Cycle Campaign has been received.</p> <p>An AMS and TPP have now been submitted and condition 4 has been discharged</p> <p>A Travel Plan was submitted but was considered unacceptable. The Local Planning Authority refused to discharge this condition. The applicant has appealed this refusal. The applicant has also re-applied to discharge this condition and this is before Planning Committee for consideration also.</p>
6. Public Open Space – How is it protected?	
<p>Reiterates history of St Mathew's Piece from 1889 to period when HMC was built</p>	<p>I note this history. I have assessed the issue of public open space in paragraph 8.39-8.44</p>

<p>Provides condition 15 and 16 of C/97/1020 which both relate to open space. Condition 15 states that the open space will be freely accessible to members of the public</p>	<p>See proposed condition 8</p>
<p>Provides quote from Tony Collins which describes the location of the protected open space and a map showing the location of the Public Open Space both from application ref 06/0567/FUL</p>	<p>Noted</p>
<p>Notes that at the time of the application ref 06/0567/FUL the tarmacked area of Public Open Space existed</p>	<p>Noted</p>
<p>Notes a condition was attached to 06/0567/FUL which required a reduction in car parking spaces which would allow the tarmac to be removed.</p>	<p>Noted, the permission was not implemented</p>
<p>Provides background on 12m strip of disputed land to the south of HMC</p>	<p>Noted</p>
<p>7. General points on the 15/2372/FUL re-consultation</p>	

<p>A 15 page addendum planning statement was submitted. The applicant has applied to discharge a number of conditions</p> <p>Proposed change of use is very significant</p> <p>CSVPA are not an eligible occupier</p> <p>Applicant has not addressed non-compliance with pre-commencement conditions</p> <p>Car park management provisions are inadequate</p> <p>The Transport statement is flawed</p> <p>Community access would only take place outside of lease hours</p> <p>Planning officers and member should reject application revoke consent for 14/1252/FUL</p> <p>The applicant should seek to work with local community to regenerate HMC</p>	<p>I note the submission of the 1<sup>st</sup> addendum</p> <p>The change of use is significant but the permitted development fall back is also a material consideration.</p> <p>See paragraph 8.11-8.12</p> <p>One pre-commencement condition remains outstanding to the 2014 application, no. 12.</p> <p>See paragraph 8.52</p> <p>See paragraphs 8.50-8.53</p> <p>Due to safeguarding issues members of the community cannot have access to the site during school core hours.</p> <p>Disagree, this would be unreasonable</p> <p>Noted</p>
<p>8. More on why CSVPA is an ineligible occupant or beneficiary of the Howard Mallett's D1 status</p>	



<p>Reiterates a number of points raised in report 3 in relation to CSVPA</p> <p>Provides information regarding the teaching of English as a second language as part of the curriculum in CSVPA and considers that CSVPA does operate as a language school</p> <p>Notes that CSVPA's courses include a number accredited for university level qualification</p> <p>CSVPA is half of CATS tutorial college</p> <p>Proposal fails all three counts set out in 5.21 of the Cambridge Local Plan (2006)</p>	<p>I note the points raised in report 3. See my response at paragraphs 8.11-8.12</p> <p>I note the English language teaching element of the curriculum. See paragraphs 8.11-8.12.</p> <p>Although the applicant has not provided details of the courses provided by CSVPA I note from their website that they offer a number of university level courses. See paragraphs 8.11-8.12</p> <p>Noted see paragraphs 8.11-8.12</p> <p>See paragraphs 8.11-8.12</p>
<p>9. The applicant's recent retrospective response to 15/2372/FUL's ignored pre-commencement planning conditions</p>	
<p>Reiterates a number of points raised in report 5 in terms of pre-commencement conditions.</p> <p>Concerned about many details relating to the cycle parking submission</p> <p>Notes that transport plan submitted takes an aggregated position of Bodywork and CSVPA as the two most likely occupiers of the space</p>	<p>As noted previously 2 pre-commencement conditions remain outstanding. See above.</p> <p>See paragraphs 8.54-8.55</p> <p>See paragraphs 8.50-8.53</p>

<p>Concerned about cycle parking for phases II</p>	<p>Phase II is not relevant to the current application.</p>
<p>Disputed land should not be used for cycle parking</p>	<p>Cycle parking has been removed from the disputed land.</p>
<p>AMS and TPP no longer valid</p>	<p>The Tree Officer has considered the information submitted to discharge condition 4 of 14/1252/FUL. She considers the information submitted acceptable.</p>
<p>As condition 4 was not discharged prior to commencement the planning permission should be invalidated</p>	<p>Condition 4 is not considered to go to the heart of the permission. The failure to discharge it prior to commencement does not prevent lawful implementation.</p>
<p>The travel plan is inadequate and contains error.</p>	<p>See paragraph 8.50-8.53</p>
<p>The cover letter is misleading</p>	<p>Noted</p>
<p>15. October 2016 re-consultation on 15/2372/FUL – Key objections</p>	
<p>Developer acknowledge the proposal is the worst case scenario educational establishment</p>	<p>The worst case scenario comments relate to a request from the Transport Assessment Team for the applicant to provide worst case scenario data in terms of traffic to the site under a general education D1 use as opposed to the data provided which related to CSVPA.</p>
<p>Pre-commencement conditions appear to offer no protection</p>	<p>I note that a number of representations request the application is invalidated as pre-commencement</p>

	<p>conditions were not discharged prior to commencement of works. I address this at paragraphs 8.19-8.24</p>
<p>Challenges idea that permission was not personal to Bodywork</p>	<p>We have received legal advice from the applicant and the council's solicitor which advises that the permission ref 14/1252/FUL was not personal to Bodywork</p>
<p>CSVPA is not an eligible occupier under 5/11</p>	<p>See paragraphs 8.11-8.12</p>
<p>Site would need to be used exclusively as a dance school for a period of months</p>	<p>This is only relevant if the applicant were to try to implement the previous consent ref 14/1252/FUL</p>
<p>CSVPA has elements of tutorial college, language school and university teaching accommodation</p>	<p>See paragraphs 8.11-8.12</p>
<p>Community access proposed fails to meet with that which was to be provided by Bodywork</p>	<p>The community access provision by Bodywork was not secured by legal agreement and a change of use to another D1 use under permitted development could result in the loss of community use of the site. See paragraphs 8.2-8.34</p>
<p>Safeguards to protect community use of the site have failed</p>	<p>See paragraphs 8.25-8.32</p>
<p>Conditions need to be attached to any future permission to protect the community use of the site</p>	<p>See paragraphs 8.25-8.32</p>

<p>The permission for the 2014 application should be rescinded or it should be considered invalidated.</p>	<p>It is beyond the scope of this report to consider formally whether the permission for the 2014 application should be rescinded. Legal advice is that it is capable of lawful implementation and it is currently extant and a material consideration.</p>
<p>Eastern Corridor Transport Plan</p>	<p>Contributions towards this can no longer be sought under the CIL Regulations</p>
<p>The use would generate taxi trips and the Travel Plan does not account for this.</p>	<p>Officers have asked for clarification from the applicants as to the realism of this proposition within the Travel Plan. In any event, following occupation, a survey of trips to the building would be undertaken and targets would be assessed accordingly. This issue is not fundamental to the decision before members.</p>
<p>The speed limit within the local area is 20mph not 30mph as noted in the Travel Plan.</p>	<p>Noted, but this is not fundamental to the decision before members.</p>
<p>18. On the 11/11/16 Technical Note (on the 10/16 TS for 15/2372/FUL)</p>	

<p>The Technical Note on the Transport Statement fails to address a number of issues raised by the County Council Transport Team. These relate to existing transport infrastructure, safety/accident analysis, staff movements between sites, modal share for staff and the Travel Plan</p> <p>No cycle parking provision for non-staff/non-student users</p> <p>The survey of student travel patterns is flawed; sample size is too small and no information about what course the students surveyed are attending</p> <p>The permission will not be personal so all CSVPA specific data should be discounted</p> <p>The total number of trips are in excess of those presented in the Transport Statement</p> <p>Does not fully assess the range of users and hours of use; no justification to only assess 'normal daytime hours'</p> <p>The worst case scenario for evening use misrepresents the number of potential classes (could be up to 12 classes)</p> <p>Traffic impact on weekends unclear; could users park in Howard Mallett and go shopping in nearby Grafton Centre</p>	<p>See County Council Comments, which have taken into account these third party representations at paragraphs 8.50-8.53.</p>
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The number of cycle spaces appears inadequate for evening use when you combine number of potential users and class leaders/teachers

Assumes future use of the site as a college which may be contrary to policy 5/11

From the survey data there would be a need for 35 student car parking spaces; more than double the on-site provision

Refers to figures agreed relating to 14/1252/COND12 however this Transports Statement has been revised 6 times and the condition has not been discharged

Survey data provided is not revised but the first time data has been collected

Cycle accumulation for weekends/evenings has not been addressed

## Appendix B: 30 November 2016 Amendment Sheet

### PLANNING COMMITTEE MEETING –30<sup>TH</sup> NOVEMBER 2016

#### Amendment/De-brief Sheet

#### MAJOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM:                                    APPLICATION REF: **15/2372/FUL**

Location:                            Citylife House, Sturton Street

Target Date:                            16.03.2016

To Note:

#### *Additional Representations*

Additional representations have been received from the owners/occupiers of 4 Eltisle Avenue and 83, 143 and 158 Sturton Street. These representations do not provide any new issues that have not been already assessed. Responses are provided to the third party representations in appendix 1 of the committee report and as part of the officer assessment.

#### *CSVPA*

A statement has been received from Cambridge School of Visual and Performing Arts (CSVPA), the intended occupier of the building. It clarifies the nature of the courses run by CSVPA and their intended use of the premises. It clarifies that:

1. Most students enrolled on CSVPA courses live very close to Sturton Street at Varsity House.
2. CSVPA is not purely a dance school but its performing arts courses include a significant amount of dance (jazz, lyrical, tap, contemporary and commercial).
3. CSVPA will use Sturton Street for dance classes and dance related activities.

4. CSVPA are happy to facilitate use by not-for-profit community groups of the building for dance activities outside of its core operating hours (9am to 5pm), including at weekends, at cost price.
5. CSVPA are already engaged in discussions with a number of community groups (Elevation Dance Company, Theatretrain and Cambridge Theatre Company) to use the building.
6. The building is a high quality facility, fitted out with specialist flooring designed for dance and CSVPA are the only realistic occupier.

CSVPA explain the nature of their existing performing arts educational programme and the extent of dance provided and their intentions to grow their presence within the area of dance education. If planning consent is broadened, their intention is to use the building for all of their performing arts activities, including music and classical acting.

### *Community Access*

A letter has been received from the applicants, Chard Robinson Developments, concerning community access to the building in relation to a draft Community Access Agreement (CAA). They summarise the CAA will secure the following:

- a) To allow community groups to book space in four of the dance studios:
  - i) between the hours of 18:00 and 22:00 on Mondays to Fridays;
  - ii) between the hours of 09:00 and 17:00 during weekends; and
  - iii) for performances only between the hours of 18:00 and 22:00 during weekends but excluding bank holidays and any period during which the School is closed.
- b) That bookings can be made in advance via an online and telephone booking system.
- c) Community groups will need to pay a price and a deposit. The price will be only to cover the costs of providing community access (at-cost).



- d) The community purposes for which the space can be used must be compatible with the building and its planning use (i.e. not general purpose meeting rooms).
- e) A minimum requirement to make the space available for at least 40 hours per month will be stipulated.
- f) The CAA specifies some activities and behaviour that would be prohibited and unacceptable.
- g) The CAA includes restrictions to ensure the safe use of the premises (safeguarding etc.).
- h) Ensures the occupier will keep the space clean, well maintained, heated and lit etc.
- i) Confirms the tenant will take on the responsibility for obtaining insurance cover, written into the CAA.
- j) A Review Committee is required to be convened comprising two representatives of the City Council, one representative of a community group (nominated by the Council and agreed by the tenant), one representative of the landowner and two representatives of the tenant. The Review Committee will be responsible for annually reviewing the price, deposit, hire terms, monitoring and reporting process, marketing process and booking process

The applicants have reduced the suggested deposit for individual bookings from £250 to £100 (reviewed annually, reflective of the likely insurance policy excess and used as a pre-authorisation hold) and clarified that no individual group would be allowed to book the space for more than 20 hours per week to allow for wider access and avoid a monopoly of use of the space.

### *Members and Residents*

The applicants have forwarded to the Council a copy of a letter sent to members and residents providing a summary of the three applications before Committee. It provides a brief analysis of the Travel Plan, Cllr Robertson's concerns and their response; an outline of the draft CAA; and a history of how the intended occupants - CSVPA - have come about in place of Bodywork

## *County Council Transport*

The County Council Transport Officer confirms that it is potentially staff trips, those by students in the PM peak or those attending evening classes which will be longer distance. She considers these trips should be encouraged to be undertaken by sustainable transport either through walking, cycling or public transport and in order to do this the provision of a Real Time Passenger Information (RTPI) display in the reception area or breakout area of the building should be provided.

The County Council requires a RTPI contribution (£27k) to be secured for inclusion in a breakout area or similar. The applicant will need to ensure that a power-point needs to be in place to allow for installation of the RTPI. This contribution is to be secured through the S106 agreement.

### Amendments To Text:

### Pre-Committee Amendments to Recommendation:

**DECISION: DEFERRED** to allow submission of details of roof plant visual impact mitigation measures and Community Access Agreement prior to determination of the application.

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CIRCULATION: First

ITEM: APPLICATION REF: **16/1272/S73**

Location: Citylife House, Sturton Street

Target Date: 02.09.2016

To Note:

*CSVPA*

A statement has been received from Cambridge School of Visual and Performing Arts (CSVPA), the intended occupier of the building. It clarifies the nature of the courses run by CSVPA and their intended

use of the premises. It clarifies that:

1. Most students enrolled on CSVPA courses live very close to Sturton Street at Varsity House.
2. CSVPA is not purely a dance school but its performing arts courses include a significant amount of dance (jazz, lyrical, tap, contemporary and commercial).
3. CSVPA will use Sturton Street for dance classes and dance related activities.
4. CSVPA are happy to facilitate use by not-for-profit community groups of the building for dance activities outside of its core operating hours (9am to 5pm), including at weekends, at cost price.
5. CSVPA are already engaged in discussions with a number of community groups (Elevation Dance Company, Theatretrain and Cambridge Theatre Company) to use the building.
6. The building is a high quality facility, fitted out with specialist flooring designed for dance and CSVPA are the only realistic occupier.

CSVPA explain the nature of their existing performing arts educational programme and the extent of dance provided and their intentions to grow their presence within the area of dance education. If planning consent is broadened, their intention is to use the building for all of their performing arts activities, including music and classical acting.

### *Members and Residents*

The applicants have forwarded to the Council a copy of a letter sent to members and residents providing a summary of the three applications before Committee. It provides a brief analysis of the Travel Plan, Cllr Robertson's concerns and their response; an outline of the draft CAA; and a history of how the intended occupants - CSVPA - have come about in place of Bodywork

### Amendments To Text:

### Pre-Committee Amendments to Recommendation:

**DECISION:DEFERRED** to allow submission of details of roof plant visual impact mitigation measures.

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CIRCULATION: First

ITEM: APPLICATION REF: **14/1252/COND12A**

Location: Citylife House, Sturton Street

Target Date: 10.11.2016

To Note:

*PACT*

A representation from Petersfield Area Community Trust (PACT) has been received.

This outlines their objection to the proposal on the following grounds:

- a) Application 14/1252/FUL was originally made for Bodywork and the Travel Plan was required to be for Bodywork.
- b) Bodywork is a dance school.
- c) CSVPA is not a dance school but is the intended occupier.
- d) The indicative CSVPA timetable in the Travel Plan demonstrates they are not a dance school.
- e) Application 15/2372/FUL is a reasonable proposition subject to a S106 to secure community access, but that is unapproved and should not be blurred with 14/1252/FUL which the developer is attempting to by-pass with the Travel Plan.
- f) A dance school occupier, such as Bodywork, would attract community classes that would encourage single-occupier car journeys - by Adult attendees and drop-off by Adults for children's classes - and are by far the most significant concern to local residents. This is an existing issue for residents living near the Bodywork site on Glisson Road.

*Officer Response*

- a) The applicants have taken leading Counsel advice on this issue from Simon Bird QC which the Council's in-house legal advice

has reviewed and accords with. The issue is dealt with in the Committee report at paragraph 8.19 and specifically in paragraphs 12-15 of the QC advice copied below:

*Application of the Principles to the Planning Permission*

*'12. The grant of planning permission here is expressed in terms which incorporate the application documents. However, whilst the supporting documentation was directed at and anticipated use by BCDS, neither the application for planning permission or the terms of the grant are expressed in terms personal to BCDS.*

*13. Further, there is no condition attached to the planning permission which expressly restricts the permitted use to BCDS. If it had been the intention to do so, I would have expected to see an express condition to that effect particularly as it would have been contrary to the guidance on planning conditions (restricting occupation to a named company is likely to prove ineffective as companies can change control (and operation) through share transfer and name changes) and would have required special justification.*

*14. Looking at the permission as a whole, the only reference to the potential occupant is in condition 12, however, the condition refers not to the company but to "the Bodywork use". The reason does not refer to any need to restrict occupation to BCDS; it simply refers to general transportation sustainability concerns. Looked at in this context and objectively, a reader of the permission would conclude that the reference to "the Bodywork use" is no more than shorthand for the use as described in the terms of the grant i.e. "a Class D1 dance school/studio" but in the context that the anticipated (but not required) first user was BCDS.*

*15. Applying the principles laid down in Trump and Dunnnett, the planning permission cannot properly be interpreted as being personal to BCDS nor can a condition be implied that only BCDS can occupy and use the premises under its terms. A reasonable reader would not conclude from the wording of Condition 12 read in the context of the permission as a whole that the overall purpose of this consent was that it should be personal to BCDS and that it must have been intended that it would have that effect. '*

- b) Noted
- c) Noted, dealt with in paragraphs 8.10 and 8.17 of the officer report.
- d) Noted, dealt with in paragraphs 8.10 and 8.17 of the officer report.
- e) Each application has to be treated on its own merits. First occupation under 14/1252/FUL would have to accord with the terms of the permission.
- f) Dealt with a paragraph 8.5 of the officer report. The barrier to the car park would be lifted and the 17 car parking spaces would be made available for community use of the building. The applicant's agent has confirmed in an e-mail in relation to condition 11 that the barriers to the car park would be raised no later than 15 minutes prior to any group booking of the community spaces on the weekends and evenings to allow for drop off and (where spaces are available) attendees to park in the car park.

### *CSVPA*

A statement has been received from Cambridge School of Visual and Performing Arts (CSVPA), the intended occupier of the building. It clarifies the nature of the courses run by CSVPA and their intended use of the premises. It clarifies that:

1. Most students enrolled on CSVPA courses live very close to Sturton Street at Varsity House.
2. CSVPA is not purely a dance school but its performing arts courses include a significant amount of dance (jazz, lyrical, tap, contemporary and commercial).
3. CSVPA will use Sturton Street for dance classes and dance related activities.
4. CSVPA are happy to facilitate use by not-for-profit community groups of the building for dance activities outside of its core operating hours (9am to 5pm), including at weekends, at cost price.
5. CSVPA are already engaged in discussions with a number of community groups (Elevation Dance Company, Theatretrain

and Cambridge Theatre Company) to use the building.

6. The building is a high quality facility, fitted out with specialist flooring designed for dance and CSVPA are the only realistic occupier.

CSVPA explain the nature of their existing performing arts educational programme and the extent of dance provided and their intentions to grow their presence within the area of dance education. If planning consent is broadened, their intention is to use the building for all of their performing arts activities, including music and classical acting.

### *Members and Residents*

The applicants have forwarded to the Council a copy of a letter sent to members and residents providing a summary of the three applications before Committee. It provides a brief analysis of the Travel Plan, Cllr Robertson's concerns and their response; an outline of the draft CAA; and a history of how the intended occupants - CSVPA - have come about in place of Bodywork

### *Amendments to Text:*

-Application 15/2372/FUL, whilst referenced in the text, is not referenced in the table in the report outlining the planning history:

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

### Pre-Committee Amendments to Recommendation:

**DECISION: APPROVED in accordance with the officer recommendation**

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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. Cycle parking, the operation of noise limitation devices, waste provision, the management of parking within the site and travel to and from the site, shall be provided and managed in accordance with the details as approved under conditions 3, 7, 10, 11 and 12 of 14/1252/FUL concurrently with the occupation of the building and shall be retained and managed in accordance with the approved condition details thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory on-going provision of cycle parking, waste, the management of car parking and operation of noise limitation devices (Cambridge Local Plan 2006, policies 3/4, 3/7, 8/2, 8/6 and 8/10).

5. The premises shall not be used for performance or dance classes or any D1 use outside the hours of 8am to 10pm Monday to Saturday or 10am to 9pm on Sundays and Public/Bank Holidays.



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

6. During all performances and practice sessions associated with the approved D1 uses, all doors and windows must be kept closed to contain noise.

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

7. Access to the car park shall be to a maximum of 17 car parking spaces only and no access shall be granted for students of the main educational occupant to park a vehicle within the car park unless there is special dispensation to do so as set out in the approved car parking management plan associated with condition 11 of 14/1252/FUL, for example because of mobility issues and the need for vehicular access.

Reason: To comply with the aims and objectives of the Travel Plan to reduce car dependency and to ensure compliance with the adopted car parking standards as part of appendix C to the Cambridge Local Plan (2006).

8. Prior to the use of any plant, a noise assessment to establish the need for 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. If required, the scheme as approved shall be fully implemented before the plant is made operational.

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

**INFORMATIVE:** The applicant's attention is drawn to the comments of the Council's Access Officer and his recommendation that the disabled changing room has an adjustable height bench instead of a chair.

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**PLANNING COMMITTEE**

5<sup>th</sup> July 2017

<b>Application Number</b>	16/1691/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	3rd October 2016	<b>Officer</b>	Sav Patel
<b>Target Date</b>	28th November 2016		
<b>Ward</b>	West Chesterton		
<b>Site Proposal</b>	Block B Student Castle 1 Milton Road Cambridge Change of use of first and second floor of Block B and ground floor DDA room (no. G01) in Block A from Student accommodation to Student accommodation and/or Apart-hotel (sui generis) - in the alternative.		
<b>Applicant</b>	S C Mitcham's Corner Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed change of use from student accommodation to apart-hotel use is acceptable as there is no policy basis on which this use could be refused;</li> <li>- The aparthotel use is unlikely to give rise to significant levels of private car journeys to the and from the site which would impact upon on street parking in surrounding trees;</li> <li>- The site is located within a highly sustainable location which is suitable this form of short stay accommodation;</li> <li>- The aparthotel use would not have any significant adverse impact on the residential amenity of local residents.</li> </ul>
RECOMMENDATION	APPROVAL

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

- 1.1 The Student Castle site is a 'T shaped' parcel of land situated on Mitchams Corner, at the junction of Milton Road and Victoria Road, with frontages on Milton Road, Victoria Road and Corona Road. The surrounding area is mixed in character with the Staples site opposite to the south; residential properties adjacent to the site on Victoria Road to the west; commercial and residential properties adjacent to the site on Milton Road to the north; and residential properties adjacent to the site on Corona Road to the north.
- 1.2 Planning permission was granted for the erection of student accommodation comprising 211 student rooms (following demolition of existing buildings) and a commercial unit in 2014. This application relates specifically to Block B which occupies the north-east corner of Student Castle and to one DDA compliant room in Block A which faces the Mitchams Corner roundabout. At ground floor level facing Milton Road Block B accommodates a vacant retail unit. The first and second floors accommodate 13 and 12 student studio rooms respectfully. Access to the first and second floors of Block B is via a stairwell/lift core on the south side of the building.
- 1.3 The site lies within the Castle and Victoria Conservation Area. The Portland Arms Public House is a Building of Local Interest (BLI).

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for change of use in the alternative to allow the first and second floors of Block B and the identified room in Block A as aparthotel rooms or student rooms. If planning permission is granted the terms of consent are such that there would be flexibility of use over a 10 year period and whichever use is in situ at the end of this period will become the lawful use.
- 2.2 The application is accompanied by a Planning Statement which confirms that occupiers of the aparthotel will have full access to communal facilities, gym, library and laundry and will be offered breakfast and use of concierge facilities. Cleaning, towels and toiletries will also be provided. In this way the applicant argues that the use differs from serviced apartments which operate as

short term flats with no shared facilities or reception. The rooms will be available on short term lets of 90 days or less duration. A similar scheme has been carried out in the City of York. Refuse facilities and arrangements would remain unchanged, four additional cycle parking spaces would be provided and space allocated specifically for use by occupants of Block B. The identified room in Block A is the only DDA compliant room in the development. To date the providers have not had a request to use this accommodation by a student with disabilities. If such a demand arises they have given a commitment to convert one of nine 'adaptable' rooms to meet that need.

- 2.3 During the course of consideration of the application the agents submitted a response to the comments made by the Policy team and further information regarding transport impacts.

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
06/0075/OUT	Outline consent for residential development and related infrastructure	A/C
13/1326/FUL	Erection of student accommodation comprising 260 student rooms (following demolition of existing building) and a commercial unit to be used for A1 food retail purposes; together with bicycle and car parking and associated infrastructure.	REF
14/0543/FUL	Erection of student accommodation comprising 211 student rooms (following demolition of existing buildings) and a commercial unit to be used for Class A1 food retail purposes, together with bicycle and car parking and associated infrastructure.	A/C
14/1938/s73	Courtyard extension/communal facilities/gym	A/C

15/1827/FUL	Single storey extension to Block A	A/C
17/0438/FUL	Minor Works Application for Adjustment of existing Louvre Vent, two new Louvre Vents, two Satellite Dishes, a newspaper Drop-box, new Entrance Doors, replacement Delivery Doors and adjustment to existing Bollards at proposed Co-Op Convenience Store	Pending

#### **4.0 PUBLICITY**

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

#### **5.0 POLICY**

##### **5.1 Central Government Advice**

National Planning Policy Framework 2012  
 Planning Practice Guidance 2014  
 Circular 11/95 – The Use of Conditions in Planning Permissions  
 (Annex A)

##### **5.2 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  
 4/4 Trees  
 4/11 Conservation Areas  
 4/12 Buildings of Local Interest  
 8/6 Cycle parking  
 8/10 Off-street car parking

##### **5.3 Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

## 5.4 City Wide Guidance

Cycle Parking Guide for New Residential Developments (2010)

### Area Guidelines

Buildings of Local Interest (2005)

Castle and Victoria Road Conservation Area Appraisal (2012)

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways Development Control)

Application as submitted

- 6.1 Concerned about lack of on site car parking provision in an area where on street provision is uncontrolled. There is likely to be a demand for parking generated by the proposal and this would be likely to appear on-street in direct competition with existing businesses and residential uses. The development is therefore likely to 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. The applicant must provide a short Transport Statement explaining, inter alia, any changes in traffic generation (all mode) and parking demand resultant from the proposal.

Following additional transport information

- 6.2 The increase in traffic movements from 100 movements to 127 movements is unlikely to have an insignificant additional impact upon the network. Further information has been provided in relation to on street parking and this parking is unlikely to result in any significant adverse impact upon highway safety.

### Environmental Health

- 6.3 The development does not include a new external noise sources, therefore there are no recommended conditions.

Construction works have been controlled under previous consents.

### **Shared Waste Service**

- 6.4 Existing waste storage area is deemed as illegal and insufficient by the City Council. Therefore any further pressures on it by the change in use of one of the blocks to hotel, with limited management of both the wider site around the bin store and the use of the bins therein mean we object to this proposal

### **Planning Policy team**

- 6.5 Application as submitted

#### Student Accommodation

While the NPPF does not specifically refer to student accommodation it does require that local planning authorities (LPA) '*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*' (paragraph 50).

The National Planning Practice Guidance (PPG) was first published in March 2014 and has been updated subsequently. While initial versions of the PPG did not include any reference to provision for student accommodation in the methodology for assessing housing need, a revision to the PPG in March 2015 confirms that:

*“Local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Student housing provided by private landlords is often a lower-cost form of housing. Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. Plan makers are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside of university-provided accommodation. Plan makers should engage with universities and other higher educational*



*establishments to better understand their student accommodation requirements.”*

### Hotel/Aparthotel

The proposal should be assessed as a ‘hotel’. National policy in the NPPF lists hotels as a main town centre use; therefore new hotel developments should be directed to town/city centres. In Annex 2 of the NPPF, references to town centres or centres apply to city centres, town centres, district centres and local centres. Para 24 of the NPPF, advises local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. The location of the proposed aparthotel is adjacent to but not inside the existing Mitcham’s Corner District Centre and therefore is considered to be an edge of centre site.

### Assessment of Student Housing Demand and Supply

The Council’s recently published Cambridge Centre for Housing and Planning Research’s Assessment of Student Housing Demand and Supply for Cambridge City Council (January 2017) is a material consideration. Given the identified need for student accommodation to serve both Anglia Ruskin University and the University of Cambridge, it is considered that the existing student accommodation units at Student Castle are necessary for student accommodation provision and should not be used as aparthotel accommodation.

### Cambridge Hotel Futures Study

This study was published in 2012 and identifies the potential need for a 4 star aparthotel to meet some of the demand for additional 4 star hotel accommodation and serviced apartments. The proposed use does not represent this standard of accommodation and therefore do not meet the needs identified in the study. They are in an edge of centre location and are neither of the right quality nor located close to the market they might serve, compared to other locations (either in the city centre or close to centres of major change) such as North West Cambridge or the Cambridge Biomedical Campus.

## Recent Hotel Developments in Cambridge

Cambridge is already delivering a significant increase in hotel room provision, many of which are co-located with other complementary uses close to their intended market such as tourist locations, important transport and employment centres as well as large faculty campuses. There is no proven need for the proposed additional 25 units especially with the quantum of new units expected to enter the market over the next 12-18 months which includes 133 aparthotel units, approximately 200 metres from the application site.

## Local Plan Policy

### *'Saved' policies of the Cambridge Local Plan (2006)*

Policy 6/3 Tourist Accommodation supports development which maintains, strengthens and diversifies the range of short-stay accommodation. It is not clear how the proposal will meet the identified need for 4 star aparthotel accommodation or diversify the range of aparthotel accommodation given the 133 aparthotel units which are coming forward nearby. In the absence of non-compliance with policy 6/3 a sequential test is required to demonstrate that no suitable sites in existing centres exist that could accommodate this proposal.

There is no proven need for the proposed new aparthotel units in Cambridge given the expected increase in hotel rooms already under construction and planned over the next 12-18 months. Additionally, the recently published Assessment of Student Housing Demand and Supply for Cambridge City Council highlights a much greater need for student accommodation provision.

### *Emerging Cambridge Local Plan 2014: Proposed Submission*

At this time, the policies in the emerging Local Plan can be given little weight.

## Summary

There is no proven need for the proposed new aparthotel units in Cambridge given the expected increase in hotel rooms already under construction and planned over the next 12-18

months. Additionally, the recently published Assessment of Student Housing Demand and Supply for Cambridge City Council highlights a much greater need for student accommodation provision and the proposal will not meet the identified need for high quality aparthotel accommodation.

- 6.6 In the light of Legal Advice regarding student accommodation policy in the City, the Policy Team has been asked to provide updated comments. These have been discussed by Officers and a copy of the final comments will be attached to the Amendment Sheet.
- 6.7 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 Councillor Sargeant has commented on this application. He objects to the application and considers that it should be refused. He makes the following comments:

- A Transport Assessment is required
- It is correct to say that there is no car parking standard for aparthotels in the Local Plan but the applicants for the aparthotel at Milton Road/Gilbert Road accepted that parking provision should be between the parking standard for hotels and that for residential developments in order to cater for the needs of the guests and staff. It was also accepted that occupiers of aparthotels are more likely to use a car than shorter stay hotel guests. It is noteworthy that the comparison with Student Castle York is not robust because this has parking on site. The application should be rejected on the ground so lack of car parking.
- Lack of off road car parking will put unacceptable pressure on the highway network.
- The level of public transport provision is not, in practice, as frequent as set out in the application. 60% of local workers rely on cars and users of the aparthotel are unlikely to be different.

- The students are subject to proctorial control and this was considered important to allow planning permission to be granted. There will be no such restriction on the use as an aparthotel.
- Disabled guests would be accommodated in a separate block which does not accord with Policy 6/3.

7.2 County Councillor Scutt has commented on this application. She objects to the application and considers that it should be refused. She makes the following comments:

- The original application was approved despite residents' concerns about parking and the student accommodation use circumvented the need for parking provision.
- There is an existing severe problem in the area in terms of access to on-street parking. This raises concerns in relation to emergency access and public health risk (collection of rubbish).
- It seems 'unconscionable' that the developers have gained approval on the basis that the use will not add to problems and now seek permission for a use which will do so.
- The Milton Road/Gilbert Road aparthotel includes car parking on site on the understanding that users will have/hire cars.
- Use of a separate building to accommodate disabled guests appears to be discriminatory, inconsistent with the Equalities Act provision and should not be approved.
- A visitor with a disability is more likely to need a car.
- Car parking provision at the Student Castle York scheme shows a recognition for the need for cars/hire cars to be accommodated.
- The accommodation has not been available long enough to allow demand to be assessed.

- Endorses comment made by Councillor Sargeant.
- Rooms are being advertised as available before the application has been considered.

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

- 8D Corona Road
- 14A Corona Road
- 47 Greens Road
- 3 Gurney Way
- 119 High Street East Chesterton
- 126 Milton Road

7.4 The representations can be summarised as follows:

*Principle of change of use*

- If the original plan had been for a hotel, car parking would have been needed. (2)
- The lack of parking facilities means that if the application is to be approved it should require the whole development to be subject to normal charges levied on residential development.
- It would not be possible to enforce a limit on the number of rooms used as a hotel, which would increase adverse impacts.
- What street parking is available in the area should be used in relation to the rejuvenation of Mitcham's Corner and not committed to the Student Castle hotel use.
- Availability of aparthotel rooms is already being publicised online.

*Parking impact (residential amenity)*

- Adverse impact on on-street car parking available to residents in terms of amenity (4)
- Concern of highway authority supported.

### *Waste facilities*

- Inadequate/inappropriate facilities for waste management
- Concerns of refuse consultee supported (2)

### *Issues relating to current use*

- Drivers of vehicles accessing Student Castle already block emergency vehicle access to the site and flats in Corona Road. This existing problem should be dealt with via installation of yellow lines. (Photos of vehicles blocking the entrance were attached)
- Occupation restrictions are not being adhered to.
- The applicant is arguing that there is less demand for the accommodation than they expected but the issue is not lack of demand but cost of accommodation.
- It is too early to judge the need for student accommodation.
- Use of shared facilities could lead to security problems and would undermine the expected amenity for students.
- Trees shown to be retained have been removed.

### *Other issues*

- The student use is controlled by contract/proctorial control but this would not apply to the aparthotel which would affect residential amenity.
- Mixing students and hotel accommodation would be a bad mix as each has different needs and expectations.

7.5 Representations have been received from Friends of Mitcham's Corner (FOMC) as follows:

- FOMC object to the application on the following grounds:

- General concerns about developers in the area changing plans after planning permission has been granted.
- The proposed use will significantly increase car use which, given the no-car policy, will have two adverse effects, vehicles dropping off and picking up will block the gyratory and there will be increased demand for on-street parking.
- There are many other student accommodation applications in the city and it is not clear why this one needs diversifying.

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**

### **Principle**

- 8.1 I understand most of the rooms on the first and second floor of Block B are currently being occupied as aparthotel rooms. Therefore, the proposal seeks part retrospective planning permission.
- 8.2 The proposal seeks part retrospective planning permission for the change of use of the existing student accommodation use (Sui-Generis) of the first (13 studio units) and second (12 studio units) floors of Block B to student accommodation or an Apart-hotel use in the alternative. The ground floor commercial use would remain. The proposal also includes a DDA compliant room within Block A. The studio units would be approximately 21 sqm and the applicant has proposed for these to be occupied on short lets of no more than 90 days.
- 8.3 The term 'in the alternative' would give the applicant flexibility to implement either student accommodation or aparthotel use over a 10 year period and whichever use is in place at the end of the 10 year period becomes the lawful use. Subject to approval, the applicant has advised that they will review the occupancy of Block B on an annual basis and adjust the use depending on market demands/requirements.

## Policy position

8.4 Whilst the recent Assessment of Student Housing Demand and Supply for Cambridge City Council (the Study) demonstrates that there is a need for more purpose built student accommodation, there are no policies in the current adopted Local Plan (2006) which protect against the loss of student housing. Furthermore, as the Study has not been through a public consultation process, its status is a background document and it has limited weight. In term of the emerging Local Plan (2014), policy 46 is relevant (Development of student housing). Policy 46 makes provision for the loss of existing student accommodation by saying that it will be resisted unless adequate replacement accommodation is provided or it is demonstrated that the facility no longer caters for current or future needs. However, there are significant objections to this policy and so whilst it reflects the Council's future approach to student accommodation schemes, it has limited weight and cannot be used to support a refusal reason based upon the potential loss of the 25 student units.

8.5 As the proposal is for an aparthotel use which is a form of temporary short stay accommodation, policy 6/3 (Tourist Accommodation) of the Local Plan (2006) is relevant. Policy 6/3 supports tourist accommodation which maintains, strengthens and diversifies the range of short-stay accommodation. The location of the site is ideally situated for this purpose being adjacent to a Local Centre, on an arterial road, within walking distance of the City Centre.

Milton Road County Primary School Appeal Site (ref: 14/052/FUL)

8.6 The Committee will be aware that an Inspector recently upheld an appeal against the Council's refusal of a mixed use scheme on the above site, which included a 133 unit aparthotel complex (see Inspector's decision attached in Appendix 1). The Inspector was convinced that there was a need for aparthotel use which was not being met in purpose designed accommodation and that a number of residential apartment buildings are being used to meet the aparthotel needs. This is contributing to the loss of private housing. Furthermore, in terms of needs there is no requirement in the adopted Local Plan (2006) to establish or prove there is a need for this type of use.



The applicant is proposing a flexible use to ensure maximum occupancy rates of the units within the site whether that is for students or students and visitors.

- 8.7 Therefore, on the basis that there are no adopted policies which resist the loss of student accommodation, there being a need for aparthotel uses and a policy which supports short term tourist accommodation, and given that the site is within a highly sustainable location, the principle of the proposed use in the alternative is acceptable in policy terms. Furthermore, in my view, I see no reason why the proposed aparthotel use would not comfortably sit alongside the student accommodation as part of a mixed use scheme.

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

- 8.8 The proposal does not include any external alterations for consideration.

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

- 8.9 The proposal does not include any external alterations that would impact the character and appearance of the Conservation Area.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.11 The proposal does not include any external alteration to Block B, as built. Therefore, there would be no impact on the residential amenity of the surrounding neighbours over and above that which already exists in terms of overlooking, overshadowing and overbearing. Concerns have been raised regarding cars currently being parked along access between 12 Victoria Road and Block A which includes the rear garden boundaries of the properties in Corona Road in terms of access for emergency vehicles. The students occupying the approved development are prohibited from keeping or parking a car or other motorised vehicle on the site or in the City of Cambridge. This restriction forms part of the S106 agreement that was

signed for the approved scheme. The manager of the site is responsible for ensuring the restrictions are applied.

