



## Cambridge City Council Planning

**Date:** Wednesday, 4 October 2017

**Time:** 11.00 am

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

**Contact:** [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk), tel:01223 457013

### 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: 11am
- **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	
4	Minutes	(Pages 17 - 26)
<b>Part 1: Major Planning Applications 11am</b>		
5	17/0970/FUL - St Regis House	(Pages 27 - 92)
<b>Part 2: Minor/Other Planning Applications 12.30pm</b>		
6	17/0826/FUL - 2 Barrow Road	(Pages 93 - 124)
7	16/1691/FUL - Block B Student Castle, 1 Milton Road	(Pages 125 - 160)
8	17/0753/FUL - 8A Babraham Road	(Pages 161 - 176)
9	17/0801/FUL - 454 Milton Road	(Pages 177 - 192)
10	17/1402/FUL - 19 Fortescue Road	(Pages 193 - 198)
11	17/0927/FUL - Jenny Wren, 80 Campkin Road	(Pages 199 - 232)
12	17/0798/S73 - Brethren Meeting Room, Radegund Road	(Pages 233 - 242)
13	17/1080/FUL - 15 Rutherford Road	(Pages 243 - 262)
14	17/1219/FUL - 77 and 77A Shelford Road	(Pages 263 - 290)
15	17/0704/FUL - 23 Kingston Road	(Pages 291 - 298)
16	17/0966/FUL - Land r/o 28 Anglers Way	(Pages 299 - 316)
17	17/0642/FUL - 150 Coldhams Lane	(Pages 317 - 332)
18	17/0838/FUL - 44 Clifton Road	(Pages 333 - 348)
19	17/0957/FUL - 190-192 Milton Road and 2B Cockburn Street	(Pages 349 - 368)
20	17/0963/S73 - Land r/o 183-187 Cherry Hinton Road	(Pages 369 - 392)

**Part 3: General and Enforcement Items**



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

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

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# Appendix 1 – Development Plan Policy, Planning Guidance and Material Considerations

(Updated August 2015)

## 1.0 Central Government Advice

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

## 1.2 Planning Practice Guidance (March 2014)

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

Guidance is provided in relation to the following:

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

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

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

**1.4 Community Infrastructure Levy Regulations 2010**

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

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

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

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

(ii) which provide for the funding or provision of that project, or provide for the funding or provision of that type of infrastructure

have been entered on or after 6th April 2010

### **Development Plan policy**

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

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

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

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

## **3.0 Cambridge Local Plan 2006**

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

4/1 Green Belt

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

5/1 Housing provision  
5/2 Conversion of large properties  
5/3 Housing lost to other uses  
5/4 Loss of housing  
5/5 Meeting housing needs  
5/7 Supported housing/Housing in multiple occupation  
5/8 Travellers  
5/9 Housing for people with disabilities  
5/10 Dwelling mix  
5/11 Protection of community facilities  
5/12 New community facilities  
5/15 Addenbrookes

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

7/1 Employment provision  
7/2 Selective management of the Economy  
7/3 Protection of Industrial and Storage Space  
7/4 Promotion of cluster development  
7/5 Faculty development in the Central Area, University of Cambridge  
7/6 West Cambridge, South of Madingley Road  
7/7 College and University of Cambridge Staff and Student Housing



7/8 Anglia Ruskin University East Road Campus  
7/9 Student hostels for Anglia Ruskin University  
7/10 Speculative Student Hostel Accommodation  
7/11 Language Schools

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

9/1 Further policy guidance for the Development of Areas of Major Change  
9/2 Phasing of Areas of Major Change  
9/3 Development in Urban Extensions  
9/5 Southern Fringe  
9/6 Northern Fringe  
9/7 Land between Madingley Road and Huntingdon Road  
9/8 Land between Huntingdon Road and Histon Road  
9/9 Station Area

10/1 Infrastructure improvements

Planning Obligation Related Policies

3/7 Creating successful places  
3/8 Open space and recreation provision through new development  
3/12 The Design of New Buildings (*waste and recycling*)  
4/2 Protection of open space  
5/13 Community facilities in Areas of Major Change  
5/14 Provision of community facilities through new development  
6/2 New leisure facilities  
8/3 Mitigating measures (*transport*)  
8/5 Pedestrian and cycle network

- 8/7 Public transport accessibility
- 9/2 Phasing of Areas of Major Change
- 9/3 Development in Urban Extensions
- 9/5 Southern Fringe
- 9/6 Northern Fringe
- 9/8 Land between Huntingdon Road and Histon Road
- 9/9 Station Area
- 10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

#### 4.0 **Supplementary Planning Documents**

- 4.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.
- 4.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 4.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 4.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the

demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

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

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

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

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

## **5.0 Material Considerations**

### **5.1 City Wide Guidance**

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

**Cycle Parking Guide for New Residential Developments (2010)** – Gives guidance on the nature and layout of cycle parking, and other

security measures, to be provided as a consequence of new residential development.

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

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

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

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

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

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

## 5.2 Area Guidelines

**Cambridge City Council (2003)–Northern Corridor Area Transport Plan:**

**Cambridge City Council (2002)–Southern Corridor Area Transport Plan:**

**Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:**

**Cambridge City Council (2003)–Western Corridor Area Transport Plan:**

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual

development sites in the area should contribute towards a fulfilment of that transport infrastructure.

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

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

**Jesus Green Conservation Plan (1998)**  
**Parkers Piece Conservation Plan (2001)**  
**Sheeps Green/Coe Fen Conservation Plan (2001)**  
**Christs Pieces/New Square Conservation Plan (2001)**

Historic open space guidance.

**Hills Road Suburbs and Approaches Study (March 2012)**  
**Long Road Suburbs and Approaches Study (March 2012)**  
**Barton Road Suburbs and Approaches Study (March 2009)**  
**Huntingdon Road Suburbs and Approaches Study (March 2009)**  
**Madingley Road Suburbs and Approaches Study (March 2009)**  
**Newmarket Road Suburbs and Approaches Study (October 2011)**

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

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

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

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

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

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



**PLANNING**

30 August 2017

10.00 am - 3.20 pm

**Present:**

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

**Officers:**

City Development Manager: Sarah Dyer

Principal Planner Nigel Blazeby

Principal Planner: Lorraine Casey

Principal Planner: Toby Williams

Senior Planner: Charlotte Burton

Senior Planner: Michael Hammond

Senior Planner: Sav Patel

Senior Planner: Mark Wadsworth

Planning Assistant: Mairead O'Sullivan

Legal Advisor: Rebecca Williams

Committee Manager: James Goddard

Committee Manager: Emily Watts

**FOR THE INFORMATION OF THE COUNCIL**

**17/139/PlanApologies**

Apologies were received from Councillor Holt. Councillor Page-Croft attended as the Alternate.

**17/140/PlanDeclarations of Interest**

No declarations of interest were made.

**17/141/PlanMinutes**

The minutes of the meeting held on 2 August 2017 were approved as a correct record and signed by the Vice Chair.

**17/142/Plan17/0928/FUL - Mount Pleasant House, Mount Pleasant**

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing office building and removal of the 145 associated car parking spaces (use class B1a) and construction of college accommodation, landscaping and access arrangements (use class sui generis).

Matthew Bullock, Master of St Edmunds addressed the Committee in support of the application.

The Committee:

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

**17/143/Plan17/0850/S73 - Land to the West and South West of Addenbrookes Campus, Robinson Way**

The Committee received a Section 73 application to vary condition 26 of 06/0796/OUT.

The condition previously stated:

*“Unless otherwise agreed in writing by the Local Planning Authority pursuant to criteria C of the Construction Environmental Management Plan, no construction work shall be carried out or plant operated other than between the following hours: 0730 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.*

*Reason: To protect the amenity of nearby residents/occupiers (Cambridge Local Plan 2006 policy 4/13)”.*

The condition now states:

26. Construction Times

Other than in respect of the specific extended construction hours for the new Papworth Hospital authorised by this permission, unless otherwise agreed in writing by the Local Planning Authority pursuant to criteria C of the Construction Environmental Management Plan, no construction work shall be

carried out or plant operated other than between the following hours: 0730 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.

With regards to the New Papworth Hospital, no construction work shall be carried out or plant operated other than between the above hours except for carrying out of the internal work activities as set out in condition 68. Such activities shall only be carried out within the following extended hours 0700 to 2000 Monday to Friday, 0700 to 1600 on Saturdays and 0700 to 1600 on Sundays and Bank or public holidays.

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

A further condition will be added which lists the permitted activities during the extended construction hours (Condition 68).

The Committee:

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

**17/144/Plan16/1873/FUL - Whichcote House, Springfield Road**

The Committee received an application for full planning permission.

The application sought approval for change of use and conversion of Whichcote House from student accommodation to provide 10 no. C3 (dwelling house) units. Addition of a third floor extension to provide a further 1no. 3-bed flat. Associated cycle parking, bin store, car parking and landscaping.

The Senior Planner made reference to a pre-committee amendment to condition 9 as set out on the Amendment Sheet.

The Committee:

**Resolved (by 6 votes to 2)** to reject the officer recommendation to approve the application.

**Resolved (by 6 votes to 0)** to refuse the application contrary to the officer recommendation for the following reasons:

The impact of the increased height and massing on Springfield Road and Springfield Terrace would be unduly dominant and fails to respond well to the site context contrary to Cambridge Local Plan (2006) policy 3/4 and fails to create an attractive frontage to positively enhance the streetscape contrary to Cambridge Local Plan (2006) policy 3/7 and would represent poor design contrary to the National Planning Policy Framework (2012).

### **17/145/Plan17/0489/FUL - Whichcote House, Springfield Road**

The Committee received an application for full planning permission.

The application sought approval for the erection of 3 No. terrace dwellings with associated parking, access and landscaping arrangements fronting Milton Road.

#### The Committee:

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

### **17/146/Plan17/0847/FUL - 57 Highworth Avenue**

The Committee received an application for full planning permission.

The application sought approval for demolition of Bungalow and construction of 2 No 4 bedroomed semi-detached houses, car and cycle parking and landscaping proposals.

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

The representation covered the following concerns:

- i. Substantial and permanent effect on neighbour's amenities.
  - a. Overbearing, which was an issue of concern in previous applications.
  - b. The proposed house would be close to the boundary at the narrowest part of the plot (circa 1m).

- ii. Loss of privacy for son's bedroom and living space below through overlooking from Plot 2.
  - a. Concern over angled dormer windows as mentioned in previous iterations of the application.
- iii. Overdevelopment of site, which is out of character with the area.

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

The Committee:

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

**17/147/Plan17/0675/FUL - Land to the r/o 1 Fen Road and r/o 179-183 Water Street**

The Committee received an application for full planning permission.

The application sought approval for demolition of existing garages and erection of three 2 bed dwellings with associated landscaping and access arrangements.

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

The representation covered the following issues:

- i. Referred to Local Plan Policy 3/10 (subdivision of plot).
- ii. Suggested that Number 79 was being used as a prototype and expressed concerns due to:
  - a. Noise.
  - b. Landscaping.
  - c. Materials out of character with the area.
  - d. 3 buildings on site should be reduced to 2.
- iii. Asked that Number 23 Fen Road be used as design benchmark instead as it had more appropriate design and materials.

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

The Committee:

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

**17/148/Plan17/0898/FUL - 111 Grantchester Meadows**

The Committee received an application for full planning permission.

The application sought approval for a roof extension to the existing garage to incorporate the installation of solar panels on the southern roof slope.

The Senior Planner updated her report to say guttering and eaves were shown as overhanging a neighbouring property in the submitted plans. The plans had been updated just before committee to remove the overhang from Number 113.

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

The representation covered the following issues:

- i. A single storey garage was not an appropriate site for solar panels.
- ii. Residents in the road objected to the proposed solar panels. They would be clearly visible.
- iii. The design was out of character with the Conservation Area. Also with the rural setting of the general area.
- iv. Expressed concern the design set a precedent for the city.
- v. Current building used 'historic' themed materials, whereas the panels would look 'modern'. This caused a mismatch.

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

The representation covered the following issues:

- i. South Green Road was a rural setting.
- ii. A single storey garage was not an appropriate site for solar panels:
  - a. Impact on resident's amenities.
  - b. Loss of light.
  - c. Impact on Conservation Area.

- iii. A normal roof on the proposed garage would be acceptable, but reiterated solar panels were not as they were out of character of the area with its rural setting.

The Committee:

**Resolved (by 6 votes to 2)** to reject the officer recommendation to approve the application.

**Resolved (by 6 votes to 0)** to defer the application to seek more information on materials to be brought back to committee.

**17/149/Plan17/0732/FUL - Land to the East of 37 and to the r/o 27-37 Romsey Terrace**

The Committee received an application for full planning permission.

The application sought approval for erection of two new dwellings with associated car parking, landscaping, and infrastructure.

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

The representation covered the following issues:

- i. Welcomed the whole site, of which this application forms part, would be used for family housing.
- ii. Wanted to protect the sense of community in the area.
- iii. Asked for neighbours to be informed when boundary wall work would be undertaken.
- iv. The application would impact on the streetscape.
- v. Proposed materials would be out of keeping with the area. Queried why this received no comment from the Urban Design Team.
- vi. Queried if the application was 1 or 2 storeys.

Ms Voyias (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

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

**17/150/Plan17/1023/FUL - 207 Green End Road**

The Committee received an application for full planning permission.

The application sought approval for the erection of a new development comprising of 2 No. hot food takeaway units (A5 use) and 7 No. one bed flats.

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

The representation covered the following concerns:

- i. Overlooking – asked for obscured and limited opening windows.
- ii. Overshadowing.
- iii. Security – the garage forms part of the boundary. Queried what would happen if it were demolished.

The Committee:

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

**17/151/Plan17/1112/FUL - 34 Cherry Hinton Road**

The Committee received an application for change of use.

The application sought approval for proposed change of use from 14 bedroom large HMO (sui generis) to 15 bedroom student HMO (sui generis) with housekeepers flat. Rendering of side and rear elevations, increase in height of single storey lean-to, alterations to fenestration and landscaping works.

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

The representation covered the following issues:

- i. Welcomed obscure glazing in windows opposite his property.
- ii. A private lane between Number 34 and a neighbouring property provided access for the whole terrace. Expressed concern that the boundary line on the plan was incorrect and would impact on the lane and access to the terrace as a whole.



Mr Martin (Applicant's Agent) addressed the Committee in support of the application. Mr Martin agreed verbally to remove the hedge adjacent to the boundary of the lane that was shown on the proposed plans.

The Committee:

**Unanimously resolved** to grant the application for change of use in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus revision to wording of condition 6 as set out below and on the amendment sheet:

The housekeepers flat, as shown on drawing No. D.07 - Revision 03, shall be provided for the housekeeper only and retained thereafter for use by the housekeeper unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the HMO is appropriately managed (Cambridge Local Plan 2006 Policies 3/7 and 5/7).

**17/152/Plan17/0715/FUL - 65 Humberstone Road**

The Committee received an application for full planning permission.

The application sought approval for erection of ancillary outbuilding in rear garden

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

The representation covered the following issues:

- i. The application was not appropriate for the area.
- ii. The application was out of scale with neighbours as it was too big/high.
- iii. Could find no reference in the Officer's report to trees although the application was set in an orchard.

The Committee:

**Resolved (by 4 votes to 1)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**17/153/Plan17/1141/FUL - Norfolk Street Deli, 67 Norfolk Street**

The Committee received an application for change of use.

The application sought approval for change of use from retail to residential flat including external alterations

The Committee:

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

The meeting ended at 3.20 pm

**CHAIR**

**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0970/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1st June 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	31st August 2017		
<b>Ward</b>	West Chesterton		
<b>Site</b>	St Regis And 108 Chesterton Road, St Regis House 47 Hamilton Road Cambridge Cambridgeshire CB4 1BY		
<b>Proposal</b>	Erection of student accommodation comprising 53 student rooms - clusters (incl. 2 x DDA rooms), 9 student flats and 15 student studios (Sui generis), and ancillary facilities including kitchen/communal areas, laundry room, plantroom, bin and bicycle enclosures; refurbishment and minor works to 108 Chesterton Road with the retention of 8 student rooms; and 14 residential flats (Use Class C3) comprising 1 bed and 2 bed units (following demolition of existing buildings), together with landscaping and associated infrastructure.		
<b>Applicant</b>	N/A C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposed buildings would be appropriate to the street scene and surrounding context and would be high quality replacement buildings;</p> <p style="padding-left: 40px;">The scale and massing would be similar to the existing buildings and the proposal would not have an unacceptable impact on the residential amenity of neighbouring properties and the wider area;</p> <p style="padding-left: 40px;">The proposed student accommodation is acceptable in principle and the</p>
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	additional residential units would deliver wider benefits.
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site comprises St Regis House and No. 108 Chesterton Road. St Regis House is made up of three separate blocks arranged in an 'H' form, with one block fronting Chesterton Road, one block fronting Hamilton Road and a central block. There is a single storey garage block on the eastern side of the site.
- 1.2 The blocks were originally built for office use and were converted for student accommodation under planning consent C/94/0112. The site is owned by Clare College. The existing accommodation provides 63 no. bed spaces for graduate students within bed sitting rooms with communal kitchen and bathroom facilities, bedsit flats and partnered flats. No. 108 Chesterton Road is currently used as a student hostel for graduate students.
- 1.3 The existing buildings are four storeys with a flat roof. The buildings are constructed in red brick with render on the ground floor of the two blocks fronting the roads. The blocks include a regular arrangement of windows and paraphernalia has been later attached to the elevations, including external escape stairs. The central block has external walkways on the western elevation.
- 1.4 The application site includes No. 108 Chesterton Road. This is a semi-detached property attached to No. 106. It is a traditional property with a pitched roof, bay windows on the frontage and brickwork detailing. The property has a rear garden.
- 1.5 There are 'in' and 'out' vehicular accesses from Chesterton Road and an under-croft providing access into middle of the site. There is parking along the Hamilton Road frontage. The site includes areas of hard surfacing which is used for informal parking. There are areas of soft landscaping to the rear of the Chesterton Road block and around the central block. The ground level of the site lowers in the middle compared to the frontages.

- 1.6 The existing buildings are not Listed and have not been identified as Buildings of Local Interest. The site is outside the conservation area, with the exception of the rearmost part of the garden of No. 108 Chesterton Road which is within the De Freville Conservation Area.
- 1.7 The site falls outside the controlled parking zone and is within the air quality management area. The site is not within an area of flood risk and there are no tree preservation orders on the site.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the erection of three blocks, following demolition of the existing buildings, and refurbishment of No. 108 Chesterton Road, together with landscaping and associated infrastructure.
- 2.2 The proposed buildings would be laid out in a similar 'H' form arrangement as existing, with a northern (Chesterton Road) block, southern (Hamilton Road) block and central block. The site would be split with the student accommodation within the Chesterton Road and central blocks, and the residential use within the Hamilton Road block. There would be no access between the two parts of the site except for maintenance.
- 2.3 The student accommodation (sui generis use) would provide 85 no. bed spaces and would be used by Clare College to house graduate students. The accommodation would comprise:
- 53 no. student rooms arranged in clusters (including 2 x disabled access rooms);
  - 9 no. student flats;
  - 15 no. student studios; and
  - refurbishment and minor works to No. 108 Chesterton Road with the retention of 8 no. student rooms, including creation of an internal link to the proposed Chesterton Road block; with
  - ancillary facilities including kitchen/communal areas, laundry room, plantroom, bin and bicycle enclosures.
- 2.4 The proposed residential block fronting Hamilton Road would include 14 no. residential flats (Use Class C3) comprising 9 x 1-bed and 5 x 2-bed units. There would be a common stairwell

serving the units with entrances from Hamilton Road and from the rear of the block. The units would have terraces or balconies and would have access to communal amenity space at the rear.

- 2.5 The blocks fronting Chesterton Road and Hamilton Road would be four storeys including an attic storey, and the Chesterton Road block would include a basement storey. The front elevations feature split projecting gables. The central block would be three storeys including an attic storey and single storey elements in the northern end. The materials proposed for all blocks are buff brick with zinc cladding including on the attic storeys.
- 2.6 There would be a vehicular access from Chesterton Road into the middle of the site via an undercroft, which would provide access to 2 no. disabled car parking spaces, as well as pedestrian and cycle access. Bin storage and cycle parking would be provided in separate stores for the student and residential uses. 10 no. car parking spaces would be provided along the Hamilton Road frontage for the residential units.
- 2.7 A landscaping scheme has been submitted which shows communal amenity spaces provided for each of the student and residential uses. The proposal includes the removal of some of the trees on the site and replacement planting. The garden of No. 108 Chesterton Road would be integrated into the landscaping scheme for the whole site.
- 2.8 During the course of the application, amendments were submitted which principally comprised:
- Widening of the proposed vehicular access from Chesterton Road;
  - Removal of the proposed vehicular access from Hamilton Road to the rear of the block;
  - Removal of 3 no. proposed car parking spaces from the rear of the Hamilton Road block and relocation of 2 no. spaces to increase the number of proposed spaces on the Hamilton Road frontage from 8 to 10, with associated landscape changes.
  - Relocation of the proposed cycle parking for the Hamilton Road block to the western site boundary and bin store.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/94/0112	CHANGE OF USE FROM OFFICES (CLASS B1) TO STUDENT HOSTEL, ST REGIS, HAMILTON ROAD	Approved subject to conditions

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

#### 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1, 3/4, 3/7, 3/8, 3/11, 3/12 4/3, 4/9, 4/11, 4/13, 4/15 5/1 7/7 8/2, 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
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	Circular 11/95
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p>



	<p style="text-align: center;"><u>Area Guidelines</u></p> <p style="text-align: center;">De Freville Conservation Area Appraisal (2009)</p>
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, 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 Initial comment 16.06.2017

Objection. The accesses are too narrow for two motor vehicles to pass in the entrance and must be widened.

##### 6.2 Comment on amendments 10.08.2017

No objection. The proposed access arrangement overcomes the previous objection. Residents of the new dwellings will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

Recommended conditions:

- No unbound gravel
- No gates
- Details of vehicular access
- Access drainage
- Manoeuvring areas
- Access free of obstruction
- Traffic management plan
- Residents parking informative
- Traffic management plan informative
- Public highway informative

### **Cambridgeshire County Council (Transport Assessment Team)**

#### **6.3 Initial comment 06.07.2017**

Following a review of the Transport Statement and Travel Plan, further information is required with regard to the existing situation, proposed impacts, trip generation and travel plan.

#### **6.4 Comment on additional information 24.08.2017**

Following review of the additional information provided, the outstanding issues have been addressed and the holding objection can be removed subject to a Travel Plan and student management place being secured by condition.

#### **6.5 Policy Section**

No objection subject to condition for student accommodation to remain as such and is for full-time students.

#### **6.6 Environmental Health**

No objection. Recommended conditions/informatives:

- contaminated land conditions
- submission of furnace/boiler details
- implementation of furnace/boiler as approved
- collection and deliveries during demolition/construction
- piling
- dust condition
- plant noise condition
- noise insulation scheme

- building noise insulation informative
- dust condition informative
- site investigation informative
- housing health and safety rating system informative

## 6.7 **Refuse and Recycling**

No comments received.

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

### 6.9 Initial comment

No objection. The overall design and relationship with the conservation area is considered acceptable and, subject to clarification regarding materials and details, the application is supported in conservation and urban design terms.

Recommended conditions:

- Materials samples;
- Sample panel;
- Roof details
- Details of solar panels;
- Window details;
- Glass types;
- Balcony details;
- Chimney details;
- Rainwater goods;
- External treatment of shelters;
- Lift-overflow details
- Photographic record of existing building

### 6.10 Comments on additional information

Awaiting prior to committee. To be reported on the amendment sheet.

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

No objection. Gas fired combined heat and power (CHP) and photovoltaic array have been chosen as the preferred technology choice. Recommend condition for installation of renewable and low carbon energy technologies.

#### 6.12 **Access Officer**

No comments received.

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

No objection. Recommended condition for Arboricultural Method Statement and Tree Protection Plan.

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

#### 6.14 Comments on revised plans.

No objection. Support tree retention on the site and the introduction of new trees along Chesterton Road. Support the decrease in the amount of space designated for vehicles and the increase of green space and planting areas. Parking, soft landscape planting and hedges, balcony amenity spaces and tree planting all combine successfully to provide a positive streetscape. Recommend an increase in the width of the path directly adjacent to the large cycle storage facility. Not entirely clear what the boundary treatment between the Hamilton Road site and the St Regis student site will be. It is suggested at the junction of the two garden boundaries that it will be a dwarf retaining wall with fence above and hedging/planting on both sides. It is less clear what is proposed between the cycle store and the new central block building. These details can be considered under condition.

Recommended conditions:

- Hard and soft landscaping
- Boundary treatments
- Landscape maintenance and management plan

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

No comments received.

**Lead Local Flood Authority (Head of Service Growth and Economy, Cambridgeshire County Council)**

6.16 Initial comments 29.06.2017

Object. The drainage scheme does not adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework (NPPF) and Planning Practice Guide. Infiltration testing is required to demonstrate whether infiltration is viable on site and the drainage strategy should be updated accordingly in line with the results.

6.17 Revised comments 24.07.2017

No objection following additional correspondence from the applicant, subject to recommended conditions:

- Infiltration testing
- Surface water drainage scheme
- Long term maintenance arrangements for the surface water drainage system

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

6.18 Initial comment 04.07.2017

Objection. The proposed surface water drainage strategy does not follow the drainage hierarchy as described in the National Planning Policy Framework. Available broad scale mapping suggests infiltration may be feasible therefore site specific testing in accordance with BRE Digest 365, should be undertaken and the results submitted to the local planning authority.

6.19 Comments on additional information 19.09.2017

Based upon the information submitted, satisfied with a pre-commencement condition for infiltration tests to be undertaken in accordance with the relevant guidance.

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

The application has identified the breeding of at least 3 pairs of Swifts within the Building. Recommend condition for construction environmental management plan.

#### **6.21 Environment Agency**

No objection. The Council should refer to the Environment Agency's standing advice and consult its drainage manager.

#### **6.22 Anglian Water**

No objection. Recommend condition for surface water drainage scheme.

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

No objection.

#### **6.24 Cambridgeshire County Council (Education)**

No planning obligations sought towards education for 1 and 2 bed flats.

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

No objection. The site lies in an area of archaeological potential. Recommend a programme of archaeological investigation.

#### **6.26 Design and Conservation Panel (Meeting of 12th July 2017)**

The conclusions of the Panel meeting were as follows:

The Panel welcome the improvements made since last time, not least the removal of the single storey block within the centre of the scheme and the re-orientation of the Hamilton Road block to the south.

However, it was felt that there is scope for further improvement. The general architectural treatment of the two blocks facing Chesterton and Hamilton Roads, and in particular how the front and backs relate to each other, could be improved, and thereby improve their relationship with the existing houses. The Panel would also encourage further revisions to the Hamilton Road block to remove the need for it to step forward in the centre and to provide front doors for the ground floor flats. Finally, the removal

of the single storey appendages on either end of the central block, along with the removal of the 3 parking bays behind the Hamilton Road block, would dramatically improve the provision of green space within the site.

Therefore, while this scheme has less of an impact on the character and appearance of the Conservation Area than the existing buildings, it was felt there was potential for even more enhancement to this part of Cambridge.

VERDICT – AMBER (6) with 1 abstention.

The relevant section of the minutes of the panel meeting are attached to this report as Appendix 2.

### **Disability Consultative Panel**

#### **6.27 Meeting of 27th June 2017**

- DDA compliant rooms - it was not clear from the plans where these were to be located or whether the provision had been made to accommodate a hoist.
- Fire refuge points - these appear to either obstruct the staircase or the lift access on the 2nd and 3rd floor plans. A concern.
- Accessible WC - the doors need to open outwards.
- Lift - this would need a secondary power supply for use in the event of an emergency.

A fundamentally flawed scheme that shows little or no compliance with accessibility regulations. A complete re-think is recommended with a greater attention to detail.

#### **6.28 Meeting of 29th August 2017**

- 108 Chesterton Road. The Panel questioned the relationship between the accessible WC, passageway and Common Room and would encourage the doorway widths to be as generous as possible (up to 1 metre).
- Accessible kitchen. The furnishings need to be in a style that would encourage social interaction. The kitchens as well as any other communal areas should also be sensory accessible with visual indicators for fire alarms etc.

- Market flats. The Panel applaud the intention to make these flats comply with Category 2 as a minimum requirement. The designers are however encouraged to include accessible features such as clutch bars in the showers etc. from the outset, as making adaptations at a later stage is always more costly. Sliding doors for bathrooms are useful from both an accessible and space-saving solution
- Accessible parking bays. The Panel note the low number of parking bays on the Hamilton Road frontage and would welcome the inclusion of more accessible bays elsewhere on the site for the benefit of the disabled.

The Panel appreciated the opportunity to re-visit this scheme and note that the Access Officer is supportive. A very useful discussion aided by helpful supporting documentation provided in advance of the meeting.

## **6.29 Developer Contributions Monitoring Unit**

- Community Facilities:

The proposed development is within 1 mile of the Akeman Street Community House site.

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Councils Planning Obligations Strategy 2010, a specific S106 contribution of £17,584 (plus indexation) is requested towards the provision of and / or improvement of community facilities and equipment at part of the Akeman Street Community House redevelopment, Cambridge.

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. The council has proposed, but not formally agreed two further specific contributions for this project.

- Indoor Sports:

The proposed development is within 700m of the Chesterton Community College sporting facility, which is on the Councils 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 Councils 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 Councils Planning Obligations Strategy 2010, a specific S106 contribution of £6,321.50 (plus indexation) is requested towards the provision of blackout blinds to the main hall to enable the provision of activities to include glow sports and beats fitness at Chesterton Community College, Gilbert Road, Cambridge CB4 3NY.

So far, the council has not agreed any other specific contributions for this project. The council has proposed, but not formally agreed two further specific contributions for this project.

Outdoor Sports:

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

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, it is proposed that the council requests £5,474 (plus indexation) for the provision of and / or improvements with regard to the pavilion extension / pitch works at Chesterton Recreation Ground.

So far, the council has proposed only one specific contribution for this project (ref 14/0790/FUL former Cambridge City Football Ground) so there is still scope for this contribution (and up to three others) to be requested. The council has though proposed, but not formally agreed two further specific contributions for this project.

Informal Open Space:

This proposed development is within 500m of Chesterton Recreation Ground.

Based on the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the council requests £9,075 (plus indexation) for the provision of and / or

improvements to informal open space at Chesterton Recreation Ground.

So far, the council has agreed only one specific contribution for this project, and proposed two further contributions, so there is still scope for this contribution (and one other) to be requested.

- Play provision for children and teenagers:

This proposed development is within about 600m of Chesterton Recreation Ground play area. Chesterton Recreation Ground play area is on the councils target list of facilities for which specific S106 contributions will be sought. This highlights the scope for improving the play area equipment and facilities in order to mitigate the impact of local development.

Based on the funding formula set out in the councils Planning Obligations Strategy 2010, it is proposed that the council requests £3,160 (plus indexation) for improving the play area equipment and facilities at Chesterton Recreation Ground play area.

So far, the council has not agreed any specific contributions for these projects so there is still scope for this contribution (and up to four others) to be requested. The council has though proposed, but not formally agreed one further specific contribution for this project.

- 6.30 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:

- 49 Hamiton Road
- 51 Hamilton Road
- 53 Hamilton Road
- 227 Chesterton Road
- 229 Chesterton Road
- 7 Chesterton Hall Crescent
- 9 Chesterton Hall Crescent

- 28 Chesterton Hall Crescent
- 9 Kimberley Road
- 13 Kimberley Road
- 126 Milton Road
- 9 George Street

7.2 The City Council Ward Councillor for West Chesterton, Cllr Sargeant has submitted a representation objecting to the proposal.

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

- 82 Chesterton Road

7.4 The representations can be summarised as follows:

- Over-provision of student accommodation in the City;
- Demand for social housing, not student accommodation;
- Potential change of use from student accommodation to residential use should be guarded against;
- Loss of existing buildings of design interest;
- Proposed buildings lack merit and distinction and appears to be purely functional;
- The existing buildings or their frontages should be retained;
- Poor landscaping and design within the public realm;
- The Chesterton Road building should be no further forward than the existing building line and should have green space in front;
- Realignment of Hamilton Road frontages welcomed;
- Loss of trees in terms of impact on conservation area and loss of screening to neighbouring properties;
- Proposed buildings are too large for the site;
- Central block would result in loss of light and privacy to Hamilton Road properties and would be substantially more overbearing and visually intrusive;
- Overshadowing and overlooking of properties on opposite site of Chesterton Road;
- Increased noise and disturbance during construction and resulting from increased number of residents on the site;
- Lack of parking for residential use and impact on on-street car parking within the vicinity;
- Concerns about the enforcement of restrictions on student cars;

- Concerns about access for taxis, drop-offs and emergency vehicles;
- Taxis frequently used by students and are likely to pull-up in the cycle lane;
- Travel Plan has been drafted on false premise that students regularly travel to Clare College rather than their normal place of study/work on other sites within the city;
- Ensure no through-route from Hamilton Road to Chesterton Road;
- Avoid light pollution from external lighting and stairwells;
- Long-term plan for Mitcham's Corner is required.
- Noise, dust and mess during construction works and impact on children playing in neighbouring gardens;
- Concerns about asbestos removal from the existing buildings;
- Damage to neighbouring buildings during construction;
- Many nearby properties are not owner-occupied or have not been consulted.

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. Affordable Housing
3. Context of site, design and external spaces
4. Impact on the Conservation Area
5. Residential amenity
6. Disabled access
7. Highway safety
8. Car and cycle parking
9. Refuse arrangements
10. Renewable energy and sustainability
11. Drainage
12. Ecology
13. Public Art
14. Third party representations
15. Planning Obligations (s106 Agreement)

## **Principle of Development**

- 8.2 The site is an existing College site which provides accommodation for 63 no. graduate students of Clare College. The proposal would provide a total of 85 no. bed spaces across a mix of clusters, studios and flats. The provision of an increased number of student units is acceptable in principle and is in accordance with policy 7/7 which supports the provision of additional student residential accommodation within existing College sites. I have recommended a condition to restrict the occupants to members of Clare College and the proposal would help meet the identified need for additional purpose-built student units as identified in the Council's student study.
- 8.3 The proposal includes 14 no. residential flats. Policy 5/1 supports the provision of residential development subject to the existing land use and compatibility with adjoining uses. The existing student use would be retained on the site with re-provision of more student units (notwithstanding that the Council has no adopted policies to resist the loss of student accommodation). The site is within an established residential area and therefore the use would be compatible.
- 8.4 For these reasons, the principle of the development is acceptable and in accordance with Cambridge Local Plan (2006) policies 7/7 and 5/1.

## **Affordable Housing**

- 8.5 The proposed 14 no. residential flats and the student accommodation use would not trigger a requirement for affordable housing contributions according to Cambridge Local Plan (2006) policy 5/5 and the Council's Affordable Housing SPD (2008).

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

- Existing buildings and layout
- 8.6 The existing buildings are prominent in the street scene along Chesterton Road and Hamilton Road by virtue of their scale and massing, however they are not Listed and are not identified as Buildings of Local Interest and are excluded from the

conservation area. The demolition of the buildings is acceptable in principle and they have not been identified by the Urban Design and Conservation team as being of particular architectural merit or cultural importance. Moreover, the buildings could be demolished under permitted development, subject to prior approval as to the method of demolition only.

- 8.7 On Chesterton Road, the existing building sits between traditional Victorian properties. The scale, form and design of the four-storey building is incongruous with the neighbouring properties, however it is more similar to the larger buildings along Chesterton Road to the west. The building is set back from the established building line along Chesterton Road with a hedge in front and space for vehicle access. This softens the visual impact the existing building, however it remains a prominent building by virtue of its scale and relatively blank elevations which have little relief.
- 8.8 On Hamilton Road, the existing four-storey building sits between the traditional properties within the conservation area to the east and the three storey Midwinter Place flats to the west. The block is positioned at an angle which creates a triangle of space between the frontage and the road. This area is hard surfaced and used for car parking, which dominates the frontage. There is no soft landscaping on the Hamilton Road frontage, however there is a street tree to the south east of the site.
- 8.9 Within the site, the area is dominated by hard surfacing, which provides access to the garages on the eastern side of the site and is used informally for parking. This forms an unattractive setting for the buildings. There are some mature trees along the western boundary and in the rear garden of No. 108 which make some positive contribution to the character of the site. There are some small-scale outbuildings at the rear of No. 108 and this garden is characteristic of semi-detached traditional properties.

Layout

- 8.10 The site would be laid out with a similar arrangement of three blocks in an 'H' formation as the existing site. The Chesterton Road building would be further forward than the existing building, however it would remain stepped back from the

neighbouring traditional properties. Along Hamilton Road, the replacement block would be aligned parallel to the frontage so that it forms part of the frontage alongside Nos. 49-53 Hamilton Road. The central block occupies a similar westerly position to the existing block which allows for the retention of trees along this western boundary and allows the eastern side of the site to remain open for landscape amenity space. The garage on the eastern part of the site would be demolished to provide open space.

8.11 The site would be split with the northern and central blocks used for student accommodation, and the southern block used for residential units. Each use would have separate access from the road frontages and there would be no access between the two, other than a gate to provide access for maintenance only. Access to the northern part of the site would be via a single vehicle access from Chesterton Road, via an undercroft on the western side of the site similar to the existing situation. This would provide access to disabled parking spaces and for servicing vehicles, and pedestrian and cycle access into the centre of the site. On the southern part of the site, there would be parking along the frontage and a pedestrian and cycle access to the rear of the block.

8.12 In my opinion, the site layout provides a functional arrangement and good movement and access for the future occupants and those using the site. The layout also responds to the constraints of the site in terms of residential amenity, which is discussed in the section below.

□ Scale and massing

8.13 The Chesterton Road and Hamilton Road blocks would be four storeys. The proposed ridge heights of both frontage blocks would be similar to the existing buildings. The fourth floor would be set back and in contrasting materials so that it would be visually subservient and have the appearance of an attic story within the roof scape. The eaves height would be lower than the existing flat roof buildings, so that visually the height and mass of the building is lowered and sits more comfortably with the neighbouring traditional properties compared to the existing building. The mass of the buildings would be further broken up with the use of split projecting gables to create a rhythm across the elevation which responds to the finer grain of the street

scene. The Design and Conservation Panel suggested that the Hamilton Road block should be revised to remove the need for it to step forward in the centre, however in my opinion, the step forward is marginal and provides interest and relief to the elevation, and breaks up the mass of the building.

- 8.14 For these reasons, while the frontage blocks would be positioned marginally further forward than the existing buildings, in my opinion the scale and massing responds better to the street scene along both frontages than the existing buildings. The rear of the frontage blocks would have a set-back top floor with contrasting materials so that, again, it would appear as a subservient attic storey. The rear elevation of the Chesterton Road block has been visually broken up with glazed stair cores and the Hamilton Road rear elevation has a staggered building line to visually break up the elevation into separate elements. The Design and Conservation Panel commented that the front and backs of these blocks should relate to each other with the split gables continued on the rear elevation, thereby improving their relationship with the existing houses. The rear of the buildings would only be visible from within the site and from neighbouring properties. The rear elevations would relate well to the central block and have a different setting to the front elevations, so that in my opinion, a different elevational treatment between the two can be supported.
- 8.15 The central block would be lower than the frontage blocks being three storeys including an attic, and would be approximately 2.3m lower than the existing four storey block. The width of the building would be approximately double the existing building, however the footprint would be similar to the existing building combined with the single storey garage on the eastern part of the site, which would be demolished. The length of the building would be similar to the existing plus single storey elements on the both ends, which add little to the bulk of the building. The east and west elevations are stepped which breaks down the length of these facades into smaller elements. The split gabled approach at the ends of the building together with the glazed central link and chimney elements adds interest and helps to mitigate the depths of these elevations.
- 8.16 In my opinion, the scale and massing of the proposed replacement buildings is similar to the existing building in terms of foot-print and height parameters, and is visually broken up



through the roof scape and elevational treatment, so that the massing is more appropriate to the finer grain of the surrounding area than the existing buildings.

#### □ Elevations and Materials

- 8.17 The Urban Design team has commented that the overall approach to the elevations has the potential to provide a convincing modern interpretation of the important visual elements that characterise the area. The split projecting gables along the frontages responds to the gabled forms of the adjacent traditional properties along both frontages and creates a rhythm which sits more comfortably with the finer grain of the street scene. The proposal includes chimney stacks which complement the roof scape along the street. The Urban Design team has recommended conditions to control the detailing such as windows, balconies and balustrades, coping, rain water goods, porch details etc., and subject to this, in my opinion the proposal is a high quality scheme.
- 8.18 In terms of materials, the application proposes buff bricks on the three blocks. The Urban Design team has recommended the scheme would benefit from the use of two different, but complementary bricks, and I share this view. A redish-brown tone along the Chesterton Road frontage and central block, with a buff brick of mixed tone use on the Hamilton Road frontage could further help to scheme to respond to the sites two different frontages, as well as creating a visual distinction between the two uses. I have recommended a condition for materials samples and a brickwork panel to agree these details. A sample of the zinc to be used on the attic storeys should also be submitted for approval.
- 8.19 The Urban Design team has raised concerns about the full height windows and the risk of exposing student clutter within and the visual impact of this. This can be dealt with through a condition for window details to be submitted for approval, and could include obscure glazed panels. The Design and Conservation Panel recommended front doors could be provided for the ground floor flats to break up and activate the Hamilton Road frontage. This would not work functionally and would be an usual response to a flat typology. In my opinion, a repetition of front doors is not necessary and the elevation is

successful in responding to the character of the street scene as proposed.

