



Cambridge City Council Planning

Date: Wednesday, 1 November 2017

Time: 10.00 am

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

Contact: 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: 10am

- **Part Two**
Minor/Other Planning Applications
Start time: 12.30pm

- **Part Three**
General and Enforcement Items
Start time: At conclusion of Part Two

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

If the meeting should last to 6.00pm, the Committee will vote as to whether or not the meeting will be adjourned. If the decision is to adjourn the Committee will agree the date and time of the continuation meeting which will be held no later than seven days from the original meeting.

2 Apologies

3	Declarations of Interest	
4	Minutes	(Pages 17 - 34)
Part 1: Major Planning Applications (10am)		
5	17/0995/S73 - 220 Milton Road	(Pages 35 - 52)
6	17/1484/OUT - Land adjacent to Barnwell Lake	(Pages 53 - 86)
7	17/1225/FUL - 122-128 Newmarket Road, 2 and 5 Abbey Street	(Pages 87 - 130)
Part 2: Minor/Other Planning Applications 12.30pm		
8	17/0548/FUL - 60 Trumpington Road	(Pages 131 - 180)
9	17/1312/CL2PD - Citylife House, Sturton Street	(Pages 181 - 264)
10	17/1252/FUL - 12 Orchard Estate	(Pages 265 - 282)
11	17/1354/FUL - 7 Derby Street	(Pages 283 - 298)
12	17/1282/FUL - 339 Milton Road	(Pages 299 - 314)
13	17/1229/FUL - 2 Madras Road	(Pages 315 - 326)
14	17/1579/FUL - 124 Whitehill Road	(Pages 327 - 332)
15	17/1249/FUL - 178 Coldhams Lane	(Pages 333 - 352)
16	17/1299/FUL - 63 Ditton Walk	(Pages 353 - 378)
17	17/1444/S73 - 2 Barrow Road	(Pages 379 - 394)
18	17/1447/FUL - 58 Harvey Goodwin Avenue	(Pages 395 - 408)
19	17/0792/FUL - 23 Baldock Way	(Pages 409 - 428)
Part 3: General and Enforcement Items		
20	Enforcement - EN/0017/17 - 146 Mowbray Road	(Pages 429 - 438)

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)

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PLANNING

4 October 2017

11.00 am - 5.05 pm

Present:

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

Councillor Nethsingha left after the vote on item 17/171/Plan.

Officers:

City Development Manager: Sarah Dyer

Principal Planner: Nigel Blazeby

Principal Planner: Lorraine Casey

Principal Planner: Sav Patel

Principal Planner: Toby Williams

Senior Planner: Charlotte Burton

Senior Planner: Lorna Gilbert

Senior Planner: Michael Hammond

Planning Enforcement Officer: John Shuttlewood

Planning Enforcement Officer: Nick Smith

Planner: Mairead O'Sullivan

Legal Advisor: Rebecca Williams

Committee Manager: Toni Birkin

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

17/154/PlanApologies

No apologies were received.

17/155/PlanDeclarations of Interest

No declarations of interest were made

17/156/PlanMinutes

The minutes of the meeting held on 30th August 2017 were approved as a correct record and signed by the Chair.

17/157/Plan17/0970/FUL - St Regis House

The Committee received an application for full planning permission.

The application sought approval for 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.

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

The representation covered the following issues:

- i. Student numbers living on the site would rise from 63 to over a 100.
- ii. Current building is already the largest on the street. this building would be even bigger and would be located nearer the road.
- iii. Would dominant the street and cause overlooking.
- iv. Those living opposite the site would be faced with a much larger building that would be closer than the existing building.
- v. Road currently comprises a pleasing eclectic mix OF properties and uses.
- vi. Conference use would be problematic for residents.
- vii. Approval would give a green light for further densification in the area.

Justin Bainton, the Applicant's Agent, addressed the Committee in support of the application.

Councillor Sargeant, Chesterton Ward Councillor addressed the Committee regarding the application as follows:

- i. The design was mediocre and there was the potential for more enhancements.
- ii. This section of Chesterton Road was predominantly bay fronted. Victorian residential properties.
- iii. The design WAS neither a modern interpretation of the current street scape nor presented a pleasant contrast.
- iv. The mass of the building would be considerably closer to the pavement than the existing building.

- v. Limited access route would force taxis and delivery vehicles to park on the cycle lane.
- vi. The residential area offered very limited parking and would result in overspill parking into nearby streets.
- vii. Conference use would also result in increased demand for parking spaces.

Councillor Blencowe proposed an amendment to condition 40 OF the Officer's recommendation as follows (struck through words deleted):

The College accommodation hereby permitted shall be occupied only by students (including their partner and immediate family) of any of the Colleges of the University of Cambridge who are enrolled in full-time education on a course of at least one academic year at the University of Cambridge; or within the central block hereby permitted by Fellows of Clare College and visiting research fellows not exceeding more than 24 no. units at any one time and for a tenancy of no longer than 3 years unless otherwise agreed in writing by the Local Planning Authority; or by delegates of conferences or part-time students attending short courses organised by Clare College during the summer vacation period. All occupants of the College accommodation shall be subject to ~~proctorial control or~~ a tenancy agreement prohibiting the occupants (except for those who are registered disabled) from keeping a private motor vehicle within the City of Cambridge.

This amendment was carried **nem con.**

Councillor Blencowe proposed an additional amendment regarding the colour of the bricks as follow:

Prior to commencement of the development hereby permitted (excluding demolition and enabling works), notwithstanding the approved front and rear elevations of the Chesterton Road and Hamilton Road buildings, revised plans shall be submitted to and approved in writing by the local planning authority to show alternative brick detailing. Samples of the brickwork shall be submitted for approval via condition 18. The development shall be carried out in accordance with the agreed details.

This amendment was carried **unanimously.**

The Committee:

Resolved (by 6 votes to 1 and 1 abstention) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers and subject to the following amended wording for condition 40 and additional condition:

40. The College accommodation hereby permitted shall be occupied only by students (including their partner and immediate family) of any of the Colleges of the University of Cambridge who are enrolled in full-time education on a course of at least one academic year at the University of Cambridge; or within the central block hereby permitted by Fellows of Clare College and visiting research fellows not exceeding more than 24 no. units at any one time and for a tenancy of no longer than 3 years unless otherwise agreed in writing by the Local Planning Authority; or by delegates of conferences or part-time students attending short courses organised by Clare College during the summer vacation period. All occupants of the College accommodation shall be subject a tenancy agreement prohibiting the occupants (except for those who are registered disabled) from keeping a private motor vehicle within the City of Cambridge.

Reason: To ensure that the proposal meets student housing need, to ensure the amenity of future occupants is protected, to help foster an academic community and because the impact of car parking has been assessed on the basis of minimal car ownership of future occupants (Cambridge Local Plan policies 7/7, 3/12, 4/13 and 8/2).

41. Prior to commencement of the development hereby permitted (excluding demolition and enabling works), notwithstanding the approved front and rear elevations of the Chesterton Road and Hamilton Road buildings, revised plans shall be submitted to and approved in writing by the local planning authority to show alternative brick detailing. Samples of the brickwork shall be submitted for approval via condition 18. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality development which responds to the surrounding context (Cambridge Local Plan policies 3,4 and 3/12).

17/158/Plan17/0826/FUL - 2 Barrow Road

The Committee received an application for full planning permission.

The application sought approval for demolition of the existing dwelling and construction of a replacement dwelling.

The Committee received a representation in objection to the application on behalf of local residents.

The representation covered the following issues:

- i. Queried why the existing dwelling would be demolished and replaced. Suggested this proposal was not included in the original iteration or ex ante permission. Queried why the City Council had contacted the Applicant to include demolition of the existing property in their proposal.
- ii. Suggested the application did not comply with planning policy (eg character of the area) as referenced in the Officer's report in paragraphs 8.12, 8.14 and 8.15.
- iii. Suggested that ex ante permission was given undue weight in the Officer's recommendation.
- iv. Re-iterated that the 2015 decision gave planning permission, not permission for demolition of the original building.

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

Councillor Avery (Trumpington Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. He wanted the integrity of the Conservation Area protected.
- ii. Suggested that on its own, the application would not be approved, but the Officer had recommended approval on the strength of the ex ante permission. The permission was given before Conservation Area status was given to the location. The existing (ex ante) permission would not be granted now the location had Conservation Area status and there was no reason why it should be the overriding factor now.
- iii. Referred to the summary in the Officer's report setting out planning considerations.
- iv. Suggested that demolition of the existing property was not included in the original proposal.
- v. Queried if the ex ante permission was still relevant.
- vi. Suggested the site was being developed, not adapted as a family home.

- vii. Referred to Queen's Counsel comments included in residents' representations stating that councillors needed to exercise discretion when considering ex ante permission, to be mindful of all issues, and not treat it as a definitive rule to follow.
- viii. Referred to paragraph 10 in the Officer's report stating the application could (but may not) be called in by the National Planning Casework Unit for Secretary of State determination if approval were granted by Planning Committee.
- ix. The replacement building did not have sufficient merit to be implemented.

The Principal Planner (TW) clarified that the change in planning regulations regarding demolition meant that the previous description of development for the scheme needed to be changed during its consideration to reflect that permission also needed to include specific reference to demolition. Officers had contacted the Agent to get the planning description altered to reflect the change in legislation. As such, the existing permission included demolition of the existing building.

The Committee:

Resolved (by 4 votes to 3) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, subject to the conditions recommended by the officers and subject to the National Planning Casework Unit determining whether the application should be called in for determination by the Secretary of State.

Councillor Smart participated in the meeting discussion but not the vote as he was not present for the Officer's introduction.

17/159/Plan16/1691/FUL - Block B Student Castle, 1 Milton Road

The Committee received an application for change of use (sui generis - in the alternative) to allow the first and second floors of Block B and the identified DDA room (no. G01) in Block A as aparthotel rooms or student rooms.

The Committee received a representation in objection to the application from a local resident representing Friends of Mitcham's Corner.

The representation covered the following issues:

- i. Took issue with the argument there was a lack of demand for student accommodation.

- ii. Suggested that the Student Castle development was not making reasonable adjustments to make the building Disability Discrimination Act compliant.
- iii. There was no wheelchair accessible toilet.
- iv. Took issue with the sole accessible (DDA) room being shared by the student accommodation and hotel. If one organisation used it, the other could not.
- v. Suggested the Applicant was not meeting requirements to have a clearly defined parking space for the sole use of disabled drivers as the space was currently allocated for general use.

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

Councillor Sargeant (West Chesterton Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. There was a need for student accommodation.
- ii. The County Council expressed the view that the development would impose extra car parking demand in neighbouring streets.
- iii. Taxi parking was an issue. There were no attempts to manage this by the Student Castle development.
- iv. The development was originally aimed at short term lets. Queried if people would need car parking space(s) if they stayed for 90 days (as per the maximum length).
- v. Local residents had concerns that the Applicant would not adhere to planning consent conditions.
- vi. People would only get a travel information pack when they arrived (not before) which put pressure on parking facilities.

The Committee:

Voted to refuse the application contrary to the officer recommendation for the following reasons:

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);

Vote split as follows:

- On a show of hands Reason 1 was lost by 2 votes to 5.
- On a show of hands Members resolved to keep Reason 2 by 4 votes to 2.
- On a show of hands Reason 3 was lost by 3 votes to 4.
- On a show of hands Members unanimously resolved to keep Reason 4.

Resolved the application was contrary to the officer recommendation for reasons 2 and 4, as set out in the officer update report, as set out below:

- 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).
- 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).

17/160/Plan17/0753/FUL - 8A Babraham Road

The Committee received an application for full planning permission.

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

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

The representation covered the following issues:

- i. Requested the decision be postponed to consider the validity of figures in the light report and error shown in Appendix 3 of the second version. There was no change to the skyline visible through internal doors (or increased light) as shown in photos in the Objector's latest submission.
- ii. It was not possible to contact the Applicant's Consultant to obtain information on how report conclusions were made based on the figures included in the report.
- iii. Asked for an adequate explanation of light figures before planning permission be considered.

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

Councillor Moore (Queen Edith's Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. The apparent loss of light to the semi-detached neighbour was a concern.
- ii. Queried the discrepancy in figures between versions 1 and 2 of the light report.
 - a. Asked if this was a material consideration.
 - b. Requested a rule of thumb estimate from planners as to whether the light loss would have a significant impact on neighbours.

The Principal Planner (NB) responded to points made:

- i. The Objectors had invited parties to visit their property to gain more accurate information that could help inform a further examination of the daylight/sunlight assessment.
- ii. Officers did not consider this was necessary as they were confident the assessment conclusions already indicated that the impact on light was acceptable. Officers considered that further refinement of the input data would not materially alter the conclusions of the assessment. They had been undertaken by an accredited person in accordance with BRE guidance.
- iii. There is no policy requirement for proposals to comply with BRE guidance. Members were advised that it is guidance and just one of the material considerations to take into account in assessing the proposal.
- iv. 45 degree guidance had been met so a full daylight/sunlight assessment would not normally be requested. It was done so at the request of a Member.

- v. Alongside the assessment, the extant planning permission was also a material planning consideration. The proposal as revised does extend further into the garden at single storey but it is also moved away from the boundary resulting in a net change in impact that was not considered to be significant.

The Objector asked for it to be minuted that the Chair did not allow him to respond before the Committee went onto vote.

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.

17/161/Plan17/0801/FUL - 454 Milton Road

The Committee received an application for full planning permission.

The application sought approval for a 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.

The Planner referred to pre-committee amendments to recommendation as set out on the amendment sheet.

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 with the amendment below:

Approval subject to the conditions listed in the report (which includes the first 3 of the conditions recommended by EHO), the 6 standard contaminated land conditions (Please note that these would need to be inserted as condition nos. 3 – 8 in the decision notice) and the following bespoke condition:

- The residential properties, hereby permitted, shall not be brought into use until the noise insulation scheme and mitigation requirements have been implemented in accordance with the details within the

Cass Allen noise assessment dated 23 August 2017 (ref: RP01-17542). The development shall thereafter be maintained in accordance with these details.

(Reason – To protect the amenity of the adjoining properties)

17/162/Plan17/1402/FUL - 19 Fortescue Road

The Committee received an application for full planning permission.

The application sought approval for part two storey, part single storey rear extensions

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.

17/163/Plan17/0927/FUL - Jenny Wren, 80 Campkin Road

The Committee received an application for full planning permission.

The application sought approval for a 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.

The Senior Planner (MH) proposed a new condition to require the submission and approval of a scheme of works for substantial completion of the public house prior to demolition of the existing public house.

This amendment was **carried nem con**.

Councillor Price (Kings Hedges Ward Councillor – City Council) addressed the Committee about the application.

The representation covered the following issues:

Speaking in objection to the application on behalf of a resident of Beales Way who raised the following concerns:

- i. Overlooking.
- ii. Loss of privacy.
- iii. Lack of parking and impact on local streets.

Speaking as a Ward Councillor:

- iv. Planning policy was in place in the city to protect pubs.
- v. Referred to historic planning and officer advice to facilitate this.
- vi. Referred to paragraph #8.45 in the Officer's report which seemed to ignore safeguards to protect the pub facility.
- vii. Took issue with the application and suitability of proposed flats as homes.
- viii. Took issue with the design of the building and suggested it was low quality so did not meet planning policy.

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

The Committee:

Resolved (by 6 votes to 2) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus the following additional condition:

Prior to the demolition of the public house, a scheme of works for the substantial completion of the proposed public house, including a phasing plan for its provision, shall be submitted to and approved in writing by the Local Planning Authority. The public house shall thereafter be constructed in accordance with the approved scheme of works and phasing plan, unless an alternative phasing plan is otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the public house is physically replaced on the site to meet the day-to-day needs of the community, NPPF paragraph 70, Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (October 2012).

17/164/Plan17/0798/S73 - Brethren Meeting Room, Radegund Road

The Committee received a 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).

The Committee:

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

17/165/Plan17/1080/FUL - 15 Rutherford Road

The Committee received an application for full planning permission.

The application sought approval for demolition of the existing dwelling and erection of replacement dwelling.

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

The Committee:

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

17/166/Plan17/1219/FUL - 77 and 77A Shelford Road

The Senior Planner (MH) referred to pre-committee amendments to recommendation set out on the amendment sheet.

The Committee received an application for full planning permission.

The application sought approval 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.

The Committee:

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

officer report, and subject to the conditions recommended by the officers plus additional pre-committee amendment to condition 25 as set out below:

Condition 25 should be re-worded as follows:

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 drawing 'TIP 209A' 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).

17/167/Plan17/0704/FUL - 23 Kingston Street

The Committee received an application for full planning permission.

The application sought approval for a 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.

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

The Committee:

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

17/168/Plan17/0966/FUL - Land r/o 28 Anglers Way

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing store building and construction of single storey dwelling.

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.

17/169/Plan17/0642/FUL - 150 Coldhams Lane

The Committee received an application for full planning permission.

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

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

The Committee:

Resolved (by 5 votes to 3) to refuse the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report.

17/170/Plan17/0838/FUL - 44 Clifton Road

The Committee received an application for change of use from existing B2 (General Industrial) to D1 (Museum) with administrative, retail and food and drink space.

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

The Committee:

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

17/171/Plan17/0957/FUL - 190-192 Mill Road and 2B Cockburn Street

The Committee received an application for full planning permission.

The application sought approval for 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.