- 8.12 The issues of parked car owned/used by students is not directly related to the proposed change of use and therefore whilst it cannot be considered, I have advised the Enforcement Team to investigate this. I have received several photographs from a local resident which shows cars being parking on both side of the access road. I have addressed the potential issue of car parking associated with the aparthotel use below.
- 8.13 In terms of the impact on the residential amenity of the neighbouring occupiers from the proposed comings and goings, in my view, this would not be materially different from that of the approved student accommodation use. The proposal is to use 25 of the 211 rooms for aparthotel use which is 12% of the total. Therefore the overall use of the site as student accommodation would not materially change.
- 8.14 The occupiers of the aparthotel use will have access to the on site facilities such as gym, laundry, library and common room. These are spread out across the site. The occupiers will also be offered breakfast and clean towels and toiletries as part of their stay. The rooms would have basic facilities such as kitchen and ensuite and so would be self contained studio units with access to shared facilities. Student Castle the operator of the student accommodation development on the site has several sites throughout the UK and has experience in managing these types of development.
- 8.15 I do not consider there would be any demonstrable conflict between the occupiers of the aparthotel use and student occupiers. The site is carefully managed 24 hours a day by on site supervision. This will continue to operate for the aparthotel use. On this basis, there is no reason why both uses are not able to coheres and cohabit on the same site.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 (3/14) and 4/13.

## **Highway Safety**

- 8.17 The proposal does not raise any highway safety issues as the aparthotel use is car-free. The County Highway Officer has not raised any concerns with regards to highway safety.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

### Car Parking

- 8.19 The Local Plan (2006) policy 8/10 (Off-Street Car Parking) states that off street car parking must be in accordance with Parking Standards. However, there are no parking standard for aparthotel uses. The application does not include any car parking for the 25 rooms aparthotel use.
- 8.20 Concerns have been raised from local residents regarding the lack of car parking provision and the impact this would have on the surrounding streets. In order to understand the current capacity levels of on street parking within the surrounding streets (within 250 metres of the site), the applicant has submitted a car parking survey which demonstrates that there sufficient capacity to accommodate any increases.
- 8.21 As the aparthotel use is partly in use, the transport statement provides some figures of the approved and proposed trip generation rates. The survey of the student use generates 100 movements per day of which 8 will be by car. In terms of the proposed trip general, the transport consultant has used typical movement rates of a residential unit which is 5.1 movements. The aparthotel use would therefore generate 127.5 movements by all modes which is an increase on overall movements but this is subject to all 25 units being occupied. The statement also uses a comparable site in York consisting of 16 rooms, which has an approximate occupancy rate of 50%, of which 50% of guests arrived by car and 50% arrived by train. Using the same rate for the application site, this would result 12 rooms being occupied and 50% of the visitors arriving by car which equates to 6 cars. In the applicant's view, there is sufficient capacity within the surrounding streets to accommodate 6 cars on street.

- 8.22 The existing students are prohibited from keeping cars in Cambridge which is secured in a legal agreement and tied to each individual student's tenancy. Therefore, if the vehicles that are being reported within the site owned or used by students then this is a matter that will need to be investigated. However, this is outside of the consideration of this application.
- 8.23 In terms of the aparthotel use, whilst there is no parking available on the site, it would not be possible to prohibit or restrict occupiers from keeping or owning a car or motor vehicle. Therefore applicant has proposed give all occupiers a travel pack on arrival to make them aware of the public transport links including service times and cycle routes to discourage the use of cars. Furthermore, the site is located within a highly sustainable location in terms of proximity to the bus stop, shops, restaurants/pubs and other amenity such as public parks. Milton Road is one the main roads within Cambridge and so there is a regular bus (Citi1 – every 12 minutes) that stops a 200 metres from the site.
- 8.24 Due to the proximity of local amenities to the site nearby, lack of car parking on site and the hassle of having to car on street in a surrounding street, is likely to deter/discourage potential occupiers from using a car. The Local Plan encourages a mode shift away from private car use particularly in areas where there is good access to public transport. I am therefore satisfied that the any car parking demand associated with the aparthotel use would have limited impact upon on-street within the surrounding due to the low level of demand. This is consistent with the assessment of the Inspector for the Milton Road Primary School appeal site, in that the site is within walking distance of the city centre and cycling distance of large parts of the city.

#### Cycle parking

- 8.25 One cycle space per unit would be provided. As with the car parking, there are no standards for aparthotel uses. In my view the proposed provision of one space per unit is acceptable.

#### **Waste**

- 8.26 The waste provision for the aparthotel use will be incorporated into the existing waste management for the student

accommodation site. A private management company will clean and remove waste from each unit.

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

### Third Party Representations

8.28 I have addressed a number of the issues raised by third party representations:

<b>Representations</b>	<b>Response</b>
<i>Principle of change of use</i>	
If the original plan had been for a hotel, car parking would have been needed. (2)	The site is located within a highly sustainable location in terms of proximity to shop, service and the city centre. The Local Plan (2006) encourages a modal shift away from private car use in locations that have good accessibility to public transport.
The lack of parking facilities means that if the application is to be approved it should require the whole residential to be subject to normal charges levied on residential development.	Future occupiers in my view would be deterred from arriving by private car due to the lack of parking and proximity of local services. Also, if any occupiers do arrive by car it is likely to be in a taxi.
It would not be possible to enforce a limit on the number of rooms used as a hotel, which would increase adverse impacts.	The application site relates only to 25 rooms in Blocks A & B and planning permission would be needed to increase that number.
What street parking is available in the area should be used in relation to the rejuvenation of Mitcham's Corner and not committed to the Student Castle hotel use.	It is not possible to limit the use of existing on street car parking in this area
Availability of aparthotel rooms is already being publicised online.	Officers are aware of this. No enforcement action is being taken until the current planning application has been determined.
<i>Parking impact (residential amenity)</i>	

Adverse impact on on-street car parking available to residents in terms of amenity (4)	See para 8.9 to 8.14
Concern of highway authority supported.	The Highway Authority has not raised any concerns relating to highway safety but has identified potential issue with residential amenity impact which is a matter for the City Council.
Waste facilities	See para 8.16
Inadequate/inappropriate facilities for waste management	See para 8.16
Concerns of refuse consultee supported (2)	The approved waste storage provision will not be affected by the aparthotel use.
<i>Issues relating to current use</i>	
Drivers of vehicles accessing Student Castle already block emergency vehicle access to the site and flats in Corona Road. This existing problem should be dealt with via installation of yellow lines. (Photos of vehicles blocking the entrance were attached)	There is no evidence that the access is being blocked or block for significant periods of time. There are vehicles shown on the photographs either side of the access but none are blocking the access. The access is not adopted by the County Highway Authority and therefore installation of yellow lines cannot be applied as it is private land.
Occupation restrictions are not being adhered to.	The enforcement team will be notified of this to investigate any alleged breach.
The applicant is arguing that there is less demand for the accommodation than they expected but the issue is not lack of demand but cost of accommodation.	The applicant offers a type and standard of student accommodation for students which is not linked to a particularly education institution. Nevertheless, this is not a material planning consideration.
It is too early to judge the need for student accommodation.	This is not a material planning consideration.
Use of shared facilities could lead to security problems and would undermine the expected amenity for students.	Disagree. The existing security features are sufficient to protect all occupiers. Any security breach would need to be dealt with by

	the relevant authorities.
Trees shown to be retained have been removed.	The proposal does not seek any loss of retained trees. If there is any issue with loss of retained trees then this will be an enforcement issue.
<i>Other issues</i>	
The student use is controlled by contract/proctorial control but this would not apply to the aparthotel which would affect residential amenity.	The aparthotel use would not be controlled by proctorial control as there is no requirement to do so. However, the site including the aparthotel site will be supervised 24 hours a day so any nuisance that is caused can be dealt with immediately.
Mixing students and hotel accommodation would be a bad mix as each has different needs and expectations.	The aparthotel use would be located entirely within Block B. Whilst occupiers would be able to use the communal facilities I do not consider the mixing of student and occupiers in the aparthotel would raise any conflicts.
<i>County Councillor Scutt has commented on this application.</i>	
The original application was approved despite residents' concerns about parking and the student accommodation use circumvented the need for parking provision.	The aparthotel proposal is a car free scheme. In this sustainable location a car free is acceptable.
There is an existing severe problem in the area in terms of access to on-street parking. This raises concerns in relation to emergency access and public health risk (collection of rubbish).	See para 8.9 to 8.14
It seems 'unconscionable' that the developers have gained approval on the basis that the use will not add to problems and now seek permission for a use which will do so.	The aparthotel use would not cause any significant harm to the residential amenity of the surrounding residents in my view.

The Milton Road/Gilbert Road aparthotel includes car parking on site on the understanding that users will have/hire cars.	The low number of units in the aparthotel use is likely to mean a low number of occupiers arriving in private cars. All patrons are made aware of the lack of parking and encourage use of public transport.
Use of a separate building to accommodate disabled guests appears to be discriminatory, inconsistent with the Equalities Act provision and should not be approved.	The size of the units in Block B are not compatible to accommodate disabled guests.
A visitor with a disability is more likely to need a car.	The existing site makes provision for 3 disabled spaces which will be available for the aparthotel use.
Car parking provision at the Student Castle York scheme shows a recognition for the need for cars/hire cars to be accommodated.	Each proposal is assessed on its own merits. In this case, the location of the site in terms of its proximity to the local shops, services including public transport links and the city centre would not require additional car parking to be provided.
The accommodation has not been available long enough to allow demand to be assessed.	This is not a material planning consideration.
Endorses comment made by Councillor Sargeant.	Noted.
Rooms are being advertised as available before the application has been considered.	The Council is aware of this. No enforcement action is being taken until the current planning application has been determined.
<i>Councillor Sargeant has commented on this application.</i>	
A Transport Assessment is required	Information regarding transport impact has been submitted and the Highway Authority considered it to be adequate.
It is correct to say that there is no car parking standard for aparthotels in the Local Plan but	There is no car parking standards for aparthotel uses in the adopted Local Plan.



<p>the applicants for the aparthotel at Milton Road/Gilbert Road accepted that parking provision should be between the parking standard for hotels and that for residential developments in order to cater for the needs of the guests and staff. It was also accepted that occupiers of aparthotels are more likely to use a car than shorter stay hotel guests. It is noteworthy that the comparison with Student Castle York is not robust because this has parking on site. The application should be rejected on the ground so lack of car parking.</p>	<p>Approved purpose built aparthotel site on Milton Road was for 133 units which made specific provision for car parking. Due to the constraints of the site additional car parking is not possible on the application site. In my view, given the small scale of the aparthotel use (25 units) this is acceptable.</p>
<p>Lack of off road car parking will put unacceptable pressure on the highway network.</p>	<p>The applicant has demonstrated through a car parking survey that there is sufficient capacity within the surrounding streets. Whilst some of the streets are controlled parking zones, there is unlikely to be a significant or material increase in car parking associated with the aparthotel use.</p>
<p>The level of public transport provision is not, in practice, as frequent as set out in the application. 60% of local workers rely on cars and users of the aparthotel are unlikely to be different.</p>	<p>There is a regular bus service nearby, there are shops and services on Milton Road and the city centre is within walking and cycling distance.</p>
<p>The students are subject to proctorial control and this was considered important to allow planning permission to be granted. There will be no such restriction on the use as an aparthotel.</p>	<p>The aparthotel use will be managed and maintained in combination with the student housing.</p>
<p>Disabled guests would be accommodated in a separate block which does not accord with</p>	<p>Policy 6/3 state provision should be made for disabled visitors. The applicant is proposing to use</p>

Policy 6/3.	a ground floor unit in Block A for any disabled visitors. This does not conflict with policy 6/3.
<i>Friend of Mitchams Corner object to the application on the following grounds:</i>	
General concerns about developers in the area changing plans after planning permission has been granted.	Each planning application is considered on its own merits. There is no restriction on the developers changing their plans subject to the revised plans being acceptable and in accordance with the adopted Local Plan.
The proposed use will significantly increase car use which, given the no-car policy, will have two adverse effects, vehicles dropping off and picking up will block the gyratory and there will be increased demand for on-street parking.	The proposal will not significantly increase car usage or have a significant material impact upon on street car parking, in my view. There is sufficient space to allow the dropping off and picking up without impact on the existing highway network.
There are many other student accommodation applications in the city and it is not clear why this one needs diversifying.	This is not a material planning consideration.

## 9.0 Conclusion

- 9.1 The proposal, which is part retrospective, seeks planning permission to change the use of student accommodation within the first and second floor of Block B to aparthotel use. The proposal does not include any external alterations to Block B or any other part of the site.
- 9.2 There is no policy basis which resists the loss of student accommodation. The aparthotel use would provide a form of short stay accommodation for which there is a demand and which is supported by the adopted Local Plan (2006). The site is a suitable location for an aparthotel use due to proximity to local shops and services, public transport links, cycle routes and the city centre. All these provisions are within walking or cycling distance.

- 9.3 Concerns have been raised regarding the lack of car parking and the impact this would have upon surrounding streets. However, I do not consider the likely level of private car journeys made to the site will have a significant material impact on the capacity of on street parking on surrounding streets. The applicant ensures all visitors are aware of the site's lack of car parking provision and will encourage visitor use alternative modes of transport to arrive and leave the site.
- 9.4 The aparthotel use and student accommodation use are compatible in my view as the both provide a form of residential accommodation albeit for different requirements. The aparthotel units are to be located within Block B rather than mixed in with the student units, which is an acceptable way to manage both uses.

## **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 aparthotel use hereby approved shall only provide short-stay accommodation for customers/visitors with a maximum stay duration of no longer than 90 days in any one calendar year.

Reason: In order to ensure the use is distinguishable from C3 residential use.

4. Within 6 months of the date of this decision notice, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the Local Planning Authority.

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

**INFORMATIVE:** The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.



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## Appeal Decision

Hearing held on 21 April 2015

Site visit made on 21 April 2015

by **R J Yuille MSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2015

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**Appeal Ref: APP/Q0505/A/14/2229186**

**Former Milton County Primary School, Milton Road, Cambridge, CB4 1UZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by TLC Group against the decision of Cambridge City Council.
  - The application Ref: 14/0052/FUL, dated 13/01/14, was refused by notice dated 04/06/14.
  - The development proposed is mixed use development consisting of a sui generis aparthotel (133 units) 5 No Class C3 residential townhouse units, Class D2 community space, underground car parking (80 spaces) and cycle parking (150 spaces).
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### Decision

1. The appeal is allowed and planning permission is granted for a mixed use development consisting of a sui generis aparthotel (133 units) 5 No Class C3 residential townhouse units, Class D2 community space, underground car parking (80 spaces) and cycle parking (150 spaces) at former Milton County Primary School, Milton Road, Cambridge, CB4 1UZ in accordance with the terms of the application, Ref: 14/0052/FUL, dated 13/01/14, and the plans submitted with it, subject to the conditions set out in the attached annex.

### Background

2. Initially the Council's reasons for refusing planning permission for the proposed development included concerns about air quality and the provision of a range of facilities such as public open space. The Council now accepts that these matters have now been resolved through the completion of a section 106 agreement signed by both parties. The contents of this agreement will be dealt with subsequently in this decision.

### Planning History

3. Planning permission (Ref: 07/0328) has been granted for a care home, employee accommodation, 67 flats and a community facility on land which includes the appeal site. The care home and employee accommodation have been implemented but the flats and the community facility have not. While both these elements of the planning permission are still capable of implementation the appellant company has confirmed that it does not intend to implement the flats.

4. Planning permission (Ref: 11/0091/FUL) has been refused on the appeal site for 55 extra care accommodation flats (Class C2), a community room (Class D1) and 9 residential apartments (Class C3).

### **Planning Policy**

5. This appeal falls to be determined in the light of the saved policies of the Cambridge City Council Local Plan (the Local Plan) of which Policy 5/1 is the most relevant. The appeal site forms part of a larger site some 0.89ha in extent which is allocated for housing and community facilities in this plan. Policy 5/1 seeks to safeguard such sites from alternative forms of development. Policy 5/12 also has some relevance in that it seeks to encourage the provision of community facilities. The Local Plan does not have a policy dealing with aparthotels<sup>1</sup> but does express concern at paragraph 6.10 that an appropriate balance has to be struck between protecting residential properties and meeting the needs of visitors.
6. The Council is reviewing the Local Plan. The examination into the emerging plan is underway and it is not expected to be adopted until the summer or autumn of 2016. The emerging plan does have a policy dealing with aparthotels (it proposes to treat them as residential uses subject to affordable housing requirements) but this is the subject of outstanding objections from, amongst others, the appellant and can therefore be given very limited weight in determining this appeal.
7. The appeal site is not allocated and safeguarded for housing in the emerging plan and as there are no unresolved objections to this 'de-allocation' this is a matter that can be given weight in determining this appeal.

### **Main Issue**

8. As has already been established, the appeal site is allocated for housing and community facilities in the Local Plan. While the proposed residential units and community space would comply with the relevant policies in the Local Plan the predominant proposed use, the aparthotel, would not. The main issue in this appeal is whether this breach of policy is outweighed by other material considerations.

### **Reasons**

9. Although the proposed development would conflict with the terms of Policy 5/1 insofar as this seeks to safeguard the appeal site for housing the Council accepted in evidence and at the hearing that it has well in excess of a five year supply of housing land and that it is not relying on the appeal site to assist in meeting future housing needs.
10. That being so the question to be asked is what harm the proposed development would cause to the aim of Policy 5/1, which is to ensure an adequate supply of housing land? The Council's response to this is that the appeal site is not allocated and safeguarded in the emerging Local Plan simply because, being less than 0.5ha, it is too small. Similarly it is not relied on to any great extent in the Strategic Housing Land Availability Assessment because

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<sup>1</sup> The function of an aparthotel is to provide extended (typically more than 5 nights) but nonetheless temporary accommodation to visitors to the city.

the appellant company had made clear that it did not intend to develop the site for large amounts of housing.

11. Neither of these factors meant that the appeal site is not suitable for housing or that there is not a demand for housing. In the Council's view the aim of boosting significantly the supply of housing would be better served by developing the 67 residential units for which planning permission had been granted on the site than by developing the 5 residential units proposed in the appeal scheme – although it did welcome the provision of this small number of residential units.
12. However, such an argument overlooks the fact that there is a demand for aparthotels in Cambridge. The extent of that demand is in dispute (the Council estimate it to be in the order of 75-80 units while more recent work produced by the appellant indicates that it is in the order of 300 units) but it is common ground that there is a demand for such accommodation to meet the needs of visitors. The existence of such an unmet need is a material consideration that favours the provision of the proposed development and is a matter to which I will give great weight.
13. Moreover, at present the demand for aparthotels in Cambridge is met not in purpose designed accommodation such as that proposed but in residential apartment buildings. In this way a number of dwellings are, in effect, lost. The provision of a purpose built aparthotel would reduce the likelihood that there will be a significant expansion in the number of such dwellings that are lost in the future. This is a matter to which I give considerable weight.
14. The situation is, therefore, that the Council is not reliant on the appeal site to meet its existing or future housing needs, that there is a demonstrable need for aparthotels to meet the accommodation needs of visitors and the provision of an aparthotel would help stem the loss of residential units. I consider that jointly these amount to material considerations which outweigh the fact that the appeal scheme would breach the terms of Policy 5/1 insofar as this seeks to safeguard the site for housing.

#### *Other Matters*

15. The appellant company referred to a number of other material considerations which it considered favoured the appeal scheme. I have given little weight to these. The earlier schemes on the appeal site (see paragraphs 3 and 4) were primarily concerned with providing permanent residential accommodation which, for the most part, the appeal scheme does not purport to do. These earlier schemes have, therefore, little bearing on the determination of the appeal scheme. There was also some speculation about what might happen if planning permission were sought for an aparthotel under the policies of the emerging local plan but as it is not known at this time what form those policies will eventually take such speculation also carries little weight.
16. Some criticisms of the suitability of the appeal site for its proposed use were raised by local residents with particular mention being made of the adequacy of parking provision, the reliability of the local bus service and the quality of transport links between it and major employment sites – these being the likely destinations of the occupants of the proposed aparthotel. However, car and cycle parking would be provided on the site in accordance with the Council's standards, the site has a regular bus service – whatever its perceived

shortcomings – it is within walking distance of the city centre and it is within cycling distance of large parts of the city. I consider, therefore, that the proposed development, which would be on previously developed land within the urban area, would be acceptable in these respects.

### *Planning Conditions*

17. In addition to the standard condition dealing with the commencement of development a condition listing the plans to which any planning permission would relate would be needed to ensure that development was carried out as proposed. To ensure that the proposed development would have an acceptable appearance conditions dealing with materials would be necessary, as would conditions dealing with landscaping. To safeguard the living conditions of existing residents and in the interests of highway safety conditions dealing with the hours of working during construction and other working practices would be necessary together with conditions relating to the extraction and filtration of fumes, the provision of other measures to safeguard air quality and the provision of noise insulation.
18. To avoid any adverse effects resulting from pollution conditions requiring the assessment and, if necessary, the remediation of contaminated land would be required as would conditions requiring the implementation of an agreed scheme of surface water drainage. In the interests of sustainability and security conditions dealing with cycle parking, car parking and the storage and collection of waste would also be needed. To ensure that the proposed aparthotel was used for that purpose rather than as a hotel or for residential purposes a register showing the names of occupants and the duration of their stay would need to be maintained and made available to the Council. A condition requiring this would be necessary.
19. I have amended the wording of these conditions where necessary so they refer to the latest British Standards.

### *Section 106 Agreement*

20. It is a matter of policy and law<sup>2</sup> that a planning obligation such as a section 106 agreement should only be sought when it passes all of the following tests. That it is necessary to make the proposed development acceptable in planning terms, that it is directly related to that development and that it is fairly related to that development in scale and kind.
21. I am satisfied that a number of the planning obligations contained in the submitted section 106 agreement meet these tests. Firstly, the Opportunity Area contribution seeks to provide facilities such as public transport, street lighting and hard landscaping in the immediate vicinity of the appeal site. Secondly, the Air Quality Mitigation contribution requires the submission and implementation of an Air Quality Mitigation plan for the site. Thirdly, the Community Facility obligation requires the provision of a Community Facility on the site. Fourthly, the Westbrook Centre Link obligation requires a contribution towards the provision of a pedestrian and cycle link in the vicinity of the appeal site. Fifthly, the Travel Plan obligation requires the submission of such a plan and sets out what it should cover. It was common ground at the Hearing that all of these aspects of the section 106 agreement are necessary in planning

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<sup>2</sup> National Planning Policy Framework (paragraph 204) & Regulation 122 of the Community Infrastructure Levy Regulations.



terms, that they are directly related to the proposed development and that they are fairly related to it in scale and kind. I see no reason to disagree with this and will, therefore, give full weight to all these aspects of the section 106 agreement in determining this appeal.

22. The same is not, however, true for the Public Art contribution proposed in this agreement. This would require that 1% of the Capital Construction Costs of the proposed development would be used to provide Public Art on the site. While Policy 3/7 (I) of the Cambridge Local Plan requires the provision of public art in new development as part of the aim of creating successful places, no evidence was put forward to indicate why planning permission should be refused for this particular scheme if this requirement was not met. Similarly no justification was given as to why the figure of 1% of Capital Construction Costs had been selected as a suitable sum.
23. On the evidence available to me I am not, therefore, satisfied that the Public Art contribution is necessary to make the proposed development acceptable in planning terms or that it is fairly related to the proposed development in scale. This contribution does not, therefore, accord with law and policy and I cannot give it full weight in determining this appeal.

### **Conclusions**

For the reasons set out above I conclude that the appeal should be allowed.

*RJ Yuille*

Inspector

**ANNEX****List of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan No.</b>	<b>Description</b>	
Z (GA) 001 PL2	General Arrangement	Site Plan
Z (EX) 000 PL1	Site Location Plan	
B (GA) 403 PL1	General Arrangement	South West Elevation
B (GA) 402 PL1	General Arrangement	North West Elevation
B.(GA) 401 PL1	General Arrangement	North East Elevation
B. (GA) 400 PL2	General Arrangement	South-East Elevation
B.(GA) 300 PL1	General Arrangement	Sections A-A
B.(GA) 103 PL1	General Arrangement	Roof Plan
B.(GA) 102 PL1	General Arrangement	Second Floor Plan
B.(GA) 101 PL2	General Arrangement	First Floor Plan
B.(GA) 100 PL2	General Arrangement	Ground Floor Plan
A (GA) 402 PL2	General Arrangement	North-West Elevation, Access Road
A (GA) 401 PL2	General Arrangement	South-East Elevation, Milton Road/North-East Elevation Gilbert Road
A (GA) 303 PL2	Section D	
A (GA) 302 PL1	Section B, Section C	
A (GA) 301 PL1	Section A	
A (GA) 099 PL2	General Arrangement	Basement Floor Plan
A (GA) 100 PL2	General Arrangement	Ground Floor Plan
A (GA) 101 PL2	General Arrangement	First Floor Plan
A (GA) 102 PL2	General Arrangement	Second Floor Plan
A (GA) 103 PL2	General Arrangement	Third Floor Plan
A (GA) 104 PL2	General Arrangement	Fourth Floor Plan
A (GA) 105 PL1	General Arrangement	Roof Plan

- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved details.

- 4) Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.
- 5) Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.
- 6) Before the development hereby permitted is commenced details of the contractors' compound, the site storage areas and the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site shall be submitted to and approved by the local planning authority in writing. Thereafter the development shall be undertaken in accordance with the approved details.
- 7) Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.
- 8) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principal areas of concern that should be addressed are:
  - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
  - ii. Contractor parking, for both phases (all such parking should be within the curtilage of the site and not on street).
  - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
  - iv. Control of dust, mud and debris
- 9) Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of, BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. (COP) for basic information and procedures for noise and vibration control', BS 5228-2:2009 +A1:2014 Code of practice for noise and vibration control on construction and open sites (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

- 10) In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-2:2009 + A1: 2014 : Part 4: Code of practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended. Consent for piling will only be granted where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 11) No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
- 12) No development shall take place until details of site lighting during the construction period have been submitted to and approved in writing by the local planning authority. Lighting shall be installed only according to the agreed details.
- 13) No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.
  - (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
  - (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
  - (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
  - (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
  - (e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall

be fully assessed and an appropriate remediation scheme agreed with the LPA.

- (f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.
- 14) No development shall take place until a scheme for the provision and implementation of surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be constructed and completed according to the approved plans.
- 15) Before the development hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.
- 16) Prior to the first occupation of the development hereby permitted is commenced, a scheme for the insulation of the buildings and/or plant in order to minimise the level of noise emanating from the said buildings and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.
- 17) Prior to the commencement of development hereby permitted, with the exception of below ground works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope to reduce the level of traffic and other noise experienced by occupiers shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.
- 18) No part of the development shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting

species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

- 19) No part of the development shall be occupied until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.
- 20) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.
- 21) All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.
- 22) No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.
- 23) No occupation of the aparthotel shall take place until full details of the arrangements for the storage and collection of waste and recycling from that use have been submitted to, and approved in writing by the local planning authority. The arrangements shall be implemented prior to occupation, and shall not be changed except with the written approval of the local planning authority.
- 24) No development shall take place until a comprehensive scheme for ensuring the security of the aparthotel's basement car park and its entrances and access points has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be implemented prior to the occupation of the aparthotel and shall not be altered except with the written agreement of the Local Planning Authority.
- 25) Prior to commencement of occupation of the aparthotel, a register shall be established and maintained at all times when the building is occupied. The register shall contain information regarding the names of occupiers of the units within the aparthotel and the duration of their stay. The register shall be made available to the Council in response to all reasonable requests for information about occupancy of the aparthotel.

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

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

## **APPEARANCES**

### FOR THE APPELLANT:

Richard Phillips	Queens Counsel
Colin Brown	Carter Jonas (incorporating Januarys)
David Bailey	Hotel Futures

### FOR THE LOCAL PLANNING AUTHORITY:

Sarah Dyer	City Development Manager
Bruce Waller	Senior Planning Policy Officer

### INTERESTED PERSONS:

Mike Sargeant	Local Resident
Richard Ansorge	Local Resident
Catherine Ansorge	Local Resident

## **DOCUMENTS**

1. Letters announcing the date, time and venue of the Hearing.
2. List of those attending the Hearing.
3. Signed section 106 agreement.
4. Extracts from the Cambridge Local Plan.



<b>Application Number</b>	17/0483/S73	<b>Agenda Item</b>	
<b>Date Received</b>	24th March 2017	<b>Officer</b>	Sav Patel
<b>Target Date</b>	19th May 2017		
<b>Ward</b>	Romsey		
<b>Site</b>	1 Great Eastern Street Cambridge CB1 3AB		
<b>Proposal</b>	S73 application to amend approved plans of planning permission 14/0607/FUL (as amended by 16/0146/NMA) to permit minor material amendment with the repositioning boundary adjacent to no. 3, erection of meter cupboard, minor alterations to fenestration of rear apartment block and regularisation of plans of frontage building to reflect changes approved under application 16/0990/FUL.		
<b>Applicant</b>	Thornley Residential (GES) Ltd		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The amendments to the approved plans, some of which have been part-implemented would not have any significant adverse impact on the residential amenity of the adjacent neighbours.</li> <li>- The amendments to the approved plans, some of which have been part-implemented would preserve the character and appearance of the Conservation Area.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site consists of the site of a two storey end of terrace house situated on the north-west side of Great Eastern Street, its curtilage extending about 32 metres from the street to the common boundary with the railway land to the west. The site is irregular in shape, encompassing what would, originally, have been the rear 17 metres of the garden of 3 Great Eastern

Street, a dwelling that now stands in a plot that only extends about 15 metres back from the street. As a consequence the north boundary of the site, 1 Great Eastern Street, is a common boundary with both 3 and 5 Great Eastern Street.

- 1.2 This primarily residential area is characterised by two storey terrace housing fronting the back edge of the pavement. To the south of the site is a car park and play area. To the west of the site is the London to Kings Lynn railway line.
- 1.3 There are no trees on the site itself, but a number of trees and shrubs on the Council owned site to the south, with some hard up to the boundary. The Root Protection Areas of these trees and shrubs on the boundary extend into the application site. None of the trees are the subject of a Tree Preservation Order (TPO), but all have the protection offered by the Conservation Area.
- 1.4 The site is within the Mill Road area of City of Cambridge Conservation Area 1 (Central) (extended 2011). The site does not fall within the Controlled Parking Zone
- 1.5 The site is currently under development which has been approved under planning permission references 14/0607/FUL and 16/0990/FUL. Some of the works which are the subject of this application have already commenced and the application is therefore part-retrospective.

## **2.0 THE PROPOSAL**

- 2.1 Permission is sought for variation of the approved plans to allow for the following amendments to the scheme:

Rear building:

- The repositioning of the boundary adjacent to no.3 Great Eastern Street;
- Single storey meter cupboard adjacent to the rear boundary of no.3 Great Eastern Street;
- Alternations to the window sizes and arrangement in the south and west elevations;
- Provision of facing brick instead of render in the west elevation;
- Two new roof lights;

Frontage building:

2.2 Alterations to the frontage building which were approved under planning permission ref: 16/0990/FUL which consisted of the following:

- Removal of entire front facade and replacement using reclaimed bricks;
- Studio flats to one bed units;
- Alterations to the location of the bin and cycle store to fall within acceptable travel distance from the footpath;
- A step in the south elevation to accentuate the gable end;
- Roof of bike store to no longer extend over the entrance passageway and to be slate instead of zinc;
- Alteration to the entrance to the first floor flat and sash window replaced with patio doors;

2.3 Essentially the applicant is seeking to combine all the proposed alterations with the approved alterations under one consent.

### 3.0 SITE HISTORY

3.1

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
11/0351/FUL	Change of use and side extension to the frontage building from an office to create 2no 1 bed flats; and erection of 6 studio apartments at the rear (following demolition of existing rear buildings), together with associated infrastructure.	Non-determination – appeal dismissed.
11/0865/CAC	Demolition of existing rear outbuildings.	REFUSED – dismissed at appeal
14/0607/FUL	Conversion and extension of existing frontage building from office to 1no. flat and 1 studio flat; and erection of 4 studio flats to the rear (following demolition of existing outbuildings), together with	APPROVED

	associated infrastructure.	
14/0607/NMA1	Non-material amendment on application 14/0607/FUL to permit a meter enclosure	WITHDRAWN
16/0146/NMA	Non material amendment on application no 14/0607/FUL to add condition linking planned drawing nos.	APPROVED
16/0990/FUL	Demolition of existing frontage building (1 Great Eastern Street) and replace with 2no. flats (as approved under application 14/0607/FUL), alteration to the cycle / refuse area and minor fenestration alterations.	APPROVED

3.2 Planning permission (ref: 14/0607/FUL) was granted in January 2015. The site encompassed the frontage building, No. 1 and land to the rear. The planning permission was for the conversion and extension of the existing frontage building from office into two flats and the erection of a building in the rear garden area following demolition of the existing outbuilding to provide 4 flats with associated provisions. The frontage building was not consented to be demolished and the front façade was shown to be retained.

3.3 The planning application (14/0607/FUL) was originally presented to East Area Committee on 31 July 2014 but was deferred due to members not been given or being made aware of the relevant appeal decision on the site which related to planning application 11/0351/FUL and Conservation Area Consent (CAC) ref: 11/0865/CAC. The CAC application related to the demolition of the existing outbuildings. The 11/0351/FUL application was for the change of use and side extension to the frontage building from office into two flats and erection of a building at the rear to provide 6 flats following demolition of the existing outbuildings.

3.4 The Inspector ruled that the design of the building would not harm the character of the Conservation Area, and that the residential amenity of occupiers of no. 5 would not be harmed. However, he considered that the enclosing impact of the building on the garden of no.3, the absence of appropriate

amenity space for future occupiers of the scheme, and the impact on the adjacent Tree of Heaven all meant the appeal should be dismissed. He also dismissed the appeal on the associated Conservation Area Consent application saying that in the absence of an acceptable scheme to replace, the loss of the existing outbuildings was not justified, despite the fact that they did not enhance the character of the Conservation Area.

3.5 The 2014 scheme (14/0607/FUL) was revised to accommodate the issues raised by the inspector. The revision consisted of the following:

1. The single-storey element along the common boundary with number 3 Great Eastern Street was removed;
2. The main two storey rear building was set further away from the common boundary with number 3 by a further 2m, giving a 3m gap rather than the 1.3m gap in the dismissed appeal scheme
3. The new bin and bike store was set in from the common boundary with number 3 by 2m;
4. The roof over the existing two-storey wing was increased in height
5. The existing single-storey flat roof is to be a lean-to.

3.6 Prior to the determination of the 2014 application a Development Control Forum was held with local residents and the developer to discuss possible alterations to improve the scheme. Prior to the DCF the applicant submitted amended plans which showed, amongst other minor alterations, the garden of number 3 Great Eastern Street being extended by 2 metres into the application site.

3.7 The minutes of the East Area Committee note the concerns raised by local residents but made no reference to the scheme being reliant on extending the rear garden of 3 Great Eastern Street by 2 metres. Furthermore, the original plans were listed on the final decision notice rather than the revised plans showing the additional land given to no.3. This error has been acknowledged and an apology provided to the occupiers of 3 Great Eastern Street. The view of officers is that there are no reasonable planning grounds for linking the development or occupation of the flats to the provision of the extended garden area to 3 Great Eastern Street.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/4 4/11 5/1

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)
	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

6.1 No comments.

### **Environmental Health**

6.2 No concerns with regard to the amendments. We have previously approved details for glazing specifications and ventilation within the units as per the submission for Condition 8 of planning consent 14/0607/FUL. Ventilation and glazing specifications will need to remain as previously approved. I do not consider that the proposed amendments will change those details (the amendments to fenestration relate to location and size).

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

6.3 The ground floor roof plan adjacent to the retained Tree of Heaven should have a corresponding notch out of it as the building does. This notch is to allow the developing trunk of the tree more room for maturing. The drawings should coordinate so that the localised set back is clear in all aspects.

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

- 6.4 It is noted that the drainage plan submitted differs from that submitted within the original planning application 14/0607/FUL. Drawing No. 215/0860/20 should be considered unapproved and this application does not remove any requirements of Condition 16 of permission 14/0607/FUL.

### **Head of Streets and Open Spaces (Arboricultural Officer)**

- 6.5 No comments received to date. I will update the amendment sheet or report any comments orally in my presentation.

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

- 6.6 No material conservation issues.

### **Drainage Officer**

- 6.7 The proposed development is acceptable subject to condition on maintenance and management of surface water drainage.

### **Network Rail**

- 6.8 Comments as 14/0607/FUL: No objection in principle subject to the developer/applicant ensuring the proposal during construction and completion does not:
- encroach onto Network Rail land
  - affect the safety, operation or integrity of the company's railway and its infrastructure
  - undermine its support zone
  - damage the company's infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future



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:

- 3 Catherine Street
- 3 Great Eastern Street
- 5 Great Eastern Street
- 8 Great Eastern Street
- 11 Great Eastern Street
- 12 Great Eastern Street
- 17 Great Eastern Street;
- 56 Great Eastern Street
- 67 Great Eastern Street
- 76 Great Eastern Street
- 79 Great Eastern Street
- 93 Cavendish Road
- 17 Romsey Road
- 32 Romsey Road

7.2 The representations can be summarised as follows:

- The scheme is now a huge, ugly eyesore in a prominent location in Romsey Town, close the future Chisholm Trail.
- The façade of the frontage building should be retained/permission should not have been granted. (4)
- Families at 3 and 5 Great Eastern Street have been badly affected.
- The proposals affect a 2 metre long area of land which was to be transferred to the garden of 3 Great Eastern Street. This was to be provided to compensate for the increased level of enclosure from the new development and is referred to in the report to East Area Committee (EAC) in September 2014. (7)

- The proposals reduce the length of the 'extra' garden area from 2 metres to 1.5 metres and by over 0.5 metres in width. Given the small size of the existing patio this scale of change is significant.
- The meter cupboard will be bring the two storey build to within 1.5m from the boundary with 3 Great Eastern Street whereas it should have been 3.3 m (2m extended garden and 1.3m to building). The meter cupboard is not the same as a fence or wall and does not take account of the confined space. The original application did not make it clear what the boundary was to be constructed in. (3)
- There is a slight increase in height to the front building over what has been approved which affects the small garden serving 3 Great Eastern Street.
- The flats to the rear are to be one bedroom flats and are very small with little amenity/studio flats are now one bed flats. (2)
- Councillors should carry out a site visit.
- The incorrect plans were referred to as approved plans when planning permission was granted in 2014. Officers have not acted on requests to rectify this error and residents have been advised that enforcement action cannot be taken in relation to the plans approved at EAC. (2)
- It is clear that the developer is taking advantage of a minor administrative error by the Planning Department to go against the intentions set out by the planning committee. The developer has not considered the impact on objectors home.
- An error regarding the approved plans resulted in the façade of the front building being demolished.
- The works have commenced on the amended scheme and include piling, foundations and walls. (2)
- Notes that the boundary wall to 3 Great Eastern Street has already been removed

- The Tree of Life has already been damaged by foundations/looks dead (2)
- The architect should have foreseen the need for the meter cupboard.
- A 'meter cupboard' implies something small but the proposed is unconventional and would overshadow the garden of 3 Great Eastern Street.
- The meter cupboard takes up space that was to be provided to compensate for the fact that the new building casts a shadow on 3 Great Eastern Street and its garden. (3)
- The street drain is damaged and may not cope with additional homes/residents. The drain needs to be mended.
- Each amendment is having a cumulative effect on the impact of the development which residents did not support; it amounts to 'planning creep' akin to the issues surrounding the Marque development. (2)
- The developers are challenging the principles and spirit of the original permission/developer lacks integrity/developers only interested in profit. (4)
- Officer should meet residents at public meetings before allowing such sensitive development in the Conservation Area.
- The Council should enforce its rules in the Conservation Area.