□ Landscaping

- 8.20 The frontage along Chesterton Road is currently formed by a low brick wall and a tall hedge with hard surfacing behind. The existing hedge would be removed, however the proposed landscaping scheme retains a low brick wall and replacement hedge, with grass behind and five new trees. The easternmost vehicular access would be removed and the westernmost access would be widened. A pedestrian entrance would be provided which would create a visual break into the site and enhance the presence of the building on the street. In my opinion, the proposal would enhance the landscaping along Chesterton Road.
- 8.21 Along Hamilton Road, the existing frontage is dominated by hard surfacing which is used for car parking. During the course of the application, following comments from the Design and Conservation Panel, the proposed car parking at the rear of the Hamilton Road block was relocated to the frontage with the loss of one proposed space. There would be space for planting zones and a hedge in front of the building, and a new tree in the south western corner. In my opinion, while parking would be retained along the frontage, the proposed landscaping scheme would significantly enhance the street scene.
- 8.22 The future occupants of the residential units would have access to an area of communal open space at the rear of the Hamilton Road block. The amendments to the landscaping scheme submitted during the course of the application have increased the amount of amenity space at the rear of this block by relocating the parking to the frontage, which has reduced the area of hard landscaping and overall enhanced the soft landscaping on the site.
- 8.23 The student accommodation would be landscaped to provide communal amenity space. The garden of No. 108 would be incorporated into the site and would provide an area to the east of the central block for amenity space for the student occupants. This area would be split into three sections providing informal spaces for students to use. Buffer planting would be provided in front of the ground floor units to provide defensible space to

protect the privacy of the occupants. The disabled parking areas would be incorporated into a shared surface hard landscaped area to allow for flexible use when not needed for parking.

- 8.24 There are several mature trees on the western side of the site and within the rear garden of No. 108. The proposal would retain the trees of highest quality on the western side of the site. The lower quality trees within the garden of No. 108 would be removed with two trees retained in the south eastern corner. There would be replacement tree planting on the eastern and western sides of the student site. The Tree Officer supports the proposal subject to conditions for further tree protection details to be submitted. I accept this advice and in my opinion, the loss of some of the lower quality trees on the site would be mitigated by the replacement planting and wider landscaping scheme.
- 8.25 The Landscape Officer has queried the nature of the boundary between the student and residential uses, however this detail could be secured through standard landscaping conditions. The Landscape Officer has recommended the conditions for a detailed hard and soft landscaping, boundary treatments and maintenance, and subject to this, in my opinion the proposal would enhance the site.
- 8.26 For these reasons, in my opinion the site layout, scale and massing, elevations and materials, and landscaping would be compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

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

- 8.27 The site is outside the conservation area, with the exception of rearmost part of the garden of No. 108 Chesterton Road which is within the De Freville Conservation Area. The boundary of the conservation area runs along the eastern boundary adjacent to the Hamilton Road block and along the southern boundary, so that the site and the southern block in particular form part of the setting of the conservation area. The frontage along Chesterton Road does not adjoin the conservation area and thus does not form part of its setting, in my opinion.
- 8.28 The area within the garden of No. 108 that is within the conservation area would be retained as open space within the

landscaping scheme. While there would be some removal of lower quality trees, two of the trees would be retained and there would be replacement tree planting in the south eastern corner. The character of this area would be retained and in my opinion, the replacement planting within a high quality landscaping scheme would enhance this part of the conservation area.

8.29 The frontage along Hamilton Road forms part of the street scene and thus the setting for the adjoining conservation area. I have set out above how the scale, massing, elevations, materials and landscaping respond to the finer grain of the traditional properties within the conservation area and how the proposed landscaping scheme would enhance the frontage. In my opinion, the Hamilton Road block which sits forward of the existing building would complete the street scene and would sit more comfortably with the traditional terraced properties, thereby enhancing the setting of the conservation area.

8.30 For these reasons, my view is that the proposal is compliant with Cambridge Local Plan (2006) policy 4/11.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

8.31 The nearest residential properties on Chesterton Road are No. 102 to the west and No. 110 to the east which adjoins No. 108; and on Hamilton Road are the flat Nos. 21-26 Midwinter Place to the west and Nos. 49 and 51 Hamilton Road which are part of a short terrace to the east. There are also properties on the western side of De Freville Avenue which have views from the rear towards the site, however these are over a considerable distance, and Nos. 223-229 Chesterton Road opposite the site.

□ Nos. 102 and 110 Chesterton Road

8.32 No. 102 is a two storey (plus attic) detached property with a rear garden adjacent to the western boundary of the application site. The property is understood to be a single residential unit.

8.33 The proposed Chesterton Road block would have the same building line on the rear elevation as the existing building, so it would not extend further to the rear of No. 102 than the current situation. The front elevation would be further forward than the

existing building, however it would not project in front of the building line of No. 102, so would not impact on any windows. There would be oblique views from the windows on the rear elevation towards the garden of No. 102, however the number, positioning and size of the windows would be similar to the existing building, so would not result in any significant loss of privacy.

- 8.34 Adjacent to the boundary with No. 102 is the existing undercroft which is open along the boundary at ground floor level. The proposal would retain an undercroft and would also be open along the boundary, having a similar relationship with No. 102 in terms of enclosure. The undercroft would include a bin store and cycle parking, however these would be within the confines of the undercroft so in my opinion there would not be significant noise and disturbance resulting from these.
- 8.35 The proposed central block would be positioned on the same building line as the western elevation of the existing building, so would not extend closer to the garden of No. 102 than the current situation. The building would be lower than the existing, so would have a lesser impact on No. 102 in terms of enclosure. There would be fewer windows and no external balconies from the proposed central block overlooking towards No. 102 compared to the existing situation. The existing mature trees along the boundary would be retained and additional planting proposed to the west of the central block to screen views.
- 8.36 For these reasons, in my opinion the proposal would have an acceptable impact on residential amenity for No. 102.
- 8.37 No. 110 is a two storey (plus attic) property which forms a semi-detached pair with No. 108 and has a rear garden adjoining the site. It is understood to be a single residential unit.
- 8.38 The proposal does not include extensions to No. 108 so there would be no impact on No. 110 in terms of enclosure or overshadowing. The central block would be closer to No. 110 than the existing building, however I am satisfied on the basis of the applicant's Daylight and Sunlight Assessment that there would be no significant impact on this regard. There would be some views from first and second floor windows on the eastern elevation towards the rear garden which would be closer than

the views from the existing central block, however these would be over 14m and direct views would only be towards the rearmost part of the garden. Moreover, existing trees along the boundary would be retained and enhanced with new hedge and tree planting to screen views.

8.39 The area adjacent to the eastern boundary would be used as amenity space for the student occupants, however it has been landscaped to provide three separate informal areas with buffer planting along the boundary, so in my opinion would not result in significant noise and disturbance.

8.40 For these reasons, in my opinion the proposal would have an acceptable impact on residential amenity for No. 110.

□ Nos. 223-229 Chesterton Road

8.41 Nos. 223-229 are two storey semi-detached properties on the northern side of Chesterton Road opposite the site. The properties have bay windows and roof lights on the front elevations and are set back with front gardens. Chesterton Road is approximately 20m wide including footpaths. The distance between the front elevations and the existing St Regis house is approximately 30m. The front elevation of the proposed Chesterton Road block would be approximately 2-4m further forward, so a separation distance of approximately 26m would be retained. The proposed building would be on the same building line as the neighbouring properties so the relationship with the properties on the northern side would be similar to other situations along the street. There would be a similar number of window openings and the size of the windows would be smaller in some cases, particularly those on the fourth floor being set within the roof. The proposal also includes 4 no. trees which would screen views compared to the existing situation. For these reasons, while the building would be further forward, in my opinion it would not have an unacceptable overlooking impact on Nos. 223-229 Chesterton Road. The applicant has submitted revised shadow studies demonstrates that there would be no significant loss of light to these properties as a result of the separation distance.

□ Nos. 49 and 51 Hamilton Road

- 8.42 Nos. 49 and 51 are two storey properties with rear gardens which form part of a short terrace. The properties have two storey rear outriggers and No. 49 has been extended at the side to adjoin the application site boundary. The rear garden of No. 49 is lower than the application site.
- 8.43 The Hamilton Road block has been sited and aligned forward of the existing building line, so that the rear elevation does not extend as far to the rear of No. 49 as the current building. Thus the proposal would not have a significant impact in terms of enclosure on the rear garden of No. 49 and the outlook from windows on the rear elevation. The applicant's Daylight and Sunlight Assessment shows there would not be a significant difference in terms of overshadowing, and there would be an improvement in daylight and sunlight to the rear windows.
- 8.44 The existing single storey garage on the eastern part of the site would be removed thereby reducing the immediate enclosure on the north western corner of the garden of No. 49. The central block would be lower than the existing building, however it would be approximately 7m closer to the boundary. The mass on the south eastern corner of the building has been reduced with the two storey element and attic storey cut away, and the gable end split with a glazed link. The applicant has provided modelled views from the gardens of No. 49 and 51 comparing the existing and proposed situation. In my opinion, the reduction in the height of the building compared to the current building, the reduction in the mass of the building on the south eastern corner, the removal of the garage adjoining the garden, along with the proposed planting on the south eastern corner of the site would mitigate the impact of the building being positioned closer.
- 8.45 There would be some oblique views towards the gardens which would be closer than the existing windows, however there would be fewer windows overlooking and views from the nearest windows on the eastern elevation would be obscured by screens (to be secured through conditions).
- 8.46 For these reasons, in my opinion the proposal would have an acceptable impact on residential amenity for Nos. 49 and 51.

□ Midwinter Place

8.47 Nos. 21-26 form the easternmost block of flats within Midwinter Place, and is a three storey block. Midwinter Place has a parking court at the rear. The eastern elevation provides external access to the flats.

8.48 Currently there is a single storey garage structure attached to the Hamilton Road block along the boundary with the four storey elevation stepped off the boundary. The Hamilton Road block would be stepped away from the boundary by approximately 2-5m, and the height and length of the western elevation would be similar to the existing building, so that the relationship would be similar to the current situation.

8.49 Along the western boundary there would be an access to the bin and cycle stores and amenity space at the rear of the residential block. In my opinion the noise and disturbance from use of the access and servicing areas would not have a significant impact on residential amenity.

Wider residential area

8.50 Third parties have raised concerns about the impact of noise and disturbance. The number of student occupiers would increase from 63 no. bed spaces to 85 no. spaces, however the nature of the student use would be the same as existing. The student accommodation would be for graduates and not for under-graduates. It would be subject to the College's management regime, which includes remote monitoring by Porters and student ambassadors on site. I have recommended a condition for a student management plan to be submitted for approval. Access to the student accommodation would be via Chesterton Road so there would be no thoroughfare through the site to Hamilton Road (to be secured through condition). The landscaping scheme shows how the site would be laid out to provide amenity spaces to promote informal use, as well as buffer planting along the boundaries. The residential units would be compatible with the surrounding uses. The number of vehicle movements to and from the site would be reduced with the removal of informal parking within the site.

8.51 Third parties have also raised concerns about the impact of additional demand for on-street car parking on residential amenity. The site is outside the controlled parking zone where



on-street parking is available. The College states that the graduate students would be restricted from owning cars in the City under their tenancy agreement. I have recommended a condition which includes submission of a copy of the tenancy agreement. The residential units would have 10 no. spaces for 14 no. units, which could provide one space for each 2-bed unit. This meets the adopted car parking standards. The site is in a sustainable location and the proposal includes good cycle parking facilities. The future occupants of the 1-bed units are less likely to be car dependent. In my opinion, the proposal would not impose a significant additional demand on on-street car parking and would not have an unacceptable impact on residential amenity in this regard.

8.52 The Environmental Health team has advised on conditions for plant noise insulation. Regarding the impact on residential amenity during construction, I have recommended the conditions advised by the Environmental Health team to control construction and delivery hours and dust. I accept their advice on this matter and the condition is sufficient. I have also recommended the contamination conditions requested.

8.53 For these reasons, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

#### Amenity for future occupiers of the site

8.54 The student occupants would have access to amenity space on the site, primarily the area to the east of the central block. This is approximately 460 sqm. The students will have access to other amenity space and recreation facilities provided by Clare College. The site is also within close proximity of Midsummer Common. In my opinion, the amount and quality of the amenity space for the student use would be acceptable. The students would have access to common rooms and shared facilities on the site. The landscaping scheme shows buffer planting around the buildings which would provide defensible space to provide a degree of privacy for the future occupants of the ground floor rooms.

8.55 The residents units would have access to communal amenity space at the rear of the block. Following amendments to the

landscaping scheme submitted during the course of the application, this area was increased to provide approximately 260 sqm space. This would be to the north of the Hamilton Road block so the shadow diagrams show it would be overshadowed, however this would be compensated for by the units each having ground floor terraces or balconies on the southern elevation which would provide useable amenity space. In my opinion, this would be acceptable. The landscaping scheme shows planting at the front and rear of the block which would provide a buffer to protect the privacy of the occupants of the ground floor units. There would be no windows on the south elevation of the central student block so the privacy of the residential block would be protected.

- 8.56 For these reasons, 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.

### **Disabled access**

- 8.57 The student accommodation includes 2 no. disabled access rooms and 2 no. disabled access parking spaces. The residential use includes 1 no. disabled access parking space. The Disability Panel has reviewed the application and is generally supportive, with recommendations for the applicant to consider in the detailed design stage. The parking arrangements are compliant with the adopted standards and are acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Highway Safety**

- 8.58 The site currently has separate 'in' and 'out' accesses onto Chesterton Road which provides access via an undercroft to informal parking areas within the site. The proposal would remove the easternmost access and widen the westernmost access to create a single entrance/exit. This would provide access to 2 no. disabled car parking spaces and for servicing, so there would be a reduction in the number of vehicles using the access compared to the existing situation. During the course of the application, the access was amended in consultation with the Highways Authority to allow vehicles to

entering the site to wait off-road in the event that there is a vehicle exiting the site. The Highways Authority has confirmed that the revised arrangement is acceptable.

8.59 On the Hamilton Road frontage, the existing parking area accessed via a dropped kerb along the length of the frontage would be retained. Following amendments to the scheme, there would be no vehicular access to the rear of the Hamilton Road block. The arrangement would thus be similar to the existing situation. The Highways Authority has raised no concerns with this arrangement and I accept their advice.

8.60 I have recommended the conditions requested by the Highways Authority, in particular to restrict gates and obstructions, and to ensure that the altered access onto Chesterton Road is created to an appropriate standard. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

#### Car parking

8.61 The proposal includes the provision of 2 no. disabled car parking spaces associated with the student use. The graduate students would be restricted from owning cars in the city under the tenancy agreements with Clare College and I have recommended a condition for a copy of the tenancy agreement to be submitted. The disabled car parking spaces have been provided on the basis of one space per accessible room and thus accords with the adopted standards. The provision of 10 no. car parking spaces associated with the 14 no. residential units would be in accordance with the adopted maximum car parking standards.

#### Cycle parking

8.62 The proposal includes 76 no. cycle parking spaces for student occupants and 12 no. visitor spaces associated with the student use. The spaces for student occupants would comprise 12 no. upright spaces within the undercroft and 64 no. stacker spaces in a store on the western boundary of the site. The store at the rear would be covered and would be secure within the gated site. While the number of visitor spaces is approximately 3 no.

spaces fewer than the standards, I am satisfied that the upright stands would be convenient for visitor use to compensate. Thus the cycle parking for the student use complies with the adopted standards and guidance in my opinion.

- 8.63 The proposed residential units would have cycle parking within a store at the rear providing 20 no. covered spaces which would be secure. There would be visitor spaces at the front of the site. In my opinion, the cycle parking for the residential use is also compliant with the adopted standards and guidance.
- 8.64 For these reasons, in my view the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Refuse Arrangements**

- 8.65 The proposal includes for the student use a bin store within the undercroft of the Chesterton Road building (within 10m of the kerb) with a capacity for 8no. 1,100l bins (4no general waste and 4no recyclables) and 3 no. 770 litre for green/compost waste. The residential units would have a bin store at northeast of site (within 25m of the kerb) which allows for 5 no. 1,100 litre bins (2 no. general waste, 2 no. recyclables and 1 no. green/compost waste). I am satisfied that the proposal complies with the relevant guidance and is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Renewable energy and sustainability**

- 8.66 The application proposes to reduce the buildings' energy use and carbon emissions through fabric and system efficiencies. Photovoltaic panels are proposed for the southern slopes of the Chesterton Road building and Hamilton Road, which provides an area of approx. 160m<sup>2</sup> for PV panels. The application also specifies a gas fired combined heat and power (CHP) and electric car charging points for one of the student disabled parking space and residential spaces will be incorporated, as well as natural ventilation.
- 8.67 The Sustainability Officer has reviewed the applicant's renewable energy strategy and has confirmed that this is acceptable, subject to conditions to secure the installation of the renewable and low carbon energy technologies. I accept this advice and in my opinion the applicants have suitably

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

### **Drainage**

8.68 The proposed site layout includes on-site attenuation on the eastern part of the site within the landscaping scheme. The Sustainable Drainage Officer and the Lead Local Flood Authority have requested infiltration testing, however the applicant has explained how this is not possible due to the presence of garages on this part of the site. The consultees are in agreement that a condition for infiltration testing and a detailed surface water drainage scheme would be appropriate in these circumstances and I accept their advice.

### **Ecology**

8.69 The applicant's ecology survey identified that the site is used by a colony of swifts and the site has potential to provide a habitat for bats. The Ecology Officer has recommended a condition for construction environmental management plan for swifts. I accept this advice and I have also recommended a condition for bat and swift boxes to be provided. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/3.

### **Public Art**

8.70 The applicant has submitted a Public Art Strategy which sets out the College's commitment to delivery of public art on site. I have recommended a condition for a detailed Public Art Delivery Plan to be submitted in accordance with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD (2010).

### **Third Party Representations**

8.71 I have addressed these as follows:

<b>Representation</b>	<b>Response</b>
Over-provision of student accommodation in the City;	The principle of student accommodation is acceptable

	for the reasons set out in paragraphs 8.2-8.4.
Demand for social housing, not student accommodation;	The site is currently in use for student accommodation and thus this use is established. There would be no loss of social housing as a result of the proposal.
Potential change of use from student accommodation to residential use should be guarded against;	The use of the proposed student accommodation for residential would need planning permission, which would be assessed through an application for change of use. The current application can only consider the use proposed and not any future applications that may come forward.
Loss of existing buildings of design interest;	The existing buildings are not Listed and are not Buildings of Local Interest, nor are they within the conservation area. The boundary of the conservation area adjoins the site indicating that the buildings have been deliberately excluded. The buildings are an unusual feature within the street scene, however are not considered by the Urban Design and Conservation team to be of particular merit. Moreover, they could be demolished under permitted development, subject to prior approval as to the method.
Proposed buildings lack merit and distinction and appears to be purely functional;	The proposal responds to the surrounding context for the reasons set out in paragraphs 8.6-8.19. The Urban Design and Conservation team supports the proposal. I have

	recommended conditions to secure high quality design details.
The existing buildings or their frontages should be retained;	The existing buildings are not considered to be of high architectural merit or to make any positive contribution to the street scene. The retention of the frontages is not warranted.
Poor landscaping and design within the public realm;	In my opinion, the proposal would deliver a higher quality landscaping scheme along the frontages. There would be a reduction in hard landscaping and new grass and trees along Chesterton Road. Along Hamilton Road, the existing parking area would be reduced and softened with planting in front of the building and a new tree in the south western corner.
The Chesterton Road building should be no further forward than the existing building line and should have green space in front;	The Chesterton Road block would be no further forward than the building line established by the neighbouring properties. There would be space for grass and new trees which would be an enhancement compared to the existing situation.
Realignment of Hamilton Road frontages welcomed;	Noted.
Loss of trees in terms of impact on conservation area and loss of screening to neighbouring properties;	The loss of low quality trees on the site is acceptable to the Tree Officer and Conservation Officer, and would be mitigated by new tree planting within the site. The mature trees along the boundaries would be retained and the screening enhanced

	with new planting.
Proposed buildings are too large for the site;	The footprint and scale of the proposed frontage blocks would be similar to the existing buildings. The central block would be lower than the existing building which would mitigate the increased width so that the scale would not be unacceptable.
Central block would result in loss of light and privacy to Hamilton Road properties and would be substantially more overbearing and visually intrusive;	See paragraphs 8.42-8.46.
Overshadowing and overlooking of properties on opposite site of Chesterton Road;	See paragraph 8.41.
Increased noise and disturbance during construction and resulting from increased number of residents on the site;	See paragraph 8.52.
Lack of parking for residential use and impact on on-street car parking within the vicinity;	See paragraph 8.51.
Concerns about the enforcement of restrictions on student cars;	Implementation of the Travel Plan would be secured through a condition, which would include enforcement of College and University's restrictions on car ownership. Breach of this could be enforced by the Council.
Concerns about access for taxis, drop-offs and emergency vehicles;	The access arrangements allow taxis and drop offs to enter the site. This is similar to the existing situation and would not be significantly different under the proposal.
Taxis frequently used by	As above. The use is the



students are likely to pull-up in the cycle lane;	same as existing and the increased number of bed spaces is not considered to have a significant impact.
Travel Plan has been drafted on false premise that students regularly travel to Clare College rather than their normal place of study/work on other sites within the city;	The Highways Authority has assessed the draft Travel Plan. A condition is recommended for submission of a detailed Travel Plan for approval.
Ensure no through-route from Hamilton Road to Chesterton Road;	I have recommended a condition for no access to be provided other than for maintenance and that this gate should be kept locked when not in use.
Avoid light pollution from external lighting and stairwells;	I have recommended a condition for an external lighting scheme to be submitted. There would be two glazed stairwells on the rear elevation. These would be over 40m from the rear elevations of the Hamilton Road properties and would be particularly screened by the central block and trees. In my opinion, while there would be some lightspill which would be visible, this would not have a significant impact on residential amenity.
Long-term plan for Mitcham's Corner is required.	The site is outside the Mitcham's Corner Opportunity Area, so the Development Framework is not a material consideration. The current application must be assessed on its own merits.
Noise, dust and mess during construction works and impact on children playing in neighbouring gardens;	The Environmental Health team has recommended conditions to control the construction process. I accept their advice on these matters.

Concerns about asbestos removal from the existing buildings;	This is not a material planning matter and is covered under other health and safety legislation.
Damage to neighbouring buildings during construction;	This is not a material planning matter but is a civil matter between parties.
Many nearby properties are not owner-occupied or have not been consulted.	The statutory consultation has been undertaken in accordance with the requirements.

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

8.72 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.

8.73 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)

8.74 The Developer Contribution Monitoring team (DCMT) has recommended that contributions be made to the following projects:

<b>Infrastructure</b>	<b>Identified project</b>	<b>Contribution sought</b>
Community Facilities	Towards the provision of and / or improvement of community facilities and equipment at part of the Akeman Street Community House redevelopment	£17,584 (plus indexation)
Indoor Sports	Towards the provision of blackout blinds to the main hall to enable the provision of activities to include glow sports and beats fitness at Chesterton Community College, Gilbert Road	£6,321.50 (plus indexation)
Outdoor Sports	For the provision of and / or improvements with regard to the pavilion extension / pitch works at Chesterton Recreation Ground	£5,474 (plus indexation)
Informal Open Space	For the provision of and / or improvements to informal open space at Chesterton Recreation Ground.	£9,075 (plus indexation)
Play provision for children and teenagers	For improving the play area equipment and facilities at Chesterton Recreation Ground play area.	£3,160 (plus indexation)

8.75 I agree with the reasoning set out in the DCMT comments 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.

8.76 The County Council does not seek contributions towards education for residential units with 1 or 2 beds.

### Planning Obligations Conclusion

8.77 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 The existing buildings on the site are outdated, the accommodation fails to meet the College's needs, and the site is dominated by hard landscaping. The principle of redevelopment for student accommodation is acceptable and the proposal will also provide an additional 14 no. residential units to meet wider demand. The purpose-built accommodation will deliver a higher quality living environment for student occupants. The replacement buildings are on a similar foot print and scale as the existing buildings. I acknowledge the concerns of the immediate neighbouring properties, however I am satisfied that the proposal would have no significant impact on residential amenity compared to the existing buildings and could be mitigated through conditions, including new tree planting. The design responds to the finer grain of the adjacent conservation area better than the existing buildings and the proposal would enhance the landscaping scheme through replacement planting. The impact on the wider area in terms of noise and disturbance and parking would be similar as for the existing use and could be mitigated through conditions. For these reasons, in my opinion this is a high quality scheme which is sensitive to its surroundings and the recommendation is approval.

## **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. 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 demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority. Thereafter the works shall be carried out in accordance with the agreed details.

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

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

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

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

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

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

8. 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.

9. 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.

10. 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.

11. 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

12. 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.

13. 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.

14. Prior to commencement of demolition, a full photographic record shall be undertaken depicting the buildings to be demolished. The precise nature and number of the photographs to be taken and the format in which they are to be displayed, titled, etc. is to be agreed with the local planning authority. Thereafter a copy of the record shall be deposited with each of the following organisations : the Cambridgeshire Collection of the Central Library, Lion Yard, Cambridge; the County Archive, Shire Hall, Castle Hill, Cambridge and the Local Planning Authority.

Reason: In the interests of social history.

15. No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- a) the statement of significance and research objectives;
  - b) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - c) the programme for post-excavation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: In the interests of archaeology (Cambridge Local Plan 2006 policy 4/9).

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).

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 tree protection (Cambridge Local Plan 2006 policy 4/4).

17. No development shall take place (including demolition and ground work) until a construction environmental management plan (CEMP: Swifts) has been submitted to and approved in writing by the local planning authority. The CEMP (Swifts) shall include the following:
- a) Risk assessment of potentially damaging construction activities on the known swift nest sites
  - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). Including details of potential temporary nest site provision.
  - c) The location and timing of sensitive works to avoid disturbance to breeding swifts
  - d) The times during construction when specialist ecologists need to be present on site to oversee works.
  - e) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - f) Use of any necessary protective fences, exclusion barriers and warning signs.
  - g) Number, specification/s and locations of integral nest boxes to mitigate for proposed loss of sites.
  - h) Details of proposed swift call playing equipment
  - i) Responsible persons and lines of communication.
  - j) Post construction monitoring of new nest box provision

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of ecology (Cambridge Local Plan 2006 policy 4/3).

18. Before starting the construction of external surfaces, full details including samples of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

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

19. Before starting any external brick work, a sample panel shall be erected on site showing the detail of bonding, coursing and colour, type of jointing which shall be submitted to and approved 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 good design (Cambridge Local Plan 2006 policies 3/4 and 3/12).

20. Prior to the construction of any external roofs, full details of such roofs shall be submitted to and approved in writing by the local planning authority. These details shall include:
- a) materials, colours and surface finishes;
  - b) relationships to rooflights or other rooftop features;
  - c) full details of all ventilation stacks ["chimneys"] including decorative features, extract/inlet functioning, etc.;
  - d) full details of the means of rainwater collection and disposal;
  - e) full details of the external appearance of lift over-run towers;
- Development shall be carried out in accordance with the approved details and retained as such thereafter.

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

21. No external windows, doors or balconies shall be installed until full details have been submitted to and approved in writing by the local planning authority. These details shall include:
- a) drawings at a scale of 1:20 of details of sills, lintels, jambs, transoms, mullions and spandrel panels;
  - b) the means of finishing of the 'reveal'. All new window frames shall be recessed at least 50 / 75mm back from the face of the wall / façade;
  - c) full details of all glass to be installed in doors / windows / screens, etc. Floor-to-ceiling transparent windows are unlikely to be approved. Mirrored, reflective non-transparent glass types are unlikely to be approved;
  - d) full details of all balconies and their balustrades, including soffits of decks & ceilings.
- Development shall be carried out in accordance with the approved details and retained as such thereafter.

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

22. Prior to first occupation of the central block hereby approved, the privacy screen on the first floor east elevation serving Flat 6 shall be installed in accordance with the approved plans, and shall be retained as such thereafter.

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

23. No development, other than demolition, 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 bat boxes within the new buildings. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reasons: To provide ecological enhancements for protected species on the site (Cambridge Local Plan 2006 policy 4/3).

24. Prior to the occupation of any buildings hereby approved, the on-site low carbon and renewable energy technologies shall be fully installed and operational in accordance with details that have been submitted to and approved in writing by the local planning authority prior to installation. These details shall include:

- a) full details of all solar panels [water pre-heat, etc.] and/or photovoltaic cells, including type, dimensions, materials, location, fixing, etc.; and
- b) an ongoing maintenance programme.

Thereafter the technologies shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority. No review of this requirement on the basis of grid capacity issues can take place unless written evidence from the District Network Operator confirming the detail of grid capacity and its implications has been submitted to, and accepted in writing by, the local planning authority. Any subsequent amendment to the level of renewable/low carbon technologies provided on the site shall be in accordance with a revised scheme submitted to and approved in writing by, the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions and visual amenity (Cambridge Local Plan 2006 policies 3/4, 3/12 and 8/16).

25. Prior to the first use of any gas-fired CHP plant, details of the plant to be installed shall be submitted to and approved in writing by the Local Planning Authority. Any gas-fired CHP should meet an emissions standard of spark ignition engine less than 150 mgNO<sub>x</sub>/Nm<sup>3</sup>; compression ignition engine less than 400 mgNO<sub>x</sub>/Nm<sup>3</sup>; gas turbine: less than 50 mgNO<sub>x</sub>/Nm<sup>3</sup>. The CHP shall be installed in accordance with the agreed details and retained as such thereafter.

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

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

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

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

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policy 4/13)

28. No development (other than demolition) shall commence until infiltration testing has been undertaken in accordance with BRE365/CIRIA156 and a final surface water strategy based on the results of this testing has been agreed by the Local Planning Authority, in conjunction with the Lead Local Flood Authority.

Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding to third parties (National Planning Policy Framework 2012).

29. Development (other than demolition) shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment (FRA) prepared by MLM Consulting Engineers (ref: 617934-REP-IV-FRA) dated 26th May 2017 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- e) Site Investigation and test results to confirm infiltration rates;
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water;

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

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 (National Planning Policy Framework 2012).

30. Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

31. Prior to first occupation of the development hereby permitted, a hard and soft landscaping scheme shall be implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a) 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;
  - b) 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;



c) boundary treatments indicating the positions, design, materials and type of boundary treatments to be erected. Development shall be carried out in accordance with the agreed details and retained as such thereafter.

Reason: In the interests of visual amenity (Cambridge Local Plan 2006 policies 3/4 and 3/11).

32. A landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of visual amenity (Cambridge Local Plan 2006 policies 3/4 and 3/11).

33. Prior to the installation of external lights, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the headgear cowling, the spacing and height of lighting columns), the extent/levels of illumination over the site and on adjacent land and measures to be taken to contain light within the curtilage of the site. Thereafter the external lighting shall be in accordance with the approved details.

Reason: In the interests of residential and visual amenity (Cambridge Local Plan 2006 policies 3/4, 4/13 and 4/15).

34. There shall be no access between the student and residential uses except for the purposes of maintenance and any openings created for this purpose shall be locked when not in use to prevent access.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/12 and 4/13).

35. Prior to the commencement of the first use of the vehicular access, the access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification, and in accordance with a drainage scheme to prevent surface water run-off onto the adjacent public highway which has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. Thereafter the access shall be retained in accordance with the agreed details and free of obstruction.

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

36. 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).

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

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

38. Prior to first use of the vehicular access, the manoeuvring area shall be provided as shown on the drawings. Thereafter the manoeuvring area shall be retained in accordance with the agreed details and free of obstruction.

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

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

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

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

40. The development hereby permitted shall be used only as a hostel for the provision of residential accommodation for students attending Clare College who are in full-time courses of education at the University of Cambridge and who are subject to proctoral control or other tenancy agreements, or delegates of conferences organised by Clare College.

Reason: The parking provision has been assessed on the basis of sui generis hostel use for student of Clare College who are subject to a system of parking control administered by the College and University of Cambridge (Cambridge Local Plan 2006 policy 8/10).

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

Reason: In order to ensure the occupation of the site is well managed and does not give rise to significant amenity issues for nearby residents (Cambridge Local Plan, policies 4/13, 7/7 and 8/10).

42. Prior to first occupation of the student accommodation hereby approved, 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).

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

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

Further information may be found here:

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

**INFORMATIVE:** Building Noise insulation:

To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the BS8233:2014 standard of 35 dB LAeq during the day. It is required that bedrooms achieve the standard of 35 dB LAeq during the day and 30 dB LAeq at night. An increase of 5dB for internal noise levels specified with BS8233:2014 would be acceptable if the windows are open to provide comfort ventilation.

Where windows are required to be kept closed to achieve acceptable noise levels inside, a ventilation system is required to provide sufficient comfort ventilation to enable occupant's adequate ventilation rates without the need to open windows due to external noise. Ventilation strategy reports that have been assessed in previous planning applications to appease amenity requirements recommend 4 air changes per hour within living rooms and at least 2 within bedrooms to achieve comfort ventilation during warmer weather. This is not to be confused with Part F requirements for purge ventilation, as discussed above.

**INFORMATIVE:** Traffic management plan informative

The principle areas of concern that should be addressed are:

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

**INFORMATIVE:** Highways 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.

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:** Residents parking informative

Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

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## Cambridge City Council Design & Conservation Panel

### Extract from notes of the meeting Wednesday 12th July 2017

#### Attendees:

David Grech	Co-opted member (formerly Historic England and Acting Chair)
Mark Richards	RIBA
Russell Davies	RTPI
Stacey Weiser	Cambridge Past, Present & Future
Ian Steen	Co-opted member (retired architect)
Jo Morrison	Landscape Institute
Jon Harris	Co-opted member (architectural historian)

#### Officers:

Susan Smith	City Council (items 1&2)
Mairead O'Sullivan	City Council (item 1)
Michael Hammond	City Council (item 2)
Jonathan Hurst	City Council (item 3)
Charlotte Burton	City Council (item 3)
Sarah Chubb	City Council (item 3)

#### Observers:

Graham Whitehouse and Bonnie Kwok -  
Design Enabling Panel (South Cambridgeshire District Council)

#### Apologies:

Di Haigh, Tony Nix and Robert Myers.

### 3. Presentation - St Regis & 108 Chesterton Road, St Regis House, 47 Hamilton Road (17/0970/FUL).

Erection of student accommodation comprising 53 student rooms – in clusters (incl. 2 x DDA rooms), 9 student flats and 15 student studios (Sui generis), and ancillary facilities including kitchen/communal areas, laundry room, plantroom, bin and bicycle enclosures; refurbishment and minor works to 108 Chesterton Road with the retention of 8 student rooms and 14 residential flats (Use Class C3) comprising 1 bed and 2 bed units (following demolition of existing buildings), together with landscaping and associated infrastructure. Presentation introduced by Justin Bainton of Carter Jonas with Henry Freeland of Freeland Rees Roberts Architects and Tony Edwards of Place Design & Planning (Landscaping) accompanied by Deborah Hoy from Clare College.

The Panel had previously supported the principle of redevelopment on this site, but felt that the scheme lacked a coherent vision; the design appearing to be driven by a desire to maximise capacity and to maintain the approximate footprint of the existing blocks.

The presenters were requested to focus on amendments made since the pre-application presentation in February 2017 (that verdict RED – 6, AMBER – 2)

The Panel's comments were as follows:

- **Chesterton Road Block.**

Previously the Panel had considered the decision to express the street frontage as a series of gables as positive, but considered the chimneys to be an empty gesture. Utilising these chimneys for the ventilation of the rooms is therefore a welcomed

improvement. The Panel also welcomed the development of a landscape design strategy for the Chesterton Road frontage and noted that, in the event that disabled students are not occupying the two accessible rooms, then the parking bays on the south side of the Chesterton Road block would become additional amenity space for use by the students. The Panel continue to have a concern that the architectural treatment of the Chesterton Road frontage has no relationship to that adopted on the rear.

- **Hamilton Road Block.**

- Orientation and Entrances. The re-orientation of this block to align with Hamilton Road is a significant improvement, though the Panel continued to have concerns that the stepping forward of the central elements would not help in integrating the new block into the street-scene. The Panel questioned the need for the ground floor passageways on the north side of this block, and considered it would be preferable for each of the ground floor flats to have a front door. Removal of the rear passage might then allow the block to be remodelled and to avoid the need to step the central bays forward.
- Parking. The Panel noted that there are 11 parking spaces for the 14 flats. 3 of these spaces are to the rear of the flats and require a disproportionately large turning and manoeuvring area of hard paving. Removing these 3 parking bays and revising the frontage parking from 8 to 10 spaces would have very little impact on the provision of soft landscaping to Hamilton Road, but would have very significant benefits for the amenity space of residents. The Panel therefore strongly recommended that careful consideration is given to this matter.
- No 49. An awkward niche has been created between the new block and No 49, its neighbour to the east. The Panel would request further information as to how this negative triangular space is to be managed. It is strongly recommended that the space is treated as a single entity along with the small triangle of space in the ownership of No 49, and that there is no attempt to define the boundary with a fence.
- Architectural Treatment of the Front and Rear Elevations. As with the Chesterton Road block, the Panel continue to have concerns that the architectural treatment of the front elevation has no relationship to that adopted for the rear elevation. Had the gabled approach of the front elevation been repeated on the rear elevation, then that might have reflected the projecting rear wings on the housing to the east.

- **Central block.**

The removal of the single storey building to the east is welcomed as this has allowed for additional green space and a better relationship to the neighbouring houses. However, the Panel would suggest that pivoting the central block clockwise about its NW corner would make for a better relationship with the Hamilton Road block, and allow more light and southwest sunshine to penetrate into the garden on the east side of the central block. Alternatively, the plan of the central block might be 'stepped' westwards to achieve a similar effect.

- **Landscape.**

The Panel broadly welcomed the landscape strategy but noted that the planting for the scheme is yet to be developed in detail. As noted above, the relationship between hard and soft landscaping in the central area would be significantly improved through the removal of the 3 parking bays behind the Hamilton Road block.

### **Conclusion.**

**The Panel welcome the improvements made since last time, not least the removal of the single storey block within the centre of the scheme and the re-orientation of the Hamilton Road block to the south.**

However, it was felt that there is scope for further improvement. The general architectural treatment of the two blocks facing Chesterton and Hamilton Roads, and in particular how the front and backs relate to each other, could be improved, and thereby improve their relationship with the existing houses. The Panel would also encourage further revisions to the Hamilton Road block to remove the need for it to step forward in the centre and to provide front doors for the ground floor flats. Finally, the removal of the single storey appendages on either end of the central block, along with the removal of the 3 parking bays behind the Hamilton Road block, would dramatically improve the provision of green space within the site.

Therefore, while this scheme has less of an impact on the character and appearance of the Conservation Area than the existing buildings, it was felt there was potential for even more enhancement to this part of Cambridge.

**VERDICT – AMBER (6) with 1 abstention.**

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**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0826/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th May 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	5th July 2017		
<b>Ward</b>	Trumpington		
<b>Site</b>	2 Barrow Road Cambridge CB2 8AS		
<b>Proposal</b>	Demolition of the existing dwelling and construction of a replacement dwelling.		
<b>Applicant</b>	Ms C Speed c/o Agent		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The principle of demolition is considered to be acceptable in light of the fact that there is an extant permission which includes works for the demolition of the house which could be implemented.</li> <li>- The additional depth and mass of the proposed swimming pool extension, compared to permission 15/0225/FUL, would not give rise to any adverse impacts on the amenity of no.4 Barrow Road.</li> <li>- The impact onto the street of the proposed replacement dwelling would be nearly identical to what was approved previously and is considered to be acceptable.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site relates to a detached residential property situated within a large rectangular garden plot, on the southern

side of Barrow Road. The site is located close to the corner of Barrow Road and Trumpington Road.

- 1.2 The existing dwelling is partly screened from the road side by a front boundary hedge. Views of the dwelling from Trumpington Road are screened by boundary trees which are protected.
- 1.3 The existing building on the site has elements of the 'Arts and Crafts' style, which is characteristic of the area. It has a rectangular footprint and projecting front gable. The eaves, dormers and part external chimney breasts, are design features associated with the Arts and Crafts style.
- 1.4 The building is not Listed or a Building of Local Interest. The site is within the Barrow Road Conservation Area which was adopted in June 2016. On No.2 Barrow Road specifically, the Conservation Area appraisal states:

*"Notwithstanding the growing ambition for alterations - witness the demolition and rebuilding of No.14 in 2014, to be followed shortly by No.2 – the character of the road remains recognisably as it was when built. Indeed, quite a number of houses remain virtually unchanged. And where there have been alterations these have for the greater part observed the convention of preserving what can be seen from the road, allowing owners greater freedom to adapt their houses on the garden side."* (2016, 14)

*"As in Town Planning in Practice, layout and architecture were complementary and the design of the houses provides architectural emphasis to the layout: thus the entrance to the road is 'framed' by two symmetrically designed houses, Nos. 1 and 2 and the length of the road, potentially monotonous, is broken by a wider passing or turning point."* (2016, 15 – 16)

*"No.14 was demolished in 2014 and is being rebuilt; permission for the demolition and rebuilding of No.2 was granted in 2015. Changes of this magnitude undermine the very qualities of the road summarised in section 3."* (2015, 25)

*"The open and leafy character of the road should be preserved by maintaining the green verges, the white double-flowering cherry trees and pink flowering almond trees and by encouraging the use of low walls, hedges and flower beds to*

*mark the boundaries of front gardens with the road. It is important, too, to ensure that no development takes place in front of the common building line. Certain houses give emphasis to elements of the layout such as the entrance and the roundabout and these façades should be preserved: the entrance to the road from the Trumpington Road is framed by Nos.1 and 2; the view east along the length of the road is closed by No.37 and the view north along the second phase of the road is, again, closed by No.33.” (2016, 27)*

- 1.5 To the west of the dwellinghouse and along the western boundary of the site are mature trees which form part of a group of trees along Trumpington Road which are protected by a group Tree Preservation Order.
- 1.6 Barrow Road is referenced in the Trumpington Road Suburbs and Approaches Study (March 2012) and the application site is located within ‘Character 3’ area. The study states *“The overriding character of this section of Trumpington Road is of a wide, generous road flanked either side by mature deciduous trees, some of which overhang the road, that create a sense of enclosure and privacy....”*“*Views down Porson Road, Bentley Road and Barrow Road are of substantial private residential properties set in a maintained landscape of tree avenues that emphasise the linear nature of these side roads”.*

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks planning permission to demolish the existing dwelling and erect a replacement dwelling.
- 2.2 The proposed replacement dwelling is very similar in design and massing to what was previously approved on this site (15/0225/FUL). The only significant amendment compared to this previous permission is the proposed replacement of the central basement swimming pool and subsequent addition of a swimming pool extension at ground-floor level along the eastern boundary. There are other alterations including, internal alterations, a minor alteration to the north elevation consisting of a single-storey side extension along the boundary and an increased gap between the dwelling and the boundary fence with no.4 Barrow Road. The proposed swimming pool extension would project approximately 11.4m beyond the originally approved rear ground-floor building line. The proposed ground-

floor swimming pool would be constructed in hanging tiles and with a sedum mono-pitched roof, sloping away from no.4 Barrow Road, measuring 2m to the eaves and 2.5m to the ridge.