The Committee:

Resolved (4 votes to 4 – and on the Chair’s casting vote) to reject the officer recommendation to approve the application.

Resolved (by 4 votes to 2) to refuse the application contrary to the officer recommendation for the following reason:

The proposed development would constitute an overdevelopment of the site by virtue of cramped and small living spaces for future occupants and a constrained external living environment and as such would fail to secure a good standard of amenity for future occupants, contrary to Cambridge Local Plan (2006) policies 3/7 and 3/14.

After the vote Councillor Nethsingha left the committee for another commitment.

17/172/Plan17/0963/S73 - Land r/o 183-187 Cherry Hinton Road

The Committee received a 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.

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

The representation covered the following issues:

- i. Referred to comments from the Council Planning Officer's Report for 08/0125/FUL: “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.”

- ii. The last application was over turned at appeal but the developer got what they wanted.
- iii. The application windows would impact on the Objector's privacy and amenity.
- iv. Expressed no confidence that the developer would adhere to conditions.

The Committee:

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

17/173/PlanEN/0017/17 - 146 Mowbray Road

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

The report sought authority to serve 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.

The Committee:

Resolved (7 votes to 0 – unanimous of those present) to accept the officer recommendation to:

- i. 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. Authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.

- iii. 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 noncompliance with the enforcement notice.

The meeting ended at 5.05 pm

CHAIR

Application Number	17/0995/S73	Agenda Item	
Date Received	7th June 2017	Officer	Rob Brereton
Target Date	6th September 2017		
Ward	West Chesterton		
Site	220 Milton Road Cambridge CB4 1LQ		
Proposal	Section 73 application to vary condition number 2 (approved plans) of permission reference 16/1591/FUL to increase the depth of the Union Lane wing to create 2x 1 bed units at first floor in place of the approved 1x 2 bed unit and reconfigure ground floor to create additional car parking space.		
Applicant	Broadway Homes (Cambridge) Ltd		

SUMMARY	<p>The development does not accord with the Development Plan for the combination of the following reasons:</p> <p>The proposal is an overdevelopment of the site as it creates a scheme which does not have a large enough amenity space to facilitate the future residents of a scheme with an increased number of units.</p> <p>This overdevelopment and proposed higher number of units would result in more future residents congregating in a smaller communal garden. This would intensify its use and could cause a detrimental level of noise nuisance, impacting the amenities of adjoining rear gardens of neighbours No. 222 Milton Road and No. 126 Union Lane.</p>
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The subject site is at the junction of Milton Road and Union Lane and has a dual frontage on to both of these streets. The site is currently occupied by a two storey, 4 bed dwellinghouse. This dwellinghouse, built circa. 1920s, is of a traditional design

with exposed chimney breasts, Tudor wood panelling and a mix of roof profiles including hipped and gabled ends. There is a single storey flat roofed outbuilding to the northeast of the existing dwellinghouse which includes a library, home office and storage. Access to the site is currently off Milton Road. There is also a mature vegetation buffer between the existing dwellinghouse, Milton Road and Union Lane.

- 1.2 The surrounding area is predominantly characterised by residential uses, however, a variety of commercial units are present on the western side of Milton Road, opposite the application site.
- 1.3 The subject building is not Listed, a Building of Local Interest or within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for a Section 73 to vary condition number 2 (approved plans) of permission reference 16/1591/FUL to increase the depth of the Union Lane wing to create 2x 1 bed units at first floor in place of the approved 1x 2 bed unit and reconfigure ground floor to create additional car parking space.
- 2.2 Condition 2 states:

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.

- 2.3 The proposed amendment would amend the approved plans of 16/1591/FUL to extend the depth of the two storey wing facing Union Lane by 3.5 metres to the rear at both ground and first floor level to accommodate a reconfiguration of floorspace in this wing. It would split first floor two bedroom unit of the approved scheme into 2 one bedroom units labelled F8 and F9. It would also change the floorplan of the ground floor to accommodate an additional car parking space, a separate

entrance to one of the units above (F9) and would have a segregated the bin and cycle store.

- 2.4 This Section 73 amendment allows for one more additional one bed unit bringing the amount of units in this scheme to 10. This scheme is now a major application. Units comprise: nine 1-bedroom units and one 2-bedroom unit.

CONTEXT OF APPLICATION

- 2.5 The approved scheme, planning reference 16/1591/FUL resulted from much dialogue between the agents and officers. This Section 73 proposal was one of the iterations of the scheme that was discussed. At that time it was officers' opinion that this proposal did not have a large enough amenity space for the number of future residents proposed. It was also considered the combination all the future residents using the small communal garden to the rear may have the potential to create significant disturbance to the residents of adjoining properties No. 126 Union Lane and No. 222 Milton Road. The scheme was therefore scaled back. 64.4 square metres floor area was removed adding a further area of 32.2 square metres to the rear communal garden. The combination of this larger amenity space and converting 2 one bed units into 1 two bed unit made this scheme acceptable. Approval was recommended and support was unanimous at the Planning Committee of 26th April 2017.

3.0 SITE HISTORY

Reference	Description	Outcome
16/1591/FUL	Erection of a residential development containing 9 flats comprising seven 1 x Bed units and two 2 x Bed units along with car and cycle parking and associated landscaping following the demolition of the existing buildings on site.	Approved
C/68/0355	Extension of existing Living Room	Approved

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/2 3/4 3/6 3/7 3/12 4/13 5/1 8/2 8/6 8/10 8/18

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

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

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection to the amended scheme on Highway Safety grounds subject to recommended conditions on the surface finish of the driveway, removing permitted development rights for gates, drainage to prevent run-off onto public highway, maintaining visual splays and a construction management plan.

The Highway Authority also advises that the proposed development has significantly less than one space per unit and this must be a consideration by the Planning Authority in terms of residential amenity.

Environmental Health

- 6.2 No objection to amended scheme subject to conditions on demolition/construction hours, delivery/collection during demolition and construction, dust, building noise insulation and plant noise insulation.

Urban Design and Conservation Team

- 6.3 The Urban Design Team has reviewed the information submitted in support of the S73 application and consider the changes to be acceptable in design terms.

Landscape Architecture

- 6.4 The changes to the carport and the additional flat cause a reduction in the size of the communal open space. The overall number of users is not affected by the increase in units. The new layout refers back to a similar layout originally proposed for this site. At that time we determined that the communal green space would be too small for the number of users. The new layout makes the communal open space less wide than it was at the time of approval however, it is still larger than the original scheme. As a result we feel we can support the application.

Sustainable Drainage Officer

- 6.5 No objections subject to a condition requiring details on surface water drainage works.

Developer Contributions Monitoring Unit

- 6.6 Government guidance states that contributions should not be sought for a development of this scale.

Archaeology Cambridgeshire County Council

- 6.7 No response but comments from the previous application recommending a condition requesting a site investigation still stand

Senior Sustainable Construction Officer

- 6.8 No response but comments from the previous application recommending a condition requesting a condition requiring measures for the generation of renewable energy still stand.

Designing Out Crime Officer

- 6.9 No objections to the proposal and content with the design of the secure cycle parking.

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:

224 Milton Road
222 Milton Road
189 Milton Road
131 Milton Road

7.2 The representations can be summarised as follows:

Principle

7.3 It is difficult to understand how this proposal with its increased density would be acceptable, when other earlier proposal of a similar density were found unacceptable. We understand that discussions with the planning authority led the developer to reduce the proposed density of the development to 9 dwellings in the previous application. The revised plans are for 10 dwellings with no justification for the proposed increase.

Vehicle Parking

7.4 The overall car-parking provision for a development of additional density is not acceptable.

Cycle Parking

7.5 There was already some concern that the cycle parking provision was not of an acceptable size for the approved 9 flats. There doesn't seem to be any increase in the cycle parking provision therefore this proposal should be rejected. The revised reconfiguration on the ground floor replaces a previously satisfactory access to cycle parking through a separate entrance to a combined cycle and bin store. In this new layout bike users are forced to pass a parked vehicle in order to reach the cycle store through a 1 metres entrance. There is no indication to show how the recommended minimum

width of 1.2 metres will be maintained (as per Cambridge Cycling Campaign's guidance for cycle parking provision.)

There is insufficient space to manoeuvre cycles around the cycle stands. No consideration has been given to the storage of non-standard bikes. It is disappointing to see that an additional car parking place has been provided to benefit just one resident at the expense of the cycle parking provision which could serve all the residents of the development.

Overlooking

7.6 The revised plans are for an increase in the buildings footprint. This will bring units F8 and F9, 3.5 metres closer to the boundary with No. 222 Milton Road than in the previous application. This will encroach on No. 222 Milton Road's privacy. The occupiers of No. 222 Milton Road wish for the boundary fence between their property and the proposal to be 3 metres high to preserve privacy. Currently the outbuilding on this boundary is 3 metres high.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Drainage
8. Disabled access
9. Renewable energy and sustainability
10. Third party representations
11. Planning Obligations

Principle of Development

- 8.2 The principle of demolishing the existing house and redeveloping this site has been established as acceptable in application 16/1591/FUL. This Section 73 amendment allows for one more additional one bed unit bringing amount of units in this scheme to 10. Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is therefore my view that the proposed erection of a new building to provide nine 1 x bed units and one 2 x bed units complies with policy 5/1 of the Local Plan.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces

Response to context

- 8.4 Planning application reference 16/1591/FUL approved a building arranged in an 'L shape' with three distinct elements. The main element on the corner of Milton Road/Union Lane is 2.5 storeys high with rooms located within the pitched roof space. The other two wings off the main element step down in height to 1.5 storeys on the Milton Road frontage and 2 storeys on the Union Lane frontage. The design of this scheme was described as a modern version of the existing 'landmark dwelling'.
- 8.5 This proposal would extend the two storey depth of the wing facing Union Lane by 3.5 metres bringing it in line with the main stairwell. I consider the proposal with this amendment still relates well to the scale of the adjacent No. 222 Milton Road and No. 126 Union Lane houses. I also am of the opinion this increased in depth would not detrimentally impact the integrity of the approved high quality modern design.

Elevations and materials

- 8.6 The scheme takes a contemporary approach to the proposed elevations and materials treatment but replicates the existing features of No. 220 Milton Road in terms of the position of chimneys, the porch canopy and arrangement and proportion of windows and roof pitches. The extended area being examined in this Section 73 application would use the same brown/red facing brickwork and standing seam zinc cladding on the roofs approved by the parent application. This material approach is considered acceptable subject to condition requiring details to ensure those to be used are of high quality so that the proposal will complement the local architecture.
- 8.7 In my opinion the design of the proposed amendments adequately respond to the character of the area and quality of the approved design. I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 This section will focus on the impact to neighbouring occupiers of the proposed amendment to allow a 3.5 metre deep two storey extension to the Union Lane wing and the proposed division of the approved two bed unit on the first floor into 2 one bed units. This is because all other aspects of the scheme were considered by the Planning Committee when it determined planning application reference 16/1591/FUL and found to have an acceptable impact on the amenities of neighbouring properties.
- 8.9 This assessment will only focus on the two immediately adjoining neighbours as all other neighbouring properties are adjudged to be located a sufficient distance away to dispel any potentially detrimental impacts.

Enclosure, sunlight and daylight impact

No. 222 Milton Road

- 8.10 No. 222 Milton Road is located north east of the approved development. The proposed amendment to the wing facing Union Lane would be 12.4 metres from the boundary with No. 222 Milton Road and face this neighbour's rear garden. This is 3.5 metres closer than the approved design. I am of the opinion the distance between this extended element and the boundary with No. 222 Milton Road is still sufficient to dispel any impacts of enclosure to this neighbour's rear garden.

No. 126 Union Lane

- 8.11 No. 126 Union Lane is the other immediately adjoining neighbouring property. This dwellinghouse is located south east of the approved development. The proposed extended two storey element would be located 3.4 metres from the boundary with this property. The built form of this element would still not surpass the rear elevation of No. 126 therefore no adverse enclosure impacts are envisaged to this neighbour's rear garden. The only window in the side elevation of No. 126 facing the extended element is to a non-habitable room. Therefore, in my opinion, no adverse impacts are envisaged to sunlight/daylight entering this neighbour's habitable rooms.

Overlooking

No. 222 Milton Road

- 8.12 There is a distance of 12.4 metres between the rear first floor windows of amended units of F8 and F9 and the boundary with the rear garden of No. 222 Milton Road. This is 3.5 metres closer than the approved distance 15.9 metres. This relationship is not dissimilar to that of first floor bedroom windows at Nos. 126, 124 and 122 Union Lane with the rear of No. 222's garden space. However, the bedroom and bathroom windows of units F8 and F9 have the potential to overlook the more private area of the garden. Therefore the 2 bedroom and 2 bathroom windows are annotated to be obscurely glazed up to 1.7 metres. This is considered an acceptable solution and a condition could be used to ensure this.

No. 126 Union Lane

- 8.13 No amendments are proposed for additional or variations to the windows overlooking No. 126 Union Lane other than those previously approved.

Noise impact

- 8.14 There is concern that this scheme could house up to 20 residents in the proposed 9 one bedroom units and 1 two bedroom unit. It is also noted these residents could have visitors. This could create a detrimental level of noise and disturbance when compared to the existing number of occupants the single dwelling has on the site. The approved proposal contained 7 one bed units and 2 two bed units and it is my opinion that the potential number of residents who would live on site is materially fewer when compared to this Section 73 proposal. The main amenity space for these future residents is a communal garden to the rear of the site. This amended proposal would decrease the area of this garden by 32.2 square metres, approximately 13%. I do not consider the 2 metre brick wall and hedging around the communal garden and the internalisation of the bike and bin storage do enough to mitigate against this noise nuisance. I am therefore of the opinion this would concentrate a potentially detrimental noise impact into a smaller area impacting the usability of the adjoining rear amenity spaces of No 222 Milton Road and No. 126 Union Lane.
- 8.15 It is noted that the Environmental Health team has not objected to the application on noise impact grounds subject to conditions including a condition on details of plant noise being provided and approved prior to commencement.

Construction activities

- 8.16 A condition could be added to limit construction and demolition hours, delivery and collection hours during construction, piling during demolition/construction and dust during demolition/construction to ensure neighbours are not unduly impacted.
- 8.17 In my opinion the proposal fails to respect the residential amenity of its neighbours and the constraints of the site and I

consider that it contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12 and 4/13.

Amenity for future occupiers of the site

Outlook

- 8.18 The outlook from units F1, F2, F3, F4, F5, F6, F7 and F10 would not be impacted by this Section 73 application.
- 8.19 As previously stated the bedroom and bathroom windows of units F8 and F9 will be obscurely glazed up to 1.7 metres above finished floor level with transparent glazing above. While having a mainly obscurely glazed window in a bedroom is not best practise, it is not considered sufficiently detrimental enough to warrant a reason for refusal.

Amenity space

- 8.20 The approved scheme has retained the majority of mature vegetation adjoining Milton Road and Union Lane. This creates a front garden area defended from the heavy traffic on Milton Road which could be used informally by future residents but this is not intended to be the prime open space which is located to the rear. There are three accesses to this area, one through the centre of the building by the central stairwell and the other two are via external site entrances. This application increases the number of units from 9 to 10 and decreases the area of the garden by 32.2 square metres approximately 13%. This Section 73 proposal is a previous iteration of the approved design of planning reference 16/1591/FUL. It was considered at the time this rear communal garden was not of sufficient size for the amount of units proposed. I reiterate this view and consider this proposal as backward step. While the site is in a central location there are no public green spaces within the immediate vicinity of the site. Therefore it is not considered access to public open space outside the site would overcome this reason for refusal.
- 8.21 In my opinion this amended proposal does not provide an appropriate standard of residential amenity space for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.22 A covered bin storage area has been provided and is accessed from the site entrance off Union Lane. This bin store is located within 10 metres of the highway, so a refuse vehicle is not required to enter the site. The refuse arrangements appear satisfactory and to comply with the RECAP Waste Management and Design Guide 2012.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.24 No objection to the new access off Union Lane has been received on highway safety grounds from the Local Highway Authority and it has accepted that all vehicular and pedestrian visual splays are acceptable. The following conditions are recommended to ensure highway safety is maintained during construction and into the future: surface finish of the driveway; removing permitted development rights for gates; drainage to prevent run-off onto the public highway; maintaining visibility splays; and a construction management plan.
- 8.25 The proposal involves the closing of the existing access onto Milton Road. This access is located close to the busy junction with Union land and I consider its closure to represent an improvement to highway safety.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car Parking

- 8.27 The amended scheme proposes an additional parking space bringing the number to four vehicle spaces. One is a disabled space, one visitor space and two resident spaces.
- 8.28 The Local Highway Authority advises that the proposed development has significantly less than one space per unit and this must be a consideration in this planning application. Concerns have also been expressed by neighbours that additional future residents will add to the pressure for on-street parking in the area.

8.29 The subject building is located just off Milton Road which has excellent transport links into the City Centre and contains many shops/services. This is shown in SLR's Global Environmental Solution's 'Proposed Residential Redevelopment of Land at 220 Milton Road, Cambridge – Transport Statement'. I therefore consider that this proposal is located in a highly sustainable location and the proposed level of off-street parking is therefore adequate. It is also noted the insertion of the proposed new access to this development will not reduce the availability of on-street parking on Union Lane.

8.30 Policy 8/10 promotes lower levels of private car parking particularly where good public transport, cycling and walking accessibility exists and the policy requires car parking to be in accordance with the parking standards in the Local Plan which are maximum levels. In this regard the proposal is policy compliant.