7.3 Councillor Baigent has commented on the application. He objects to the application on the basis that the meter cupboard will take up space that was to be provided for residents at 3 Great Eastern Street to mitigate the impact of the development in terms of overshadowing. He refers to the Development Control Forum in connection with the 2014 application and the expectation that a 2 metre strip of land was to be transferred to the garden of no. 3. He also notes that a subsequent

application to knock down the original house was approved despite objections from local Councillors and residents.

Councillor Baigent refers to the Conservation Officer's support for the removal of 1 Great Eastern Street which he did not support given its prominence in the Conservation Area. He refers to an application for a Non-Material Amendment for a meter cupboard.

- 7.4 Councillor Baigent asks that officers will produce a step by step report of the refusals and amendments that have taken place here. These should include the decision to require a buffer zone before permission was granted.
- 7.5 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

- 8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:
1. Context of site, design and external spaces
  2. Residential amenity
  3. Third party representations

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

Meter cupboard

- 8.2 On the approved ground floor plan (drawing no. 2446-P50 of permissions ref: 14/0607/FUL and 16/0146/NMA), there is a gap between the rear apartment block and rear boundary of no.3 Great Eastern Street. The proposal is to install a single storey meter cupboard which would be enclosed and accessed via the internal hall. As set out on the amended plans the meter cupboard would project off the rear building and along the side boundary by 1.6 metres at 2 metres in height and 2.8 metres wide. The height of the original meter design was 2.3 metres similar to the height of the original felt roof structure which was located adjacent to the rear boundary of no.3. The proposed meter cupboard would extend across the rear boundary of 3

Great Eastern Street. The scale of the meter cupboard would appear ancillary to the rear apartment block and would not be visible from the public realm and it would be an acceptable addition in the Conservation Area. In terms of its scale and design the proposed meter cupboard is appropriate to its context; the impact on residential amenity is discussed below.

Alteration to the rear boundary of no.3 Great Eastern Street

- 8.3 As part of the development the boundary to 3 Great Eastern Street is being amended to accommodate the meter cupboard which will also allow for the increase in the size of the garden of no. 3. In design terms I have no objection to this. Any transfer of land is a civil matter and cannot be secured under this or any planning permission.

Alterations to the fenestration to the south and west elevations

- 8.4 The proposed alterations to the size and arrangement of the windows in the south and west elevation would not have a detrimental impact on the appearance of the apartment block. The revised window arrangement would improve natural surveillance over the adjacent car park and play area. Alterations to the approved window layout are acceptable.

Render to facing brick in west elevation

- 8.5 The west elevation of the rear apartment block faces the railway sidings and extends onto the boundary of the site. Therefore maintenance of the western elevation would be difficult and so replacing the approved render with facing brick would require less maintenance. I have no objections to this in design terms.

Alterations to the front building

- 8.6 The alterations to the front building have been assessed and approved under planning permission ref: 16/0990/FUL. The planning application was determined at November 2015 Planning Committee. The changes shown on the plans supporting this application are identical to those already approved. I therefore do not consider it necessary to reassess the alterations. The proposed amendments do not include any dimensional alteration to the frontage building as approved.

- 8.7 In my opinion, the alterations to the rear and front buildings are acceptable in design terms and are compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.8 The majority of representations received relate to the impacts of the scheme on residential amenity particularly that of the occupiers of 3 Great Eastern Street. Councillor Baigent has requested that a step by step report of refusals and amendments be produced. The planning history of the site is set out in section 3 above which includes details of the various applications and decisions. I recognise that as a result of an error the plans which were presented to EAC were not the same as the approved plans on the Decision Notice. This is regrettable but it means that the approved plans are those which do not include any additional garden land for 3 Great Eastern Street and show an open area with planting between the current rear boundary no. 3 and the new building. It is against these plans that the variations now proposed are required to be assessed.
- 8.9 As described in paragraph 1.1 the site abuts the boundaries of numbers 3 and 5 Great Eastern Street. In my view the changes to the repositioning of the boundary to no. 3 and the provision of the meter cupboard do not have any harmful impacts on the amenity enjoyed by no. 5 because the effect of the changes are limited to provision of a boundary wall. The impacts on no. 3 are more significant but it is essential to consider the fall-back position of the approved plans. Under the approved plans the garden area to no. 3 is unchanged and there is an open space 3.3 metres wide between the boundary and the new building. The relationship between the main part of the building and the impacts of this in terms of overshadowing and enclosure is unchanged. The objectors are correct that the meter cabinet will bring the built form closer to the house at no. 3 but it is crucial to consider the impact of this change and not simply rule any additional building as unacceptable in principle. The plans have been amended to reduce the height of the meter cupboard to 2 metres which in my view renders the impact on no. 3 the same as a 2 metre high wall. Given this arrangement I think it would be difficult to justify that the meter cupboard would result

in an unacceptable degree of enclosure, loss of light/outlook or overshadowing. Other impacts such as loss of privacy are not relevant. The effect of the meter cupboard is further improved because it does not fill the whole space between the building and the boundary and allows for the potential for a land transfer to allow an extension of the garden to no. 3. As I have said above I do not consider that there are any reasonable planning grounds to seek to control this.

- 8.10 In my view the alterations to the fenestration to the south and west elevations, the loss of the render to the west elevation and the alterations to the front building that have already been approved, will not have any adverse impacts on residential amenity.
- 8.11 In my opinion the proposal adequately respects the residential amenity of its neighbours and would secure an appropriate level of amenity for future residents, and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 and 3/14.

Amenity for future occupiers of the site

- 8.12 The proposed alterations do not have a significant impact on the provision or space and facilities for new residents and in my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers. It is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

**Third Party Representations**

- 8.13 I have set out all the issues raised by third parties below and either indicate where these have been addressed above or provide comment.

<b>Representation</b>	<b>Response</b>
The scheme is now a huge, ugly eyesore in a prominent location in Romsey Town, close the future Chisholm Trail	In my view the amendments do not alter the scale and massing of the building significantly.
The façade of the frontage building should be retained/permission should not	Planning permission has already been granted for this.

have been granted	
Families at 3 and 5 Great Eastern Street have been badly affected.	I acknowledge that the building works have had an adverse effect on residential amenity but do not consider the proposed variations to have a harmful effect for the reasons set out in paragraphs 8.8 to 8.10
Transfer of land to 3 Great Eastern Street to compensate for impact/reduction in space to be transferred.	I accept that the expectation of EAC was that additional land would be provided to 3 Great Eastern Street but my view is that, neither at the time a decision was made on the 2014 or currently, there is no justification on planning grounds for securing this. The transfer of land is a civil matter.
Impact of the meter cupboard	Paragraph 8.9
Increase in height of front building	There is no increase in height of the frontage building. The ridge line and eaves are consistent with the neighbouring property.
Small size of one bed flats	There is no current policy to control internal space standards but these flats are well in excess of 30sq metres in floor area.
Councillors should carry out a site visit	This option is open to Councillors.
Incorrect approved plans/enforcement action/enforcement of rule in the Conservation Area	Provided the development is carried out in accordance with the approved plans or plans that are approved retrospectively, there are no grounds for enforcement action.
Error on plans resulting in the façade being removed.	Planning permission has been granted for the scheme including the removal of the



	façade. This was not a result of an error on the plans.
Works have commenced	The fact that works have commenced is not a material planning consideration and retrospective planning permission can be granted.
Impact on the Tree of Life	The proposed amendments do not include any alteration to the footprint of the rear block and so there would be no new impact on the tree over and above that which already has occurred.
Architect should have anticipated need for meter cupboard/scale of meter cupboard	It is unfortunate that the meter cupboard was not catered for in the original scheme but the plans are clear in terms of its size. The impact is dealt with in paragraph 8.9
Damage to the street drain	This has been brought to the attention of the highway authority.
Lack of residents support/planning creep	It is clear that this development is not supported by local residents but in itself this is not a ground for refusal of planning permission.
Comments relating to the aspirations/motivations of the developer	These are not material planning considerations.
Need for public meetings before allowing sensitive development in the conservation area.	The Development Control Forum in 2014 offered this opportunity to residents. A public meeting was not requested or in my view necessary in this case.

## 9.0 CONCLUSION

- 9.1 This proposal is to combine all the external alterations that have been approved under planning permission ref: 16/0990/FUL with the proposed amendments. The alterations to the front building have not changed from those that were approved.

Therefore it is not necessary to reassess these. The proposed alterations mainly relate to the rear block. Each amendment has been carefully assessed and is considered to be acceptable. They would not have a detrimental visual impact on the overall scheme or on the character and appearance of the Conservation Area.

- 9.2 The main area of concern is the introduction of a meter cupboard adjacent to the rear boundary of no.3 Great Eastern Street. The original proposal was for this to be 2.3 metres in height along the rear boundary. This has now been reduced to 2 metres in height and as such would not have a significant detrimental impact on the residential amenity of the occupier of no.3. I do not consider the proposed amendments would have any significant adverse impact on any of the other surrounding neighbours.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission ref. 16/1170/FUL.

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

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

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

3. Conditions 2 to 16 of planning permission 16/0990/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 16/0990/FUL have been discharged, the development of 17/0483/S73 shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also.

Reason: To define the terms of the application.

4. Reclaimed bricks shall be used for all brickwork (other than rendered brickwork) unless agreed in writing by the Local Planning Authority. No above ground works shall commence until samples of all other materials to be used in the construction of the external surfaces of the development hereby permitted, including but not limited to, window details and surround, roof covering, metal work 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, 3/14 and 4/11)

5. 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)

6. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages on Mondays - Fridays between the hours of 0700 hrs and 0900 hrs or between the hours of 1600hrs and 1800hrs. On Saturdays there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs. There should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to these premises and to protect the amenity of these residential properties throughout the redevelopment. (Cambridge Local Plan 2006, policy 4/13)

7. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&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.

Reason: Due to the proximity of residential properties to these premises and to protect the amenity of these residential properties throughout the redevelopment. (Cambridge Local Plan 2006, policy 4/13)

8. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
  - i) contractor's access arrangements for vehicles, plant and personnel,
  - ii) contractor's site storage area/compound,
  - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
  - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

9. No demolition / development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details unless the Local Planning Authority agrees to the variation of any details in advance and in writing.

Reason: To minimise the spread of dust in the interests of health and safety. (Cambridge Local Plan 2006, policy 4/13)

10. 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 not be altered without prior approval.

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

11. 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 and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 3/7)

12. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.
- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
- (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
- No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).
- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- (e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

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

Reason: To protect the amenity of the occupiers. (Cambridge Local Plan (2006) policy 3/14)

13. 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)

14. The existing vehicular access shall, at no expense to the Highway Authority, be returned to normal footway with a full-faced kerb laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of the safe and efficient operation of the public highway. (Cambridge Local Plan (2006) policy 8/2)

15. 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.

Reason: In the interest of Highway Safety. (Cambridge Local Plan (2006) policy 8/2)

16. In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of two years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with British Standard 5837 and the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.



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

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

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

18. Prior to the commencement of development full details of the sustainable drainage design including site investigations, infiltration rates and calculations for the sizing of the soakaways and attenuation shall be submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: In the interest of flooding to the neighbouring occupiers. (National Planning Policy Framework (2012))

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

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

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

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

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

'Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

'Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

**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:** The applicant is reminded that the proposal may need Building Control application and recommend that you contact the Cambridge City Council Building Control on 01223 457200.

**INFORMATIVE:** The applicant is reminded that Party Wall agreement may be required for the works.

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**PLANNING COMMITTEE**

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

<b>Application Number</b>	16/1529/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th August 2016	<b>Officer</b>	Sav Patel
<b>Target Date</b>	13th October 2016		
<b>Ward</b>	Newnham		
<b>Site</b>	115-117 Grantchester Meadows Cambridge CB3 9JN		
<b>Proposal</b>	Works and change of use to 115 & 117 Grantchester Meadows including partial demolition of outbuildings, refurbishment, internal and external works and extensions to create 22 rooms and 1 apartment for post-graduate student House of Multiple Occupation.		
<b>Applicant</b>	St Catharine's College		

<p><b>SUMMARY</b></p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed loss of two family dwellings is acceptable in this instance due to the lack of suitable alternative provision and in view of the college's fall-back position which would result in the potential loss of a total five family dwellings;</li> <li>- The proposed student housing site is located within an suitable location in terms of its proximity to the college building in the City Centre, will have on site supervision, be close to other student housing site and playing field owned by the college.</li> <li>- The proposed extensions to the properties are now acceptable following alterations to the west wing and would not have a detrimental impact on the character and appearance of the Conservation Area.</li> </ul>
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	- The proposed student housing development is set away from existing dwellings and would not have an adverse impact on residential amenity.
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located on the west corner of Grantchester Meadows and South Green Road. The site consists of a pair of Victorian semi-detached dwellings (no.115 and no.117) which are set back from the unadopted track and opposite Skaters Meadow (south). There is a row of tennis courts to the west and a playing field to the north of the site which are part of St Catherine's College [Herein referred to as the 'College']. Both dwellings are in the College's ownership.
- 1.2 115 Grantchester Meadows is the dwelling closest to South Green Road and is a three storey with a double height baywindow and pitched roof dormer in the front roofslope. There is also a single storey pitched roof outbuilding which abuts the eastern boundary. No.117 Grantchester Meadows is two storey, double fronted and has double height baywindows. Both properties have been extended and altered. Both dwellings have generous rear gardens and currently only 115 Grantchester Meadows is occupied as a dwelling. No.117 is currently vacant.
- 1.3 The site is located within the Newnham Croft Conservation Area and there is a Walnut tree in the eastern corner of the site which has a Tree Preservation Order. The site is also surrounded; to the south, west and north, by Green Belt. Skaters Meadow is designated as a Site of Local Nature Conservation Importance.

## 2.0 THE PROPOSAL

- 2.1 The proposal is for a change of use of the existing dwellings to student accommodation consisting of 22 rooms and 1 apartment for St Catherine's College. The apartment will be occupied by either a junior fellow or a graduate couple and they will act as site warden. The proposal is to combine the dwellings to create one student accommodation site. The proposal also

includes extending the dwellings and other external and internal alterations.

#### 115 Grantchester Meadows

- 2.2 The proposal is to retain the front part of the existing outbuilding and extend it with a new element which includes a first floor. The proposed section of the outbuilding would be 11.5 metres in depth and 6.8 metres wide (5.5 metres at first) and 6.2 metres in height. The proposal would include the demolition of the existing two storey rear extension.
- 2.3 The proposal includes permeable paving to provide a driveway for two cars and York stone paving around the driveway to the main entrance. The front boundary wall between the dwellings is to be retained as is an area of lawn between the boundary and driveway.
- 2.4 Other alterations include a ramped level access between the 115 and the outbuilding, a new entrance to 115, a new side gate in the side wall to the rear of the outbuilding, a new paved access and door in the side boundary wall to access the cycle store from South Green Road. The proposal includes permeable paving to provide a driveway for two. The front boundary wall between the dwellings is to be retained as is an area of lawn between the boundary and driveway. The Walnut tree at the front is proposed to be removed and replaced with two visitor cycle stands. The main cycle and bin storage provision for the proposed use would be located within the ground floor of the outbuilding.

#### 117 Grantchester Meadows

- 2.5 The proposal is to extend the western side of the property with a two storey extension with projecting rear gables which sets down to a 1 ½ storey element. The two storey side extension would be set below the ridge by 550mm (and eaves line by 300mm) and also set back from the front elevation by 600mm. The proposed side extension would be 2.9 metres wide off the side gable increasing to a width of 7.2 metres. The extension would project 13.2 metres off the rear elevation. The proposed side extension would replace the existing two storey side element which is set 4.2 metres back from the front elevation. The 1 ½ storey element would project 9.1 metres off the two

storey element at 6.35 metre in height. The proposal also includes two small box dormer windows in the front roofslope above the line of the bay windows and one dormer window in the rear roofslope.

- 2.6 The fellow's/graduate duplex apartment would be located on the ground floor of the proposed 1 ½ storey rear extension.
- 2.7 The proposed external alterations have been amended from their original design and layout. The main alteration relates to the scale of the two storey side extension to no.117. The original proposal was for a continuous two storey form with a hipped roof which did not appear to integrate well with the existing property. The revised extension steps down in height as it extends towards the rear boundary and is better arranged in terms of how it connects with the property.

**3.0 SITE HISTORY**

No relevant planning history.

**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 5/1 5/4 7/7 8/6



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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Newnham Croft Area Conservation Area Appraisal (2011)

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

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

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

## **6.0 CONSULTATIONS**

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

#### *First comments:*

- 6.1 Four car parking spaces are proposed but not shown on the plans and no information has been provided for cycle parking provision. Post-graduate students are not subject to proctorial control so may keep a car which is likely to impose additional on street parking demands on the surrounding streets. Whilst this is unlikely to result in any significant adverse impact on highway safety it could potentially impact residential amenity.
- 6.2 Clarification should be required on the car and cycle parking provision before determination.

#### *Second comments:*

- 6.3 The plans show 4 car parking spaces but access to these would be problematic. A car parking space for a modern car should be a minimum of 5 metres by 2.5 metres and 6 metres is required to turn to reverse out of, or into, the space. This has not been provided, the available total length of car parking space and manoeuvring space being between 8 and 9 metres.
- 6.4 The applicant has stated that residents will be under proctorial control and provided details of bicycle parking.

### **Environmental Health**

- 6.5 The proposed development is acceptable subject to the following conditions and informatives:
  - Demolition/Construction hours;
  - Delivery and collection hours during demo and construction;
  - Piling;
  - Dust;
  - Dust informative;

- Housing Health & Safety Rating;
- Management of Houses in Multiple Occupations

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

6.6 No objections. The proposed development is acceptable.

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

6.7 The loss of the tree is acceptable as it will have no material impact on amenity or the character of the area. No formal objections to the proposal subject to the following conditions:

- Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP);
- Site visit to agree tree and temporary ground work protection;
- AMD and TPP implementation

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

6.8 The proposed development is acceptable subject to a Surface Water Drainage condition.

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

#### *First comments:*

6.9 It is not possible to comment on the proposed development until long distance views of the proposed scheme from Skaters Field and the River Cam have been submitted to properly assess the visual impact of the proposed development from a landscape and amenity perspective.

6.10 The overall scheme is largely as discussed informally and seems to potentially work well. The mass and scale of the West wing needs to be shown in longer views to assess its impact as it has become a full two-storey block. The houses largely have retained their individual character but there are some anomalies on the proposed floor plans suggesting that some of the dormers are existing when they are new; these need to be corrected. There is no landscape scheme submitted and it will be important to both maintain the domestic, existing layout

fronting the street [access to front doors, etc.] and continue to give the sense that the gardens / amenity spaces have not become institutionalised.

- 6.11 The Eastern extension has some rather odd features which do not work that well. The hope was that its East elevation [facing South Green Road] would have an outbuilding-like character but the internal layout of the GF student rooms put fairly large windows here. Having created the rather neat external access on the garden [West] side, the wall facing the garden then has no views into that space and the bathrooms facing onto it. It would be far better to have the bathrooms at the back [with very small windows for daylight and inconspicuous air extract outlets] keeping the street elevation fairly plain and position the desks facing a window into the garden and an open-air corridor.
- 6.12 Subject to getting the materials, the dormer designs and other details right [and the extra info. requested above] the scheme is largely acceptable. The college symbol datestones are a nice touch and keeping the service aspects of the complex [bikes & bins] to where they were historically works well.
- 6.13 The intersection of the hipped roof of the West wing with the corner of No. 117 looks slightly awkward and may need some refining and junction of the glazed corridor roof at GF in the corner between that house and its new extension needs to be thought through in detail at larger scale.
- 6.14 If the above issues are addressed then the following conditions are recommended:
- Roofing details;
  - Dormer details;
  - Low pitched roof details;
  - Rooflight details;
  - Brickwork details;
  - Stonework details;
  - Window details;
  - New joinery recessed 50mm/75mm;
  - New, replacement or altered joinery details;
  - Boiler flue, soil pipe, waste pipe etc. details;
  - Hard landscaping scheme;

*Second comments:*

- 6.15 The amendments to the side extension are acceptable in design and conservation terms and form a more successful relationship with the retained Nos. 115 and 117 Grantchester Meadows houses. However, the soldier course headers are unacceptable, cast stone headers and cills should be specified to relate to the existing window openings on the front elevation. These details should be conditioned should the application be approved.
- 6.16 We note that that an asymmetric roof is proposed for the lower roof element on the northwest elevation. Whilst acceptable, this arrangement appears to limit the head height within the bedroom and could potentially be a drawing error.

**Waste Team – Shared Services**

*First comments:*

- 6.17 The proposed number of bins for proposal are:
- 1 x 1100 refuse, 1 x 1100 recycling, 2 x 240 green waste
- 6.18 Would recommend providing more provision for refuse and recycling and less for green waste. A management company will pull the bins out for collection which is acceptable.

*Second comments:*

- 6.19 The plans are adequate in terms of waste/recycling facilities.

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

*First comments:*

- 6.20 It is not possible to comment on the proposed development at this stage as no internal and external surveys of the properties have been undertaken to establish whether the buildings have potential for bat roosts. Survey information is required prior to determination.

*Second comments (based upon preliminary ecological appraisal):*

- 6.21 Additional information is required such as DNA samples of the dropping collected which would give a clearer indication of the species present and suggest the likely use of the roof spaces. A condition on the full presence/absence surveys and any necessary mitigation strategy would be considered if additional information is provided. A plan should be provided that clearly shows where bat evidence has been found within the roof spaces and how this relates to possible ingress and exit routes for bats. The plan should clearly show how the evidence relates to the planned demolition, what will remain as potential mitigation voids if required. The condition should state that no demolition or development can be undertaken prior to the survey results being provided to the local authority.

Third comments:

- 6.22 Following consultation with Natural England, the request for further survey information should be secured prior to determination as it would not be appropriate to condition the need for European Protected Species (EPS) license as it is covered under separate legislation and may not be required.

Fourth comments (comments on further survey information)

- 6.23 The Officer is satisfied with the survey understand the content of the bat survey report. There is a low number of common species using the building as a roost and not maternity site. If you're minded to recommend for approval then a condition is recommended preventing the development from proceeding without the Local Planning Authority first receiving a copy of the EPS licence or correspondence from Natural England stating that such a licence is not necessary. The license will provide details of all method statements and mitigation measure required. The Officer has also recommended a condition for bird and bat boxes to be incorporated into the development.

**Access Officer**

- 6.24 The proposal does not provide for disabled student on site. Instead the college intends to provide for disabled student in specific accommodation on other sites. This is not adequate

and contrary to the Local Plan (2006). The site could be very suitable for disabled students who require quieter dwelling.

- 6.25 One room or flat should be redesigned for a wheelchair user and all features should support sensory impairment. A Blue Badge parking space is required. If none of these features can be provided then the recommendation would be for refusal.
- 6.26 To note: The proposal does include two accessible rooms. I will discuss this further with the Access Officer and report any further comments on the amendment sheet or orally in my presentation.

### **Planning Policy**

- 6.27 The proposal is unacceptable as it would result in the loss of two dwellings which could provide family residential accommodation. The proposal would therefore be contrary to Local Plan (2006) policy 5/4 (Loss of Housing) and part d of policy 7/7 (College and University of Cambridge Staff and Student Housing).
- 6.28 The College have put forward justification to support their position such as lack of appropriate alternative options, recent appeal decisions for similar proposals and their willingness to enter into a legal undertaking to the C3 use of other existing private stock in their ownership for a period of 15 years. None of these arrangements are acceptable in overturning the policy position.
- 6.29 The Council's Assessment of Student Housing Demand and Supply for Cambridge City Council – Report to Cambridge City Council (the Student Assessment), conducted in January 2017, was collated through consultation and cooperation with education providers (including St Catharine's College). The study examines student housing need, expansion and growth.
- 6.30 The Student Assessment shows that St Catharine's College identified an intended student expansion rate of 1% post graduate taught or research students and 0% undergraduate students over the next five to ten years per annum (Table 6, page 36).

- 6.31 The information presented in the applicant's Addendum is contradictory to that presented in the Council's Student Assessment (gathered and reported in January 2017). The applicant's consideration of need quotes a 2% post graduate expansion per annum (based on a current population of 220 postgraduate students). This is a deviation from the previous information provided by the College for the Council's Report.
- 6.32 It is unclear why the College is using the global figure for growth for the whole of the University of Cambridge when it has just, last year, supplied a different figure for their College.
- 6.33 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- 90 Grantchester Meadows;
- 106 Grantchester Meadows;
- 108 Grantchester Meadows;
- 109 Grantchester Meadows;
- 111 Grantchester Meadows;
- 20 Millington Road;
- 4 Hardwick Street;

7.2 The representations can be summarised as follows:

Representations on original proposal:

Principle:

- Emerging policy 46 is relevant
- Conversion acceptable in principle but providing accommodation for 24 persons is excessive;
- Recent application at GM Motors was refused on grounds of overdevelopment;



## Design, scale and layout

- There has to be a reduced scale and new context for this development to succeed;
- Overdevelopment of the site;
- West wing is ill fitting as viewed from the Meadows;
- Number of rooms should be reduced by 6 or 8 to be appropriate and appear acceptable;
- The proposal does not respect its context as a sensitive interface between the urban and rural environment, particularly the massing of the development on the western side facing the Meadows;
- West wing should be removed;

## Parking/Traffic

- No on road residents parking space should allocated and there should be four off road spaces;
- The non-registered land to the south-west should be adopted by the City Council and used as short-term visitor parking;
- Appropriate conditions should be included to minimise disruption during construction.

## Representations to revised plans:

- The amendments do not go far enough to address concerns of overdevelopment;
- Scale of development will reduce the residential amenity of those living nearby;
- Still a permanent loss of two large housing;
- Western extension should be reduced to reduce the size of the scheme;
- Amendments seem sensible to the original;
- There must be some community gain;
- A residents parking scheme is likely to be introduced before any change;
- Road surface should be improved and paid for by the developer;
- The proposed building is inappropriately large for residential area and should be refused;
- A building for 10 graduate students would be more suitable;
- Discrepancies with the height dimensions when comparing plans;

- The proposed car parking capacity of just 4 spaces is completely inadequate and there is no disabled parking;
- The application needs to make provision for any future use of the site and appropriate car parking is provided;
- The proposed new cycle access is not acceptable as was not in the original plans and neighbours were not consulted about it;
- Visibility is poor at the corner of Grantchester Meadows and so having a cycle access would be very dangerous in terms of highway safety;
- The proposal would create an over-sized and brutal structure which spoils the experience of the village and the transition between urban and rural;
- Proposed use is out of character with the family housing context;
- The provision for car and cycle parking is inadequate;
- Dimensions of the cycle store not given;
- The proposed cycle access should be reconfigured to the front of the property which offers better visibility;
- The proposed development and existing student housing in South Green Road would impact local amenity and the balance of the community;
- The aversion of placing student with students from other colleges is odd and effectively rules out other suitable options at the cost of displacing local residents;
- 115 and 117 are important properties on the edge of the city and should be protected from irreversible development;

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
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Planning Obligations (s106 Agreement)

## 7. Third party representations

### **Principle**

- 8.2 The proposal to change the use of two private dwellings (Class C3) into a House in Multiple Occupation for 22 student room and 1 fellow room (including external and internal alterations) for St Catherine's College would result in the loss of two family dwellings. The proposed change of use would therefore be contrary to Local Plan (2006) policies 5/4 (Loss of Housing) and 7/7 (College and University of Cambridge Staff and Student Housing).
- 8.3 Policy 5/4 states, "The redevelopment of existing dwellings or the change of use of residential accommodation to other uses will not be permitted unless it can be demonstrated that:
- a) the property is unfit for human habitation and cannot be rehabilitated;
  - b) it is a subsidiary part of a non-residential property without any practical means of separate access being provided;
  - c) it is a Listed Building which can best be preserved through change of use;
  - d) it is necessary for the provision of community facilities for which there is a need in Cambridge; or
  - e) the lost accommodation is replaced by at least an equivalent amount of new residential floorspace. Such provision will be made on site unless otherwise agreed.
- 8.4 The proposal does not comply with any of the above criteria.
- 8.5 Policy 7/7 (College and University of Cambridge Staff and Student Housing Sites) states suitable for the development of student hostels or affordable or special needs housing for the Colleges and University staff are identified in the Proposals Schedule and on the Proposals Map. The development of additional student residential accommodation within existing College sites will be permitted.

Planning permission will be granted for windfall and student hostel sites subject to:

- a) amenity considerations;
- b) their proximity to the institutions they serve;
- c) supervision, if necessary, is provided as appropriate to their size, location and the nature of the occupants; and
- d) *they do not result in a loss of family residential accommodation* (my highlight)

Appropriate provision should be made for students who are disabled.

- 8.6 The proposal for student accommodation would conflict with part d) of policy 7/7. Therefore, under the current planning policy context, the proposal is unacceptable in principle.
- 8.7 In terms of the emerging planning policy context, there is still significant demand for housing within Cambridge. According to the Strategic Housing Market Assessment (SHMA), the emerging Local Plan (2014) needs to make provision for 14,000 additional homes between 2011 and 2031 to meet housing need (457 dwellings per year). This is reflected in Policy 3 (Spatial Strategy for the location of residential development) of the Emerging Local Plan (2014). Policy 46 (Development of student housing) states applications for student housing will be subject to, amongst other things, (part b) development not resulting in loss of existing market housing.
- 8.8 However, at this current time, the policies in the Emerging Local Plan can only be given limited weight.
- 8.9 Notwithstanding the existing and emerging planning policy context, the College has put forward their main reasons for why the proposal should be supported, which are set out below:
  - The College has limited land ownership and limited building ownership within the City and they have a student housing need;
  - The existing dwellings are owned by the College and have previously been used to accommodate students;

- The site is located close to other students houses owned by the College in South Green Road (1 to 5);
- The site is located immediately adjacent to College grounds including the tennis courts to the west;
- The College's fall-back position would be to covert the existing dwellings in their ownership (115-117 Grantchester Meadows, 8-9 South Green Road and 2 Tenison Road) into (up to) 6 person/student HMOs resulting in the potential for a total of 30 students. The conversion of these dwellings would not require planning permission;
- The College would have to consider converting other dwellings in their ownership into HMOs for students which would result in the loss of private housing;
- The site is located within a central location and 1 mile of the main college site;

8.10 The College's justification for the proposed change of use therefore needs to be assessed as to whether it is such that in this case material considerations outweigh the primary conflicts with Local Plan (2006) policies 5/4 and 7/7. Under section 38(6) of the Planning and Compulsory Purchase Act it states:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* (my underlining).

8.11 I set out below my assessment of the College's justification for the proposed use and their fall-back position in light of the current planning policy context.

Land ownership and student accommodation need:

8.12 Along with 115-117 Grantchester Meadows, the College also own three other properties; 8 and 9 South Green Road and 2 Tenison Road. The South Green End Road properties are currently occupied by the groundskeeper and family and college chaplin and family, respectively. The Tenison Road property is leased to a private family. The College is also one of the landowner of the Darwin Green site.

8.13 The College's fall-back position should they not been able to achieve planning permission for the change of use of 115 and 117 would be to utilise their existing housing stock to provide

additional student accommodate in the form of small HMOs for up to 6 student in each. This could result in the loss of five dwellings (115-117 Grantchester Meadows, 8-9 South Green End Road and 2 Tenison Road). Four of these properties are currently occupied as family dwellings.

- 8.14 With regards to the Darwin Green site, the college does not consider this to be a suitable location to deliver student accommodation due to the distance from the main college campus and sports grounds.
- 8.15 Other sites that have been considered for potential student accommodation by the College are North West Cambridge and The Old Press site on Mill Lane. The College states that the North West Cambridge site lies too far from the main college campus and sports grounds. The College also considers the rental pricing in these locations to be a considerable increase on what the college is able to achieve.

115-117 Grantchester Meadows and other dwellings in college ownership

- 8.16 The location of the application site is approx. 1 mile from the college campus, immediately adjacent to the college playing field, within close proximity to other student housing (in South Green Road). The application site therefore representations an opportunity for the College to consolidate their student housing in a location close to the college and existing student housing without having to convert other dwellings. The College have also advised that the existing dwellings are in need of updating and repair which they estimate would cost £250,000. However, no evidence has been provided to support this.
- 8.17 In order to ensure other properties in their ownership are not converted or used to provide student accommodation, the College are willing to enter into a legal agreement which would tie down three of the existing dwellings for a period of 15 years.
- 8.18 Therefore the harm that would result from the proposed loss of two private dwellings would not, in my view be outweighed by the harm that could result if the College were to make use of their fall-back position, which would result in the loss of five dwellings. I therefore recommend that members agree to give delegated authority to officers to negotiate and secure in a legal

agreement the continued use of the existing dwellings as C3 uses for a period of 15 years which takes this up to the next plan period. A similar approach has been used in respect of an approved planning application (ref:16/0673/FUL) for, amongst other things, the construction of a 38 room post graduate student accommodation building for Trinity College at the Cambridge Union Society site.

8.19 Whilst the loss of housing would conflict with the adopted Local Plan policies 5/4 and 7/7, I have carefully assessed this against the College's student accommodation need and their fall-back position which could result in the loss of more dwellings. I conclude that, on balance, the proposed loss of two private dwellings to satisfy the College's student housing needs is acceptable. It should also be noted that the recently published Assessment of Student Housing Demand and Supply for Cambridge there is a significant need for student accommodation in Cambridge.

8.20 The policy team have raised concerns with the percentage growth rate that the College used in the above study and the figure used to justify their need for student housing for the application. I have discussed this with the applicant to seek clarify on the matter. Essentially, difference between the figures stated within the updated Planning Statement (1%) and that which was quoted for the Student Assessment (2%) is that the former is a reflection of the Needs of the College and the latter is a reflection of what the College presently feel is achievable in the context of the immediate student accommodation constraints and continuing uncertainty of how they will be addressed. I am satisfied with the basis for using a different growth rate.

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

8.21 The site is located in an area characterised by two storey dwellings set back from the road. The style and form of the dwellings are varied along Grantchester Meadow with examples of terraces, semi-detached and detached dwellings. There is also a clear distinction in styles between the north and south side of the road. The north is defined by Victorian architecture which appear to be some of the earlier houses whereas to the south is more modern infill housing dating from 1920s, 1960s or 1970s. One of the main features along Grantchester Meadow

are the trees and boundary vegetation which play an important role in providing a transition between the compact terrace streets in Eltisle Avenue and Marlowe Road to the transition of finer grain development leading out towards Skaters Meadow and beyond. The application site represents end of Newnham before the countryside.

8.22 The Newnham Croft Conservation Area Appraisal (2012) states the point between where the urban Newnham Croft adopts a more rural character, as it opens up to the fields of Grantchester Meadows is a vital characteristic of the area. One of the key positive features of this part of Newnham Croft is the attractive rural character and long views over the meadows toward the River Cam. The key negative features are the road surface and TPO'd tree at the front of 115 which is need of attention. 115 and 117 are also identified as Buildings Important to Character in the Appraisal.

8.23 In the above context, I set out below my assessment of proposed extension and alteration to each dwelling.

#### 115 Grantchester Meadows

8.24 The main external alteration to no.115 relates to the detached outbuilding to the side (east). The proposal is to add an additional level to create two student rooms on the rear part of the outbuilding and extend it by an additional 7.65 metres. The extended section of the outbuilding would be 6.2 metres to the ridge (2 metres above the existing outbuilding), 3.5 metres to the eaves and 11.5 metres in depth. The proposed extension would require the removal of two existing trees which are Category C trees. The Tree Officer has not raised any objections to the proposal in terms of loss or impact on trees.

8.25 The proposed extension whilst deeper than the depth of 115 would appear as an ancillary outbuilding with a traditional pitched roof, which would not compete with or dominate the host property. The retention of part of the existing outbuilding is important as it would provide a transition from single storey to 1 ½ storey so as to reduce its impact entering and leaving South Green Road. With the proposed extended section set back from the road it also helps to reduce its impact from Grantchester Meadows. The elevation facing into the site features a flat roof dormer set with in the roof to provide the



main outlook for future occupiers and glazing on the ground floor. The glazing would be set back and underneath the overhang of the roof. This feature would also include glazing between four timber posts on brick piers and double doors leading into the communal garden area. The east elevation of the proposed extension would consist of two windows on the ground floor and three roof lights.

8.26 The existing outbuilding contains a full height window nearest to the front which is proposed to be turned into a door to provide direct access into the cycle store. The grass verge in front is proposed to be paved to allow access. The new access is considered to be an acceptable addition as it would provide direct access to the cycle store. Concerns have been raised regarding the potential highway safety impact of this due to poor visibility. The proposed access is not directly onto the highway. The proposal includes a 2.4 metre path which would provide refuge from South Green Road. I am satisfied that the proposed cycle access would not have any adverse impact on the area or create a highway safety issue as there is good visibility of South Green Road and the junction of Grantchester Meadows where vehicles would be slowing down.

8.27 The proposed extension to the outbuilding is acceptable in design terms and is of scale which would not appear dominant or intrusive when read in context with 115 or 113 Grantchester Meadows.

#### 117 Grantchester Meadows

8.28 The proposed extension consists mainly of the two storey side extension which also extends off part of the rear elevation. This element of the proposal has been subject to several revisions due to concerns with its scale and how it integrated with no.117. The revised scheme has addressed these concerns. The two storey extension from the front appears as a subservient side extension which is set back from the front elevation and set below the ridge line. The extension extends along the side gable before stepping in and turning into a two storey rear projecting gable which connects to a 1 ½ storey pitched roof element. The applicant was advised to reduce the scale of the two storey mass along the western boundary by breaking up the form and mass. The revised scheme is now broken into three elements to create shadow lines and is a more integrated form.

This detailing also helps to reduce the mass of the side extension and with the variation in heights gives the proposed extension a domestic scale and appearance. The west elevation of the proposed extension would face the tennis courts and would be partially visible from the track road. The appearance of the proposed extension would not appear intrusive from this location due to its revised form and would not be out of context from long distance views, particularly from across the playing field and Skaters Meadow.