### 3.0 SITE HISTORY

Reference	Description	Outcome
17/1444/S73	Section 73 application to vary condition 1 of planning permission 15/0804/FUL dated 04/11/2015 for new dwelling to rear of site with access from Trumpington Road to allow the removal of the basement pool, extension to form bedroom at first floor level and alterations to fenestration.	Pending consideration.
15/0804/FUL	New dwelling to rear of site with access from Trumpington Road.	Permitted.
15/0225/FUL	Erection of new dwelling following demolition of existing dwelling on the site.	Permitted.
14/1615/FUL	Replacement dwelling.	REFUSED
14/1616/FUL	New dwelling	WITHDRAWN

### 4.0 PUBLICITY

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

### 5.0 POLICY

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



## 5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (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)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Barrow Road Conservation Area Appraisal (2016)  Trumpington Road Suburbs and Approaches Study (March 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.

#### **Environmental Health**

6.2 No objection subject to the following conditions:

- Construction Hours;
- Collection during construction;
- Piling;
- Dust;
- Noise insulation scheme and compliance completion report
- Dust informative.

#### **Drainage Team**

#### Original comments (20/06/2017)

6.3 The proposed development is identified at 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.

Comments on additional information (31/08/2017)

- 6.4 A flood risk assessment has been submitted. The Drainage Officer has raised no objection to the proposal subject to drainage conditions.

**Urban Design and Conservation Team**

- 6.5 Objection (*copy of full comments provided*)

Reason(s) for refusal:

- This proposal does not protect and enhance the character and appearance of the Barrow Road conservation area.
- The total loss of an integral element of the designated heritage asset is not outweighed by public benefits (NPPF para 134)
- The loss of No 2 Barrow Road does not comply with Local Plan policy 4/11

Background information/additional comments:

The demolition and replacement of No 2 Barrow Road has been subject to a number of applications. The first 14/1615/FUL was refused and a subsequent application 14/1616/FUL was withdrawn. The last application 15/0225/FUL was permitted. The conservation team did not support these applications and considered Barrow Road as a significant 1930s form of development of College land. No 2 Barrow Road was designed by Spalding and Myers in 1931, and with its handed version at No 1, forms an architectural emphasis at the entrance to the road. The house is representative of the Arts and Crafts influenced designs used on Barrow Road generally. It has external features such as small multi-paned fenestration; tall chimney stack, painted render and plain tiled pitched roofs over a single projecting left hand gable and a main wing at right angles with the entrance in the angle. Generally Barrow Road houses have fairly shallow forward projection of a front wing/bay or a pair of hipped roof elements. The comments concluded that No 2 remains in a re-useable condition and could be retained and adapted as considered by NPPF para 131 which states:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The replacement dwelling was not considered to make a positive contribution to local character and distinctiveness because it required the demolition of the original house thereby losing the connection with No 1 and was not in a form characteristic of Barrow Road.

These comments were reiterated for the application 15/0225/FUL although the changes to reduce the two storey front gable were acknowledged.

Following these applications in June 2016 Barrow Road was designated as a conservation area. This new application has been looked at in the light of the designation of the Barrow Road Conservation Area and the contribution No 2 makes to the significance of the conservation area.

The general character of Barrow Road as considered by the conservation area appraisal is distinguished by its low density layout with wide green verges planted with flowering cherries behind which stand detached two storey houses built to a common building line on generous plots. The layout broadly reflects the concepts in Raymond Unwin's *Town Planning in Practice* (1909) which promoted the provision of broad frontages to secure light and airy interiors, orientating houses to catch the sun and providing large gardens in which to grow produce. As in *Town Planning in Practice* layout and architecture of Barrow Road were complimentary and the design of the houses provides architectural emphasis to the layout hence the entrance to Barrow Road is framed by two symmetrically designed houses, No's 1 and 2. The majority of the houses in the road are in the Arts and Crafts style and many were designed by Norman Myers of Spalding and Myers.

Though individually varied, the design of the houses are unified with the formal vocabulary of the Arts and Crafts and the use of vernacular materials, tiled, hipped and gabled roofs, large brick chimneys, simple brickwork, rendered walls and tile hanging.

Having been designated a conservation area this proposal must now be assessed against the tests in the NPPF and the Local Plan. Para 134 of the NPPF states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Local Plan policy 4/11 Conservation areas states that development within, or which affect the setting of or impact on views into and out of the conservation area, will only be permitted if:

- a. they retain buildings, spaces, gardens, trees, hedges, boundaries and other site features which contribute positively to the character and appearance of the area:
- b. the design of any new building or the alteration of an existing one preserves or enhances the character or appearance of the Conservation Area by faithfully reflecting its context or providing a successful contrast with it; and
- c. new or intensified use will not lead to traffic generation or other impacts which would adversely affect the Area's character.

It goes on to state that when considering the demolition of buildings which contribute positively to the character of a conservation area the same test would apply to the demolition of a listed building which would not be permitted unless:

- a. the building is structurally unsound for reasons other than deliberate damage or neglect; or
- b. cannot continue in its current use and there are no viable alternative uses; and
- c. wider public benefits will accrue from demolition.

The demolition of No 2 Barrow Road was previously allowed as it would not require planning permission in its own right as the site is not in a conservation area and therefore it would be unreasonable to resist the principle of demolition. This is no longer the case and the designation of the conservation area means that NPPF paragraph 134 and the Local Plan policy 4/11 must be applied.

The design and access statement states that the conservation appraisal makes note of the demolition and replacement of No 14 and the proposed demolition of No 2 and that the character of the road remains recognisably as it was when built which was the position when the appraisal was written. However the conservation area appraisal goes on to say that changes of this magnitude undermine the very qualities of the road and highlights the importance of preserving those buildings whose form serves to give emphasis to key elements of the road such as the framing of the entrance from Trumpington Road by No's 1 and 2.

The Design and Access Statement states that as No's 1 and 2 were not designed as gateway buildings they carry limited significance as a pair. There is no mention in the conservation area appraisal of "gateway" buildings. No's 1 and 2 are highlighted as framing the road entrance as symmetrically designed houses. They remain relatively unaltered to the front with clear matching design elements including matching gables with tiled detailing and drip courses, hipped dormers and large chimneys. The majority of the window openings remain the same between the two frontages with the exception of a long extension to one of the dormer windows of No 2 and the replacement of the multi-paned windows on No 1 with larger paned casements. Despite these changes they remain recognisably a handed pair and the loss of No 2 would result in harm to the significance of the conservation area albeit less than substantial harm. In answer to Local Plan policy 4/11 the design and access statement has outlined its case against the three criteria.

It notes that the planning report for the approved scheme considered that although the existing dwelling was part of the original development this reason alone was not enough to ensure its retention. Since the designation of the conservation area the retention of the building is an important factor to assess under policy 4/11.

The applicant states that the new dwelling has been designed to enhance the character and appearance of the conservation area and reflect the architecture within it. Whilst the proposed replacement building incorporates some Arts & Crafts components such as a steeply pitched roof form with

sprocketed eaves and a catslide roof to the side and the materials would be render, brick and tile, it has a much more complex form with large symmetrical gables very different in character from the asymmetrical form of the existing house. As noted in the conservation teams original comments the replacement dwelling does not faithfully reflect its context or provide a successful contrast as it fails to acknowledge its relationship with No 1.

The design and access statement goes on to state that paragraph 134 of the NPPF allows for a degree of less than substantial harm to a designated heritage asset if it can be demonstrated that this is outweighed by the public benefits generated. These are stated to be a new dwelling of high quality design and its greatly improved energy performance. The issue of high quality design is usually a test when assessing new buildings within conservation areas rather than the loss of an existing building and there has been no assessment as to whether the existing building could be made more energy efficient. Therefore the question of what the public benefits are of losing the existing building and the subsequent harm to the conservation area still remains.

It is also noted in the application that paragraph 138 of the NPPF states that not all elements of a conservation area will necessarily contribute to its significance and that the loss of elements that make a positive contribution must be considered in the context of the conservation area as a whole. The intimate and coherent nature of the Barrow Road conservation area means that the loss of one building will cause harm to the whole. The loss of No 14 coupled with the potential loss of No 2 leads to a cumulative erosion of the character of the area.

This proposal does not protect and enhance the character and appearance of the Barrow Road conservation area. The total loss of an integral element of the designated heritage asset is not outweighed by public benefits (NPPF para 134). The loss of No 2 Barrow Road does not comply with Local Plan policy 4/11.

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

6.6 No objection subject to conditions.

## **Twentieth Century Society**

- 6.7 Object to the application.
- 6.8 The loss of this sympathetic and contextually designed building will be detrimental to the conservation area. The council should resist demolition in a conservation area unless substantial public benefit outweighs the harm or loss caused and convincing justification should be required for demolition of unlisted structures of historic or architectural merit. We believe that the Council should refuse this application on the basis of no demonstrable public benefit in the face of the complete loss of a non-designated heritage asset.
- 6.9 This application does neither preserve nor enhance the Conservation Area and the Twentieth Century Society therefore urges the Council to resist causing harm to the conservation area and this non-designated heritage asset by refusing this damaging and unjustifiable application.

## **Cambridge Past, Present and Future**

- 6.10 The application should be refused.
- 6.11 We do not feel that this application has sufficiently demonstrated the significance of the existing building, its context or its importance as part of the local history, nor does it address the harm that would occur as a result of its demolition. The demolition will result in harm due to the erosion of the character in the street, as well as the setting of the remaining planned dwellings. As a result, the application fails to properly establish the basis on which the proposal for demolition should be supported.
- 6.12 The proposed dwelling neither preserves nor enhances a unique street in Cambridge that has ties to the University and makes a positive contribution to the historic environment along Barrow Road. The merits of the new dwelling have not been sufficiently demonstrated to warrant the loss of the existing 1930s building, which will result in harm to the character and appearance of Barrow Road.



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:

1 Barrow Road	3 Barrow Road
4 Barrow Road	6 Barrow Road
7 Barrow Road	9 Barrow Road
10 Barrow Road	11 Barrow Road
12 Barrow Road	15 Barrow Road
16 Barrow Road	18 Barrow Road
19 Barrow Road	20 Barrow Road
21 Barrow Road	22 Barrow Road
23 Barrow Road	24 Barrow Road
25 Barrow Road	27 Barrow Road
28 Barrow Road	29 Barrow Road
30 Barrow Road	31 Barrow Road
32 Barrow Road	35 Barrow Road
37 Barrow Road	39 Barrow Road
41 Barrow Road	43 Barrow Road
45 Barrow Road	47 Barrow Road
3 Porson Road	29 Porson Road
33 Porson Road	38 Porson Road
31 Madingley Road	Ardglas, Inverlounin Road, Lochgoilhead
70b Avonley Road, London	Salix House, Top Road, Wimbish

7.2 The representations can be summarised as follows:

- The applicant is active in the field of physiotherapy. The reference to parking and the existence of the long pool suggests that the property may be used for business purposes which may impact on surrounding properties.
- Loss of privacy/ overlooking
- The demolition of the existing building is contrary to policies 4/10 and 4/11 of the Local Plan (2006).

- The existing building is worthy of retention and plays an important role in the character and appearance of the Conservation Area.
- The property is on the market for sale and no regard for the uniqueness of the street and neighbours has been taken into account.
- The application is contrary to policies 3/1, 3/2, 3/4, 3/7, 3/12, 4/10 and 4/11 of the Local Plan (2006) and policy 63 of the Emerging Local Plan (2014).
- The proposed replacement building is of a poor design and does not respond well to its surrounding context.
- Overshadowing/ loss of light
- Overbearing
- The fence along the proposed side elevation is not 2m as shown and is in fact 1.6m high.
- There are no public benefits to outweigh the harm that would be caused to the heritage asset of the Conservation Area.
- The application fails to preserve or enhance the character and appearance of the Conservation Area.
- Work vehicles should be parked on site at all times.
- The loss of the garage wall adjacent to no.4 is not supported.
- The site plan should show the proposed dwelling at the rear of the garden as well.
- A street elevation of the existing and proposed context is required.
- The plans should have dimensions on.
- The previous permission was determined before the Conservation Area was adopted and should not set a precedent for demolition.
- A request has been made to the national planning casework unit for the application to be called in by the Secretary of State.

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. Preliminary
2. Principle of development

3. Context of site, design and external spaces (and impact on heritage assets)
4. Residential amenity
5. Drainage
6. Third party representations
7. Planning Obligations (s106 Agreement)

### **Preliminary**

- 8.2 The matters of highway safety, cycle parking, car parking and refuse arrangements were assessed as part of the previous application. I do not consider the proposed material alterations to the scheme, compared to the previous application (15/0225/FUL) or the introduction of the Conservation Area, to have any significant bearing on these specific aspects or their merits to warrant a different conclusion being reached. I therefore am of the view that the assessment of the previous application is pertinent to this current application on these points.
- 8.3 It is acknowledged that a request has been submitted to the National Planning Casework Unit (NPCU) for the application to be called in by the Secretary of State for the Department for Communities and Local Government. In terms of this process, it has been advised by the NPCU that, in the event that the Committee is minded to recommend approval of the application, the NPCU would request a 21 day period to determine whether the decision should be called in for determination by the Secretary of State. The officer recommendation reflects this request. If the committee is minded to refuse the application then the NPCU would take no action on this.

### **Principle of Demolition**

*Conserve or Enhance the Conservation Area, NPPF para 134 and Policy 4/11*

- 8.4 There are no policies in the adopted local plan that prohibit the provision of a replacement dwelling in principle on this land. The main consideration is whether the principle of demolition is acceptable with respect to two main issues:

1. The recent Conservation Area designation of Barrow Road

2. The extant planning permission

8.5 To provide some context, I set out the recent planning history of the site in relation to the Barrow Road Conservation Area designation.

8.6 On the 4<sup>th</sup> September 2015, planning permission (15/0225/FUL) was granted for the erection of a new dwelling following the demolition of the existing dwelling on the site. This permission will expire on 4<sup>th</sup> September 2018 and is capable of being implemented. In considering the principle of demolition at the time of this previous application, the committee report stated the following:

*“The house and its garden are not within a Conservation Area. I acknowledge the desirability of retaining the existing house but its loss cannot be protected under current planning legislation because the applicant could submit a notification under Part 11B of the General Permitted Development Order 2015 to demolish the dwelling and the Council could not refuse such an application. The Council could only control the method of demolition current. Therefore, whilst there are aspirations for the street to be included within a Conservation Area in the future, there is no policy protection against the demolition of the existing dwelling.*

*Requests have been made for Barrow Road to be included within a new Conservation Area. This has been formerly considered by Environmental Scrutiny Committee and would also require the production of a Conservation Area Appraisal and include public consultation. In my view, the aspiration for Barrow Road to be included within a Conservation Area adds very little weight in favour of retaining the existing building. If Barrow Road was a Conservation Area, it would become a Designated Heritage Asset. This would not negate all demolition but would place a higher test of consideration for the demolition and replacement because issues of demolition would come with the control of the Council. I recognise the issues raised by both Historic England and The 20th Century Society but they have limited weight and do not enable the Council to resist demolition in this instance due to the building falling within an emerging Conservation Area. That does not mean that the Council cannot consider the context and character of the road and whether the replacement dwelling adequately reflects this. The existing*

*property is not a Building of Local Interest (BLI = a non-designated heritage asset) and does not appear on the current list of BLI's and there are no such designations within Barrow Road."*

- 8.7 Since the granting of this permission, the Barrow Road Conservation Area was formally adopted in June 2016. In light of this conservation area status, planning applications within the designated area must be assessed against the relevant conservation/ heritage policies both locally and nationally.
- 8.8 The Conservation Team has provided a detailed assessment of the application from a heritage perspective. In objecting to the scheme, they state that the proposed demolition of the building would lead to less than substantial harm to the designated heritage asset of the conservation area. I do not disagree with this assessment in heritage terms.
- 8.9 The National Planning Policy Framework (NPPF) (2012) paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Design and Access Statement submitted by the applicants states that the public benefits would be primarily the high quality design of the new dwelling and the greatly improved energy performance.
- 8.10 In my opinion, these claimed benefits would not be significant enough to outweigh the less than substantial harm identified. The improved energy performance could be secured through careful renovation of the existing building. In any event, this would mainly constitute a private benefit to the future occupants of the building as opposed to a public benefit.
- 8.11 Whilst I consider the design of the front of the building to largely preserve the character and appearance of the conservation area, I do not consider the design overall to be of such high quality to demonstrate public benefit. The existing building is in good condition, exhibits elements of the Arts and Crafts movement - which includes a shallow plan form - and is part of a pair of symmetrically designed houses to the entrance to the road and therefore forms part of its intrinsic character. This is noted in the conservation area appraisal, by consultees and by

third parties. Of itself, as a replacement building of a different design, the heritage value of the pair would be lost through the demolition. However, I am also of the view that the design of the replacement building as a whole could not be regarded as either preserving or enhancing the character or appearance of the conservation area. In accordance with the previous officer assessment, the bar is now at a higher level with regard to development proposals coming forward within Barrow Road given its conservation status. In particular, the deep footprint of the new house, its long-wings and taller scale to that existing would result in a building that would be of a different character and appearance to that existing and to other examples of Arts and Crafts houses within the street.

- 8.12 In light of this assessment and in particular the advice from the Conservation Team, I consider the proposal to be contrary to paragraph 134 of the NPPF (2012) and to policy 4/11 of the Local Plan (2006). The quality of the design could not be described to be of public benefit to weigh in favour of granting the proposal in light of the harm identified. The scheme would neither preserve nor enhance the character or appearance of the Barrow Road Conservation Area, a fact which the Local Planning Authority must pay special attention to in its decision making as a statutory test in line with S72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

*Policies 4/11 and 4/10*

- 8.13 The Local Plan (2006) policy 4/11 states that when considering the demolition of buildings which contribute positively to the character of a conservation area the same test should apply to the demolition of a listed building (policy 4/10). This policy sets out that demolition will not be permitted unless:
- a) the building is structurally unsound for reasons other than deliberate damage or neglect; or
  - b) it cannot continue in its current use and there are no viable alternative uses; and
  - c) wider public benefits will accrue from redevelopment.
- 8.14 In my opinion, in considering the comments of consultees, third parties and the Barrow Road Conservation Area (2016) Appraisal, the existing building makes a positive contribution to

the character and appearance of the Conservation Area. No.2 Barrow Road is identified specifically within the commentary of the Barrow Road Conservation Area Appraisal (2016), with respect to the joint value that Nos.1 and 2 Barrow Road have in framing the entrance by virtue of their symmetrical design. This commentary is outlined in paragraph 1.4 of this report.

- 8.15 I cannot find evidence of an argument put forward by the agent to demonstrate compliance with the above criteria. I am of the opinion that the principle of demolition would not comply with policy 4/10.

*Non-Designated Heritage Asset*

- 8.16 The previous assessment considered that No.2 Barrow Road (as an individual building) was not a non-designated heritage asset by virtue of the fact that it was not referenced in the existing local list or that contained in the emerging local plan list or any other Council documentation. However, in my view, the adoption of the Barrow Road Conservation Area and the reference to No.2 Barrow Road within the appraisal, means that this property could now be considered as a non-designated heritage asset. Paragraph 135 of the NPPF is applicable in this instance and advises that the significance should be taken into account. In my view, taking into account the advice from Conservation colleagues, the heritage significance of the building is its contribution to the Barrow Road Conservation Area as a whole as appraised, rather than any substantive individual building merit over and above this. If it were not for the fact that it is contained within the conservation area, I doubt that the building would be of such significance to merit a local listing or any other designation when applying the relevant criteria.

*Extant Permission*

- 8.17 Notwithstanding my conclusions regarding the heritage impact of the scheme and its non-compliance with heritage policies, the extant permission (15/0225/FUL) to demolish the building and replace it with a new dwelling cannot be ignored. This permission is capable of being implemented and is for all intents and purposes identical, from a character and design perspective, to what is proposed under this current application.

8.18 As set out in paragraph 8.6 of this report, planning permission 15/0225/FUL is not due to expire until September 2018. This means that, subject to discharging the relevant conditions, this permission, which includes the demolition of the existing building, could be implemented regardless of the post-decision Conservation Area designation. There is no requirement for the applicant to obtain any new or varied forms of permission from the Local Planning Authority to undertake this demolition. It would only be in the event that the building was listed that the demolition could be prevented after the determination of the application. If permission was to be refused by the Council for this current scheme, there would be nothing stopping the applicants from commencing demolition of the house, reapplying for the same scheme as currently under consideration and removing any question over whether it is acceptable to demolish. Of course, it is a matter of speculation as to whether the applicant would exercise their rights in this regard but it is a matter that has to be borne in mind by the Planning Committee in reaching a decision.

8.19 Consequently, whilst I sympathise and agree with the basis of the consultee and third party comments regarding the harm that would be caused by the proposed demolition of the building to the conservation area, I do not consider it would be reasonable to resist this in lieu of the fact that there is an extant permission for the demolition of the building which achieves the same outcome. In this case, material considerations indicate that whilst contrary to the NPPF (2012) and Cambridge Local Plan (2006) policies 4/10 and 4/11, the scheme should be approved and that it would be unreasonable and possibly futile to reach any other conclusion.

8.20 In my opinion, the principle of the demolition is acceptable.

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

8.21 The proposed replacement building is nearly-identical to the previous approved replacement building on this site in terms of scale, massing and design. The only material difference would be the proposed removal of the basement pool and addition of a ground-floor pool extension along the eastern boundary.



- 8.22 The Conservation Team, relevant consultees and third parties have objected to the proposed replacement dwelling on the grounds that it does not faithfully reflect its context or provide a successful contrast as it fails to acknowledge its relationship with No 1. This relationship consists of the 'framing' that Nos.1 and 2 form in providing a gateway entrance to Barrow Road. As set out in preceding paragraphs, I do not necessarily disagree with this assessment.
- 8.23 As set out in paragraph 8.11, the adoption of the Barrow Road Conservation Area does set the bar for the quality of the design and the assessment of it higher than as previously required and it therefore does not necessarily mean that the previous officer assessment can be fairly transposed or relied upon for this purpose.
- 8.24 The proposed replacement dwelling would occupy a deeper footprint than the existing dwelling and there would be a significant level of massing visible along the eastern flank projecting gable that would project beyond the rear of no.4 and be visible from the neighbour's garden. This was considered to have a 'limited impact' under the previous assessment. The proposed design seeks to maintain and respect the 'arts and craft' theme of Barrow Road, but, in my opinion, cannot be said to be a faithful reflection due to its depth and form. Whilst these elements of the scheme may have been acceptable previously, they would in my view fail to preserve or enhance the character and appearance of the conservation area.
- 8.25 It is acknowledged that the conservation area appraisal and the majority of third party and consultee comments reference the symmetry and gateway feel that the existing buildings of Nos.1 and 2 Barrow Road portray. Concerns have been raised relating to the deterioration of this positive characteristic that the proposal would cause and the failure of the proposed replacement dwelling to successfully integrate into this context. However, in favour of the proposal, is that it would retain the existing front building line and there would still be a comfortable setback from the edge of the road with a large open area of landscaping retaining the existing hedge. This general layout is mirrored at No.1 Barrow Road. The separation distance between the two dwellings would remain significant and I do not consider it likely that you would read both dwellings within the same view when approaching and exiting Barrow Road

because of this. The design itself is generally of a good standard. The frontage is broken into two projecting gable wings, one rendered, one brick. The fenestration and overhanging sprocketed eaves and verge detailing, with a steeply pitched red clay roof and a long cat-slide roof down to the eastern boundary are a nod towards the arts and craft style. The scheme includes a number of brick chimneys which punctuate the roof line. The presence on the street of the building would be one that largely retains the detached spacious character of Barrow Road and would in my view be comfortable.

- 8.26 As such, notwithstanding the harm caused through the demolition of the property and the issues of depth of design, the proposed scheme does exhibit some positive attributes and I therefore do not consider the level of harm caused to be significant in terms of the Conservation Area as a whole.
- 8.27 Turning specifically to the proposed additional mass and footprint created by the swimming pool extension, this would be limited to a single-storey scale that would not be prominent in the street scene. I am of the view that this element of the proposed works would preserve the character and appearance of the Conservation Area.
- 8.28 Notwithstanding the limited harm to the character and appearance of the Conservation Area that would be caused, I do not consider it would be reasonable to resist the proposed replacement dwelling. This is because the extant permission could be implemented and the proposed new dwelling is identical to this former permission in terms of its overall design, scale and massing onto the road and in its relationship to No.1.
- 8.29 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. The scheme is contrary to 4/11 and the NPPF guidance at para 134, but the extant permission means that the Local Planning Authority cannot reasonably resist demolition. This is a strong fall-back position for the applicants and a material consideration which members must take into account in terms of their assessment of the proposal. I propose conditions to deal with the execution of the design detail to ensure the detailing is of high quality.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.30 The proposed replacement dwelling is very similar to the extant permission on this site and as such I consider this assessment should focus on the proposed additional ground-floor swimming pool extension and the impact this would have on the neighbour at no.4 Barrow Road.
- 8.31 The proposed swimming pool extension would project approximately 11.4m beyond the originally approved rear ground-floor building line and over 20m beyond the rear wall of No.4. The height of the proposed wall would be 2m which would run parallel to no.4 and would be set off the common boundary by approximately 0.6m which matches that of a wall or fence that could be erected along this boundary without the need for planning permission. The mono-pitched roof of the proposed extension would then slope away from this neighbour at a gradual incline before reaching the apex of the roof at 2.5m in height. In my opinion, whilst over 20m in depth close to the boundary of no.4, the pool would not in my view result in any harmful loss of light or sense of enclosure being experienced at this neighbour due to its low scale. The pitch of the roof would also be a sedum roof which is a relatively soft roof form from a visual perspective. There are no new windows or openings when compared to the previous application and I therefore am of the opinion that the privacy of no.4 would be retained.
- 8.32 The applicant has provided details of the likely plant noise levels that would be emitted from the swimming pool and I am satisfied that the noise levels would be acceptable. A condition regarding noise levels from plant has been recommended in accordance with advice from the Environmental Health Team.
- 8.33 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 and 4/13.

## **Third Party Representations**

- 8.34 The majority of the third party representations have been addressed in the main body of this report.

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

<b>Comment</b>	<b>Response</b>
The applicant is active in the field of physiotherapy. The reference to parking and the existence of the long pool suggests that the property may be used for business purposes which may impact on surrounding properties.	The application seeks permission for a new dwelling which includes parking and a swimming pool for domestic use. If, following use of the development a business was operating from the site which required permission, this would need to be regularised through a separate application.
The property is on the market for sale and no regard for the uniqueness of the street and neighbours has been taken into account.	The intention of the applicant in relation to ownership is not a planning consideration.
The application is contrary to policies 3/1, 3/2, 3/4, 3/7, 3/12, 4/10 and 4/11 of the Local Plan (2006) and policy 63 of the Emerging Local Plan (2014).	The application has been assessed against the relevant policies of the Cambridge Local Plan (2006). Policy 3/2 is not considered to be relevant to this application. The Emerging Local Plan (2014) has not been formally adopted and only limited weight can be given to this. In any case I do not consider it would be reasonable to refuse the application under emerging policy 63 for the reasons set out in this report.
The fence along the proposed side elevation is not 2m as shown and is in fact 1.6m high.	It is acknowledged that the fence height is incorrect. Nevertheless, I do not consider the proposed works would harm the amenity of no.4 for the reasons stated in paragraph 8.23 of this report.
Work vehicles should be parked	This was not a stipulation under

on site at all times.	the previous permission and I do not consider it reasonable to enforce this given that Barrow Road is a private road.
The loss of the garage wall adjacent to no.4 is not supported.	The loss of the garage wall was considered to be acceptable under the previous permission. The proposal would respect the privacy of the neighbour at no.4.
-The site plan should show the proposed dwelling at the rear of the garden as well.  -A street elevation of the existing and proposed context is required.  -The plans should have dimensions on.	The plans as submitted are considered to be accurate and valid for determination of the application. I do not consider the additional information/ changes suggested by the third party to be necessary for the application to be determined.
The previous permission was determined before the Conservation Area was adopted and should not set a precedent for demolition.	It is a relevant material consideration that there is an extant permission for demolition on this site. In the event that this extant permission had expired then it may have been the case that the principle of demolition could have been resisted. However, as this is not the case, the principle of demolition is considered to be acceptable.

## 9.0 CONCLUSION

9.1 The demolition of the building would cause less than substantial harm to the conservation area. The replacement building does not fully reflect the character of the Arts and Crafts vernacular that is present in the context of Barrow Road by virtue, primarily, of its deeper footprint. Whilst the design, particularly of the front of the proposed building, is partly characteristic of the conservation area, overall it could not be concluded that the replacement design (in terms of public benefit) is of such a high quality to demonstrate the preservation of it.

9.2 The principle of demolition is acceptable due to the fact that there is an extant permission for the demolition and replacement of the house which could be implemented. The proposed replacement dwelling mirrors the scale, massing and design of what was previously approved in terms of its contribution and impact onto the street. The additional mass of the proposed ground-floor swimming pool element along the boundary of no.4 is not considered to give rise to any harmful impacts on the amenity of this neighbour or to the conservation area. A careful balancing exercise has to be carried out by members of the Planning Committee in this case given the circumstances. My view, in weighing up the merits of the proposal in light of the objections received is that the scheme, on balance, is acceptable.

## 10.0 RECOMMENDATION

**APPROVE** subject to the National Planning Casework Unit being notified of the Committee resolution and there being no subsequent call-in within 21 days of such notification and subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Prior to the commencement of development 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). In addition the method statement should include details to be adopted to minimise the impact of retained trees on the building in the future.

The development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

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

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

9. 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)



10. The windows on the east elevation at first and second floor level, as shown on drawing number PL-3-02, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

11. 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 and to preserve the character and appearance of the Conservation Area. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

12. The combined rating level of sound emitted from all fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed the plant noise emission limits at the application site boundary as detailed within the Cass Allen Acoustic Assessment (RP01-17430) dated 12th June 2017.

Prior to use, a noise insulation scheme completion report shall be submitted in writing for approval by the local planning authority to verify that the installed fixed plant and/or machinery complies with the plant noise emission limits specified within the Cass Allen Acoustic Assessment (RP01-17430) dated 12th June 2017. The approved equipment and noise insulation scheme shall be fully retained thereafter.

Reason: To protect the amenity of neighbouring occupiers (Cambridge Local Plan 2006 policies 3/4 and 4/13).

13. No works for the demolition of the building(s) or any part thereof shall commence on site until an unconditional contract has been entered into under which one of the parties is obliged to carry out and itself complete the works of development of the site for which Planning Permission has been granted under application reference(s) 17/0826/FUL and evidence of the said contract has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the character and appearance of the Conservation Area (Cambridge Local Plan (2006) policy 4/11)

14. Prior to commencement of development, large scale drawings of the reveal depths, verge and eaves details of the development hereby permitted 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 and retained thereafter.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Conservation Area (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/12 and 4/11)

15. 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)

16. The building hereby permitted shall be constructed in accordance with the Flood Risk Assessment (MTC Engineering, Aug 2017). Finished ground floor levels should be no lower than 13mAOD.

Reason: To minimise flood risk (NPPF (2012) paragraph 103)

17. No development shall commence until drawings for flood resilient /resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To minimise flood risk (NPPF (2012) paragraph 103)

18. No development hereby permitted shall be commenced until surface water drainage works 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:

- 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.
- c. 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 (NPPF (2012) paragraph 103)

19. No development hereby permitted shall be commenced until infiltration testing results and revised calculations in accordance with BRE Digest 365 have been undertaken and submitted in writing to the local planning authority including:
- a. Identification of the water level within the trial pits at timed intervals;
  - b. the trial pit dimensions; and

c. a plan showing the location of the trial pits.

Reason: To minimise flood risk (NPPF (2012) paragraph 103)

**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)

# Agenda Item 7

**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 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</b>	Block B Student Castle 1 Milton Road Cambridge Cambridgeshire		
<b>Proposal</b>	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 C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 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><input type="checkbox"/> The aparthotel use is unlikely to give rise to significant levels of private car journeys which would harmfully impact upon on street parking in surrounding trees;</li> <li><input type="checkbox"/> The site is located within a highly sustainable location which is suitable for this form of short stay accommodation;</li> <li><input type="checkbox"/> The aparthotel use would not have any significant adverse impact on the residential amenity of local residents.</li> </ul>
RECOMMENDATION	APPROVAL

## 0.0 Update

- 0.1 This planning application was previously presented to Planning Committee at the 5<sup>th</sup> July meeting. Members resolved to not support the Officer recommendation, which was for approval, and agreed to defer the application to allow officers to draft potential reasons for refusal. Members agreed at the meeting on the key issues that the application could be refused upon. They are set out below:
1. Loss of student accommodation with reference to the Student Study and NPPG;
  2. Lack of commercial vehicle and servicing provision (policy 8/9);
  3. Loss of disabled student accommodation and the appropriateness of the location of the aparthotel wheelchair accessible room (policies 3/12(b), 3/7(m), 7/10(d));
  4. Impact of parking from hotel visitors on the amenity of local residents (policy 3/4);
- 0.2 Before members consider the draft refusal reasons, it is important to note that the basis of planning decisions is that they should be rooted in an adopted policy framework.
- 0.3 The fundamental basis of the planning system is that is it a 'plan-led' process and planning law requires applications for planning permission to be determined in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance, the development plan consists of the National Planning Policy Framework (NPPF 2012) and the saved policies in the adopted Cambridge Local Plan 2006.
- 0.4 The NPPF represents up-to-date government planning policy which must be taken into account in the decision making process and provides the overarching framework for local planning authorities to produce their Local Plans. This is to ensure policies are up-to-date and consistent. The NPPF states that local planning authorities should take a positive approach in decision-taking and should seek to approve applications for sustainable development where possible that improve the economic, social and environmental conditions of the area.

0.5 The role of the Local Plan is fundamental to the decision making process and so is at the core of the planning system. The Local Plan is the starting point for considering whether applications can be approved or refused. However, where a Local Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF requires applications to be determined with a presumption in favour of sustainable development unless any adverse impact would significantly and demonstrably outweigh the benefits.

0.6 In view of the above, I set out below the draft refusal reasons and my assessment of each for members of the planning committee to consider.

*1. Loss of student accommodation with reference to the Student Study and NPPG;*

0.7 Refusal reason:

*The part retrospective change of use of the first and second floors of Block B of the Student Castle development from student accommodation to apart-hotel use would diminish and therefore harm the supply of an identified purpose built student housing need/shortage for Cambridge as set out in the Assessment of Student Housing Demand and Supply for Cambridge City Council (2007).*

#### Commentary

0.8 There are no policies in the adopted Local Plan (2006) that protect against the loss of student accommodation to other uses. The Local Plan does support the provision of short-stay accommodation under policy 6/3, however, it does not provide any specific guidance to prioritise short-stay use over any other use.

0.9 There is no specific reference in the NPPF to student accommodation. The key policy principles in the framework are relevant to informing any Local Plan's policy approach. In particular, local planning authorities should '*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*' (paragraph 50). The NPPF does not refer directly

to the higher education sector, or to the provision of student accommodation.

- 0.10 To help provide further context to the objectives of the NPPF, the government produced the National Planning Practice Guidance (NPPG) in 2014. The NPPG expands on key topics to provide further guidance on the plan making process and is continually updated. While the initial versions of the NPPG did not include any reference to provision for student accommodation in the methodology for assessing housing need, a revision to the NPPG 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.”*

- 0.11 Therefore, whilst the provision of student housing is identified as being an area that LPAs need to factor into their consideration in the plan making process, the above does not form a strong basis to support a reason for refusal. This is because there is no policy basis to refuse the loss of existing student housing.
- 0.12 The NPPG has informed the evidence base of the emerging Local Plan (2014). Policy 46 (Development of student housing) makes provision for the loss of existing student accommodation, saying that it will be resisted unless adequate replacement accommodation is provided or there is no longer a current or future need for it. If this was an adopted policy, in my view a justifiable reason for refusal akin to the draft provided could be advanced. However, it is an emerging policy that has a



significant number of objections to it and so can only be afforded very limited material weight.

0.13 In terms of the Assessment of Student Housing Demand and Supply report, whilst it has been endorsed by the Council's Development Plan Scrutiny Sub-Committee on 25 January 2017, it has little material weight in the decision making process. The study is an evidence base for the emerging Local Plan and does not of itself amount to policy. My view is that the adopted Local Plan does not provide any basis upon which to refuse the application on the grounds of student need and there is insufficient national guidance to indicate support for this approach.

0.14 Therefore, in view of the above, I advise members not to pursue this possible reason for refusal.

*2. Lack of commercial vehicle and servicing provision as per policy 8/9;*

0.15 Refusal reason:

*The apart-hotel use makes inadequate provision for access and for parking of servicing and commercial vehicles. The current arrangements are resulting in obstructions being caused along the main vehicular access road off Victoria Road, which is also used by residents in Corona Road to access their garages. The proposal would potentially exacerbate this conflict and is therefore contrary to policy 8/9 of the Cambridge Local Plan (2006).*

#### Commentary

0.16 Concerns have been raised by local residents regarding the current access and parking arrangement along the main vehicular access point. The concerns specifically relate to vehicles such as contractors vans parking along either side of the access road thus obstructing access to and from the existing garages which serve the properties in Corona Road. The access road off Victoria Road is the main emergency entrance into the core of the site. The site does not contain any car parking spaces apart from three disabled spaces which are located adjacent to the side elevations of Block A and C. No other car parking spaces are proposed within the site. Therefore

no provision was made for service or commercial vehicles at the time of the approved student housing scheme (14/0753/FUL). With regards to refuse collection, the applicant is proposing to utilise the existing on site refuse provision, which is operated by a private waste contractor. The details of the storage arrangements are currently being assessed as part of the discharge of condition 15 (14/1938/COND15).

0.17 According to the Student Castle Management Plan (2014), which was submitted with the previous approved planning application (ref:14/0753/FUL), it states that the site will be serviced by its own on-site management team which includes a maintenance team, housekeeping team and security team. However, no specific details were provided at the time of the previous application about how these teams operate in terms of their access and parking arrangements. Therefore, without the provision of sufficient safeguards in place for the approved student housing use, it is difficult to see how such servicing provision can be retro-fitted into the site without making significant alterations to the internal layout. However, there is space at the front of Block A and Block B that could be used to accommodate service vehicles on a temporary basis without causing any obstructions to residents of Corona Road or to the emergency access.

0.18 In my view, whilst there are grounds on which a reason for refusal could be advanced, it may be difficult to defend because the Council would have to demonstrate an exacerbation of the existing servicing issue and this is intended to be incorporated into the existing servicing arrangements. In addition, there are alternative arrangements at the applicant's disposal that could be utilised to address the servicing issues that could be secured via condition as suggested below:

1. Within 6 months from the date of this permission, the approved Proposed External Works Hard Landscaping Plan (drawing no.290-01-Rev30) of application 14/1938/S73 shall be implemented and accommodate provision for service vehicles to car in front of Block A and Block B on a temporary basis so to avoid parking along the access road.

Reason: To avoid causing an obstruction for emergency vehicles within the site (Cambridge Local Plan policies 3/7 and 8/9).

*3. Loss of disabled student accommodation and the appropriateness of the location of the aparthotel wheelchair accessible room (policies 3/12(b), 3/7(m), 7/10(d));*

0.19 Refusal reason:

*The apart-hotel use does not make appropriate provision (in terms of amount and location) for occupiers who require disabled access provision. The proposed accessible room is located within Block A which is in an entirely separate building to the main apart-hotel and as such any disabled occupier who requires any form of additional care/assistance would be isolated from their travelling group or carer. On this basis, the apart-hotel use would fail to provide a sufficient number of accessible rooms, contrary to policy 6/3 and it would also not be socially inclusive or offer a safe living environment for disabled occupiers in conflict with policies 3/7(m) and 3/12 (b).*

Commentary

- 0.20 In policy terms, the apart-hotel use is more akin to a hotel use as it has similar functions and facilities such as a reception area, cleaning/towel service and shared facilities such as a gym. Therefore, paragraph 6.9 of policy 6/3 (Tourist Accommodation) is relevant as it states that hotels or guest houses with over ten bedrooms should have between 6% and 10% of accessible rooms. The apart-hotel use is for 25 rooms. Therefore, the applicant should be providing between 2 (6% of 25 = 1.5) and 3 (10% of 25 = 2.5) accessible rooms according to the supporting text of the policy.
- 0.21 Policies 3/7 and 3/12 require new development to be safe and accessible. Other than this, there is no other specific guidance on the provision of accessible rooms for apart-hotels. Guidance on internal layouts for accessible rooms is provided under separate legislation which cannot be used to assess this proposal.
- 0.22 The applicant proposes to use the existing accessible room in Block A on a flexible basis so that it can be used by disabled customers as part of the apart-hotel use if/when required. The applicant has confirmed that there are no adaptable rooms in Block B as they are not suitable for conversion due to their size and would require substantial internal alterations. The applicant

accepts this is a constraint of the scheme but has also confirmed that since opening they have not had any disabled students with accessible needs staying or show an interest in the accommodation. Therefore, along with the flexible use of the accessible room in Block A, the applicant has also proposed to offer nine 'convertible' rooms within Blocks A, E and F, which are suitable for adaption if/when the need arises to accommodate disabled students or users of the apart hotel use. This may be appropriate for students, whose needs would be able to be accommodated well in advance of their stay, but it appears to me to be an unworkable solution for disabled apart-hotel visitors, who may be booking at much shorter notice and would have no confidence that an accessible room would be available either at their time of booking or arrival if the singular room in Block A was already in use by a student or booked by another disabled visitor.