Cycle Parking

8.31 As the number of flats is proposed to be increased more cycle spaces are required. The amended scheme subdivides the cycle store and the refuse store. There has been concern from residents that cycle parking proposed is insufficient for the site. 11 resident cycle spaces are required by policy 8/6 and 18 have been provided including 4 visitor spaces. There is a 1.5 metre wide gap between the car parking space labeled 1 and the entrance to the cycle store. This is considered sufficient and in line with guidance (*Cycle Parking Guide for new Residential Developments by Cambridge City Council dated February 2010*). To be in line with guidance the door into the resident cycle store of the residents should be 1 metre in width. Measuring from the plans it would appear the door is 0.9 – 1 metres wide. If approval were to be recommended this width could be insured via a condition. I note there would be some room for larger sized bikes for which there is no policy requirement.

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

Drainage

- 8.33 I am of the opinion the proposed amendment would not have a detrimental impact on drainage when compared to what has been already approved. The Drainage Officer has no objection to this amended scheme subject to a condition on sustainable drainage.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/18.

Disabled access

- 8.35 One disabled car parking space is provided as part of this scheme and there are four one bed units at ground floor with level access.
- 8.36 In my opinion the proposal is therefore compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Renewable energy and sustainability

- 8.37 Previously the approved scheme involved the construction of nine units therefore it was not within the remit of policy 8/16. As this amendment would increase the number of units to ten a 10% on-site renewable energy provision is required under policy 8/16. The applicants preferred approach is to utilise 25m² of photovoltaic (PV) panels. Carbon calculations have been submitted to demonstrate that the use of panels will reduce carbon emissions by just above the 10% requirement, an approach that is supported. The Roof Plan shows the potential location of these PV panels, if this application were to be approved full details would be sought via a condition.

8.38 Third Party Representations

Concern	Response
Similar scheme of increased density was previously found unacceptable	Para 2.5
Vehicle parking	Para 8.27 – 8.30
Cycle parking is inadequate	Para 8.31 - 8.32
Overlooking	Para 8.12 - 8.13

Boundary wall with No. 222 Milton Road	A 3 metre wall would create detrimental enclosure impacts on the occupants of No. 222 Milton Road, therefore a condition is not considered warranted or justified. I also note this is a civil matter.
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Planning Obligations

- 8.39 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.
- 8.40 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 amendments proposed by this Section 73 would create a proposal which is an overdevelopment of the site. This proposal increases the number of units while decreasing the amount of outdoor amenity space. I consider that this would create an unacceptable living environment for future residents for whom there is no public amenity space within the immediate vicinity. With this increase in units and decrease in open space there is also potential for detrimental noise nuisance impacts to the occupiers of adjoining properties when they are using their rear gardens.
- 9.2 It is the combination of these impacts to the occupiers of adjoining properties and to future residents from the decreased area of open space that result in this proposal being unacceptable.

- 9.3 Please note if Planning Committee is to approve contrary to officer recommendation all conditions attached to planning reference 16/1591/FUL should be repeated. Condition 23 of 16/1591/FUL regarding obscure glazing should be re-worded to include the bedroom and bathroom windows of F8 and F9 facing east. Also two new conditions should be added one requiring further details of the cycle store and the other requiring renewable energy generation.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed amendment to planning permission ref. 16/1591/FUL would introduce an additional residential unit to the site whilst also decreasing the level of amenity space available. The combined effect of which would result in an unacceptable intensification and overdevelopment of the site. The development would fail to provide a satisfactory level of amenity space and consequent high quality living environment for the future residents and would concentrate noise and disturbance into a smaller space resulting in an unacceptable impact on the amenity of residents of the neighbouring properties, no. 222 Milton Road and no. 126 Union Lane through unacceptable levels of noise and general disturbance to the gardens of these properties. As such, the proposal is contrary to Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/11 and 4/13.

Application Number	17/1484/OUT	Agenda Item	
Date Received	22nd August 2017	Officer	Adam Bridgeman
Target Date	21st November 2017		
Ward	Abbey		
Site	Land Adjacent To Barnwell Lake Newmarket Road Cambridge		
Proposal	The erection of a cycle-themed cafe and shop along with associated infrastructure including car and cycle parking and new internal roads.		
Applicant	Barnwell Lake Cafe Ltd		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1) The proposal is inappropriate development, will result in significant visual harm and conflicts with the purposes of including land in the Green Belt. There are no very special circumstances which outweigh the harm. 2) The proposal would lead to the loss Protected Open Space contrary to Local Plan Policy 4/2. 3) The development is an A3 use outside of an existing local centre which is not supported by Local Plan policy 6/10. 4) Highway Safety, flood risk and ecology issues are all unresolved giving rise to significant harm and form additional reasons for refusal.
RECOMMENDATION	REFUSAL

1.0 BACKGROUND

1.1 Planning application C/88/0593 for the erection of a restaurant and dance floor with associated car parking and lakeside improvements was refused on 9 August 1989. The reasons for refusal were that the application was contrary to policies in the Romsey Local Plan and the Cambridgeshire County Council

Replacement Structure Plan, in respect of development in green belt. Reasons also included road safety problems, residential amenity, visual and landscape impacts, biodiversity impacts.

- 1.2 Planning application C/93/0242 was approved on 2 August 1993 for the formation and stabilisation of banks to Barnwell Lake, provision of fishing platforms and steps, improvement of access, footpaths and parking area, and erection of a shelter. This application provided for much of the existing infrastructure on the site as it exists, being the carpark and platforms, as well as the general form of the lake, including planting and bank stabilisation.
- 1.3 Outline planning permission C/5007/16/CC was approved on 19 July 2017 for phase 1 of the Chisholm Trail (The Trail). The Trail has been approved to traverse the site, entering through an underpass approximately halfway along the northern boundary of the site and Newmarket Road. The Trail will exit the site at the south east corner of the redline boundary, at the north east corner of Barnwell Lake. The Trail development proposes to use the site for temporary storage as a site compound for the construction of the Newmarket Road underpass, as well as the Trail Phase 1 linking Newmarket Road underpass to Coldhams Common. The construction work main site compound is located between Ditton Walk and Ditton Meadows. The Trail is yet to be commenced.

2.0 SITE DESCRIPTION/AREA CONTEXT

- 2.1 The proposed site is 0.72ha, bounded by the railway line to the west, Barnwell Lake to the south, Abbey Stadium to the east and Newmarket Road to the north
- 2.2 Access onto the existing site is from Newmarket Road, through an existing driveway to a car park, with a walkway to the lake, all made of permeable gravel. The site declines from Newmarket Road to the Barnwell Pit Lake. A drain to the east of the site forms the eastern extent of the redline boundary, establishing a separation between Coldhams Common and the proposed development site. The area is currently a mixture of grassland and hedgerow vegetation.
- 2.3 Coldhams Common public open space is to the south of the site, which also extends along the east of the site to Newmarket

Road. The Elfleda Road Allotments and Abbey Stadium are located to the east of the proposal site.

- 2.4 Immediately across Newmarket Road, Barnwell Junction Pasture and Disused Railway extends approximately 400 metres north. To the south west corner of this area is the Chapel of St Mary Magdalene and Stourbridge Chapel, known as the Leper Chapel, which is a Grade I listed building. Ditton Meadows and Stourbridge Common, of which are both public open spaces, are located further north of Barnwell Junction Pasture and disused railway.
- 2.5 In respect of the existing built form adjoining the site, the Abbey Stadium and associated buildings and infrastructure makes up the eastern extent of the open space. A strip of Coldhams Common provides a buffer between the red line boundary and the stadium. To the west, the railway line provides a buffer between the site and the western industry and retail buildings. Across Newmarket Road to the north east and north west are a mix of residential dwellings, retail and industrial buildings. To the south of Barnwell Lake, off Coldhams Road, are industrial buildings.
- 2.6 The proposed area for development is within land designated as Green Belt under the Cambridge Local Plan 2006 and emerging Local Plan 2014. The application site is also designated as a Site of Local Nature Conservation Importance and Protected Open Space. The site is partially within the flood plain within Flood Zones 1, 2 and 3.
- 2.7 The site was identified as 'private protected open space' within the Open Space and Recreation Strategy 2011 and is considered to have environmental and recreational importance. The site is identified within the Cambridge City Wildlife Site Survey 2005, with the survey recognising that a range of biodiversity is on the site.

3.0 THE PROPOSAL

- 3.1 The outline planning permission proposes the erection of an A3 unit described as a 'cycle themed café', shop and repair facility with associated infrastructure including car and cycle parking, new internal roads and landscaping.

- 3.2 The detailed information of the application seeks permission for the access only. All other matters are reserved for subsequent approval.
- 3.3 Vehicular access for servicing and visitor car parking is proposed to utilise the existing access point on Newmarket Road. At this stage, car parking is shown to the east of the site, expanding on the existing car park area. The servicing lane is shown to extend adjacent to Newmarket Road, along the northern boundary of the site. A service area is proposed to adjoin the café building in the north west corner of the site.
- 3.4 Bicycle access is proposed to be serviced by the recently approved Chisholm Trail route by an underpass beneath Newmarket Road. Access is also proposed to enter the redline site approximately 77 metres south of Newmarket Road, in close proximity to the south east corner of the redline site.
- 3.5 Bicycle parking for 100 cycles is proposed to be located to the immediate east of the café.
- 3.6 30 Car parking spaces are intended at the eastern side of the site beyond the proposed Chisholm Trail. (The indicative layout plan shows 32 car parking spaces).
- 3.7 The application proposes a single building along the west (extending towards the north west corner) of the redline site, with a portion of the building located within the Barnwell Lake, consisting of the following floor area:

Use	Maximum amount (Sq m)
Cafe and kitchen (Use Class A3)	354
Cycle shop and repair (Use Class A1)	105
WC's/plant	49
Total	508

- 3.8 The terrace area, decking and walkway along the building accounts for an additional 212m² which was not accounted for in the application for the building floor area.

3.9 The proposed hardstanding areas, being the service yard, access road, carparks 1 and 2 and the access road are calculated below as shown on proposed plan:

Use	Approximate Maximum amount (Sq m)
Car park (cumulative)	675
Access Road	460
Service Yard	155
Cycle parking	190
Total	1480

3.10 Overall, the proposed building, decking and infrastructure accumulate to 2200m² of floor area or hard standing area over the site.

3.11 A picnic and play area is proposed in the planning statement, however, this is not shown on the proposal plan.

3.12 The application suggests entering into agreement to deliver of the Café proposal in tandem with the Chisholm Trail.

3.13 The application is accompanied by the following documents:

- Design and Access Statement
- Transport Assessment Parts 1 – 5 (Inclusive)
- Planning Statement August 2017
- Ground Conditions Report 1 – 3 (Inclusive)
- Flood Risk Assessment
- Ecology Report
- Indicative Plans and Sections

3.14 An environmental impact assessment was undertaken on 25 September 2017. A negative screening opinion was adopted by CCC, which confirmed the proposal was not considered to be EIA development.

4.0 SITE HISTORY

Reference	Description	Outcome
C/88/0593	Erection of restaurant and dance floor with associated car parking and lakeside improvements (amended by letter and drawings 11/01/88 and letter dated 31/07/89 and accompanying drawings).	Refused 9 Aug 1989
C/93/0242	Formation and stabilisation of banks to lake, provision of fishing platforms and steps, improvement of access, footpaths and parking area, erection of shelter to include provision for disabled persons, and landscaping.	Approved with conditions 2 Aug 1993
C/5007/16/CC	Phase 1 of the Chisholm Trail, a north-south pedestrian and cycle path from the River Cam to Coldham's Lane broadly parallel to the railway line. Including new underpass under Newmarket Road, bridge across Coldham's Brook, replacing culvert with bridge on Coldham's Common, new paths and improvements to existing paths.	Approved with conditions 19 July 2017

15/5418/PREAPP Pre application discussion Response
 between the consultant made 29
 Carter Jonas and February 2016
 Cambridge City Council
 (CCC) for the submitted
 proposal.

5.0 PUBLICITY

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

6.0 POLICY

6.1 Relevant Development Plan policies:

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 Sustainable Development 3/2 Setting of the City 3/3 Safeguarding Environmental Character 3/4 Responding to Context 3/6 Ensuring Coordinated Development 3/7 Creating Successful Places 3/9 Watercourses and Other Bodies of Water 3/11 The Design of External Spaces 3/12 The Design of New Buildings 4/1 Green Belt 4/2 Protection of Open Space 4/3 Safeguarding Features of Amenity or Nature Conservation Value 4/6 Protection of Sites of Local Nature Conservation Importance 4/13 Pollution and Amenity 4/15 Lighting 8/2 Transport impact 8/4 Walking and Cycling Accessibility 8/5 Pedestrian and Cycle Network 8/6 Cycle Parking 8/9 Commercial Vehicles and Servicing 8/10 Off-Street Car Parking

6.2 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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge Landscape and Character Assessment (2003)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Identifies the proposal site as a green finger and corridor. <p>Cambridge City Wildlife Sites Register (2005) & Criteria for the Designation of Wildlife Sites (2005)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Barnwell Pit Site H6.1 – Identified as City Wildlife Site <p>Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006)</p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <ul style="list-style-type: none"> <input type="checkbox"/> Barnwell Pit (Lake) Site Nat 08, identified as having environmental and recreational importance
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</p> <p>Newmarket Road Suburbs and Approaches Study (October 2011)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Site within Character Area 1

6.3 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, only the following policy is considered relevant:

- Policy 4: The Cambridge Green Belt

7.0 CONSULTATIONS

Policy Officer

- 7.1 It is confirmed the site can be considered under Paragraph 89 of the NPPF, however the Policy Team conclude that the proposal is not an appropriate facility for outdoor sport and outdoor recreation. The proposal is not necessary for the function of the Chisholm Trail, with cafes and a cycle repair shop being located along Chisholm Trail or in an appropriate proximity to the site.

Cambridgeshire County Council (Highways Development Management)

- 7.2 Objection. The increase in deliveries and the proposed 30 car parking spaces will attract further car driver trips on Newmarket Road.
- 7.3 The trip generation methodology is not considered robust and further details of new and linked trips is needed.
- 7.4 There are concerns about the excess in car parking off a network known to experience congestion. Too many spaces would encourage vehicle based trips to the café and would further intensify use of the access onto Newmarket Road. Enforcement options would need to be discussed to prevent people from using the car parking to commute into the City.

- 7.5 It was considered that improvements needed to surrounding pedestrian and cycle infrastructure should be identified, if the proposals are to be occupied prior to the Chisholm Trail opening.
- 7.6 Demand in respect of the development traffic requires further justification and consideration before County can comment on this matter.

Environmental Health

- 7.7 The proposal is acceptable, subject to conditions to control construction/demolition/delivery noise/hours, and noise/vibration from construction. Also commented on lighting, and considers a lighting assessment should be undertaken as per a condition. The response also notes that there is potential for contaminated land to be found at the site, owing to the proximity to the railway line and duration that this line has been present. A condition to address unexpected contamination if found is recommended, alongside a Materials Management Plan.
- 7.8 There was no objection in respect to air quality, given the site is outside the air quality management area and the prediction of 275 vehicle trips per day. An odour control has been recommended for the café.

Urban Design and Conservation Team

- 7.9 The Urban Design Team objected to the proposal, determining the detail provided delivers little guarantee about the final design which is inappropriate considering the site sensitivity. The car parking is considered excessive.

Cambridge City Council Landscape Team

- 7.10 Cambridge City Council Landscape Team object to the proposal. The hard surfacing, including carpark, would cause significant harm to openness of greenbelt, with the site being 2 thirds of the width of the Greenbelt. There would be a loss of the unique character of Newmarket Road gateway. Buildings on site would not be consistent with the built form within the area, given the buffers being the railway line, Newmarket Road and Coldhams Common.

Senior Sustainability Officer (Design and Construction)

- 7.11 Considers the proposal acceptable given there are no principle sustainable construction issues which could not be overcome by design in later phases of development. It was noted that the building is too small for any of CCC policies on sustainability to apply (it needs to be over 1,000m² for the renewables policy to apply for example). A sustainability statement would be required at a later stage to be discussed at reserved matters stage.

Access Officer

- 7.12 The Access Officer supports the application, given the proposal will encourage disabled use of the Leper Chapel. Further detail of the development could be delivered with reserved matters.

Head of Streets and Open Spaces (Tree Team)

- 7.13 There was insufficient arboricultural information submitted with the application to allow assessment. An arboricultural impact assessment would be required to assess the application.

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

- 7.14 Considers the proposal acceptable, with the location likely to encourage users to walk and cycle to the development and to the nearby Leper Chapel. The officer considered the café and cycle repair will add to facilities in the area and will enhance the Chisholm Trail and Leper Chapel.
- 7.15 The cycle provision appears good although there are no details of type of rack or spacing.

Cambridgeshire County Council (CCC) Flood & Water (Lead Local Flood Authority (LLFA))

- 7.16 Holding objection based on the flood plain compensation in relation to the approved Chisholm Trail project.
- 7.17 The proposed use of below ground attenuation is acceptable with the LLFA suggesting that the applicant considers including above ground SuDS in order to provide further water quality,

amenity and biodiversity benefits. Above ground SuDs are also preferable in terms of maintenance requirements.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

7.18 Object. The proposal is within Flood Zone 3 and no floodplain compensation was provided for as part of the application. The site is proposed to be used for flood compensation for the Chisholm Trail.