- 8.29 The western elevation has been consistently arranged with first floor windows matching the position of the ground floor windows.
- 8.30 The proposal also includes two small flat roof box dormers in the front roofslope and one larger flat roof box dormer in the rear. The front roof dormers are considered to be acceptable as they would sit within the roof without appearing dominant. The rear roof dormer would also sit comfortably within the centre of the roof slope. I have no concerns with these features. They would not appear out of character as there are many examples of front roof dormers within Grantchester Meadows.
- 8.31 In terms of external space, the proposed development would maintain a generous outdoor space for future occupiers to use. At the front, the proposal is to pave part of the front garden area to allow vehicles to park. The proposal also includes visitor cycle parking spaces in corner of the plot for 115.
- 8.32 In my opinion the proposed extension and alterations to both properties are acceptable and would not have a detrimental impact on the character and appearance of the Conservation Area. The Urban Design and Conservation Team have not raised any significant concerns with the proposal. On this basis, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/11 and 8/6

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.33 The application site is located at the end of Newnham and therefore there are no neighbours on the western side of the site. The nearest neighbour to the site is located on the

opposite side of South Green Road; no.113 Grantchester Meadows.

- 8.34 I do not consider any part of the proposed extension to no.117 would have any significant adverse impact on the residential amenity of the nearby neighbours due to the separation distance.
- 8.35 The eastern boundary on which the proposed extension to the outbuilding would project along is located approx. 11 metres from the western elevation of no.113 Grantchester Meadows. The height of the proposed extension would be 6.2 metres with a pitched roof which slopes away from the boundary. As for no.113, there are existing windows in the side (west) elevation (at first and ground floor) that face the existing outbuilding. The proposed extension would run parallel with the garage and tree lined side boundary of no.113. Therefore the proposed extension would not in my view have an adverse impact on the outlook of the existing windows. I also do not consider the proposed extension would have an adverse overbearing or overshadowing impact on the residential amenity of the neighbouring occupiers due to the level of separation, height of the proposed extension and existing landscaping along the side boundary of no.113.
- 8.36 The proposed extension to the outbuilding contains three rooflights in the roofslope facing South Green Road and towards the side boundary of no.113. Currently the side boundary of no.113 is defined by a row of trees and so views into the garden from the proposed first floor rooms would be screened. However, as vegetation can be removed or die I have recommended a condition to ensure the rooflights serving the student rooms are obscure glazed and with restricted opening to mitigate any adverse overlooking impact on the residents of no.113.
- 8.37 The potential impact from the intensification of use on local residents in terms of comings and goings, is likely to be material and noticeable. However, I do not consider this would have a significant adverse impact on the residential amenity of local residents. Grantchester Meadows is a popular route for local residents and visitors to access the countryside, and also for students to access the playing fields and tennis courts. Therefore, I do not consider the additional activity associated

with the proposed use in terms of comings and goings would impact significantly on the existing residential character and amenity of the area.

- 8.38 The proposal includes a 'site warden' in the form of a fellow/junior fellow to ensure appropriate management of the site. I have recommended a management plan condition to ensure procedures and process to control any disturbances are in place.
- 8.39 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, 3/12 and 7/7.

#### Amenity for future occupiers of the site

- 8.40 The proposed student accommodation would have two communal kitchen/dining rooms on each floor. On the ground floor two kitchens would serve 8 student rooms and on the first floor two kitchens would serve 9 student rooms. The proposal includes four en-suite rooms including two accessible rooms on the ground floor. On the first floor the proposal includes four en-suite student rooms. The other nine student rooms would have access to three communal shower; one on the ground floor and two on the first floor. The student rooms range from 10m<sup>2</sup> to 19.5m<sup>2</sup> but all would have access to communal facilities.
- 8.41 Therefore the proposal would provide future occupying students with access to communal kitchen/dining and common room facilities, a generous shared outdoor space within the site and also provide secured cycle parking
- 8.42 The site is located approx. 1 mile from the college campus and so is not an unreasonable distance for students to walk or cycle. The College has existing student housing units on South Green Road.
- 8.43 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12 and 7/7.

## Refuse arrangements

- 8.44 The proposal includes the provision of a secure and enclosed bin store. However some of the bins would be located adjacent to the side boundary wall between the bin store and front boundary. No details have been provided on how the external bins will be enclosed. I have therefore recommended a bin storage detail condition so that details can be submitted for consideration to ensure the external bins do not have an adverse visual impact on the area. The bins will be pulled out for collection and returned by the College's management team. The bin store would be located at the front of the existing outbuilding and a short distance from the collection point and comply with the Waste Design Guide. I am therefore satisfied that subject to agreeing the enclosure details of the external bins that the refuse arrangement would be acceptable.

## Car and cycle parking

### Car parking

- 8.45 The proposal does not include any additional off street car parking provision over and above that which already exists. Both existing properties have off street parking in the front for up to two spaces. These spaces would be used primarily for dropping off and picking up in order to avoid causing an obstruction to other users of on Grantchester Meadows. The proposal does the provision for permeable paving the driveways. The College have confirmed their agreement for their post-graduate students to be restricted from keeping car or motorbike in Cambridge by entering into a legal agreement with the Council. The College also argue that given the site's location from the campus and existing resident's parking permit scheme on the surrounding road would be enough to deter students from off car parking. I am satisfied that subject to a legal agreement to control car parking, the proposal would not have an adverse impact on the residential amenity of the surrounding streets in terms of increasing on street parking demands.
- 8.46 The Access Officer has requested for one of the parking spaces to be a Blue Badge space. I have requested the applicant make provision for a Blue Badge space. The proposal includes the provision for two accessible rooms on the ground floor of the

proposed extension to the outbuilding which is sufficient provision. The College generally provides its disabled students with purpose built living quarters on other sites but has made provision here. All thresholds will be level to allow inclusive access within the buildings and to access the garden area.

#### Cycle parking

- 8.47 The proposal includes the provision of a secured and enclosed cycle store which consists of 17 Broxap Thames Bridge Cycle stands. The Cycle Parking Standards requires student residential accommodation to provide 2 spaces per 3 bedspaces outside of the historic core and 1 visitor space per 5 bedspaces. For 23 rooms this would equate to 15 spaces. The proposed provision would therefore comply with this.

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

#### **Planning Obligations**

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

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

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

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

8.51 Having reviewed the proposals I am mindful that the proposals are within walking distance of the facilities at St Catherine's College, and also the public open space at Skaters Meadow, Sheeps Green/Lammas Land. Given the scale of the development (23 student room), I am of the opinion that there is no justification in seeking a contribution in this instance.

8.52 However, in order to ensure the proposed development is acceptable, I recommend the following issues are secured in a legal agreement:

- *Occupancy of the student accommodation tied to St Catherine's College for reasons of proximity to existing St Catherine's College accommodation and proximity to the College.*
- Restrict parking/keeping of motor vehicles;
- Agreement to prevent no.8 and 9 South Green Road and 2 Tenison Road for a period of 15 years so they are not used for any other purpose other than C3 dwellings.

### **Third Party Representations**

8.53 I have addressed some of the third party representations in the above section of the report. However, for the issues that I have not responded to I address these in the below table:

<b>Representation</b>	<b>Response</b>
<i>Principle</i>	
Emerging policy 46 is relevant	Emerging Local Plan has limited weight. Policy 46 has received objections and therefore cannot be used to determine this application.
Conversion acceptable in principle but providing accommodation for 24 persons is excessive;	The proposal to create a self contained student housing development. The site is considered to be of sufficient size to accommodate this proposed number of students without appearing cramped.
Recent application at GM Motors was refused on grounds of overdevelopment;	Each planning application is considered on its own merits. However, the GM Motors site was a very constrained site

	whereas the application site is generous in size and is regular shape.
<i>Design, scale and layout</i>	
There has to be a reduce scale and new context for this development to succeed;	The scale of the west wing has been reduced to appear as a subservient extension.
Overdevelopment of the site;	The proposal does not constitute overdevelopment of the site. The site retains a generous amount of outdoor space and provides good quality living accommodation for future occupiers.
West wing is ill fitting as viewed from the Meadows;	The west wing has been reduced in scale and revised in design.
Number of rooms should be reduced by 6 or 8 to be appropriate and appear acceptable;	The proposal is acceptable and would accommodate the proposed number of rooms without appearing intrusive or detrimental to the character and appearance of the Conservation Area.
The proposal does not respect its context as a sensitive interface between the urban and rural environment, particularly the massing of the development on the western side facing the Meadows;	The original design of the west wing has been revised to appear subservient and would provide a book end to the site. No.117 already has a two storey side extension and so the proposed extension would not in my view fundamentally alter the interface between urban and rural.
West wing should be removed;	The west wing has been reduced in scale and design revised to appear subservient.
<i>Parking/Traffic</i>	
No on-road residents parking space should allocated and there should be four off road spaces;	The proposal does not include an additional car parking. The college are willing to enter into an agreement to restrict students from owning a car.



The non-registered land to the south-west should be adopted by the City Council and used as short-term visitor parking;	This is not material to the proposed development.
<i>Representations to revised plans:</i>	
The amendments do not go far enough to address concerns of overdevelopment;	The proposed amendments have addressed the concerns with the west wing of the proposal.
Scale of development will reduce the residential amenity of those living nearby;	The scale of proposed development will not in my view have a detrimental impact on the residential amenity of the surrounding residents.
Still a permanent loss of two large housing;	See paras 8.2 to 8.20
Western extension should be reduced to reduce the size of the scheme;	The west extension has been reduced in scale. The revised scheme does not in my view cause any significant concerns.
Amendments seem sensible to the original;	Noted.
There must be some community gain;	There is no requirement for this student housing scheme to make contributions towards community facilities.
A residents parking scheme is likely to be introduced before any change;	The proposal does not include any additional levels of car parking and students will be restricted from keeping cars on site.
Road surface should be improved and paid for by the developer;	This is outside the consideration of this application.
The proposed building is inappropriately large for residential area and should be refused;	The proposal is to create a self contained student housing scheme which involve the conversion of two dwellings. The loss of the two dwellings has been carefully considered

	in context with the college's student accommodation needs and their fall-back position. The applicant has shown that the site is of sufficient size to accommodate the proposed development without having a detrimental impact on the character of the area.
A building for 10 graduates student would be more suitable;	The proposed number of student rooms is acceptable.
Discrepancies with the height dimensions when comparing plans;	The elevation plans are consistent in terms of height dimensions.
The proposed car parking capacity of just 4 spaces is completely inadequate and there is no disabled parking;	The proposal does not include any additional car parking provision. The college have agreed to restrict students from keeping a car or motorbike. There is provision for off street parking at the front of both properties. As none of the students will be keeping cars these spaces could be used for disabled parking.
The application needs to make provision for any future use of the site and appropriate car parking is provided;	The proposal is to redevelop the site for student housing. If this use is no longer required then the site could, subject planning permission, be used as a single dwelling or divided back into two separate dwelling subject to minor internal and external alterations.
The proposed new cycle access is not acceptable as was not in the original plans and neighbours were not consulted about it;	The proposed new cycle access is acceptable and neighbours were consulted on this with other proposed amendments.
Visibility is poor at the corner of Grantchester Meadows and so	See para 8.26

having a cycle access would be very dangerous in terms of highway safety;	
The proposal would create an over-sized and brutal structure which spoils the experience of the village and the transition between urban and rural;	The proposed extensions have been scaled down to appear subservient to the original dwellings. I do not consider these extensions over and above the existing would have a significant adverse impact on the transition between urban and rural. The extension would be set back and behind boundary vegetation which screens the playing field.
Proposed use is out of character with the family housing context;	The proposed west wing extension would not be entirely visible and so it will be difficult to see its complete mass. The extension to the outbuilding is not considered a significant addition due to its low ridge height and additional depth.
The provision for car and cycle parking is inadequate;	See para 8.45 to 8.47
Dimensions of the cycle store not given;	There is no requirement for dimensions to be provided as long as the plans are to scale. In this instance, the drawing no.023 contains some dimension details but not all and the plan is to scale.
The proposed cycle access should be reconfigured to the front of the property which offers better visibility;	The proposed cycle store has two entrances and exist points giving students the option to leave either from the side or the front of the property. The new side access consists of a landing strip which would enable cycles to assess the road conditions before entering the highway. It is likely that vehicles will be

	traveling at low speeds in this location.
The proposed development and existing student housing in South Green Road would impact local amenity and the balance of the community;	The balance of the community will be predominantly of private family housing. The proposed student accommodation would not materially alter this.
The aversion of placing student with students from other colleges is odd and effectively rules out other suitable options at the cost of displacing local residents;	The planning application is considered on its own merits.
115 and 117 are important properties on the edge of the city and should be protected from irreversible development;	See para 8.2 to 8.20. The proposal would not result in the irreversible loss of the dwellings. If this use is no longer required then the site could, subject planning permission, be used as a single dwelling or divided back into two separate dwelling subject to minor internal and external alterations.

## 9.0 CONCLUSION

9.1 The proposal is to change the use of nos.115-117 Grantchester Meadows to provide student housing. The proposal includes extending both properties to the side and rear to provide accommodation for 22 postgraduate student and 1 fellow/junior fellow. The proposal would result in the loss of two private dwellings, which is contrary to Local Plan policies (policies 5/4 and 7/7). Therefore, having carefully assessed the college's student housing needs, their site/land availability and fall-back position if the proposed development were refused, I have come to the view that the proposal is acceptable in this instance. The loss of two dwellings which are in the college's ownership would safeguard three other family dwellings which are in their ownership. The college has agreed to tie down the other dwellings in their ownership for a period of 15 years to ensure they are maintained as C3 dwellings and not converted into student housing. The proposed student housing

development is considered to be acceptable in all other regards in terms of proximity to the main campus, provides on site supervision and would not have a significant detrimental impact on the residential amenity of the local residents. The proposal also provides two accessible rooms.

- 9.2 The proposed extensions are now acceptable in terms of their scale and design. The extension to the outbuilding on the eastern side (no.115) would not appear intrusive or overbearing on the adjacent neighbour at no.113.
- 9.3 Overall the proposed extensions are acceptable in this location and context. The Urban Design and Conservation Team are satisfied with the proposed amendments to the side extension subject to matters of detail.
- 9.4 The proposed development would not have any adverse impact on the residential amenity of the adjoining neighbours.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. No metal-clad or other non-traditional roofs shall be erected until full details of such roofs including materials, colours, surface finishes and relationships to rooflights or other rooftop features have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

10. No metal-clad or other non-traditional roofs shall be erected until full details of such roofs including materials, colours, surface finishes and relationships to rooflights or other rooftop features have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

11. No rooflights shall be installed until full details of rooflights have been submitted to and approved in writing by the local planning authority. Rooflights which stand proud of the plane of the roof are unlikely to be approved. Rooflights shall thereafter be installed only in accordance with the approved details.

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

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

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

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

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

14. Prior to the commencement of development, large scale drawings of details of new / altered sills, lintels, jambs, transoms, mullions, thresholds, etc. shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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



15. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

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

16. No new, replacement or altered external joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (doors and surrounds, windows and frames, sills, etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

19. 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)

20. 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, 3/12 and 4/4)

21. 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 ensure the retention of the trees adjacent to the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

22. The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

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

23. Prior to the commencement of development a scheme for surface water drainage works shall be submitted to and approved in writing by the local planning authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2006 policy 4/16)

24. Prior to occupation, details for the type of enclosure for the three external bins adjacent to eastern boundary shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevations of the type of enclosure and materials. The development shall be carried out in accordance with the approved details.

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

25. The rooflight windows serving student rooms 16 and 17 (as shown on drawing no.017 rev A) on the north-east elevation at first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of the rooms and shall be fixed shut and shall be retained as such thereafter.

The rooflight that serves the first floor landing shall also be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation and have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent roofslope and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

26. No development shall commence until details have been submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of internal and / or external bird and bat boxes on the new buildings. The development shall be carried and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancements for protected species on the site (Cambridge Local Plan policies 4/3 and 4/6).

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012  
[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

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

**INFORMATIVE:** 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, habitable rooms without adequate lighting or floor area etc. Further information may be found here:  
<https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>

**INFORMATIVE:** Management Regulations apply to all HMOs (whether or not they are licensable) and impose certain duties on managers and occupiers of such buildings. Persons in control of or managing an HMO must be aware of and comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. These regulations stipulate the roles and responsibilities of the manager and also the occupiers of HMOs. Further information may be found here:  
<https://www.cambridge.gov.uk/houses-in-multiple-occupation>

<b>Application Number</b>	17/0260/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th February 2017	<b>Officer</b>	Sav Patel
<b>Target Date</b>	13th April 2017		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	Land Rear Of 268 Queen Ediths Way Cambridge CB1 8NL		
<b>Proposal</b>	Erection of one 4 x bed dwelling along with access, car and cycle parking and associated landscaping		
<b>Applicant</b>	Dudley Developments		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development is of a similar design to the three approved detached dwellings already consented to the north and so would integrate into the site;</li> <li>- The proposed development would not have an adverse impact on the character of the area;</li> <li>- The proposal includes landscape enhancements to the site boundaries;</li> <li>- The proposed development would not have a detrimental impact on the residential amenity of the occupiers in Queen Edith's Way or compromise the residential amenity of future occupiers of the three approved dwellings.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is located in the south-eastern corner of the City, on the southern side of Queen Edith's Way, close to the junction with Lime Kiln Road, which inclines from Queen Edith's

Way. The site was a former chalk pit, which has been partly back-filled at the southern end of the site from spoil and fill from the construction of Addenbrooke's Hospital.

- 1.2 Queen Edith's Way is characterised as a suburban residential area consisting mainly of two storey detached and semi-detached dwellings with deep rear gardens and a good level of spacing between. The application site is located to the rear of no.254 to no.258 Queen Edith's Way. The access to the site would be via the approved access for the three detached dwellings permitted under planning permission ref: 16/1919/FUL. This permission followed an Inspector's decision to uphold an appeal against the refusal of planning permission (ref: 15/0596/FUL) which was also for three detached dwellings with access adjacent to no.268 Queen Edith's Way.
- 1.3 To the east is Lime Kiln Road which is a narrow rural road with limited footpaths and dense green verges on either side.
- 1.4 The application site is not designated with any site or policy constraint or allocated for any specific use. However, the designated Green Belt runs along the southern boundary. To the south of the application site is a caravan park, which is located within the Green Belt and designated as an area of Protected Open Space (POS), and also within a 'Site of Special Scientific Interest' (SSSI). To the east is Lime Kiln Road and to the east of this is Cherry Hinton Pit, which is designated as a SSSI, Local Nature Reserve (LNR), POS and is also within the Green Belt. To the north of Cherry Hinton Pit (and north-west of the application site) is an area of land known as Lime Kiln Close (also known as East Pit) which is designated as an area of POS, LNR, and is within the Green Belt.
- 1.5 The site consists of two tree group protection areas. They form part of the eastern area, which is adjacent to Lime Kiln Road and the entire group protection area which is located adjacent to the southern boundary.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for one 4bed detached dwelling with access, car and cycle parking and associated landscaping. The proposed dwelling would be located on part of the chalk pit that was filled so it is relatively flat. The site elevated in relation to the other



three plots and would be partially set into the slope to allow the dwelling to sit below ground level.

2.2 The design of the proposed dwelling would be similar to the three dwellings that have been approved to the north. The main design features of the dwelling are the flat roof form, large windows and zinc cladding.

2.3 The application is accompanied by the following information:

- Plans and forms
- Planning Statement
- Design and Access Statement
- Ecology Report
- Environmental Desk Study
- Flood Risk and Surface Water Drainage Assessment
- Landscaping and Visual Issues Report
- Heritage Asset Assessment
- Tree Survey and Arboricultural Impact Assessment
- Transport Assessment
- Site Waste Management Plan; and
- Utility Assessment

### 3.0 SITE HISTORY

Reference	Description	Outcome
14/1382/FUL	Erection of a residential development consisting of 1 x 5 Bedroom House and 6 x 4 Bedroom Houses, along with internal access road, car and cycle parking and hard and soft landscaping.	REFUSED
15/0596/FUL	Erection of 3No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping.	REFUSED – allowed at appeal
15/2063/FUL	Erection of 3.No four bed houses, internal access road, car and cycle parking and hard and soft landscaping.	REFUSED
16/1919/FUL	Erection of 3. No four bed houses, internal access road, car and cycle parking, hard and soft	APPROVED

landscaping.

#### 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 3/3 3/4 3/7 3/8 3/11 3/12 4/1 4/2 4/3 4/4 4/6 5/1 8/4 8/6 8/10

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

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

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

## 6.0 CONSULTATIONS

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

6.1 Provided the junction and access details are the same at the previous applications the proposal is acceptable subject to conditions previously recommended. The access road is not to an adoptable standard and does not serve enough dwellings to justify being so and is therefore a private accessway. The following conditions and informatives have been recommended:

- No unbound material to driveway;
- Not gates across access;
- Access shall be laid to County Highway specification;
- Parking provision;
- Visibility splays;
- Protection of highway;
- Wheel washing;
- Routing and traffic management;

- Vehicular access informative;
- Public utility informative.

### **Environmental Health**

6.2 The proposed development is acceptable subject to the following conditions and informatives:

- Preliminary contaminated land assessment and proposals for a Phase 2;
- Site investigation report;
- Implementation of remediation;
- Completion Report;
- Material Management Plan;
- Unexpected contamination;
- Collection/deliveries during construction;
- Construction hours;
- Piling;
- Site investigation informative;
- Remedial works informative;
- Materials chemical testing informative;

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

6.3 The Landscape Officer has in making comments discussed the proposal with the Nature Conservation Officer and they have agreed on the following response:

- The southern boundary of the site should be excluded and planted to allow for a buffer zone between the site and Caravan Park and Local Nature Reserve beyond; to the south. This buffer zone should be 3 to 5 metre width so as it can function as a wildlife corridor.
- No details of how the garden will be secured. Close boarded fencing would not be ideal against the Lime Kiln Road boundary or the southern boundary. Any proposed fencing should remain permeable to allow for small mammals to pass though. The addition of deadwood and habitat piles within the buffer would increase biodiversity value;
- An alternative to Hornbeam is required for the replacement tree planting on the Southern boundary. This can be reviewed through Condition.

- It is expected that the same standard of embankment landscape treatment will be continued along the new stretch of embankment in keeping with the landscape proposals for the adjacent application site.
- Subject to the above issues being addressed the following conditions are recommended:
  - Hard and Soft Landscaping;
  - Boundary treatment;
  - Landscape Maintenance and Management Plan

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

6.4 Object to the coppicing of four trees and loss of one tree, the visual impact the contribution these trees make and long term damage this would have on future growth of these trees due to the limited space. The proposal will also increase pressure to allow additional tree removals/works when the property is occupied as trees will limit usability of any outside space and will block light and drop leaves, flower and fruit. However, if the application is permitted then the following conditions would be recommended:

- Tree Protection Plan;
- Site visit with tree officer, developer and tree consultant;
- Implementation of AMS and TPP.

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

6.5 No comments received to date.

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

6.6 The northern area of the former pit has permission for 3 No. dwellings under application 16/1919FUL, which was supported by the Urban Design Team. The new dwelling is to be located at the raised southern area of the former pit which will be partly dug away to allow for the building.

The proposed dwelling is of similar design and massing to that approved for the adjoining land under application 16/1919/FUL and therefore no objections to the proposal. Materials should

match those agreed under application 16/1919/FUL and need to be conditioned should the application be approved.

### **Natural England**

- 6.7 Based upon the information provided, the proposal is unlikely to affect any statutorily protected sites or landscapes.

### **Drainage**

- 6.8 The proposed development is acceptable subject to a surface water drainage work condition and submission of infiltration testing results and calculations.
- 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:

- 234 Queen Ediths Way;
- 242 Queen Ediths Way;
- 258 Queen Ediths Way;
- 260 Queen Ediths Way;
- 266 Queen Ediths Way;
- 268 Queen Ediths Way;
- 5 Pen-y-Graig Road, Ystradowen, Swansea;
- 11 Prospect Park, St James, Exeter;
- 21 The Meadows, Romsey;

- 7.2 The representations can be summarised as follows:

#### **Objection:**

- Further erosion of the green boundary to the city;
- Too close to nearby nature reserves;
- Involves the removal of one tree protected by a TPO, coppicing of two other protected trees, further erosion of the tree line of Lime Kiln Road making the development more visible and increasing pollution;

- Shape and size of the site cannot sustain a fourth large house;
- The dwelling would cause additional damage to the environment and further reduce the site's biodiversity;
- A new dwelling would open up views of the houses from Lime Kiln Road and damage the green character of Lime Kiln Road;
- Loss of privacy from windows;
- Urbanisation of entrances to three nature reserves and damage the amenity of users of the reserves;
- Reserves will also be impacted by light, noise and traffic on the residential site;
- Amenity of future occupiers will be diminished by long distance to bin collection point;
- Removal of unproven landfill from the site;
- Detrimental impact on the wildlife corridor;
- Overdevelopment of the site;
- Access to the site and effect on pedestrians not satisfactorily resolved;
- Additional traffic will add to concerns;
- This method of applying for one house at a time is creating a dangerous precedent;
- Important to understand the condition of the ground before any works are carried out;
- Importance of the green edge should not be overlooked;
- Detrimental impact on the character and appearance of the area as a whole;
- With 3 dwellings already approved will create a wall like effect and a dominating and overbearing appearance;

#### Support:

- The proposal offers a high quality plan which ensures the special character of the location is maintained;
- The proposed development would sympathetically enhance the area rather than the opposite;
- The proposal is sensitive to its surroundings and biodiversity of the area;
- The proposal would enable better management of the site;
- The loss of this land will not make any difference to the surrounding green corridor;
- Should not be considered in isolation.

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
2. Context of site, design and external spaces
3. Residential amenity
4. Trees
5. Landscape & Ecology
6. Refuse arrangements
7. Third party representations

### **Principle**

8.2 The application site forms a small part of a former quarry site on which planning permission has been granted for three dwellings on the northern part. The site has no specific site constraints or differences to the land to the north other than it mainly consists of the backfilled part of the quarry. The site is also within the confines of the city and the Inspector for the appeal scheme (ref:15/0596/FUL) did not consider the principle of development in this location as an issue. Furthermore, the principle of development was considered acceptable for the previous applications. On this basis the principle of residential development on this site is acceptable.

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

8.3 The application site is an undeveloped parcel of land that is located south of the site which has planning permission for three detached dwellings. The site is part of a chalk pit which has been partly backfilled and the proposed dwelling would be located on the backfilled area. The site boundaries are defined by some trees and shrubs including protected trees located along the eastern and southern boundaries. There is an



opening in the south-eastern corner of the site which appears to be fenced off which provides views into the site from Lime Kiln Road. The applicant is also proposing to remove an existing tree within the eastern boundary and replace this with two native trees. The proposal includes other landscape enhancements to reinforce the site boundaries.

- 8.4 To the south and east of the site is the Green Belt, the Cherry Hinton Pits, which is designated as a SSSI and a Local Nature Reserve. None of these sensitive sites would be adversely impacted by the proposed development. The proposed dwelling (excluding the retaining wall) would be set approx. 12 metres from the eastern boundary and approx. 18 metres from the southern boundary. This would provide sufficient buffering between the built form and soft green edges of the site. This would also provide the future occupier with a generous garden.
- 8.5 The design of the proposed dwelling would match the three dwellings approved to the north in terms of form and massing. The Inspector for the previous appeal said the modern design approach of the three dwellings with the use of strong and simple geometric shapes was a positive feature. The Inspector felt the dwellings would make a positive contribution to the site. The previous planning permission ref:16/1919/FUL was approved on the basis it would not be too dissimilar to the appeal scheme. Therefore, as the proposed dwelling is of similar design to the approved and only two storey (as oppose to three storey), it would not appear intrusive or out of character in this location in my opinion.
- 8.6 In terms of the external space, the proposal would provide future occupiers with a generous amount of private garden space which includes several existing trees. The landscape officer has raised some concerns with the need to provide permeable transit through the site for wildlife including bats and to provide ecological enhancement. Whilst the Landscape Officer has requested additional information be provided which includes reducing the garden boundary to create a buffer perimeter for wildlife to forage through, I am of the view that this could be secured through the recommended conditions. It is also important to note that Natural England has not raised any concerns with the proposal in terms of impact on the designated sites. However, I agree that some ecological enhancements would benefit local wildlife (see proposed conditions)

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.7 In my opinion, the proposed dwelling would not have an unacceptable adverse impact on the residential amenity of the occupiers in Queen Edith's Way due to the level of separation and scale of the proposed dwelling. The site would extend across the rear boundaries of no.252 to no.258 Queen Ediths Way. These dwellings have deep rear gardens ranging between approx. 56.5 metres and 71 metres. The proposed dwelling would be set approx. 12 metres away from the boundary with the rear gardens. Therefore, this level of separation is considered to be acceptable and would not cause any significant loss of privacy issues in terms of overlooking or result in overshadowing. I have recommended a soft and hard landscaping condition to ensure the site boundaries are enhanced where possible to screen views of the dwelling and to help assimilate the dwelling into the site.
- 8.8 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

### Amenity for future occupiers of the site

- 8.9 The applicant has provided a daylight and sunlight assessment which demonstrates that the gardens would receive a minimum of 2 hours of daylight during the 21st March. This complies with BRE guidance. The proposal also includes a generous private garden area which would benefit future occupiers. The proposed dwelling is of generous size and provides all the necessary facilities for a family size dwelling including outdoor space.
- 8.10 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.

## Trees

- 8.11 The trees within the eastern bank and along southern boundary of the site are group protected. The proposal is to fell one Ash trees that is set in from the east boundary and the coppicing of four (Ash x2, Maple x1 and Field Maple x1) within the eastern boundary. These tree works are required in order to install the retaining wall which is set in from the boundary by approx. 6 metres. However, the proposal includes replacement planting in the form of three new trees along the eastern boundary to mitigate the coppicing and loss of trees. The Tree Officer is not supportive of the trees and is of the view that the coppicing and loss of trees along the eastern bank will have a negative impact on the visual amenity of the site. The Officer is also concerned with the potential future pressure on future residents to remove trees. However, notwithstanding this, the Officer does not recommend refusal as they do not consider the tree issue alone to be robust grounds for refusing the application.
- 8.12 It is important to note the Inspector's comments on the loss of trees and future pressure to remove relating to the approved scheme to the north. In the approved Appeal scheme (15/0596/FUL) the proposal was for felling of 14 trees with replacement planting of 15 native trees. The Inspector stated:
- 8.13 Para 21: *"With regards to the retention of existing trees, the evidence submitted states that some trees on the site are subject to legal orders for their protection and conditions are imposed to seek enhancements to them. Selective removal and management of the existing trees has been discussed with the Council's relevant officer and this has itself been based on condition surveying. A reasonable period for management and maintenance has also been included as a condition alongside protection of retained trees during construction."*
- 8.14 Para 22: *"In terms of future pressure for the removal of trees on the site, to some extent this would be controlled in the short to medium term by appropriate planning conditions and in the longer term by legal orders. I acknowledge that, through the natural course of time, some trees may have to be removed and no doubt these will be considered at the time, if appropriate. By the same respect however I consider that there are sufficient safeguards in place to be able to mitigate that potential impact as far as it reasonably can be in this regard."*

- 8.15 The same consideration should in my view apply to this proposal. The Tree Officer has recommended conditions to ensure the protection of retained trees and a method statement to ensure any tree works are carried out in accordance with an approved strategy. The retained trees will still be protected by the group protection order and I have asked the Tree Officer to ensure the three new trees are protected as part of the group protection to ensure that they are retained.
- 8.16 In my view, the proposed tree works, which are required in order to install the retaining wall along the eastern bank, are acceptable and there is sufficient protection in place to mitigate any adverse impact on the visual amenity of the site.

### **Landscape and Ecology**

- 8.17 The Landscape Officer and Nature Conservation Officer have recommended the southern boundary of the site to be reduced by between 3-5 metres so that a buffer zone can be created to provide a corridor for bats. The Officers also advise that the proposed buffer zone would help to retain the existing trees and avoid this part of the site from being a dumping ground for garden waste. The Landscape Officer has requested permeable fencing to define the southern boundary of the site to allow small mammals to pass through.
- 8.18 I do not consider it reasonable to require the applicant to revise the proposed scheme to accommodate the request for a wildlife buffer zone. The southern boundary of the site is defined by trees which are protected and none of the trees are proposed to be removed. Therefore future occupiers would not be able to remove these trees without consent. With regards to ground level enhancements, I have recommended a soft and hard landscaping condition which would allow for details of the type and scale of planting along the southern boundary to be agreed. I have also recommended a bat box condition and lighting strategy condition which was also recommended for the approved scheme to the north.
- 8.19 Furthermore, it is also important to note the Inspector's comments on the wildlife issue with the approved scheme to the north. In para 25 of the appeal decision, the Inspector said "*...the evidence before me suggests that the site is of low*

*overall ecological value in respect of protected species. Whilst the sheltered grassland and scrub within the site provides habitat conditions that would be suitable for nesting birds and foraging bats, the overall size of the site is such that it is unlikely to support particularly large or important groups. Subject to suggested enhancements through the proposed development and measures suggested by the accompanying ecology report, the relevant statutory consultee, Natural England, does not object to the proposed development. On the basis of the evidence before me therefore, I see no reason to come to a different conclusion”.*

8.20 Natural England did not raise any objections to the proposed dwelling and applicant’s Ecology Report states the habitats in the site were [of] relatively low botanical and nature conservation interest. The report also concludes that whilst the site provides suitable habitat conditions for nesting birds and foraging bats these would be in small number and is unlikely to support large or important birds or bat groups. Therefore, whilst the site has relatively low ecological value, I have recommended a bat box condition and lighting strategy condition to provide ecological enhancement.

**Refuse arrangement**

8.21 The proposed dwelling would be located approx. 85 metres from the bin collection point. This would result in the future occupier having to drag their bins (three) more than double the distance identified in the Waste Design Guide (30 metres). However, the Inspector for the previous scheme did not consider this to be an issue. Therefore, whilst the drag distance to the bin collection point is more than 30 metres, it is not considered to be sufficient grounds on which to refuse this application.

**Third Party Representations**

8.22 I have addressed some of the third party representations in the above section of the report. However, for the issues that I have not responded to I address these in the below table:

<b>Representation</b>	<b>Response</b>
Further erosion of the green boundary to the city;	The proposed dwelling would be away from the eastern

	boundary with Lime Kiln Road by approximately 13 metres. I have recommended a soft and hard landscaping condition to enhance the site boundaries to mitigate the appearance of the dwelling from Lime Kiln Road.
Too close to nearby nature reserves;	Natural England has not raised any concerns with the proposed development in terms of impact on the nature reserves. Furthermore, the principle of residential development adjacent to the nature reserves has been established under the previous planning application and Inspector's appeal decision.
Involves the removal of one tree protected by a TPO, coppicing of two other protected trees, further erosion of the tree line of Lime Kiln Road making the development more visible and increasing pollution;	The proposal includes the planting of three replacement trees within the eastern boundary. The other protected trees to the south or west are to be protected.
Shape and size of the site cannot sustain a fourth large house;	The size of the plot for the proposed dwelling measures approx. 33 metres east to west and 37 metres north to south resulting in a plot area of 1221sqm. This is considered to be a sufficient size area of land to accommodate a single dwelling whilst providing generous garden space.
The dwelling would cause additional damage to the environment and further reduce the site's biodiversity;	The proposed development would not cause significant environmental damage to the site or area such that it would warrant refusal. I have recommended an ecology condition and landscape conditions to enhance

	biodiversity and the natural environment of the site.
A new dwelling would open up views of the houses from Lime Kiln Road and damage the green character of Lime Kiln Road;	The applicant is proposing to reinforce the eastern boundary with planting. I have also recommended a landscaping and boundary treatment condition. These conditions will require the applicant to submit details for consideration.
Loss of privacy from windows;	None of the windows in the proposed dwelling would cause any adverse levels of overlooking due to the levels of separation between the proposed and existing windows.
Urbanisation of entrances to three nature reserves and damage the amenity of users of the reserves;	The proposed dwellings would be screened by trees and plants and would not impact the enjoyment of the surrounding reserves.
Reserves will also be impacted by light, noise and traffic on the residential site;	The Inspector for the approved scheme did not accept the three dwellings would have any adverse impact in terms of light, noise and traffic. Therefore the addition of one further dwelling is unlikely to significantly increase noise, light and traffic impact.
Amenity of future occupiers will be diminished by long distance to bin collection point;	The Inspector did not consider the travel distance to the bin collection point for the approved dwellings over the recommended distance in the Waste Design Guide to be a concern.
Removal of unproven landfill from the site;	The Environmental Services Team has recommended contaminated land conditions which require the soil to be tested before it leaves or is

	reused on site.
Detrimental impact on the wildlife corridor;	I have recommended an ecology condition to help improve biodiversity.
Overdevelopment of the site;	The proposal would not constitute overdevelopment of the site as the dwelling would maintain a generous spacing between the site boundaries and garden area.
Access to the site and effect on pedestrians not satisfactorily resolved;	This issue has been resolved in the appeal scheme and last approved application. The County Highway Authority has not raised any concerns with the access.
Additional traffic will add to concerns;	The Highway Authority has not raised any concerns with the increase in traffic and this was not raised as a concern by the appeal Inspector.
This method of applying for one house at a time is creating a dangerous precedent;	Each planning application is considered on its own merits. However, the approved scheme is a material consideration.
Important to understand the condition of the ground before any works are carried out;	The Environmental Services Team has recommended contaminated land conditions which I have accepted.
Importance of the green edge should not be overlooked;	The proposed scheme in my view does respect the green edge by ensuring the dwelling is pulled away from the boundaries and with boundary treatment and landscaping this will enhance the green edge.
Detrimental impact on the character and appearance of the area as a whole;	The proposed dwelling would not have a detrimental impact on the character and appearance of the area in my opinion. Three dwellings have been approved to the north of



	the site and the design of the proposed dwelling is similar to the approved.
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## 9.0 CONCLUSION

- 9.1 The proposed development of one 4bed detached dwelling, which is of similar appearance and form to the approved dwellings to the north, is considered to be acceptable. The proposed dwelling has been set in from the site boundaries and the applicant has proposed additional and replacement planting to reinforce the site boundaries. This will be further enhanced through soft and hard landscaping condition.
- 9.2 The proposed dwelling would not have any adverse impact on the residential amenity of the surrounding neighbours including the future occupier of Plot 3 of the approved scheme. The proposed dwelling would be located a significant distance from the dwellings in Queen Edith's Way such that it would be difficult to argue there would be any overbearing or overlooking issues.
- 9.3 The proposed development of the site includes the replacement planting of three trees within the eastern boundary and I have recommended a soft and hard landscaping and bat box conditions to provide suitable condition for biodiversity enhancements.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation:

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

9. No development shall take place until samples of the materials (facing brick, zinc cladding, windows, glazing, parapet copings and rainwater goods) 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)

10. Excavation, demolition or construction works shall take place only between 08:00 and 18:00 Mondays to Fridays, 08:00 and 13:00 on a Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

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

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

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

12. In the event of the foundations for the dwellings hereby permitted require piling, prior to any piling work, a method statement detailing the type of piling and mitigation measures to protect the living conditions of local residents shall be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.