- 0.23 The accessible room in Block A is also detached from the apart-hotel use in Block B and could result in a wheelchair user being isolated from their group/carer with no specific management or security provision in place in case of emergency. The Access Officer has confirmed his concern with this arrangement. The applicant believes the accessible room in Block A is in a suitable location as it is close to the main reception.
- 0.24 The planning policies specifically referenced in the draft reason for refusal concern the accessibility of buildings/places for those with disabilities:
- 0.25 3/7(m) states, 'a consideration for the needs of those with disabilities to ensure *places are easily and safely accessible*'. (my italics)
- 0.26 3/12(b) states, 'are convenient, safe, and *accessible for all users and visitors*;' (my italics)
- 0.27 These policies are primarily concerned with ease of access to a particular building or place as opposed to a specific internal configuration of a building to meet disabled needs. There is also no requirement or guidance on the location of wheelchair accessible rooms within developments.
- 0.28 Members should bear in mind that the proposal is for student housing and/or apart-hotel use in the alternative. If approved,

this would give the applicant the flexibility to switch between both uses in Block B making it difficult to distinguish between uses. There is no hierarchy of importance as to the needs of disabled students versus disabled customers of the apart-hotel.

0.29 As such, the drafted reason for refusal could be advanced but it would be difficult to justify on the basis that the numbers of disabled rooms suggested by policy 6/3 is only guidance and that the specific policies (3/7 and 3/12) do not primarily concern themselves with internal configurations.

0.30 Instead, I recommend a condition to increase the overall number of accessible rooms in the development as a whole, to ensure that there is sufficient provision for both uses in any circumstance. I set out below the wording of the condition:

*No development shall take place until the details of additional accessible room(s), in combination to that identified in Block A, have been submitted to and approved in writing by the Local Planning Authority. The accessible room(s) shall be converted within 6 months of this decision or in accordance with an alternative phasing plan. The accessible room(s) shall be retained in perpetuity for use for both disabled students and disabled visitors to the apart-hotel. The development shall be carried out in accordance with the approved plans.*

*Reason: To ensure the mixed uses provide an appropriate level of provision of accessible rooms in case of competing needs from both disabled students and disabled visitors (Cambridge Local Plan 2006 policies 3/7(m), 3/12 (b), 6/3 and 7/10(d)).*

*4. Impact of parking from hotel visitors on the amenity of local residents (policy 3/4);*

0.31 Refusal reason:

*The apart-hotel use generates car parking from customers staying and accessing the site which is causing obstructions to the internal access way and putting pressure on the surrounding streets. The apart-hotel use is generating additional traffic and movements that are having a detrimental impact on the residential amenity of the local residents in terms of on-street car parking and noise disturbance. The apart-hotel use is*

*therefore contrary to policies 3/4 and 8/2 of the Cambridge Local Plan (2006).*

### Commentary

- 0.32 Concerns have been raised about the amount of car parking within the site and vehicles blocking the side access leading onto Victoria Road at the rear of the properties in Corona Road. Local residents have submitted photographs which are available to view on Public Access showing the parking situation on the site at certain times of the day. Students residing at Student Castle are restricted from owning a motor vehicle as part of the signed S106 agreement for the development. The photos from local residents appear to suggest students are parking their cars on the site. This is a separate issue to the apart-hotel use and the enforcement team are aware of this situation and are investigating. It should be noted that the customers of the apart-hotel use are not subject to the same controls as the students.
- 0.33 Notwithstanding this, the applicant's Transport Assessment (TA) includes an on street car parking survey of surrounding streets and argues that there is sufficient capacity within the surrounding streets to accommodate additional car parking generated from the apart-hotel use. In total, the survey has found there is enough capacity within the surrounding roads to absorb any increase created by the 25 rooms in the apart-hotel. The TA also argues that occupiers of the apart-hotel use will be made aware of the lack of car parking provision on site and encourage the use of alternative modes of transport to access the site. The Highway Authority (HA) has assessed the car parking survey and has raised issues with the survey in terms of the number of spaces identified being within the Residents Parking Scheme zone or in time-limited bays. However, no objection has been raised and the HA has advised that whilst parking 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.
- 0.34 The site is located within a sustainable location as it is close to a busy local centre and within walking distance of bus stops. The site offers a drop off point at the front of Block A and Block B for anyone arriving by taxi. I would expect most of the

customers using the apart-hotel would be arriving by taxi due to the location of the site, its proximity to the local centre and the controlled parking zones that operate within the surrounding streets.

- 0.35 Therefore, given the site constraints in terms of the lack of car parking within the site and accessible location, I do not consider the harm and therefore the reason for refusal could be easily substantiated.

### **Conclusion**

- 0.36 The loss of student accommodation with reference to the Student Study and NPPG should not be advanced as a reason for refusal. There is no policy basis for this.
- 0.37 A reason for refusal could be put forward regarding the lack of commercial vehicle and servicing provision to satisfy policy 8/9 in respect of the apart-hotel use but it would be difficult to argue any harm over and above the existing situation and improved servicing provision could be conditioned.
- 0.38 A reason for refusal could be advanced regarding the number of wheelchair accessible rooms for both uses, but this could be conditioned to be increased. It would be difficult to argue deficiencies in the internal location and configuration of the wheelchair accessible room in Block A given the wording of the Council's policies.
- 0.39 The impact of parking from hotel visitors on the amenity of local residents is difficult to quantify and is lessened by the sustainable location of the site. A reason for refusal could be advanced but the Council would have to gather additional evidence from the hotel use impact to demonstrate the harm.

## **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 respectively. 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 a in significant addition 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 an 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 do 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:

- 7 Corona Road
- 8D Corona Road
- 14A Corona Road
- 10 Corona Road
- 15 Corona Road (x2)
- 26 Chesterton Hall Crescent,
- 52 Chesterton Road
- The Portland Arms, 129 Chesterton Road
- 47 Greens Road
- 3 Gurney Way
- 15 Herbert Street
- 119 High Street East Chesterton
- 126 Milton Road
- 26 Trafalgar Road
- 33-35 Victoria Road
- 45 Victoria Park
- 123 Victoria 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 en-suite 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	It is not possible to limit the use of existing on street car parking

relation to the rejuvenation of Mitcham's Corner and not committed to the Student Castle hotel use.	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	The applicant offers a type and standard of student accommodation for students

expected but the issue is not lack of demand but cost of accommodation.	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	See para 8.9 to 8.14

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 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 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.	There is no car parking standards for aparthotel uses in the adopted Local Plan. 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.
Lack of off road car parking will put unacceptable pressure on the highway network.	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.
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.	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>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 Policy 6/3.</p>	<p>Policy 6/3 state provision should be made for disabled visitors. The applicant is proposing to use a ground floor unit in Block A for any disabled visitors. This does not conflict with policy 6/3.</p>
<p><i>Friend of Mitchams Corner object to the application on the following grounds:</i></p>	
<p>General concerns about developers in the area changing plans after planning permission has been granted.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>
<p>There are many other student accommodation applications in the city and it is not clear why this one needs diversifying.</p>	<p>This is not a material planning consideration.</p>

## 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.



<b>Application Number</b>	17/0753/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th May 2017	<b>Officer</b>	Sav Patel
<b>Target Date</b>	29th June 2017		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	8A Babraham Road Cambridge Cambridgeshire CB2 0RA		
<b>Proposal</b>	Part two-storey with part single-storey rear extension and single-storey side extension		
<b>Applicant</b>	Mr Rajan 8A Babraham Road Cambridge CB2 0RA		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development is of a contemporary design and of a scale that respects the existing dwelling.</li> <li>- The proposed development would not harm the character or appearance of the area.</li> <li>- The proposal would not unacceptably harm the amenities of occupiers of neighbouring properties.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site, no 8A Babraham Road is a two-storey semi-detached residential property situated on the south-western side of Babraham Road. The property has a large driveway at the front providing off-road parking, a large garden to the rear and a single storey pitched roof rear extension. The surrounding area is residential in character and is formed primarily of similar sized semi-detached properties and larger detached properties on either side of Babraham Road.

- 1.2 The application site is not within a conservation area nor is it a listed building (or building of local interest). There are two trees (Acers) adjacent to the rear boundary of the site. These are protected by tree preservation orders.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks full planning permission for a two storey and part single storey rear and side extension along with an additional single storey side extension. This application is a resubmission of a similar proposal that was approved (16/1695/FUL) at January (2017) Planning Committee. However, the applicant is unable to implement the approved development due to an injunction against the removal of the existing boundary vegetation by the neighbours at no.8 Babraham Road. The side boundary is defined by a combination of fence and hedge which is maintained at 2 metres in height. In order to overcome this, the proposal has been amended by revising the single storey extension. The proposal is now set off from the side boundary by 1.5 metres.
- 2.2 The proposal now consists of two single storey elements which project off a two storey pitched roof extension. The two storey element has not been amended from the approved design. The single storey element which projects off the side of the two storey element and adjacent to the side boundary, would extend off the rear elevation of the property by 4.8 metres at 3 metres in height with a flat roof. This element would be set off the side boundary by 1.5 metres. The other single storey element would project off the rear elevation of the proposed two storey element by 2 metres at 3 metres in height with a flat roof. The flat roofs of both single storey elements would consist of sedum/wild flower roof.
- 2.3 The two storey element would project 4.5 metres off the rear elevation of the property with a pitched standing seam zinc roof. This element would be located 3.2 metres from the side boundary. This element has not been altered from the approved scheme.

### 3.0 SITE HISTORY

Reference	Description	Outcome
16/1695/FUL	The proposal is for a two storey and part single storey rear and side extension along with an additional single storey side extension.	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 3/14

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)

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

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

#### **Urban Design Team – First comments:**

- 6.2 It would appear that the architect has followed the correct method and process for the BRE tests of Vertical Sky Component (VSC), Daylight Distribution, and Sunlight to Windows (Annual Probable Sunlight Hours/ APSH) as set out in the BRE guidance 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'.
- 6.3 The results of the study suggest that all windows pass the above tests. Our review of the numerical tables indicate that this is not the case and there will be a minor additional impact upon window 1 in terms of daylight distribution and APSH, and for window 2 a marginal loss in VSC. A more thorough conclusion would have identified this impact. It would be beneficial if the consultants could better explain why this loss is acceptable.

6.4 **Second comment** – following update study and additional daylight/sunlight study and explanation statement:

6.5 We previously noted a minor impact on window 1 and 2 as a result of the proposal and queried why this was considered acceptable. However, this has now been clarified within the additional information provided. The ground floor layout plan for 8 Babraham Road has provided us with a better understanding of the internal layout of the Living Room and Kitchen/Dining Area, demonstrating the size and number of additional windows that serve these rooms. We agree with the conclusion of the additional information that the proposed development will have a low impact on the light receivable by the neighbouring property.

### **Street and Open Space (Tree Officer)**

6.6 There are no arboricultural objections.

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

## **7.0 REPRESENTATIONS**

7.1 The proposal has been called in for determination at Planning Committee by Councillor Page-Croft on the grounds that the proposed extension would cut across the 45 degree line from the neighbour's window leading to loss of light into habitable rooms.

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

- 8 Babraham Road

7.3 The representation can be summarised as follows:

- The site lies to the south and the extension would unacceptably overshadow habitable rooms and the outdoor amenity space;

- The proposed extension would cut across the 45 degree line from the living room window and would result in a significant loss of light;
- The submitted daylight/sunlight study shows window 2 which serves a living/dining room would result in significant loss of light;
- The proposal would unacceptably overshadow the main outdoor area;
- The proposed development would fail to meet the BRE guide and contrary to adopted local plan policies which seek to protect residential amenity.
- Concerned about the impartiality of the decision making process as the previous case officer has given pre-application support to the proposed scheme;
- Concerned with the inaccuracies in the applicant's design and access statement particularly in connection with the scale of the proposed extension and comparison with the two storey extension at no.8;
- No explanation on why the 'Before' figure in the daylight distribution for the previous study (98%) is different to the same 'Before' figure in the current study (91%);
- Concerned with the lack of raw data in the daylight/sunlight study and previous study;
- Officers cannot properly assess the impact of the proposed scheme based upon the current study;

7.4 The objectors also submitted a document prepared by Portland Planning critiquing the proposal and daylight study. This document was consulted on and the applicant submitted a rebuttal prepared by Beacon Planning. Both documents are available to view on public access. The applicant also submitted an updated daylight/sunlight study, which took into consideration the internal layout of no.8 Babraham Road. The previous study did not factor in the French doors that also serve the living room. The updated study was consulted on. I set out below a summary of the comments from the occupiers of no.8 Babraham Road:

- Concerns with how the inclusion of French doors causes a 7% increase in light negate a 25% loss in light initially reported;
- Full explanation of how the 98% daylight distribution figure for window 1 was arrived;

- Concerned with the methodology used in the study for the current proposal which does not show any difference to the previous scheme which did not cut across the 45 degree line;
- Without clear explanation and in the absence of raw data we cannot have confidence in the conclusions.

*Officer comments:*

- 7.5 In order to try and address these concerns, a meeting was arranged for Tuesday 5<sup>th</sup> September at the Council Offices. The meeting was attended by myself, the residents of no.8, the architect and the right to light surveyor. Agreement was not reached between the applicants and the objectors. However, following this meeting, I considered that I had enough information to be able to progress the application based upon the information submitted and as revised.
- 7.6 The above representation is 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 representation received and from my inspection of the site and the surroundings, I consider the main issues to be:
1. Context of site, design and external spaces
  2. Residential amenity
  3. Third party representations

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

- 8.2 The dwelling is set well back from Babraham Road. The proposal involves additions to rear of the dwelling and a small side porch. As such the proposal will not be readily visible within the public domain and will not in my opinion result in any adverse visual impact on the street scene.
- 8.3 As the main alterations relate to the single storey rear elements, I do not consider it necessary to reassess the two storey rear extension or single storey side porch as these elements have not changed from the approved scheme (16/1695/FUL).

- 8.4 In the approved scheme, the single storey element was designed with a chamfered edge so that it did not conflict with the horizontal 45 degree line from the living room window. The chamfered edge design has been removed and replaced with conventional style extensions. The proposed single storey element has been pulled off the boundary so as to retain the existing boundary hedge. However, the corners of both single storey elements now conflict with the horizontal 45 degree line from the living room window (window 1). The two storey element does not conflict with the 45 degree line.
- 8.5 The single storey rear extensions would be 3 metres in height with a flat roof and use dark zinc coping to frame and contrast with the light render of the elevations. The scale of these elements would appear as subservient additions to the dwelling and would not encroach unduly into the garden area.
- 8.6 I do not consider the proposed materials palette to be detrimental to the character of the area. The utilisation of zinc coping/seam for the roof, the open cedar cladding and white render for the walls adds to the contemporary design for the proposed rear extensions. Also, as stated above, given that this extension is to the rear of the property and only fractional amounts would be visible from the public domain, I do not consider the proposed use of materials or design to have a significant impact on the character and visual quality of the area. Furthermore, the properties in this part of Babraham Road do not fall within a conservation area, and there is no particular uniform character in terms of styles, building forms, appearance, colour or materials. Properties along this section of Babraham Road have a variety of roof types (pitched and flat), roof dormers, brick walls and rendered walls. Therefore the proposed extension is acceptable in terms of design and scale.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

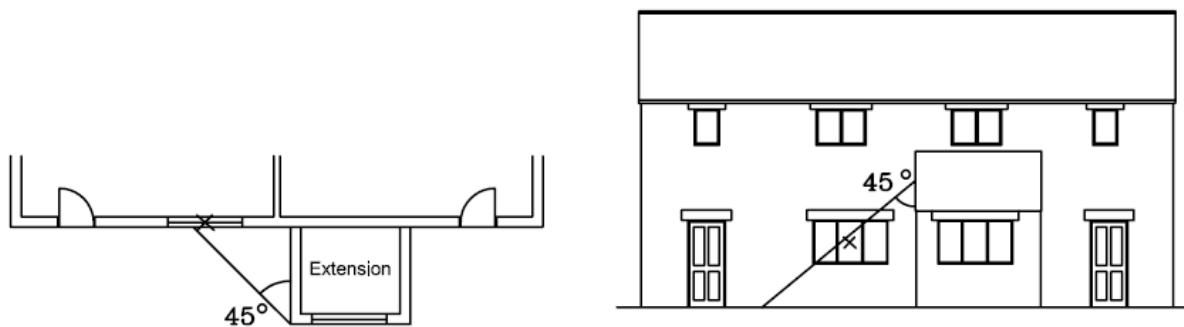
- 8.8 The main consideration is the impact on the amenity of the occupiers of the two adjacent dwellings, Nos. 8 and 10 Babraham Road.



### Overshadowing/loss of light

- 8.9 A key concern raised by the neighbours at No. 8 Babraham Road is that there will be a significant loss of light/overshadowing resulting from the proposed extension. Of particular concern is the impact on a west facing ground floor window serving a living room (window 1) and a south facing ground floor window serving a sunroom/dayroom (window 2). Concern is also expressed regarding the loss of light to the rear garden.
- 8.10 The neighbours state that the sunroom/dayroom is served by additional west facing windows but they note the shading effect of large mature protected trees within the garden which necessitate regular maintenance to ensure that the sunroom/dayroom is not unduly overshadowed. They feel the south facing window (window 2) to be more significant in relation to light gain into this room.
- 8.11 It is also important to note that the applicant has an extant permission in place for an extension that extends along the side boundary adjacent to window 2. Therefore, the principle of development along the boundary has been assessed and established. The proposed extension has now been pulled off the boundary and it is only the corners of the single storey elements that conflict the horizontal plane of the 45 degree line.
- 8.12 As with the previously approved scheme, the applicant has submitted a daylight and sunlight study (by Right to Light Consulting) to understand the potential impact of the revised proposed development on the occupiers of no.8. It is important to note here that the study, which is based upon BRE standards, is intended to be used as guidance only and the figures used flexibly. Nevertheless, a number of recognised tests, in accordance with the Building Research Establishment assessment criteria, were applied; Vertical Sky Component; Daylight Distribution; Sunlight to Windows; and Overshadowing to Gardens and Open Space. The study looked at the impact of the proposal on rooms served by 12 windows in the rear and side of No. 8 and on its garden area.
- 8.13 It should also be noted here that whilst the proposed development cuts across the 45 degree line in a horizontal

plane (plan), it does not in a vertical plane (elevation) – see figure 1 below. The vertical/elevation form is measured from halfway down the slope of the roof of the extension. The 45 degree line from the vertical plane does not cut across more than half the area of the windows in rear elevation of no.8 Babraham Road. The BRE guide states that if both forms (horizontal and vertical) are conflicted by the 45 degree rule then a more detailed BRE tests are required. Otherwise daylight and sunlight levels are unlikely to be adversely affected. Nevertheless, the applicant has again commissioned a new daylight and sunlight study.



Detailed daylight and sunlight study required

(Figure 1: Example of 45 degree rule tests – source: *Site Layout Planning for Daylight and Sunlight: A guide to good practice 2<sup>nd</sup> Edition* by BRE Trust)

- 8.14 The horizontal 45 degree line view was taken from what is referred to in the study as window 1, which serves the living room of no.8. This room is also served by a set of internal glazed French doors, which lead into a sunroom/dayroom. The sunroom/dayroom is a large open plan space which includes the kitchen and dining area. This open plan space consists of three large opening in the west elevation facing the garden. The sunroom/dayroom form part of an extension to no.8 (planning permission ref: 12/0104/FUL). The permission was for a 2 ½ storey rear extension, which has been built and is currently set 2.7 metres off the side boundary with no.8a. Window 2 is located in the side (south) elevation at ground floor and window 1 is perpendicular to this in the rear elevation of the property. I have attached a copy of the ground floor plan of no.8 for consideration (drawing no.146/SD04) in appendix 2. Whilst window 2 is south facing, it is not the main window/opening that serves the sunroom/dayroom in my view.

- 8.15 One of the key concerns from the occupiers of no.8 is that they dispute the figures in the test result and requested to see the methodology used to calculate this and the raw data. At the meeting (arranged on 5<sup>th</sup> Sept) the daylight consultant advised that they use a software programme in which data is entered into (such as location of the proposed extension existing windows etc...) and this produces a 3D model from which the numerical figures are taken. I did not consider it necessary to see the data being inputted into the software. This level of detail is not necessary for my consideration. The integrity of the study, unless there is an obvious error, is taken on face value as it has been carried out by an accredited (RICS) consultant. It is also important to understand that failure of one of the tests does not constitute failure of meeting BRE standards overall.
- 8.16 Therefore, having reviewed the study and additional information submitted in consultation with the Urban Design team, we accept the test results in the study and agree that, whilst there will be a low impact on the adjoining neighbours, the proposed development is still compliant with BRE guidance. I am therefore satisfied that the level of harm from the proposed development would not be significant such that it would result in adverse loss of daylight and sunlight to the neighbouring property or cause any significant levels of overshadowing to the garden area.
- 8.17 It is also important to note that the applicant has an extant permission in place for an extension that extends along the side boundary which is within 2 metres of window 2. Therefore the principle of development along the boundary has been established and the impact on window 2 was considered acceptable. The proposed extension has now been pulled off the boundary and it is only the corners of the single storey elements that impact the horizontal plane of the 45 degree line.
- 8.18 The proposed development would have a low impact on light received by the neighbouring property. This low level of impact would not warrant refusal of this application in my view.
- 8.19 In terms of no.10, the site is located to the north of it and so would not cause any adverse loss of daylight or sunlight or cause overshadowing. The proposal therefore would not have

any adverse impact on the residential amenity of the occupiers of no.10 in this regard.

#### Overlooking/loss of privacy

- 8.20 There are no windows in any part of the proposed extensions that would cause direct overlooking or loss of privacy to the neighbouring residents. The side elevation of the two storey element is blank and so is the single storey element nearest to the side boundary.
- 8.21 The first floor of the two storey element will have a new composite window which serves a bedroom. This element of the extension is set back approximately 3.2m from the shared side boundary. Therefore, as it is not against the boundary, I do not consider there to be any immediate direct overlooking.
- 8.22 In my opinion, I do not consider the proposed extension to cause any detrimental impact in terms of overlooking/loss of privacy on either No. 8 Babraham Road or No. 10 Babraham Road.

#### Enclosure/loss of outlook

- 8.23 The proposed extension would be set off the side boundary with no.8 by 1.5 metres and the main two storey element would be set 3.2 metres away from the boundary. The proposed two storey was not considered to be overbearing in the previous approved scheme. I also do not consider the revised single storey elements have any adverse overbearing impact or cause an enclosure issue on the adjacent neighbours due to their scale separation from the boundary, height of the intervening boundary. The proposal is therefore acceptable in this regard.
- 8.24 The proposed two storey element has been assessed in the previous approved application and was not considered to have any adverse impact on occupiers of no.10 in terms of enclosure or loss of outlook.
- 8.25 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

## Third Party Representations

- 8.26 Third party representations have been addressed in the table below. Where matters have already been addressed in the main body of the report I reference the relevant paragraphs.

<b>Representations</b>	<b>Response</b>
The site lies to the south and the extension would unacceptably overshadow habitable rooms and the outdoor amenity space;	The daylight and sunlight study demonstrates that the proposed extension would have a low impact on the neighbouring property and as such would not warrant refusal of this application.
The proposed extension would cut across the 45 degree line from the living room window and would result in a significant loss of light;	See para 8.13-8.14
The submitted daylight/sunlight study shows window 2 which serves a living/dining room would result in significant loss of light;	The daylight distribution test in the updated study demonstrates that window 2 would not result in a significant loss of light.
The proposal would unacceptably overshadow the main outdoor area;	See para 8.16
The proposed development would fail to meet BRE guide and contrary to adopted local plan policies which seek to protect residential amenity.	The proposal development is compliant with the BRE guide and the proposal would not have an adverse impact on the residential amenity such that it would be contrary to adopted local plan policies.
Concerned about the impartiality of the decision making process as the previous case officer has given pre-application support to the proposed scheme;	The previous case officer gave informal officer comments on a pre-application proposal. This is standard practice. The advice given is without prejudice and does not bind the authority to any particular decision on any planning application that may subsequently be submitted

	which will be the subject of publicity and consultation.
Concerned with the inaccuracies in the applicant's design and access statement particularly in connection with the scale of the proposed extension and comparison with the two storey extension at no.8;	This is not material to my consideration of the proposed development.
No explanation on why the 'Before' figure in the daylight distribution for the previous study (98%) is different to the same 'Before' figure in the current study (91%);	This is because the original study did not factor in the glazed French doors that serve the living room. The updated study did hence why the figures have changed.
Concerned with the lack of raw data in the daylight/sunlight study and previous study;	The study contains enough data for officers to make a judgement on the impact of the proposed development on the neighbouring property.
Officers cannot properly assess the impact of the proposed scheme based upon the current study;	See para 8.15
<b>Representations to updated study and additional information</b>	<b>Response</b>
Concerns with how the inclusion of French doors causes a 7% increase in light negate a 25% loss in light initially reported;	See para 8.15
Full explanation of how the 98% daylight distribution figure for window 1 was arrived;	See para 8.15
Concerned with the methodology used in the study for the current proposal which does not show any difference to the previous scheme which did not cut across the 45 degree line;	See para 8.13-8.15

Without clear explanation and in the absence of raw data we cannot have confidence in the conclusions.	See para 8.15
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## 9.0 CONCLUSION

9.1 I consider this proposal to be of an appropriate design and scale. It is set well back from the street and will not be readily visible within the street scene. I consider the impact on the residential amenity of occupiers of both adjacent properties to be acceptable. As such I consider the proposal complies with Cambridge Local Plan 2006 policies 3/1, 3/4, 3/7, 3/11 and 3/14.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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





<b>Application Number</b>	17/0801/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th May 2017	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	11th July 2017		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	454 Milton Road Cambridge Cambridgeshire CB4 1ST		
<b>Proposal</b>	Residential development containing four 1-bedroom flats along with cycle parking and associated landscaping following demolition of existing buildings at rear of site - land to the rear of 454 Milton Road.		
<b>Applicant</b>	N/A C/O Agent		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The design of the proposal is considered acceptable and is not considered harmful to the character of the area</li> <li>- The proposal would not harm the amenity of the surrounding occupiers</li> <li>- The proposal would provide adequately good standard of living accommodation for future occupiers.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site is located on the south eastern side of Milton Road and relates to land to the rear of 454 Milton Road. The host dwelling is in use as 5 no. 1 bed flats. The building is finished in brick with rendered accents. There is an undercroft which provides vehicular access to the rear. There is a timber clad bin store to the front of the property.

- 1.2 The area has a mixed character but with residential and commercial uses in the vicinity. The property to the west at 452 Milton Road is a residential bungalow with some commercial uses incorporated in the building to the rear. The site to the east is Trinity Hall Industrial Estate. On the opposite side of the road is a car dealership. There are also a number of guest houses nearby on the northern side of the road. The residential properties have a mixed character. There are a range of detached, demi-detached, two storey properties and bungalows on this part of Milton Road. Whilst the buildings have a mixed character they tend to be set back from the road with off-street parking and occasionally small gardens to the front of the properties. To the rear (south) of the site are garages which belong to the properties on Gainsborough Close.
- 1.3 The site is located within close proximity to the Kings Hedges Road Local Centre.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of a two storey building in the garden to the rear of 454 Milton Road. This is to provide 4 no. x 1 bedroom flats. The proposal would be broken into two elements; one flat roof and one with a lean-to roof. It is to be finished in brick.
- 2.2 Three off street car parking spaces are proposed within the site to serve the new units. These are accessed from Milton Road through the undercroft. Bike and bin storage are also located within the site. A small garden is maintained for the existing flats. Both ground floor flats are to have their own gardens. A communal garden is to be provided for the upper floor units.
- 2.3 The application has been amended since submission. The building has been moved further forward on the plot to allow a larger rear garden provision for the existing flats. The fenestration has also been amended on the first floor following the result of the noise survey.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
06/1169/FUL	Erection of eight flats 2 no 2	Withdrawn

07/0235/FUL	bedroom and 6 no 1 bedroom. Erection of 6 one-bedroomed flats.	Withdrawn
07/1016/FUL	Erection of 5 flats (including 2 ground floor disabled friendly flats)	Permitted
C/03/1167	Outline Application for the erection of 1 no dwelling.	Refused

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014
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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>  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Strategic Flood Risk Assessment (2005)  Cambridge and Milton Surface Water Management Plan (2011)  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: Car parking provision is considered to comply with guidance contained within the National Planning Policy Framework and the IHT guidance on best practice in car parking provision

### **Environmental Health**

#### *Initial comment*

- 6.2 Objection: There is insufficient evidence to assess the noise impact from the adjoining commercial use at Trinity Farm Industrial Estate. This needs to be assessed prior to determination.

#### *Second comment*

- 6.3 Objection: The noise assessment found a source of noise from the neighbouring site. An internal layout reconfiguration or amendment to fenestration to allow natural ventilation of habitable rooms is required.

#### *Third comment*

- 6.4 I have spoken with the Environmental Health Officer and he has informally agreed that the revised plans address his concerns. I will update via the amendment sheet.

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

- 6.5 There are no arboricultural objections.

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

- 6.6 Request rooms are reconfigured to improve access to the private open spaces.

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

6.7 Insufficient information has been provided to demonstrate that adequate surface water drainage measures can be provided on site.

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

### **7.0 REPRESENTATIONS**

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

- Camcycle (objection)
- 117 Darwin Drive (support)
- 450 Milton Road (objection)
- 452 Milton Road x2 (objection)

7.2 The representations in objection can be summarised as follows:

- Only provides bare minimum cycle parking
- Cycle shed would be cramped and the access is too narrow for manoeuvring
- Suggest cycle shed is located next to building where a larger cycle shed could be accommodated
- Some Sheffield stands should be provided for larger cycles and visitors
- Would set precedent for other two storey buildings
- Will impact on privacy of 452-450 Milton Road
- Already accommodates 5 no. 1 bed flats so proposal would be too much and potentially noisy.
- Revised plans do not address objection

7.3 The representation in support can be summarised as follows:

- Well-designed, sustainable and much-needed accommodation for this location.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 5/1 of 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. 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 building itself will not be prominent in the streetscene as it would be shielded from views by the existing large detached property at 454 Milton Road. I note that there have been a number of previous applications which were withdrawn and refused on the site. One of the primary concerns was that a two storey building in this backland context would be out of character. Whilst I note the officer's view on the previous applications, I am satisfied that the proposal would not be harmful to the character of the area. There are a number of large buildings of two storey height within the adjoining industrial estate site. The garden of the neighbour to the west, 452 Milton Road, is also built up. Whilst I accept that this is single storey in scale as is the other backland development at 452 Milton Road, I am satisfied that given the scale of the buildings in the adjoining industrial estate, and as the building would be subservient to the host dwelling in terms of height and footprint, it would not be harmful to the character of the area.
- 8.6 The area has a mixed character with a range of different building types and materials in use in the immediate area. The proposal takes a contemporary form and does not attempt to mimic the character of any of the surrounding buildings. I am satisfied that the building form would successfully contrast with the surrounding buildings and clearly read as a modern addition. The building is to be finished in brick with powder coated aluminum doors and windows and a metal standing seam roof. A condition requiring material samples to be approved prior to construction is recommended.
- 8.7 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



- 8.8 The proposed new building is set away from the host dwelling by just over 23m. Given the separation distance, I am satisfied there would be no significant inter-looking issues between the proposed and existing flats. I am also satisfied there would be no significant enclosure to the occupiers of the flats at 454 Milton Road due to this separation distance. The users of the flats would lose access to some outdoor amenity space to the rear. This is not ideal but given that these are all one bedroom units and some communal outdoor space is to be maintained, I am satisfied that on balance, this loss would be acceptable.
- 8.9 The neighbour to the south west at 452 has a large outbuilding in the rear garden. The proposal would lie adjacent to this outbuilding and would be set away from the boundary. As a result I am satisfied the proposal would not result in any significant enclosure to this occupier. Given the orientation of the plots and the distance between the proposal and the boundary, I am satisfied that the proposal would not result in any significant overshadowing to this garden. Whilst the proposal would introduce windows looking toward the house, I am satisfied that due to the separation distance, these would not result in any significant overlooking. The existing shed at 450 will screen and provide some privacy in terms of views into the immediate garden area.
- 8.10 To the south of the site are garages which are in the ownership of the properties in Gainsborough Close. The windows in the rear elevation would look towards the gardens of some of the properties on Gainsborough Close, However, given the distance between these of over 20m and as any views from the rear would be at an angle, I am satisfied that the proposal would not significantly impact on the privacy of these occupiers.
- 8.11 The Environmental Health Officer originally raised an objection to the proposal on the grounds of noise disturbance from plant on the neighbouring industrial site on future occupiers. The plans have been amended to address his concerns however, at the time of writing these plans are out for re-consultation. As a result his updated comments including suggested conditions will be reported on the amendment sheet.
- 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, 37, 3/10 and 4/13.

#### Amenity for future occupiers of the site

- 8.13 The units range from 47sqm to 57.5sqm in size. All of the flats are dual aspect. The two ground floor units have substantial rear gardens. Flat one is accessed from the side. The other three flats are accessed from a front door.
- 8.14 The fenestration has been amended following the results of a noise survey commissioned by the applicant. This has resulted in the removal of the balconies for the two first floor units. These two units no longer have private outdoor amenity space. A small communal space has been provided for these units to the side of the building. Given that the units are one bed and are likely to be occupied by a single person or a couple rather than a family I consider this to be acceptable.
- 8.15 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**

- 8.16 Bin storage for the existing flats is to remain at the front of the property in the existing store. Bin storage for the new units is to be shared and provided in a store within the site. Details of the bin store, including elevations, are recommended to be submitted via a pre-commencement condition. The bins are more than 30m from the highway and as a result a managing agent may be required to move the bins to the public highway for collection.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Highway Safety and Car and Cycle Parking**

- 8.18 Three car parking spaces are to be provided within the site with an additional two spaces maintained to the frontage at Milton Road. There is an existing access/dropped kerb that serves the

site and tracking information has been provided. The Highway Engineer is satisfied that the proposed car parking allocation is adequate. He does not consider the proposal would have any significant adverse impact on highway safety. I share this view.

8.19 The cycle and bin store to the frontage which serve the existing flats is to remain unchanged. Additional cycle parking for 4 cycles is proposed within the site to serve the new units. This meets with minimum standards. A condition is recommended requiring details of the cycle store, including elevations, to be submitted prior to commencement.

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

### **Third Party Representations**

8.21 I have partially addressed the third party representations within the body of my report. I will address any outstanding matters in the below table:

<b>Representation</b>	<b>Response</b>
Only provides bare minimum cycle parking	The proposal meets with minimum standards and as a result is compliant with policy.
Cycle shed would be cramped and the access is too narrow for manoeuvring	I am satisfied that the access is adequate
Suggest cycle shed is located next to building where a larger cycle shed could be accommodated	Cannot oblige that any larger cycle parking is provided.
Some Sheffield stands should be provided for larger cycles and visitors	I do not consider that visitor cycle parking is required given the small scale of the development.
Would set precedent for other two storey buildings	See paragraph 8.5
Will impact on privacy of 452-450 Milton Road	See paragraph 8.9
Already accommodates 5 no. 1 bed flats so proposal would be too much and potentially noisy.	I am satisfied that the addition of 4 no. x 1 bed units would not have any significant increase to noise and disturbance

Revised plans do not address objection	Noted.
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### **Planning Obligations (s106 Agreement)**

8.22 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.

8.23 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

9.1 The revised proposal would provide a high standard of living accommodation for future occupiers. The proposal is considered acceptable in terms of design. The proposed building would not have any significant adverse impact on the amenity of neighbouring occupiers in terms of overshadowing, enclosure or noise and disturbance.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

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

Reason: To protect the amenities of nearby residents /occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/10, 3/11 and 4/13 )

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

Reason: To ensure appropriate provision for the secure storage of bicycles and to protect the visual amenity of the area. (Cambridge Local Plan 2006 policies 3/10, 3/11 and 8/6).

6. 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)

7. The curtilage (garden) of the proposed properties as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwellings 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)

8. No building hereby permitted shall be occupied until details of surface water drainage works have been submitted to and agreed in writing by the Local Planning Authority. Surface water drainage will be implemented in accordance with these agreed details.

Reason: To ensure the development will not increase flood risk in the area in accordance with the National Planning Policy Framework (2012)

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)

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**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/1402/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th August 2017	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	3rd October 2017		
<b>Ward</b>	Arbury		
<b>Site</b>	19 Fortescue Road Cambridge Cambridgeshire CB4 2JS		
<b>Proposal Applicant</b>	Part two and part single storey rear extensions Mr And Mrs B Wilding 19 Fortescue Road Cambridge Cambridgeshire CB4 2JS		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed design is considered acceptable</li> <li>- The proposal would not have any significant adverse impact on the amenity of the surrounding occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a two storey red brick end of terrace property on the south western end of Fortescue Road. This is a predominantly residential area characterised by terraced brick houses.
- 1.2 The site does not fall within the conservation area nor is it within the Controlled Parking Zone.

## 2.0 THE PROPOSAL

- 2.1 The application seeks full planning permission for part two storey, part single storey rear extensions. The first floor

extension is stepped and broken into two pitched roof elements. The ground floor element of the extension is 5m at its greatest depth and steps down to 2.6m to the north of the site. The first floor element is 3m deep stepping away to 1.7m to the north of the site.

2.2 The application must be determined at planning committee as the applicant is a Council employee.

### 3.0 SITE HISTORY

3.1 There is no site 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 3/14

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	Sustainable Design and Construction (May

Planning Guidance	2007)
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

6.1 No comments.

## 7.0 REPRESENTATIONS

7.1 No representations have been received

## 8.0 ASSESSMENT

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

1. Context of site, design and external spaces
2. Residential amenity

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

- 8.2 The proposed extensions are to the rear of the property and would be partially visible from the public realm through a gap in the houses on Mere Way and also partially from the western end of Fortescue Road given the gaps in the housing. The extension is stepped and broken down into two pitched roof elements. In terms of footprint, the proposal is similar to a recently approved extension to no. 46 Fortescue Road (17/0037/FUL).
- 8.3 The extension to the rear would remain subservient to the main ridge and as a result I am satisfied the extension would clearly read as a latter addition to the property. A matching materials condition is recommended to ensure the extension is in keeping with the host dwelling.
- 8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.5 The proposed extension is stepped away from the neighbour to the north at 21 Fortescue Road. Given the siting of the plot, there is a significant distance between these two properties. The step to the first floor element ensures that the mass is set off the boundary and as a result would not result in any significant enclosure to the immediate garden area of this neighbouring occupier. Given the set away, the stepped reduced depth element adjacent to this boundary and the subservient nature of the extension, I am satisfied that it would not result in any significant overshadowing of the garden of no.21.
- 8.6 The proposed extension runs hard on the boundary with the attached neighbour at no.17. Given the orientation of the plots, no. 19 being north-west of no.17, the proposed extension will not result in any significant loss of light to this occupier. The nearest first floor window of no.17 serves a bathroom, so the first floor element would not enclose any habitable rooms. The ground floor extension would run at an additional 2m in depth past the first floor extension, hard on the boundary at a height of

3m dropping to 2.35m at the eaves. The neighbour at no.17 has a small existing conservatory to the rear. Whilst the extension will result in some enclosure to the outlook from this conservatory, I do not consider this to be significantly harmful to warrant a refusal of permission because of the relatively wide garden depth of no 17 and because the enclosure would be to the north-west side of the conservatory.

- 8.7 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.

## **9.0 CONCLUSION**

- 9.1 The proposed extension would be in keeping with the character of the area. It would not have any significant adverse impact on the amenity of the surrounding occupiers.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0927/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th June 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	4th August 2017		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	The Jenny Wren 80 Campkin Road Cambridge Cambridgeshire CB4 2QA		
<b>Proposal</b>	New building comprising of a Public House at ground floor with nine residential units on the upper floors (two 1xbed units & seven studio units) along with car and cycle parking and associated landscaping following the demolition of the existing buildings.		
<b>Applicant</b>	N/A C/O Agent		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The principle of a replacement public house is acceptable and accords with policy.</li> <li>- The proposed development would respect the amenities of neighbouring occupiers.</li> <li>- The proposal would provide an acceptable living environment for future occupants.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of the former Jenny Wren public house situated on the corner of Campkin Road and St Kilda Avenue. The existing two-storey building is rendered with a flat roof and the upper-floor was last used as managers accommodation in association with the pub. The front of the site

is predominantly hard paved and was previously used as outdoor seating for the pub. There is on-site car parking which is accessed from St Kilda Avenue and a private car parking space on the eastern side which is accessed from Campkin Road.

- 1.2 To the north-west of the site there is a supermarket and take-away unit which form part of the Campkin Road Local Centre, which includes the application site. To the north-east of the site are properties along Beales Way and to the south-east there are terraced properties along Campkin Road. The surrounding area is predominantly residential in character and is formed of terraced and semi-detached two-storey properties with a relatively uniform appearance.
- 1.3 There is an article 4 direction on the application site which prohibits any demolition of the existing building. The site falls within the Campkin Road Local Centre.