Head of Streets and Open Spaces (Biodiversity Officer)

7.19 Refusal recommended. The site is a City Wildlife Site and is already subject to unfulfilled ecological mitigation through the Chisholm Trail permission. It is unclear from the proposal how this mitigation and the design of the development will interact to protect or enhance the City Wildlife Site.

7.20 Based on the limited information supplied, the proposal is likely to be detrimental to the City Wildlife Site. The application would be contrary to Cambridge Local Plan 2006 policy 4/6, emerging policies 69 and 70 of the draft Cambridge Local Plan and national planning policies (Paragraph 109, 117 and 118).

Historic England

7.21 No comments on the application, referring the comment to CCC specialist. Historic England does not wish to offer further comment unless there is material change to proposal.

Natural England

7.22 No comments.

Environment Agency

7.23 Object. The Environment Agency objects to the proposal, determining the proposed flood risk assessment (FRA) does not appropriately define the flood risk to the site and provide sufficient floodplain mitigation for the impacts of the site.

7.24 In respect of groundwater and contamination, the response considers the application acceptable with the imposition of

conditions to manage contamination foul water and surface water pollution.

Cambridge Past, Present, Future

- 7.25 Cambridge Past, Present, Future objects to the proposal determining there is insufficient information to assess harm on green belt. Agrees with Wildlife Trust about ecological concerns regarding inappropriate scale and massing in this area and excessive hard standing area. It is questioned whether there is a business case to have café/ shop.

Anglian Water

- 7.26 Anglian Water confirmed that the wastewater and foul sewerage both have capacity. Surface water disposal does not relate to Anglian Water functions as proposed. The applicant would need to apply to Anglian Water to discharge of trade effluent. This would form a condition of consent. Overall, Anglian Water do not raise any issues that could not be managed by conditions of consent or by through detailed design at a later stage.

Network Rail

- 7.27 No comment received.

Cambridgeshire Constabulary (Designing Out Crime Officer)

- 7.28 The officer noted that there is no crime prevention strategy at this time. There is also suggestion that there will be bollard lighting within the car parking area, with bollard lighting only good for wayfinding. The tunnel (underpass) was also a concern to the officer in respect of lighting and natural surveillance.

Wildlife Trust

- 7.29 Object. The proposal will result in the net loss of biodiversity. The development site is within Barnwell Pit City Wildlife Site (CiWS), a site which supports a mosaic of locally important habitats, with the application showing a large proportion of the development area as buildings, hard standing, access tracks, and car and cycle parking. The application mentions the enhancement of the site with new wildflower grassland and

native scrub planting. No detail is provided to support this information.

- 7.30 Part of the site is already included for mitigation for the Chisholm Trail. It is unclear how this will tie in with the proposal.

Developer Contributions Monitoring Unit

- 7.31 No specific S106 financial contributions required under the Council's Planning Obligation Strategy SPD 2010.

Conclusion

- 7.32 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.

REPRESENTATIONS

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

- 529D Newmarket Road
- 529F Newmarket Road
- 542 Newmarket Road
- 7 Heffer Close, Stapleford
- 101 Coldhams Lane
- 45 St Bedes Crescent
- 17 Cromwell Road
- The Bike Depot, 140 Cowley Road
- 73 Brampton Road
- 2 Ventures Farm Court
- 72 Newmarket Road
- Station Lodge Barnwell Junction, Newmarket Road
- 54 Greville Road
- 57 Catherine Street
- 141 Flamstead Close
- 193 Coleridge Road
- 2 Plantation Ave
- 3 Heron's Close
- Flat 4, Ferndale House, Ferndale Rise
- 2 Heron's Close
- 27 Mingle Lane, Stapleford
- 52 William Smith Close

- 23 Cockburn Street
- 1 The Lakes, Twenty Pence Road, Cottenham
- Units 5-6 Brickyard Estate, Coldhams Road
- 2 Bolts Hill
- Unit 7 Brickyard Estate, Coldhams Road
- 37 Glemere Close
- 43 Cromwell Road
- 15 Lemur Drive
- 7 Earl Street
- 81 Kinross Road
- 55 Hills Ave
- 125 Suez Road
- 55 Ellands Way
- 588 Newmarket Road
- 19 Claygate Road
- 66 Holbrook Road
- 5 Hereward Close
- 537 Newmarket Road
- 58 Impala Drive
- 233 Chesterton Road
- 17 Rutherford Road

Four representations were either from the same address or had the same wording:

- 4 Ditton Lane
- 594 Newmarket Road

7.34 40 comments were received in support of the application and are summarised as follows:

- The café will provide leisure facilities for Coldhams Common, Ditton Meadows and the Leper Chapel (with adjacent pastures).
- In line with NPPF for protecting greenbelt.
- Improvement of 'damaged and derelict land' will result.
- Chisholm Trail will benefit from toilet facilities and refreshments.
- The scheme will be accessible for disabled people.
- The site would be improved at no cost to rate payer.
- The fishing platforms have been vandalised and undesirables mainly use the area.
- Without the scheme the Chisholm Trail will lack appropriate lighting.

- Will provide a food establishment for local businesses.
- The building appears invisible with the green roof and location.
- Providing a café here would ensure future developments of flats and retail could not be built onsite.

7.35 Twelve comments were received objecting to the application and are summarised as follows:

- Loss of green area.
- The Chisholm Café proposal will damage the site biodiversity.
- Loss of habitat for biodiversity.
- Impact of increased traffic on Newmarket Road.
- Objecting to the need for so many car parks.
- Inappropriate scale and massing in this area.
- Insufficient information to assess harm on green belt
- Contrary to local policy.
- Predicates sustainability and access on delivery of Chisholm Trail.
- Effects on landscape, trees, heritage impacts, loss of common land.
- Secondary ancillary development effects in particular the lack of visibility splays, safety lighting, drainage and any stabilisation of underwater banks within the pits.

7.36 Two comments were received not objecting or supporting the application and are summarised as follows:

- Concern along Newmarket for traffic.
- How would the car park be monitored.
- The car parking provision is excessive.
- There is no justification for the retail unit and what would be the strategy if café fails and buildings left unattended.
- The café would help reduce fly-tipping.

7.37 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 application, 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. Highway Safety
4. Amenity
5. Ecology
6. Renewable energy and sustainability
7. Car and Cycle Parking
8. Refuse Arrangements
9. Disabled Access
10. Public Art
11. Third party representations

Principle of Development

Green Belt

8.2 The essential characteristics of Green Belts are their openness and permanence as set out in the NPPF paragraph 79. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

8.3 New buildings for 'outdoor sports and outdoor recreation facilities' are within the scope of what can be considered as an exception to inappropriate development. The NPPF states in Paragraph 89 that development in the Green Belt is not considered acceptable unless the new building is considered an *appropriate facility* for outdoor sport and outdoor recreation. The facility also needs to preserve the openness of the green belt and not conflict with the purposes of including land within it.

Appropriateness

8.4 The applicant argues that the proposal is an appropriate facility for outdoor sport and outdoor recreation as considered against Paragraph 89 of the NPPF. In coming to this judgement, the applicant references the case law *Timmins v Gedling Borough Council 22/1/2015*, where the interpretation Paragraphs 89 and

90 of the NPPF should now be treated as *closed lists* of appropriate forms of development within the Green Belt. The applicant determines that within the case law, appropriate facilities for outdoor sport and outdoor recreation can be considered within the *closed list* under Paragraph 89.

- 8.5 The applicant presents 2 reasons justifying appropriateness. Firstly, that the building is constructed in an area of open space currently used by the fishing club. Secondly, that the new building would serve users of the 'recreational land and facilities including the Chisholm Trail'. Officers do not agree the proposed A3 building is an appropriate facility for either the use of the lake for fishing or the Chisholm Trail. This is because an A3 café of this scale is not necessary for the functioning of either use.
- 8.6 The application must be considered on the basis of an A3 use (which could include ancillary hot food takeaway). The 'cycle themed' aspiration is not within the control of the planning process. Any application for signage would need to be submitted separately under the Advertisement Regulations. The use, size and scale of the building, access road, car and cycle parking are vastly disproportionate in scale to the outdoor recreation uses it is purported to support. The A3 café in the indicative layout is isolated from the actual route of the Chisholm Trail (25m distant), which does not support the assertion it will meet the needs of future users of the Chisholm Trail. There is no justification for a new A3 unit in the Green Belt on the basis of outdoor sport and recreation.
- 8.7 None of the proposed facilities are necessary to ensure the operation of the Chisholm Trail, which was granted planning permission independent of the application proposal. The Chisholm Trail is an approved scheme running through the site, but which has a very different use and function to the proposed café and car parking. The Chisholm Trail is a new local cycle link to connect the new Cambridge North Station with Cambridge Station. It is not part of a more extensive cycle tourism route where there might be a need to provide facilities in a rural area. The site is very close to the City Centre and the Beehive retail park where there are food outlets, cycle shops and car parking.

- 8.8 Over half of the proposed development is to facilitate car parking, which is directly in conflict with the use and function of the Chisholm Trail that it is purported to facilitate. It is by definition an inappropriate development. It is neither reasonably proportionate to, nor functionally related to the Chisholm Trail. The application proposal would erode the vulnerable green belt wedge, through the proposed building, car parking and other paraphernalia, the primary function of which is to check the unrestricted sprawl of Cambridge. The proposal is in direct conflict therefore with the purposes of including land within Green Belt, contrary to paragraph 80 of NPPF and Cambridge Local Plan 2006 policy 4/1.
- 8.9 The applicant also refers to proposed car parking to help people access the Leper Chapel. However the underpass will be delivered through the Chisholm Trail permission and not the application proposal. Once the underpass is delivered, it is likely that the link from the Leper Chapel to the existing car park will be established and available without the delivery of additional car parking. Cambridge Past Present and Future, stewards of the Leper Chapel, do not support the application proposal. No management strategy for increasing opening hours or access to the Leper Chapel has been put forward by the applicant. This contributes to the overall officer view that little or no weight can be placed on this argument.
- 8.10 In summary the proposed buildings and associated infrastructure is not an appropriate facility for outdoor sport and outdoor recreation and is in conflict with the purposes of including land within the Green Belt. Whilst it is noted the application seeks outline permission only, the principle of a café and the quantum of development assessed in the Transport Assessment is inappropriate and in direct conflict with the purposes of including land within the Green Belt.

Openness

- 8.11 The second test of Paragraph 89 of the NPPF is whether the facility preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 8.12 Within the previously dismissed appeal decision for a similar development on this site (C/88/0593), the inspector gave

considerable weight to this parcel of land and made clear the openness and purpose in maintaining the area as green belt:

“6. Visually the appeal site is very much part of the Coldhams Common Open Space. This open space provides a very attractive break between the main built up part of Cambridge to the west of the railway and East Barnwell to the east. I consider that a particularly important part of this break is the narrow neck of undeveloped land, including the appeal site, to the south of the Newmarket Road, which can be seen easily by persons using that Highway.

- 8.13 Notwithstanding the age of this appeal decision, officers share the view that one of the elements of the unique character of Cambridge is the existence of ‘green wedges’ extending into the city and that Coldhams Common can be regarded as such a green wedge. Officers consider this assessment remains relevant, particularly in setting the context of the site and the importance of preserving the site as an open space area of Green Belt.
- 8.14 The significance of this site as a key green buffer along Newmarket Road is evident within the Newmarket Road Suburbs and Approaches Study (October 2011). The road is identified as having historical significance for the city. The site is identified as a green buffer between the suburban character of the road to the east and the railway line and retail-led character of the road as it turns towards the City Centre. The site is also identified as a glimpse of the former rural landscape in the area.
- 8.15 The visual impact of the proposal and its impact on the setting of the common is likely to be significant viewed south from Newmarket Road. The proposed service yard will cut into the existing bank of vegetation adjacent to Newmarket Road which will result in tree losses and views of the building and associated development. A proper Arboricultural Impact Assessment has not been submitted which makes a full assessment of visual impact from the existing boundary more difficult. Notwithstanding, there will be very little space for supplementary planting. As a result the development will result in a continuation of urban sprawl over the railway line, which is the primary function of Green Belts to prevent happening.

- 8.16 Although the one storey building will be located in the north west corner close to the railway and Newmarket Road, the mass of the building in the location and context of the Green Belt in this site, along with extent of the proposed car parking and cycle parking will considerably impact on openness. Officers acknowledge some steps have been taken to mitigate the extent of the building, by proposing the building in the far north west corner, but it would still significantly erode openness both from the Newmarket Road vista and from the common. This will be exacerbated by the removal of some trees to facilitate the Chisholm Trail underpass and route through the common.
- 8.17 The perspective views provided in the design and access statement show the building to be difficult to view from Newmarket Road, however the one view provided from the road is limited to the railway bridge and is reliant on the existing vegetation remaining. Considering that structural planting parallel to Newmarket Road is shown in the provided plans and is likely, given the topography, to provide for the access road and service yard, existing vegetation along the northern boundary would likely need to be removed, exposing the main trunk views of Newmarket Road to the proposed buildings and car parks.
- 8.18 Notwithstanding the precise details of the landscape scheme and any supplementary planting, the presence of the development is likely to be evident to persons walking and cycling in the common. The development would clearly reduce the effectiveness of the 'green wedge' in an important position close to the main road. This would cause material harm to the Green Belt objective of preserving the unique character of Cambridge. Development in the neck of open land between East Barnwell and Cambridge and would cause prejudice to the objectives of containing the urban growth of Cambridge, maintaining its present setting, and preventing communities in its environments from merging into one another.
- 8.19 The proposed built form, including hard surfaces will not preserve the openness of the green belt in this area. Taking the wider site context into account, the Green Belt is approximately 150 metres wide at this point, with the proposed redline boundary 95 metres wide. The proposed mass is some 508^{sq} m floor space for the café, shop and toilets building, with car

parking and other hard surfaces. The hard surfacing, including carpark, would cause significant harm to openness of greenbelt, with the site being 2 thirds of the width of the site frontage 'green wedge'. The building cannot be considered in isolation, where the cumulative infrastructure of the car parking, cycle parking, access road and service yard is considered to add to the proposed built form.

8.20 Users of Barnwell Lake and Coldhams Common will also be impacted upon by the proposal, whereby the northern area of the lake open space will effectively be replaced by built structure, whether it is the café or extension of car parks. Taking into account the perspective view from the southern area of the lake looking north in the Design and Access Statement, it is clear that this building is the only visible built form in the northern area of the site.

8.21 In summary, given the context, the green belt wedge is integral in providing an open area and delineation between the Abbey Ward and the Cambridge East area, while also maintaining the Green Belt link between the northern Fen Ditton and Coldhams Common Public Open Space areas. Officers consider that the openness and purpose of the green belt is not preserved by this proposal and the proposal is contrary to Paragraph 87, 88 and 89 of the NPPF and Cambridge Local Plan 2006 policy 4/1.

Very Special Circumstances

8.22 The applicant puts forward three very special circumstances should officers consider the proposal to be 'inappropriate development'.

8.23 Firstly, the applicant considers that the building would 'support' recreational activities in conjunction with the delivery of the Chisholm Trail. The applicant considers the café will be a key facility to enhance and support the use of the Chisholm Trail, which itself is a key piece of infrastructure for the purposes of transport and recreation. As set out in paragraph 8.7, the Chisholm Trail application did not consider the proposed café to be 'a key facility' and it was approved in its absence. This does not amount to very special circumstances.

8.24 The 'cycle repair and toilet' service facilities are not reasonably necessary in this Green Belt location. The site is in close

proximity to nearby amenities, including food establishments and cycle repair shops. A cycle repair facility is located at Halfords, within the Cambridge Retail Park on Newmarket Road, approximately 600 metres from the Chisholm Trail. Cafes and toilets are located at the Cambridge Train Station and on Mill Road, approximately 2 km south along the Chisholm Trail. It is also not unrealistic to expect a café and cycle repair facility to become available at the Cambridge North Railway Station, approximately 1.2 km north of the site along the Chisholm Trail. The provision of these facilities as part of the application proposal does not amount to 'very special circumstances'.

- 8.25 Secondly, the applicant argues the Chisholm Trail is contingent on the landowner being in a position to allow public access to the site and for the trail to run through it. This is a land assembly issue for the Chisholm Trail project and does not amount to very special circumstances to justify inappropriate development.
- 8.26 Thirdly, the applicant considers the low impact design of the building would safeguard the fundamental purpose of the Green Belt and would be barely visible. Officers do not agree for the reasons set out from paragraph 8.11.
- 8.27 Although the applicant considers the proposal 'appropriate development' based on its use to support the fishing lake, this has not been put forward as a 'very special circumstance' to justify inappropriateness. Officers agree the development cannot be justified in relation to the use of the lake for fishing.
- 8.28 The application proposal may provide improved vehicle access for some people, however, the lake, Chisholm Trail and Leper Chapel can either be accessed already, or will likely be accessible from the site once the underpass is built as proposed in the Chisholm Trail application. Conversely, access to the lake will be reduced because the indicative location of the café is on the lake edge itself. In summary, the above reasons do not amount to very special circumstances. Openness will be significantly harmed and officers are of the opinion the proposal is contrary to Cambridge Local Plan (2006) policies 4/1 and Paragraphs 87, 88 and 89 of the NPPF.