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

13. Prior to occupation, a "lighting design strategy for biodiversity" for the proposed building, garden and access shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used for foraging.

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of visual amenity and to ensure that the development will not result in unacceptable light pollution (Cambridge Local Plan 2006 policies 3/11, 4/13 and 4/15).

14. 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)

15. 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. The development shall be carried out in accordance with the approved scheme.

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

16. 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, 3/12 and 4/4)

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

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

19. The proposed access shall be finished in a bound material for the first six metres into the site from the point of its junction with the public highway.

Reason: In the interests of highway safety in accordance with Policy 8/2 of the Cambridge Local Plan 2006.



20. 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 and such that surface water is prevented from running off the site onto the public highway.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

21. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

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

22. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties and the character and appearance of the surrounding landscape (Cambridge Local Plan 2006 policies 3/2, 3/4, 3/10 and 3/12).

23. Prior to the first occupation of the development (or prior to the commencement of the proposed use) visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No.1503-62 PL02 Rev A

The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

24. Prior to the commencement of development of the site, details of a wheel washing facility shall be provided, and maintained, to the written satisfaction of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent mud and extraneous material being deposited on the highway (Cambridge Local Plan 2006 policy 8/2).

25. Prior to the commencement of development a scheme for surface water drainage works shall be submitted to and approved in writing by the local planning authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2006 policy 4/16)

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

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

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

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

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

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**PLANNING COMMITTEE**

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

<b>Application Number</b>	17/0259/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd February 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	19th April 2017		
<b>Ward</b>	Newnham		
<b>Site</b>	14 Dane Drive Cambridge CB3 9LP		
<b>Proposal</b>	Single and part two storey rear extension, first floor side extension. Pitch roof to existing single storey front and side flat roof. Single storey front extension.		
<b>Applicant</b>	Mr K Parvez 14 Dane Drive Cambridge CB3 9LP		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The extensions would be proportionate to the existing dwelling and would not harm the character of the area.</p> <p style="padding-left: 40px;">The proposal would not have a significant adverse impact on the residential amenity of neighbouring properties.</p> <p style="padding-left: 40px;">The impact on highway safety and surface water drainage is acceptable subject to conditions.</p>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 No. 14 is a two storey detached property on the southern side of Dane Drive. The property has a large plot at the end of the cul-de-sac. It has a double garage on the western side and a single storey garden room on the eastern side.
  
- 1.2 The site is within a residential area characterised by detached properties built in the late-C20. The site is not within a

Conservation Area and is outside the controlled parking zone. The garden backs onto Bin Brook and is within an area of surface water flooding risk. There are no other relevant site constraints.

## 2.0 THE PROPOSAL

2.1 The proposal is for extensions and alterations to the dwelling comprising:

- a first floor side extension above the existing garden room on the eastern end;
- a single storey front extension projecting approximately 1.5m forward and infilling the existing porch, featuring a gable end;
- conversion of the existing double garage and adding a pitched roof on the existing flat roof;
- single storey rear extension projecting 2.3m to the same line as the rear elevation of the existing garden room and extending across the rear of the garage;
- two storey gable end on the rear elevation projecting above the ground floor extension;
- the materials would be brick to match the existing on the ground floor and render on the first floor, with roof tiles to match the existing.

2.2 During the course of the application, revised plans were submitted which included the following amendments:

- Reduced the ridge height and stepping back the frontage of the proposed two storey extension;
- Change from render to brick on parts of the proposed front elevation; and
- Removed the timber frame porch.

## 3.0 SITE HISTORY

Reference	Description	Outcome
07/0362/FUL	Pitched roof to garage with velux windows and porch and rear veranda.	Permitted

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

### 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/113/14 4/13 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 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u>  Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).  Cambridge City Nature Conservation Strategy (2006)  Criteria for the Designation of Wildlife Sites (2005)  Cambridge City Wildlife Sites Register

	(2005)
	Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)
	Strategic Flood Risk Assessment (2005)
	Cambridge and Milton Surface Water Management Plan (2011)

#### 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)**

#### Initial comment

- 6.1 The applicant must provide information regarding existing and proposed parking arrangements prior to determination to allow informed comment upon the full impact of the proposals, including dimensions for the proposed car parking spaces, which should measure 2.5m x 5m.



### Additional comment

- 6.2 Two car parking spaces would be retained within the front forecourt. By enlarging the dwelling it is possible that the development may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity.

### **Sustainable Drainage Engineer**

#### Initial comment

- 6.3 The site is in an area identified at risk of surface water flooding. A flood risk assessment should be undertaken.

#### Comment on Flood Risk Assessment

- 6.4 No objection. Recommended conditions:
- Surface water drainage scheme;
  - Infiltration testing; and
  - Implementation of flood resilience measures.
- 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 application has been called to planning committee by Councillor Cantrill. The reasons can be summarised as follows:
- The proposal is contrary to policy 3/14;
  - Materials will result in negative contrast with neighbouring properties;
  - Increase in massing will impact negatively on street scene and setting of estate.

#### Initial proposal

- 7.2 The owners/occupiers of the following addresses have made representations objecting to the initial proposal:
- 5 Dane Drive
  - 9 Dane Drive (lead petitioner)

- 10 Dane Drive
- 12 Dane Drive
- 63 Gough Way
- 64 Gough Way (Gough Way Residents Association)
- 75 Gough Way

7.3 The Gough Way Residents Association (which encompasses Dane Drive) submitted a representation objecting to the proposed development.

7.4 A petition was received with 30 no. signatories objecting to the proposal.

7.5 The representations can be summarised as follows:

- Extensions would be too large. The extended property would dominate neighbours and would be wholly inappropriate;
- Low architectural merit including roof lines and window styles. Design and connection of porch is awkward and out of keeping;
- Render would be a low-quality option;
- Internally the building would be reliant on artificial lighting with sustainability and well-being issues;
- Would overshadow the south-east corner of No 12, particularly in the mornings;
- The extended property could be converted into three flats, a large HMO or for business use. A large multi-occupancy property would be out of keeping with the area and would increase traffic and parking;
- Dane Drive would be used for parking taxis;
- Traffic access and implications for turning circle;
- Impact on utilities such as internet and sewerage;
- Increase risk of flooding;
- A flood risk assessment is needed;
- Increase in bedrooms and loss of car parking spaces leading to loss of amenity;
- Overshadowing Bin Brook counter to Council's aims to increase light to increase biodiversity.
- Work has commenced on site without planning permission.

#### Revised proposal

7.6 The owners/occupiers of the following addresses have made representations objecting to the revised proposal:

- 5 Dane Drive
- 9 Dane Drive (lead petitioner)
- 63 Gough Way

7.7 A petition was received with 26 no. signatories objecting to the proposal.

7.8 The representations where specifically refer to the amendments in the revised proposal can be summarised as follows:

- Note the efforts made to improve the design of the main entrance and subsidiarity of extensions;
- Proposal remains exceptionally inelegant with multiple roofing lines and different pitch roofs.
- No attempt to harmonise window styles between original and new parts of the building;
- Previous concerns remain.

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

## **8.0 ASSESSMENT**

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

1. Context of site, design and external spaces
2. Residential amenity
3. Highway safety and car parking
4. Third party representations

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

8.2 No. 14 is a two storey detached property on the southern side of Dane Drive. The property has a large plot at the end of the cul-de-sac. It has a double garage on the western side and a single storey garden room on the eastern side. The property is typical of the late-C20 and forms part of a residential estate that was built in a relatively consistent style. Some of the houses within the estate have been extended and altered over the years, including substantial alterations at No. 2 on the western end of Dane Drive.

- 8.3 The proposal would extend the first floor above the existing garden room on the eastern side of the property, thereby extending the two storey front elevation. Following the amendments, the ridge height of the extension has been reduced and the front elevation stepped back, so that the length of the front elevation and the ridge line would be broken up, and the extension would appear as a subservient element. In my opinion, this reduces the scale and bulk of the extended property so that it would be acceptable.
- 8.4 The proposal also includes a front extension projecting approximately 1.5m forward and infilling the existing porch to the same line as the existing garage. The scale of the front extensions would be proportionate to the existing house. The proposal includes a main entrance featuring a gable end. The revised proposal removes the previously proposed timber porch and replaces it with a simpler design, which in my opinion is more in-keeping with the character of the property. The sloped roof proposed above the existing flat-roof garage would complement the other proposed extensions.
- 8.5 At the rear, the property would be extended at ground floor level by 2.3m and across the rear of the garage to the same line as the rear of the existing garden room. A two storey gable end would project to the same extent as the ground floor. The scale of the extensions would be proportionate to the existing house, and compared to a 4m deep single storey extension and 3m deep two storey extension that would be erected under permitted development. The rear and side extensions would be visible from the footpath along Bin Brook at the rear of the site. The property sits within a large plot and in my opinion, the extensions would not be unduly prominent.
- 8.6 The proposed materials would be brick and render. Third parties raised concerns that the render would be a low quality option and, in response, the applicant submitted revised drawings to reduce the amount of render on the front elevation and use brick instead. In my opinion, render would not be out of keeping and it was approved on the extensions to No. 2 on the other end of Dane Drive. The render would contribute towards visually breaking up the front elevation. The roofing materials would be tile to match the existing. I have recommended a condition for the brickwork elements and roof

to match the existing. Third parties have raised concerns about the proportions of the window openings. These would be similar to the existing property, albeit the panes are different, however the existing windows could be replaced under permitted development.

- 8.7 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

- 8.8 The property is at the end of the cul-de-sac and the neighbouring property is No. 12 to the west. I am not concerned about the impact on these properties, in terms of overlooking, overbearing or overshadowing.
- 8.9 No. 12 is a detached two-storey property which sits closer to the road than No. 14. This property has no windows on the side elevation facing No. 14, however it has French doors on the ground floor rear elevation near to the boundary.
- 8.10 The proposed ground floor side extension would extend approximately 2.8m closer to the boundary and would project approximately 2.3m at the rear. It would be single storey with a gable end to a maximum ridge height of 3.6m and an eaves height of 2.3m.
- 8.11 Due to the positioning of the application site further back into its plot than No. 12, the extension would project alongside the neighbour's rear garden, however the side elevation of the extension would be on the same line as the existing garage which is set back from the boundary. The scale and siting of the extension would not visually enclose the outlook from the French doors or have an overbearing impact on the rear garden.
- 8.12 Due to the orientation of the rear of the properties to be south-facing, the extension would not significantly overshadow No. 12 or lead to significant loss of light to any windows.

- 8.13 For these reasons, I am satisfied that the proposal would not have a significant adverse impact on the residential amenity of the occupants of No. 12.
- 8.14 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.
- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

#### Amenity for future occupiers of the site

- 8.16 The property would retain a good sized garden and the extensions would provide a high quality living environment. I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

#### **Highway Safety and Car parking**

- 8.17 Third parties have raised concerns about the reduction in the number of car parking spaces leading to a demand for on-street parking, with implications for highway safety and residential amenity. The existing property has space to park 4 no. vehicles within the double garage and on the driveway in front. The proposal would retain 2 no. on-plot spaces on the driveway which would be accessed from the existing dropped kerb.
- 8.18 While I accept that there would be a reduction in the number of car parking spaces, the existing situation currently exceeds the adopted maximum car parking standards, so there is an overprovision of parking. The proposal would retain 2 no. car parking spaces, which would be more in-line with the adopted standards, which seek to promote sustainable transport. The Highways Authority has advised that there would be no impact on highway safety.
- 8.19 The site is outside the controlled parking zone and there is an availability of on-street parking. The majority of the neighbouring properties along Dane Drive have double garages and driveway parking in a similar arrangement to No. 14, so in

my opinion, any resulting demand for on-street parking would not have a significant adverse impact on the residential amenity of the occupants of these properties.

8.20 For these reasons, in my opinion, there would be no policy justification to refuse the proposal on the basis of a lack of car parking or its potential on-street impact, and the proposal accords with Cambridge Local Plan (2006) policies 8/2 and 8/10.

**Drainage**

8.21 The Sustainable Drainage Engineer has advised that the site is within an area of surface water drainage risk and third parties have raised concerns about the impact of the proposal on increasing flooding within the area. The applicant has submitted a Flood Risk Assessment. The Sustainable Drainage Engineer has assessed this and advised that this issue can be satisfactorily resolved through a condition for a surface water drainage scheme and infiltration testing. They have also recommended a condition for implementation of flood resilience measures in order to protect the future occupants. I accept this advice and I have no reason to take a different view. In my opinion, the recommended conditions will give the Council adequate means to ensure the proposal does not increase the risk of flooding elsewhere.

**Third Party Representations**

8.22 I have addressed the third party representations as follows:

<b>Representation</b>	<b>Response</b>
The proposal is contrary to policy 3/14. Materials will result in negative contrast with neighbouring properties. Increase in massing will impact negatively on street scene and setting of estate.	See paragraphs 8.2-8.7.
Extensions would be too large. The extended property would dominate neighbours and would be wholly inappropriate;	See paragraphs 8.2-8.7.

<p>Low architectural merit including roof lines and window styles. Design and connection of porch is awkward and out of keeping;</p>	<p>See paragraphs 8.2-8.7.</p> <p>The timber porch was removed from the proposal during the course of the application, and I consider the revised proposal is in-keeping with the character of the area.</p>
<p>Render would be a low-quality option;</p>	<p>See paragraph 8.6.</p> <p>During the course of the application, the applicant submitted revised plans to alter the proposed render to brickwork on the front elevation.</p>
<p>Internally the building would be reliant on artificial lighting with sustainability and well-being issues;</p>	<p>I consider that the proposal would provide a high quality living environment for the future occupiers and all rooms would have natural light.</p>
<p>Would overshadow the south-east corner of No 12, particularly in the mornings;</p>	<p>See paragraphs 8.8-8.15.</p> <p>The rear of these properties is south-facing and the scale of the single storey extension would not overshadow this property.</p>
<p>The extended property could be converted into three flats, a large HMO or for business use. A large multi-occupancy property would be out of keeping with the area and would increase traffic and parking;</p>	<p>The application is for extensions to a single dwelling and needs to be assessed as such. There is no proposed change of use to subdivide the property or to occupy it as a large HMO, which would be subject to a planning application.</p>
<p>Dane Drive would be used for parking taxis;</p>	<p>The application is for extensions to a single dwelling and needs to be assessed as such. There is no change of use proposed. The parking of taxis is outside the control of the planning system.</p>



Traffic access and implications for turning circle;	See paragraphs 8.17-8.20.  The Highways Authority has not objected on highway safety grounds.
Impact on utilities such as internet and sewerage;	This is not a material planning consideration.
Increase risk of flooding and a flood risk assessment is needed;	See paragraph 8.21.
Increase in bedrooms and loss of car parking spaces leading to loss of amenity;	See paragraphs 8.17-8.20.
Overshadowing Bin Brook counter to Council's aims to increase light to increase biodiversity.	The extensions would be to the north and west of Bin Brook and so would not result in a significant loss of light.
Note the efforts made to improve the design of the main entrance and subsidiarity of extensions;	Noted.
Proposal remains exceptionally inelegant with multiple roofing lines and different pitch roofs.	See paragraphs 8.2-8.7.
No attempt to harmonise window styles between original and new parts of the building;	See paragraphs 8.2-8.7.
Previous concerns remain.	Noted.
Work has commenced on site without planning permission.	This is being investigated by the Planning Enforcement Officer.

## 9.0 CONCLUSION

- 9.1 I recognise that there is a substantial amount of interest from third parties in this proposal, and I have addressed the written representations I have received in my assessment. The proposal is for extensions to a dwelling and must be assessed as such. The site is not within a Conservation Area and the property is within a late-C20 estate where many of the properties have been extended or altered. The property sits within a large plot and the extensions would be proportionate

and subservient to the existing house. The scale and orientation of the extensions means that they would not have a significant adverse impact on the residential amenity of the neighbouring property No. 12. I have no objections on technical matters from colleagues in the Highways Authority and the Sustainable Drainage Engineer, subject to recommended conditions. For these reasons, the recommendation is for approval subject to conditions.

## **10.0 RECOMMENDATION**

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

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

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

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

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

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

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

4. 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. The brickwork and roofs as shown on the approved drawings shall be constructed in external materials to match the existing in type, colour and texture, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: To ensure the development responds to the character of the area (Cambridge Local Plan 2006 policy 3/1, 3/4, 3/7 and 3/14).

6. No further development of the extensions hereby permitted shall be commenced until a scheme for surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance. 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:
  - a. 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
  - b. 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.The development shall be carried out in accordance with the agreed details and retained thereafter.

Reason: In the interest of surface water drainage (National Planning Policy Framework 2012).

7. Prior to occupation/use of the extension hereby permitted, infiltration testing results and revised calculations in accordance with BRE Digest 365 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of surface water drainage (National Planning Policy Framework 2012).

8. Prior to occupation/use of the extension hereby permitted, the flood resilience measures detailed in the MTC Engineering Flood Risk Assessment Rev A (dated June 2017) shall be fully implemented. Thereafter the flood resilience shall be retained in accordance with the agreed details.

Reason: In the interests of flood resilience (National Planning Policy Framework 2012).

**PLANNING COMMITTEE**

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

<b>Application Number</b>	17/0588/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st March 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	26th May 2017		
<b>Ward</b>	Coleridge		
<b>Site</b>	Land Adj 81 Derwent Close Cambridge CB1 8DY		
<b>Proposal</b>	New (semi detached) 2 bedroom dwelling.		
<b>Applicant</b>	Mr & Mrs Shinn 81 Derwent Close Cambridge CB1 8DY		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The principle of subdivision of the plot is acceptable;</p> <p style="padding-left: 40px;">The proposal would be in-keeping with the character of the area;</p> <p style="padding-left: 40px;">The proposal would not harm the residential amenity of neighbouring properties and would provide an acceptable amenity for the future occupiers.</p> <p style="padding-left: 40px;">The proposal would not have a significant impact on highway safety compared to the existing situation.</p>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is land within the curtilage of No. 81 Derwent Close to the west of the existing dwelling. The site comprises part of the rear garden, a single storey outbuilding, parking to the front accessed via Sycamore Close and landscaping in front of a brick wall along Derwent Close. To the rear of No. 81 are car parking bays.

1.2 No. 81 forms a semi-detached pair with No. 79. The surrounding area is predominantly residential and characterised by semi-detached and terraced properties. Planning permission was recently granted for a new dwelling attached to the northern end of the terrace opposite which is currently under construction.

1.3 The site is not within a Conservation Area and is outside the controlled parking zone. The site is within an area of high risk of surface water flooding. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal is for the erection of a 2-bed dwelling attached to No. 81 with associated rear garden and parking. The dwelling would be two storeys and would have the same ridge and eaves height as the adjoining building. The frontage would be on the side of the dwelling onto Derwent Close. The materials would be brick and tile cladding with concrete tiles, to match the existing.

2.2 During the course of the application, revised plans were submitted which:

- Added a window on the first floor rear elevation serving a bedroom;
- The proposed car parking space for the new unit at the front of the site removed and the agent confirmed no car parking would be provided for the new unit.

## **3.0 SITE HISTORY**

3.1 No relevant planning history.

## **4.0 PUBLICITY**

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

## 5.0 POLICY

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

### 5.2 Relevant Development Plan policies

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

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

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

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 **CONSULTATIONS**

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

#### Initial comment

Recommend refusal.

The parking space to be retained for the use of the existing dwelling is of sub-standard length and would result in vehicles overhanging the footway. It should be repositioned to the west.

The dropped kerb used for access to the parking space for the proposed dwelling is a mobility crossing, rather than a vehicular crossing of the footway and will, with prolonged use, deteriorate unless an alternative, properly constructed crossing of the footway is constructed. The radius of a junction is not a suitable location for creating a vehicular access.

Recommend conditions:

- No unbound material
- Removal of permitted development rights for gates
- Specification of access
- Access drainage measures



- Access to be kept free from obstruction

#### Comment on revised plans

Recommend refusal.

The parking spaces are sub-standard, the mobility crossing would be too tempting to use and the dropped kerb extension would encroach into the radius.

I would have no objection to additional on-street car parking on safety grounds.

Recommend removal of permitted development rights to preclude future creation of a vehicular access under permitted development.

### **6.2 Environmental Health**

No objection. Recommended conditions for construction hours and piling.

### **6.3 Landscape Officer**

No objection. Recommended condition for hard and soft landscaping scheme.

### **6.4 Sustainable Drainage Officer**

No comments received.

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**

### Objections

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

- 75 Derwent Close

7.2 The representation can be summarised as follows:

- Overlooking and loss of privacy to No. 75 Derwent Close;
- Loss of light to living room of No. 75 Derwent Close;
- Change of the character of the open aspect of the neighbourhood through loss of landscaping and creation of terrace;
- Parking pressure and as a consequence increase in disturbance

#### Neutral representations

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

- 32 Derwent Close
- 73 Derwent Close

7.4 The representations can be summarised as follows:

- Off-street parking should be provided;
- Recommend double yellow lines on blind bends
- The existing dropped kerb is a mobility access;
- Impact of noise and disturbance during construction.

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

## **8.0 ASSESSMENT**

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

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

## **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) 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 an additional dwelling on this site could be supported.
- 8.3 Policy 3/10 for the sub-division of existing plots supports residential development within the garden area or curtilage of existing properties unless it will:
- a. Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise disturbance;
  - b. provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
  - c. detract from the prevailing character and appearance of the area;
  - d. adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
  - e. adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
  - f. prejudice the comprehensive development of the wider area of which the site forms part.
- 8.4 I have assessed the proposal against parts a-c in the relevant sections below, and in summary, in my opinion these criteria are met. Parts d-f are not relevant to the proposal.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 3/10.

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

- 8.6 The surrounding area is characterized by semi-detached and terraced properties predominantly built within the same phase during the second half of the C20. The buildings are brick with tile cladding and have front gardens. There have been some

extensions and alterations, including a new dwelling attached to No. 30 Derwent Close opposite the application site, which was approved in 2016 (15/2220/FUL).

- 8.7 The proposal would extend the existing semi-detached building with the same building line, ridge and eaves line to create a terrace. This would be in-keeping with the pattern of development within the area. The frontage would be on the side of the building onto Derwent Close, rather than Sycamore Close, onto which Nos. 79-81 front. There are existing windows on the side elevation of No. 81 and, in my opinion, the proposed dwelling would activate the end of this terrace.
- 8.8 The materials would match the existing property and I have recommended a condition to secure this. During the course of the application, a first floor window was added to the rear elevation to complement the neighbouring properties, which in my opinion enhances the appearance of the building in views along Derwent Close. The building would be highly visible, however it would be in keeping with the surrounding area.
- 8.9 Third parties have raised concerns about the loss of openness and the impact on the character of the area. The site is part of the garden of No. 81 and there is a tall brick wall along Derwent Close, as well as a shed to the side of the house. The proposal would result in the loss of this part of the garden and would bring development closer to the highway, however in my opinion, this would not have a significant impact on the overall character of the area.
- 8.10 The proposal would retain soft landscaping along Derwent Close in front of the building. This would replace the existing low hedge and shrub planting. In my opinion, this would soften the visual impact of the proposed dwelling and would make a similar contribution to the street scene as the existing planting. The front of the site onto Sycamore Close would remain open and would be similar to the existing situation.
- 8.11 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.12 The nearest properties are No. 75 and neighbours directly opposite the site to the north, No. 30 and neighbours directly opposite to the west, and Nos. 79-81 Derwent Close. The impact on the host property is considered in the section below.
- 8.13 Third parties have raised concerns about overlooking and loss of light to No. 75. This is a two storey semi-detached property which is set back from the road with a front garden and driveway. There would be some views from the windows on the front elevation of the proposed dwelling towards the front garden of No. 75, however this is visible from the street and does not provide private amenity space, so there would be no loss of privacy. Due to the separation distance of approximately 20m, there would be no significant loss of light to windows. The impact on No. 75 would be similar to the relationship between the existing properties and would be acceptable.
- 8.14 There would be ground and first floor windows on the side elevation facing towards No. 30 and other properties on the western side of Derwent Close, however due to the separation distance of approximately 15m, in my opinion, there would not be a significant loss of privacy. There would be no overbearing or overshadowing impact.
- 8.15 Third parties have raised concerns about the impact of noise and disturbance during construction. I am satisfied that the standard conditions recommended by the Environmental Health team to control operation hours and piling will mitigate this impact.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

### Amenity for future occupiers of the site

- 8.17 The occupants of the proposed unit would have a good sized rear garden, which would provide a good level of residential amenity. No. 81 would also retain a good sized garden and a

boundary would be erected between the two. There would be some mutual overlooking of these gardens from the first floor windows on the rear elevations of the proposed unit and No. 81, however this is acceptable and common between attached properties. I have recommended a condition to ensure that the curtilage of the new property is laid out prior to occupation.

8.18 No. 81 has a ground floor and first floor window on the side elevation, serving a dining room and bathroom respectively. These windows would be blocked up as a result of the proposal. The ground floor window is a secondary window, as the main windows are on the rear elevation into a conservatory, and the first floor bathroom is not a habitable room. Therefore, I am not concerned that the loss of these windows would have a significant adverse impact on the amenity of the occupants.

8.19 There would be ground floor windows on the side elevation of the proposed dwelling in close proximity to the highway, however these would be set behind buffer planting and would be secondary windows, so I am not concerned about a lack of privacy for the future occupants. In my opinion, the proposal provides good internal accommodation.

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, 3/10 and 3/12.

### **Highway Safety / Car Parking**

8.21 No. 81 currently has 4 no. car parking spaces, comprising 2 no. spaces in front of property, a garage space within the block at the rear, and a car parking space in front of the garage. There is a dropped kerb at the front onto Sycamore Close and a lowered kerb mobility access on the corner with Derwent Close.

8.22 During the course of the application, revised plans were submitted which removed car parking in front of the proposed unit, and the agent confirmed that no car parking would be provided to the proposed unit. One space would be retained in front of No. 81 for the host property accessed via the existing dropped kerb from Sycamore Close, as well as the two spaces at the rear.

- 8.23 The Highways Authority has recommended refusal of the application, however in my opinion, these issues have been resolved through the revised plans submitted during the course of the application, or relate to the existing situation, so would not be reasonable planning grounds on which to refuse the application. I have addressed the latest comments from the Highways Authority in turn as follows.
- 8.24 Firstly, the Highways Authority recommended refusal on the grounds that the car parking spaces in front of the property should not overhang the public highway. The revised plans would retain car parking at the front of the site for No. 81 and would not provide additional car parking spaces. These spaces are smaller than the Highways Authority recommends, however this is an existing situation. In my opinion, it would not be reasonable to recommend refusal on these grounds.
- 8.25 Secondly, the Highways Authority recommended refusal on the grounds that the access to the car parking spaces should not use the existing lowered kerb on the corner, which is a mobility access, because it would degrade this access and would provide unsatisfactory visibility on the corner. It is already practically possible to use the mobility access to access the existing car parking spaces. As there would be no additional car parking spaces at the front and none for the proposed unit, there would be no intensification of the use of the mobility access. In my opinion, it would not be reasonable to recommend refusal on these grounds.
- 8.26 Finally, the Highways Authority recommended refusal on the grounds that any widening of the dropped kerb would encroach on the radius of the corner. On the basis of this advice, this was removed from the revised plans. As there would be no additional car parking spaces at the front of the site, there would be no need for the access to be widened or for a new access to be created. The Highways Authority has recommended a condition to remove permitted development rights for accesses in order to prevent further dropped kerbs, which would impact on highways, and I agree with this advice.
- 8.27 The Highways Authority has not objected to car-free development on highway safety grounds. The site is outside the controlled parking zone where on-street parking is available.

I do not consider that additional on-street parking would have a significant adverse impact on the residential amenity of the surrounding area. The site is in a relatively sustainable location close to bus, cycle and pedestrian routes along Cherry Hinton Road. The car free proposal would be in accordance with the Council's adopted maximum car parking standards. In my opinion, it would not be reasonable to recommend refusal on these grounds. This approach was accepted on the new dwelling recently approved adjacent to No. 30 Derwent Close opposite the site (15/2220/FUL).

- 8.28 The Highways Authority has recommended conditions relating to surfacing, drainage, gates and obstructions, however as there would be no new access created and the existing access onto Sycamore Close is an existing situation and its use would not be intensified, in my opinion, it would not be reasonable to apply these conditions.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2 and 8/10.

### **Cycle Parking**

- 8.30 The proposal does not include cycle parking, however I am satisfied that this can be provided in accordance with the adopted standards and the Cycle Parking Guide for New Residential Developments (2010) subject to a condition for details to be submitted. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/6.

### **Refuse Arrangements**

- 8.31 The proposal does not include details of bin storage, however I am satisfied that this can be provided in accordance with the adopted standards and the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) subject to a condition. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Surface Water Drainage**

- 8.32 The site is within an area of high risk of surface water flooding. I have discussed with the Sustainable Drainage Engineer that a



condition for a detailed surface water drainage scheme will be sufficient to ensure the proposal does not increase the risk of flooding elsewhere. Subject to this, I am satisfied the proposal accords with the NPPF and associated guidance.

### **Third Party Representations**

8.33 I have addressed third party representations regarding residential amenity, character, car parking and highway safety in the relevant sections above.

## **9.0 CONCLUSION**

9.1 The proposal would be in keeping with the character of the area in terms of the pattern of development, scale and massing, and elevations, and would retain soft landscaping along Derwent Close. The unit would have a similar relationship to neighbouring properties as between existing properties within the surrounding area, and would have an acceptable impact on residential amenity. The proposed car free unit would be in accordance with the adopted standards and I am satisfied that the application has resolved the initial concerns of the Highways Authority relating to highway safety.

## **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. Prior to commencement of the development hereby permitted, a scheme for surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework (2012) and associated Guidance. 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:
  - a. 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
  - b. 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.The development shall be carried out in accordance with the agreed details and retained thereafter.

Reason: In the interest of surface water drainage (National Planning Policy Framework 2012).

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. Prior to the occupation of the dwelling hereby permitted, the curtilage (garden) shall be fully laid out and finished in accordance with the approved plans or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority, and thereafter remain for the benefit of the occupants of the proposed property.

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

7. Prior to first occupation of the development hereby permitted, facilities for the storage of bikes and bins associated with the unit hereby permitted shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, and shall be retained thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 4/13 and 8/6).

8. Notwithstanding the provisions of Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that order with or without modification), no means of access shall be created without the granting of specific planning permission.

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

**PLANNING COMMITTEE**

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

<b>Application Number</b>	17/0177/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd February 2017	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	30th March 2017		
<b>Ward</b>	Arbury		
<b>Site</b>	Land Adjacent To 55 Alpha Road Cambridge		
<b>Proposal</b>	New dwelling on land adjacent to 55 Alpha Road		
<b>Applicant</b>	H Theobald And J Fabb C/o1 Water Lane Melbourn Royston Herts SG8 6AX		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed design of the dwelling is considered in keeping with the character and appearance of the Conservation Area.</li> <li>- The proposal, as amended, is considered to respect the amenities of occupiers of neighbouring dwellings.</li> <li>- The proposal ensures the retention of a Mulberry tree.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 This site used to form part of the garden to No. 55 Alpha Road but the plot was sold and sub-divided in 2002. It currently contains a single storey pitched roof double garage that is consented for use in conjunction with No. 61 Alpha Road.
  
- 1.2 The site is located on the western side of Alpha Road in the Central Conservation Area within the remit of the Castle and Victoria Road Appraisal.

## 2.0 THE PROPOSAL

- 2.1 Planning permission is sought for a new dwelling on the land adjacent to 55 Alpha Road.
- 2.2 An amended scheme was received which removes the first floor of the proposed rear return making this a 4 bedroom property. The depth of this single rear return was also decreased in a further amendment.

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/01/0193	Erection of a pitched roof to existing garage.	Approved

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)  Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u>  Castle and Victoria Road Conservation Area Appraisal (2012)

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

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

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

## **6.0 CONSULTATIONS**

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

- 6.1 No objection to the original or amended proposal in terms of its impact on Highway Safety. The Highway Authority states that the future occupiers will not qualify for the Residents' Parking Scheme and the applicant should be reminded of this via an informative. It also recommends a condition requiring the redundant vehicle crossover of the footway to be returned to a normal footway and kerb and a construction management plan is sought via a condition to ensure highway safety is not adversely impacted.

### **Environmental Health**

- 6.2 No objection to the original or amended proposal subject to conditions restricting construction hours and piling.

### **Conservation**

- 6.3 No objection to the original or amended proposal in Conservation Area terms as if well executed this new house will act as an end of terrace and will not be detrimental to the character of the area. This is subject to conditions requiring a material samples panel, roofing material samples, further details of windows and further details of the dormers.

### **Tree Officer**

- 6.4 The Tree Officer is satisfied that the amended scheme will not have an adverse impact on trees on the site. The Tree Officer had previously stated that there appeared to be no justification for the removal of the Mulberry and it was not clear that any consideration had been given to a layout that would allow the relatively rare tree to be retained, which would help to maintain the character of the conservation area and reduce the negative impact of the proposal on the neighbouring property by maintaining a screen.



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

## **7.0 REPRESENTATIONS**

7.1 Councillor Todd Jones has written a letter of representation to the proposal and his concerns can be summarised into the following bullet points:

- The current proposal, whilst having an acceptable frontage to Alpha Road, has a rear extension, albeit single storey, with a footprint that takes up at least 50% of the garden amenity space at the rear of the proposal. Alpha Road, and Hertford Street to the south, are predominantly terraced and the rear gardens between the Alpha Road and Hertford Street houses are a critical element with regard to residential amenity.
- The proposal is inappropriate in the context of the Conservation Area in regard to its siting and mass.
- Contravenes the Cambridge Local Plan (2006) Policy 3/10: Sub-division of Existing Plots, in particular c) detracts from the prevailing character and appearance of the area - noting that 'residential development within the garden area or curtilage of existing properties will not be permitted' if this is the case.
- The Cambridge Local Plan (2006) Policy 3/12: the Design of New Buildings permits new building where it can be demonstrated that they a) have a positive impact on their setting in terms of location on the site, height, scale and form - and this is contravened by the rear extension element that is out of context and detrimental to the character of the area.

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

- No. 55 Alpha Road
- No. 57 Alpha Road
- Flat 2, No. 49 Alpha Road
- Flat 4, No. 49 Alpha Road
- Flat 9, No. 49 Alpha Road
- No. 38 Hertford Street

- No. 40 Hertford Street
- No. 42 Hertford Street
- No. 44 Hertford Street
- No. 46 Hertford Street
- No. 48 Hertford Street
- No. 50 Hertford Street
- No. 56 Hertford Street
- No. 64 Hertford Street
- No. 90 Hertford Street
- No. 72 Gilbert Road
- No. 34 Magrath Avenue
- No. 7 West Road
- Saint Andrews Bureau Ltd, 18 Mill Road, Cambridge

7.3 The representations to the original and amended schemes can be summarised as follows:

#### Loss of light to rooms

- Loss of light to Nos. 42 and 50 Hertford Street and 55 Alpha Road
- Loss of light and visual enclosure to No. 48 Hertford Street
- Flat 9 No. 49 Alpha Road is concerned that the height of the two storey rear section will block out light to three flats at 49 Alpha Road, and No. 55 Alpha Road.
- The main living area of Flat 4, 49 Alpha Road only receives natural light through French windows facing towards the proposed dwelling. The new dwelling would limit that light.

#### Overlooking

- The kitchen/diner and garden of No. 55 Alpha Road will be overlooked, as well as upper floor bedrooms. The outlook will be dominated by the new dwelling.
- The windows on the second floor hallway and bathroom and the windows on bedroom 2 and the hallway of the first floor overlook the rear bedrooms windows of No. 48 Hertford Street and those of our neighbours.
- The dwelling would overlook the bedrooms and garden of No. 42 Hertford Street.
- The garden and back windows of No. 50 would be overlooked.
- The dwelling will overlook both the garden and flats at 49 Alpha Road.

## Enclosure and impact on neighbouring amenity spaces

- The noise during construction will be particularly disturbing, as the proposed development will be so close to neighbouring boundaries.
- Light will be greatly reduced to No. 55 Alpha Road by the three storey section of the house at the front and especially by the two storey reaching towards the back of the plot
- There should be a condition that the front part of the house cannot extend further back than its neighbours, in keeping with the character and context of the site, and to prevent overlooking and loss of light.
- The scale of the rear development (height, width and depth) creates a severe loss of natural light and privacy, together with increased light pollution and noise, to properties on Alpha Road and Hertford Street. The impact on no 55 and 49 will be severe, as will views into windows of 42, 44 and 46 Hertford Street. There will be 'an overbearing sense of enclosure' for a wide area.
- Cambridge Local Plan 2006 3/10 states 'Gardens represent an important part of the character and amenity value of many parts of the City. They can be important visually where they contribute to the street scene or to the openness and development pattern of an area. They can be important to biodiversity because they contribute to the network of green spaces within the City, and often they can be important in their own right...' This development will lead to loss of more than half of the modest back garden, damage a wildlife corridor along back gardens and detract from the private enjoyment of neighbouring gardens.
- The current proposal is too close to the boundary with No. 40 Hertford Road and will create an enclosure impact.
- The proposal will create additional adverse noise impacts.

## Overdevelopment of site

- The development will constitute an overdevelopment of a designated conservation area, due to the proposed size of the new dwelling.
- The overall footprint of the newly proposed house remains too big, and reaches too far back towards Hertford Street, leaving little garden space for future occupants and causing noise and overlooking to Hertford Street residents.

- The dining area on the current plans should be removed to prevent overdevelopment.
- The amended drawings show a slight improvement in the structure's mass but not in its footprint.

#### Out of character with the Conservation Area

- Building on this plot is out of keeping with the Conservation Area and is a case of garden grabbing.
- The visual impact of the development, which is in a conservation area, must inevitably be detrimental to the appearance of the neighbourhood.
- The proposed development is certainly out of character when compared with the height and footprint of the double garage currently on the site. This would have an adverse effect on the neighbourhood.
- The mansard roofs with dormer windows at nos. 55 and 57 are features added to those houses before the street was added to the Conservation Area in June 2012 and cannot now be used as justification for including a comparable mansard roof and dormer windows in the new property.
- Acceptability by the City Planners of the notion of "good pastiche", however, does not bode well for any future building work in a Conservation Area. Emulation of good building features would be welcome but not work that is a pastiche.
- A terrible precedent in what is a conservation area with its unique charm and tranquillity. A modest house infilling the gap currently filled by the garage and preserving the existing garden should be sufficient.
- In the 2012 Castle and Victoria Road Conservation Appraisal it was stated that "new buildings and the spaces around them must preserve or improve the character of the area". The footprint of the proposed house would lead to a meanness of space around the property itself and encroach upon the sense of spaciousness currently enjoyed by neighbours in what the Appraisal defined as "an intensely urban area, heavily built-up with housing and offices".
- Scrutiny of the siting, scale and height of the proposed building shows that all these characteristics would have a harmful impact on surrounding properties.
- The current plans involve going from a 1 storey structure (current garage) to an overbearing three-storey structure. A two-storey structure would be more suitable for the space,

and would mean that the properties on Hertford Street would not suffer from visual enclosure. Also, a smaller structure would mean that the gardens and living spaces of 55 Alpha Road and 49 Alpha Road would not be as badly overlooked.