## **2.0 THE PROPOSAL**

- 2.1 The proposal, as amended, seeks planning permission for the demolition of the existing public house and replacement with a new building accommodating a public house at ground-floor and nine-residential units on the first and second-floors.
- 2.2 The proposed replacement building would occupy a similar footprint to that of the existing building. The proposed building would be higher than the existing building as it would measure approximately 8.2m to the ridge of the three-storey flat roof, whereas the existing building measures approximately 5.6m to the ridge of the two-storey.
- 2.3 The proposed building would be designed in an art-deco style which is emphasised through the use of long ribbon windows, rendered walls and flat roofs. There would be first-floor and second-floor balconies for some of the upper-floor units and a communal garden of over 140m<sup>2</sup> for all of the flats in the eastern corner of the site. The arrangement of the external landscape would be similar to that of present, with parking accessed from St Kilda Avenue, a pub garden area to the front along Campkin Road and a delivery/ staff car parking area along the south-eastern boundary.



2.4 The proposal has been amended to include a lobby area to the pub and change the cycle parking layout. Additional information has been submitted in relation to the relationship between the pub and flats in respect of noise. It has also been agreed in writing for the largest flat (S4) to be swapped for use as the on-site managers flat.

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
12/0081/ADV	Replace existing post sign with new single post sign (internally illuminated).	Permitted.
11/1567/FUL	New pitched entrance canopy to existing main entrance.	Permitted.
07/0304/FUL	Erection of a canopy to front elevation.	Permitted.
05/1326/FUL	Placement of mobile takeaway food van within rear car park area of public house.	Withdrawn.
C/97/0258	Extension to Public House (erection of a single storey entrance extension incorporating a new ramped/stepped entrance; together with replacement hard and soft landscaping and associated works	Permitted.
C/64/0115	Erection of public house and residential accommodation over.	Permitted.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/6 3/7 3/11 3/12 3/15 4/13 4/15 5/1 5/11 6/7 6/10 8/1 8/2 8/4 8/6 8/9 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)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)  Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012)

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

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

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

#### 6.0 CONSULTATIONS

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

- 6.1 The 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 which the Planning Authority may wish to consider when assessing this application.
- 6.2 Further, the applicant proposes to mitigate such impact upon the fabric of the public highway by providing bollards to protect verges, thus imposing an ongoing maintenance cost upon the local highway authority. The Highway Authority cannot commit to the future maintenance of additional infrastructure such as this. The applicant would, therefore, of their own admission be introducing a longer term problem upon the Highway Authority without a means of resolution.

## **Environmental Health**

### Original comments (04/07/2017)

- 6.3 Further information regarding noise from the pub use and the levels of noise experienced in the upper-floor flats is required.

### Comments on additional information (14/09/2017)

- 6.4 The proposed development is acceptable subject to the following conditions:

- Plant noise insulation
- Construction hours
- Odour and smoke control
- Collection during construction
- Piling
- Dust
- Noise insulation scheme (residential)
- Hours of opening
- Doors and windows serving the public house
- Hours of use of beer garden
- Use of commercial waste receptacles
- Public house noise insulation scheme
- Public house noise insulation scheme post completion assessment
- Balustrade for the 2<sup>nd</sup> floor balcony
- External operational noise management plan
- Artificial lighting
- Informatives

## **Urban Design and Conservation Team**

### Original comments (05/07/2017)

- 6.5 Whilst we do not object to the form and architectural approach taken to the design of the proposal, we are concerned that the number of residential units proposed at upper floors is putting too much pressure on the site. This pressure is creating a building that does not respond adequately to the sites constraints, which is resulting in units that fall below the emerging standards, issues relating to adequate private amenity space and overlooking, as well as functional design issues relating to potential car parking displacement and

useable bike storage. In our view, a reduction in unit numbers on the site is needed to resolve these issues.

- 6.6 The Urban Design and Conservation Team are therefore unable to support the proposal in its current form, which in our view fails to address Cambridge Local Plan 3/4 Responding to Context, 3/7 Creating Successful Places, and 3/12 The Design of New Buildings.

Comments on revised drawings (14/09/2017)

- 6.7 Following the submission of the amended plans, the cycle parking storage is considered to be acceptable. We previously raised concerns that flats S9 and S5 may create overlooking issues of the rear boundaries of existing properties that front onto Beales Way. Having discussed this issue with the Case Officer and reviewed their site visit photos which demonstrates that a degree of overlooking currently exists from the rear of the existing Jenny Wren Pub, we consider that the new relationship to be acceptable.
- 6.8 Whilst it remains a concern that some of the flats do not meet the emerging space standards, we acknowledge the limitations of applying these standards to current applications given that the new Local Plan has yet to be adopted. However, we still remain of the view that the usability of the shared communal space would be improved by a better quality boundary with the car park (i.e lowered height, contemporary slatted arrangement to allow views/light into the space) but this detail can be addressed by way of condition. Our other suggestion that a secure line be introduced (no further forward than No 78) to the side of the pub to reduce the visual impact of back of house surplus that could potentially be stacked up within the delivery area, could also addressed through a landscape condition relating to boundary details.
- 6.9 In conclusion, in light of the existing level of overlooking that currently exists on the site and the status of the emerging Local Plan, the application is now considered acceptable in Urban Design Terms. We have suggested the detailed matters that can be addressed by way of condition. The use of informatives could help to clarify the detail elements to be addressed/resolved.

### **Access Officer**

- 6.10 The wheelchair accessible toilet needs clear signage that it is unisex. The bar needs a dropped section and hearing loop. The double doors if not powered needs one leaf being a minimum of 900mm, making it asymmetrical.

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

- 6.11 The carpark may be difficult to manoeuvre in. Bay 6 is narrower than the others and would be very difficult to reverse into. Reversing out of it may prove difficult as well. Tracking may be useful to determine functionality of the car park.

- 6.12 Hard and soft landscaping and boundary treatment conditions are recommended.

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

- 6.13 No objection subject to condition.

### **Planning Policy Team**

- 6.14 The retention of the public house (A4 Use Class) on-site is welcomed however its co-location with new residential units must be satisfactorily designed to ensure the public house is both a sustainable and attractive business to operate with adequately sized accommodation for the manager, and/or business owner. The overall design should also ensure the pub can operate normally without having an adverse effect on residential amenity which leads to disputes over noise pollution restricting the public house's long term viability.

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

- Campaign for Real Ale (CAMRA)

- 2 Beales Way
- 16 Beales Way
- 93 Campkin Road

7.2 The representations in objection can be summarised as follows:

- The proposed flats are too small and larger family homes should be delivered instead.
- Noise and disturbance from proposed pub use.
- The managers accommodation should be increased in size, similar to that of the Queen Edith pub which has a 54m<sup>2</sup> flat for the manager.
- Loss of light/ overshadowing
- Loss of privacy/ overlooking
- Lack of parking/ impact on surrounding streets
- The communal garden should be given over for more car parking.

7.3 The owner/occupier of the following address has made a representation in support of the application:

- Milton Brewery, Pegasus House, Waterbeach

7.4 The representation can be summarised as follows:

- The design of the development is viable with regards to both the pub and the management flat.
- It would be a shame to lose this community asset.

7.5 Councillor Price has commented on the application:

- Concerned that no lessee or brewery has been identified to run the pub. In the event of approval, a condition should be attached that stipulates no residential units may be rented out or sold until such time as the pub is fully operational.
- The overall design of the building is welcomed but there may be higher degrees of overlooking and visual enclosure than the existing building.
- The comments of the Environmental Health Team are agreed in terms of noise and living environments for the upper floor flats.
- The sizes of the flats are too small and should be larger.
- Agree with the comments of CAMRA in terms of the managers accommodation.
- Insufficient private amenity space for future occupants.

- Noise and disturbance from use of the communal garden.
- Insufficient car parking for use. The proposal is contrary to policies 8/2, 8/9 and 8/10.
- This application should be rejected on the grounds of overdevelopment of the site and the provision of low quality living environments for future occupiers.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses. The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan.

8.3 The Jenny Wren public house is identified as a protected public house in the Interim Planning Policy Guidance on The Protection of Public Houses in the City of Cambridge (2012). The proposal seeks to retain the public house use on the site and I see no policy implications for this element of the proposed development. The application site is within an established Local



Centre and the principle of a retained pub use complies with policies 6/7 and 6/10 of the Cambridge Local Plan (2006).

- 8.4 Policy 5/11 of the Cambridge Local Plan (2006) states that development leading to the loss of community facilities will only be permitted if it can be demonstrated that the facility can be replaced to at least its existing level and quality within the new development. Paragraph 70 of the National Planning Policy Framework (2012) states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decision should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. In my opinion, as the public house function is being retained within an identical footprint to the existing building, I am of the opinion that the proposal accords with these national and local policies.
- 8.5 It is acknowledged that the Campaign for Real Ale (CAMRA) and Planning Policy Team have questioned the long term viability of the pub due to the limited size of the managers flat. In response to this, the agent has agreed for the manager to occupy the largest proposed flat which measures 52m<sup>2</sup>.
- 8.6 CAMRA has suggested that a larger two-bedroom flat would be more appropriate to attract an on-site manager rather than a one-bedroom flat. However, I do not consider it reasonable or necessary for the proposal to be amended to accommodate a two-bedroom manager's flat. The proposed managers flat would be very similar to that of the manager's flat at the recently developed Queen Edith Pub (54m<sup>2</sup>) which was also a protected pub site. In addition, there is no planning policy before me that specifies the type or number of accommodation needed for on-site pub managers. In my opinion, the principle of regenerating a vacant pub site and bringing it back into its protected use is compliant with policy. I have included a condition to ensure that the manager's flat is retained on-site.
- 8.7 Concerns were raised by the Environmental Health Team regarding the noise conflict between the pub and the users of the flats above. However, this has since been addressed and the Environmental Health Team are satisfied that future occupants would experience an acceptable living environment

without compromising the day-to-day running of the pub, and thus threatening its viability, subject to conditions.

- 8.8 In my opinion, subject to conditions, the principle of the development is acceptable and in accordance with policies 3/6, 5/1, 5/11, 6/7 and 6/10, as well as paragraph 70 of the NPPF (2012).

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

- 8.9 The existing building is alien in with the surrounding context of Campkin Road and St Kilda Avenue. The appearance of the building is tired and has little architectural merit. It has little value in the street scene in my view and I do not consider the principle of demolishing the building to be harmful to the character and appearance of the area, subject to a suitable replacement development being brought forward. The Urban Design and Conservation Team have raised no objection to the loss of the building.
- 8.10 The proposed building would occupy a similar footprint to that of the existing building, providing a comfortable set back from the road and keeping the corner of Campkin Road and St Kilda Avenue open which is a positive characteristic in the area.
- 8.11 The proposal seeks to incorporate an innovative and contrasting design to the surrounding area in the form of an art-deco style building. In my opinion, the principle of a contrasting architectural approach is suitable in this location and it would appear awkward if the development tried to conform to the uniform post-war style housing present in the local area. The art-deco approach, notably the use of render and flat roofs, helps pay homage to the history of the former building whilst also introducing a fresh and alternative design that would help rejuvenate the street scene in this prominent corner location. In addition, the expansion of balconies and windows along the St Kilda Avenue side of the building would help improve the level of active frontage and surveillance in the street. I have recommended conditions regarding materials, non-masonry walling systems, signage and window details, in accordance with the advice of the Urban Design and Conservation Team.
- 8.12 The proposed three-storey scale would not, in my view, appear overly prominent or out of character with the area. There would

remain a comfortable separation distance from boundaries and there are other examples of three-storey flat developments along St Kilda Avenue in close proximity. Furthermore, the overall ridge height of the three-storey element is only approximately 0.8m proud of the nearby two-storey properties and this element would also be set back from the two-storey building line, reducing its visual prominence.

8.13 The proposal retains the general layout of the existing pub from a landscape perspective in terms of the key functions of the pub element. A row of low hedging and soft landscaping would be introduced along the street frontages which would enhance the appearance of the area as the current site is harsh and bare in terms of the level of hard landscaping. The retention of the pub garden would help to animate the Local Centre. Cycle parking and bin storage for the flats would be integrated internally within the building which helps leaves the car parking area, pub garden and communal garden relatively open. The Landscape Team has requested clarification on a few issues but these mainly relate to refuse and car parking management, as well as highway maneuverability which is covered in the relevant sections of this report. I have recommended conditions for boundary treatment and landscaping.

8.14 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 3/15.

### **Disabled access**

8.15 The Access Officer has been consulted on the proposals and has raised no objection subject to the detailed design of the internal arrangement of the pub. I have recommended an informative outlining the requirements of the internal pub design.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

8.17 The main considerations are the impacts on neighbours on Beales Way and No.78 Campkin Road. Considerations of the noise and parking impacts on the wider area also need to be assessed.

#### Impact on Nos. 2 – 8 Beales Way

8.18 Nos. 2 – 8 Beales Way is a row of terraced properties with back gardens that adjoin onto the application site from the north-east. No.2 Beales Way has objected on the grounds of loss of light and loss of privacy.

8.19 The proposed building would be over 22m away from the rear windows of these neighbouring properties and over 10m away from the gardens, which is identical to that of the existing building. The proposed two-storey mass would be approximately 0.3m higher than the existing building and I do not consider this increase in mass would be substantial enough to have any harmful impact on neighbours in terms of loss of light or visual enclosure.

8.20 The proposed three-storey element would be set in from the edge of the building by approximately 2m. In my opinion, the additional 2.3m of additional built form above the two-storey element would not be so significant as to adversely overshadow or dominate these neighbours' garden or outlooks. The proposal would inevitably be visible from adjacent gardens and windows but given the comfortable separation distance and flat roof form of the proposed development, I do not consider this would be harmful. Any overshadowing would be limited to the latter part of these neighbours' gardens and would be limited to specific periods of the day.

8.21 It is acknowledged that there would be upper-floor windows that face towards these neighbours. There is already a first-floor window in the existing managers flat that has a view out in this direction. There would be a window-to-window separation distance of over 22m and I do not consider this would lead to a significant loss of privacy in these neighbouring properties. There would be views over the gardens of these neighbours, but, in my opinion, this relationship already exists and I do not consider it would be significantly more harmful than that of present.

### Impact on No.78 Campkin Road

8.22 No.78 Campkin Road is a semi-detached property situated to the south-east of the site. The physical bulk of the proposed building would be set over 8m to the side of this neighbour, similar to that of present. There are no habitable windows on the side elevation that would be affected by the proposed development. The main outlooks of this neighbour on the front and rear elevations would retain 45<sup>0</sup> lines of sight and would not be visually dominated by the proposed works. The proposed development would not be visually prominent from the main garden of this neighbour by virtue of its position away from this outdoor space. Any overshadowing would be limited to the late afternoon hours and, in my view, would not be significant enough to lead to an adverse loss of light being experienced at this neighbouring property.

8.23 The proposal includes first-floor bedroom windows that would have views towards the side elevation and part of the garden of this neighbour. However, these views already exist from the managers flat and I am therefore of the view that the proposal would not deteriorate this neighbour's privacy any worse than present.

### Impact on on-street car parking

8.24 One of the main concerns that has been raised by third parties is the lack of car parking for the proposed public house and the subsequent impact this would have on on-street parking in the surrounding streets.

8.25 At present, the pub has eleven car parking spaces for use by staff and customers. The existing car park would be reconfigured to provide a total of eight car parking spaces, two for the public house and six for the residential flats. There would also be two additional staff car parking spaces accessed from Campkin Road.

8.26 The application is accompanied by a transport statement which includes a survey of car parking of the former public house use. This survey found that the busiest period of the week for car parking was after 18:00hrs on Friday evening and at the peak time, five of the eleven spaces were in use. Outside these

hours, cars typically stayed for shorter periods of time and the turnover of spaces was frequent.

- 8.27 The transport statement also includes a survey of off-site car parking within 250m of the public house. This survey found that there were 126 unrestricted car parking spaces that could be found within a 3 minute walk of the site. On Friday evenings after 18:00hrs, it was found that around 75% of these 126 car parking spaces were occupied. At 22:00hrs the occupancy level reached its peak on this day of 76%. On Saturday, when the pub was more likely to be visited and daytime parking occupancy levels are higher, the parking levels reached their most critical state around 87% at 20:00hrs. By the end of the survey at 22:00hrs though the parking levels had eased down to 81%
- 8.28 The site and surroundings are not situated within the controlled parking zone. The proposed level of car parking accords with the maximum parking levels of the Cambridge Local Plan (2006). The pub is also situated in the heart of a dense residential area where it is likely to serve a catchment within walking and cycling distance rather than relying on frequent car trips from the wider area. The proposal includes adequate cycle parking provision and is well served by public transport links along Campkin Road.
- 8.29 In my opinion, I do not consider any increase in on-street car parking to be significant enough as to harm the amenity of surrounding occupiers. The site is in a sustainable location and the public house function would serve a local catchment area. There would be six residential car parking spaces and the proposed nine dwellings are all one-bedroom in size. As such, I do not consider the proposal would be dependent on private car parking and consider the on-site provision to be sufficient to meet the needs of the proposal without harming the surrounding area.

#### Noise and disturbance

- 8.30 There is already an established public house use on the site which includes car parking, a pub garden and servicing area. The proposal seeks to retain the external elements of the scheme to their existing locations. After extensive consultation, the Environmental Health Team has raised no objection to the

likely noise levels that would be experienced at neighbouring properties. This response is given on the basis that the likely noise levels associated with the proposed pub use can be controlled by way of conditions. These include detailed conditions regarding; the management of the premises, restrictions on when the pub garden can be used, hours of opening, plant noise and the insulation of noise during operating hours. In my opinion, in respect of the fact that there is an established public house use on the site, and the Environmental Health Team is satisfied with the information provided, subject to conditions, I am of the view that the proposal would respect the amenities of neighbours.

8.31 It is acknowledged that a concern has been raised regarding noise and disturbance from future occupants of the upper floor flats using the communal garden area. However, given the size of this space at over 140m<sup>2</sup> and the one-bedroom occupancy of the proposed units, I do not anticipate the use of this space would cause harm to neighbour's in terms of noise and disturbance. The proposed communal garden backs onto the gardens of neighbours and the noise associated with this would be similar to the surrounding context.

8.32 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 4/13 and 6/10.

#### Amenity for future occupiers of the site

8.33 The Environmental Health Team has raised concerns with the proposal on the grounds that the future occupants of the proposed upper floor flats would have an unsatisfactory living environment due to the noise from the public house below. In response, additional information has been submitted to assess the likely noise impacts, both internally and externally, and propose mitigation measures to overcome potential noise issues. This document confirms that the communal garden will experience noise levels below the 55Db upper limit and that the balconies should experience this to, subject to the balcony screens being of sufficient acoustic quality. High quality glazing and appropriate alternative ventilation measures are also proposed and the Environmental Health Team is satisfied that

the proposal would provide a satisfactory living environment based on this additional information, subject to conditions.

- 8.34 The proposed development would provide nine one-bedroom units. Three of the units would have private external balconies on the second-floor and all of the units would have access to a large communal garden of over 140m<sup>2</sup>. The proposal includes 10 cycle parking spaces and six car parking spaces. The site is situated in a Local Centre with local shops and facilities within walking distance, and good public transport links to the City Centre.
- 8.35 It is acknowledged that third party concerns have been raised regarding the type and size of proposed flats and that it would be more appropriate to have larger flats or family sized houses instead. However, the Council does not have any adopted internal space standards for proposed dwellings and I do not consider there to be a policy conflict in this respect. The proposed units would all provide habitable rooms with acceptable outlooks and sufficient levels of outdoor amenity space. There are other examples of flats in the surrounding area and the National Planning Policy Framework (2012) encourages the development of a range of available accommodation and I do not consider there any policy basis on which to require different housing typologies to be accommodated into this development.
- 8.36 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.37 The proposed development would include 2200 litres of waste capacity for the proposed nine residential units. This accords with the minimum capacity needed for one-bedroom units without communal gardens. However, as there is a communal garden, the proposal falls short of the total waste capacity that would be required for a scheme of this size with a communal garden. This shortfall is due to the absence of any compost waste provision. Notwithstanding this, there would be room in the corner of the communal garden to include a small enclosure



for compost recycling. In addition, the agent has explained that the maintenance of the garden and soft landscaping would likely be controlled by a management company who would collect all of the green waste independently. I consider that either of these scenarios could be dealt with by way of a waste management condition.

8.38 There is not a set standard for public house refuse requirements in the RECAP Waste Management Design Guide (2012). The nearest comparable use is that of restaurants/ fast food outlets which require 1500 litres per 20 dining spaces. The indicative layout shows 20 tabled areas (including the bar) and seven outdoor benches in the pub garden. The proposal includes 2200 litres of waste storage capacity which would exceed the minimum requirements. It is anticipated that a public house use would require higher than average provision of glass recycling capacity given the nature of the use. To ensure this provision is balanced correctly I have recommended a condition to control this. Refuse collections would take place from St Kilda Avenue and the waste storage areas would be within 10m of the public highway for collection.

8.39 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/9 and 3/12.

### **Highway Safety**

8.40 The proposal retains the existing two vehicle entrances onto the site and these entrances both have sufficient visibility splays. The Highway Authority has raised no objection to the proposal on the grounds of highway safety. The Highway Authority has pointed out that the provision of bollards on the grass verge would be on land controlled by the highway authority and that they would not be liable to maintain these. The concept of bollards on these verges falls outside the red-line boundary of the site and does not form part of the approved drawings. I have therefore recommended the standard highways informative to make the applicant aware of the need for a separate licence to undertake this work.

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

## Car and Cycle Parking

- 8.42 Car parking has been addressed in paragraphs 8.23 - 8.28 of this report.
- 8.43 The proposal includes 10 cycle parking spaces in an enclosed store for use by the nine proposed residential units which accords with the minimum standards of the Local Plan (2006). There would be 12 cycle parking spaces in the form of six Sheffield stands for the public house which is above the 11 spaces that would be required for this level of development. I have recommended a compliance condition for these facilities to be implemented and retained thereafter.
- 8.44 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## Third Party Representations

- 8.45 The majority of the third party representations have been addressed in the main body of this report. The remaining representations have been addressed below:

The communal garden should be given over for more car parking.	The level of car parking proposed is considered to be acceptable for the reasons stated in this report. The loss of the communal garden and landscaping would have a detrimental impact on the character of the area and the amenity for future occupiers.
Concerned that no lessee or brewery has been identified to run the pub. In the event of approval, a condition should be attached that stipulates no residential units may be rented out or sold until such time as the pub is fully operational.	I do not consider it reasonable to prevent the residential units from being occupied until the pub is fully operational. The tenancy/ ownership of the pub and its operation is a legal/ civil matter and I do not consider it would be reasonable to require available homes to be left vacant until the pub is fully operational.

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

- 8.46 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.
- 8.47 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 The retention of the public house and proposed development of nine residential flats is acceptable in principle. The proposed use of the pub would not give rise to unacceptable levels of noise and disturbance being experienced at neighbouring properties or at the proposed upper-floor flats. The proposed development would not harmfully impact on the amenities of neighbours in terms of loss of light, visual enclosure or overlooking. The proposal would revitalise the site and make a positive contribution to the character and appearance of the area.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. The public house hereby permitted shall not be open to customers outside the hours of 08:00 and 23.00hrs Sunday-Thursday (including Bank and Public Holidays) and 08:00 and 01:00hrs on Fridays and Saturdays.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

11. All external windows and doors to the ground floor public house shall be kept closed between 2100hrs to 0900hrs or at any time during entertainment or the playing of music except for general ingress and egress via the main entrance door lobby or in the case of an emergency.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

12. External areas serving the public house shall be vacated by 23:00hrs daily. Amplified music shall be not be played in or "piped" to external areas of the public house.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

13. Collections from and deliveries to the public house shall not be made outside the hours 0700-2100 Monday-Saturday and 0900-1700 on Sundays and Bank/Public Holidays.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

14. No bottles or other commercial refuse / waste or recycling material shall be emptied into external receptacles, taken out or moved around the external area of the site, between 2100-0700hrs.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

15. Before the development hereby permitted is commenced, a noise insulation scheme for the public house giving consideration to the potential uses of the pub and the impacts of airborne, structural and flanking sound, in order to minimise the level of noise emanating from the this use within residential units immediately above and neighbouring residential premises, (having regard to internal noise generation and acoustic performance of building fabric, glazing, openings and ventilation system requirements) shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

The noise insulation scheme shall ensure that any noise originating from the operation of the public house shall not exceed a Noise Rating (NR) curve level of 15 (NR 15) when measured or calculated within any noise-sensitive residential premises above the public house, with windows open for ventilation purposes and shall be in accordance with the noise insulation / mitigation scheme principles and recommendations detailed in the MLM "Technical report" (document reference 101798-MLM-ZZ-XX-RP-Y-0001), dated 17/08/2017.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

16. Prior to the occupation of the residential units hereby approved, a post completion noise and vibration assessment shall be carried out from within the approved residential units to confirm compliance with the Public House noise insulation scheme approved under condition (insert condition number for the Public House Noise Insulation Scheme detailed above) above. The post completion noise and vibration assessment shall be submitted in writing for approval by the LPA and if any additional noise insulation scheme measures are required to mitigate noise these shall be submitted for approval by the LPA and shall be implemented prior to occupation of the residential units and thereafter be permanently retained.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

17. Prior to the commencement of development, full details and specifications for the balustrade serving the proposed 2nd floor balcony 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 and shall thereafter be maintained in perpetuity.

Reason: To protect future occupiers of the flat from excessive noise and disturbance (Cambridge Local Plan; Policies 4/13 and 6/10)

18. The use of the public house shall not commence until an Operational External Noise Management Plan for the beer garden or any external area has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the management systems that will be implemented to control and reduce noise from the uses of external areas of the public house.

The management plan shall be reviewed by the operators of the public house:

- o Prior to launching / introducing any new entertainment
- o When alterations to the building are proposed
- o Following a complaint



o When monitoring procedures identify that controls are inadequate

The approved management plan (and/or any subsequent revisions) shall be fully implemented and maintained thereafter.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

19. Prior to the commencement of use (or prior to the installation of any artificial lighting) an external 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 (horizontal / vertical isolux contour light levels and calculated glare levels) . 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 artificial lighting scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of neighbour amenity (Cambridge Local Plan 2006 policies 4/15 and 6/10)

20. 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 and 3/12).

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

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).

22. Full details of all windows (including dormer windows) and doors, as identified on the approved drawings, including materials, colours, surface finishes/textures are to be submitted to and approved in writing by the LPA. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

(Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.)

23. No development should take place until details of the signage of the public house to be used on the building 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 signage. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/15).

24. 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)

25. 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)

26. The flat identified at first-floor as 'S4', as shown on drawing number PL-2-01 Rev C, shall be used and retained solely for use by the on-site manager of the public house hereby permitted. The flat shall not be occupied or let to any person other than the on-site manager of the public house.

Reason: To ensure the public house can function viably (Cambridge Local Plan (2006) policy 5/11 and National Planning Policy Framework (2012) paragraph 70)

27. No development hereby permitted shall be commenced until surface water drainage works 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 minimise flood risk (National Planning Policy Framework paragraph 103).

28. The cycle parking for the development hereby permitted shall be provided as shown on drawing numbers PL-2-01 Rev B and PL-1-01 Rev A prior to occupation and retained thereafter.

Reason: To provide acceptable cycle parking arrangements (Cambridge Local Plan 2006 policies 3/12 and 8/6).

29. Prior to occupation of development, full details of the on-site storage facilities for waste including waste for recycling and composting 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 for their intended use thereafter.

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

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

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

**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.

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 wheelchair accessible toilet needs clear signage that it is unisex. The bar needs a dropped section and hearing loop. The double doors if not powered needs one leaf being a minimum of 900mm, making it asymmetrical.

**INFORMATIVE:** To partly satisfy the boundary treatment condition an alternative to a 1.8m high close boarded timber fence will be required on the boundary of the communal garden that adjoins onto the car park.

**INFORMATIVE:** To satisfy the odour/fume filtration/extraction condition, details should be provided in accordance with Annex B and C of the "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69280/pb10527-kitchen-exhaust-0105.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf)

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

**INFORMATIVE:** To satisfy the plant sound insulation condition, the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive sound frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).

It is recommended that the agent/applicant submits an acoustic prediction survey/report in accordance with the principles of BS4142:2014 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the boundary having regard to neighbouring premises.

It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into an acoustic assessment as described within this informative.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; sound sources and measurement / prediction points marked on plan; a list of sound sources; details of proposed sound sources / type of plant such as: number, location, sound power levels, sound frequency spectrums, sound directionality of plant, sound levels from duct intake or discharge points; details of sound mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full sound calculation procedures; sound levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

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

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

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

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



**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0798/S73	<b>Agenda Item</b>	
<b>Date Received</b>	8th June 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	3rd August 2017		
<b>Ward</b>	Coleridge		
<b>Site</b>	Brethren Meeting Room Radegund Road Cambridge CB1 3RH		
<b>Proposal</b>	Section 73 application to vary condition 6 attached to 15/1499/FUL dated 16/02/2016 to allow the use of the annexe building only on Saturdays between 9am and 9pm, on Sundays between 10am and 5pm, and between 9am and 5pm Mondays to Fridays (except for storage).		
<b>Applicant</b>	Meeting Hall Brethren Meeting Room Radegund Road CAMBRIDGE CB1 3RH		

<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 adequately respects the character and appearance of the surrounding area.</li> <li>-No harm to residential amenity would arise.</li> <li>-If any additional traffic is generated by the proposed annex building, conditions would be in place to manage drop-off and pick-up arrangements.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located north of Radegund Road and backs onto the rear gardens of the properties in Hobart Road. The west (side) boundary of the site abuts the side boundary of

no.1a Radegund Road and then the rear boundaries of the properties on Coleridge Road.

- 1.2 The site consists of a two storey (room in the roof) pitched roof building, which is set back from the highway. The rest of the site is covered with hardstanding and used mainly as a car park to serve the building which is in community use (D1). The building is currently being used mainly by the Muslim community as a place of worship including associated classes some of which serve the wider community.
- 1.3 The site is located within a predominantly residential area characterised by two storey post war housing.
- 1.4 There are no site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks planning permission to vary condition 6 of permission 15/1499/FUL to allow the use of the annexe building only on Saturdays between 9am and 9pm, on Sundays between 10am and 5pm, and between 9am and 5pm Mondays to Fridays (except for storage).
- 2.2 Planning permission (15/1499/FUL) was granted on 16 February 2016 for a front extension to create an access porch, and a detached annexe to rear of site for additional floor space/storage. Condition 6 of this permission read as follows:

*“The annex building shall only be used on Saturdays and Sundays only (except for storage) and not for any use before 7am or after 11pm on either of these two days.*

*Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12).”*

- 2.3 The applicant seeks for the conditioned hours to be amended as follows:

*“The annex building shall only be used on Saturdays between 9am and 9pm, on Sundays between 10am and 5pm, and between 9am and 5pm Mondays to Fridays (except for storage).*

*Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12)."*

- 2.4 The planning statement explains that the annexe was established to enable nursery age and children to have a separate area for educational and group activities without conflict with the adult usage of the main building. It goes on to state that the hours of use condition applied under the original permission is in practice now too restrictive and is leading to impossible situations and conflict between adults and children. The nursery use is for children under five, not in full time education.

### 3.0 SITE HISTORY

Reference	Description	Outcome
15/1499/FUL	Front extension to create access porch. Detached annexe to rear of site for additional floor space/storage	Permitted.
14/0585/FUL	Extension to front with reroofing of existing to accommodate first floor additional assembly area. Rear extension for managers accommodation on ground floor. New vehicle access to Radegund Road	WITHDRAWN
C/94/0588	INSTALLATION OF AIR CONDITIONING PLANT AND ACOUSTIC SCREEN AT EXISTING PLACE OF WORSHIP (D1) RESUBMISSION OF C/0348/94.	APPROVED
C/84/0551	USE OF LAND AS CAR-PARK (IN CONJUNCTION WITH EXISTING MEETING HALL)	APPROVED

### 4.0 PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/4, 3/7, 3/12  4/13  5/12  8/2

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

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

## **6.0 CONSULTATIONS**

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

- 6.1 No significant adverse effect upon Public Highway would result from the proposal.

#### **Environmental Health**

- 6.2 The Environmental Health Team would not object to the use of the annex as requested between 09:00hrs – 17:00hrs Monday to Friday, subject to the hours being reduced on Saturday and Sunday to minimise the impact of intensification of use on site. I recommend the following hours of use for the annex:

- 09:00hrs – 17:00hrs = Monday to Friday
- 09:00hrs – 21:00hrs = Saturday
- 10:00hrs – 17:00hrs = Sunday and Holidays

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

## **7.0 REPRESENTATIONS**

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

- 16 Radegund Road
- 89 Coleridge Road
- 111 Coleridge Road
- 119 Coleridge Road
- 151 Hobart Road

7.2 The representations can be summarised as follows:

- The terms were agreed under permission 15/1499/FUL and should not be changed.
- What is stored in the annexe and what is it used for?
- What are the reassurances on parking, congestion and noise levels?
- Increase in on-street car parking.
- Noise and disturbance from existing loudspeaker in centre.
- Would want reassurance that the day-time use of the annexe would not involve use of the audio system.
- Noise and disturbance.
- The cut off time should be 9pm at the latest.
- 

7.3 The owner/ occupier of the following address has made a representation in support of the application:

- 157 Hobart Road

7.4 The representation can be summarised as follows:

- The extended hours are supported.
- This is a facility we all use as Muslims and would gratefully benefit the wider community.

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. Residential amenity (noise and disturbance)
2. Residential amenity (car parking)
3. Third party representations

### **Residential Amenity (noise and disturbance)**

8.2 The Environmental Health Team has confirmed that they have no objection to the provision of the hours of 09:00hrs – 17:00hrs Monday to Friday, subject to the Saturday and Sunday hours

being restricted to more appropriate times of the day (see paragraph 6.2). The applicant has agreed to amend the hours of use in line with the advice of the Environmental Health Team.

- 8.3 In my opinion, the proposal represents the opportunity to improve the quality of amenity for surrounding properties by controlling the hours of use during more sensitive periods at weekends which are currently problematic. The proposed use of the nursery annex during the hours of 09:00 – 17:00hrs on Monday to Friday are unlikely to cause any significant harm to neighbour amenity in my view given that this will be during the daytime and well before/ after the more sensitive early and late hours of the day.

### **Residential Amenity (Car parking)**

- 8.4 It is acknowledged that the majority of the representations have raised concerns with the pressure on on-street car parking that the proposal would cause on the surrounding streets.
- 8.5 There would likely be an increase in vehicle drop off and pick up during the weekdays when children of the nursery arrive/ leave the annexe. Nevertheless, given the limited size of the annexe, I do not anticipate the increased comings and goings would be so great as to have an adverse impact on the amenity of the area. The Mosque has been active in managing comings and goings through the use of a traffic management system (similar to a banksman) for vehicles entering and leaving the site.
- 8.6 In my opinion, subject to condition, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 4/13 and 5/12.

### **Third Party Representations**

- 8.8 I set out my response to the issues raised in the third party representations:

Representations	Response
The terms were agreed under permission 15/1499/FUL and should not be changed.	The applicant has applied for revised conditions which they are entitled to do under Section 73 of the Town and Country Planning Act (1990).
What is stored in the annexe and what is it used for?	It is understood that it is used for ancillary storage to the main place of worship building. The annexe is also used as a nursery in association with the place of worship.
<ul style="list-style-type: none"> <li>- What are the reassurances on parking, congestion and noise levels?</li> <li>- Increase in on-street car parking.</li> <li>- Noise and disturbance.</li> </ul>	These have been addressed in the main body of this report.
Noise and disturbance from existing loudspeaker in centre.	The noise from the main building is outside the control of this planning application. It is recommended that the Environmental Health Team is contacted through the statutory nuisance procedure on this matter.
Would want reassurance that the day-time use of the annexe would not involve use of the audio system.	In order to ensure that neighbour privacy is protected, I have recommended a condition to prohibit the use of amplification audio equipment in the annex.
The cut off time should be 9pm at the latest.	The cut off time has been amended to 9pm.

## 9.0 CONCLUSION

9.1 The proposal to extend the hours of use of the annexe would not harmfully impact on the surrounding area in terms of noise and disturbance or on-street car parking pressures. The hours of use would be reduced significantly on the weekends to improve residential amenity and the Environmental Health Team has raised no objection to the revised hours.



## 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 the permission ref. 15/1499/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. The annex hereby approved shall only be used in connection with the use of the main hall and for no other purpose.

Reason: To ensure the use of the annex is appropriate to the use of the site as a whole and to ensure traffic and wider amenity impacts are appropriate (Cambridge Local Plan policies 3/4, 4/13, 8/2, 8/3, 8/4 and 5/12).

4. The annex building shall only be used (except for storage) during the following hours:

- Mondays to Fridays; 09:00hrs - 17:00hrs
- Saturdays; 09:00hrs - 21:00hrs
- Sundays and Bank Holidays; 10:00hrs - 17:00hrs

Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12).

5. The area identified on the plan for storage shall only be used for this purpose and the areas identified for teaching in connection with the use of the hall shall only be used for this purpose.

Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12).

6. No amplified audio equipment shall be played within the annex.

Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12).

**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/1080/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	29th June 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	24th August 2017		
<b>Ward</b>	Trumpington		
<b>Site</b>	15 Rutherford Road Cambridge CB2 8HH		
<b>Proposal</b>	Demolition of existing dwelling and erection of replacement dwelling.		
<b>Applicant</b>	Mr & Mrs E Killoughery C/O Agent		

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

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

- 1.1 The application site is comprised of a two-storey detached property situated on the western side of the cul-de-sac of Rutherford Road. The existing property is constructed in grey brick with a pitched tiled roof. The general character of the area is of two-storey detached properties set back from the road and set within spacious plots.
- 1.2 The western end of the garden is covered by a group tree preservation order.

## 2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks planning permission for the demolition of the existing dwelling and replacement with a new dwelling.
- 2.2 The proposed replacement dwelling would be two-storeys in scale and would occupy a larger footprint than that of the original dwelling. It would be designed in a contemporary manner with large planes of glazing, use of render and mono-pitched roofs. The proposed dwelling includes two on-site car parking spaces within a garage and a large garden to the rear. A basement level is also proposed.
- 2.3 The proposal has been amended to show the footprint of the building being pulled approximately 0.75m away from the northern and eastern boundaries.

## 3.0 SITE HISTORY

Reference	Description	Outcome
17/0533/FUL	Demolition of existing dwelling and erection of replacement dwelling	Refused – Appeal in progress.
16/0774/FUL	Erection of new dwelling following demolition of existing dwelling on site.	Refused

- 3.1 Planning permission reference 16/0774/FUL was refused on 21 October 2016 for the following reason:

*“The scale, bulk and design of the proposal would result in a dominant built form that would appear overly prominent and incongruous within the street scene. The width and bulk of the front elevation is out of keeping with existing dwellings on Rutherford Road and the lack of space around the dwelling, and the limited scope for soft landscaping, will further harm the quality and character of the area. In addition, the design poorly reflects and inadequately relates to the pattern of detached pitched roof dwellings within Rutherford Road. The result is a replacement dwelling which would constitute an overdevelopment of the site, would harm the visual quality of the street scene and fail to respond to its context or draw upon*

*key characteristics of the surroundings. As such the proposal conflicts with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006) and guidance within paragraph 64 of the NPPF (2012).”*

3.2 Planning permission reference 17/0553/FUL was submitted in an attempt to respond to the previously refused application 16/0774/FUL. The main amendments to the proposal were as follows:

- Reduction in footprint;
- Alterations to roof form and massing;
- Reduction in overall height by approximately 1.1m; and
- Changes to fenestration of building

3.3 Planning permission 17/0553/FUL was refused on 2 June 2017 for the following reason:

*“The scale, bulk and design of the proposal would result in a dominant built form that would appear overly prominent and incongruous within the street scene. The width and bulk of the front elevation is out of keeping with existing dwellings on Rutherford Road and hard landscaping around the dwelling would leave limited scope for soft landscaping which will further harm the quality and character of the area. In addition, the design poorly reflects and inadequately relates to the pattern of detached pitched roof dwellings within Rutherford Road. The result is a replacement dwelling which would constitute an overdevelopment of the site, would harm the visual quality of the street scene and fail to respond to its context or draw upon key characteristics of the surroundings. As such the proposal conflicts with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006) and guidance within paragraph 64 of the NPPF (2012).”*

3.4 It is pertinent to note that an appeal has been lodged on the decision to refuse planning permission 17/0553/FUL. At the time of writing this report, officers have prepared and submitted a statement of case to defend the reason for refusal to the planning inspectorate. The appeal is not likely to be determined until after the determination of this application.

#### 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 4/4 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)

	Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

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

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

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

## 6.0 CONSULTATIONS

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

6.1 No objection.

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

6.2 No objection subject to drainage conditions.

### **Landscape Team**

6.3 An alternative tree species should be considered along the narrow space between the site boundary and the development.

Tree pit details also required. Hard and soft landscaping and boundary treatment conditions recommended.

### **Environmental Health Team**

- 6.4 No objection subject to dust, piling and construction hours conditions.
- 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:

- 5 Rutherford Road
- 9 Rutherford Road

7.2 The representations can be summarised as follows:

- Consultation with neighbours by the developer prior to submitting an application would have been helpful.
- Request that south-facing windows are obscure glazed to prevent overlooking of no.9 Rutherford Road.
- Concerned that the new property with white render finish will dominate northern aspect from no.9.
- Construction noise and traffic from proposed works.
- This would be the first complete demolition of an existing 1958 Robertson and Gimbel house thereby setting a precedent for future development.
- Overdevelopment of the plot.
- The material and form of the proposed roof is out of keeping with other properties.
- Potential damage to public spaces (verges and green island) from contractor movements.
- Construction traffic would pose a threat to cycle safety given proximity to nearby cycle route.

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



## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses. The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan.