Loss of Open Space

- 8.29 The proposal would also result in the loss of and harm to the character of the site as a Protected Open Space. It has not been demonstrated that the open space can either be satisfactory replaced elsewhere or that the site is not important for environmental reasons in accordance with Cambridge Local Plan Policy 2006 4/2. In the absence of this justification the principle of the development is not supported which forms reason for refusal 2.

Summary

- 8.30 As considered against Paragraph 89 of the NPPF, the proposal is not considered an appropriate facility for outdoor sport and outdoor recreation. There is no necessity for the café in this area for the Chisholm Trail to function and it did not form part of that permission. It is also considered that the openness and purpose of the Green Belt is not preserved by this proposal. In conclusion, the proposal is considered inappropriate development and there are no very special circumstances which overcome the harm by way of inappropriateness.

Location - Food and drink outlets

- 8.31 Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test for main town centre uses which are not in an existing centre.
- 8.32 A sequential test was not undertaken, whereby no alternatives to the proposal were proposed or discussed, whether it be location or size of proposal. The applicant considers this is not necessary because the proposal relates to the recreational use of the immediate vicinity. Officers do not accept that position and consider that further food and drink uses should only be permitted in an existing centre, in accordance with Cambridge Local 2006 policy 6/10 part b.
- 8.33 Given the proximity of existing facilities similar to the that which is proposed (Cambridge Retail Park and Mill Road), it has not been proven that there is no alternative district centre location. Government Guidance on the vitality of town centres reiterates the importance of ensuring town centres are not undermined by allowing town centre uses outside of existing town centres. In

the absence of a sequential test to demonstrate that alternative locations have been considered in existing centres, the proposal undermines their function.

- 8.34 The potential harm which could result from a café use located outside of a District or Local Centre is unclear at this stage because the absence of information contained within the Transport Assessment relating to trip generation and the likely levels of trips to anticipated to the proposed café.
- 8.35 Whilst it is recognised that applicants and local authorities should demonstrate flexibility on issues such as format and scale of sequential tests, the fact that the site is within the Green Belt justifies the need for a full and robust assessment of other suitable sites elsewhere.
- 8.36 In the absence of a sequential test, the provision of an A3 café use outside of an existing local, district or the City Centre is unacceptable in principle, contrary with Paragraph 24 of the NPPF and Cambridge Local 2006 policy 6/10 part b.

Context of Site, Design and External Spaces

- 8.37 The impact of the building on openness and setting of the Green Belt is discussed in the Principle of Development subsection.
- 8.38 The detailed design of the proposed building is a reserved matter for subsequent approval. This approach is considered poor because the limited information does not provide any guarantee of its impact in such a sensitive location. Notwithstanding, some details have been provided which illustrate the likely design approach.
- 8.39 The Design and Access Statement states that much of the façade will be glazed, with areas of buff brick. A sedum roof is envisaged to minimise its prominence. Whilst these materials may reduce some of the prominence of the building, its detailed design and materials would need to be scrutinised if other issues were otherwise considered acceptable.

External spaces

- 8.40 The building along with the accumulation with the hard standing areas will detract from the green character that the Chisholm Trail would benefit from once delivered. The requirement for service vehicles and users of the café/ shop who arrive by car to cross the Chisholm Trail is poor design and layout. The siting of the building given the proposed size and accumulation with the proposed infrastructure, will extend the built form of the adjoining sites into the Green Belt and impact upon the views of Coldhams Common from Newmarket Road, along with views north from Coldhams Common and the Lake, whereby minimal built form is currently visible. The indicative design does not mitigate this visual impact.
- 8.41 A cycling connection has been established through the Chisholm Trail permission, yet an excess of car parking has been proposed to service the Trail. An excessive area is proposed to be used for parking, which is disproportionate to the scale of the existing car park that exists. Very limited information has been provided on the landscape approach to mitigate this impact. The suggestions for possible landscape approaches in the Ecology Statement are not reflected in the other parts of the application submission.
- 8.42 Overall, based on the limited information supplied, the likely design and appearance of the proposed café building does not mitigate the visual harm described in the Principle of Development subsection above. The proposal is therefore not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 3/12.

Highway Safety

- 8.43 The County Highways object to the scheme based on the information which has been submitted.
- 8.44 There is concern that the use of the proposed 30 car parking spaces (32 shown on the indicative plan) will negatively impact on Newmarket Road, which is already a congested network. The provision of too many car parking spaces would encourage vehicle based trips, which may intensify use of the access. Further trip generation information is needed, including details

of the proposed trips to the café. This work may also require junction modelling assessments.

- 8.45 The access road proposes to cross the Chisholm Trail and it is possible that there may be conflict between vehicles and users of the Chisholm Trail. Officers are however satisfied this could be addressed in the detailed site layout if other matters were considered acceptable.
- 8.46 Whilst in isolation these issues might be able to be addressed by the developer team, given that the principle of development is unacceptable, this forms reason for refusal 4. In my opinion the development as submitted is not compliant with Cambridge Local Plan (2006) policy 8/2 and 8/10.

Ecology

- 8.47 The application fails to properly assess the impact on biodiversity and consequently the Council's Ecology Officer and The Wildlife Trust object to the proposals. There is significant concern that the proposals would result in a net loss in biodiversity, contrary to Cambridge Local Plan 2006 policy 4/6.
- 8.48 The site is within Barnwell Pit City Wildlife site which supports a mosaic of locally important habitats. The submitted Ecological Report makes reference to the enhancement of the site with new wildflower grassland and native scrub planting, but no details of this mitigation has been provided.
- 8.49 There is already unfulfilled ecological mitigation through the Chisholm Trail permission. It is unclear from the proposal how this mitigation and the design of the development will interact to protect or enhance the City Wildlife Site to ensure that any reserved matters can appropriately mitigate ecological effects. The application fails to provide an appropriate assessment of ecological effects on the site with no assessment of the total areas of habitat to be lost or gained.
- 8.50 Although the proposal is an outline application, there is insufficient evidence that the ecological impacts will be acceptable. Based on the limited information provided, a net loss of ecology is likely to result to the detriment of the City Wildlife Site which is contrary to Cambridge Local Plan 2006 policy 4/6.

Flood Risk

- 8.51 The Environmental Agency, The Council's Sustainable Drainage Engineer and the County Council Lead Flood Authority have reviewed the proposal and object to the scheme. Part of the site is located within Flood Zone 3, including the building footprint. No floodplain compensation has been provided and no reference to the existing Chisholm Trail permission has been made. Part of the proposal site is intended to be used for floodplain compensation for the Chisholm Trail development, but this has not been addressed in the submitted Flood Risk Assessment.
- 8.52 Overall, I am of the opinion the application as proposed is incomplete and therefore contrary to Cambridge Local Plan 2006 policies 3/1 and 4/6, and NPPF Paragraphs 109, 117 and 118.

Amenity

- 8.53 The site is located in a relatively isolated, out of centre location, so there are unlikely to be any impacts on neighbouring amenity. Noise, lighting, odour, air quality and waste could be appropriately managed through the imposition of planning conditions if the application was otherwise considered acceptable.
- 8.54 Officers do however have some concerns with the operation of the A3 use, which could include an ancillary take away provision late into the evening. This is likely to be more problematic during match days at Cambridge United if large numbers of people are coming and going to the site. Notwithstanding, if other matters were considered acceptable, this could be adequately controlled through the imposition of suitable planning conditions.

Contaminated Land

- 8.55 The Environmental Health Team and The Environment Agency do not agree with the conclusions of the Phase 1 assessment that no further investigations are required. The report dismisses the presence of contamination from the adjacent Railway Line due to the absence of infrastructure such as goods, storage yards and sidings. Because of the location of the proposed

building to the railway, a suite of conditions would be necessary to manage the contamination risk if other matters were otherwise considered acceptable.

- 8.56 Officers consider the imposition of conditions could adequately manage the environmental impacts of the scheme. In isolation, this aspect of the proposal is in accordance with Cambridge Local Plan (2006) policies 4/13.

Renewable energy and sustainability

- 8.57 The Council's Sustainable Design and Construction Officer recommends that water efficient appliances in the café kitchen and WCs are installed. However, these matters would be addressed at a detailed design stage. Overall the proposal is not in conflict with the Cambridge Local Plan (2006) policy 8/16 or the Sustainable Design and Construction SPD 2007.

Car and Cycle Parking

- 8.58 The development proposed a total of 30 car parking spaces, although 32 car parking spaces are shown on the indicative layout. 10 are intended to serve the café, 10 to provide for the Leper Chapel and 10 to serve the existing fishing lake through a re-laid, formalised car park.
- 8.59 This is an overprovision of car parking. The adopted car parking standards advises 7 spaces be provided outside of the Controlled Parking Zone for non-food retail. There is no justification for providing car parking to serve the Leper Chapel.
- 8.60 The existing fishing lake is already served with approximately 10 car parking spaces. Whilst there are no specific standards for car parking within the adopted car parking standards, any increase in car parking in this location would not be supported.
- 8.61 In isolation, the increase in 20 car parking spaces is over and above the existing situation. The County Highways Authority object to the proposal based on the limited information provided to explain the trip generation associated with this provision (described in Highway Safety above). On the basis of the information submitted, the application provides an unacceptable overprovision of car parking, contrary to Cambridge Local Plan 2006 policy 8/10.

8.62 The application proposes 100 cycle parking spaces to the east of the building. The adopted local plan indicates approximately 30 spaces would be appropriate to serve the building. In the view of officers the proposed 100 spaces is a significant overprovision. The approved Chisholm Trail application does not identify this site as a 'destination' and there is no need for this amount of cycle parking. Instead, this further development of the site contributes to the adverse visual impact of the proposal and intensifies harm to the Green Belt setting.

Refuse Arrangements

8.63 The indicative layout plan submitted does not identify an area for refuse, but officers have no doubt this could be provided at reserved matters stage if other matters were considered acceptable. Any external refuse area would however increase the incursion of urban paraphernalia into the Green Belt. In functional terms only however, refuse could be adequately accommodated in accordance with Cambridge Local Plan 2006 policy 3/12.

Disabled access

8.64 The Council's Access Officer has supported the application, because it encourages a route for disabled people to the Leper Chapel. The proposal would allow disabled people to park and utilise the Chisholm Trail underpass. However, the Leper Chapel can be accessed with the current car park and the proposed underpass is not part of this application. Disabled access could be adequately addressed through reserved matters and therefore this issue in isolation is compliant with Cambridge Local Plan (2006) policies 3/7.

Public Art

8.65 Major applications are required to contribute to public art in accordance with the Planning Obligation Strategy and Public Art SPD. The applicant has not provided any details of a scheme for public art. If the application was otherwise considered acceptable, I am satisfied a Public Art Delivery Plan could be ensured through the imposition of a suitable planning condition. The proposal could therefore be compliant with Cambridge

Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

Third Party Representations

8.66 45 third party representations have been received. The following matters are raised:

Table 1: Representations Received

Issue	Officer response/report section
The café will provide leisure facilities for Coldhams Common, Ditton Meadows and the Leper Chapel (with adjacent pastures).	The proposed café is not considered an appropriate facility for outdoor sport and outdoor recreation as per the definition of the NPPF 2012. See paragraph 8.24
In line with NPPF for protecting greenbelt.	The application is determined to be inappropriate development in the report and contrary to NPPF see report from paragraphs 8.2 – 8.30.
The Chisholm Café proposal will damage the site biodiversity, not the proposal	The application proposal will have impacts over and above the approved Chisholm Trail which have not been assessed in the application proposal.
Improvement of 'damaged and derelict land'.	See report from paragraphs 8.2 – 8.30.
Chisholm Trail will benefit from toilet facilities and refreshments.	Paragraph 8.24.
Access for disabled people.	Accessibility for disabled people could be considered in detail at reserved matters. See section paragraph 8.28 and 8.64.
The fishing platforms have been vandalised and undesirables mainly use the area	This is management issue for the fishing lake and does not justify inappropriate development in the Green Belt.

Loss of green area	The openness and purpose of Green Belt would be impacted upon by the proposal. See from paragraph 8.4.
Loss of habitat for biodiversity	The application is determined to have unacceptable biodiversity effects. See paragraph 8.47.
Impact of increased traffic on Newmarket Road	The transport assessment is incomplete. See paragraph 8.46.
Object to the need for so many car parks	See paragraphs 8.40 and 8.44.
Inappropriate scale and massing in this area	Agree, discussed in sections 8.2 to 8.30 and from 8.37.
Insufficient information to assess harm on green belt	Green Belt harm is assessed from paragraphs 8.2 to 8.28. The outline approach means it is more difficult to assess the detailed design of the building and the affect this will have on its setting.
Effects on landscape, trees, heritage impacts, loss of common land	Considered in the principle of development section.
Secondary ancillary development effects in particular the lack of visibility splays, safety lighting, drainage and any stabilisation of underwater banks within the pits.	The flood risk assessment is incomplete and needs further work to assess flood compensation.
How would the car park be monitored.	No information provided. A matter that could be covered at detailed design stage.
The car parking provision is excessive.	Agree; see paragraph 8.44.
There is no justification for the retail unit and what would be the strategy if café fails and buildings left unattended	The occupation of the premises could not be controlled through the planning process. The size of the retail unit does not require a Retail Impact Assessment.
The café would help reduce fly-tipping	This is a management issue and does not justify inappropriate development in the Green Belt.

9.0 CONCLUSION

- 9.1 The proposed development is considered inappropriate in the green belt as directed by Paragraph 89 of the NPPF, and cumulatively other considerations do not outweigh the inappropriateness and harm to the green belt. The applicant has not advanced any justification which could amount to very special circumstances. The proposal also involves the loss of Protected Open Space and is an A3 use outside of a local or district centre. Flood risk, ecology and highway safety matters are all unresolved and form reasons for refusal. REFUSAL is recommended.

10.0 RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposed café and associated development is not considered an appropriate facility for outdoor sport and recreation because of its use, size and significant adverse visual impact. The proposal would erode the vulnerable green belt wedge, the primary function of which is to check the unrestricted sprawl of Cambridge, through the proposed building, car and cycle parking and service yard. The proposal is in direct conflict with the purposes of including land within Green Belt and would result in significant harm, contrary to paragraphs 87, 88 and 89 of NPPF and Cambridge Local Plan 2006 policy 4/1.
- 2) The proposal would result in the loss of and harm to the character of the site as a Protected Open Space. It has not been demonstrated that the open space can either be satisfactory replaced elsewhere or that the site is not important for environmental reasons and as such the proposal is in conflict with Cambridge Local Plan Policy 2006 4/2.
- 3) The proposed development consists of an A3 use located outside of an existing local, district or the City centre. Given the proximity of existing facilities similar to the that which is proposed (Cambridge Retail Park and Mill Road), it has not been proven that there is no alternative district centre location which can accommodate these facilities. Government Guidance on the vitality of town centres reiterates the importance of ensuring town centres are not undermined by

allowing town centre uses outside of the town centre. In the absence of a sequential test to demonstrate that alternative locations have been considered in existing centres, the proposal undermines town centre function without evidence of need outside of such a location, contrary to Cambridge Local 2006 policy 6/10 part b, whereby food and drink uses should only be permitted in an existing centre.

- 4) The proposed development provides insufficient information on the likely trip generation, linked trips, junction modelling assessments or justification for the level of car parking which is significantly in excess of the Council's Adopted Car Parking Standards. In the absence of this information it is not possible to assess the likely impacts of the development on local highway network, contrary to Cambridge Local Plan 2006 policy 8/2.
- 5) The proposed development fails to appropriately assess the flood risk to the site or provide sufficient floodplain mitigation. As such, this will give rise to a significant risk of increased flooding contrary to Local Plan policies 3/1, 4/6 and paragraph 103 of the NPPF.
- 6) The proposed development is likely to result in a net loss of biodiversity and does not adequately assess the impact on reptile species. In the absence of an assessment of the total areas of habitat to be lost and gained, significant adverse ecological impact is likely for the City Wildlife Site, contrary to Cambridge Local Plan 2006 policy 4/6.

Application Number	17/1225/FUL	Agenda Item	
Date Received	27th July 2017	Officer	Michael Hammond
Target Date	26th October 2017		
Ward	Abbey		
Site	122 - 128 Newmarket Road And 2 And 5 Abbey Street Cambridge CB5 8HE		
Proposal	Erection of a B1(a) and B1(b) office building with ancillary motion capture studio at ground floor and external first floor terrace along with car and cycle parking, electricity sub-station and associated infrastructure and a ground floor Public House (use class A4) following the demolition of existing buildings on site		
Applicant	Learig (Cambridge) Ltd & Ninja Theory Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development retains the public house use and the principle of development is acceptable. - The proposal would not give rise to unacceptable levels of noise and disturbance to neighbouring properties from either the public house or office functions. - The proposed works would not harmfully overlook, overshadow or visually dominate neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of a vacant public house (formerly the Five Bells public house) and a retail unit which front onto Newmarket Road. The site includes a large area of

car parking hardstanding at the rear which is accessible from Abbey Street. The existing buildings are two and two-and-a-half storeys in scale with single-storey linking elements in-between.

- 1.2 The surrounding area is comprised predominantly of a mixture of commercial and residential uses. Opposite the site to the north there is a row of two-and-a-half-storey terraced properties, the majority of which have some form of office or retail function on the ground-floor with residential accommodation above. To the east of the site, on the other side of Abbey Street, is the recently developed mixed-use four-storey building known as Nidus House. To the south there is a four-storey contemporary finished building which hosts studio units for student accommodation.
- 1.3 The site falls within the Central Conservation Area and Air Quality Management Area. The site also falls within the New Street/ Newmarket Road site allocation (7.01) area.