- National Planning Framework: 6 Delivering a wide choice of high quality homes 2013 53 states 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.' This application obviously falls in this category and should be resisted in its present form.

#### Loss of tree

- The existence of a mulberry tree in the garden is still denied by the applicant. This tree is clearly visible from Alpha Road and adds to the amenity of the neighbourhood. It will have to be removed in the event of development, and this is presumably why it was not mentioned on the application.
- Many trees have been lost on this site over the years.
- There is also a mature mulberry tree that has not been noted on the submitted plans, which, if the development is permitted as is, would be lost. This is also unacceptable.
- The existing large mulberry tree is a beautiful tree, which is important to neighbours and to the general community (birds, greenery). We think that it is critical for it to be left on the site. It is not mentioned in the planning application, but with a smaller rear extension it could be saved.
- A shorter ground floor extension would save the mulberry tree and would also reduce the amount of garden that is built upon.

#### Incorrect drawings and comments

- This conservation report therefore has no credibility as it states the proposal is an end of terrace and it is a detached dwellinghouse. A new one must now be compiled by a different officer.
- The garage also sits at least a metre above road level on a ramp and if the house were built from this base it would be considerably higher in practice than it appears to be in the drawings. Even if restrictions are placed on the development in these respects, the proposed dwelling is simply too large, both in height and in the distance it reaches back into the

plot, affecting the quality of life of Hertford Street residents as well as 55 and 49 Alpha Road.

- The three-storey element going approximately 2 metres further back than 49 Alpha Road, and 1 metre further back than 55 Alpha, though not readily discernible from the plans.
- The amended plans are incorrect insofar as the top room being labelled 'bedroom 4' but there are only three bedrooms. This requires correction.

#### Previous applications

- Planning permission was granted in 2001 (C/01/0193) for the pitched roof to be added to the garage on the strict condition that the plot was for the use of the owners of 61 Alpha Road "to protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit".
- The proposed plans do not respect the character and context of the site. It should be noted that in 2001, planning permission was granted for the garage currently on the property, subject to conditions. One of the conditions was that "The development hereby permitted shall be used solely in conjunction with and ancillary to the residential use of No 61 Alpha Road and shall not be separately used, occupied or let." The reason was: "To protect the amenity of the adjoining residential properties and to avoid the creation of a separate planning unit." We believe that planners should continue to take the amenity of adjoining residential properties into account, particularly since this is now a Conservation Area.

#### Miscellaneous

- The applicant refers to the footprint of 55 Alpha Road in determining the footprint of the proposed house. However, the footprint of 55 Alpha Road has been unchanged since the construction of the house 130 years ago. It was not determined by the current needs of the neighbourhood and it therefore cannot provide any model for the shape of a proposed house next door.
- The garage currently exceeds the boundary line marked in white point between it and No. 55 Alpha Road and it is unclear whether the developer would attempt to build beyond the boundary line as well.
- The proposal will create light pollution.
- The proposal should have a front garden.

## Parking

- The neighbourhood already suffers from a chronic lack of parking for residents. The effect of the proposed development is to remove a double garage and two spaces on the ramp in front of it from the options for off road parking. This can only increase the overcrowding of cars, which is both inconvenient and dangerous for residents.
- It was explained that no parking permits will be issued. This must be put in writing in such a way that it is enforceable for the indefinite future and can be referred to if necessary.
- Since it is proposed that residents of the new house cannot apply for resident parking permits, it will all but inevitably go into the private rented sector for multiple occupancy.

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. Impact on surrounding Conservation Area
3. Residential amenity
4. Impact on trees
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly

residential and it is therefore my view that the proposal complies with policy 5/1 of the Local Plan.

- 8.3 In April 2001 planning permission was granted for a pitched roof to an existing garage on the site. Condition No. 3 of that planning permission required that the development be “used solely in conjunction with and ancillary to the residential use of No. 61 Alpha Road...” I have not been able to access the site location plan for this development but, in my opinion, it is likely that the use of the site as garden land to No. 55 Alpha Road was severed by this planning permission. It is further understood that the site was separated and sold off from No. 55 in 2002. Notwithstanding the earlier planning permission, the sub-division appears to have taken place more than 10 years ago and, if so, would be immune from any enforcement action. I do not therefore consider the proposal to represent the sub-division of an existing plot and Policy 3/10 of Cambridge Local Plan 2006 is not therefore relevant to the proposal. In addition, the fence that was erected to divide the site from No. 55 is below 2m in height and would have been permitted development at the time it was erected.
- 8.4 In conclusion, I consider the principle of the development to be acceptable and in accordance with the Development Plan.

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

#### Response to context

- 8.5 This site is in the Castle and Victoria Road conservation area. Alpha Road rises from Chesterton Road in gentle bends and comprises of two and three storey pairs of late 19th century villas and gault brick terraces behind small front garden walls. This site is a gap site currently occupied by a modern garage building and according to historic maps has never had a house on the site. No 57 was extended in 1982 to create the mansard roof and dormers with No 55 following suite in 2002. Prior to these alterations the houses were a continuation of the two storey terrace. The front façade of this proposal mirrors the design of these two houses with a mansard roof containing two dormer, sash windows openings and a bay window.
- 8.6 The Conservation team supports this design approach. It states this new house will act as an end of terrace and subject to



conditions on detailing could be a good example pastiche. While this house is detached I agree its design and scale will frame the terrace and will form an acceptable addition to this street. Because of its prominent location in the conservation area the quality of materials and detailing will be very important to create a building that complements its surrounding architecture, therefore conditions requiring material samples panel, roofing material samples, further details of windows and further details of the dormers are recommended.

- 8.7 In my opinion the proposal is considered to enhance the character of the conservation area and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10(c), 3/12 and 4/11.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.8 The original proposal had a two storey rear return, the first floor was removed by an amendment as there were concerns a two storey rear return would create a detrimental level of overshadowing and enclosure to neighbouring properties.

#### *No. 55 Alpha Road*

- 8.9 No. 55 has no side windows in its side elevation of the main dwellinghouse, but does have several windows in its rear return and outbuilding facing the shared boundary. The proposed single storey rear return is indented 2.2 metres off the boundary with No. 55. It is 2.5 metres tall to eaves and 3.7 metre tall to eaves. As recommended by BRE guidance a 25 degree rising plane was taken from the midpoint of No. 55's kitchen, study/library and outbuilding windows. None of these planes were cut by the proposal.
- 8.10 The rear elevation of the proposed 3 storey element extends 0.5 metres further than that of No. 55. As per BRE guidance a 45 degree horizontal plane was taken from the ground floor dining/ sitting window, the first floor window and the second floor bedroom window on the rear elevation of No. 55. Both the first and second floor windows passed this assessment and impact on the ground floor sitting/dining room was considered acceptable as it duel aspect.

8.11 No. 55 has a small passageway like rear garden. The proposed rear return is located south of this neighbour's rear garden. I consider the bulk of the single storey rear return and its indentation away from the boundary will not have a detrimental enclosure impact on this space.

8.12 No windows are proposed to directly overlook this neighbour.

*No. 49 Alpha Road*

8.13 No. 49 Alpha Road has been split into flats. Because the subject site is located on a corner the building angles away from this neighbour. The subject site is located north of the No. 49. This neighbour has no windows in its main side elevation, however does have 3 window openings in the side elevation of its rear return. As per BRE guidance a 25 degree rising was taken from these windows, this was not cut by the proposal. The ground floor flat of No. 49 has a small study/sitting room which is located within a lean to structure off the main rear elevation. It has a small rear window. As per BRE a 45 degree angle was taken from halfway up the slope of the proposed three storey dwelling. This plane cut below the midpoint of this window. Therefore light levels to this window are considered acceptable.

8.14 It is not considered the proposal would lead to detrimental levels of overshadowing and enclosure to No. 49. This is because of the proposals orientation and the way the proposed dwellinghouse angles way from the boundary.

*Properties on Hertford Street*

8.15 The proposed three storey dwellinghouse is located 7 metres and the single storey rear return 5.4 metres away from the rear boundary with properties Nos. 42, 44, 46 and 48. This is a similar relationship to other properties on Hertford Street which back onto those on Alpha Road. This distance is considered sufficient to dispel any detrimental enclosure impacts to the rear gardens of these neighbouring properties.

8.16 As previously stated the proposal would have a similar relationship as others on Alpha Road and Hertford Street. Therefore overlooking from first and second floor rear windows

is not considered of a significant enough degree to warrant refusing this application.

### Noise

- 8.17 Environmental Health has not objected to this application on noise grounds. I am of the opinion an additional dwelling in this residential location would not create additional detrimental levels of noise pollution. However, I agree with Environmental Health that recommended conditions are necessary limiting piling and construction/demolition hours to ensure local residents are not unduly impacted.
- 8.18 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 (a) and 3/12.

### Amenity for future occupiers of the site

- 8.19 The outlook of all windows is considered acceptable and the size the rear garden is considered sufficient for a 3 bed dwelling.
- 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.

### **Impact on trees**

- 8.21 There are no TPO'd trees on this site but it is in the conservation area so trees cannot be removed without consent. Originally this proposal involved the loss of the Mulberry Tree. While this tree is not substantial in height, Mulberrys are rare slow growing trees and its loss was not considered acceptable. An amended scheme was therefore received reducing the depth of the single storey rear return by 3 metres. I consider this overcomes the Tree Officer's original objection. I also consider this reduction in depth removes pressure on this tree. I have recommended a condition to ensure this tree is protected during construction. I have also recommended a condition removing Class A Schedule 2 of the Town and County Planning General

Permitted Development) (England) Order 2015. This would ensure the property cannot extend and harm the tree without first receiving planning consent. The Tree Officer is content the amended scheme will have an acceptable impact on trees subject to conditions.

- 8.22 In my opinion the proposal will have an acceptable impact on trees on and around the site and therefore I consider the proposal is compliant with policies 3/10(e) and 4/4.

### **Refuse Arrangements**

- 8.23 The bin storage is located in an acceptable location away from the front of the dwelling and over a metre away from the boundary with No. 49 Alpha Road.

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

### **Highway Safety, Car and Cycle Parking**

- 8.25 The Highway Authority has no objection this proposal in term of impacting Highway Safety. As this is tight site with only one entrance on a busy street I have recommended a traffic management plan to ensure construction traffic would not unduly impact neighbours. The Highway Authority state that future residents of this scheme would not qualify for residents parking permits. I am of the opinion that as the proposal is in a highly sustainable location just a short walk from many services and bus stops on Chesterton Road and the City Centre, this situation is acceptable. 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. It is also noted the removal of the ramp for vehicle access will add a further on street parking space.

- 8.26 No cycle spaces are indicated as part of this proposal but there is plenty of space around the dwelling to supply a cycle store next to the bin store. A condition is recommended to require details of this.

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

### Third Party Representations

8.28 The majority of concerns expressed in third party representation received are examined in the paragraphs above. Other concerns are address in the table below.

<b>Concern</b>	<b>Response</b>
Loss of garden land	This scheme does not lead to a large loss of garden with the footprint of the existing garage and proposal having comparable footprints.
Good pastiche not acceptable in Conservation Area	This scheme is considered in keeping with the Conservation Area. See Paragraph 8.4 – 8.5
Contrary to Castle and Victoria Road Conservation Appraisal	The site is not specifically referred to and spaces around dwellings are not specifically highlighted as needing to be preserved to ensure the character and appearance of the conservation area is not harmed.
Garden grabbing not acceptable in Conservation Area	The proposal does not represent garden grabbing. The plot no longer forms part of the garden to No. 55 Alpha Road
Creating a precedent	Every planning application is adjudged on its own merits.
Contrary to NPPF paragraph 53	The proposal is not considered to represent inappropriate development of residential gardens. The proposal is not considered to be detrimental to the character and appearance of the conservation area for the reasons given in the main body of the report.
Conservation Officer's report has no credibility as it states	Conservation Officer stated the proposal <i>'acts like an end of</i>

the proposal is an end of terrace.	<i>terrace'</i> please see paragraph 8.5
Incorrect levels and footprints on adjoining properties	I am satisfied the plans are sufficient to determine this application. A condition is recommended to ensure the proposal is constructed in accordance with the plans
Labelling of bedrooms is incorrect	This has been corrected in the submitted amendments.
Condition on application for pitched roof on the existing garage in 2001	This condition was added to ensure the garage would not be rented out slept in and used as a separate dwelling. This was because this application was only assessing the appropriateness of a roof on a garage and not a new dwelling. The appropriateness of a dwellinghouse in this location was not assessed by this application. It is noted via an email from the agent that the site was split a year later in 2002.
Boundary issues with No. 55 Alpha Road	All boundary issues are dealt with under the Party Wall Act and are not planning matters.
The proposal will cause light pollution	The proposal is located in a residential area, therefore any impacts from this additional property are not considered detrimental.
The proposal should have a front garden	The proposal maintains the building line and has a small front garden. This is considered acceptable.
As property would have no parking it would become a HMO	The proposal is for a 3 bedroom dwellinghouse. Specific planning permission to convert to a small scale HMO would not be required as is the situation for other dwellings in the vicinity. Any use as a large

	scale HMO would require specific planning permission.
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## 9.0 CONCLUSION

The design of the proposal is considered to preserve/enhance the character and appearance of the Conservation Area. The proposal is considered to have an acceptable amenity relationship with surrounding dwellings and the amendments received have significantly reduced the scale of the rear return and in my opinion removed any overshadowing and enclosure impacts to neighbouring properties. These amendments have also ensured the protection and retention of the Mulberry tree on the site. I am therefore of the opinion the proposal is acceptable.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. No development shall commence until details of facilities for the covered, secured bin storage and 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 policies 3/13 and 8/6)

4. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

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

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

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: In the interests of the health and wellbeing of trees (Cambridge Local Plan 2006 Policy 4/4).

6. 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).



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

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

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

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

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

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

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

10. The windows hereby permitted shall not be constructed until drawings at a scale of 1:10 of details of all sills, lintels, jambs, transoms, and mullions have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

13. Prior to the commencement of development a scheme for surface water drainage works shall be submitted to and approved in writing by the local planning authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2006 policy 4/16)

**INFORMATIVE:** The redundant vehicle crossover of the footway must be returned to normal footway and kerb at no cost to the Highway Authority.

**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.

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

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

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

**INFORMATIVE:** Please note future residents of the hereby permitted scheme will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

**PLANNING COMMITTEE**

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

<b>Application Number</b>	17/0542/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st March 2017	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	26th May 2017		
<b>Ward</b>	Abbey		
<b>Site</b>	103 Howard Road Cambridge CB5 8QT		
<b>Proposal</b>	Erection of 1no. two bedroom dwelling along with cycle parking and associated landscaping		
<b>Applicant</b>	Mr Lee Garner		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would read as subservient to the dwelling at 103 Howard Road and as a result would be considered in keeping with the character of the area.</li> <li>- The proposed new dwelling would not result in any significant adverse impact on the amenity of the surrounding occupiers.</li> <li>- The proposed new dwelling would provide appropriate living accommodation for future occupiers of the site.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site is a two storey semi-detached dwelling and its garden located on the northern end of the east leg of Howard Road. This is a predominantly residential area with a mixed character comprising of a range of semi-detached and terraced housing.
  
- 1.2 A footpath and grass verge run along the northern end of the site. This footpath is adopted public highway and leads to

Dunsmore Close, a residential development to the rear (north) of the site.

- 1.3 An outbuilding in the rear garden of the adjoining plot, at 101 Howard Road, has recently been extended and converted to a one bedroom dwelling.
- 1.4 The site does not fall within the Conservation Area. The site is outside the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of a two bedroom dwelling along with cycle parking and associated landscaping. A previous application for a new dwelling on the site was withdrawn.
- 2.2 The proposal has been amended since submission. The height of the building has been reduced to ensure it matches with the dwelling in the neighbouring garden and so the building would clearly read as subservient. The building has been pushed further forward on the plot to provide a larger rear garden for future occupiers.
- 2.3 The building would measure 13.6m x 6m with a total height of 4.4m, with a pitched roof, dropping to 2.3m at the eaves. The building would be accessed from a pedestrian footway running along the rear of these houses on Howard Road towards Dunsmore Close and Ditton Lane. The building accommodates two bedrooms. Bike and bin storage is to be provided to the front of the property. There is a garden to the rear.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
09/0257/FUL	Two storey side & rear extension and single storey rear extension.	Refused
09/0592/FUL	Single storey side and rear extension & side and rear roof extension.	Granted
10/0804/FUL	Single storey side and rear extensions.	Granted



	<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>Cycle Parking Guide for New Residential Developments (2010)</p>

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

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

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

## 6.0 CONSULTATIONS

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

- 6.1 Neutral: The proposal provides no off-street car parking provision within the site for the new dwelling. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets. This is unlikely to result in any significant adverse impact upon highway safety but there is potentially an impact upon residential amenity which the



Planning Authority may wish to consider when assessing this application.

### **Environmental Health**

- 6.2 Support: The development proposed is acceptable subject to the imposition of conditions in relation to construction hours, deliveries to site and piling.

### **Streets and Open Spaces (Tree Officer)**

- 6.3 Support: There are no arboricultural objections
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations:
- 1 Dunsmore Close (Support)
  - 11 Dunsmore Close (Objection) x2
  - 12 Dunsmore Close (Objection)
  - 13 Dunsmore Close (Objection) x2
  - 101 Howard Road (Support)
  - 107 Howard Road (Support)
- 7.2 The representations can be summarised as follows:

#### *Objections*

#### Original plans

- Concerns about parking as Dunsmore Close is a private road where only residents are allowed to park and is already full with cars.
- Devaluation of the houses in Dunsmore Close.
- Loss of privacy and is likely to affect light to 11 Dunsmore Close.
- Windows overlook the children's play area and also the properties of 8 houses in Dunsmore Close.
- Having direct access so close to the play area/grass verge is unacceptable, along with the direct access to the play areas.

- Concerns over sewage drainage as multiple houses have had problems with their sewage
- Request the house is rotated long ways so as less visible from Dunsmore Close

#### Amended plans

- Dwelling still too close to boundary
- Parking still an issue
- Sewage still a concern
- Concerned that all neighbours were not notified about revised plans
- Likes living in quiet area and concerned that the house will be occupied by children causing noise and disturbance.

#### *Support*

- Extra housing in the city is much needed, especially by the young people who work or study in Cambridge.
- The proposed building sits comfortably between the existing terraced houses at Howard Road and the existing terraces of Dunsmore Close,
- The proposed building is single storey therefore does not have significant impact to the existing character of the surrounding houses.
- Respects the privacy of the neighbours.
- The proposed new house will provide extra security for the surrounding facilities, namely the car park area and the triangle open space adjacent to the proposed site.
- Access is via an existing public footpath from Howard Road therefore has no negative impact to the neighbouring properties.
- 103 cannot be wholly blamed for the inadequate drainage of sewage problems in our area.
- In relation to the grassed area referred to as children's play area directly outside the boundary of 103 is the size of approximately two grassed verges and more times than not the grass is overgrown and would not be very appealing to children.

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 and Car and Cycle Parking
6. Third party representations
7. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The Cambridge Local Plan (2006) states that proposals for housing development of windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses (policy 5/1). Therefore, the development of housing is acceptable, however, considerations should be taken into account e.g. impact on neighbour amenity and visual aesthetics.

8.3 Policy 3/10 of the 2006 Local Plan states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) Detract from the prevailing character and appearance of the area;
- d) Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) Prejudice the comprehensive development of the wider area.

- 8.4 Parts d and f are not of relevance to this application. Parts a, b, c and e are considered in further detail in this report.

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

- 8.5 The proposed new dwelling would back onto a green verge and pedestrian pathway which runs along the rear of the property. The dwelling would be partially visible from Howard Road; however, due to the low height, mimicking the neighbouring new dwelling to the rear of 101 Howard Road, it will clearly read as subservient. The building would be finished in brick with a pitched gable roof and would read as an outbuilding in the rear garden of 103. Given the presence of the new dwelling in the garden of 101, I consider that the proposal would be in keeping with the immediate character.
- 8.6 The building would be accessed from the pedestrian footway which runs behind these houses on Howard Road leading to Dunsmore Close and Ditton Lane. There is no other back land development which is accessed from this path. The neighbouring new dwelling to the rear of no. 101 is accessed from Howard Road. This area predominantly consists of garages and garden walls for the surrounding properties. The grass verge to the rear does not seem well used. The proposed new dwelling would increase natural surveillance to the area. The proposed plans show some landscaping which will soften the impact of the new building. A condition is recommended requiring more detailed plans of proposed planting and boundary treatment to ensure this is provided to an adequate level. The planting around the entrance is of particular importance, to ensure the entrance is clearly demarcated.
- 8.7 The application does not propose the removal of any trees. The Tree Officer has no objections to the proposed development.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.9 The neighbouring occupiers at 11 Dunsmore Close have objected to the proposal. They raise concerns regarding loss of

light. There is a large separation distance, of over 15m, between the proposed new building and 11 Dunsmore Close. The proposed new building is single storey and the height has been reduced to 4.4m. As a result of this separation and the low height of the new building, I am satisfied that the proposal would not overshadow or enclose this occupier. The neighbour also raises concerns regarding overlooking. As the building is single storey, significantly set away from 11 Dunsmore Close with a boundary fence between the dwellings, I am satisfied that there would be no loss of privacy to these occupiers. A condition is recommended to remove PD rights for dormer windows to ensure that any additions to the roof would require permission.

- 8.10 The proposal is set away from the boundary with the new dwelling to the rear of 101 Howard Road by 2.5m. The proposal would be located to the south west of the dwelling to the rear of no.101. However due to this separation and the relatively low height of the building, there would be no significant adverse impact to these occupiers in terms of loss of light or enclosure.
- 8.11 The proposal is to the north of no. 105 and as a result there would be no impact in terms of loss of light. The new building would run relatively close to this boundary, however, given its siting, adjacent to the end of the garden, and its low height, I am satisfied that the proposal would not be unduly dominant when viewed from the garden of 105 Howard Road.
- 8.12 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*

- 8.13 The access to the proposed property is off the foot path coming from Howard Road which joins further down Ditton Lane and Dunsmore Close. The access to the site increases foot fold to the area, consequently increasing natural surveillance and security. There is accessible bin and bike storage for future occupants of the site, which is partially screened by trees and fencing. The amenity space, within the site, for the occupants to

the rear of the property is estimated to be 34.4sqm which would be adequate for living.

- 8.14 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

### **Refuse arrangements**

- 8.15 Bin storage is proposed to the front of the property adjacent to the cycle parking. I am satisfied with this arrangement and consider the proposed refuse arrangement to be acceptable.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10 and 3/12.

### **Highway safety and Car and Cycle Parking**

- 8.17 The Highway Engineer raises concerns that the proposal would increase pressure for street parking but does not consider the proposal would have any significant adverse impact on highway safety. I note that no off-street car parking is proposed. However, given the sustainable location of the site, in close proximity to cycle infrastructure and public transport links, I am satisfied that the lack of off-street car parking would be acceptable.
- 8.18 Cycle storage is to be provided for 4 cycles to the front of the property. This exceeds the minimum standards and is considered acceptable. A condition is recommended requiring details of the cycle store to be provided prior to the occupation of the new dwelling.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/6 and 8/10.

### **Third Party Representations**

- 8.20 I have addressed many of the issues raised by the representations within the body of the report. I address any outstanding matters in the below table.

<b>Objection</b>	<b>Response</b>
<b>Original plans</b>	
Concerns about parking as Dunsmore Close is a private road where only residents are allowed to park and is already full with cars.	See paragraph 8.17
Devaluation of the houses in Dunsmore Close.	Not a material planning consideration
Loss of privacy and is likely to affect light to 11 Dunsmore Close.	See paragraph 8.9
Windows overlook the children's play area and also the properties of 8 houses in Dunsmore Close.	See paragraphs 8.6 and 8.9
Having direct access close to the play area/grass verge is unacceptable, along with the direct access to the play areas.	See paragraph 8.6
Concerns over sewage drainage as multiple houses have had problems with their sewage	Not a material planning consideration
Request that house is rotated long ways so as less visible from Dunsmore Close	I can only assess the application on the basis of what has been applied for
<b>Amended plans</b>	
Dwelling still too close to boundary	See paragraph 8.9
Parking still an issue	See paragraph 8.17
Sewage still a concern	See above
Concerned that all neighbours were not notified about revised plans	I have checked and can confirm that all adjacent neighbours and those who made representations were consulted on the amended plans
Likes living in quiet area and concerned that the house will be occupied by children causing noise and disturbance.	I do not consider that the new dwelling would result in any significant increase to noise in the area

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

8.21 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.

- 8.22 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

The proposed new dwelling to the rear of no.103 would not have any significant impact on the amenity of the surrounding occupiers in terms of loss of privacy, enclosure or overshadowing. The visual impact would be that of a single storey out building, similar to the new dwelling to the rear of 101 Howard Road. The access to the proposed dwelling would increase natural surveillance to the path. The site provides adequate bike and bin storage. The amenity space for the future occupants is considered adequate.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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



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

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

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

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

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

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

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

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

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

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)

7. 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)

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

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or with any order revoking and re-enacting that Order with or without modifications) no dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

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

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

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**PLANNING COMMITTEE**

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

<b>Application Number</b>	16/2243/S73	<b>Agenda Item</b>	
<b>Date Received</b>	22nd December 2016	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	17th February 2017		
<b>Ward</b>	Market		
<b>Site</b>	19 New Square Cambridge CB1 1EY		
<b>Proposal</b>	Section 73 application to vary condition 16 and 17 of planning permission 14/1248/FUL to allow the construction of a conservation rooflight in the rear roofscape and the window on the rear elevation at first floor level to be obscure glazed for the bottom 1.7m only.		
<b>Applicant</b>	Jesus College		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The timber screen is not considered to adversely impact on the character and appearance of the Conservation Area</li> <li>- The screen, restrictors and obscure glazing are considered to prevent overlooking of the courtyard of 10 Jesus Terrace</li> <li>- The screen is not considered to result in any significant enclosure or overshadowing of the courtyard of 10 Jesus Terrace</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is comprised of former garden land of 19 New Square. The consented new dwelling has been erected and is comprised of a two storey brick property.

- 1.2 The site falls within the Conservation Area and therefore the Kite Conservation Area Appraisal is relevant. No.19 New Square is a Grade II Listed Building. No. 10 Jesus Terrace is also a Grade II Listed Building. The site is close to the City Centre, The Grafton Centre, and to Christ's Piece. The area is predominantly residential in character.
- 1.3 The building approved under 14/1248/FUL has been substantially completed. The building is two storeys and finished in mystique brick. The dwelling addresses Elm Street and adjoins 9 Elm Street but projects further forward onto the street than no.9. 10 Jesus Terrace lies to the east of the site. This building turns the corner but principally addresses Jesus Terrace.

## **2.0 THE PROPOSAL**

- 2.1 The application is made under section 73 of the Town and Country Planning Act 1990. The application seeks to amend conditions 16 and 17 of 14/1248/FUL. The application has been amended since submission.
- 2.2 The application seeks to allow the addition of a rooflight on the rear roof slope and amendments to the eastern window on the rear elevation. This window would be obscure glazed up to 1.7m above finished floor level to protect the privacy of no. 10 Jesus Terrace. A restrictor is to be installed to prevent the window from opening any further than 0.45m. A timber louvered screen is proposed to be attached to the roof to prevent any overlooking.
- 2.3 At the time of writing this report, the revised plans submitted require further revisions which have been agreed with the applicants. The plans as currently lodged indicate the obscure glazing is only up to 1.6m above the finished floor level. The plans are to be amended to show the glazing up to 1.7m above the finished floor level. A mock-up of the timber louvered screen was observed on site but what is shown on the current plans is longer than the mock-up. The plans are to be amended to reduce the length of the screen from the 2m shown on the plans to 1.6m. I have assessed the application on the basis of amended plans to be submitted and put before Planning Committee.

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/2268/NMA	Non-material amendment on 14/1248/FUL to introduce a conservation style roof-light to bedroom 2	Pending consideration
15/2099/NMA	Non material amendment on application 14/1248/FUL for internal amendments to the approved plans to provide a two bedroom unit instead of three. Alterations to the existing front elevation to hand the ground floor window and front door to better utilise the space.	Approved
14/1248/FUL	Erection of 1No. 3 bedroom dwelling with associated landscaping and access, following part demolition of rear boundary wall fronting Elm Street and part demolition of side boundary wall fronting Jesus Terrace (forming the rear garden of No.20 New Square). To include a new pedestrian access via Jesus Terrace	Approved
11/1297/LBC	Phased installation of secondary glazing to existing sash and casement windows of properties 1-48 New Square (excluding properties 26, 35, 43 and 44).	Approved.

### 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 4/10 4/11 4/12 4/13 5/1 5/14 8/2 8/6 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)
	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)



	<u>Area Guidelines</u> Kite Area Conservation Area Appraisal (1996)
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

### 6.0 CONSULTATIONS

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

##### *First comment*

#### 6.1 No material conservation issues.

##### *Second comment*

#### 6.2 It is unfortunate that due to internal reconfigurations, there is an overlooking issue. This results in the need for some form of screen. This will affect the crisp lines of the property which will have a small negative impact on the character of the building. It would have been preferable if the interior reconfigurations were considered at the application stage. As the screen will not impact greatly on the character or appearance of the conservation area due to its location, on balance, the application is considered to be 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 owners/occupiers of the following addresses have made representations:

- 9 Elm Street x2
- 10 Jesus Terrace x2

7.2 The representations can be summarised as follows:

- Window installed in breach of condition which overlooks kitchen of 10 Jesus Terrace. This is being dealt with by planning enforcement.
- A spiral staircase has been installed in the light well which will result in inter-looking with bathroom at 9 Elm Street. Request that glazing is obscured.
- Concerned that the height of cycle store to rear has increased.
- Addition of louvered screen will result in further loss of light to 10 Jesus Terrace and will impact on the appearance of the Conservation Area.

7.3 The occupier of 9 Elm Street has also sent in photographs of the staircase and the re-built outbuilding to the rear. These can be viewed on the application file.

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. Background
2. Context of site, design and external spaces and impact on heritage assets
3. Residential amenity
4. Third party representations

## **Background**

- 8.2 The new dwelling was approved at Planning Committee on 5<sup>th</sup> November 2014 (14/1248/FUL). Following this approval a Non-Material Amendment application (15/2099/NMA) was granted by officers. This permitted some minor fenestration changes, a reduction in the number of bedrooms from 3 to 2 and subsequent alterations to the floor plans.
- 8.3 The revised floor plans, subsequent to the loss of one bedroom, result in the window on the rear elevation adjacent to 10 Jesus Terrace serving a bedroom rather than a bathroom, as was originally permitted. Condition 17 of 14/1248/FUL states that this window will be obscure glazed and fixed shut in perpetuity. The condition was imposed to protect the privacy of the occupier of 10 Jesus Terrace as the window directly overlooks the small courtyard which serves as the only outdoor amenity space for this property. A clear open-able window was installed here which was reported to our enforcement team.
- 8.4 Subsequent to an investigation by planning enforcement, this section 73 application was submitted. Originally the application proposed to partially obscure glaze the window and include over-ridable restrictors. As this window is now proposed to serve a bedroom, the window needs to open to comply with building regulations. The proposed restrictors could be easily overridden by pushing hard on the window. As a result we did not feel that this solution was enforceable as occupiers could easily open the window to its full extent which would result in the ability to look directly into the garden of 10 Jesus Terrace.
- 8.5 The applicant then suggested that rather than have the windows on over-ridable restrictors the window could be on fixed restrictors. To comply with building regulations the windows need to be able to open a minimum of 0.45m to meet with the requirements for means of escape. The restricted windows would allow a very small gap which results in some ability to see into the neighbouring courtyard. Whilst this would be very limited, given the presence of the condition requiring the window to be fixed shut in perpetuity, it was not considered to adequately prevent overlooking. As a result the applicant has proposed a small timber louvered screen which would infill this gap and prevent any ability to look into the courtyard of 10

Jesus Terrace. A mock-up of the screen was installed and viewed on site prior to the submission of the revised plans.

8.6 During the consideration of the section 73 application and additional application for a Non-Material Amendment (16/2268/NMA) to allow an additional rooflight in the rear roof slope was submitted. As condition 16 does not allow any new windows to be constructed without consent from the planning authority it was not possible to deal with this addition via a non-material amendment application as in this instance the additional roof window was considered to be a material change. As a result this additional window is to be considered as part of this application.

8.7 Conditions 16 and 17 are proposed to be amalgamated and the new condition would read:

*Notwithstanding the provisions of Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or within any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed at or above first floor level in the dwelling unless non-opening and fitted with obscure glass (to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent) to a minimum height of 1.7 metres above the internal finished first floor level.*

*Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)*

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

8.8 The proposed louvered screen would be visible from Jesus Terrace. However the structure is small and the material palette would complement the existing building. The Conservation Officer has not raised an objection to the proposal although she does note that the screen will have a small negative impact on the new building as it will add clutter and detract from its clean lines. I accept that the screen would detract from the appearance of the building but as this is limited and as the screen would protect the privacy of the adjoining courtyard, I consider this element to be acceptable.

- 8.9 The proposed additional rooflight would not be highly visible from the public realm and would not have an adverse impact on the character and appearance of the Conservation Area or adjacent heritage assets.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/11 and 4/12.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.11 The primary concern is the impact of the proposed amendments to the rear window on the privacy of 10 Jesus Terrace. The eastern-most window on the rear elevation looks directly towards the courtyard of 10 Jesus Terrace which is an enclosed, well-used space that provides the only private outdoor amenity to this occupier. The importance of protecting the privacy of this space was recognised by the case officer on the original consent and as a result condition 17 requiring this window to be obscure glazed and fixed shut was imposed to prevent any overlooking from this window.
- 8.12 As noted above, the proposal to have the window on over-ridable restrictors was not considered to adequately respect the privacy of this space. As the window could easily be pushed open and then returned to the restricted position if an enforcement officer came to investigate.
- 8.13 The proposal to have the window on fixed restrictors, which would only allow the window to open 0.45m was considered to be an improvement as this would only allow limited views of the courtyard. However, as condition 17 sought to ensure that this window was fixed shut and obscure glazed to prevent any overlooking of this space, the limited views possible under this arrangement were not considered acceptable.
- 8.14 The applicant has considered this issue and submitted a proposal for a timber louvered screen which would be attached to the flat single storey roof of the building. This screen is shown on the plans to measure 2m x 0.4m. The screen observed on site was 1.6m in length and this was considered to adequately screen views of the courtyard. As a result the applicant has stated their intention to provide revised plans prior

to committee showing the screen length at 1.6m. The application has been assessed on the basis that the screen length is to be 1.6m in length by 0.4m in height. I will report the submission of the revised plan via the amendment sheet.

- 8.15 As noted above, a mock-up of the proposed timber screen was viewed on site. The timber screen would block off the gap created when the window is opened which allows views into the courtyard. This screen accompanied by the obscure glazing, and restrictors is considered to prevent any views to the courtyard and adequately respect the privacy of 10 Jesus Terrace.
- 8.16 I have visited the courtyard of 10 Jesus Terrace and note that it is a small enclosed space but clearly well used. The occupier of 10 Jesus Terrace has objected to the proposal for the screen as they consider the screen would result in further loss of light to their courtyard. I accept that it is not ideal to have to attach additional bulk to the flat roof to protect the privacy of this occupier, however given the minimal scale of the screen, I do not consider it would result in any significant further loss of light to this occupier.
- 8.17 The occupier of 9 Elm Street has also objected to the proposals. Their main concern relates to loss of privacy from the positioning of the spiral staircase behind the large window in the projecting side element to the front of the property. The nearest first floor window of 9 Elm Street, perpendicular to the glazing on the application site, serves a bathroom window. The occupier is concerned that users of the stairs would be able to look directly into the bathroom.
- 8.18 Originally, on the plans approved as part of 14/1248/FUL, the stairs were proposed to be positioned in the middle of the building with a wall separating the glazed front wall. The revised layout moving the stair to the new location inside the light well was approved as part of 15/2099/NMA. I have visited the application site and 9 Elm Street. I note the concerns of the applicant however I do not consider that occupiers of the new building will have views into this bathroom. The views possible when moving up the stairs are very limited given the floor levels of 9 Elm Street. Users of the stairs will only be passing along this space and it will not be a window where occupants would stop and look out. Whilst I understand the concerns and

perception of being overlooked, I am satisfied that any inter-looking would be very limited and that the staircase location accepted under 15/2099/NMA is considered acceptable.

- 8.19 The occupier of 9 Elm Street has also raised concerns regarding the height of the rebuilt outbuilding to the rear of the new building. This outbuilding was existing and was restored as part of the application. I note that the height of the building appears to have increased. However, I believe that this is due to the fact that the building has been in disrepair with a sagging roof. I have examined the photographs submitted by the occupier of 9 Elm Street and inspected the outbuilding on site. I am satisfied that any increase to the outbuilding height is as a result of the repair works and the repaired building is not significantly taller than the unrepaired building.
- 8.20 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

- 8.21 The obscure glazing and restricted window opening for this bedroom would reduce light to this room. However, an additional rooflight is proposed to serve this room. As a result I am satisfied that the proposed alterations would not harm the amenity of future occupiers and the proposal is considered acceptable in this respect.
- 8.22 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.

#### **Third Party Representations**

- 8.23 I have addressed the third party representations within the body of my report.

## 9.0 CONCLUSION

- 9.1 I consider that the combination of the louvered screen, obscure glazing to the lower part of the window and the restrictor, will prevent overlooking of the courtyard of no. 10 Jesus Terrace. The louvered screen is minimal and is not considered to result in any significant further enclosure or loss of light to the courtyard of 10 Jesus Terrace. The screen would be visible from the street but its impact would be minimal on the character and appearance of the Conservation Area and adjacent heritage assets.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

2. The Landscaping and boundary treatments agreed under 14/1248/COND7, 14/1248/COND8 and 14/1248/COND9 shall be implemented and maintained in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure that suitable landscaping and boundary treatment are provided and maintained as part of the development (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12).

3. Notwithstanding the provisions of Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or within any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed at or above first floor level in the dwelling unless non-opening and fitted with obscure glass (to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent) to a minimum height of 1.7 metres above the internal finished first floor level.



Reason: To protect the amenity of adjoining properties.  
(Cambridge Local Plan 2006 policies 3/4 and 3/14)

4. Prior to the occupation of the dwelling the louvered screen, obscure glazing and restrictors, as detailed in drawing no. PL (21)03 (to be updated following revised plan), shall be installed and thereafter maintained in place in accordance with the approved details.