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

8.4 In my opinion, the principle of the development is acceptable and in accordance with Cambridge Local Plan (2006) policy 5/1.

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

8.5 The application site occupies a prominent location at the end of the cul-de-sac of Rutherford Road. Rutherford Road is characterised by two-storey detached properties which sit

comfortably within their respective plots and benefit from generous gardens.

8.6 The proposal seeks to address the previous reason for refusal on planning permission reference 17/0553/FUL through the following changes from the previous submission:

- Re-positioning of the footprint approximately 0.75m away from the eastern and northern boundaries; and
- Removal of first-floor element above garage in south-eastern corner.

8.7 In my opinion, the revised scheme has reduced the level of scale and massing to overcome the previous reason for refusal and it acceptable in this respect. When read from the main street elevation to the north, the proposal would now integrate successfully into the surrounding context. This would be achieved through the noticeable reduction in width of the two-storey element that was proposed under previous applications. The result of this reduction in two-storey footprint is that the proposed dwelling would appear of a scale and mass that better reflects the defined character of the area.

8.8 The re-siting of the proposed dwelling further away from the site boundaries helps to provide a more comfortable degree of breathing space from the edges of the site and I no longer consider the replacement dwelling to represent an overdevelopment of the plot. This is particularly evident when coupled with the significant reduction in two-storey width and the proposed development would, in my view, portray a level of development that fits successfully into its surrounding context and is in keeping with the character and appearance of the area. The shifting of the footprint also enables a more robust landscaping scheme to be integrated into the proposed scheme. It is acknowledged that the Landscape Team has requested further information regarding tree species and tree pit details but I am of the view that these details can be agreed through the appropriate landscaping conditions rather than prior to determination.

8.9 It is acknowledged that the overall form of the proposal, particularly the lack of orthodox pitched roofs, is still present on this revised scheme which was cited amongst the previous reason for refusal. However, I am of the view that this particular

reference in the previous reason for refusal was as a part of a cumulative impact and that it was the siting, scale, massing and roof form that combined to form this reason for refusal. Consequently, in light of the noticeable reduction in massing proposed, I do not consider that the fact that the proposal does not conform to the defined roof form in the surrounding is a reason for refusal in of itself. There is scope for a more contemporary approach that successfully contrasts with the surrounding context to be incorporated in the area. In my opinion, the unique roof form, when viewed in the overall contemporary design approach, would provide a successful contrast with the general vernacular of architectural design present in Rutherford Road. I have recommended a materials sample condition to ensure the materials are appropriate for the surrounding context.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.11 The main considerations in my opinion are the impacts of the proposed works on nos.9, 11 and 17 Rutherford Road

#### Impact on no.9 Rutherford Road

- 8.12 No.9 Rutherford Road is a detached property situated to the south-east of the application site with a large garden that borders the application site from the south.
- 8.13 The proposed development would be approximately 7.6m away from this neighbour's garden boundary. There are also three large trees along the southern boundary of the application site that are all proposed to be retained.
- 8.14 The proposed works would be situated to the north of this neighbour and would be set a considerable distance away. As a result, I am confident that no significant loss of light would be experienced at this neighbouring property. It is acknowledged that this neighbour has raised a concern regarding the visual dominance of the proposed development from their garden. I do

not consider the proposed dwelling would visually dominate this neighbouring property. The south-eastern element would be single-storey only and the two-storey element would be over 8.6m from this neighbour's garden. The neighbour's garden is also very long and benefits from relatively un-restricted views in all other directions and any views of the development to the north would also be partially screened by the existing large trees. I have no issue with the proposed render finish.

- 8.15 I appreciate that the views out to the south from the proposed first-floor windows across this neighbour's garden would introduce views into what is currently a private space. Therefore, I have recommended an obscure glazing for all of the first-floor south-facing windows to be obscure glazed up to a height of 1.7m and with restricted openings.

#### Impact on no.11 Rutherford Road

- 8.16 No.11 is a detached property situated to the east of the application site. This neighbour does not have any side (west) facing windows that would look out towards the proposed development. The main windows and garden space of this neighbour are on the rear (south) of this neighbour's property. The proposed development would be outside the main lines of sight and I am confident that the proposal would not visually dominate this neighbour. In addition, the proposed two-storey mass is set behind the single-storey garage element and I therefore do not consider any harmful levels of overshadowing would be experienced in the late afternoon. There are only two windows proposed that face towards this neighbour, one of which is a bathroom window that could be obscure glazed and the other a hallway window. As such, I do not consider the proposed development would infringe upon the privacy of this neighbour.

#### Impact on no.17 Rutherford Road

- 8.17 No.17 Rutherford Road is situated to the north-west of the application site and is formed of a detached property.
- 8.18 The proposed development would introduce two side (north) facing windows at first-floor level but these would serve bathrooms and could be obscure glazed. The proposed first-floor rear windows would allow for oblique views out towards

this neighbour's garden but I do not consider these would offer any compromising views of this neighbour's private garden.

- 8.19 This neighbour does have a side (south) facing ground-floor window that would look out towards the proposed works. However, the room to which this window serves also benefits from a much larger set of rear (west) windows that would not be affected by the proposed development. Therefore, I do not consider the proposal would visually overbear this neighbour.
- 8.20 The proposed development would likely lead to a slight increase of overshadowing over the south elevation and part of the neighbour's garden. However, as there are no significant windows on this elevation and the vast majority of the neighbour's garden would remain unaffected in terms of light levels, I am of the view that no harmful overshadowing would arise from this proposal.

#### Construction activities

- 8.21 It is acknowledged that neighbour's have raised concerns with noise and disturbance from the construction process. I have consulted the Environmental Health team who have raised no objection subject to conditions regarding working hours, dust and piling, which I have recommended accordingly. I have also recommended a delivery hours condition as I am conscious that without this deliveries could occur long before and after the agreed working hours. I have also included a considerate contractors informative.
- 8.22 The other concern regarding the construction that has been raised relates to contractor parking and movements from large vehicles. The Highway Authority has been consulted but does not consider a traffic management plan condition necessary in this instance. This is because of the location of the development at the end of a residential cul-de-sac and a considerable distance from the main public highway of Long Road to the south. There is also on-site parking and access onto the existing site which can utilised. Any damage that may occur to grass verges and any blocking of the highway during works is ultimately a matter for the Highway Authority to enforce and control.

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

#### Amenity for future occupiers of the site

- 8.24 The proposal would provide a large four-bedroom dwelling with a spacious garden in an established residential area. The proposal includes a bin storage area to the side of the house and there would be adequate room to accommodate cycle parking on the site. There would be two car parking spaces and the site is within close proximity to bus stops along Trumpington Road and Long Road.
- 8.25 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

#### **Refuse Arrangements**

- 8.26 The proposal includes a waste storage area to the side (north) of the proposed dwelling which is within close proximity to the kerbside for collection days.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Highway Safety**

- 8.28 Whilst I recognise the third party objection in relation to the cycle route, the Highway Authority has raised no objection to the proposed development.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

#### **Car and Cycle Parking**

- 8.30 The proposal includes two car parking spaces which accords with the maximum car parking standards.

- 8.31 The application form does not include any details of cycle parking facilities. However, there is ample room to accommodate the necessary number of cycle parking spaces within the development and I therefore consider this can be controlled through a condition
- 8.32 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.33 The majority of the third party representations have been addressed in the main body of this report.
- 8.34 It is acknowledged from the third party representations that this would be the first demolition of an existing 1958 'Robertson and Gimbel House'. However, I do not consider this would harm the character or appearance of the area given that this building is neither locally or nationally listed and has no significant architectural merit. The proposed replacement building would assimilate into its context in a similar vein and I do not consider there to be an issue with the principle of demolition.
- 8.35 Concerns have also been raised regarding the potential for the demolition to set a precedent of other demolitions in the area. However, I do not consider this to be the case and any future applications for replacement dwellings would be assessed on their own merits.
- 8.36 There is no obligation for the developer to contact neighbours prior to submitting a planning application and this lack of pre-consultation is a civil matter.

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

- 8.37 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.

8.38 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 is considered to successfully contrast with the fenestration and vernacular of housing types within the context of the area whilst also respecting the general pattern and massing of the character of the area. The proposal would respect the amenities of neighbouring properties and provide a high quality living environment for its future occupants.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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



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

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

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

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

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

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

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

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

7. No development shall take place until 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)

8. 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)

9. The first-floor windows serving the rooms labelled 'ensuite', 'landing', 'bedroom 4', 'bathroom' and 'master bedroom' on the east, south and north elevations as shown on drawing number 16 Rev 1 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

10. Prior to the commencement of development and with reference to BS 5837 2012, full details of the foundation design and all other protection measures and techniques to be adopted for the protection of trees on-site shall be submitted to the local planning authority for its written approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policy 4/4).

11. 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).

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

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

13. Prior to commencement of development, large scale drawings of the overhang eaves and verge details from the vertical walls of the development hereby permitted 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 and retained thereafter.
14. No development shall commence until details of wheel washing measures to be used during the demolition / construction period have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

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

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**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/1219/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	14th July 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	8th September 2017		
<b>Ward</b>	Trumpington		
<b>Site</b>	77 And 77A Shelford Road Cambridge Cambridgeshire CB2 9NB		
<b>Proposal</b>	Proposed demolition of the existing dwelling and workshops and the erection of 7 dwellings		
<b>Applicant</b>	Mr Peter Wedd c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The loss of the industrial use is acceptable in principle and the proposal would reuse a brownfield site.</p> <p style="padding-left: 40px;">The proposal would have an acceptable impact on residential amenity and would provide a good quality of amenity for future residents.</p> <p style="padding-left: 40px;">The proposal would not harm the character of the area or the street scene.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is comprised of the curtilage of No. 77 Shelford Road and the industrial site behind it, referred to as No. 77a. There is an existing vehicular access into the site from Shelford Road.

- 1.2 No. 77 is a 3-bedroom bungalow with rear garden and a detached single storey garage at the rear. The bungalow is set back from the road and is rendered with a concrete tile hipped roof.
- 1.3 The industrial workshop comprises a complex of single storey industrial workshops. The buildings are a mixture of brick, block work and metal. The front buildings are flat-roof and the rear part has a pitched roof. There is an area of hardstanding and gravel in front of the building.
- 1.4 To the rear (north east) of the site are Nos. 41-45 Royal Way which form part of the Clay Farm development. These are two storey properties with shallow rear gardens which back onto the application site. To the north is No. 75 which is a detached property with a long narrow garden.
- 1.5 To the south are the gardens of Nos. 79 and 81. These are detached properties. No. 79 has a shallower rear garden. No. 81 has a long rear garden which runs along most of the length of the application site. The garden is formally laid out and appears to be well used amenity space.
- 1.6 The site is not within the conservation area. The existing buildings are not Listed and are not Buildings of Local Interest. There are no tree preservation orders on the site or within the vicinity. The site is not a protected industrial site on the proposals map and is not part of an allocation on the draft Local Plan. There are no other site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the erection of seven residential units following demolition of the existing bungalow and workshops, including access, car parking, bin and cycle stores, and landscaping. Access would be via the existing access from Shelford Road.
- 2.2 The site would be laid out with four semi-detached units at the rear of the site (Plots 4-7); a pair of semi-detached properties in the centre of the site (Plots 2-3); and a replacement dwelling on the street frontage (Plot 1). The materials would be brick with tiled roofs and zinc dormers.



- 2.3 During the course of the application, revised plans were submitted which included the following amendments:
- Re-positioning of plots 2 and 3 to the east by 800mm;
  - Revision to dormer design of plots 4 – 7 from two large dormers to four smaller dormers;
  - Additional window to plot 2 at ground-floor level; and
  - Soft landscaping and paving has been amended to the front of Plot 4 in response to the comments raised by the Landscape Department

### 3.0 SITE HISTORY

3.1 The relevant planning history is as follows:

Reference	Description	Outcome
16/1371/FUL	Proposed demolition of the existing dwelling and workshops and the erection of 9 dwellings.	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, 3/8, 3/10, 3/11, 3/12 4/4, 4/13, 4/14 5/1 7/3 8/2, 8/3, 8/4, 8/6, 8/10

	10/1
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### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

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

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

6.1 No objection subject to the following conditions and informatives:

- No unbound material
- No gates erected
- First use of access
- Access drainage
- Management and maintenance of street
- Visibility splays
- Access as shown
- Manoeuvring area
- Traffic management plan
- Traffic management plan informative
- Management of street informative
- Highway works informative

### **Environmental Health**

6.2 No objection subject to the following conditions and informatives:

- Preliminary Contamination Assessment
- Site Investigation Report and Remediation Strategy
- Implementation of remediation
- Completion Report
- Material Management Plan
- Unexpected contamination
- Demolition and construction hours
- Collections and deliveries during demolition and construction
- Demolition/construction noise and vibration (including piling)
- Dust
- Building noise insulation
- Dust condition informative
- Demolition/construction noise and vibration informative

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

#### Original comments (02/08/2017)

6.3 A diagram showing the refuse vehicle tracking is required to clarify the movement of the refuse vehicle and remove concerns about potential impact on buildings and thresholds. Thresholds for Plots 2-3 may need to be revised, depending on the diagram identified above. Visitor parking from side of Plot 2 should be relocated to a more visible location. Front elevations and updated visualisations are required to show revised dormer window massing on Plots 4-7. The following conditions are recommended:

- Materials samples
- Non-masonry walling system details
- Window and door details

#### Comments on additional information (13/09/2017)

6.4 All the changes have been made, with the exception of relocating the visitor parking space. It appears that this has not been possible due to the movement of refuse vehicles, as shown in the tracking diagram. Considering the constraints of the site, then the proposed location of the space, next to Plot 2, is acceptable.

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

### Original comments (18/07/2017)

- 6.5 The parking areas associated with Plot 2 and a visitor parking space should be moved up closer to the main access road to allow more space to be given over to green space/soft landscape.
- 6.6 Rationalisation between footways, parking bays and front doors to plots 4,5, and 6 needs to be addressed. As drawn, there are vulnerable portions of soft landscape that will become a nuisance (plot 6 and its access footway) or alternatively, create uncomfortable relationships (plot 5 car bay adjoining plot 4 footway). The following conditions are recommended:
- Hard and soft landscaping
  - Boundary treatment

### Comments on additional information (13/09/2017)

- 6.7 It would be preferable if the footways leading to the front doors are re-positioned but this can be dealt with through condition. The proposed tree species in the rear of plots 4 – 7 are inappropriate and an alternative tree species will need to be agreed through condition.

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

- 6.8 No objection subject to drainage conditions.

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

- 6.9 No objection subject to condition.

## **Cambridgeshire Fire and Rescue Service**

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

## **7.0 REPRESENTATIONS**

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

- 73 Shelford Road

7.2 The representation can be summarised as follows:

- Insufficient car parking is proposed and this will result in on-street car parking in the surrounding 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. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Access
7. Car parking
8. Cycle parking
9. Drainage
10. Third party representations

### **Principle of Development**

8.2 The principle of development was established under the extant planning permission (16/1371/FUL) in terms of the residential development and the loss of the industrial floorspace. The proposed application seeks planning permission for a similar nature of development, albeit two dwellings less than previously approved, on a slightly reduced size of site. Consequently, I consider the previous assessment of the principle of development pertinent to this current application and that the proposed development is acceptable in principle. The proposal

complies with policies 5/1 and 7/3 of the Cambridge Local Plan (2006).

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

- 8.3 The proposed development is almost identical in terms of scale, massing and layout to that of the previously approved application (16/1371/FUL). The noticeable difference between the two schemes is that the current application does not include the end of the garden of no.75 Shelford Road. As a result, the two semi-detached units that were previously proposed on this parcel of land have been excluded and the number of units decreased from nine to seven. The loss of this garden space has also meant that the car parking layout has been amended and the number of car parking spaces reduced down from 13 to 10 spaces. The footprints of plots 2 and 3 have been reduced to compensate for providing an additional turning head within the site.
- 8.4 In my opinion, the general layout and grain of development proposed is appropriate within the surrounding context. There would be comfortable garden spaces and a private access road that provides sufficient space for vehicles to enter and leave in forward gear. Amendments to the positioning of plots 2 and 3 have been undertaken as part of this current application to provide a buffer space between the fronts of these properties and the access road. The proposal responds well to its site and surroundings.
- 8.5 The general scale and massing of the proposed dwellings would be in keeping with the pattern of development present in the surrounding area. The proposed dwellings would be a mixture of two and two-and-a-half storey dwellings that would be in keeping with the character and appearance of properties along Shelford Road and the adjacent Clay Farm development.
- 8.6 The main alterations to the proposed scheme when compared to its predecessor consist of changes to the fenestration and architectural treatment of the proposed dwellings. The previously approved scheme had a more uniform appearance, with an emphasis on rising brick dormers to provide usable space in the roofs of plots 4 – 9 and the treatment was more akin to recently developed schemes in the Clay Farm development. In contrast, the current proposal is more modest,

with large front projecting dormers and standard rhythms to window and door positions. Given the diversity of architectural forms and materials present in the wider context, the revised design is acceptable. Concerns were raised by the Urban Design team regarding the massing of the front dormers originally proposed on the fronts of plots 4-7. However, these have since been amended to show a smaller row of four zinc clad dormers that is considered to successfully break up this elevation and provide a more articulated massing. I have recommended the conditions suggested by the Urban Design Team.

- 8.7 In terms of landscaping, the proposal has been amended to provide buffering adjacent to plots 2 and 3 which I consider is now acceptable. The scheme includes sufficient space for soft landscaping. The visitor parking space would be appropriately overlooked by plot 2 and other surrounding dwellings. I consider that the outstanding landscaping comments could be addressed through conditions.
- 8.8 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/12 and 4/4.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.9 The nearest neighbouring residential properties are Nos. 73-75 Shelford Road to the north of the site; Nos. 79 and 81 Shelford Road to the south of the site; and Nos. 39-45 Royal Way to the rear (east) of the site. The impact on the residential amenity of these properties was considered under the previous planning permission (16/1371/FUL). In my opinion, this previous assessment remains applicable to this current application given the similarities in scale, massing and site layout. I will therefore focus this assessment on the material differences between the approved scheme and that of the proposed scheme and the impact that these proposed changes would have on neighbour amenity.
- 8.10 The main physical two-storey bulk of plots 2 and 3 would be set further away from the boundary of No.79 than that of the original permission and I am confident that there would be no



harmful loss of light or visual enclosure experienced at neighbours as a result of the proposed development.

- 8.11 The proposed alterations to window positions and the fenestration of the buildings would not introduce any harmful overlooking opportunities over neighbouring properties. In my opinion, subject to obscure glazing conditions similar to the previous consent, I do not consider any additional loss of privacy would occur from the proposed works.
- 8.12 The reduction in proposed units from nine to seven would decrease the level of traffic movements compared to the previous permission and given that this previous application was considered acceptable I am of the view that no harmful noise and disturbance would arise from the proposal.
- 8.13 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

#### Amenity for future occupiers of the site

- 8.14 All of the properties would have gardens varying in size from 58m<sup>2</sup> to 84m<sup>2</sup> and suitable for these family dwellings. The amount and quality of this amenity space is acceptable. In my opinion, the layout of the site means there would be acceptable levels of privacy and the proposal would not result in overbearing or overshadowing impacts. As such the future occupiers would have a good level of amenity. The site is situated in an established residential area and future occupants would have access to public transport and cycle links into the City Centre and to nearby Local Centres.
- 8.15 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**

- 8.16 The proposal includes space for bin storage in the rear gardens of the proposed dwellings and a tracking diagram has been

provided to demonstrate that a refuse vehicle can enter and leave the site in forward gear on collection days. I have recommended the waste management and maintenance conditions in accordance with the previous consent.

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

### **Highway Safety**

- 8.18 The Highway Authority has raised no objection to the proposed works, subject to conditions, and I agree with this advice.

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

### **Car and Cycle Parking**

- 8.20 The proposal is for eight on-plot private car parking space (two for plot no.1 and one for each of plot nos.2 – 7) and two visitor spaces. The overall number of spaces per unit is less than the maximum 14 spaces allowed. Third parties have raised concern about the lack of car parking leading to demand for on-street car parking, however, in my opinion, as the site is well connected to public transport and cycle path links along Shelford Road, the site is in a sustainable location and the proposed provision is acceptable. In addition, more car parking would erode the garden spaces for the houses and is not a desirable alternative.

- 8.21 The proposal includes cycle stores to be provided in the rear gardens of plots 2-7 and within the garages of plot 1. This provides secure and covered cycle parking which meets the adopted standards. I have recommended a condition for the cycle stores to be provided prior to occupation of the units and thereafter retained.

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

## **Drainage**

- 8.23 The Sustainable Drainage Officer has recommended a condition for a detailed surface water drainage scheme to be submitted for approval. I accept this advice.

## **Third Party Representations**

- 8.24 The third party representation has been addressed in the main body of this report.

## **Fire and Rescue**

- 8.25 It is acknowledged that the Fire and Rescue Service has recommended a condition requiring fire hydrant details and I have recommended this condition accordingly.

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

- 8.26 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.
- 8.27 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 principle of development is acceptable and the proposal represents an acceptable alternative on a smaller parcel of land. I consider the relevant amendments and further information requested by the Urban Design Team and Landscape Team have been provided and that there are no design or landscape issues outstanding with this application.

The proposal would respect the amenities of neighbours and provide a high quality living environment for its future occupants.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. 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 (other than demolition) 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).

10. No development (other than demolition) shall take place until full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing have been submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

Reason: To accord with policies 3/4 and 3/12 of the Cambridge Local Plan (2006).

11. Full details of all windows, doors and rainwater goods, as identified on the approved drawings, including materials, colours, surface finishes/textures are to be submitted to and approved in writing by the local planning authority prior to their installation. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

Reason: To accord with policies 3/4 and 3/12 of the Cambridge Local Plan (2006).

12. The cycle parking shall be provided in accordance with the drawing numbers 058-PL(90)01-P2 and 58-PL(21)04 REV P1 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)

13. The bin stores shall be provided in accordance with drawing number 058-PL(90)01-P2 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).

14. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

15. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved vehicular access unless details have first been submitted to and approved in writing by the Local Planning Authority.

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



16. Prior to the first occupation 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 (Cambridge Local Plan 2006 policy 8/2).

17. Prior to first use of the development hereby permitted, the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

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

18. Prior to first occupation of the development hereby permitted, two 2.0 x 2.0 metres visibility splays shall be provided as shown on the approved drawings. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

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

19. Prior to first occupation of the development hereby permitted, the manoeuvring area shall be provided as shown on the drawings and retained free of obstruction thereafter.

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

20. Prior to first occupation of the development hereby permitted, the access shall be provided as shown on the approved drawings and a width of access of 5 metres provided for a minimum distance of ten metres from the highway boundary and retained free of obstruction.

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

21. No development shall commence until details of the proposed arrangements for future management and maintenance of the streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard. (Cambridge Local Plan 2006 policy 8/2)

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

Reason: In the interests of surface water drainage and flood management (paragraph 103 of the NPPF (2012)).

23. No development (other than demolition) 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)

24. No development (other than demolition) 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)

25. 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 implemented in accordance with the Arboricultural Implications Assessment dated July 2016 and the Tree Protection Plan drawings 'TIP 16 210', 'TIP 16 210 1', 'TIP 16 210 2' and 'TIP 16 210 3' 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 ensure the retention of the trees on the neighbouring sites. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

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

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

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

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

28. 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)

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

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

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

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policy 4/13)

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

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

32. 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).

33. The windows identified as having obscured glass on the drawing numbers 58-PL(21)01 REV P1, 058-PL(21)02-P2 and 058-PL(21)03-P2 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 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).

34. No development shall commence until details of the construction of the hardstanding for the access have been submitted to and approved in writing by the local planning authority. The hardstanding shall, as a minimum, be capable of supporting vehicles of 26 tonne weight and shall be constructed in accordance with the approved details.

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

35. Prior to commencement of development, details of the provision of fire hydrants to be accommodated within the development hereby permitted 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 and retained thereafter.

Reason: In the interests of fire safety (Cambridge Local Plan policies 3/7 and 3/12)

**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:** 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:** The applicant is advised that to discharge Condition 21 the Local Planning Authority requires a copy of a completed agreement between the Applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

**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.

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

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
- iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)

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

**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0704/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	14th June 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	9th August 2017		
<b>Ward</b>	Petersfield		
<b>Site</b>	23 Kingston Street Cambridge CB1 2NU		
<b>Proposal</b>	Roof extension incorporating rear dormer. Replacement of sash windows with new sash windows and retrospective pitched roof to ground floor rear extension replacing flat roof.		
<b>Applicant</b>	Mr Richard Smith 23 Kingston Street Cambridge CB1 2NU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposal would not harm the character and appearance of the Conservation Area;</p> <p style="padding-left: 40px;">The proposal would have an acceptable impact on residential amenity.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No. 23 is a two storey mid-terrace property on the west side of Kingston Street. The property has a part single/part two storey rear outrigger. The rear roof scape is unaltered and has a chimney stack. The property is within the Mill Road Area of the Central Conservation Area. To the south west is the Gwydir Street public car park and to the west are the rear elevations of the Gwydir Street terrace. There are no other relevant site constraints.

## 2.0 THE PROPOSAL

2.1 The proposal is for:

- rear roof extension incorporating rear dormer. The external elevations would be slate clad;
- retrospective pitched roof to ground floor rear extension replacing flat roof; and
- the replacement of sash windows with new sash windows in a composite material, under permitted development.

2.2 During the course of the application, the proposal for the rear dormer was amended. The dormer was stepped up from the eaves by 300mm and in from the northern side by 600mm and the window proportions were altered to be similar to the traditional windows on the floors below.

2.3 The application is accompanied by the following supporting information:

1. Drawings
2. Photographs

2.4 The application is being brought to planning committee for approval because the applicant is a Council member of staff.

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/93/0311	Extension to first floor rear pitched roof addition to existing dwelling house.	Approved with conditions

## 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**

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 3/14 4/11 4/13

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u> Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

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

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

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

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

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

#### 5.4 **City Wide Guidance**

Roof Extensions Design Guide (2003)

#### **Area Guidelines**

Mill Road Area Conservation Area Appraisal

#### 6.0 **CONSULTATIONS**

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

No objection.

#### 6.2 **Conservation team**

Comments on original scheme

Objection. The proposed roof extension would be contrary to the Roof Extensions Design Guide. It is practically full width, goes down to the eaves and up to the ridge. The dormer would practically obliterate the rear roof form, would dominate the rear elevation and would in effect be a third storey. Unclear from the drawings whether or not the chimney stack will remain. The use of timber cladding introduce a material which is not part of the palette of materials which characterises the conservation area. We would encourage the use of timber sliding sashes on the replacement windows.

### Comments on amendments

Objection. The amended plans still show a box type roof extension which does not relate well to the existing roof form due to the design of the proposal.

- 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 No representations have been received.

## **8.0 ASSESSMENT**

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

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

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

- 8.2 The property has a part single/part two storey rear outrigger. The rear roof scape is unaltered and has a chimney stack. The rear of the property is visible at an oblique angle in views from the public car park to the south-west of the site.

- 8.3 The dormer would be a box form, however following amendments submitted during the course of the application, it would be stepped up from the eaves by 300mm and in from the northern side by 600mm. The applicant has agreed that the dormer would be slate clad instead of the timber cladding originally proposed, and I have recommended a condition to secure this. The windows on the rear elevation of the dormer have been amended to have traditional proportions and to align with those on the floor below.
- 8.4 The Conservation team does not support the proposal on the basis that the width and height of the dormer would dominate the roof slope and would be contrary to the Roof Extensions Design Guide. In my opinion, the amendments allow the original roof scape to be read and the dormer would be a subservient addition to the roof slope rather than to dominate it. The dormer would be visible from the public car park and would be viewed in the context of other roof extensions along the terrace and on the rear roof slopes of Gwydir Street properties. In particular, there are roof extensions at Nos. 27, 29 and 31 which have different forms and which are visible from the rear garden of the application site and the public car park. The proposed dormer would not therefore be the first alteration to the roof scape along this part of Kingston Street. While it would be slightly larger than these dormers, there are other examples of box-type dormers within the vicinity, including No. 184 Gwydir Street almost directly opposite the application site and on the northern end of Kingston Street. The change to slate cladding overcomes the Conservation teams concerns about the use of timber. The proportions, alignment and appearance of the windows would complement the traditional character of the property.
- 8.5 The replacement of the previous flat roof on the single storey rear element with a pitched roof complements the pitched roof on the first floor element, and does not harm the character of the traditional property or the street scene. It can only be glimpsed from the public car park. The use of brick and slate matches the existing property.
- 8.6 The replacement sash windows have a similar appearance to the previous windows and thus are permitted development not requiring planning permission.



- 8.7 For these reasons, in my opinion the proposal complies 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 property adjoins residential uses on either side and the rear of the properties along Gwydir Street face towards the rear of the site.
- 8.9 There would be some oblique views from the rear dormer towards neighbouring gardens and direct views towards the rear of the Gwydir Street terrace, however this degree of mutual overlooking is acceptable in the urban context and is similar to other dormers that have been approved along the terrace.
- 8.10 The pitched roof on the single storey element would not have a significant overbearing or overshadowing on the immediate neighbours due to the scale.
- 8.11 I have recommended a condition to limit construction hours in order to protect the amenity of residential properties within the vicinity.

#### Amenity of future occupants

- 8.12 In my opinion, the proposal would provide an acceptable level of amenity for the future occupants.
- 8.13 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 3/14.

## 9.0 RECOMMENDATION

**APPROVE** subject 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. Notwithstanding the approved plans, the external elevations of the dormer hereby permitted shall be slate to match the appearance of the existing rear roof slope and shall be retained thereafter.

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

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

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

<b>Application Number</b>	17/0966/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st May 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	26th July 2017		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Land Rear Of 28 Anglers Way Cambridge Cambridgeshire		
<b>Proposal</b>	Demolition of existing store building and construction of single storey dwelling		
<b>Applicant</b>	Roben Developments C/o Agents		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The principle of a residential unit on the site is acceptable;</p> <p style="padding-left: 40px;">The proposed modest dwelling would not harm the street scene or the character of the area;</p> <p style="padding-left: 40px;">The dwelling would have an acceptable relationship with No. 28 and would provide a good level of amenity of the future occupants.</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is located on land to the rear of No. 28 Anglers Way. It is currently occupied by a single storey storage/garage building and associated structures, which is understood to be used separately from No. 28. The site is accessed from Cam Causeway and has vehicle access. There is a close-boarded fence along the boundaries and some low quality planting within the site.

- 1.2 No. 28 is a two-storey end of terrace property fronting Anglers Way. The property has a rear garden approximately 8.5m long which adjoins the application site. It has single storey rear elements and the rear elevation faces towards the application site. The adjoining property to the west is No. 26 which is similar and has a mature tree in the rear garden.
- 1.3 To the north is No. 99 Cam Causeway, which is an end-of-terrace property set back from the road with a drive and front garden. There is a tall conifer hedge along the boundary with the application site.
- 1.4 The site is located at the end of a cul-de-sac in a predominantly residential area. There is a pedestrian and cycle link on the pathway in front of the site which provides access from Cam Causeway to Anglers Way.
- 1.5 The site does not fall within a Conservation Area. There are no tree preservation orders on the site. The site falls outside the controlled parking zone. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the erection of a 1-bed dwelling on land to rear of No. 28 Anglers Way following demolition of the existing garage on the site. The dwelling would front onto Cam Causeway. It would be positioned on the northern part of the site and would have a courtyard garden on the southern part. The building would be single storey with a hipped roof. The eaves height would be 2.6m and the ridge height would be 4.3m. The floor space would be approximately 45.5 sqm. The materials would be brick with a slate roof. There would be a landscape buffer along the frontage. Cycle parking and bin storage is proposed within the courtyard garden. No off-street car parking would be provided.

## **3.0 SITE HISTORY**

- 3.1 There is no relevant site history.

## 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, 3/11, 3/12 4/4, 4/13 5/1 8/2, 8/6, 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (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	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

- 6.1 No objection. No off-street car parking provision is made for the new residential unit. 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.

### **Environmental Health**

- 6.2 No objection. Recommend conditions for construction hours and piling.

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

- 6.3 The bin and cycle store will require more detailed thought during condition clearance. Access to each section must be convenient. It is unclear how the bins are accessed and removed without also removing the cycles. Recommend conditions for hard and soft landscaping scheme and boundary treatments.

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

- 6.4 No objection. Recommend condition for a surface water drainage scheme.
- 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 owner/occupier of the following address has made a representation **objecting** the proposal:

28 Anglers Way

7.2 The representations can be summarised as follows:

- Loss of privacy
- Loss of trees
- Flood risk
- Connection to mains sewers

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The site is currently occupied by a garage/storage building located at the rear of No. 28. The site is within separate ownership from No. 28 Anglers Way and is understood to be used separately. This suggests the site forms a separate plot from No. 28 and the structures on the site appear to have been there for some time. However, there is no planning history to confirm when the subdivision occurred and whether this was lawful. The applicant has provided no further information on this.

8.3 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 loss of the existing garage/storage building would be acceptable in



principle and the residential use would be compatible with the established residential character of the area.

- 8.4 However, without confirmation that the site is lawfully used as a separate plot, it is also necessary to consider the proposal under policy 3/10 relating to the subdivision of plots. This supports residential development within the garden area or curtilage of existing properties unless it will:
- a. Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise disturbance;
  - b. provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
  - c. detract from the prevailing character and appearance of the area;
  - d. adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
  - e. adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
  - f. prejudice the comprehensive development of the wider area of which the site forms part.

- 8.5 I have assessed the proposal against the relevant parts a, b, c and e in the sections below, and in summary, I find the proposal accords with policy 3/10. Thus the principle of development is acceptable under both policies 5/1 and 3/10.

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

- 8.6 The site is to the rear of No. 28 Anglers Way, however the proposed building would form part of the street scene along Cam Causeway. The street scene is characterised by terraced properties set back from the road along both side of Cam Causeway. The site is located at the southern end where the road forms a cul-de-sac. Here the street scene opens up with a semi-detached pair at the end of the road and the rear of the properties along Anglers Way and Cheney Way are visible. The site occupies a position between the rear of No. 28 Anglers

Way and the southern end of the terraced properties along the western side of Cam Causeway.

- 8.7 The site already has a defined curtilage visually and the existing structures set a precedent for some built form on the site. The garage is positioned at the northern end of the site and is stepped forward of the established building line along Cam Causeway. The proposed building would be single storey with a hipped roof. It would be modest in scale and design so that it appears to be subservient to the neighbouring properties and makes a similar contribution to the street scene as the existing building. The materials would be buff brick which would be secured through conditions. Subject to this, in my opinion, the proposal would be appropriate for the character of the area.
- 8.8 The site is currently bounded by a close boarded fence along the frontage. The front elevation of the proposed dwelling would be visible from the street with a strip of soft landscaping in front, and would be more prominent than the existing buildings. I have recommended the condition requested by the Landscape Officer for a landscaping scheme to be submitted to soften the visual impact of the dwelling and to ensure the proposal delivers an enhancement to the street scene. There would be a courtyard garden to the south with a close boarded fence forming the boundary along Cam Causeway. There is space for bin storage and cycle parking within the courtyard, however further details need to be submitted for approval through conditions.
- 8.9 Third parties have raised concerns about the loss of trees and the potential impact on trees in neighbouring gardens. I have visited the site and there is a conifer hedge along the northern boundary with No. 99 Cam Causeway and a mature tree in the rear garden of No. 26 Anglers Way. The tree on the site that would be removed is poor quality and makes a minimal contribution to the street scene. The tree in the rear garden of No. 26 does make some positive contribution to the street scene, however it is not protected. The proposed building would extend approximately 2.5m closer to the tree than the existing building. It would also extend approximately 1m closer to the conifer hedge on the northern boundary. As these trees make some contribution to the street scene, I have recommended a condition for an Arboricultural Method

Statement and Tree Protection Plan to be submitted for approval.

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

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.11 The nearest residential properties are No. 28 Anglers Way to the south and No. 99 Cam Causeway to the north.
- 8.12 The site is a separate plot and there would be no loss of curtilage associated with No. 28. The owner/occupier of this property has objected to the proposal, partly on the grounds of loss of privacy. This property has a garden approximately 8.5m deep, a single storey rear element and windows on the first floor rear elevation. There would be French doors on the side elevation of the proposed dwelling which the third party is concerned would allow views toward their property. The proposal includes a 1.7m high fence along the boundary. I am satisfied this would prevent views, however I have recommended a condition for the boundary to be erected to a height of 2m to overcome the perceived overlooking the occupants of No. 28 could experience. I have recommended that permitted development rights for the insertion of windows, roof lights and roof extensions are removed.
- 8.13 The unit would be single storey with an eaves height of 2.6m and a ridge height of 4.3m. The building would be on the northern side of the plot with the courtyard garden to the south, which pushes the mass of the building away from No. 28 as much as possible. In my opinion, the modest scale of the building would not result in significant enclosure on the rear garden or single storey element of No. 28 and would not harm the residential amenity of the occupants in this regard. I am satisfied that the creation of a new dwelling of such a modest scale would not result in significant noise and disturbance, particularly given the limited amount of external space available for the future occupants to use and compared to the existing garage use.

- 8.14 Due to the scale of the property and the positioning adjacent to the driveway and front garden of No. 99, as well as the existing boundary conifer hedge, the proposal would not impact on the residential amenity of the occupants of this property.
- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

#### Amenity for future occupiers of the site

- 8.16 The unit would be 1-bed and would have an internal floor space of approximately 45.5sqm. The bedroom would have one window looking out to the courtyard garden. This would be approximately 3m to the boundary so would provide an acceptable outlook. The kitchen and living room would have windows on the front elevation. The lounge window on this elevation would be a secondary window with the French doors on the courtyard-facing elevation providing the main outlook. Thus the future occupants could take measures to obscure views from the street into the living room to protect their privacy without harming the quality of the internal accommodation, should they wish to do so. The landscaping along the strip in front of the building would provide some degree of buffering and defensible space.
- 8.17 The courtyard garden would provide approximately 24 sqm of private amenity space. In my opinion, this is acceptable for a 1-bed unit. There would be views from the first floor windows on the rear elevation of No, 28 towards the site, however these would be approximately 11m away and the boundary fence would allow only glimpses into the courtyard garden and the bedroom/living room windows. Thus, in my opinion, the proposed dwelling would have an acceptable relationship with No. 28 and the future occupants would have an acceptable level of residential amenity. There are no views from other neighbouring properties that would harm their privacy.
- 8.18 The Highways Authority has commented that the lack of parking may generate additional demand for on-street parking which could have an impact on residential amenity. The site is outside the controlled parking zone. The site is in a sustainable location close to cycle and footpath links to Green End Road and Fen

Road which are served by bus stops. Moreover the future occupants are likely to be individuals or a couple who are less likely to be car dependent than families. In my opinion, the proposal would not generate significant additional demand for on-street parking and would not harm residential amenity in this regard.

- 8.19 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.20 The proposal includes space for 3 no. bins within the courtyard which would be a convenient location. It is unclear whether these would be located within a store. I have recommended a condition for details to be submitted prior to occupation. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.21 The proposal would remove the existing vehicular access to the garage. The Highways Authority has not raised any concerns with regard to highway safety and I accept their advice. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- Car parking

- 8.22 The proposal does not include car parking. This is compliant with the adopted maximum car parking standards, and would not harm highway safety or residential amenity as set out above.

- Cycle parking

- 8.23 The proposed site plan shows provision of a cycle store. No details have been submitted, so I have recommended a condition to secure this.

8.24 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Drainage**

8.25 Third parties have raised concerns about surface water drainage. The Council's Sustainable Drainage Officer has reviewed the application and recommended a condition for a surface water drainage scheme to be submitted for approval. I accept their advice that this can be resolved through conditions.

### **Third Party Representations**

8.26 I have addressed the third party concerns regarding loss of privacy, loss of trees and drainage in the relevant section above. The impact on the mains sewers is not a relevant planning matter and connection to the sewer would be subject to other agreements with the utilities companies.

## **9.0 CONCLUSION**

9.1 The proposed dwelling would be modest and subservient to the neighbouring buildings, so that it would have a similar impact on the street scene as the existing outbuilding. The single storey building would have an acceptable relationship with No. 28, would not harm the amenity of neighbouring properties, and would provide an acceptable level of amenity for the future occupants. The landscaping along the front of the site has the opportunity to enhance the street scene.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

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

5. 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 tree protection (Cambridge Local Plan 2006 policy 4/4).

6. Prior to commencement of the development hereby permitted, a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. This shall include the results of the 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 scheme 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. include the results of the 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 scheme 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
  - b. 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
  - c. 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.



Prior to occupation of the development hereby permitted, the surface water drainage scheme shall be implemented in accordance with the agreed details, and managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: In the interests of surface water management (National Planning Policy Framework 2012).

7. Prior to the commencement of external brickwork, samples of the bricks to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained 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).

8. Prior to first occupation of the development hereby permitted, a hard and soft landscaping scheme shall be implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter. These details shall include:
  - i) soft landscaping details for the landscape buffer along Cam Causeway, including planting plans, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;
  - ii) detailed arrangements for bicycle parking;
  - iii) detailed arrangements for bin storage.

Reason: In the interests of visual amenity, bin storage and cycle parking provision (Cambridge Local Plan 2006 policies 3/11, 3/12 and 8/6).

9. Notwithstanding the approved plans and prior to first occupation of the dwelling hereby approved, the boundary between the site and No. 28 Anglers Way shall be erected as a close-boarded fence to a minimum height of 2m, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary shall be retained in accordance with the approved details.

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

10. 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).

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

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

12. Notwithstanding the provisions of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), alterations to the roof of the dwellinghouse(s) including the insertion of roof lights 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).

13. 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).