2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks planning permission for the following works:
 - Erection of an office building (B1(a) & B1(b)) with ancillary motion capture studio at ground-floor and an external first-floor terrace;
 - Car and cycle parking;
 - Electricity sub-station and associated infrastructure; and
 - Ground-floor Public House (A4) following demolition of existing building on the site.
- 2.2 The proposal effectively consists of two major elements. Firstly the corner block that wraps around the corner of the Newmarket Road and Abbey Street junction. Secondly the Newmarket Road block that is visually separated from the corner block by a glazed link element.
- 2.3 The proposed corner block would be three-and-a-half storeys in scale and would extend out to the south side of the site along Abbey Street. At ground-floor level, the corner of this element would host the proposed public house use with the remainder of the ground-floor space and entirety of the upper-floors being formed of office space. There would be an undercroft element

at ground-floor level which would provide a means of access through the site for car and cycle parking.

- 2.4 The building line of the proposed development along Newmarket Road would be set back from the existing front building line by over 2m which would widen the pavement along Newmarket Road.
- 2.5 The proposed Newmarket Road block would be two-and-a-half storeys in scale and would host the main workspace of the proposed office at the lower-ground and ground-floor level, most of which is taken up by a motion capture studio. The upper-floors would again be used as typical office space, with an external terrace proposed at first-floor level with a 1.6m high timber screen surrounding this.
- 2.6 The proposed fenestration and design of the blocks would be relatively uniform in appearance. The main walls would be formed by a grey coloured brick and the upper mansard roof form would be vertically clad in hanging slate with zinc cladding to the proposed dormers.
- 2.7 The proposal has been amended to change the material finish of the core plant area at roof level from concrete to a zinc finish. The proposed Newmarket Road block has also been reduced in footprint at the upper-floor level to be set away from the adjacent property at no.120A Newmarket Road following concerns raised regarding the visual dominance and loss of light that the original proposal would have caused. Cycle parking for the public house has also been proposed on the revised plans in response to concerns raised by the Cycling and Walking Officer.
- 2.8 The application is accompanied by the following additional information:
 1. Drawings
 2. Design and access statement
 3. Planning statement
 4. Daylight and sunlight assessment
 5. Ecology report
 6. Flood risk assessment and drainage strategy
 7. Ground investigation report and phase one desk study
 8. Transport statement

- 9. Travel plan
- 10. Utility report
- 11. Photomontage views
- 12. Drainage report

3.0 SITE HISTORY

3.1 The site has an extensive planning history. The recent planning history is as follows:

Reference	Description	Outcome
16/0876/CLUED	Application for a certificate of lawfulness under Section 191 is sought for the use of the premises (ground floor) for storage purposes ancillary to the Discount Autoparts Ltd business at Nos. 120-126 Newmarket Road (Use class A1)	Certificate not granted.

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 3/6 3/7 3/11 3/12 3/13 4/3 4/9 4/11 4/13 4/14 4/15 5/4 5/11

	6/10 7/1 7/2 8/1 8/2 8/3 8/4 8/5 8/6 8/8 8/9 8/10 8/16
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (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) Eastern Gate Supplementary Planning Document (October 2011)
Material Considerations	<u>City Wide Guidance</u> Cambridge City Nature Conservation Strategy (2006) Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)

	<p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012)</p>
	<p><u>Area Guidelines</u></p> <p>Riverside and Stourbridge Common Conservation Area Appraisal (2012)</p> <p>Newmarket Road Suburbs and Approaches Study (October 2011)</p>

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account,

especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Original comments (30/08/2017)

- 6.1 Cambridgeshire County Council requests a holding objection on the basis that a robust assessment of the application cannot be undertaken until the outstanding information regarding trip generation, accident analysis and cycle parking has been provided.

Comments on additional information (13/10/2017)

- 6.2 Cambridgeshire County Council are now in a position to lift our holding objection and have no objection to this development subject to the land being gifted to CCC for the Proposed Highway Widening and also a Travel Plan being secured.

Environmental Health

Original comments (15/08/2017)

- 6.3 Further information regarding the following elements is required:
- Opening hours and cooking hours for the public house;
 - Plant noise; and
 - External terrace use

Comments on additional information (10/10/2017)

6.4 No objection subject to the following conditions:

- Plant noise insulation;
- Construction hours;
- Collection during construction hours;
- Construction/demolition noise/vibration & piling;
- Dust condition;
- Contaminated land;
- Building insulation of public house;
- Delivery hours;
- Hours of use – ninja pub;
- Hours of use – first-floor terrace; and
- Informatives

Urban Design and Conservation Team

Original comments (06/09/2017)

6.5 The overall design and relationship with the conservation area is considered acceptable in conservation and urban design terms and subject to the above amendments, the proposal is supported. Conditions are essential to obtain acceptable details regarding roof top plant, fenestration, roofing, dormers and materials.

6.6 However we do not support the possibility of the upper floor stair core becoming a beacon at night and this should be designed out. We suggest that alternative colour/materials for the chamfered pub window reveals should be explored to avoid staining / discolouring being so close to Newmarket Road (as has occurred on the Hills Road scheme the proposal takes reference from). A sample panel on site will be required and details will be covered by condition should the application be approved.

Comments on additional information (04/10/2017)

6.7 We support the removal of the reglit finish to the core pop up area. The principle of zinc as an alternative material is acceptable; however we still request that the rooftop plant/core area be conditioned as per our previous comments. We also note that the materiality of the Newmarket Road recessed area

adjacent to the existing properties to the west of the site has changed from slate to gault brick. In our view, the original slate finish worked well to emphasise the distinction between the forms along Newmarket Road and to provide a modulation to the streetscene. As such, we recommend that the material within this recessed area revert back to the original slate finish. This can be addressed by way of condition. The following conditions are recommended:

- Materials samples;
- Sample panel of brick work;
- Roof details;
- Roof top plant and solar panel details; and
- Window details;

Senior Sustainability Officer (Design and Construction)

6.8 No objection subject to condition regarding renewable energy.

Access Officer

6.9 The comments of the Disability Consultative Panel are supported.

Head of Streets and Open Spaces (Landscape Team)

6.10 No objection subject to hard and soft landscaping and boundary treatment conditions

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

6.11 No cycle parking has been provided for pub staff and customers and no visitor parking has been provided for the office building. Customer and visitor parking should be close to the entrances. The reason given for not providing customer cycle parking for the pub is unacceptable – in Cambridge people often cycle to their local pubs as is obvious from observing the number of cycles left outside pubs around the city during opening hours. The applicant should provide cycle parking which accords with the City Council cycle parking standards. Access to the staff parking via the security gate should be easy to use for cyclists and self- locking – this should be conditioned.

Cambridgeshire County Council (Flood and Water Management)

6.12 No objection subject to drainage and drainage maintenance conditions.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.13 No objection subject to surface water drainage condition.

Head of Streets and Open Spaces (Nature Conservation Officer)

6.14 No objection subject to bird box condition.

Environment Agency

6.15 No objection subject to unexpected contaminated land condition.

Anglian Water

6.16 No objection subject to hard-standing drainage condition.

Cambridgeshire Constabulary (Architectural Liaison Officer)

6.17 No objection.

Cambridgeshire County Council (Archaeology)

6.18 No objection subject to archaeology condition.

Disability Consultative Panel (Meeting of 29th August 2017)

6.19 Although the Panel would like to see all ramped areas include a handrail, this is in general a commendable scheme that includes various accessible features that would benefit young people with disabilities. Although the Panel understand that having generous parking provision at this location would be unrealistic, the inclusion of a designated accessible bay would be welcomed.

Developer Contributions Monitoring Unit

6.20 The Developer Contributions Monitoring Unit (DCMU) does not propose to seek specific S106 financial contributions under the Council's Planning Obligation Strategy SPD 2010, as Cambridge City Council does not seek S106 financial contributions from commercial/ office developments.

Cambridge Airport

6.21 No objection.

6.22 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:

Suite 240 50 Eastcastle Street London	1 Abbey Court, Abbey Street
120A Newmarket Road	144 Kendal Way
135A Newmarket Road	Campaign for Real Ale (CAMRA)

7.2 The representations can be summarised as follows:

- Concerned that the gaming bar would be a gambling premises.
- Loss of view
- In the event of approval, the council band of neighbours should be altered from B to A.
- The proposed pub is not supported as it does not include a two-bedroom managers flat which is required for it to operate successfully.
- Noise and heat from rooftop plant.
- Loss of light/ overshadowing.
- Noise disturbance from substation.
- The proposal would make it difficult for vehicles to enter and exit the cul-de-sac of Abbey Street.
- Pressure on on-street parking from public house/ lack of car parking.
- Lack of cycle parking and littering of cycles along pavement.

- Further information regarding the structural support for nos.118 – 120 Newmarket Road and the finish of the gable wall after the adjacent building has been demolished is required.
- Details to ensure no water ingress occurs on the exposed wall of no.118 – 120.
- There should be no over sailing of the land at No.120A Newmarket Road.
- A daylight analysis is required.
- Overlooking/ loss of privacy
- Guarantees regarding noise and dust control throughout the demolition/ construction process is required.

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. Renewable energy and sustainability
4. Disabled access
5. Residential amenity
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking
9. Drainage
10. Third party representations

Principle of Development

Public House

8.2 The Five Bells public house is identified as a protected public house in the Interim Planning Policy Guidance (IPPG) on The Protection of Public Houses in the City of Cambridge (2012).

8.3 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. The existing footprint of the public house is around 185m² and the proposed public house would be smaller than this at 105m². However, in my opinion, as the public house function is being retained and would bring a vacant site back into use, I am of the opinion that the proposal accords with these national and local policies.

- 8.4 The intention is for the public house to be operated by 'Ninja Theory' who are a game development company that would occupy the office and motion capture studio of the proposed development. The proposed public house would be open to members of the public and would also have a physical link to the office in the form of a hatch between the back of the bar area and the breakout space for the motion capture studio. The planning statement emphasises that the operator of the office would be responsible for the management and running of the public house and that it would be an integral element of the development. I have recommended a phasing plan condition to ensure that there is an agreed timescale for the implementation of the public house before the existing pub is demolished.
- 8.5 It is acknowledged that CAMRA have objected to the proposal on the grounds that a manager's flat for the public house has not been incorporated into the proposed development. There is no policy obligation within the IPPG (2012) guidance on public houses for a manager's flat necessarily to be integrated into future public house developments. It is pertinent to note that the existing pub has not operated since 2003 and has been vacant for a considerable length of time. The proposal would regenerate this site and revamp the public house use, thus improving the viability of the public house function in my view. It is also relevant to note that a manager's flat was not required on a similar sized public house at the Royal Standard on Mill Road (13/0810/FUL) which has proved to be a successful and viable public house in the City. In my opinion, the proposal to reinstate and revitalise the public house along a busy arterial

route into the City Centre would comply with national and local policies and guidance in respect of this use and should be supported.

Loss of housing

- 8.6 The proposal would involve the loss of an existing residential unit above the current retail unit. Policy 5/4 of the Cambridge Local Plan (2006) states that the redevelopment of existing dwellings to other uses will not be permitted unless it can be demonstrated that:
- a) The property is unfit for human habitation and cannot be rehabilitated;
 - b) It is a subsidiary part of a non-residential property without any practical means of separate access being provided;
 - c) It is a listed building which can best be preserved through change of use;
 - d) It is necessary for the provision of community facilities for which there is a need in Cambridge; or
 - e) The lost accommodation is replaced by at least an equivalent amount of new residential floorspace. Such provision will be made on site unless otherwise agreed.
- 8.7 In my view, criterion B of this policy could be applied to this application. The existing flat forms a relatively small aspect of the larger overall site and there is no means of separating this flat from the rest of the scheme without severely restricting the comprehensive design and coordination of the site.
- 8.8 It is also relevant to note that the application site forms part of a proposal site (7.01) in the Local Plan (2006) which covers a large quantity of the south side of this section of Newmarket Road. This proposal site identifies that office, employment, student hostels and housing are all acceptable uses in this large section of Newmarket Road. There have been several other examples of residential flats being provided elsewhere within this proposal site, such as Nidus House, Beacon Rise and nos.91 – 93 East Road. Consequently I am of the view that the loss of one residential flat on the application site would be acceptable in this instance given the high density of residential flats that have been provided elsewhere on the proposal site.

Office use

- 8.9 The site falls within proposal site 7.01 (New Street/Newmarket Road) in the Cambridge Local Plan (2006) and is allocated for both employment use and office purposes. The two relevant policies within the Local Plan (2006) that refer to employment use are policies 7/1 and 7/2.
- 8.10 With regard to Policy 7/1, the site is identified within the proposals schedule and one of the permissible uses for the site is office. The principle therefore of providing an office use on the site is acceptable. The proposed office use would be compliant with the site allocation which allows for this use.
- 8.11 Policy 7/2 of the Cambridge Local Plan (2006) states that employment development proposals will only be permitted if it can be demonstrated that they fall into one or more of certain categories. Category A of this policy reads as follows:
- A) The provision of office or other development within Use Class B1(a) providing an essential service for Cambridge as a local or Sub-regional centre or exceptionally where there is a proved need for a regional function.
- 8.12 The proposed office use would be occupied by 'Ninja Theory' which is a game development company that currently has an office at the Westbrook Centre near Milton Road in Cambridge and have been operating in the City since 2004. The company have created and developed games for global brands such as Disney, Star Wars and Marvel. The proposed development would enable the company to grow and attract game developers from beyond the City by providing a bespoke, high quality office space for its employees.
- 8.13 In my opinion, given that the company has been operating in Cambridge for a significant period of time, I consider the principle of the office use is acceptable and in accordance with policies 7/1 and 7/2 of the Cambridge Local Plan (2006).

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

Context and principle of demolition

- 8.14 The application site occupies a highly prominent location on the corner of Newmarket Road and Abbey Street, close to the City Centre. The site falls within the Central Conservation Area (2013), the Newmarket Road Suburbs and Approaches Study (2012) and the Eastern Gate Development Framework SPD (2011).
- 8.15 The existing buildings on the site are of a relatively low quality and do not have any significant architectural merit in terms of their contribution to the character and appearance of the area. The Urban Design and Conservation Team have raised no objection to the proposed demolition of these buildings and I agree with this advice.
- 8.16 The site is not specifically referenced in the Riverside and Stourbridge Conservation Area Appraisal (2012) or the Newmarket Road Suburbs and Approaches Study (2012).
- 8.17 The site is included within the Eastern Gate Development Framework SPD (2011) which provides guidance on the overall heights likely to be acceptable and identifies the Newmarket Road frontage area of the site, as an 'historic high street' frontage where the retention of the finer grained character of this part of the street is encouraged. The SPD also identifies existing significant views from Elizabeth Way Bridge looking across the Riverside and Stourbridge Common Conservation Area. The SPD makes a brief assessment on some of the key characteristics of the study area including the remnants of the Newmarket Road 'high street' and finer grained buildings that characterise the immediate area. The Eastern Gate Development Framework identifies in figure 39: Built form, Scale and Massing Strategy (page 45) that the site could allow buildings up to 2+1 storeys (the +1 either being accommodation in the roofscape or a setback upper floor) along the frontage. No specific heights are provided for the Abbey Street frontage.

Layout and response to context

- 8.18 The overall approach to break up the form of the development into three distinct blocks with recessed linking elements is supported, as it allows the proposal to respond to key contextual and placemaking factors. In layout terms, the two blocks that front Newmarket Road allows the scheme to pick up on the finer grain character of the historic high street that remains on the northern side of Newmarket Road. Building lines here are stepped to handle the transition between the building line of the Nidus development (132-136 Newmarket Road) to the east of the site and the historic frontage to the west, in addition to accommodating a setback requested by the Highway Authority for future highway improvements.
- 8.19 The corner block which accommodates the community pub at ground floor successfully addresses both Newmarket Road and Abbey Street. The change in form at the corner to present a gable along the frontage and the inclusion of the active use at the ground floor by way of the new pub, further emphasises the distinction between the two forms along Newmarket Road. Along Abbey Street, an appreciable recessed element creates the third distinct block that allows the proposal to respond to the more residential character along this street.
- 8.20 The overall approach to create upper floors that read as roof level accommodation is supported as it reflects the existing pitched roof forms of the immediate area and reduces the perceived mass of the buildings. The glazed entrance onto Newmarket Road would engage positively with the street scene.
- 8.21 Bin storage would be integrated internally within the building with a clear access out through the undercroft onto Abbey Street for collections. There would be a large covered cycle store for cycle parking for staff along the western boundary which is within close proximity to the office entrance. The proposed car parking would utilise the existing parking arrangements and I do not consider this would detract or dominate the streetscape.

Scale and massing

- 8.22 Along the Newmarket Road frontage, the scheme proposes heights of 2 + 1 storeys adjacent to the existing buildings west

of the site, rising to 3 + 1 storeys on the corner and along Abbey Street. Whilst the scheme exceeds the SPD guidance by 1 storey at the corner of the site, the proposed scale and massing has evolved through pre-application discussions with officers, in which accurate 3D modeling was used as a design tool to inform and test the scale and massing on key views, vistas and skyline. This work has been captured in a series of verified photomontage views that show the scheme set within the existing surrounding context.