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

5. Prior to the installation of the louvered screen, a sample of the materials to be used in the screen shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be installed in accordance with the approved details and thereafter maintained.

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

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**PLANNING COMMITTEE**

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

<b>Application Number</b>	17/0658/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd May 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	27th June 2017		
<b>Ward</b>	Romsey		
<b>Site</b>	137 Coldhams Lane Cambridge CB1 3JB		
<b>Proposal</b>	Change of use from C4 small HMO to sui generis (Large HMO) with 7 bedrooms. Part single, part two storey rear extension, attic conversion including flat roofed dormer with hip to gable. New bin and bike storage to the rear.		
<b>Applicant</b>	Mr Sergio Martin 137 Coldhams Lane Cambridge CB1 3JB		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed change of use would respect the amenity of neighbouring properties in terms of noise and disturbance from comings and goings.</li> <li>- The proposed works would be in keeping with the character and appearance of the area.</li> <li>- The proposed extensions would not harm the amenity of neighbours in relation to overshadowing, visual enclosure or overlooking.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site, No.137 Coldhams Lane, is comprised of a two-storey end-of-terrace property currently used as a small house in multiple occupation (HMO). The site has a small front garden and long rear garden with a rear pedestrian access to Stourbridge Grove. The surrounding area is residential in

character and is formed of similar sized terraced and semi-detached properties.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal seeks planning permission for the change of use of the property from a five-person house in multiple occupation (HMO) to a seven person HMO (sui generis) following single-storey, two-storey and loft level extensions.

2.2 The proposed single-storey extension would project approximately 8.8m to the rear. The first 6m of this proposed extension would be set along the boundary of No.135 Coldhams Lane and the latter 2.8m is set 0.75m away from the boundary. It would be constructed with a pitched roof measuring approximately 2.5m to the eaves and 3.65m to the ridge.

2.3 The proposed two-storey extension would project approximately 1.7m to the rear at full-width and would be constructed with a pitched roof with a eaves and ridge height subservient to the existing pitched roof.

2.4 The proposed loft extension would involve a hip-to-gable extension and rear box type dormer that is full-width and level with the existing ridge line.

2.5 The proposed single and two-storey extensions would be constructed in materials to match the existing property. The roof extension would be constructed with a flat single-ply membrane roof and with imitation slate on the walls.

2.6 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Drawings

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/71/0566	Double garage.	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 3/11 3/12 3/14 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 (Annex 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	<u>City Wide Guidance</u>

Considerations	Cycle Parking Guide for New Residential Developments (2010)
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

### 6.0 CONSULTATIONS

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

- 6.1 The proposal seeks to justify a development with reduced on-site parking provision for an increase in residential accommodation. The surrounding streets currently allow car parking on-street and so residents would be likely to own a car and seek to park on-street.
- 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.

#### **Drainage Team**

- 6.3 The proposed development is identified at high risk of surface water flooding. A flood risk assessment should be undertaken in

accordance with the National Planning Policy Framework and submitted to the local planning authority.

### **Environmental Health Team**

- 6.4 No objection, subject to construction hours and collection/delivery hours conditions and housing health and safety rating system informative.
- 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:

133 Coldhams Lane	135 Coldhams Lane
139 Coldhams Lane	141 Coldhams Lane
212 Coldhams Lane	214 Coldhams Lane
218 Coldhams Lane	228 Coldhams Lane
10 Stourbridge Grove	Talland, Church Road, Carlton

- 7.2 The representations can be summarised as follows:

- Noise and disturbance from HMO/ student use & use of passageway.
- Increase in on-street parking in the area.
- The building could be occupied by 14 persons which would disturb neighbour amenity.
- The site and Coldhams Lane is more suited for family housing rather than HMOs.
- Creating an area with many houses of HMOs will drastically change the character and attractiveness of this area.
- The garden studio building would limit the level of outdoor amenity space available for future occupants.
- There does not appear to be an alternate emergency exit route.
- Insufficient bin storage as could be more than seven persons living on site.
- The short term tenancy of occupants means that the property is more likely to be occupied by younger persons and this

increases the likelihood of noise, drinking, promiscuous behaviour and drug disturbance.

- The sewerage infrastructure was designed for family homes and not 14 person HMOs with shower rooms.
- Building work should not take place during the summer months when people will be enjoying their gardens.
- The additional parking pressure could exacerbate highway safety impacts on neighbours leaving their drives.
- Rubbish is frequently left outside the property at HMOs and this could result in health and safety implications from rats.
- There is already a significant amount of student housing and young professional style housing being built across the city and there is no need for HMO conversions.
- There is a tree in the garden of No.139 within felling distance that may be affected.
- No soundproofing details have been provided.

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. Highway safety
5. Car and cycle parking
6. Drainage
7. Third party representations

### **Principle of Development**

8.2 Policy 5/7 (Supported Housing/Housing in Multiple Occupation) of the Cambridge Local Plan (2006) is relevant to test whether the principle of the proposed use is acceptable. Policy 5/7 states that 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 I set out below my assessment of the proposed use in accordance with the above policy criteria:

Impact on residential amenity (use)

8.4 In my view, the proposed use of the property as a seven person HMO would not have an adverse impact on the residential amenity of the local area. The effects from the proposed use would not be significantly different from that of present whereby the property is used as a five person HMO and could be occupied by six persons without planning permission. This proposal seeks permission to house seven occupiers (1 per bedroom). It is acknowledged that the majority of objections make reference to the point that the bedrooms could be double-occupancy and that 14 persons could occupy the site. To prevent this from happening to safeguard the amenity of neighbours, I have recommended a condition which restricts the occupancy of the site to seven persons.

8.5 The occupants would access the property from the front door and their bin storage would be stored at the front of the site. This arrangement is present throughout the fronts of properties along Coldhams Lane and I do not consider the comings and goings associated with this would be harmful to neighbour amenity. The cycle storage would be accessed through the side passage which would result in a degree of comings and goings along the boundary of No.139 Coldhams Lane. However, I do not consider that the level of comings and goings would be so great as to adversely impact this neighbour. A rear garden of approximately 43m<sup>2</sup> would be available for future occupants and the use of this space would not be significantly different to that of present in terms of noise and disturbance.

8.6 It is acknowledged that there have been several concerns raised by third parties concerning the increasing amount of HMOs present along Coldhams Lane and how this is out of keeping with the family residential character of the area. The Town and Country Planning (General Permitted Development)

Order (2015) as amended allows for the change of use of a dwellinghouse to a small HMO without the need for planning permission. Consequently, I consider it would be un-reasonable to prohibit the principle of a change of use of a property to a HMO due to the fact that there is no means of planning control over this. This assessment instead focusses on what the difference between a six person HMO and a seven person HMO would be in planning terms.

8.7 At present there are three dedicated car parking for the existing property. The proposal would reduce this down to one car parking space. Concerns have been raised regarding the potential impact the proposed use would have on car parking in the area. There is on-street car parking along Coldhams Lane but this is not controlled in any way. Furthermore, the occupiers of the existing five person HMO could have at least one car per bedroom and the property could be used as a six person HMO without planning permission. The reduction in car parking spaces down from three to one space would inevitably displace some car parking on the surrounding streets but I do not consider this impact would be significant enough as to adversely impact on neighbour amenity. Therefore, in view of this fall-back position, I do not consider the addition of an extra person to create a seven person HMO and reduction in car parking spaces would be significantly different to that of the existing situation such that it would have an adverse impact on the residential amenity of neighbours or car parking in the area. The adopted car parking standards of the Local Plan (2006) do not require a minimal level of provision in any case.

8.8 Overall, I am of the opinion that the proposed use would not be harmful to the amenity of neighbours in terms of intensification of the site and noise and disturbance. I have recommended a condition to restrict the number of occupants to seven persons to limit the impact of the use of the site.

#### Suitability of the building

8.9 Having assessed the layout of the property and the site, I am satisfied that there is enough internal space to accommodate the number of occupiers and provide sufficient communal provision such as a kitchen, sitting room and washing facilities. The occupants of the main house would have access to the main outdoor amenity space which would be 43m<sup>2</sup> in size and is

considered sufficient. Soft boundary treatment is proposed outside the ground-floor bedroom windows as a means of defensive planting to prevent other occupants from walking in front of this private outlook and provide separation buffering from the car parking and bin storage.

- 8.10 The bin store would be situated at the front of the site. There is a straightforward route out to the kerbside of Coldham's Lane for collections. I have recommended a condition for the details of the bin store to be provided in terms of its appearance. Cycle storage would be provided at the rear of the site to provide nine cycle parking spaces. The proposed site plan states that a bike storage enclosure would be built under permitted development rights. However, large HMOs do not benefit from the same permitted development rights as dwellinghouses and this cannot be constructed under permitted development. Therefore I have recommended a condition for these details to be agreed prior to occupation of the development in order to protect neighbour amenity, provide an acceptable means of secure cycle parking and to ensure the structure would be in keeping with the character and appearance of the area.

#### Proximity to public transport, shops and services

- 8.11 The location of the site is suitable for a HMO. The site is within walking distance of Coldham's Common and there are shops and services at the Mill Road East District Centre and the Beehive Centre within cycling and walking distance. There are bus stops along Coldham's Lane and sufficient cycle parking would be accommodated on-site. I do not consider occupants would be dependent on the private car.
- 8.12 In my opinion the principle of development is acceptable and compliant with Cambridge Local Plan (2006) policy 5/7.

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

- 8.13 The proposed single-storey rear extension would be of a relatively modest scale and design and would not in my opinion appear out of character with the area. The proposed two-storey extension is also of a simple and unimposing form and appearance and is considered to read as a subservient addition to the original property. These elements of the proposed works would not be visible from the public realm.

- 8.14 The proposed hip-to-gable roof extension would be visible from Coldhams Lane. There are other examples of this type of roof extension present along Coldhams Lane and this type of development could be constructed under permitted development if the property was used as a dwellinghouse. There are examples of box type rear roof dormers along Coldhams Lane and the site is not situated within the Conservation Area. I do not consider the proposed roof works would harm the character and appearance of the area.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 3/14.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.16 The impact on neighbours in terms of noise and disturbance, and car parking, has been addressed in paragraphs 8.4 – 8.8 of this report.
- 8.17 Permission was originally sought for an 8.8m deep single-storey extension that would have run hard-up against the boundary of No.135 Coldham's Lane. This was subsequently amended following concerns from officers regarding the overbearing impact this would have on this neighbour's rear windows and garden. In response to this, the depth of the extension along the boundary was limited to 6m, with the latter 2.8m being set away from the boundary. In my opinion, at 2.5m in height to the eaves with a low pitched roof of 3.65m in height, I do not consider the mass of the proposed extension would harmfully visually overbear or overshadow the neighbour's outlooks or outdoor space. The proposed first-floor extension is of a limited depth and would not protrude beyond the 45° line from the nearest windows in plan form and consequently I do not anticipate any adverse impact would be experienced at the adjacent neighbouring windows.
- 8.18 The proposed extensions are set away from the boundary and windows of No.139 and I am of the view that no harmful overshadowing or visual enclosure would be experienced at this neighbouring property from these works.

- 8.19 The views from the proposed rear dormer and first-floor windows across neighbouring gardens would be similar to that of the existing first-floor windows and there is already a mutual sense of overlooking between gardens along this side of Coldham's Lane.
- 8.20 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/13.

### **Highway Safety**

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

### **Car and Cycle Parking**

- 8.23 Car parking has been assessed in paragraph 8.7 of this report.
- 8.24 Cycle parking has been assessed in paragraph 8.11 of this report.
- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Drainage**

- 8.26 It is acknowledged that the Drainage Team has requested a flood risk assessment to be submitted prior to determination of the application as the development is identified at high risk of surface water flooding. The site is not situated within a flood zone or any other flood related constraint. It is pertinent to note that under permitted development the existing garden could be turned into hardstanding and outbuildings and certain extensions could be erected without the need for planning permission and the local planning authority would have no control over the surface water drainage of these developments. In my opinion, I therefore consider it would be reasonable to request this information as a prior to commencement condition as oppose to prior to determination.

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

### Third Party Representations

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

<u>Comment</u>	<u>Response</u>
<ul style="list-style-type: none"> <li>- Noise and disturbance from HMO/ student use &amp; use of passageway.</li> <li>- The short term tenancy of occupants means that the property is more likely to be occupied by younger persons and this increases the likelihood of noise, drinking, promiscuous behaviour and drug disturbance.</li> </ul>	<p>This has been addressed in paragraphs 8.5 and 8.6 of this report. The age and lifestyle of the future occupants of the HMO is outside the control of planning. Neighbours should contact the Environmental Health Team if they have any complaints regarding excessive noise or the police if they have any concerns regarding anti-social behaviour.</p>
<p>Increase in on-street parking in the area.</p>	<p>This has been addressed in paragraph 8.7 of this report.</p>
<ul style="list-style-type: none"> <li>- The building could be occupied by 14 persons which would disturb neighbour amenity.</li> <li>- Insufficient bin storage as could be more than seven persons living on site.</li> <li>- The sewerage infrastructure was designed for family homes and not 14 person HMOs with shower rooms.</li> </ul>	<p>A condition is proposed which limits the number of occupants to seven persons.</p> <p>Foul water and domestic drainage is a building regulation matter and not a planning consideration.</p>
<ul style="list-style-type: none"> <li>- The site and Coldhams Lane is more suited for family housing rather than HMOs.</li> <li>- Creating an area with many houses of HMOs will drastically change the character and attractiveness of this area.</li> <li>- There is already a</li> </ul>	<p>This has been addressed in paragraph 8.6 of this report.</p>

significant amount of student housing and young professional style housing being built across the city and there is no need for HMO conversions.	
The garden studio building would limit the level of outdoor amenity space available for future occupants.	The 43m <sup>2</sup> of outdoor amenity space does not include the area of the proposed garden studio building.
There does not appear to be an alternate emergency exit route.	This is a building regulation matter and not a planning consideration.
Building work should not take place during the summer months when people will be enjoying their gardens.	I do not consider it would be reasonable to restrict what time of year that works can take place and have recommended the standard construction hours condition.
Rubbish is frequently left outside the property at HMOs and this could result in health and safety implications from rats.	This is a matter that could be addressed through the Environmental Health Team if an issue arose.
The additional parking pressure could exacerbate highway safety impacts on neighbours leaving their drives.	The Highway Authority has raised no objection to the proposal. The additional parking pressure would not have a direct impact on highway safety in my view. If vehicles are parked illegally along the public highway then this is a matter for the police.
There is a tree in the garden of No.139 within felling distance that may be affected.	The proposed extensions would be a considerable distance from the tree in question and this tree is not protected. The application form states that no works to trees are proposed.
No soundproofing details have been provided.	This is a building control matter and not a planning consideration

## 9.0 CONCLUSION

9.1 The proposed use of the site as a seven person HMO would not adversely impact on the amenity of neighbours in terms of noise

and disturbance. The proposed works are considered to be in keeping with the character of the area. The proposal would not give rise to unacceptable pressures on on-street car parking in the surrounding area. Approval is recommended, 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. 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)).

6. The property shall be occupied by no more than seven 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 policies 3/7 and 5/7)

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

Reason: To ensure appropriate provision for the secure storage of bicycles, to protect the amenity of neighbours and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 3/12 and 8/6).

8. No development shall commence until details of facilities for the storage of bins 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 storage of bins and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 3/12 and 4/13).

**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**

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

<b>Application Number</b>	16/1364/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th August 2016	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	11th October 2016		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	Garage Block 1-20, Cameron Road And Land Adjacent To Nos. 33 And 45 Nuns Way Cambridge		
<b>Proposal</b>	Erection of six 2-bed and one 3-bed affordable houses, associated landscaping, parking spaces and rear gardens following demolition of existing garages.		
<b>Applicant</b>	Cambridge City Council		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal is considered to provide a high quality living environment for future occupants.</li> <li>- The proposed works would not adversely impact on residential amenity in terms of increased parking pressure, overshadowing, overlooking or visual dominance.</li> <li>- The proposed development would be in keeping with the character and appearance of the area.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The land affected is situated in a residential area in the King Hedges Ward of Cambridge, between Campkin Road and Northfields Avenue. The application site is comprised of three parcels of land adjacent to Cameron Road and Nuns Way. Firstly, in the north-west corner of the application site is the parcel of land that is currently occupied by single-storey garages. Secondly in-between No.45 Nuns Way and No.1

Crathern Way is a grassed area of undeveloped land. Finally there is a strip of grassed area immediately to the north-west of No.33 Nuns Way.

1.2 There are a range of architectural styles present in the local area. To the north-west there are two-storey properties, constructed in red brick with timber clad mono-pitched roofs. Further to the east, south-east and west the dwellings are constructed with more traditional pitched roofs but feature a combination of brick and hanging tiles on the external walls. To the south there are larger three-storey developments that accommodate residential flats. Throughout the area there are also examples of single-storey garage structures.

1.3 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal, as amended, seeks planning permission for the following works:

### Block A: Cameron Road garages

- Demolition of garages.
- Erection of 2no. two-bedroom houses in a semi-detached pair to the north-east of No.40 Cameron Road. The proposed dwellings would be two-storeys in scale, measuring approximately 4.8m to the eaves and 7.6m to the ridge, and constructed in red brick with a pitched slate tiled roof.
- Creation of new open car parking area and associated landscaping to provide 24no. car parking spaces.

### Block B: Land between No.45 Nuns Way and No.1 Crathern Way

- Extension of private road from Nuns Way to the south-west to provide four car parking spaces and associated landscaping.
- Erection of 4no. two-bedroom houses in a terraced row between No.45 Nuns Way and No.1 Crathern Way. The proposed dwellings would be two-storeys in scale, measuring approximately 4.8m to the eaves and 7.6m to the ridge, and constructed in red brick with a pitched slate tiled roof.

## Block C: Land adjacent to No.33 Nuns Way

- Erection of a detached three-bedroom house on land to the north-west of No.33 Nuns Way. The proposed dwelling would be two-storey in scale, measuring approximately 5.3m to the eaves and 8.2m to the ridge, and constructed in grey brick with a pitched slate tiled roof.
- 2.2 The proposal originally included an additional residential development further to the south-east adjacent to No.6 Cadwin Field. However, this was removed from the application following concerns raised by officers regarding the likely overshadowing impact on No.6.
- 2.3 The proposed dwellings would be owned and let out by Cambridge City Council for affordable housing.
- 2.4 The application is accompanied by the following additional information:
  - 1. Drawings
  - 2. Design and Access Statement
  - 3. Technical Noise Assessment
  - 4. Shadow Studies
  - 5. Archaeological information
  - 6. Utilities information
  - 7. Arboricultural survey
  - 8. Preliminary contaminated land investigation
  - 9. Ecological assessment

### **3.0 SITE HISTORY**

- 3.1 There is no planning history.

### **4.0 PUBLICITY**

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex 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)  Affordable Housing (January 2008)  Planning Obligation Strategy (March 2010)

Material Considerations	<u>City Wide Guidance</u>
	Arboricultural Strategy (2004)
	Cambridge City Nature Conservation Strategy (2006)
	Cambridgeshire Design Guide For Streets and Public Realm (2007)
	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
- Manoeuvring area

- Access as shown
- Highways informative
- Public utility informative

## **Environmental Health**

### Original comments (06/09/2016)

- 6.2 A plant noise assessment is required to assess the impact of the existing substation on future occupants.

### Comments on technical noise assessment (08/11/2016)

- 6.3 There are concerns that noise sensitive rooms within block A that overlook the substation (bedrooms illustrated within Saunders Boston elevation drawings (rev A) may be subjected to low frequency noise when windows are open for ventilation purposes.
- 6.4 A further acoustic assessment is required to ensure that the future occupants would not be adversely affected. Alternatively, as a mitigation measure, block A could be redesigned to incorporate blank facades overlooking the substation enclosure or non-habitable rooms such as bathrooms.

### Comments on further acoustic assessment (13/06/2017)

- 6.5 The acoustic assessment demonstrates that the substation would not have an adverse impact on future occupants of Block A. This is subject to glazing of appropriate performance being implemented and a ventilation scheme being installed. No objection subject to the following conditions and informatives:

- Construction hours
- Collecting during construction
- Piling
- Dust
- Contaminated land conditions
- Acoustic assessment compliance
- Ventilation scheme
- Dust informative
- Site investigation informative
- Remediation works informative
- Materials chemical testing informative



- Contaminated land guide informative

### **Refuse and Recycling**

- 6.6 No objection.

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

#### Original comments (09/09/2016)

- 6.7 Plots 1-6 are acceptable in design terms subject to the reduction in height of the side garden boundary to Plot 1 and red brick treatment of the units. The deep plan form of Plots 7 and 8 is likely to result in overbearing impacts and in the case of Plot 8 overshadowing impacts to neighbouring houses. The proposed units fail to address Cambridge Local Plan Policy 3/4 Responding to Context and 3/11 The Design of New Buildings and cannot be supported.

#### Comments on shadow studies and additional information (14/11/2016)

- 6.8 We remain concerned that deep plan form of Plot 7 will appear overbearing from No. 33 Nuns Way. The deep plan form of Plot 8 will result in increasing the level of overshadowing to the rear garden of No. 6 Cadwin Fields. The proposed units fail to address Cambridge Local Plan Policy 3/4 Responding to Context and 3/11 The Design of New Buildings and cannot be supported.

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

#### Original comments (03/11/2016)

- 6.9 The tree constraints information is insufficient to fully assess the impact of development on the site's and adjacent trees. The application should be supported by an arboricultural impact assessment in accordance with BS5837: 2012

Comments on additional information (10/05/2017)

6.10 No objection subject to the following conditions:

- Arboricultural implications assessment (AIA) and Tree Protection Plan (TPP)
- Implementation of AIA and TPP

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

6.11 No objection subject to the following conditions:

- Hard and soft landscaping
- Landscape maintenance and management plan
- Boundary treatment

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

6.12 No objection subject to surface water drainage condition.

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

6.13 No objection subject to bird and bat box provision condition.

**Disability Consultative Panel (Meeting of 30 August 2016)**

6.14 The Panel felt these homes were particularly small, and although described as 'Lifetime Homes compliant' details of the accessible unit are not specified (although the inclusion of a bathroom hoist is noted). Consultation with an Occupational Therapist is recommended regarding the 'Lifetime' standards. Sliding doors are recommended for the bathrooms, particularly if space is limited. It was also not clear from the plans as to how parking provision would be allocated. With the loss of so many garages as a result of these schemes, the Panel questioned what the overall loss of parking provision would be.

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

## **7.0 REPRESENTATIONS**

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

- No.1 Crathern Way

7.2 The representation can be summarised as follows:

- The application description/ address do not correctly describe the proposed plans. Neighbour's should be re-consulted if and when this is changed.
- The proposed works are not in keeping with the character of the area, particularly the loss of green spaces.
- The green spaces that would be affected are used for outdoor play by children.
- The proposal would increase parking demand in the area.
- Increased noise and air pollution from traffic generated.
- Increase in traffic would pose new hazards to children in the area.
- The houses should be affordable to residents of the area.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Ecology
9. Drainage
10. Third party representations
11. Planning Obligations (s106 Agreement)

## **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses. The site is located within a residential context. Therefore, the proposed redevelopment of the site to seven new dwellings is acceptable in principle.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

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

### Block A and Car Parking

- 8.4 The existing garages on the site do not have any positive impact on the character and appearance of the area. The majority of these garages are in poor condition and set back a considerable distance from the road. They do not offer any means of active frontage or surveillance along Nuns Way and Cameron Road. In my opinion, the demolition of these structures is acceptable and this aspect of the proposed works would not detrimentally impact on the character and appearance of the area.
- 8.5 The proposed dwellings would be set back from the frontage of Nuns Way. There would be additional tree planting and soft landscaping in the space between the proposed development and the road frontage. The proposed block would occupy a footprint similar to Nos.30 – 40 Cameron Road in terms of depth and the proposal would be orientated with the side gable facing towards Nuns Way in a comparable vein to that of the established grain of development.
- 8.6 The proposal would read as a pair of semi-detached properties with a relatively orthodox appearance and fenestration. The vernacular of architectural treatment in the wider context is eclectic with a varying palette of materials, roof forms and window rhythms. In my view, the proposed development of Block A would read comfortably within its plot and would not appear prominent or out of context with its surroundings. The two-storey scale is akin to the general heights of development

in the immediate area. The use of timber paneling and modern door and window detailing would give the building a contemporary feel compared to the post-war style housing in the immediate vicinity but I consider this would help rejuvenate the appearance of the area and provide a successful yet subtle contrast.

- 8.7 The proposed dwellings would have two main points of access. There would be a front door and path adjacent to the proposed car parking spaces which would connect to Nuns Way. I consider the proposed arrangement of car parking and main routes into the proposed dwellings would be acceptable from a design perspective.
- 8.8 The proposed car parking area would reconfigure the existing hardstanding area adjacent to the garages. The proposal would also involve the paving over of part of the existing green open area and effectively extends the existing area of parking. To compensate for this additional parking area, pockets of soft landscaping and tree planting would be introduced into the proposed car parking area which would drastically improve the external appearance of this area. There would also be significant enhancements to the public realm adjacent to Nuns Way following the demolition of the garages. The Landscape Team has not raised any objection to the proposed car parking layout. In my opinion, the additional hardstanding proposed would be minimal and any harm caused would be outweighed by the positive improvements to the public realm in terms of soft landscaping and tree planting.

### Block B

- 8.9 The proposed terrace development of Block B would be designed to follow the building line of Nos.35 – 45 Nuns Way to the north-east. It would be detached from the adjacent row of terraces along Crathern Way and Nuns Way. The proposed dwellings would be orientated similarly to the adjoining properties.
- 8.10 It is acknowledged that concerns have been raised from a third party regarding the green space that would be lost as a result of this proposal and the harmful impact this would have on the character of the area. The area is characterised by green parcels of land that provide a degree of breathing space

between residential properties. Although I acknowledge that the development over one of these green spaces is not ideal, I am not convinced that the impact caused would be so great as to warrant refusal of the application. This is because there are ample green spaces elsewhere within the surrounding area that would ensure that this character is retained throughout the wider context. For example, there is a large rectangle of space immediately to the south of this development, as well as much larger spaces further afield. There would still be some green pockets of land retained on the site and the proposed dwellings and extension of the private road would be spaced comfortably from neighbouring properties. As a result I do not consider the proposed development would result in the green open feel of the character of the area being harmfully deteriorated and is acceptable. The Landscape Team has raised no objection to the proposed development over this land.

- 8.11 The proposed scale, mass, fenestration and layout of the dwellings would be akin to that of Block A. I am of the view that the proposed design would be in keeping with the character and appearance of the area for the reasons set out in paragraphs 8.7 – 8.8 of this report.
- 8.12 The proposed extension to the private road would involve the removal of a Category C tree. Nonetheless, this is a relatively low quality tree and the proposal would involve a fairly extensive tree planting programme. The Tree Officer has assessed the proposed works and has raised no objection subject to conditions.

### Block C

- 8.13 The proposed dwelling at Block C would be a detached dwelling that is orientated facing onto Nuns Way and follows the same front building line as nos.27 – 33 Nuns Way. In my opinion, the proposal would be read within the same context as this nearby terrace and the footprint and orientation is appropriate within this context. The green space that the proposal would be situated on is relatively small and I do not consider the loss of this space would adversely impact the character of the area.
- 8.14 The proposed dwelling would appear taller than the adjacent terrace along Nuns Way. However, given that it would be detached from this terrace I consider there is scope for a

degree of variation in terms of height and scale. The proposed dwelling would read as a two-storey building which is generally in keeping with the character and appearance of the area. The proposed dwelling would have a strong active frontage onto Nuns Way and would make a positive contribution to the appearance of the area. There would be a small threshold of soft landscaping in the form of a front garden and one car parking space which mirrors the layout of properties in this area. The proposed choice of materials and fenestration would be in stark contrast to the appearance of the terrace to which the proposal would be seen alongside. Nevertheless, I am of the view that the aesthetics of these nearby dwellings appears relatively tired and that the proposal to introduce a more contemporary palette of materials would be an enhancement to this frontage.

### Conclusion

- 8.15 The proposed dwellings would in my opinion read as modern interventions that relate and respond successfully to the context of the area. The loss of part of the green open space of this area is not desirable, however, the proposal does take advantage of implementing new forms of soft landscaping and tree planting elsewhere on the site. The green space that would be affected represents a relatively minor part of the overall soft landscaping that is accumulated throughout the wider area. The proposed car parking and hard landscaping would offer opportunities to incorporate pockets of soft landscaping. The proposed works would be read as an acceptable level of development and in keeping with the character and appearance of the area. Conditions pertaining to landscaping, tree protection and materials have been recommended in accordance with consultee advice.
- 8.16 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

### **Disabled access**

- 8.17 The Disability Consultative Panel have sought clarification regarding the schemes compliance with the Lifetime Homes standard. The floor plans do demonstrate that there would be the ability for wheelchair turning areas in the majority of the

rooms and space for the possible provision of an internal lift in the corner of each of the living rooms up to the first-floor bedrooms. Any modifications needed to ensure that these dwellings would meet the Lifetime Homes standard would be restricted predominantly to internal works. I have recommended an informative to make the applicant aware of this

- 8.18 In my opinion, subject to informative, the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

#### Block A and car parking

- 8.19 The proposed dwellings would be over 22m from the rear garden boundaries of properties to the north-west between Nos.2 – 12 Cameron Road. The separation distance from the front boundaries of Nos.35 – 45 Nuns Way to the south-east would be over 19m. I consider the separation distances from these properties sufficient to ensure that no harm would arise to these neighbours. There are no windows in the side (north-east) gable of No.40 Cameron Road and the proposed development would be positioned to the north-east of this neighbour. The views across the garden of this neighbour would be no worse than the existing views shared between neighbours along this terrace. I do not consider any harmful overshadowing, overlooking or visual dominance would be experienced along the neighbouring terrace of Cameron Road.

- 8.20 The proposed car parking would be situated in an area that is already frequently used for car parking and the proposal seeks to formalise the layout of this space. In this area of the site, there would be a net increase of two car parking spaces when compared to the existing garages. I do not anticipate that the movement of cars to and from this area would adversely disturb neighbouring properties.

#### Block B and car parking

- 8.21 There are no habitable windows in the side end gables of No.1 Crathern Way or No.45 Nuns Way. The proposed terrace row of dwellings would not extend significantly beyond the front or rear



elevations of either of these neighbours. As a result, I am of the opinion that no visual enclosure would be experienced at these neighbouring properties. The proposed works would be situated to the north-east of No.1 Crathern Way and I am therefore of the opinion that no harmful loss of light would be experienced at this neighbour. The proposed development would be to the south-west of No.45 Nuns Way but there is considered to be a comfortable separation distance from this neighbour and I do not envisage that the levels of light lost in the garden of this neighbour would be significant enough to harm this neighbour's amenity. The views out from the rear and front of the proposed dwellings would not compromise the privacy of neighbours any worse than the existing first-floor windows along each of the terraces.

- 8.22 The extension of the private road to the south-west from Nuns Way would introduce some additional car movements in front of properties along Nuns Way. However, this private road would only lead to four car parking spaces and there are already some car parking spaces close to these dwellings. In my opinion, the likely comings and goings associated with the proposed car parking spaces would not be significant enough to adversely affect neighbour amenity.

### Block C

- 8.23 The proposed dwelling would be approximately 9.4m from the rear windows of Nos. 35 – 39 Nuns Way which are situated to the north-west of the site. The shadow study demonstrates that in the morning at around 09:00hrs during the Vernal/ Autumnal equinoxes there would be some overshadowing of the rear garden spaces of Nos.37 – 39. After 13:00hrs the levels of overshadowing would be no worse than present and it is likely that there would not be a significant difference after the late morning around 11:00hrs. In the Summer equinox there would be some overshadowing of the two adjacent gardens but this would not be substantial and would only be for a brief period in the morning. There would be no noticeable difference during the Winter equinox. In my opinion, from my site visit and having assessed the plans and shadow study submitted, I consider that the level of overshadowing that would be experienced at the adjacent neighbours to the north-west would not be harmful enough to warrant refusal of the application and is acceptable from a loss of light perspective. In terms of visual enclosure, the

proposed development would inevitably be visible from the rear outlooks of these neighbours. At present, the views from these neighbours face onto the side gable of No.33 Nuns Way. The proposed development would be closer and taller than that of the existing side gable of No.33. The proposal would however be set off the rear boundaries of these neighbours and have a steep pitched roof which does mitigate the visual prominence of the development to a degree. On balance, I am of the opinion that the perceived mass of the proposed side end gable would not be so great as to harmfully overbear these neighbours and is acceptable. The proposal would not include any direct outlooks over the gardens and rear elevations of these neighbours.

- 8.24 It is acknowledged that the only outstanding objection from the Urban Design and Conservation Team relates to the possible overbearing impact on No.33. The proposed dwelling would project roughly 3.4m beyond the rear building line of No.33 to the south-east. However, the proposed dwelling would be detached from the boundary of the neighbour and would not break the 45° lines of sight from the nearest ground-floor and first-floor windows of this neighbour. There would still be open outlooks from the garden of this neighbour to the south and west that would not be affected by the proposal. There would only be a minimal amount of overshadowing in the late afternoon hours affecting this neighbour and this would not be significant enough to harm the amenity of this neighbour. The views across the garden of this neighbour would be similar to that of other properties along the adjacent terrace.

#### Impact on car parking

- 8.25 It is acknowledged that a concern has been raised regarding the increased car parking pressure the proposal would cause. The application form states that there are at present 21no. car parking spaces on the site. The proposal would provide a total of 28no. car parking spaces which equates to a net increase of seven spaces. The seven proposed dwellings would all have their own car parking space and so the amount of car parking available to the public would remain at 21 spaces. The City Council has maximum car parking standards and the majority of the proposed dwellings are two-bedroom in size. As these new dwellings would be catered for with their own car parking

spaces, I do not consider the proposal would exacerbate parking demand significantly.

- 8.26 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 8/2.

Amenity for future occupiers of the site

- 8.27 The proposal would provide seven affordable dwellings in a suburban location. The proposed dwellings would have their own private outdoor amenity space, bin storage area, bike store and car parking space. All of the habitable rooms would have acceptable visual outlooks and the dwellings would have an internal area of roughly 72m<sup>2</sup>. The Campkin Road Local Centre is within 500m of the application site and there are bus stops along Campkin Road and Northfield Avenue, both within walking distance.
- 8.28 The Environmental Health Team had originally objected to the application on the grounds that future occupants of Block A would experience high noise levels within habitable rooms from the nearby substation. In response to this, a detailed acoustic assessment has been submitted which demonstrates that subject to appropriate glazing being installed and an alternative ventilation scheme for the bedrooms being installed, the proposal would provide an acceptable living environment for future occupants.
- 8.29 In my opinion, subject to conditions, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10, 3/12 and 4/13.

### **Refuse Arrangements**

- 8.30 Bins would be stored at the end of each of the proposed gardens and there would be individual access points for bins to be wheeled out to the kerbside on collection days. The Waste Team has raised no objection to the proposed works.

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

### **Highway Safety**

8.32 The Highway Authority has raised no objection to the proposed works subject to conditions.

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

### **Car and Cycle Parking**

8.34 Car parking has been addressed in paragraph 8.25 of this report.

8.35 The application form does not specify how many cycle parking spaces each of the stores at the end of the gardens would provide. Notwithstanding this, there appears to be adequate room to accommodate the necessary number of minimum cycle parking spaces and I have recommended a condition to control this.

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

### **Ecology**

8.37 An ecology report has been submitted which demonstrates that the existing garages are of low bat roost potential and that the level of shrub/ tree clearance is unlikely to adversely affect protected species. The Nature Conservation Project officer has raised no objection to the findings of this report, subject to a condition requiring details of bird and bat boxes.

8.38 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 4/3.

### **Drainage**

8.39 The Drainage Officer has raised no objection to the proposed works subject to condition which I agree with.

8.40 The proposal is compliant with paragraph 103 of the National Planning Policy Framework (2012)

### **Third Party Representations**

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

<b><u>Comment</u></b>	<b><u>Response</u></b>
The application description/address do not correctly describe the proposed plans. Neighbours should be re-consulted if and when this is changed.	This has since been amended to correctly describe the proposals. The address of the application has also been amended accordingly. Neighbours were notified of these amendments.
The proposed works are not in keeping with the character of the area, particularly the loss of green spaces.	This has been addressed in the main body of this report.
The green spaces that would be affected are used for outdoor play by children.	The green space that would be developed on is not designated as protected open space. There are ample alternative green spaces close to the site, including the Edgcombe Flats Green and Nuns Way Recreation Ground, both of which are larger and designated as protected open space.
The proposal would increase parking demand in the area.	This has been addressed in paragraph 8.25 of this report.
Increased noise and air pollution from traffic generated.	The impact of car movements in terms of noise has been addressed in the residential amenity section of this report. The Environmental Health Team has not raised any objection to the proposal on the grounds of air pollution. The site falls outside the air quality management area.
Increase in traffic would pose new hazards to children in the area.	The Highway Authority has raised no objection to the proposed works.

The houses should be affordable to residents of the area.	The dwellings would be let as affordable housing by the City Council.
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### **Planning Obligations (s106 Agreement)**

8.42 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.

8.43 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

### **9.0 CONCLUSION**

9.1 The proposed development adequately respects neighbouring occupiers in terms of overlooking, overshadowing and visual dominance. The proposal would provide sufficient car parking for future occupants and would not significantly exacerbate car parking demands in the local area. The development over part of the green space on the site is considered acceptable and not harmful to the character of the area. The proposal would be in keeping with the character and appearance of the area, would provide a high quality living environment for future occupants and would help meet affordable housing need.

### **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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



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

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

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

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

13. The glazing performance as stated within the MLM Technical Noise Assessment dated 5th June 2017 (Revision 01, NM/101525/001) shall be fully implemented, maintained and not altered.

Reason: To provide an acceptable living environment for future occupants (Cambridge Local Plan 2006 policy 4/13).

14. Prior to the commencement of development/construction, details of an alternative ventilation scheme for the bedrooms on the substation façade to negate / replace the need to open windows, in order to protect future occupiers from external noise shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall achieve at least 2 air changes per hour. Full details are also required of the operating noise level of the alternative ventilation system. The scheme shall be installed before the use hereby permitted is commenced and shall be fully retained thereafter.

Reason: To provide an acceptable living environment for future occupants (Cambridge Local Plan 2006 policy 4/13).

15. 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).

16. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure forward of the principal elevation shall be erected within the curtilage of the dwellinghouse(s) without the granting of specific planning permission.

Reason: To protect the visual amenity of the neighbourhood and in the interests of highway safety (Cambridge Local Plan 2006 policies 3/4 and 8/2).

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

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

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

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

19. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (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)

20. 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)

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

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

22. The windows serving the bathrooms on drawing numbers 1446-P-001 REV A, 1446-P-002 REV A and 1446-P-003 on the elevations labelled B and D shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to use of the rooms and shall have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

23. Facilities for the covered, secure parking of bicycles shall be provided prior to the occupation of each house and retained thereafter.