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**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0642/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	7th April 2017	<b>Officer</b>	Lorna Gilbert
<b>Target Date</b>	2nd June 2017		
<b>Ward</b>	Romsey		
<b>Site</b>	150 Coldhams Lane Cambridge CB1 3HH		
<b>Proposal</b>	Erection of 1.5 Storey dwelling with frontage onto Cromwell Road and the retention of two parking spaces for 150 and 150a Coldhams Lane		
<b>Applicant</b>	Mr A de Simone C/O Carter Jonas		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The location, scale and design of the building would dominate and appear at odds with the streetscene.</li> <li><input type="checkbox"/> The building would enclose the rear gardens of Nos 150 and 150a Coldham's Lane.</li> <li><input type="checkbox"/> Poor quality private amenity space would be provided for future occupants.</li> </ul>
RECOMMENDATION	REFUSAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The subject site is located on the southern side of Cromwell Road and faces the junction with the entrance to Nuffield Gym. The site is located to the west of the rear gardens of Nos. 150a and 150 Coldham's Lane and is currently used for parking for these properties. The site is entirely made up of hardstanding and is accessed off a rear lane linking to Cromwell Road.

1.2 The properties and rear gardens of No.150 and 150a Coldham's Lane are located to the east of the application site. The rear garden of No.152 Coldham's Lane is located to the south. The access road the application site is adjacent to, serves the rear garages of properties along Coldham's Lane and Cromwell Road. No.222 Cromwell Road is located to the south-west.

## 2.0 THE PROPOSAL

2.1 The application seeks planning permission for a one and half storey, one bedroom dwelling fronting Cromwell Road with car parking provision for No.150 and 150a Coldham's Lane in an undercroft below.

2.2 The dwelling stands at between 2.5m and 6.6m high, with the eaves 4.5m high. The dwelling extends 9.45m in length and 5m wide.

2.3 The proposed dwelling would be constructed from masonry brickwork at ground floor level with projecting masonry brick detailing. The upper floor and roof would be constructed from anthracite zinc standing seam cladding. The gutters and downpipes would be constructed from galvanised steel. Windows would be composite aluminium/timber windows.

## 3.0 SITE HISTORY

3.1 Recent history:

Reference	Description	Outcome
16/1905/FUL	Erection of 1.5 storey dwelling with frontage onto Cromwell Road and the retention of two parking spaces for 150 and 150a Coldham Lane.	Refused at Committee

## 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 3/11 3/12 3/10 5/1 8/2 8/4 8/6 8/10 8/18

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (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>  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Strategic Flood Risk Assessment (2005)

	<p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p>
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

- 6.1 The car parking spaces are too narrow to be practical.
- 6.2 The adjacent walls will prevent car doors opening to allow access and egress from the parked vehicles. Parking spaces



adjacent to vertical obstructions to the doors should be a minimum 3 metres width.

- 6.3 No additional off-street car parking provision is made for the new dwelling.
- 6.4 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.

### **Environmental Health**

- 6.5 The development proposed is acceptable subject to the imposition of the conditions outlined below:
- Construction hours
  - Piling

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

- 6.6 The development proposed is unacceptable and should be refused for the reasons set out below:
- 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.
  - Sufficient surface water drainage details proving the principle of draining the site have not been submitted to the local planning authority. 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.

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

- 6.7 There are no arboricultural objections to the proposal.

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

6.8 The development proposed is unacceptable and should be refused for the reasons set out below:

- The amenity space provided to the dwelling is of poor quality. The low wall surrounding it provides no privacy and this is a very exposed and busy part of Cromwell Road/Coldham's Lane. It is also unclear how the amenity space is accessed. There is no direct access from the dwelling so it is assumed that a resident would have to exit the front door and access it via some sort of opening.
- The bedroom, at ground level, overlooks a very busy road. Shrubs have been shown against the footway edge, but the area still feels very exposed. This is exacerbated by the size of the window, extending floor to ceiling. Headlights from cars exiting Nuffield Health, a busy facility, will cause disruption.
- The arrangement of the dwelling and two car parking spaces is awkward and separates the car parking spaces from their respective dwellings, requiring the users to exit to Cromwell Road and go around the new dwelling to access the rear gates for all the dwellings.

6.9 The landscape team considers that the scheme contravenes Local Plan policies 3/7 Creating Successful Places; 3/11 The Design of External Spaces and 3/12 The Design of New Buildings

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

## 7.0 REPRESENTATIONS

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

Support:

- 152 Coldham's Lane

Object:

- 222 Cromwell Road

7.2 The representations can be summarised as follows:

- I have no objections to this plan.
- We feel there is not adequate parking provision. The existing parking space at the rear of 150 Coldham's Lane regularly holds 3 or 4 cars - parking provision will only be made for 2 vehicles, thereby reducing the available space, and there is no provision for additional parking for the inhabitants of the new property. Parking is already under pressure at this end of Cromwell Road due to recent development and we are concerned this will add to the problem. We regularly have cars parked across our driveway, that makes it impossible for us get our car in or out.
- The height of the proposed development is higher than any other garage or outbuilding in that row of buildings that are situated along the rear access road. We are concerned that the additional height will negatively impact our main garden area which is adjacent to the proposed building. Because the proposed building is significantly closer than the existing houses, we are concerned that we would be more directly overlooked than is currently the case. We would also not want this development to set a precedent for further increased development in the height of other buildings/garages along the access road.
- If the development was to go ahead we would seek working times limited to weekdays only, (not before 8am and no later than 5pm) and we would not want work to be under taken on weekends when we make most use of our garden.

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

## **8.0 ASSESSMENT**

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

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

## 7. Drainage

### **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 Policy 3/10 is also of relevance as the proposal sub-divides an existing plot. The policy in full lists points a. to f. Only Points a. to c. are relevant in this instance and explain 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.
- 8.4 The criteria in policy 3/10 will be considered in the following sections of the report.
- 8.5 Previous planning application reference 16/1905/FUL was refused at Planning Committee on the following grounds:
1. *By reason of its siting, scale and depth, the proposal would result in a overly dominant built form that would appear too prominent against the rear gardens of Coldham's Lane properties, the front gardens of Cromwell Road properties and adjoining single storey outbuildings. For these reasons, the proposal would be harmful to the character of the area and contrary to policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan 2006.*

2. *The height, length and siting of the proposed building would lead to an unacceptable level of enclosure to the outlook from the rear gardens of Nos. 150 and 150a Coldham's Lane to the detriment of the amenities of their occupiers. The development is therefore contrary to policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006.*

3. *No private amenity space has been provided which is unacceptable and poor design for this suburban location. The size and positioning of the ground floor window is located too close to Cromwell Road and would lead to a lack of privacy for future occupiers. The scheme therefore does not provide an appropriate standard of residential amenity for future occupiers and is not compliant with Cambridge Local Plan (2006) policies 3/7, 3/10, 3/11 and 3/12 and NPPF (2012) paragraphs 56 and 57.*

8.6 The current proposal is similar to the previous scheme. The covering letter accompanying the application explains revisions made to try and overcome the reasons for refusal. These are: The revised scheme is set back between 0.8m and 2m from the footpath along Cromwell Road in contrast to the previous scheme reference 16/1905/FUL which was set back between 0.4m and 1.1m. In response to the second reason for refusal the agent refers to the previous committee report paragraph 8.8 which states "*Although not of sufficient harm to warrant as a singular reason for refusal*" The agent explained that for the third reason for refusal in relation to amenity space, the application has sought to provide a usable side garden and notes the site is in close proximity to public areas of amenity space. I will consider these revisions when assessing the report in the following sections.

8.7 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

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

8.8 The proposed dwelling is the same size as what was proposed under 16/1905/FUL. The proposed dwelling has been shifted back from Cromwell Road and is now set back between 0.85m and 2m. The scale and appearance of the building remains the same as what was refused under 16/1905/FUL. As the building has been shifted back further on to the site it is now

located against the side boundary with No.152 Coldham's Lane, in contrast to the previous scheme. The proposed building is now flush with the rear boundary with 150 Coldham's Lane, whereas previously there was a pathway separating the two sites.

- 8.9 The first reason for refusal of 16/1905/FUL was concerned with the siting, scale and depth of the proposal being overly dominant and too prominent against the rear gardens of Coldham's Lane properties, the front gardens of Cromwell Road properties and adjoining single storey outbuildings. I do not consider the revised scheme has overcome this reason for refusal. The house has been set back between 0.45m and 0.9m further from Coldham's Lane than the previous scheme but overall this is a minor adjustment and does not robustly address the previous reason for refusal. The knock-on effect is that it is now located adjacent to the rear gardens of No.150 and No.152 Coldham's Lane, which has exacerbated the impact on these properties and gardens. The neighbouring property of No.222 Cromwell Road is located 10m from the highway and therefore the proposed set back of 0.85m to 2m does not overcome concerns with the set back from the street. The proposal has a gable front which accentuates its bulk when viewed along the street. The scale and depth of the proposal remains unchanged and therefore I consider it would appear overly prominent. I consider the first reason for refusal under 16/1905/FUL still stands.
- 8.10 In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

#### *Light*

- 8.11 The proposed dwelling is located a similar distance from the properties of No.150 and 150a Coldham's Lane as the previous scheme. However, the side elevation of the proposed dwelling is now located adjacent to the boundary with the rear garden of No.150 Coldham's Lane as the footpath originally proposed under the previous application has been removed from the current application. The proposal is also located closer to the

side boundary with No.152 Coldham's Lane as the building has been shifted back into the site. The new dwelling is located west and north of No.150, 150a and 152 Coldham's Lane and to the north-east of No.222 Cromwell Road. I consider the proposal would lead to some additional overshadowing of the garden of No.150 Coldham's Lane in comparison to the previous application, however I do not consider the overshadowing would be detrimental to this neighbour to warrant refusal. The rear garden of No.152 Coldham's Lane is located to the south of the application site and therefore it would not experience an unreasonable loss of light. I therefore do not consider the proposal would lead to an unreasonable loss of light to these closest neighbours' properties or gardens due to the orientation, scale and position of the proposed house.

### *Enclosure*

- 8.12 In my view the current scheme has created a greater sense of enclosure to No.150 and 152 Coldham's Lane. This is due to the house being set back further into the site and the removal of the path by No.150 Coldham's Lane. The wall proposed adjacent to the car parking abuts the boundary with No.152 Coldham's Lane and the two storey rear element is located adjacent and between 0.2m from the shared boundary. The proposed two storey dwelling abuts the rear garden of No.150 Coldham's Lane. The proposed dwelling is set back 2.1m from the rear garden of No.150a Coldham's Lane. The new dwelling extends up to 4.5m at the eaves for a length of 9.5m. I consider this reason for refusal still stands as the impact on No.150a Coldham's Lane is similar to the previous scheme but the impact on No.150 Coldham's Lane has increased as the new dwelling now lies along the full width of their garden and the wall of the new dwelling has been set closer to this neighbour's garden as it becomes the rear boundary at 4.5m high. The scheme has also increased the impact on No.152 Coldham's Lane, however I do not consider it so detrimental to this neighbour as to warrant refusal as the two storey element is partially screened by an existing outbuilding at this neighbouring property which helps to lessen its impact.
- 8.13 As explained in the previous Committee Report (16/1905/FUL), the gardens and main outlook of No.150 and 150a Coldham's Lane would face onto the proposed blank side elevation at 4.5m tall to the eaves with the entire 9.5m length visible. There

would be a marked change in visual enclosure to both of these gardens. The new dwelling is not what you would expect to see in a garden environment and is a considerably greater scale than that of an outbuilding. I do not consider this reason for refusal has been overcome in the current scheme.

- 8.14 The property of No.222 Cromwell Road is located 8.4m away from the application site and 12.3m away from the proposed two storey part of the new dwelling. This nearby property has no upper floor flank windows and there is a wooden boundary fence by this property adjacent to the access road. I do not consider the position and scale of the proposed dwelling would lead to a harmful sense of enclosure or loss of outlook to this neighbour.

#### *Privacy*

- 8.15 The position of windows on the building remains unchanged from the previous scheme (16/1905/FUL). The building has been shifted back on the site but I do not consider this is detrimental to neighbours' privacy as the windows and rooflights could be conditioned to be obscure glazed, non-opening or to have louvers if the scheme was otherwise considered acceptable.
- 8.16 In my opinion the proposal does not respect the residential amenity of its neighbours and the constraints of the site and I consider that it is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

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

- 8.17 No private amenity space was provided for future occupiers in the previous scheme. The current scheme provides a small side garden of 14sq.m. However, the amenity space is of poor quality as there is no gate shown into the space and the wall surrounding it would be only 450mm high. It is located by the junction of Cromwell Road and the access road. I do not consider this provides quality or private amenity space. I acknowledge the proposed dwelling is a one bedroom unit, however the site is within a predominantly suburban location where it is reasonable to expect a provision of private amenity space. I agree with the justification of private amenity space as contained in paragraph 8.12 of the previous Committee Report



for 16/1905/FUL. The provision is linked to good design (NPPF paragraphs 56 and 57). Nearby Coldham's Common does not offer private garden space where you can privately use or hang washing etc. I do not consider the provision of amenity space is acceptable as it is not private or good quality. The boundary wall needs to be low to achieve appropriate vehicular visibility splays and therefore I do not consider a condition could overcome this.

- 8.18 Large front windows are proposed at ground and first floor as on the previous scheme. The building has been set back further from the street compared to the previous scheme. However, I still consider the size of the bedroom window affords little privacy to future occupiers as the window is only set back between 0.85m to 2m from the footpath. Some low level vegetation is proposed which helps provide some defensible space but does not sufficiently address the privacy of future occupiers. This is another indication of overdevelopment of the site and does not provide a satisfactory arrangement of internal and external spaces and points towards poor design.
- 8.19 In my opinion the proposal does not provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that this is not compliant with Cambridge Local Plan (2006) policies 3/7, 3/10, 3/11 and 3/12.

### **Refuse Arrangements**

- 8.20 The bin store for the proposed dwelling and No.150 and 150a Coldham's Lane is considered satisfactory for the number of units proposed and complies with the RECAP Waste Management and Design Guide 2012.
- 8.21 In my opinion the proposal is compliant with Local Plan 2006 policy 3/12.

### **Highway Safety**

- 8.22 The Highways Authority notes the car parking spaces are too narrow to be practical as the adjacent walls will prevent car doors opening. It also notes that no car parking provision is made for the new dwelling.

- 8.23 The car parking provision is similar as for the previous scheme. The car parking arrangement was not given as a reason for refusal by Planning Committee for the previous scheme. Although, the size of the spaces and manoeuvring is not ideal, the scheme does show a 6m gap behind the spaces to help with manoeuvring. For these reasons I do not recommend a highway safety reason for refusal of the scheme.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.25 The Local Plan (2006) includes maximum car parking standards. The site is located off Coldham's Lane, which is well served by public transport and contains shops and services. The proposed cycle store provides two spaces which is compliant with the Local Plan (2006).
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Drainage**

- 8.27 The Sustainable Drainage Officer has asked for the application to be refused as the proposed development is identified at high risk of surface water flooding. Insufficient information has been supplied to address this. It is considered the proposal fails to comply with the National Planning Policy Framework (2012). If I was minded to approve the application, I would recommend that the requirement for this information be conditioned.

## **9.0 CONCLUSION**

- 9.1 The proposed development would be too prominent and not in keeping with the surrounding streetscene. The proposal would create a detrimental level of visual enclosure to the rear gardens of No.150 and 150a Coldham's Lane. Poor quality private amenity space has been provided and the size and positioning of the bedroom ground floor window close to the street would lead to a lack of privacy for future occupiers.

## 10.0 RECOMMENDATION

**REFUSE** for the following reasons:

1. By reason of its siting, scale and depth, the proposal would result in an overly dominant built form that would appear too prominent against the rear gardens of Coldham's Lane properties, the front gardens of Cromwell Road properties and adjoining single storey outbuildings. For these reasons, the proposal would be harmful to the character of the area and contrary to policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan 2006.
2. The height, length and siting of the proposed building would lead to an unacceptable level of enclosure to the outlook from the rear gardens of Nos. 150 and 150a Coldham's Lane to the detriment of the amenities of their occupiers. The development is therefore contrary to policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006.
3. The private amenity space provided is unacceptable and poor design and quality for this suburban location. The size and positioning of the ground floor window is located too close to Cromwell Road and would lead to a lack of privacy for future occupiers. The scheme therefore does not provide an appropriate standard of residential amenity for future occupiers and is not compliant with Cambridge Local Plan (2006) policies 3/7, 3/10, 3/11 and 3/12 and NPPF (2012) paragraphs 56 and 57.

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**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0838/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st May 2017	<b>Officer</b>	Lorna Gilbert
<b>Target Date</b>	26th July 2017		
<b>Ward</b>	Coleridge		
<b>Site</b>	44 Clifton Road Cambridge CB1 7ED		
<b>Proposal</b>	Change of use from existing B2 (General Industrial) to D1 (Museum) with administrative, retail and food and drink space		
<b>Applicant</b>	Dr Sarah James 44, Clifton Road CAMBRIDGE CB1 7ED		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> It is considered the proposal will comply with policy 7/3 of the Local Plan 2006.</li> <li><input type="checkbox"/> The change of use would not adversely harm neighbours' amenities or adversely affect highway safety.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 Clifton Road Industrial Estate lies to the east of Hills Road and railway line. The estate is north of Cherry Hinton Road and west of Rustat Road, taking its access from Cherry Hinton Road. It comprises a spine road with some units facing the road itself and some in small courtyards served by spurs off the main road. The site is classified in the Cambridge Local Plan 2006 as a Protected Industrial Site for B1(c), B2, B8 uses only. Land to the east of the site is residential.

1.2 The industrial units are of varying sizes, consisting of flat roofed two storey buildings.

1.3 Unit 44 is located by a corner. To the north it borders Unit 45 and to the west Unit 43. The industrial estate signage indicates Unit 43 is occupied by Inder's Kitchen and unit 45 by Capital Valves Ltd. The Planning Statement explains that Unit 44 is presently unoccupied with the most recent tenant leaving in December 2016.

## 2.0 THE PROPOSAL

2.1 The proposal seeks the change of use of Unit 44 from B2 (general industrial) to D1 (museum) with ancillary administrative (B1), retail gift shop (A1) and food and drink cafe space (A3).

2.2 The building will be used as an interactive science centre and supporting staff/head quarter office, and will be known as Cambridge Science Centre. They previously occupied a premise at 18 Jesus Lane, Cambridge but the lease came to an end. A larger space is required.

2.3 The museum will employ 19 permanent members of staff and 10 casual workers.

2.4 The opening hours proposed are for staff Tuesday to Friday between 9am and 5.30pm and it will be open to the public between 9.30am and 5pm those days. At weekends it will open from 10am until 5pm and 5pm to 7pm for private parties.

## 3.0 SITE HISTORY

Recent history:

Reference	Description	Outcome
C/77/0592	Use of building for retail sales and hire depot (extension of period consent)	Approved
C/81/0782	Erection of light industrial and warehouse units (submission of reserved matters)	Approved
C/83/1044	Erection of 7 warehouse/industrial units	Approved with conditions
C/86/0573	Retention and use of building as shop, offices and store	Approved with

	(extension of period consent)	conditions
C/88/0381	Erection of building for the sale and hire of agricultural and horticultural machinery and general building contracting plant.	Approved with conditions

Relevant change of use planning applications at other units on Clifton Road Industrial Estate:

Unit 34 Clifton Road 14/1514/FUL	Change of use from industrial unit (B1/B2/B8) to a personal training suite	Approved November 2014
Unit 10 Clifton Road 15/0230/FUL	Change of use from B8 (warehouse) to sui generis fitness and training centre, rehabilitation and performance centre and health clinic providing osteopathic, physiotherapy and massage therapies.	Approved April 2015
Unit 47 Clifton Road 16/0682/FUL	Change of use from sui generis (gym) to B1c/B2/B8 use	Approved June 2016
Unit 31c Clifton Road 16/1643/FUL	Change of use from existing office use (B1) to leisure use (D2), comprising a martial arts training space and administrative space.	Approved November 2016

#### 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 3/6 3/7 3/11 4/13 6/10 7/1 7/3 8/2 8/4 8/5 8/6 8/9 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) Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001). Cambridge Landscape and Character Assessment (2003)



	<p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p>
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, the following policies in the emerging Local Plan are of relevance: Policy 20

## 6.0 CONSULTATIONS

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

*Comments dated 6<sup>th</sup> June 2017:*

- 6.1 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.
- 6.2 Unless and until such information has been submitted the Highway Authority objects to the proposal as there is insufficient

information provided within the application to provide informed advice to the Planning Authority of the likely impact of the proposal upon the highway network.

*Comments dated 7<sup>th</sup> July 2017:*

- 6.3 The applicant has put some notes in the Design and Access Statement, rather than provide the Transport Statement requested.
- 6.4 The notes make various statements about visitor numbers without referencing the basis upon which these assumptions are made.
- 6.5 Additional information to substantiate the assumptions is required.

*Comments dated 3<sup>rd</sup> August 2017:*

- 6.6 The applicant has provided the Transport Statement requested.
- 6.7 The notes provide sufficient information to satisfy the Highway Authority that no significant adverse impact upon the operation of the highway network should result should this proposal gain benefit of planning permission.

### **Environmental Health**

*Comments dated 16<sup>th</sup> June 2017:*

- 6.8 Limited details have been provided on the extent of cooking on site to serve the proposed food and drink space. Due to the close proximity to residential properties, unabated odour from cooking has the potential to harm local amenity.
- 6.9 It is recommended that details are provided in accordance with Annex B and C of DEFRA *guidance on the control of odour and noise from commercial kitchen exhaust systems...* dated January 2005.
- 6.10 Details are also required on the proposed museum interactions and activities with regards to the potential for noise generation.
- 6.11 The proposed hours of opening area also required.

*Comments dated 6<sup>th</sup> July 2017:*

- 6.12 Environmental Health have been re-consulted on this application. The Design and Access Statement does not address the issues raised. As such, those previous comments remain relevant.

*Comments dated 24<sup>th</sup> July 2017 following receipt of additional information to address Environmental Health's comments received on 10<sup>th</sup> July 2017:*

- 6.13 The additional information is reasonable. Suggests a condition prohibiting amplified music.

### **Planning Policy**

- 6.14 7/3 in the 2006 Local Plan needs to be looked at and the applicant would have to evidence the justification of the loss using the criteria.

- 6.15 The emerging plan reallocates the area for 550 dwellings and 2ha of employment and leisure related uses (Site M2 and Policy 20).

- 6.16 We have sent our modifications to the Inspector and when her response to these comes through these policies will have more weight.

- 6.17 Policy 20 requires an SPD for the Clifton Road site and that no major application for the area is submitted until this is completed and adopted.

### **Disability Consultative Panel (Meeting of 27<sup>th</sup> June 2017)**

- 6.18 This proposal lacked detail in key areas such as the accessibility of the entrance, the Reception area and the quality of the accessible WC. Whether accessible parking provision had been considered was also unclear. Should this museum wish to accommodate school groups an alternative, more flexible location is recommended.

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

## **7.0 REPRESENTATIONS**

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

- 36 Clifton Road

7.2 The representation can be summarised as follows:

- Concerns over the lack of parking space available on the site and surrounding streets.
- This is already a major issue with guests attending Unit 35, despite the owners best efforts to get people to park in the multi storey car park, we often find cars parked in the private bays on our property. It is especially bad during holiday periods, weekends and evenings.
- We require 24/7 access to our site.

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

## Principle of Development

- 8.2 Policy 7/3 of the Local Plan 2006 (Protection of Industrial and Storage Space) is of relevance to this planning application. The policy reads:

*Development, including changes of use, that results in loss of floorspace within Use Classes B1(c), B2, and B8 will not be permitted where the site is identified on the Proposals Map as a protected Industrial/storage site. Development, including changes of use, that result in a loss of floorspace within Use Classes B1(c), B2 and B8 elsewhere in the City will only be permitted if:*

- a) there is sufficient supply of such floorspace in the City to meet the demand and/or vacancy rates are high; and either*
- b) the proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use; or*
- c) the continuation of industrial and storage uses will be harmful to the environment or amenity of the area; or*
- d) the loss of a small proportion of industrial or storage floorspace would facilitate the redevelopment and continuation of industrial and storage use on a greater part of the site; or*
- e) redevelopment for mixed use or residential development would be more appropriate.*

- 8.3 The applicant has provided information in relation to this policy. It explains the latest annual monitoring report (2016) figures show there has been an increase of B2/B8 employment space across the city by 2,023sq.m. It also identifies planning permission in place for 159,513sq.m of B1-B8 uses that are currently under construction and 175,443sq.m of outline and/or reserved matters permissions for B1-B8 uses that have not been implemented.
- 8.4 Planning Policy has not objected to the change of use and the applicant has supplied information in relation to criteria (a).
- 8.5 The proposal then needs to meet either one criteria between b and e.

- 8.6 In terms of criteria (b) the applicant explains that the current vacant B2 use would generate on average 8 employees. In contrast, the Cambridge Science Centre will create up to 29 jobs (19 permanent and 10 casual), which would lead to an increase of 21 jobs. In my view, this satisfies criteria b.
- 8.7 I do not consider it can be argued that the continuation of industrial and storage uses will be harmful to the environment or amenity of the area in criteria c.
- 8.8 I do consider the loss of a small proportion of industrial or storage floorspace would facilitate the continuation of industrial and storage use on a greater part of the site as under criteria d.
- 8.9 The emerging Local Plan intends to allow this area to be used for employment, leisure and residential uses. A relevant change of use application reference 16/1643/FUL was approved in November 2016, at 31C Clifton Road, Cambridge, for the change of use from office use (B1) to leisure use (D2), comprising a marital arts training space and administrative space. Planning Policy responded that *'the proposal to change the use of these units is acceptable. The overwhelming factor in coming to this opinion is the that the Council, in proposing to allocate this site for mixed uses, has already accepted the principle of the loss of industrial uses on this site. In this light, the fact that there is no evidence of marketing of these units to demonstrate that there is no ongoing need for them to remain in industrial use is not an significant concern'*.
- 8.10 Paragraph 21 of the National Planning Policy Framework 2012 states that *'in drawing up Local Plans, local planning authorities should:...support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.'* Paragraph 22 explains *'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the*

*relative need for different land uses to support sustainable local communities.'* The National Planning Policy Framework indicates some flexibility for a different use of allocated employment sites, such as at No.44 Clifton Road.

- 8.11 Policy 20 of the emerging Local Plan is not yet adopted but includes a policy relating to the Clifton Road Area of Major Change. It explains the principle land uses in the Clifton Road Area are a mix of Class B1(a) and B1(b) employment uses, leisure related uses, residential uses and open spaces. As the emerging Local Plan has not been adopted, most weight is given to the current Local Plan 2006. As Planning Policy has not objected to the change of use, I consider the proposal meets the relevant criteria of policy 7/3 of the Local Plan 2006, I consider the principle of the change of use is acceptable.
- 8.12 In my opinion, the principle of the development is acceptable and in accordance with policy 7/3 of the Local Plan 2006 and National Planning Policy Framework 2012 guidance.

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

- 8.13 The proposal is a change of use application and therefore external changes are not being proposed. Planning history shows that changes of use away from B1, B2 and B8 uses have been accepted at Clifton Road Industrial Estate at units 10, 31c and 34. I consider the proposed change of use to primarily D1 use would integrate well with the immediate locality and the wider City and complies with policy 3/4 and 3/7 of the Local Plan 2006.

### **Disabled access**

- 8.14 The Disability Panel highlighted that there is a lack of detail about disabled access.
- 8.15 The agent has responded to the Disability Panel's comments in an email received on 13<sup>th</sup> September 2017. They explain that *'the site was chosen because of the ramp to the door, the wide entrance and the ability to build a disabled toilet. The applicants have also specifically designed their exhibit tables to accommodate a wheelchair underneath, they have planned a hearing loop for the new centre, and have a plan for deaf*

*patrons fire evacuation. They are also reviewing a proposal to have quiet sessions for visitors with ASD'.*

- 8.16 The proposed plans show the main entrance to the unit extends 1.8m wide and the site visit confirmed it has level access. The exhibition area and shop and café area are at ground floor and can be accessed by those in wheelchairs. The ground floor plan shows the introduction of a WC that is 5.5sq.m with a doorway of 0.9m wide, which opens outwards. In my view, this is an acceptable size for a disabled toilet. The first floor is served by stairs that leads to offices and kitchenette and additional WC. The Transport Statement explains one of the car parking spaces will be a disabled parking space.
- 8.17 I consider the information supplied is acceptable.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

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

- 8.19 The unit is located 18m from Regency Square, a residential block located across the road from the application site. The residential uses are located to the east of the application site. The surrounding uses to the north, west and south are occupied by units part of the Clifton Road Industrial Estate.
- 8.20 I do not consider the proposal would lead to a loss of light, privacy or outlook to neighbours' as it is a change of use application.

#### Noise and disturbance

- 8.21 I consider the separation distances between Unit 44 and residential units to the east is sufficient to avoid any unreasonable noise and disturbance issues caused by the change of use. There is also a road which separates the application site from the nearest residential neighbours.
- 8.22 An email from the agent dated 10<sup>th</sup> July 2017 provided additional information in response to Environmental Service's initial concerns. It confirmed that no cooking or food



preparation would take place on site. It also confirms there will be no use of noxious chemicals etc. It does confirm that it will be available for private children's birthday parties. Environmental Services accept the response to their queries but suggest a condition prohibiting amplified music as children's birthday parties are mentioned. I recommend a condition to ensure all windows and doors to the unit are kept shut in such a scenario.

#### Overspill car parking

- 8.23 A third party has raised concerns about the lack of car parking spaces available on the site and the surrounding streets. They mention that people attending other industrial units use private spaces at their industrial unit. It goes on to say they need 24/7 access to their site.
- 8.24 The Transport Statement explains there are six on site car parking spaces for Unit 44 and an enclosure for a bike rack (6 cycle bays). There is also scope to have an adjustable cycle rack on the front elevation for 10 bikes. The site is approximately 1 mile from the city centre and has good transport links to Cambridge train station and the Cambridge guided Bus Service which are around 10 minutes walk away. It is also around 5 minutes walk from regular bus services that serve Cherry Hinton Road and Hills Road. These roads also have cycle lanes. The nearest car parks are Cambridge Leisure and Cambridge Station. There is some on street car parking provision on Clifton Road.
- 8.25 Many of the school visitors will be delivered to the site and dropped off by coach. At their previous site, schools either walked to the centre or were dropped off by coach/minibus within walking distance.
- 8.26 The majority of visitors are expected on a Saturday when a number of the businesses on the business park are closed.
- 8.27 The Highways Authority finds the Transport Statement to be acceptable. I consider the site is well served by a variety of modes of transport and is close to bus and train links. It is also close to the multi-storey car park at Cambridge Leisure for those who travel by car. Many of the visitors will be children which will travel in groups from school which lessens the impact

on car parking spaces. I consider the proposal would not be detrimental to neighbours' amenities in terms of overspill car parking, considering the information provided to support the application. Anyone parking on a private forecourt does so at their own risk of a fine or clamping.

- 8.28 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.

### **Refuse Arrangements**

- 8.29 The Design and Access Statement explains no hazardous chemicals will be used. There is sufficient space at the front of the unit for bin storage. However, I recommend a condition be attached for further information to be provided.
- 8.30 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.31 The Highways Authority considers that there will be no significant adverse impact upon the operation of the highway network should planning permission be granted.
- 8.32 I consider the Transport Statement has provided sufficient information with respect to highway safety.
- 8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.34 Appendix C car parking standards of the Local Plan 2006 explains that museums and exhibition venues outside a Controlled Parking Zone explain car parking is done on merit. The proposal provides six on-site car parking spaces and one of these will be allocated a disabled car parking space. I consider the Transport Statement justifies the provision of car parking proposed.

- 8.35 Appendix D of the Local Plan 2006 sets out the cycle parking standards. It requires one space for every two members of staff and visitors on merit. The proposal is for up to 16 cycle parking spaces. The Transport Statement explains that at any one time there will be a maximum of 15 of members of staff on site. I consider the cycle parking provision to be acceptable. I recommend a condition for further details of the cycle parking.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **9.0 CONCLUSION**

- 9.1 It is considered the proposed change of use meets the criteria in Policy 7/3 of the Local Plan 2006 and would not adversely harm neighbours' amenities or adversely affect highway safety. Therefore I recommend the planning application be approved.

## **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. All windows and doors shall remain closed at Unit 44 Clifton Road, Cambridge if amplified music is played.

Reason: In the interests of residential amenity and to accord to policy 4/13 of the Local Plan 2006.

4. Details of the bin and recycle storage and waste management and bike storage arrangements shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a block plan showing where they shall be located.

Reason: In the interest of neighbour amenities and highway safety and to accord to policies 3/7, 4/13 and 8/6 of the Local Plan 2006.

5. The premises shall be used for D1 (museum) with ancillary administrative (B1), retail (A1) and food and drink (A3) space and for no other purpose (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt, and because use of the building for any other purpose would require re-examination of its impact. (Cambridge Local Plan 2006 policies 3/4, 3/12, 4/13 and 8/2)

**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0957/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th June 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	10th August 2017		
<b>Ward</b>	Romsey		
<b>Site</b>	190-192 Mill Road And 2B Cockburn Street Cambridge Cambridgeshire CB1 3LP		
<b>Proposal</b>	Reconfiguration and extensions, incorporating dormer windows, and alterations to roof of building to provide 12 residential units (net increase of 9 units) along with bin and cycle storage.		
<b>Applicant</b>	C/O Agent C/O Agent		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would preserve the character and appearance of the Conservation Area</li> <li>- The proposed works would respect the amenities of neighbouring properties.</li> <li>- The proposal would provide an acceptable living environment for future occupants.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site is comprised of a tattoo studio and three residential flats on the corner of Mill Road and Cockburn Street. The existing building fronting onto Mill Road is two-storeys in scale with a shopfront at ground-floor level and a consistent rhythm of first-floor windows above. The Cockburn Street elevation is comprised of a small residential unit, set back from the road, and situated adjacent to the larger two-storey mass of no.2b Cockburn Street which has residential floorspace above ground-floor garages.. The surrounding area is comprised of a

range of commercial units along Mill Road and typically terraced properties along the side streets.

- 1.2 The site falls within the Mill Road East District Centre and the Central Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks planning permission for extensions and reconfiguration works to the existing buildings to provide 12 residential units (net increase of nine units), including bin and cycle storage.
- 2.2 The overall ridge height (8.9m) of the highest buildings, nos.190 – 192 Mill Road, would not be altered under the proposed development. The ridge height of the smallest building, adjoining the rear of no.192 Mill Road, would be increased to 8.5m and the ridge height of no.2B Cockburn Street rose up to 8.65m. The proposal includes the addition of dormer windows along the roofs of Cockburn Street and Mill Road, as well as other alterations to the fenestration of the buildings.
- 2.3 The footprint of the proposed building would be increased at two-storey level, with extensions to infill the vacant space between no.192 Mill Road and no.2B Cockburn Street, as well as moving the building line of the small terraced property fronting Cockburn Street forward.
- 2.4 The proposed units would all be accessed from Cockburn Street and bin and cycle storage would be situated at the end of the site in an enclosed element of the rear-most building. The proposed units would all be studios, the smallest of which would have an internal space area of approximately 23.5m<sup>2</sup>. No works to the tattoo studio are proposed.

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
17/0493/FUL	Change of Use from Retail (Use Class A1) to Tattoo Parlour (Sui Generis Use)	Permitted.
C/94/0539	INSTALLATION OF ROLLER SHUTTER DOORS TO EXISTING SHOP FRONT (A1).	Permitted.

C/90/0811	ERECTION OF A TWO STOREY DWELLING.	Refused.
C/83/0040	Provision of shop front	Permitted.
C/66/0094	New shop front and internal alterations	Permitted.

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning	Sustainable Design and Construction (May)

Guidance	2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)  Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

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

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

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



## **6.0 CONSULTATIONS**

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

6.1 The 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 which the Planning Authority may wish to consider when assessing this application. In the event of approval, the following conditions should be applied:

- Returning of vehicle crossover to normal footway;
- Traffic management plan;
- Traffic management plan informative; and
- Highways informative

### **Environmental Health**

6.2 No objection, subject to the following conditions:

- Construction hours;
- Collection during construction;
- Dust;
- Noise insulation scheme; and
- Dust informative

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

6.3 It is unfortunate that the small set back section is shown as rendered. Currently this element is in brick and so relates to 190/2 Mill Road. The new façade also needs to be in brick to continue this relationship. The door to this element looks very modern and should be a copy of the existing panelled door.

6.4 There are no proposals shown for the courtyard space. The applicant needs to demonstrate that this space will be secure, including the access to Unit S2, and achieve an improved outlook from the surrounding units.

6.5 Daylighting levels in Units S3, S5 and S6 needs to be assessed to demonstrate that they will receive adequate daylighting. Looking at the floorplans, a number of the bathrooms do not

'stack' and there is a concern that this could result in external soil and waste pipes that will impact negatively on the elevations.

6.6 Subject to the above matters being addressed, the following conditions are recommended:

- Materials sample panel;
- Joinery;
- Roofing details;
- Dormer details; and
- Large scale drawings of iron/ steel railings

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

6.7 It is not clear what is being done with the remaining back yard space and whether any of it will be accessible to the tenants. Nor how it will be accessed. A stair case accesses this space, and one of the ground floor flats is accessed via this yard but how is it reached? Is there space around the side of the bike and bin store?

6.8 The tight urban location does not lend itself to additional landscape treatments, but the alcove for the Cockburn Street access could be softened with planting which would be a welcome addition to the street.

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

6.9 No objection subject to drainage condition.

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

6.10 No objection subject to bird box condition.

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

## **7.0 REPRESENTATIONS**

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

- 9 Cockburn Street
- 5 Charles Street

7.2 The representations can be summarised as follows:

- The area is too small to take 12 new dwellings.
- Increase in parking pressure
- Pollution from numbers of vehicles going to and from the site.
- Increased pressure on local amenities
- Loss of privacy

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.

- 8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.
- 8.4 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 (and impact on heritage assets)**

- 8.5 The proposed works would not have a significant impact on the appearance of the Mill Road frontage of nos.190 – 192. The proposed dormers and velux windows would be positioned to mirror the positions of the first-floor windows below and are subservient in scale and form. The proposed hip-to-gable extension on the corner of Cockburn Street would not appear out of context with the area given that there is already a gable end on the opposite side of Cockburn Street.
- 8.6 The proposed alterations to the fenestration at ground-floor and first-floor level along Cockburn Street are welcomed and provide a more coherent and engaging frontage than that of the existing building at no.2b Cockburn Street. The proposed raising of the ridges along Cockburn Street would not harm the character or appearance of the Conservation Area as these elements would still appear subservient to the overall ridge of the Mill Road frontage building. The relationship of building scales stepping down as the building extends out to the secondary street would still be achieved and the proposal integrates well into its context. The existing smaller building in-between no.192 Mill Road and Cockburn Street would still read as a subordinate form through its lower ridge line and set back from the street frontage. I have recommended materials, roofing and dormer details conditions.
- 8.7 The central building along Cockburn Street has been amended from render to brick at the request of the Urban Design and Conservation Team. It is acknowledged that the Urban Design and Conservation Team has raised a concern with the lack of

stacking of bathrooms and the potential impact this may have on the elevation of the building in the form of multiple downpipes. However, the installation of downpipes does not usually require planning permission and I do not consider it would be reasonable to refuse the application on this basis. Comments have also been made concerning the security of the rear courtyard and the quality of this space but I consider that this can be secured through the hard and soft landscaping condition. Similarly, the soft landscaping at the front of the alcove on Cockburn Street could be secured through condition.

- 8.8 In my opinion, the proposed works and alterations would preserve the character and appearance of the Conservation Area.
- 8.9 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.10 There are no windows on the side (north) elevation of nos.2 and 2a Cockburn Street that face towards the application site. The proposed development would not be prominent from the garden or windows of this neighbour and I am confident that this relationship would be acceptable. There are two windows on the south elevation that may allow for oblique view across the garden of this neighbour but these would be high level.
- 8.11 There is a comfortable separation distance from no.194 Mill Road to the east and the increase in ridge height proposed would not result in any harmful visual enclosure or overshadowing being experienced at this neighbouring property. There are already views across the street towards this neighbour and the proposal would not result in any harmful loss of privacy.
- 8.12 The proposed extensions would not harm the amenity of the residential flats above no.188 Mill Road in my opinion. There is a bedroom window on the rear elevation of the first-floor flat immediately adjacent to no.190 Mill Road. The proposed physical works and additional increases in ridge heights would

be set away from this neighbour's window and the additional mass would not lead to a significant increase in overshadowing in the morning or overbear this outlook in my opinion. The proposed additional extensions and ridge height increases would therefore not result in any harmful loss of light or visual enclosure being experienced at these adjoining flats. There would be a comfortable separation distance from the main rear courtyard space of these flats also. The upper-floor windows facing towards these neighbours would all be obscure glazed and I do not consider a harmful loss of privacy would be experienced.

8.13 It is acknowledged that concerns have been raised regarding the pressure on on-street car parking that the proposal would cause. The site is well served by public transport along Mill Road and is located in a central location within the City. There are also good cycle links from the site into the heart of the City and the railway station is within walking distance. The residential units would all be one-bedroom in size and the City Council has maximum car parking standards. In my opinion, the development would not be dependent on car parking as the main means of travel and I do not consider any additional pressure on surrounding streets would be significant enough to harm the amenity of the wider area.

8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

#### Amenity for future occupiers of the site

8.15 The proposed development would provide 12 studio units in an urban context with access to local amenities and facilities within walking distance. The site is situated within the Mill Road East District Centre and there are cycle and public transport links into the City Centre. It is acknowledged that the Urban Design and Conservation Team have queried the likely daylight levels reaching three of the proposed flats. In my view, as all of the units would have at least one habitable outlook, the levels of light reaching these rooms would provide an acceptable living environment for future occupants.