8.23 The submitted series of Visual Impact Assessment Verified Photomontages show key approaches to the site, including the view from the Elizabeth Way Bridge and more localised views from surrounding streets. The methodology for creating the images is clearly explained and the views have been prepared following best practice guidelines as set out by the Landscape Institute. The views demonstrate that from the two furthest view points from Elizabeth Way Bridge and looking south from Priory Road the proposed buildings will hardly be visible or totally screened by the existing townscape. The photomontage view from Elizabeth Way Bridge illustrates that the proposed buildings do not compete with the existing trees in the foreground or the punctuated Victorian terraced roofscape of the Riverside and Stourbridge Common Conservation Area (2012). The proposed scale and massing is therefore not considered to have a harmful impact upon views across the conservation area.

8.24 Considering the scheme within the site's more immediate context, the proposed scale and massing is considered to be acceptable. The proposed Newmarket Road block at 2 + 1 storeys, reflects the scale of the historic terraced frontage to the west of the site. The eaves height of this block is similar to the neighbouring dwelling and the contemporary mansard roof form articulated with chimneys and dormers relates well to the roof forms in the immediate context. Although the overall ridge height is taller than the neighbouring properties, the difference is not harmful to the overall character of this part of the street, where variations in ridgelines are evident.

8.25 The increase in scale to 3 +1 storeys at the corner block is felt to be acceptable as it relates to the scale of the adjacent Nidus development and manages the transition in scale from the larger 4 and 5 storey forms of the Travelodge and Beacon Rise

to the more domestic scale properties towards the roundabout. The combination of modeled elevations, gabled form, contemporary mansard roofs and chimney stacks visually reduces the perceived scale and massing of the building, creating an overall rhythm along the Newmarket Road frontage that works well with the finer grain context of the immediate area.

- 8.26 The Abbey Street block at a height of 3 + 1 storeys relates to the scale of the existing Abbey Court, and with its projecting bays, dormer windows, rusticated base and linear brick banding creates an agreeable sense of modeling. Again the mansard roof form reduces the perceived scale and massing of this block when viewed from the street.
- 8.27 The contemporary mansard roof form with recessed plant well removes the need for unsightly wall mounted systems. From the verified views, we note that an area of rooftop plant is visible in the view looking east across the Elizabeth Way Roundabout. However, views from this location are likely to be transitory and are considered a less sensitive view than from other locations. In addition the verified images demonstrate that from all other location the air handling units will be better screened by existing buildings and the proposed Newmarket Road frontage building. It is recommended that the final materiality and details of the rooftop plant elements is conditioned.

Elevations and materials

- 8.28 The arrangement of windows is orderly and reinforces the vertical rhythm of both streets that the scheme addresses. Other facade elements such as concrete banding and dormers pick up on neighbouring properties. Rusticated brickwork helps to 'ground' the base of the building along Abbey Street, and projecting header and liner brick banding detail adds visual richness. Window reveals are deep and the chamfered large window reveals at the base of the corner block will help to emphasis the pub use at the corner.
- 8.29 The use of a varied gault clay, Mystique brick or similar is acceptable, although the final choice should be carefully selected to work with the existing buildings surrounding the site. The slate roofing, zinc clad dormers and aluminum windows are acceptable.

8.30 In response to concern that the upper-floor stair core could become a beacon at night, the material of this element has been amended to a zinc finish instead which the Urban Design and Conservation Team is supportive of. Conditions relating to material samples and finer details have been recommended.

Conclusion

8.31 Overall, the proposed development is considered to enhance the character and appearance of the Conservation Area.

8.32 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 3/13.

Renewable energy and sustainability

8.33 The proposal includes PV panels over the public house element, a mechanical ventilation system and an underfloor heating system that would be served by an air source heat pump. The Sustainability Officer is supportive of the proposal subject to conditions.

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

Disabled access

8.35 The Disability Consultative Panel and Access Officer are both supportive of the proposed works.

8.36 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

Impact of physical works

- 8.37 The main consideration is the impact of the proposed works on the adjacent first-floor flat at no.120A Newmarket Road to the west, the studio student apartment of no.2 Abbey Street to the south, the flats of Nidus House to the east, and the residential properties on the opposite side of Newmarket Road to the north.
- 8.38 In my opinion, the proposed works would not have a harmful impact on the amenity of no.120A Newmarket Road. The proposal originally included the three-storey wall of the development being situated hard-up against the external terrace and first-floor kitchen window of this neighbour. This would have had a harmful impact in terms of visual enclosure and loss of light in my opinion.
- 8.39 In response to this, the proposal has been amended to move the three-storey building line in from the western side of the site by approximately 2.1m in an attempt to provide an element of separation distance and spacing from the adjacent first-floor terrace of no.120A. In addition to this, a daylight and sunlight assessment has also been provided. The removal of this massing means that only the deeper element of the proposed works, as it projects southwards into the site, would be readily visible from the adjacent first-floor terrace and kitchen window.
- 8.40 Whilst the proposed works would still be visible, the separation distance and spacing is considered to be sufficient enough to ensure that the kitchen and terrace of this neighbour is not perceived as being visually oppressed by the development. In addition the daylight and sunlight assessment confirms that the revised proposal would retain 80% of the light reaching the neighbours kitchen window which complies with the requirements of the BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011) recommended levels.
- 8.41 It is acknowledged that this neighbour has raised a concern regarding the potential overlooking from the first-floor terrace. The proposed terrace would be surrounded on all sides by a

1.6m high timber faced screen which would restrict direct views back towards this neighbour in my opinion. To ensure that this screen remains in-situ I have recommended a compliance condition for it to be retained in place.

8.42 The owner of the nearest ground-floor student studio apartment at no.2 Abbey Street to the south has raised an objection to the proposal on the grounds of the loss of daylight that would be experienced in the room. The objection is mainly focused on the impact the proposal would have on a narrow north-facing window. The apartment is also served by a large east-facing window and glazed door that in my opinion was clearly designed as the primary outlook for this habitable room. The neighbour has explained that due to the volume of comings and goings along Abbey Street, the curtains of the main window are frequently closed for privacy reasons and that the room is reliant on the secondary north-facing window as the main means of light to this room. In my opinion, whilst I have no doubt that the proposal would effectively block up this window, I do not consider this to be a reasonable reason to refuse the application given that there is a much larger window which is capable of providing a significant proportion of the occupiers daylight/ sunlight requirements. I appreciate that people walking along Abbey Street could look into the room as they walk up and down the street but this is not an uncommon arrangement in the City.

8.43 The upper-floor of Nidus House to the east of the site is comprised of residential flats. The views out to the east from the proposed development would allow for views towards these neighbouring properties. However there would be a separation distance of over 9.5m between the windows of the proposed office and these neighbours. In my opinion, given the urban context of the site and the adjacent Nidus House, I consider that a separation distance of around 9.5m is sufficient to ensure an acceptable level of privacy for these neighbours.

8.44 The physical bulk of the proposed development would be set on the opposite side of Nidus House, separated by the public highway of Abbey Street. In my opinion, whilst the proposed works would be visible from the majority of west facing views of the Nidus House flats, I do not consider it would result in these properties being visually enclosed given the relatively dense urban context of the site and separation distance. A shadow

study has been submitted which demonstrates that there would be a degree of overshadowing over part of the first-floor of Nidus House during the vernal and autumnal equinoxes but there would still be light reaching the affected areas around the midday and early afternoon hours. I do not consider the proposed works would adversely impact on the amenities of these neighbouring flats.

- 8.45 There are residential flats to the north of the site along the opposite side of Newmarket Road. However, these flats are situated over 22m across the dual carriageway which would provide a comfortable separation distance from the proposed development. This separation distance would ensure there is no harmful overlooking. The shadow study demonstrates that there would be no overshadowing experienced. It is acknowledged that one of the neighbours opposite has objected on the grounds that the view of the blue sky above and adjacent to the existing buildings would be lost. Although the proposed building would inevitably be more visually prominent than that of the existing buildings, I am confident given the separation distance that the loss of this view would not result in a harmful impact on neighbours opposite in terms of visual enclosure and dominance.

Impact of proposed office use

- 8.46 I do not consider the proposed office use would harmfully impact on the surrounding area in terms of noise and disturbance. The vehicle movements for car parking would be situated in an existing hardstanding area and away from the main windows and amenity spaces of neighbours. An office use does not typically have frequent deliveries or commercial servicing and I am of the view that the servicing requirements of this use would not harm neighbour amenity.
- 8.47 I do not anticipate the day-to-day use of the proposed office use would give rise to unacceptable levels of noise in terms of the activities within the building. The proposed office and motion capture studio would be confined internally within the building and in a commercial area where there is already a high level of background noise from existing commercial uses and day-to-day traffic. A condition has been recommended to restrict the use of the first-floor terrace to employees of the office only and

for it not to be used outside 07:00hrs – 19:00hrs Monday to Saturday and 08:00hrs to 13:00hrs Sundays.

- 8.48 As the proposed office would have its own server room and substation, consideration as to the running of plant equipment 24 hours is required. The Environmental Health Team has assessed the acoustic report and is in broad support of the proposals. They have requested a plant noise condition however for the precise acoustic details of the plant to be agreed.

Impact of proposed public house use

- 8.49 In my opinion, the proposed public house use would not harmfully impact on the amenities of nearby properties. The site is situated in an established commercial area and the registered use of part of the site is as a public house. There is already a reasonable level of background noise in the surrounding area from vehicle movements along Newmarket Road.

- 8.50 The proposed public house does not directly border any residential properties. The Environmental Health Team has requested several conditions which include restricting delivery hours, hours of use and the building insulation of the public house. In my opinion, subject to meeting these conditions, I am of the view that the public house can function successfully within its context without harmfully impacting on neighbour amenity.

Impact on on-street car parking

- 8.51 It is acknowledged that objections have been raised from third parties regarding the lack of car parking proposed and the potential impact this could have on the surrounding streets.
- 8.52 The proposal includes 10 car parking spaces which would be solely for use by staff of the office and not for patrons of the public house. There are also 60 cycle parking spaces proposed for staff, as well as four visitor spaces. The site is in a highly sustainable location, close to the City Centre and with bus stops immediately outside the site along Newmarket Road. In my opinion, given the sustainable location of the site and sufficient level of cycle and car parking for staff, the proposed office use

would not give rise to unacceptable levels of on-street car parking in the surrounding area.

8.53 The proposed public house use does not include any car parking. The public house provides five cycle parking spaces which accords with the minimum cycle parking standards. In my opinion, the public house would serve a local catchment area as there are residential properties in the Abbey and Petersfield wards which are within walking distance of the site rather than relying on trips from properties across the City and beyond to the wider area. The applicant has submitted a travel plan and transport assessment which demonstrates that when compared to the existing uses, including the retail element, there would actually be a net reduction in trips to and from the site. The Highway Authority has assessed this information and is of the opinion that this demonstrates that even if additional trips were on the network locally and parking elsewhere this would not generate a significant impact on the highway network. A travel plan condition has been recommended by the Highway Authority which will require details for encouraging staff and visitors to access the site by sustainable modes of transport.

8.54 In my opinion, subject to condition, the public house would serve a local catchment and would not give rise to unacceptable levels of car parking in the surrounding area.

Construction/ demolition activities

8.55 The Environmental Health Team has recommended conditions relating to piling, vibrations, dust, hours of construction/ demolition and delivery hours during the construction/ demolition phase. In my opinion, subject to these conditions, the proposed works would not harm neighbour amenity in terms of noise and disturbance.

8.56 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, 4/13 and 6/10.

Refuse Arrangements

8.57 The proposal includes an internal bin store for the office and a separate internal bin store for the public houses. The bin stores

are easily accessible and there are clear routes out to Abbey Street for the bins to be collected. I have recommended a compliance condition for the bin storage to be provided in accordance with the approved plans.

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

Highway Safety

- 8.59 The Highway Authority has raised no objection to the proposal on the grounds of highway safety. The proposal would increase the width of the narrow pavement along Newmarket Road by an additional 2m which would improve pedestrian flows along this busy route and would enhance the area.

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

Car and Cycle Parking

- 8.61 Car parking has been addressed in paragraphs 8.51 – 8.54 of this report.

- 8.62 The cycle parking proposed for the office use is considered to be acceptable and I have recommended a compliance condition for this to be installed and retained for use by the office staff.

- 8.63 It is acknowledged that no cycle parking was originally proposed for the public house use and that the Cycling and Walking Officer had objected to the proposal on this basis. In response, the proposal has been amended to include five cycle parking spaces in the form of Sheffield stands for the public house which accords with the minimum standards of the Cambridge Local Plan (2006). In my opinion, the amended scheme would provide safe and secure cycle parking for visitors of the public house and is acceptable.

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

Drainage

- 8.65 A drainage report has been submitted by the agent and this has been reviewed by the Lead Local Flood Authority, City Council Drainage Engineer, Anglian Water and Environment Agency who are all supportive of the proposal, subject to conditions and informatives.
- 8.66 In my opinion, subject to conditions, the proposal is compliant with paragraph 103 of the National Planning Policy Framework (2012).

Third Party Representations

- 8.67 The majority of third party representations have been addressed in the main body of this report. Those outstanding have been addressed below:

<u>Comment</u>	<u>Response</u>
Concerned that the gaming bar would be a gambling premises.	The proposal is for a public house use and would not operate as gambling premises. This would also be safeguarded through licensing laws.
In the event of approval, the council band of neighbours should be altered from B to A.	This is not a planning consideration and is a matter for the council tax team.
Noise and heat from rooftop plant.	A plant noise condition has been recommended to control noise levels. Heat levels are not a planning consideration.
The proposal would make it difficult for vehicles to enter and exit the cul-de-sac of Abbey Street.	There is already a vehicular entrance into the rear of the site and the Highway Authority has raised no objection to the proposal.

<p>Lack of cycle parking and littering of cycles along pavement.</p>	<p>Cycle parking has been addressed in the main body of this report. I do not consider the informal parking of bicycles in the surrounding area would occur in light of the additional cycle parking provided.</p>
<ul style="list-style-type: none"> <input type="checkbox"/> Further information regarding the structural support for nos.118 – 120 Newmarket Road and the finish of the gable wall after the adjacent building has been demolished is required. <input type="checkbox"/> Details to ensure no water ingress occurs on the exposed wall of no.118 – 120. <input type="checkbox"/> There should be no over sailing of the land at No.120A Newmarket Road. 	<p>These are party wall and building regulation matters.</p>

9.0 CONCLUSION

9.1 The principle of retaining the public house use and the proposed office use are both acceptable in principle. The proposed development would enhance the character and appearance of the Conservation Area. The proposed uses would not give rise to unacceptable levels of noise, disturbance or car parking being experienced in the surrounding area. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

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

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

13. 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)

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

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 6/10)

15. Deliveries to or dispatches from the site shall not be made outside the hours of 07:00 - 23:00hrs on Monday to Friday, 08:00 - 13:00hrs on Saturday or at any time on Sundays or public holidays.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 6/10)

16. The public house hereby approved shall not operate / open outside the hours of 09:00hrs and 23:00 hrs Monday to Saturday and 09:00hrs and 22:00hrs Sunday and bank holidays.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 6/10)

17. The first-floor terrace hereby permitted shall be used solely by employees B1 office use of the application site during standard office activities and shall not be used outside of 07:00hrs - 19:00hrs Monday to Saturday and 08:00hrs to 13:00hrs Sundays.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 4/13 and 6/10)

18. Prior to the commencement of the development hereby approved, with the exception of below ground works, 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.

Reason: To ensure that the appearance of the external surfaces is appropriate and to avoid harm to the special interest of the conservation area. (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/13 and 4/11)

19. 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, in addition to any specialist brick detailing (projecting header detail, linear brick banding) 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: To ensure that the appearance of the external surfaces is appropriate and to avoid harm to the special interest of the conservation area. (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/13 and 4/11)

20. No metal-clad or other non-traditional roofs shall be erected until full details of such roofs including materials, colours, surface finishes and relationships to rooflights or other rooftop features have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate and to avoid harm to the special interest of the conservation area. (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/13 and 4/11)

21. Prior to the commencement of installation of any roof mounted equipment, full details of all roof top plant and solar panels and/or photovoltaic cells, including type, dimensions, materials, location and fixing shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate and to avoid harm to the special interest of the conservation area. (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/13 and 4/11)

22. No external windows or doors shall be installed until drawings at a scale of 1:20 of details of sills, lintels, jambs, transoms, mullions and spandrel panels have been submitted to and approved in writing by the local planning authority. All new window frames shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority prior to installation. The 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 avoid harm to the special interest of the conservation area. (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/13 and 4/11)

23. 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 swift 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).

24. No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall comprise immediate, continuing and long-term measures to promote arrangements to encourage the use of public transport, cycling and walking and in particular measures to encourage the use of alternative means of transport to the private car by staff, customers and visitors. Details of where additional cycle parking in the surrounding area will be located if there is obvious demand with details of how the demand will be monitored shall also be provided. The Travel Plan shall thereafter be implemented in accordance with the approved document.

Reason: In order to deliver sustainable transport objectives (Cambridge Local Plan 2006, policies 8/2, 8/3 and 8/4)

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

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

26. 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. The development shall be carried out in accordance with the approved details and retained thereafter.

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)

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

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

28. Prior to use of the first-floor terrace of the development hereby permitted, the first-floor terrace timber screen shall be installed in accordance with the details shown on drawing number C/111/P355 PL1 and retained thereafter.

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

29. The proposed on-site renewable and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. 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 technology 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 (Cambridge Local Plan 2006, policy 8/16).