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

24. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

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

25. No development shall commence until a plan has been submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of internal bird and bat boxes within the new buildings. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancements for protected species on the site (Cambridge Local Plan 2006 policy 4/3).

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

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

27. 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)

28. 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)

**INFORMATIVE:** The Disability Consultative Panel felt these homes were particularly small, and although described as 'Lifetime Homes compliant' details of the accessible unit are not specified (although the inclusion of a bathroom hoist is noted). Consultation with an Occupational Therapist is recommended regarding the 'Lifetime' standards. Sliding doors are recommended for the bathrooms, particularly if space is limited.



**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

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

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

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

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

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

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

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

**INFORMATIVE:** The Council's document 'Developers Guide to Contaminated Land in Cambridge' provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Council's website on <https://www.cambridge.gov.uk/land-pollution>. Hard copies can also be provided upon request.

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Director of Planning and Environment

TO: Planning Committee

05/07/2017

WARDS: All

### **LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINT REFERENCE 16 002 481**

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#### **1 INTRODUCTION**

1.1 The LGO has upheld a complaint relating to the determination of a planning application for a single storey front extension, part two storey/part single storey rear extension following demolition of existing garden room and rear dormer roof extension. The LGO found that the failures identified amounted to 'injustice'. A copy of the LGO decision is attached (Appendix A)

1.2 In summary the Ombudsman's final decision was as follows:

The Council was significantly at fault in the way in which it determined the application by Mr and Mrs F's neighbours for a rear extension. If not for this fault, officers might have invited revised proposals. But, the Council was not at fault in the way in which it subsequently considered revocation of the planning permission. Thus the injustice to Mr and Mrs F was limited to their justifiable sense of outrage at being treated unfairly, uncertainty and time and trouble.

#### **2. RECOMMENDATIONS**

2.1 To note that the LGO has upheld a complaint relating to the determination of a planning application.

2.2 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 Council and that Committee is satisfied with the action that has been taken (set out in Section 4 of the report).

### 3. THE COMPLAINT AND THE LGO INVESTIGATION

- 3.1 The complainants complained about the way in which the Council's Planning Committee considered whether or not to revoke their neighbours' planning application and that the extension would have a detrimental effect on their residential amenity in the form of loss of daylight and sunlight to their kitchen diner. The LGO investigated these issues under the following headings:
- The Independent Complaints Investigator's report
  - The Planning Committee's consideration of the proposed revocation
  - The Council's comments
  - Was there fault and, if so, was there injustice requiring a remedy?

I have used these headings to set out details of the complaint and the LGO decision below.

#### The Independent Complaints Investigator's (ICI) report

- 3.2 The LGO noted that the ICI had identified a number of errors in the delegated report by the Case Officer which was signed off by a Principal Planner. There were errors in relation to the relationship between the two properties, measurements and the decision not to require a daylight/sunlight analysis was founded on an inaccurate assumption that all 3 kitchen windows were already compromised in terms of daylight. The ICI noted that the rearmost window was not already shadowed and this window compensated for the reduced light to the other two windows. In the absence of a daylight/sunlight analysis officers did not properly assess the impact of loss of light and the decision was unsound.
- 3.3 The LGO also acknowledged that the ICI found that when the neighbour's complaint was dealt with under stage 2 of the Council's complaints policy officers made the wrong judgment in terms of whether or on a kitchen should be regarded as a habitable room. At this stage officers also commented that an extension constructed under 'permitted development rights' would have had a similar impact on the neighbours but there were no calculations to back this up. The ICI concluded that the stage 2 response was fundamentally

flawed and that on the balance of probabilities the decision to approve the application was unsound.

- 3.4 The LGO also refers to the ICI's view that the neighbours had set aside a significant amount of time in arguing that the planning decision was unsound; their relationship with their neighbour had broken down; and they felt their quality of life had suffered, and they were seriously thinking of moving home.

The Planning Committee's consideration of the proposed revocation

- 3.5 The LGO describes the report which was presented to Planning Committee on 6 April 2016. In particular she refers to the fact that officers concluded that there would be overshadowing from the proposed extension of the neighbouring property at times when there was currently no overshadowing and that modelling of a 'permitted development' scheme shows that a similar impact would not have arisen from such a scheme. She acknowledges that the officer conclusion was that it is finely balanced case but that the impact on residential amenity was just about acceptable. She states that officers did not consider it would be expedient to revoke the planning permission
- 3.6 Planning Committee resolved not seek revocation of the planning permission and the LGO notes that officer notes indicated that members understood the planning issues they were being asked to decide and that they were concerned about the way in which the neighbours had been treated. Following the meeting the neighbours made further complaints to the Council about the conduct of the meeting and members considerations. In response to this the LGO notes that officers had visited the neighbours after the ICI report was received to explain the process of responding to his recommendations, that the neighbours were aware of the date of the Committee meeting and were able to point out matters that they wanted members to consider during the site visit. The neighbours were advised of the Committee decision on the day of the meeting and officers did not accept that they had not kept the neighbours informed.
- 3.7 With regard to the decision to exclude the press and public from the meeting, the view of officers was that this was a decision that the Committee was entitled to make. Officers also considered that the Committee report identified all the material considerations to enable committee members to form a personal view based on their judgement and that they were experienced enough to do this. The

officer's view was that the Council had acted on the Independent Investigator's recommendations.

### The Council's comments

- 3.8 The LGO asked the Council to comment on why officers did not ask the Planning Committee to consider the option of modifying the planning permission. The response from officers was that using powers under Section 97 would have required the Council to unilaterally determine the modification and under section 98 in the event of opposition from the owners of the site this would have led to a requirement for the Secretary of State to consider the merits of the proposed modification. This was seen to be an unusual process to follow for a householder extension. The modification process would have denied the owners the opportunity to consider/promote alternatives whereas the revocation process would have left them free to make a fresh planning application to meet their needs and in the event of a refusal of planning permission referral to the householder appeals process.

### Was there fault and, if so, was there injustice requiring a remedy?

- 3.9 The LGO shares the ICI view that there was fault in both the case officer's delegated report that was signed off by a senior officer and with the responses given to the neighbours as part of the Council's complaints process. The LGO's view is that these errors were unfair to the neighbours, justifiably left them with a sense of outrage and put them to unreasonable time and trouble in pursuing matters. In reaching this view the LGO was mindful that the neighbours are elderly and felt vulnerable in pursuing matters with the Council.
- 3.10 The LGO could not conclude that the Council would have refused the application if the errors in the case officer report had not occurred. The reason the LGO gives for reaching this view is that the decision to be made by the Council was not whether or not the proposed extension would impact on the neighbours' amenity but to consider the extent and acceptability of that impact. It is not open to the LGO to substitute her judgement for the professional judgements of planning officers but she acknowledges that there would be an impact with any two storey extension and she was unable to conclude that if the errors had not been made officers would not have sought amendments to reduce that impact. In addition to the injustice the LGO identified which is set out in paragraph 3.9 above she also concluded that because the errors were made the neighbour

were left a significant degree of uncertainty about whether a request to amend the plans would have been made.

- 3.11 The LGO does not criticise the officers' report to Planning Committee regarding revocation. She considered that this properly assessed the impact on the neighbours and in the light of this it is not open to her to question the conclusions reached. She also notes that it was correct to treat potential cost to the Council as a 'material consideration'. She takes the view that it might have been appropriate to have explained the implications of modification to the Planning Committee, as opposed to revocation but she is satisfied by the officer's explanation of why modification was not a viable option. She is satisfied there was no fault in the way in which the Planning Committee dealt with matters

#### 4 **LGO AGREED ACTION AND FINAL DECISION**

- 4.1 The LGO recommends the following action:

The Council should pay the neighbours the sum of £1,000 in recognition of the distress they have suffered in the form of outrage and uncertainty

The Council should make a further payment of £250 in recognition of the time and trouble the neighbours were put to in pursuing their complaints

- 4.2 A written apology has been sent from the Director of Planning and Environment and the sums recommended by the LGO have been paid to the neighbours.

#### 5 **IMPLICATIONS**

- (a) **Financial Implications** The LGO has recommended the payment of any compensation which has been met from the Planning Services budget.
- (b) **Staffing Implications** Planning officers have been briefed about the outcome of the investigations by the ICI and LGO.
- (c) **Equality and Poverty Implications** An equality impact assessment has not been carried out in respect of this report.
- (d) **Environmental Implications** This report has no climate change impact.

(e) **Procurement** There are no procurement implications.

(f) **Consultation and communication** No consultations were necessary to prepare this report.

(g) **Community Safety** No direct or indirect community safety implications.

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

LGO final decision (29 March 2017)

To inspect these documents contact Sarah Dyer on extension 7153.

The author and contact officer for queries on the report is Sarah Dyer on extension 7153.

Report file:

Date originated: 20 June 2017

Date of last revision: 20 June 2017



**Complaint reference:**  
16 002 481

**Complaint against:**  
Cambridge City Council

## **The Ombudsman's decision**

Summary: The Council was significantly at fault in the way in which it determined the application by Mr and Mrs F's neighbours for a rear extension. If not for this fault, officers might have invited revised proposals. But, the Council was not at fault in the way in which it subsequently considered revocation of the planning permission. Thus the injustice to Mr and Mrs F was limited to their justifiable sense of outrage at being treated unfairly, uncertainty and time and trouble.

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## **The complaint**

1. The complainants, to whom I shall refer as Mr and Mrs F, complained about the way in which the Council's Planning Committee considered whether or not to revoke their neighbours' planning permission for an extension. The approved extension would have a detrimental effect on their residential amenity in the form of loss of daylight and sunlight to their kitchen diner. Mr and Mrs F said in particular;
  - a) officers had made a number of errors in recommending the proposals for approval under their delegated authority; and
  - b) although the Council's Independent Complaints Investigator had found in their favour, there were serious flaws in the way in which the Planning Committee decided not to make a revocation order.
2. Mr and Mrs F told me they spend a great deal of time in their kitchen diner. They are elderly, and they have found dealing with the Council all the more difficult and stressful for this reason.

## **The Ombudsman's role and powers**

3. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
4. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

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## **How I considered this complaint**

5. I have considered all the information Mr and Mrs F provided. This included information they obtained from the Council through their Freedom of Information requests.
6. I have written to Mr and Mrs F and the Council with my draft decision and considered their comments.

## **What I found**

### **Legal and administrative background**

#### **Town & Country Planning Act 1990**

7. Section 97 provides that a local planning authority can revoke or modify a planning permission if it considers it expedient to do so. The authority should have regard to the development plan and any other material considerations.
8. The authority can exercise this power before any building or other operations are completed. It cannot exercise the power in relation to any part of building or other operations already carried out.
9. In accordance with Section 98 there is a right of appeal attached to a revocation or modification order. The Secretary of State can also modify a revocation or modification order in any way he or she considers expedient.

#### **Local Government Act 1972**

10. Schedule 12 A provides that a planning committee can exclude members of the public so as to prevent disclosure of information defined as exempt. This includes information:
  - about any individual, or likely to reveal the identity of any individual;
  - relating to the financial or business affairs of any particular person (including the authority holding that information); and
  - which reveals that the authority proposes to give a notice, order or direction under any enactment.

#### **The planning application**

11. The application was for a single storey front extension, part two storey and part single storey rear extension following demolition of an existing garden room, and a roof extension incorporating a rear dormer.

#### **The Independent Complaint Investigator's report**

12. The Investigator recommended that the Council take legal advice on the process required to revoke the planning permission. He said:
  - the officers' delegated report had made a number of errors in relation to measurements, the relationship between the two properties, and design features of Mr and Mrs F's property;
  - these indicated an unacceptable level of service delivery which had affected Mr and Mrs F's confidence in the assessment process;
  - officers made further errors in saying that light to all three of Mr and Mrs F's kitchen windows was already compromised. Thus no daylight/sunlight analysis was necessary; but

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- this was incorrect. The rearmost window was not already shadowed. It was this window that compensated for reduced light to the other two windows;
  - in the absence of a daylight/sunlight analysis officers did not properly assess the impact of loss of light. Thus their decision was unsound;
  - in her stage 2 complaint response, the Head of Planning had accepted there would be a significant impact on levels of daylight and sunlight to the kitchen. But, she did not consider this would have justified refusal of planning permission;
  - she had said kitchens were not normally treated as habitable rooms. They required less protection from loss of daylight/sunlight. This was wrong. Kitchens were normally treated as habitable rooms in assessing the effect of planning proposals;
  - the Head of Planning had also said that a smaller single storey extension built as permitted development would have had a similarly significant impact. This too was a factor officers had to take into account; but
  - there were no calculations in support of what the Head of Planning said; so
  - in his view, the stage 2 response was fundamentally flawed. On the balance of probabilities, the decision to approve the application was therefore also unsound.
13. The Independent Complaint Investigator also assessed the injustice to Mr and Mrs F. He said that:
- Mr and Mrs F had had to set aside a significant amount of time in arguing that the planning decision was unsound;
  - their relationship with their neighbour had broken down; and
  - they felt their quality of life had suffered, and they were seriously thinking of moving home.

### **The Planning Committee's consideration of the proposed revocation**

#### **The officers' report**

14. The report set out how officers had assessed the original planning application; the view taken by the Head of Planning in her stage 2 response; and the Independent Investigating Officer's analysis and conclusions;
15. It referred to local planning policy, which said: "the extension of existing buildings would be permitted if they did not overlook, overshadow or visually dominate neighbouring properties."
16. In analysing the impact of the approved development on Mr and Mrs F's home in terms of visual domination, the report said:
- there would be a brick wall facing the rearmost kitchen window. This would be five metres high and would "fill" the view. This would be 3.3 metres from the window;
  - there was an existing boundary fence between the two houses, and a large shrub in the garden which currently dominated the view of the window;
  - an extension built as permitted development would present a wall three metres high and four metres long opposite the window. This mass of wall would have a similar impact on outlook from the rearmost window as the approved extension;
  - taking account of the shrub and the permitted development (fall-back) position, officers took the view it would have been difficult to justify refusal of planning permission on these grounds.

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17. In assessing overshadowing, the report said:
- Mr and Mrs F's home lay to the northeast of the application site. So, as the sun moved from east to west the applicants' dwelling, boundary fence, and approved extension would cast a shadow;
  - shadow plans showed that at the Spring equinox the rearmost kitchen window was overshadowed by the applicants' existing house until about 2pm. By 4pm it was no longer overshadowed; but
  - the window would be overshadowed by the approved extension at 4pm. Officers had concluded, therefore, that it would cast a shadow at times when there was currently no overshadowing; ie during the afternoons between April and September;
  - modelling of possible smaller permitted development schemes showed these would not have the same impact, and would leave the window largely free from overshadowing;
  - the internal layout of Mr and Mrs F's house meant there was no outlook towards the garden from the kitchen diner. They were dependent on light from the three windows facing the side elevation of the applicants' house;
  - officers noted that Mr and Mrs F spent a lot of time in their kitchen diner. But, they were not limited to the use of this room. They had other habitable rooms on the ground floor;
  - there was also a large shrub on the boundary. Officers considered this was likely to affect the amount of light to the rear most kitchen window.
18. Officers concluded:
- this was a finely balanced case. If the overshadowing was set against the lack of visual domination compared with the fall back permitted development position, the impact on residential amenity was just about acceptable;
  - the cost of compensation was also a material consideration in deciding whether to revoke or modify a planning permission. The applicants had not begun building work. But, they could seek compensation for the costs of preparation of detailed drawings and structural engineers' costs, planning application fees etc; so
  - officers did not consider it would be expedient to revoke the planning permission.

### **The decision**

19. Planning Committee members resolved unanimously that the Local Planning Authority should not seek revocation of the planning permission.

### **Notes of the meeting**

20. At the meeting three officers made their own contemporaneous notes of members' debate of the issues. These sets of notes were broadly consistent with each other. They indicated that members understood the planning issues they were being asked to decide, and that they were concerned about the way in which Mr and Mrs F had been treated.

### **The Council's further complaint response**

21. Following the Planning Committee meeting at which members considered the revocation issue, Mr and Mrs F made further complaints to the Council about the conduct of the meeting and members' consideration of matters. The Director of Planning responded that:

- when they received the Independent Investigator's report, officers had visited the applicants to explain the process of responding to his recommendations. Given the implications of these recommendations, this was entirely reasonable;
- officers had told Mr and Mrs F of the date of the committee meeting when they arranged the members' site visit. Mr and Mrs F had been present during the visit, and pointed out matters they wanted members to understand. This had included identifying the extent of the extension through marks on their fence;
- officers had also told them the Planning Committee would consider the matter later that day after the site visit. They had advised Mr and Mrs F of the outcome on the same day. So he could not accept that officers had not kept Mr and Mrs F informed of what was happening;
- the committee had explicitly considered the provisions of Schedule 12A in deciding to exclude the press and public from the meeting. This was a decision they were entitled to make;
- legislation and regulations made clear the basis on which the Council had to make planning decisions. Recommendations and decisions had to have regard to the local development plan, and other material planning considerations.
- The report identified all the material considerations to enable committee members to form a personal view based on their judgement. They were experienced enough to do this;
- officers had not obtained a detailed breakdown of the overall costs figure of £13,700 the applicants had given them. Committee members had chosen not query these; and
- he was satisfied that the Council had acted on the Independent Investigator's recommendations.

### **The Council's comments**

22. The Director of Planning made the following comments on why officers did not ask the Planning Committee to consider the option of modifying the planning permission:
- Section 97 would have required the Local Planning Authority to unilaterally determine the modification. Where the owners of the site in question opposed this, Section 98 would have required the Secretary of State to consider the merits of the proposed modification;
  - this would be an unusual process to follow for an extension to a private home. It would deny the beneficiary of a currently "lawful" planning permission any freedom to consider/promote alternatives to the modification – except through the provisions of Section 98;
  - Section 98 also provides for the Secretary of State to require a further modification to the proposals prior to confirmation of the order; whereas
  - the effect of the revocation order would have been to enable the applicants to make a fresh planning application. They would have been free to determine the form and content of this according to their needs. They could also have accessed appropriate pre-application advice;
  - the Local Planning Authority could have then carried out neighbour consultation, and considered the application in the usual way;

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- this would have provided a simpler, proportionate and fair process for all parties (including other neighbours who might be affected differently by the revised scheme); and
  - if the Local Planning Authority refused the application, the applicant could have then used the householder appeal process, (as opposed to a Secretary of State inquiry).

### **Was there fault and, if so, was there injustice requiring a remedy?**

23. I share the Independent Complaint Investigator's view with regard to fault in both the Case Officer's report and the Council's complaint responses. These errors were unfair to Mr and Mrs F, and left them with a justifiable sense of outrage. They were also put to unreasonable time and trouble in pursuing matters. I am also mindful that Mr and Mrs F are elderly and felt vulnerable in pursuing matters with the Council.
24. But, I cannot conclude that the Council would have refused the planning application, if the errors in the Case Officer's report had not occurred. I say this because officers did not have to assess whether or not the proposed extension would impact on Mr and Mrs F's amenity. They only had to assess the extent of the impact, and whether or not this was acceptable.
25. It is not open to me to substitute my judgement for the professional judgements of planning officers. I am also mindful that any two storey extension would have had some impact. So, I also cannot conclude that without this fault officers would have asked the applicants to amend their scheme to lessen the impact on daylight to Mr and Mrs F's home. But, I consider it is possible they might have done this. So, in addition to the injustice I have identified above, Mr and Mrs F have had, and will continue to have, to live with a significant degree of uncertainty.
26. I do not criticise the officers' revocation report to the Planning Committee. I consider this properly assessed the impact on Mr and Mrs F's amenity. This being the case, it is not open to me to question the officers' conclusions. They were correct in treating the potential cost to the Council as a material planning consideration.
27. It might have been appropriate to have explained the implications of modification to the Planning Committee, as opposed to revocation. But, I am satisfied by the Director of Planning's explanation of why modification was not a viable option.
28. I am further satisfied there was no fault in the way in which the Planning Committee dealt with matters.

### **Agreed action**

29. The Council has agreed to my proposals that:
- it should pay Mr and Mrs F the sum of £1,000 in recognition of the distress they have suffered in the form of outrage and uncertainty; and
  - it should make a further payment of £250 in recognition of the time and trouble Mr and Mrs F were put to in pursuing their complaints.

### **Decision**

30. As the Council has agreed to my proposals, I have completed my investigation.

### **Investigator's decision on behalf of the Ombudsman**

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Director of Planning and Environment

TO: Planning Committee

05/07/2017

WARDS: All

### **LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINT REFERENCE 16 004 091**

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#### **1 INTRODUCTION**

1.1 The LGO has upheld a complaint relating to the determination of a planning application for two storey side extension and part two storey part single storey rear extension (following demolition of garage). The LGO found that the failures identified amounted to 'injustice'. A copy of the LGO decision is attached (Appendix A).

1.2 In summary the Ombudsman's final decision was as follows:

There were failings in the way the Council considered a planning application for an extension to the complainants' neighbour's property. The Council has agreed to take action to remedy the complainants' injustice.

#### **2. RECOMMENDATIONS**

2.1 To note that the LGO has upheld a complaint relating to the determination of a planning application.

2.2 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 Council and that Committee is satisfied with the action that has been taken (set out in Section 4 of the report).

#### **3. THE COMPLAINT AND THE LGO INVESTIGATION**

3.1 The neighbours complained about inaccuracies and omissions in the case officer's report to Planning Committee. The findings of the LGO can be summarised under the following headings:

- The case officer's summary of objections made by the neighbours to the planning application
- Consideration of overlooking and loss of privacy from proposed balcony
- Consideration of overshadowing from proposed extension
- Errors in the drawing pack submitted to Planning Committee
- Accuracy of drawing requested by the case officer to demonstrate how the extension would affect the outlook from the neighbours property and measurement of distance between the distance between the shared boundary and the side elevation of the extension
- Approval of three dimensional perspective plan showing louvre screen/lack of request for amended plan or inclusion of planning condition
- Distinction between approved drawings and indicative/illustrative material/Council's offer of 'time and trouble' payment

I have used this summary to set out details of the complaint and the LGO decision below.

The case officer's summary of objections made by the neighbours to the planning application

3.2 The LGO regards the key objections of the neighbours to be related to overlooking/loss of privacy, overshadowing and the scale and bulk of the development leading to a sense of enclosure. She acknowledges that the case officer's includes consideration of these key objections and that it does not specifically address every point made by the neighbours as it would not have been practical to do so.

Consideration of overlooking and loss of privacy from proposed balcony



- 3.3 In relation to overlooking and loss of privacy from the proposed balcony the LGO notes that the case officer's report goes into some detail about the impact on the neighbours garden and bedroom. The LGO also noted that officers had asked the developer to include a louvre screen to the side of the rear facing balcony and that they were satisfied that the views from the balcony would, as a consequence of the screen, be oblique and would not allow direct overlooking. She also recorded that officers recommended obscured glazing to a first floor window but considered that obscure glazing to a velux window was not necessary. The LGO concludes that the Council properly considered the concerns raised by the neighbours about loss of privacy to their garden and bedroom from the rear facing balcony, side facing window and velux window.
- 3.4 The LGO did however find fault in the way in which officers assessed the impact of another part of the proposed balcony where no screening was to be provided. She noted that the case officer's report did not analyse the impact of this part of the balcony and did not mention the neighbours' concerns about loss of privacy from their living room. The LGO considers that there will be a direct line of sight from part of the balcony into the living room and garden room next door.

#### Consideration of overshadowing from proposed extension

- 3.5 The neighbours considered that the Council should not have relied on a sun study submitted by the developer. However the LGO considered that officers had sufficient information to be able to reach a view about the overshadowing created by the extension. She did not find any evidence of fault in the way in which the decision that there was insufficient overshadowing to justify refusal of the application had been reached.

#### Errors in the drawing pack submitted to Planning Committee

- 3.6 There were a number of errors on material in the drawing pack. One elevation did not include a window facing the neighbours' house, existing and proposed plans were mislabelled, some windows were incorrectly labelled on perspective views and the balcony was missing on one view. The LGO is satisfied that the case officer drew the attention of the Committee to these errors and that they did not affect the Council's decision to grant planning permission.

#### Accuracy of drawing requested by the case officer to demonstrate how the extension would affect the outlook from the neighbours

property and measurement of distance between the distance between the shared boundary and the side elevation of the extension

- 3.7 The LGO finds fault with two pieces of inaccurate information that were presented to the Committee. First it has been demonstrated to the LGO that the drawing produced by the architect to show the impact of the extension on the neighbours' outlook was not accurate and incorrectly shows the distance between the extension and the boundary as 2 metres. She considered that this drawing should not have been included in the drawing pack because it had the potential to mislead the Committee.
- 3.8 Secondly the LGO finds fault on the basis that the officer's report incorrectly states the distance between the extension and the boundary as 2 metres when this distance was later found to be 1.4 metres. The LGO concludes that, on balance, the Council would have granted planning permission if the impact drawing had not been included in the drawing pack and the officer's report had stated the correct separation distance.

Approval of three dimensional perspective plan showing louvre screen/lack of request for amended plan or inclusion of planning condition

- 3.9 The LGO notes that the Council has apologised for the fact that a three dimensional perspective view was listed as an approved plan on the decision notice. Officers accept that an amended elevation showing the louvre details should have been sought before planning permission was granted. The LGO acknowledges that the neighbours were concerned that the design of the louvre screen is such that it will not protect their privacy. She finds fault with the fact that there is nothing to suggest that the Council considered these concerns before it granted planning permission.

Distinction between approved drawings and indicative/illustrative material/Council's offer of 'time and trouble' payment

- 3.10 The LGO acknowledges that the Council has admitted that the proposal section of the officer report should have been more explicit in setting out exactly which drawings were being considered for approval and which had been submitted as indicative or illustrative material.

3.11 The LGO notes that the Council has apologised to the neighbours and offered to pay them £100 for the time and trouble in making their objections clear. However her view is that the neighbours were not put to time and trouble for making their objections clear as a result of the officer report because reports are written after objections have been received.

#### 4 LGO AGREED ACTION AND FINAL DECISION

Additional screen to section of balcony facing the neighbours' property

4.1 During the course of the LGO investigation the LGO asked officers to seek the developer's agreement to add a screen to the section of the balcony which was not originally intended to be screened for the reasons set out in paragraph 3.4 above. The developer has agreed to provide an additional screen in the area requested by the LGO (see plan at Appendix B (location of additional screen indicated by yellow stars)).

4.2 The LGO recommends the following action:

- a) It is noted that the Council has obtained the developer's agreement to add a screen to the section of balcony facing the neighbours' property.
- b) Planning case officers to be reminded of the need to ensure that plans are checked for accuracy before planning applications are determined and to seek clarification if submitted plans are vague or imprecise.
- c) The Council will also apologise to Mr and Mrs B for the failings identified in this case. It will make a payment of £500 to Mr and Mrs B to recognise the time and trouble they have been put to pursuing their complaint and for the uncertainty they have been left with as to whether the outcome would be any different if there had been no fault. The Council will take this action within four weeks.

4.2 Officers have been reminded of the need to ensure plans are accurate and seek clarification if this is not the case.

4.3 A written apology has been sent from the Director of Planning and Environment and the sums recommended by the LGO have been paid to the neighbours.

4.4 Since the LGO decision was received, officers have actively pursued the submission of details of the additional screen. At the time of writing this report a site meeting is due to be held at the end of June to discuss potential options for the screen. When this information is received it will be placed on the Public Access pages of the Council's website and the complainant will be alerted to their availability. There will be an opportunity for the complainant to make comments about the additional screen but the final decision on the screen details lies with the Council.

## 5 IMPLICATIONS

- (a) **Financial Implications** The LGO has recommended the payment of any compensation which has been met from the Planning Services budget.
- (b) **Staffing Implications** Planning officers have been briefed about the outcome of the investigations by the ICI and LGO.
- (c) **Equality and Poverty Implications** An equality impact assessment has not been carried out in respect of this report.
- (d) **Environmental Implications** This report has no climate change impact.
- (e) **Procurement** There are no procurement implications.
- (f) **Consultation and communication** No consultations were necessary to prepare this report.
- (g) **Community Safety** No direct or indirect community safety implications.

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

LGO final decision (10 April 2017)

To inspect these documents contact Sarah Dyer on extension 7153.

The author and contact officer for queries on the report is Sarah Dyer on extension 7153.

Report file:

Date originated: 20 June 2017

Date of last revision: 20 June 2017

**Complaint reference:**  
16 004 091

**Complaint against:**  
Cambridge City Council

## **The Ombudsman's final decision**

Summary: There were failings in the way the Council considered a planning application for an extension to the complainants' neighbour's property. The Council has agreed to take action to remedy the complainants' injustice.

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## **The complaint**

1. Mr and Mrs B complain that there were failings in the way the Council determined a planning application for an extension to a neighbouring property. In particular, that the Committee approved the application on the basis of inaccurate drawings and a report which contained errors.

## **The Ombudsman's role and powers**

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
3. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. She must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3)*)
4. When we investigate a complaint about a planning decision we consider whether there has been any administrative fault in the way the application has been decided which may call into question the decision. We do not consider the application afresh on its merits; we look only at the process followed by the Council when it reached the decision.
5. When a council considers a planning application it should consider the impact it will have on neighbouring properties. But it is not the case that planning permission must be refused if development will have an adverse impact on other properties. The council must assess the degree of impact and decide if it is so great that the application should be refused. This is a judgement the council makes taking into account all the relevant information. Provided the council carries out the assessment properly then we cannot question the decision that has been made.

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## **How I considered this complaint**

6. I have:
- considered the complaint and the documents provided by the complainant;
  - discussed the issues with the complainant;
  - made enquiries of the Council and considered the comments and documents the Council has provided; and
  - given the Council and the complainant the opportunity to comment on my draft decision.

## **What I found**

7. In August 2015, the Council granted planning permission to Mr and Mrs B's next door neighbour to erect a two storey rear and side extension with rooms in the roof space and a first floor balcony. The application was determined by the Council's Planning Committee.
8. Mr and Mrs B had objected to the proposal. Their key objections related to overlooking/loss of privacy, overshadowing and the scale and bulk of the development leading to a sense of enclosure. They consider the Council failed to properly take account of their objections.
9. The officer's report to Committee includes the planning officer's consideration of these key objections. It does not specifically address every point made by Mr and Mrs B in their objection. It would not have been practical to do so.
10. In relation to privacy and overlooking, the report goes into some detail about how the officer considered Mr and Mrs B's concerns about loss of privacy to their garden and bedroom.
11. The Council asked the developer to amend the plans to include a louvre screen to the side of the rear facing balcony. In Mr and Mrs B's objection they explained why they did not consider the louvre screen would sufficiently protect their privacy. However, the Council was satisfied that the views from the balcony would be oblique and would not allow direct overlooking of Mr and Mrs B's garden.
12. The Council also added a condition requiring a first floor window to be obscure glazed to ensure there would be no outlook towards Mr and Mrs B's bedroom window. It decided it was not necessary to require one of the velux windows to be obscure glazed due to its height and the obliqueness of the view.
13. I am satisfied that the Council properly considered Mr and Mrs B's concerns about loss of privacy to their garden and bedroom from the rear facing balcony, side facing window and velux window.
14. However, I consider the Council failed to take into account Mr and Mrs B's concerns about another part of the balcony which is not screened and will face their property. The report contains no analysis of the impact of this part of the balcony and does not mention Mr and Mrs B's concerns about loss of privacy to their living room. This was a fault. It seems likely from the plans I have seen that there will be a direct line of sight from this part of the balcony into Mr and Mrs B's living room and garden room.
15. Mr and Mrs B consider the Council should not have relied on a sun study submitted by the developer. I am satisfied that the Council had sufficient information to be able to reach a view about the overshadowing created by the

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extension. It decided that the level of overshadowing would not be great enough to warrant refusal of the application. I have found no evidence of fault in the way this decision was reached.

16. The drawings pack provided to the Committee included plans, elevations, perspectives and photographs. Several of the drawings contain errors. One of the elevations does not include a window facing Mr and Mrs B's property and in one the existing and proposed labels are wrong. There are windows labelled incorrectly on some of the perspective views and the balcony is missing on one.
17. These errors were pointed out by Mr and Mrs B when they objected to the proposal and were listed in the officer's report to Committee. I am satisfied that members were made aware of these errors and that they did not affect the Council's decision to grant planning permission.
18. In Mr and Mrs B's objection to the proposal, they referred to another drawing which they considered was inaccurate. The Council had asked the developer to provide this drawing to demonstrate how the extension would affect the outlook from Mr and Mrs B's property. It shows the existing view from two of Mr and Mrs B's living room windows and the view once the extension has been built. The existing view shows that one of the windows is already partially blocked by a garage. The proposed view shows that the extension will mostly block the outlook from this window and will only be slightly visible from the other window. The evidence I have seen suggests that this drawing is not an accurate representation of the existing view or the view once the extension has been built. It also incorrectly states that the distance between the extension wall and the boundary will be 2 metres when the approved plans show it will be around 1.4 metres. I consider the Council should not have included this drawing in the pack as it had the potential to mislead members about the impact of the proposal. This was fault.
19. The officer's report also incorrectly states that this distance is 2 metres rather than around 1.4 metres. This was fault. However, it correctly states that the extension will visually enclose the outlook from one window and will be visible from the other window. On balance, I consider it likely that the Council would have granted planning permission if the drawing was not included in the pack to Committee and the officer's report had stated the correct separation distance.
20. The Council wrongly listed one of the three dimensional perspective views as an approved plan on the decision notice. It says that its officer included this drawing because it contained details of the louvre screen. The Council accepts that this was an error and it should have sought the louvre details as part of amended elevations before it granted planning permission. The Council has apologised for this.
21. In Mr and Mrs B's objection, they said that they were concerned that the design of the louvre screen was such that it would not protect their privacy. I have seen nothing to suggest the Council considered their concerns before it granted planning permission. This was fault.
22. The Council should have considered their concerns and should have either required the developer to submit fully detailed amended plans or attached a condition to the decision requiring the developer to submit and gain approval of the louvre details. If it had done so, it would have had a greater degree of control over the design of the screen.
23. The Council says that the proposal section of the officer's report could have been more explicit in setting out exactly which drawings were being considered for

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approval and which had been submitted as merely indicative or illustrative material. The Council has apologised to Mr and Mrs B and offered to pay them £100 for the time and trouble this caused them in making their objections clear. I do not consider Mr and Mrs B were put to time and trouble making their objections clear as a result of the contents of the officer's report. This is because council officers write such reports after they have received any objections.

### **Agreed action**

24. The Council has obtained the developer's agreement to add a screen to the section of balcony facing Mr and Mrs B's property. It has also reminded its officers of the need to ensure that plans are checked for accuracy before planning applications are determined and to seek clarification if submitted plans are vague or imprecise.
25. The Council will also apologise to Mr and Mrs B for the failings identified in this case. It will make a payment of £500 to Mr and Mrs B to recognise the time and trouble they have been put to pursuing their complaint and for the uncertainty they have been left with as to whether the outcome would be any different if there had been no fault. The Council will take this action within four weeks.

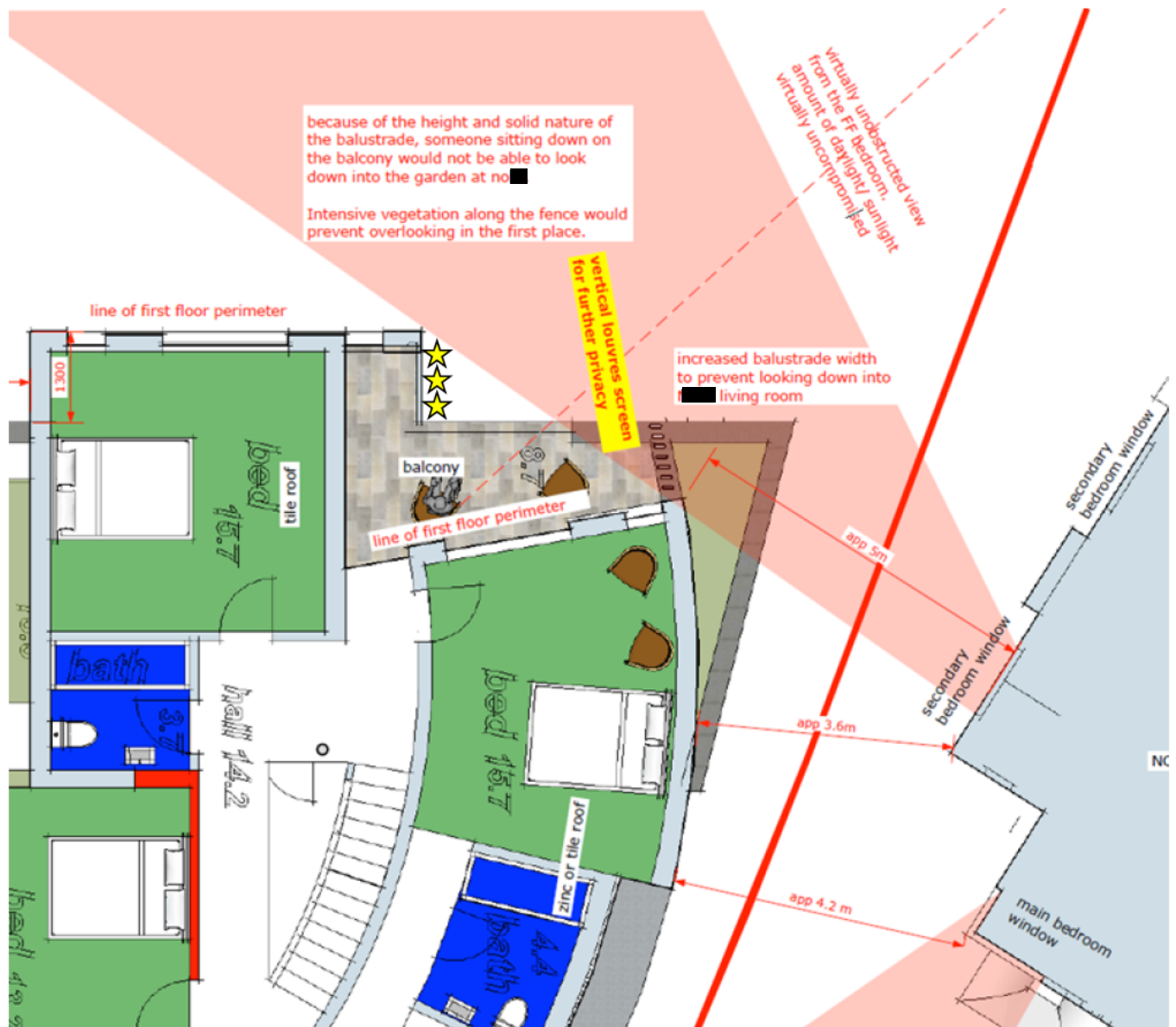
### **Final decision**

26. I have completed my investigation and uphold Mr and Mrs B's complaint. There was fault by the Council which caused injustice to Mr and Mrs B. The action the Council will take is sufficient to remedy their injustice.

### **Investigator's decision on behalf of the Ombudsman**



First floor plan



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