- 8.16 The majority of the units fall below the space standards (37m<sup>2</sup> for studios) within the emerging local plan (2014) but these standards have not been formally adopted. In addition, the size of the studios is reflective of other developments in the local area, such as the flats on the corner of Campbell Street and Mill Road (16/1780/S73) that are in the process of being built. No meaningful outdoor amenity space is proposed under this application but the site is in a dense urban context where many properties do not benefit from outdoor amenity space. The proposed flats would be single-occupancy and would not be occupied by families which typically have a greater need for private outdoor amenity space.
- 8.17 In my opinion the proposal provides an acceptable living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

### **Refuse Arrangements**

- 8.18 The proposal includes a large internal bin store with a straightforward means of access onto Cockburn Street for collections.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.20 The Highway Authority has raised no objection to the proposal.
- 8.21 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.22 Car parking has been addressed in paragraph 8.13 of this report.
- 8.23 The proposal includes 12 cycle parking spaces internally within the building which accords with the minimum standards of the Local Plan (2006).

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

### **Third Party Representations**

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

<u>Comment</u>	<u>Response</u>
<ul style="list-style-type: none"> <li>- The area is too small to take 12 new dwellings.</li> <li>- Increased pressure on local amenities</li> </ul>	<p>The proposed units would be situated in a dense urban context where there are other high density residential developments. I do not consider the quantum of development would put a significant strain on local shops, facilities and services and consider the current level of provision to be adequate.</p>
<p>Pollution from numbers of vehicles going to and from the site.</p>	<p>I do not anticipate the proposal would be dependent on private car as the main means of travel and the site is situated outside the air quality management area.</p>
<p>Loss of privacy</p>	<p>This representation was made by a third party that is a considerable distance from the application site. I have assessed the proposal and its impact on immediate neighbours with respect to loss of privacy.</p>

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

8.26 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.

- 8.38 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 The proposed development would preserve the character and appearance of the Conservation Area. The proposal would respect the amenities of neighbours and would provide an acceptable living environment for future occupants.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

Reason: To provide an acceptable living environment for future occupants (Cambridge Local Plan 2006 policies 3/7 and 4/13).

7. The redundant vehicle crossover of the footway must be returned to normal footway and kerb at no cost to the Highway Authority.

Reason: for the safe and efficient operation of the public highway (Cambridge Local Plan 2006 policy 8/2)

8. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority.

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

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. 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)

11. 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)

12. Prior to the commencement of development, full details of all external joinery including frames, thresholds, mullions, transoms, finishes, colours, etc., shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policy 4/11)

13. Prior to commencement of development hereby permitted, large scale drawings of iron/steel railings and railing finials shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved drawings and retained thereafter.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

14. The windows identified as having obscured glass on drawing number PL-2-01 shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to 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 3/14).

15. The windows identified as being high level on drawing number PL-2-01 shall be installed no lower than 1.7m above the finished floor level of the first-floor prior to occupation of the development hereby permitted and shall be retained as such thereafter.

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

16. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; other vehicle and pedestrian access and circulation areas (including security mechanisms for entry/ exit); hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); 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 and 3/11)

17. 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 and 3/11)

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

Reason: To minimise flood risk (National Planning Policy Framework (2012) paragraph 103).

19. 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 bird boxes on the development hereby permitted. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancement to the surrounding area (Cambridge Local Plan 2006 policy 4/3).

**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:** Traffic management plan details; The principle areas of concern that should be addressed are:

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

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

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

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.

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**PLANNING COMMITTEE**

**DATE: 4<sup>TH</sup> OCTOBER 2017**

<b>Application Number</b>	17/0963/S73	<b>Agenda Item</b>	
<b>Date Received</b>	1st June 2017	<b>Officer</b>	Lorna Gilbert
<b>Target Date</b>	27th July 2017		
<b>Ward</b>	Coleridge		
<b>Site</b>	Land Rear Of 183 - 187 Cherry Hinton Road Cambridge Cambridgeshire CB1 7BX		
<b>Proposal</b>	Section 73 application to vary planning permission reference 08/0125/FUL (as amended by 08/0125/NMA1 to add approved plans condition) for demolition of 187 Cherry Hinton Road and erection of three storey building consisting of 5 flats together with the erection of 4 semi-detached three storey town houses to allow the addition of dormers to the rear houses.		
<b>Applicant</b>	Mr & Mrs Verrecchia 69 Cavendish Avenue Cambridge CB1 7UR		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed dormers are considered acceptable in terms of their design and scale and would harmonise with the surrounding area.</li> <li><input type="checkbox"/> It is considered the dormers would not adversely harm residential amenities.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the northern side of Cherry Hinton Road. The front of the site contains a block of flats, which have been completed. There are two access routes to the rear part of the site from Cherry Hinton Road.

- 1.2 The four houses approved under previous permission reference 08/0125/FUL at the rear of the site are currently under construction. This application relates to these houses.
- 1.3 The site borders No. 181, 183, 185 and 189 Cherry Hinton Road to the south. To the east lies properties No.14 to 17 Coniston Road. To the north-east beyond the rear site boundary lies the garden for No.193 Coleridge Road. The western site boundary borders No.195 to 201(odd) Coleridge Road and No.181 Cherry Hinton Road. The rear part of the site is surrounded by houses that are associated with Coleridge Road and Coniston Road and a substantial number of trees and mature vegetation.
- 1.4 No.193 Cherry Hinton Road, the neighbouring property to the east is a three storey property in residential occupation as student flats. This building has been extended to the rear at considerable depth.
- 1.5 The site is located within the Cambridge Airport Safeguarding Zone for referral of structures over 15m.

## **2.0 THE PROPOSAL**

- 2.1 The current application seeks to vary the approved drawings condition added under the non-material amendment application reference 08/0125/NMA1, which relates to the original permission reference 08/0125/FUL.
- 2.2 It seeks to substitute approved drawings reference 1188.P.112 Rev.A and 1188.P.200 Rev.A with the following drawings 1188.P.112 Rev.C and 1188.P.200 Rev.C.
- 2.3 The proposal is to add rear dormers on the north elevation at second floor level to each of the four approved dwellings. These dormers each measure 3.85m wide (4.45m including the roof projection), and extends 2.95m in depth (3m including the roof projection) and 2m high.
- 2.4 They will be clad in timber effect cladding.
- 2.5 The application is accompanied by the following supporting information:

## 1. Drawings

### 3.0 SITE HISTORY

Reference	Description	Outcome
08/0125/NMA1	Non-material amendment application to 08/0125/FUL for an additional condition listing the approved drawings.	PERM dated 30.05.2017
16/0809/NMA	Non material amendment on application 08/0125/FUL for: a) Changes to the external materials of the dwellings b) Retention of an existing brick wall c) Partial demolition of an existing building to provide a garage for the existing dwelling on site,	PERM dated 01.06.2016
13/0657/S73	Section 73 application for the variation of Condition 5 of Planning Permission 08/0125/FUL to allow phasing of the approval	Approved
11/0664/EXP	The development proposed is the demolition of 187 Cherry Hinton Road and the erection of a three storey house of flats in its place, together with the erection of 4 semi-detached houses at the northern end of the site in place of the garages. (An approved road off Cherry Hinton Road serves the houses and flats. 14 car parking spaces and 7 bicycle parking spaces will be provided).	WDN
08/0125/FUL	Demolition of 187 Cherry Hinton Road and the erection of a three storey building consisting of 5 flats, together with the erection of 4 semi-detached, three storey town houses at the northern end of the site in place of the	Refused, Allowed at appeal

	garages. An approved road off Cherry Hinton Road serves the houses and flats. 14 car parking spaces and 7 bicycle parking spaces will be provided.	
07/1397/REM	Replacement of existing house (187 Cherry Hinton Road), with a three storey building consisting of 5 flats; demolition of garages to the rear to be replaced with 4 semi-detached three storey town houses and off-road parking.	Withdrawn
C/04/0438	Outline application for residential development in place of existing garages.	Approved
C/98/0211	Change of use from residential dwellinghouse (class C3) to a mixed use comprising residential dwellinghouse and guest house; and two storey side extension.	Refused, Dismissed at appeal
C/93/0316	Outline planning permission for two bungalows.	Refused
C/86/0273	Change of use from private dwelling house to guest house and erection of two storey extension.	Refused
C/78/0509	Erection of car port	Approved
C/77/0541	Retention of general storage building	Approved
C/75/0729	Change of use of light industrial building(Class III) to storage building(Class X)	Approved

#### 4.0 PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies:

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (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)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Roof Extensions Design Guide (2003)

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways Development Control)

- 6.1 The Highway Authority does not consider that this application has any implications that merit comment by the Highway Authority.
- 6.2 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

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

- 193 Coleridge Road
- 10, 11, 15 Coniston Road

- 7.2 The representations can be summarised as follows:

- The houses were approved at appeal with the current balance of our amenity with the developer's profits. The appeal enforced this condition in order to protect our privacy, which this change now proposes to sacrifice.
- Reference is made to the original proposal 08/0125/FUL – the developer made it very clear that: "..the mass of the building is reduced to a single storey at the rear." (Section 3 "Proposals" Paragraph 5) and "There are no windows to the north except for on the ground floor and skylights in the pitched roofs.
- Reference to the Council Planning Officer's Report for 08/0125/FUL - "The asymmetrical design of the roof to the four houses will reduce overshadowing of the garden of 193 Coleridge Road". (Section 8.17), [points out that there are no significant windows on the high north face of the blocks] (Section 8.16), "..The Asymmetrical roof design of the proposed houses will keep the bulk of the development and highest part of the houses away from the north boundary. For these reasons I consider the close siting of the development to the north boundary and its impact on the neighbour to be reasonable." (Section 8.28, and also section

8.17), replacement of the high-level roof lights with dormer windows offer no advantage to the internal amenities of the houses and for this reason I see little prospect of future occupiers wishing to remove the roof lights and install dormer windows. (Section 8.29, in full).

- The Appeal decision points out that the buildings "have been designed to avoid overlooking..." If these things are no longer the case, we question if the Appeal would have been passed at all.
- Reference conditions on the original consent relating to obscure glazing and that planning permission is required for dormers.

Other comments raised:

- Cars – there are 9 new households and 14 new spaces. This is too few. Parking pressures.
- Traffic – Concerned with access arrangement and potential increase in accidents.
- Noise pollution – 9 households represents about 20+ new residents. It will have a huge impact on the quiet neighbourhood.
- Light and sunshine – all neighbours will have their light reduced – 3 storey town houses will restrict light.
- Rubbish – It represents 27 new bins. What is the bin arrangement? To put bins onto this street will be a hazard to an already busy street/cycleway/pedestrian route.
- Oppose the 3 storey height of the buildings and proximity to boundaries as it will have a severe impact on all the neighbours.
- There is little attempt to keep the design and character of the surrounding properties. New houses out of character.
- Three storey development is visually intrusive. Concerned with the visual impact.
- Privacy.

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

## **8.0 ASSESSMENT**

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

- 8.1 The proposal seeks permission to install a rear roof dormer on each of the approved four semi-detached properties to the rear of the site. The houses are currently under construction.
- 8.2 The dormers proposed would be set in at least 0.5m from the sides and 2.4m down from the roof ridge and 2m up from the eaves. In my opinion, this helps them to appear subservient. They would be constructed from timber effect cladding. They would not be easily seen from nearby streets as the site is bounded by rear gardens of properties. There are a number of trees located close to the rear site boundary which adds some screening at the rear from the proposed dormers. I consider the proposed scale and position of the dormers is acceptable in terms of their design and appearance and they would harmonise with the site and surrounding area.
- 8.3 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

### **Residential Amenity**

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

- 8.4 No.193 Coleridge Road has a long rear garden which is around 50m in length beyond the rear of the dwelling. The rear of this neighbouring property is located 20m from the application site boundary. This neighbour's garden is located north of the application site. I do not consider the proposal would adversely harm the residential amenity of the dwelling of No.193 Coleridge because of the separation distance between the proposal and dwelling, combined with the orientation of the proposal. The properties are at right angles to one another. The proposed windows would not directly face this neighbour's house. The proposal does however face towards the rear part of this neighbour's garden. This neighbour has raised an objection to the proposal. They are concerned the dormers would harm their privacy and have made reference to the original planning permission 08/0125/FUL.



- 8.5 The original planning permission the current application seeks to amend went to East Area Committee for decision. The Committee Report reference 08/125/FUL explains under paragraph 8.16 that *'the flats and the houses have been designed with principal windows facing to the front and rear with only a few small secondary windows in flank walls.'* It recommends a condition for the side facing windows to be obscure glazed to protect the privacy of neighbours. The report does not raise concerns with the original rear rooflights and ground floor windows proposed. Paragraph 8.28 refers to the four houses location in relation to the northern boundary. It concludes *'I consider the close siting of the development to the north boundary and its impact on the neighbour to be reasonable'*. Paragraph 8.29 does mention that *'replacement of high level rooflights with dormer windows offer no advantage to the internal amenities of the houses and for this reason I see little prospect of future occupiers wishing to remove the roof lights and install dormer windows'*. The application was refused at East Area Committee for the following reasons: *'it would introduce two pairs of substantial semi-detached houses into this relatively small backland area, in such proximity to the northern site boundary will provide inadequate amenity space for the proposed family dwellinghouses. Development of the scale proposed, together with the associated servicing: the bicycle and bin storage and space for car parking and maneuvering would result in a cramped form of development. The proposal is not considered to be well connected to and integrated with the immediate locality, to constitute good design that would contribute positively to making this place better for people, or to have responded to context'*. The second reason for refusal was concerned with the S106 provisions. The reasons for refusal did not directly specify residential amenity.
- 8.6 An appeal was lodged against the refusal of the planning application (08/0125/FUL) and it was allowed on appeal. Paragraph 8 the appeal decision touched on residential amenity. In reference to the semi-detached houses it says they will *'be of a distinctive design incorporating an asymmetrical roof form with roof lights to the north elevation and a flat roof three storey section on the south facing elevation. While slightly higher than the existing dwelling in the area they have been designed to avoid overlooking and potential overshadowing of the nearest properties in Coleridge Road and Coniston Road. Any side facing windows to stair wells would be*

*obscure glazed to further protect the privacy of the adjacent residents. Having regard to the fact that the site is at the rear of existing development but is in relatively spacious surroundings I consider that the design of the dwellings responds appropriately to the setting'.* The appeal decision includes a condition to obscure glaze the side windows of the approved properties but this doesn't refer to the rear windows including upper floor rooflights. Condition 15 removes permitted development rights for windows and dormers. This has resulted in the submission of this application.

- 8.7 For this current planning application for the proposed dormers, the shallowest rear garden measures 2.6m in length and the dormers are set in 2.5m from the rear wall of the houses. This means the dormers are set back a minimum of 5.1m from the boundary with No.193 Coleridge Road. The dormers would serve bedrooms at the properties.
- 8.8 The proposed dormer windows under the current planning application are located between 6.1m and 7.3m above ground level. They face towards the rear garden of No.193 Coleridge Road and are set back at least 5.1m from this neighbour's boundary. There are a number of trees located by this shared boundary which provides screening between both sites, although it is acknowledged there is likely to be less screening provided during the winter months. I recommend a condition for the dormer windows to be obscure glazed up to 1.7m high above final floor level and recommend 45 degree opening restraints are required. These windows are single bedrooms and are not the master bedrooms and therefore it is considered acceptable in this instance. These measures would avoid the neighbour to the north experiencing an unreasonable loss of privacy. I therefore consider the position and scale of the dormers would not be detrimental to the privacy of this neighbouring property.
- 8.9 I do not consider the proposal would lead to overshadowing or harm outlook or create harmful noise disturbance to nearby properties due to the scale and position of the proposed dormers. I also do not consider it would adversely harm the privacy of nearby properties.

- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/13.

### **Highway Safety**

- 8.11 The Highways Authority does not object to the proposal and I do not consider the nature of the scheme would harm highway safety.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.13 The proposal creates four x four bedroom properties. It creates an additional bedroom for each of the houses compared with original consent reference 08/0125/FUL. The cycle and car parking provision remains unchanged from the previous approved scheme and this is consistent with the Local Plan 2006. Therefore I consider the current provision is acceptable.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.15 A number of the third party comments relate to the original scheme which has already been approved. The comments relating to the scale, appearance and residential amenity have been answered in the sections above.

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

- 8.16 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.

8.17 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.

8.18 The Developer Contribution Monitoring team has confirmed that the Unilateral Undertaking (B) for permission 08/0125/FUL, which links to this proposal has all been paid.

## **9.0 CONCLUSION**

9.1 It is considered the proposed roof dormers are acceptable in terms of their scale and appearance and would not adversely harm residential amenities.

## **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 windows in the dormer windows on the north elevation at second floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of the houses and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

3. Conditions 2-18 of planning permission 08/0125/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 08/0125/FUL have been discharged, the development of (17/0963/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. 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.
5. Except with the prior agreement of the local planning authority in writing, there shall 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 to Saturday and there shall be no collections or deliveries on Sundays or Bank and public holidays.
6. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition and construction periods has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

7. Prior to the commencement of development, a contaminated land assessment and associated remedial strategy, together with a timetable of works shall be submitted to and approved in writing by the Local Planning Authority:
- (i) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority 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 local planning authority prior to investigations commencing on site.
  - (ii) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
  - (iii) 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 local planning authority. The local planning authority 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.
  - (iv) 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.
  - (v) 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 local planning authority.

- (vi) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the local planning authority. 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.
8. The facilities for on-site storage of waste, including waste for recycling, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the planning authority.
  9. Prior to occupation of the four dwellings to the rear of the site, the windows in the side walls of each house shall be glazed with obscure glass that prevents overlooking of the rear gardens of the neighbouring properties and shall be permanently retained as such.
  10. No dwelling shall be occupied until the proposed vehicular access, parking spaces, driveway and turning spaces have been constructed in accordance with the approved details and finished with surfacing materials that have been approved in writing by the local planning authority. The parking and turning spaces provided shall thereafter be retained and shall not be used for any other purpose.
  11. 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.

12. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping 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.
13. 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.
14. No development shall take place until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the development hereby permitted is 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.



15. The facilities for cycle storage, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the local planning authority.
16. Before the development hereby permitted is commenced, details of the following matters shall be submitted to and approved in writing by the local planning authority:
  - (i) contractors access arrangements for vehicles, plant and personnel
  - (ii) contractors site storage area/compound
  - (iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site
  - (iv) the arrangements for the parking of contractors vehicles and contractors personnel vehicles

Thereafter the development shall be undertaken in accordance with the approved details.

17. Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or dormer windows shall be constructed other than those expressly authorised by this permission.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or additions or garages shall be erected other than those expressly authorised by this permission.
19. Notwithstanding the approved plans, prior to the commencement of development full details shall be submitted to and approved in writing by the local planning authority for an appropriate location for the storage of wheelie bins on collection days close to the site entrance. The development shall be carried out in accordance with the approved details.

20. Prior to the commencement of the development hereby approved a bollard shall be introduced at the entrance of the western access to the site to ensure that it is not used for motor traffic.



## Appeal Decision

Site visit made on 8 December 2008

by **Howard Rose** DMS DipTP MRTPI  
MCIWM

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6BN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
19 January 2009

### Appeal Ref: APP/Q0505/A/08/2082017 187 Cherry Hinton Road, Cambridge, CB1 7BX

- 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 Mr G Verrecchia against the decision of Cambridge City Council.
- The application Ref. 08/0125/FUL, dated 24 January 2008, was refused by notice dated 30 April 2008.
- The development proposed is the demolition of 187 Cherry Hinton Road and the erection of a three storey house of flats in its place, together with the erection of four semi-detached three-storey houses at the northern end of the site in place of the garages. (An approved road off Cherry Hinton Road serves the houses and flats. Fourteen car parking spaces and seven bicycles parking spaces will be provided.)

### Procedural Matter

1. The Council's second reason for refusal of the planning application referred to the fact that the proposal does not make appropriate provision for open space, community facilities, education and Area Transport Contributions in accordance with relevant policies of the adopted Cambridgeshire and Peterborough Structure Plan and the adopted Cambridge Local Plan. However, in making the appeal the appellant has submitted a legal undertaking which pledges the provision of financial contributions for the above facilities. The undertaking is acceptable to the Council and I am satisfied that in the event of the appeal being successful these matters would be dealt with appropriately.

### Decision

2. The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

### Main issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

4. The appeal site is in a predominantly residential area on the north side of Cherry Hinton Road between the junctions with Coniston Road and Coleridge Road. It is essentially in two parts consisting of the frontage to the road where the dwelling no.187 stands and land to the rear which is occupied by an ice cream van depot and 18 disused lock-up garages. The two parts of the site are linked by a narrow strip of land which is part of the curtilage of a recently

constructed house between the front and rear of the site and part of the curtilage of 193 Cherry Hinton Road immediately east of the appeal site. These properties are within the ownership of the appellant. There is also a narrow lane between nos. 181 and 183 Cherry Hinton Road which gives access directly to the rear part of the site.

5. The surrounding area is characterised by a mixture of dwelling types essentially of two storeys, though the property at 193 Cherry Hinton Road is a substantial three storey building in residential occupation as student flats.
6. The proposed development would be in two parts. A three storey block of 5 flats is proposed to replace the existing house and two pairs of three storey semi-detached houses would replace the depot and garages at the rear of the site. A new vehicular access to the main road would be formed by combining the existing accesses to no 187 with the existing access to the recently constructed dwelling. The existing narrow lane between 181 and 183 Cherry Hinton Road would remain as a secondary access to the site.
7. The three storey flats at the front of the site would be designed with a pitched roof and two storey appearance to the front elevation and with a flat roof three storey section at the rear. However, the building would follow the existing building line and its overall height would be similar to that of the other dwellings on the frontage. Consequently, because of the tight arrangement of the semi-detached dwellings on this frontage, the proposed flats would fit in acceptably in the street scene.
8. The two pairs of semi-detached dwellings at the rear of the site would be of a distinctive design incorporating an asymmetrical roof form with roof lights to the north elevation and a flat roof three storey section on the south facing elevation. While slightly higher than the existing dwellings in the area they have been designed to avoid overlooking and potential overshadowing of the nearest properties in Coleridge Road and Coniston Road. Any side facing windows to stair wells would be obscure glazed to further protect the privacy of the adjacent residents. Having regard to the fact that the site is at the rear of existing development but is in relatively spacious surroundings I consider that the design of the dwellings responds appropriately to the setting.
9. I find that the proposal would accord with policy 3/4 of the adopted Cambridge Local Plan which makes it clear that development will be permitted where it demonstrates that it has responded to its context and drawn inspiration from the key characteristics of its surroundings. I, therefore, conclude that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area.

#### **Conditions**

10. The Council has suggested a number of conditions, in addition to the standard timescale condition, which it would wish to see included in the event that the appeal is successful. Those dealing with operations during construction of the development, limitations on permitted development, waste storage and the fixing of windows are necessary to protect the amenities of existing residents. Those dealing with landscaping, materials and boundary treatment are necessary to ensure that the development fits in acceptably with its

surroundings. Those dealing with cycle storage, contaminated land survey and archaeology are necessary and relevant to the proposed use of the land.

### **Conclusions**

11. The proposed development would accord with the development plan and there are no material considerations which would indicate otherwise. I have taken account of all other matters raised but they do not outweigh the main considerations that have led me to my decision. For the reasons given above I conclude that the appeal should be allowed.

### **Formal Decision**

12. I allow the appeal, and grant planning permission for the demolition of 187 Cherry Hinton Road and the erection of a three storey house of flats in its place, together with the erection of four semi-detached three-storey houses at the northern end of the site in place of the garages. (An approved road off Cherry Hinton Road serves the houses and flats. Fourteen car parking spaces and seven bicycles parking spaces will be provided). The site is 187 Cherry Hinton Road, Cambridge, CB1 7BX. The permission is in accordance with the terms of the application, Ref. 08/0125/FUL, dated 24 January 2008, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except with the prior written agreement of the local planning authority, 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.
- 3) Except with the prior written agreement of the local planning authority, there shall be no collection from, or deliveries to, the site during the demolition and construction stages, outside the hours of 0700 hours and 1900 hours Monday to Saturday and there shall be no collections from, or deliveries on Sundays or Bank and Public Holidays.
- 4) No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition and construction periods has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.
- 5) Prior to the commencement of development, a contaminated land assessment and associated remedial strategy, together with a timetable of works shall be submitted to and approved in writing by the local planning authority:
  - (i) The contaminated land assessment shall include a desk study to be submitted to the local planning authority 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 local planning authority prior to investigations commencing on site.

- (ii) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
  - (iii) 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 local planning authority. The local planning authority 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.
  - (iv) 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.
  - (v) 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 local planning authority.
  - (vi) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the local planning authority. 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.
- 6) The facilities for on-site storage of waste, including waste for recycling, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the local planning authority.
  - 7) Prior to occupation of the four dwellings to the rear of the site, the windows in the side walls of each house shall be glazed with obscure glass that prevents overlooking of the rear gardens of neighbouring properties and shall be permanently retained as such.
  - 8) No dwelling shall be occupied until the proposed vehicular access, parking spaces, driveway, and turning spaces have been constructed in accordance with the approved details and finished with surfacing materials that have been approved in writing by the local planning authority. The parking and turning spaces provided shall thereafter be retained and shall not be used for any other purpose.
  - 9) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby

permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping 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 and other storage units, signs, lighting); proposed and existing functional services above and below the 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.
- 11) All hard and soft landscaping 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 in writing by the local planning authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of 5 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.
- 12) No development shall take place until details of the positions, design, height, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the development hereby permitted is 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.
- 13) The facilities for cycle storage, as shown on the approved drawings, shall be provided prior to occupation of the dwelling to which the storage facilities relate. The facilities shall be retained thereafter unless agreed in writing by the local planning authority.
- 14) Before the development hereby permitted is commenced, details of the following matters shall be submitted to and approved in writing by the local planning authority:
  - (i) contractors access arrangements for vehicles, plant and personnel

- (ii) contractors site storage area/compound
- (iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site
- (iv) the arrangements for the parking of contractors vehicles and contractors personnel vehicles

Thereafter the development shall be undertaken in accordance with the approved details.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or dormer windows shall be constructed other than those expressly authorised by this permission.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or additions or garages shall be erected other than those expressly authorised by this permission.
- 17) Notwithstanding the approved plans, prior to the commencement of development full details shall be submitted to and approved in writing by the local planning authority for an appropriate location for the storage of wheelie bins on collection days close to the site entrance. The development shall be carried out in accordance with the approved details.
- 18) Prior to the commencement of the development hereby approved a bollard shall be introduced at the entrance of the western access to the site to ensure that it is not used for motor traffic.

*Howard Rose*

INSPECTOR



## CAMBRIDGE CITY COUNCIL

REPORT OF: Director of Planning and Economic Development

TO: Planning Committee      DATE: 4<sup>th</sup> October 2017

WARD: Queen Ediths

### **PLANNING ENFORCEMENT REPORT FOR:**

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**Address: 146 Mowbray Road, Cambridge, Cambridgeshire CB1 7TG**

#### **Details of Alleged Breaches of Planning Control:**

**Breach of conditions 2 and 3 of planning permission reference number 14/1143/FUL for First floor side extension, and internal and external alterations at 146 Mowbray Road; subject to conditions.**

SUMMARY	A Planning Enforcement investigation has been carried out and ascertained that a breach of planning control have occurred at the premises.
RECOMMENDATION	Serving one Breach of Condition Enforcement Notice and one Breach of Condition notice directed at remedying the harm caused as a result of the breach occurring. The breaches result in an unauthorised additional separate unit of accommodation being created and the recommendation looks to ensure compliance in the short term and onwards.
NOTICE TYPE	Enforcement Notice Breach of Condition Material Change of Use x1 and Breach of Condition Notice.

# 1 INTRODUCTION

- 1.1 146 Mowbray Road is a three storey semi-detached house on the western side of Mowbray Road. This is consistent with the character of the road. Planning permission was granted in 2014 for a first floor side extension on top of the existing garage and conversion of the garage to living accommodation.
- 1.2 Information was received in early 2017 that the both floors of the side extension were being used as a separate unit of accommodation at the premises. A site visit in February 2017 confirmed this and the owner was advised to revert to plans passed or to test the acceptability of the additional unit of accommodation through a retrospective planning application. A recent site visit confirmed that there was no functional internal link between the side extension and the dwelling house and the owner verbally stated that he did not want to change the current situation. No retrospective application has been received.
- 1.3 The site is not in a Conservation Area and there are no protected trees, listed buildings or Buildings of Local Interest (BLI) in the vicinity. The site is not in the Controlled Parking Zone (CPZ).

# 2 PLANNING HISTORY

## 2.1 Planning applications

C/82/0358	Erection of garage and covered way	Granted Permission
14/1143/FUL	First floor side extension and internal and external alterations.	Granted Permission

## 2.2 Planning Enforcement

EN/0192/15 – Boundary issues concerning alleged build not in accordance with approved plans

Current Investigation ref:EN/0017/17

# 3 COMMENTS OF ENFORCEMENT INVESTIGATION

- 3.1 The site was initially referred to the Planning Enforcement Team by officers from the city council Environmental Health Team on 26<sup>th</sup> January 2017 and a phone conversation took place where the owner denied the

use of the extension as a separate unit of accommodation. A subsequent site visit by an enforcement officer took place on 1<sup>st</sup> February 2017 where it was found that a door located on the ground floor of the side extension and shown on plans passed on the 21014 planning permission was in fact a wall. This results in a loss of a functional link between the original dwelling house and the two storey side extension. The site visit confirmed that the side extension had the facilities present where it could be used as a separate unit of accommodation. Whilst the use of the separate unit of accommodation is an unauthorised material change of use in itself, it has come about as a result of two breaches of condition attached to the planning condition granted for the extension. Evidence was obtained during this visit in relation to the alleged breaches of planning permission.

- 3.2 A request for information from the owner relating to findings of the site visit was made on 18<sup>th</sup> March 2016 to which the owner replied that the builder who undertook works at the premises would reply with the information. Council records show that no reply was received.
- 3.3 Council records show that the owner was advised of the breach by letter on 9<sup>th</sup> February 2017.
- 3.4 Shortly afterwards, after speaking to the builder concerned with the development, council records show that a planning application was invited to test if planning permission could be retrospectively granted for the use of the side extension as a separate unit of accommodation. No such application was received despite correspondence being sent at the end
- 3.5 A case review was initially carried out and no retrospective planning applications have been received for any of the four breaches identified and listed below:

On 2nd September 2014 planning permission was granted by the Council under reference number 14/1143/FUL for First floor side extension, and internal and external alterations at 146 Mowbray Road; subject to conditions.

Two of these conditions were:

## Condition 2

**Without planning permission, the unauthorised change of use of the Premises to a large scale House in Multiple Occupation (sui generis)**

**Without planning permission, the unauthorised change of use of part of the ground floor (outlined in blue on attached plan for identification purposes only) of the main dwellinghouse at the Premises as a separate unit of self-contained accommodation.**

**Without planning permission, the unauthorised erection of an outbuilding (outlined in brown on attached plan for identification purposes only) at the Premises.**

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

- 3.6 It is considered that planning conditions could not overcome the identified planning harm described in the reasons for service of the notice with regard to these unauthorised changes of use and operational development at the premises at the time of writing this report.
- 3.7 It is noted that the breaches would be immune from enforcement action after 4 years from the date that the breaches occurred. If the decision were taken not to continue with formal enforcement action the unauthorised changes of use and operational development would benefit from planning consent after 4 years.
- 3.8 Despite the multiple natures of breaches at the premises it is recommended in the interests of planning clarity to serve one enforcement notice covering the alleged three unauthorised uses at the Premises. This matter was reviewed by Principal Planning Officers on 10<sup>th</sup> February 2017 and a decision was taken not to serve a notice requiring the demolition of the outbuilding at the premises. It is recognised that a structure approximately of the same dimensions would benefit from permitted development rights if erected for use incidental to the activities at the rest of the premises. The steps to comply in the notice reflect and give planning clarity as to what must be carried out in order for the outbuilding at the premises to be used in such an incidental

manner of use. In relation to each breach, all interested parties are to be served with notice to carry out the requirements of the notice.

## **4 RELEVANT PLANNING POLICIES AND OTHER MATERIAL CONSIDERATIONS**

### 4.1 The National Planning Policy Framework states:

'Para 207 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'

### 4.2 National Planning Policy Guidance states:

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

### 4.3 Cambridge Local Plan 2006

3/1 Sustainable Development  
3/4 Responding to context  
3/7 Creating successful places  
3/10 Sub-division of Existing plots  
3/12 The Design of New Buildings  
3/14 Extending buildings  
4/3 Safeguarding features of amenity  
5/2 Conversion of Large Properties  
5/7 Supported housing/Housing in multiple occupation  
8/6 Cycle Parking

## **5 INVOLVEMENT OF OTHER COUNCIL DEPARTMENTS OR OTHER AGENCIES**

- 5.1 During the course of the investigation contact has been made with the following agencies/departments to seek to address issues at the site which fall outside of the planning enforcement remit but which other departments may be able to address:
- Environmental Health Officers have been contacted in respect of the living arrangements and have advised that a HMO licence has been granted.
  - Highways stated when consulted on the recent retrospective planning application that additional parking demands at the premises may lead to loss of residential amenity.
- 5.2 The planning enforcement officers have taken into account the parking comments and will work with HMO Licencing Officers to assist where possible as the service of an enforcement notice may lead to a variation of the HMO licence at some point in the future.

## **6 CONSIDERATION OF ENFORCEMENT OPTIONS**

- 6.1 It appears to the Council that the breaches of planning control have occurred within the last 4 years.
- 6.2 The Council has no record that planning permission has been granted for the works outlined above.
- 6.3 It is considered that planning conditions could not overcome the identified planning harm described within the reasons for service of the Enforcement notice with regard to these unauthorised changes of use and operational development.
- 6.4 It is noted that the breaches would be immune from enforcement action after 4 years from the date that the breaches occurred. If the decision were taken not to continue with formal enforcement action the unauthorised changes of use and operational development would benefit from planning consent after 4 years.
- 6.5 Despite the multiple natures of breaches at the premises it is recommended in the interests of planning clarity to serve one enforcement notice covering the alleged three unauthorised uses at the Premises. This matter was reviewed by Principal Planning Officers on 10th February 2017 and a decision was taken not to serve a notice requiring the demolition of the outbuilding at the premises. It is

recognised that a structure approximately of the same dimensions would benefit from permitted development rights if erected for use incidental to the activities at the rest of the premises. The steps to comply in the notice reflect and give planning clarity as to what must be carried out in order for the outbuilding at the premises to be used in such an incidental manner of use. In relation to each breach, all interested parties are to be served with notice to carry out the requirements of the notice.

- 6.6 It is noted in this investigation that the existence of one breach may affect the chances of planning consent being permitted in relation to another breach at the premises. It is also acknowledged that a notice served in relation to the alleged unauthorised erection of the outbuilding at the Premises, would require the demolition of a structure that would likely to be granted planning permission as incidental in use to the activities at the rest of the premises. Such uses include those not normally found inside the main dwelling house at the Premises and therefore the outbuilding if allowed to remain should not contain any cooking facilities, sleeping accommodation or items that can reasonably be expected to be contained within the main building. There are various examples of case law which reflects what is deemed to be incidental. Whilst an enforcement notice stating for such facilities or items to be removed from the outbuilding may seem onerous, it should be seen as an example of where the use of enforcement notices can lead to instances of underenforcement where it is considered practicable and correct to do so.

## **7 POLICY CONSIDERATIONS**

- 7.1 Enforcement is a discretionary power and the Planning Committee should take into account the planning history, the details of the breaches of planning control and the other relevant facts set out in this report.
- 7.2 Officers investigating the breach of planning control and setting out their recommendations have been mindful of, and complied with the Planning Enforcement Policy and the City Council's Corporate Enforcement Policy.
- 7.3 Consideration should be given to the Human Rights Act 1998 and to the Equality Act 2010. In terms of human rights, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) as being relevant

considerations. The Council must also have regard to its public sector equality duty (PSED) under S.149 of the Equality Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing, minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

## **8 OTHER MATTERS**

- 8.1 The following issues have also been raised in respect of the enforcement investigation by the complainant/developer

- Personal circumstances
- Costs

Consideration has been given to the points raised however, it is concluded that these would not override the need to remedy the breach of planning control in this instance.

## **9 RECOMMENDATION**



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

- 9.1 (i) To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) alleging that there has been a breach of planning control within the last four years, involving the unauthorised material change of use of the Premises into a large scale House in Multiple Occupation, (Sui Generis), the unauthorised change of use of part of the ground floor of the main building at the premises as a separate self-contained unit of accommodation and the unauthorised use of the outbuilding at the premises as a separate self-contained unit of accommodation, specifying the steps to comply and the period for compliance set out in paragraphs 9.2 and 9.3, for the reasons contained in paragraph 9.4.
- (ii) to authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- (iii) to delegate authority to the Head of Planning Services (after consultation with the Head of Legal Services) to exercise the Council's powers to take further action in the event of non-compliance with the enforcement notice.

## 9.2 Steps to Comply

- 9.21 Permanently cease the use of the Premises as a large scale House in Multiple Occupation (sui Generis).
- 9.22 Permanently reduce the number of persons living at the premises to no more than six(6) where the premises are not entirely inhabited by members from one family.
- 9.23 Permanently cease the use of part of the ground floor (outlined in blue on attached plan for identification purposes only) of the main dwelling

house at the Premises as a separate unit of self-contained accommodation.

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

9.25 Permanently remove all but one set of kitchen and cooking facilities from the Premises, including the outbuilding.

9.26 Permanently remove all beds and bedding materials not in storage from the outbuilding.

9.27 Permanently remove the shower from the outbuilding.

9.3 Period for Compliance:

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

9.4 Statement of Reasons:

- (i) It appears to the Council that the breach of planning control has occurred within the last four years (Section 171B(1)). The applicant has undertaken development without the benefit of planning permission
- (ii) The change of use of the Premises into a large scale House in Multiple Occupation includes the provision of accommodation for 12 persons over 8 bedrooms which results in a highly intensive use of the site. This results in an unacceptable living environment for the current and future residents through: cramped living conditions; cramped external amenity space, particularly in the rear garden between buildings; and, noise and disturbance and a poor level of privacy to occupiers of the ground floor rear self-contained unit of accommodation and through the coming and goings of people to and from the bike shed, the outbuilding used as a separate unit of self-contained unit of accommodation and in their use of the garden. This gives rise to conditions unlikely to result in a high quality living environment for the current and future occupiers of the site. This is contrary to Policies 3/1, 3/4, 3/7, 3/10, 3/14, 5/2 and 5/7 of the Cambridge Local Plan 2006.

- (iii) The change of use of the Premises as a large scale House in Multiple Occupation results in an insufficient level of garden space for occupants. Properties in this area generally have much larger gardens and given that the House in Multiple Occupation is occupied by a high intensity of people, adequate garden space is critical to providing a high quality living environment for future occupiers. This results in a failure to provide a high quality living environment for occupiers. This is contrary to Cambridge Local Plan (2006) policies 3/7 and 5/7.
  
- (iv) The creation of a separate self-contained unit of accommodation to the ground floor rear of the main dwelling house at the premises in conjunction with the use of the rest of the main dwelling house as a large scale HMO results in a highly intensive use of the site. This results in an unacceptable living environment for the current and future residents through: cramped living conditions; cramped external amenity space, particularly in the rear garden between buildings; and, noise and disturbance and a poor level of privacy to occupiers of the ground floor north-east facing self-contained unit of accommodation through the coming and goings of people in their use of the garden in close proximity to bedroom windows. This results in a failure to provide a high quality living environment for current and future occupiers of the site. This is contrary to Policies 3/1, 3/4, 3/7, 3/10, 3/14, 5/2 and 5/7 of the Cambridge Local Plan 2006.
  
- (v) Insufficient private amenity space has been provided at the premises for the large scale HMO use, the use of part of the ground floor as a separate unit of self-contained accommodation and the use of the outbuilding in the rear garden as a separate unit of accommodation. The outbuilding occupies a large footprint within the rear garden and significantly reduces the amount of amenity space for all three properties, in an area which is characterised by long rear gardens. Residents using the shared rear garden at No.49 Whitehill Road would be able to look into windows of either the main building or the single window serving the retrospective studio dwelling. Occupants of all dwellings would be able to overlook the outdoor amenity space and

therefore it does not provide adequate private amenity space for either dwelling. This is contrary to policies 3/10, 3/7 and 3/12 of the Local Plan (2006).

- (vi) The introduction of the self-contained unit of accommodation in the outbuilding located in the rear garden of the property increases the comings and goings to the property. Occupants and visitors to the self-contained unit of accommodation in the outbuilding walk along the side of the main dwelling of No.49 Whitehill Road and this may give rise to conditions resulting in noise disturbance to the main dwelling and fails to comply with policies 3/10 and 4/13 of the Local Plan (2006).
- (vii) Insufficient details have been received regarding bin and bicycle storage for either the main dwelling of No.49 Whitehill Road, the ground floor separate unit of accommodation or the retrospective studio dwelling. This is contrary to policies 3/7, 3/12 and 8/6 of the Local Plan (2006).
- (viii) The use of the outbuilding at the Premises as a separate unit of self-contained accommodation detracts from the prevailing character and appearance of the area. The nearby properties are characterised by long gardens to the rear that do not contain separate units of self-contained accommodation. The introduction of the use of the outbuilding as a separate unit of accommodation is therefore at odds with the predominant character of the area. This is contrary to policies 3/4, 3/7, 3/10 and 3/12 of the Local Plan (2006).
- (ix) It is considered that planning conditions could not overcome the identified objections with regard to this unauthorised change of use.

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

## **BACKGROUND PAPERS**

**Site visit site notes 8.7.16**

**Site visit photographs 8.7.16**

## **APPENDICES**

### **Plan detailing layout of site 'Premises'**

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

Report file: N:\Development Control\Planning\Committee\Committee Items for Submission to Committee Services\Planning Committee\2017\March 1st 2017

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