30. Development 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 Richard Jackson Engineering Consultants (ref: 47264) dated November 2016 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) paragraph 103).

31. 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 building. 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 (2012).

32. Prior to occupation of the development hereby permitted, the cycle parking facilities shall be installed in accordance with the details shown on drawing numbers C111/ P343 PL2, C/111/ P359 & C/111/ P360. The cycle parking shall be retained for use thereafter in accordance with the approved details.

Reason: To provide sufficient cycle parking for staff of the development (Cambridge Local Plan (2006) policy 8/6).

33. Prior to occupation of the development hereby permitted, the refuse arrangements shall be installed in accordance with the details shown on drawing number C111/ P343 PL2. The refuse arrangements shall be retained for use thereafter in accordance with the approved details.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/12, 4/13 and 6/10)

34. Prior to the demolition of the public house, a scheme of works for the substantial completion of the proposed public house, including a phasing plan for its provision, shall be submitted to and approved in writing by the Local Planning Authority. The public house shall thereafter be constructed in accordance with the approved scheme of works and phasing plan, unless an alternative phasing plan is otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the public house is physically replaced on the site to meet the day-to-day needs of the community, NPPF paragraph 70, Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (October 2012).

INFORMATIVE: To satisfy the plant sound insulation condition, the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive sound frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).

It is recommended that the agent/applicant submits an acoustic prediction survey/report in accordance with the principles of BS4142:2014 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the boundary having regard to neighbouring premises.

It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into an acoustic assessment as described within this informative.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; sound sources and measurement / prediction points marked on plan; a list of sound sources; details of proposed sound sources / type of plant such as: number, location, sound power levels, sound frequency spectrums, sound directionality of plant, sound levels from duct intake or discharge points; details of sound mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full sound calculation procedures; sound levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

INFORMATIVE: 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: Electricity substations are known to emit electromagnetic fields. The Public Health England (PHE) Radiation Protection Service has set standards for the release of such fields in relation to the nearest premises. The applicant should contact The National Grid EMF unit on 0845 702 3270 for advice regarding the electric/magnetic fields that are associated with electric substations.

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

INFORMATIVE: Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

INFORMATIVE: Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m³ or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

INFORMATIVE: No consent is granted for any advertisement or signage, for which a separate full application and/or advert consent application may be necessary.

Application Number	17/0548/FUL	Agenda Item	
Date Received	10th April 2017	Officer	Michael Hammond
Target Date	5th June 2017		
Ward	Trumpington		
Site	60 Trumpington Road Cambridge CB2 8EX		
Proposal	Demolition of former restaurant, with redevelopment of the site for the erection of 2x3 bedroom and 1x2 bedroom detached linked dwellings; 1x2 bedroom apartment; 2x1 bedroom apartments; associated cycle and car parking provision and landscaping		
Applicant	Longbeach Estates Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The principle of the loss of the former public house is considered to be acceptable. <input type="checkbox"/> The proposed works would respect the amenities of neighbouring properties. <input type="checkbox"/> The proposed development would successfully contrast with the character and appearance of the area.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of a former restaurant/takeaway and associated car parking on the east side of Trumpington Road, close to the vehicular junction between Trumpington Road and Long Road. The building on the site is two-storeys in scale, rendered and has a hipped roof. There is an ancillary outbuilding to the rear and side of the existing building which has been dismissed at appeal and is awaiting

enforcement action, pending the outcome of this planning application.

- 1.2 The surrounding area is residential in character. To the north there is a pair of semi-detached properties known as Nightingale Cottages. To the south of the site runs the private lane that connects North Cottages to Trumpington Road. No.1 North Cottages is positioned to the south-west of the site and has a small garden on its eastern side. To the south is the row of terraced properties that form nos.2 – 4 North Cottages. These properties are unique in that the majority of habitable rooms are single aspect and are served only by north-facing windows. To the east of the site are the remaining properties that form nos.5 – 17 North Cottages.
- 1.3 There is an article 4 direction on the site (which is carried over from when the site was last used as the Volunteer Public House) which prohibits the demolition of the building without planning permission being obtained.

2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks planning permission for the demolition of the existing building and redevelopment of the site for the erection of 2no. three-bedroom and 1no. two-bedroom detached linked dwellings; 1no. two-bedroom apartment; 2no. one-bedroom apartments; and associated cycle and car parking provision and landscaping. The proposal is effectively split into two key elements, the front block (accommodating the apartments) and the rear dwellings which project deeper into the plot.

Front Block

- 2.2 The proposed front block would involve demolishing the existing building and replacing it with a three-storey building. The proposed building would be constructed in a contemporary manner with a pair of rectangular buff brickwork blocks forming the main mass of the building up to two-storeys to a height of approximately 6.8m. There would be a glazed element linking the two-blocks up to two-storey level and there would also be a terrace at first-floor level. Above this there would be a metal clad third-storey which would be set in from the two-storey building line.

- 2.3 Unit 4 of the proposed scheme would be a two-bedroom duplex apartment that would have bedrooms at basement level and the living area at ground-floor. The bedrooms would be served by large lightwells on the west and east elevations of the building to provide daylighting to these areas. The rear lightwell, on the east elevation, would also serve as a sunken courtyard area for the future occupants of this unit.
- 2.4 Proposed units 5 and 6 would take the form of a pair of one-bedroom duplex apartments situated over the first and second-floors of the building. Unit 6 would have a small terrace at first-floor and both units would have terraces at second-floor level.
- 2.5 Three car parking spaces are proposed in an undercroft area of the building which would provide one car parking space for each unit. Each of the proposed three units in this front block would have their own integral cycle stores. Bin storage would be communal and situated in the undercroft area, with the bin storage collection point being situated on the opposite side of the access road through the site.

Rear Block

- 2.6 The proposed rear block would accommodate the 3no. dwellings at the rear of the site which would project close to the southern boundary and out to the eastern boundary. The proposed works would be constructed predominantly in buff brickwork with some lime render on the southern elevation at first-floor level.
- 2.7 Units 1 and 3 would be two-storeys in scale and would have first-floor flat roofs that would be set in from the side (south) building line and measure approximately 5.7m to the ridge. The proposed chimneys would project above these flat roofs to a height of around 6.7m. These two units would be three-bedroom in size and have lower courtyards, although unit 1 would also have a private garden in the north-east corner of the site. Unit 3 would have its own first-floor external terrace area. These lower courtyards would also provide natural lighting to the basement rooms adjacent. These two units would have their own dedicated car parking spaces in undercroft areas which includes space for bin and cycle storage.

2.8 Unit 2 would be situated in the centre of the proposed development and would be two-bedroom in size. This proposed dwelling would be single-storey and would have access to a basement and ground-floor level, similar to units 1 and 3. The proposed dwelling would have a first-floor terrace as its main amenity space. Cycle and bin storage would be provided in an internal store but there would be no dedicated car parking for this unit.

Amendments

2.9 The most significant aspects of the amendments have consisted of the following:

- Removing a large bulk of the originally proposed first-floor of units 1, 2 and 3 at the rear of the site to attempt to alleviate overbearing concerns raised by officers, consultees and third parties;
- Bringing the footprint of the proposed front building block forward by approximately 1.55m;
- Alterations to the front landscaping area to include two car parking spaces at the front of the site;
- Alterations to cycle and bin storage arrangements;
- Changes to fenestration; and
- Removal of the works to the private lane of North Cottages.

2.10 The application has been accompanied by the following information:

1. Drawings
2. CGI images
3. Daylight and Sunlight assessment
4. Contaminated land desktop study
5. Archaeological desk based assessment
6. Planning statement
7. Protected species survey
8. Design and access statement
9. Viability assessment of pub and operator opinions

3.0 SITE HISTORY

Reference	Description	Outcome
15/0152/FUL	Retrospective application for a separate single storey dry storage building, extension to existing extract duct and single storey rear extension	Refused – Appeal Dismissed
05/1349/ADV	External signage	Application returned.
C/87/0108	ALTERATIONS and ERECTION OF SINGLE STOREY EXTENSION TO EXISTING PUBLIC HOUSE.	Permitted.
C/64/0441	Extension to car park, new fencing to private road, demolition of outbuilding and new shed	Permitted.
C/64/0322	Extension to existing car park.	Refused.
C/64/0235	Proposed Batley Garage	Permitted.

3.1 A copy of the Inspector’s Decision letter in relation to the appeal is attached.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/12 4/3 4/4 4/9 4/13

	5/1 5/11 8/2 8/4 8/6 8/9 8/10 10/1
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (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)
	<u>Area Guidelines</u> 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 subject to the following conditions:

- No unbound material;
- No gates erected;
- Highways drainage;
- Manoeuvring area as shown;
- Access as shown;
- Traffic management plan
- Traffic management plan informative

Environmental Health

6.2 No objection subject to the following conditions:

- Construction hours;
- Collection during construction;
- Construction/ demolition noise/ vibration & piling
- Dust
- Contaminated land conditions;
- Air quality – ventilation;

- Dust informative;
- Site investigation informative;
- Remediation works informative;
- Materials chemical testing informative; and
- Contaminated land guide informative

Head of Streets and Open Spaces (Tree Team)

Original comments (05/05/2017)

- 6.3 No formal objections to the proposal and the creation of a front garden is welcomed. The space at the front appears limited for tree planting and sufficient space for a medium/ large tree should be incorporated.

Comments on revised proposals (08/09/2017)

- 6.4 The revised layout reduces the garden space at the front of the plot and therefore opportunity for the planting of trees that will make a significant and long term contribution to amenity. For this reason the revised layout is not supported.

Urban Design and Conservation Team

Original comments (18/05/2017)

- 6.5 Some concerns were raised at the pre-application stage about the impact on the existing North Cottages and whether adjustments to the parapets and louvres were needed to reduce the potentially overbearing impact of the proposals. These adjustments have not been made, and whilst the submitted Vertical Sky Component (VSC) assessment shows that windows along North Terrace are compliant with the BRE guidance, our detailed analysis of the scheme leads us to conclude that it will create an unacceptable overbearing impact from the ground floor windows of the existing North Cottages, particularly the proposed housing units 2 and 3 but also the ground floor southern elevation of all proposed housing units. The proposal is not supported.

Comments on revised proposal (25/09/2017)

- 6.6 We previously raised significant concerns that the proposal would create an unacceptable overbearing impact from the

ground floor windows of the existing North Cottages. To address these concerns, the applicant has undertaken appreciable revisions to the scheme. The previous second floor roof terraces to units 1, 2 and 3 and the setback first floor elements of units 3 and 2 have been removed. Furthermore, unit 2 has been amended to remove the full first floor volume, and with the exception of the stair case access for the roof terrace, this unit has been reconfigured to essentially be a 1 storey dwelling. Overall, these changes creates a more modelled and stepped form, that in our view will successfully break up the scale and massing of the proposal. Our previous concerns regarding the potential overbearing impact of the proposal on the existing North Cottages have been overcome and we can now support the application.

- 6.7 We acknowledge the adjustments undertaken to the proposed landscape along the Trumpington Road frontage. However, we consider that the amendments have gone some way in trying to maintain the original approach whilst meeting the parking needs of an amended scheme. A meaningful element of 'green' is still proposed along this frontage, in addition to hedging and additional tree planting, all of which will contribute to the character of the street. We consider that on balance, these amendments are acceptable in urban design terms.

Head of Streets and Open Spaces (Landscape Team)

Original comments (28/04/2017)

- 6.8 It is unclear from the drawings whether there is internal access from within the dwellings out to the patios, terraces and gardens. There could be inter-overlooking between the terraces of the units. If planters on the roof terraces are expected to be permanent installations which are part of the building fabric, then irrigation of the planters will need to be considered.

Comments on revised proposal (21/09/2017)

- 6.9 The revision reduces the frontage landscape by approximately 1/3 in order to locate two parking bays. The landscape along the frontage plays a very important role in extending the verdant nature of the edge of Cambridge and providing ample space for significant tree planting. We do not support the relocation of the parking bays in this area.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.10 No objection subject to surface water drainage condition.

Head of Streets and Open Spaces (Nature Conservation Officer)

6.11 No objection subject to bird and bat box provision condition.

Cambridgeshire County Council (Archaeology)

6.12 No objection subject to archaeological condition.

Planning Policy Team

6.13 For this particular site, it is considered unreasonable to ask the applicant to market the site any further. Given the lack of interest from existing public house operators in the site, the policy conflict that arises from one viable option for the site's diversification and the lack of community objection to the site's loss, it is considered reasonable to conclude that the development site is no longer viable for public house use.

6.14 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 North Cottages	2 North Cottages
3 North Cottages	4 North Cottages
5 North Cottages	6 North Cottages
7 North Cottages	8 North Cottages
9 North Cottages	12 North Cottages
13 North Cottages	14 North Cottages
15 North Cottages	16 North Cottages
2 Nightingale Cottages	3 Porson Road
5 Porson Road	11 Porson Road

13 Porson Road	16 Porson Road
17 Porson Road	25 Porson Road
6 Eltisley Avenue	Cherrybrook Retirement Village
East House, The Leys School	Old Mill House, Trumpington Road
24 Crossways House, Anstey Way	7 Barrow Road
12 Barrow Road	21 Barrow Road
25 Barrow Road	27 Barrow Road
29 Barrow Road	30 Barrow Road
55 Atkins Close	26 Beech Drive
53 Shelford Road	76 Alpha Terrace
Campaign for Real Ale	Whitton Close, Swavesey
81 Winfold Road, Waterbeach	2 The Cotes, Soham
45 Walpole Road	

7.2 The representations can be summarised as follows:

Design/ Character

- The development would be more visually pleasing than that of the current property.
- The scale of the proposal is out of keeping with the surrounding cottages.
- The proposed development is out of keeping and not sympathetic to the existing Victorian cottages.
- The metal cladding is out of character with the area
- The proposed development would be cramped and out of character with the area.
- The Trumpington Road Suburbs and Approaches Study (2012) draws attention to the high status of this section of the road and its road leafy character.
- The existing building has architectural merit and should be retained.

Residential Amenity

- Loss of privacy from people using the lane.
- Loss of privacy/ overlooking
- Loss of light/ overshadowing
- Visually overbearing/ enclosure
- Noise disturbance from terraces

- Noise and disturbance from increased traffic movements to the area.
- Health implications in terms of air quality due to increased vehicle movements.
- The refused permission on the site (15/0125/FUL) is a material consideration and this ruled that the single-storey dry storage building was harmful to neighbour amenity and was only marginally higher than the existing fence.
- The vertical sky component used in the daylight/ sunlight assessment does not account for loss of reflected light which makes a considerable difference to the amount of light a property enjoys.
- It should be conditioned that the deeds of each of the housing units does not have access to the private lane by vehicle.
- Overshadowing of no.5 from proposed tree planting at the rear of the site.

Parking/ Traffic

- Increased number of cars and pedestrians using the narrow lane.
- Insufficient car parking and impact on surrounding streets from car parking.
- No room for delivery vehicles to turn within the site.
- Trumpington Road is the third most dangerous cycling blackspot in the UK and no cycle safety improvement have been proposed.
- Increase in parking from contractor parking.
- No deliveries should take place before 09:30hrs or after 15:00hrs Monday to Friday during the term time dates of the Perse Prep School and St Faiths School.
- No right turn restriction should be put on entering the development from the south.
- A compulsory left turn should be put on traffic exiting the development during construction and in perpetuity.
- A yellow box should be painted across the whole of the traffic light controlled junction at Long Road/ Trumpington road before construction starts and in perpetuity.
- Highway safety concerns from use of proposed access and associated planting blocking visibility.

Use of the site

- The restaurant use could still function viably in this location.
- Loss of local business and employer not calculated.
- The previous restaurant was commercial successful and the information submitted by the applicant is incorrect.
- The pub site has not been marketed for the 12 months as recommended by the Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (IPPG).
- The Volunteer pub site is viable and should not be lost to the community through demolition and redevelopment as housing.

Other

- The applicant has no ownership of the land shown on North Cottages lane.
- The property has no use of the access of the privately owned lane of North Cottages.
- Pressure on infrastructure (water supplies, sewers and broadband)
- Planning permissions C/03/0289 & 08/0110/FUL were refused for residential development on land adjacent to no.4 North Cottages. The reasons for refusal are still valid to this application.
- The fence to the east of the site is owned and maintained by no.5 North Cottages and there is no permission for it to be altered.
- The street lamp at the corner of the proposed development is not within the application site.
- Sewer put at risk by proposed basement in close proximity
- Subsidence risk increased at nearby properties due to basement.
- The examples referred to in the design and access statement of other narrow streets in the City are not applicable to this site.
- The width of the north cottage access is not wide enough to accommodate a fire vehicle.
- Increased number of bins on Trumpington Road would block the lane to North Cottages and obstruct views for highways users.
- The applicant did not inform residents of the intention to submit an application despite promising to do so.
- Failure to demonstrate that this is sustainable development.
- Conditions regarding piling and excavation for the basement are necessary.

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. Ecology
8. Drainage
9. Archaeology
10. Third party representations
11. Planning Obligations (s106 Agreement)

Principle of Development

Principle of residential 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.

Loss of public house site

8.3 The application site 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) due to its former status as the Volunteers Public House. It is pertinent to note that the public house has not been in operation for over 10 years.

- 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; the facility is to be relocated to another premises; or that there is no longer a need within the local community for the facility.
- 8.5 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 meets its day-to-day needs.
- 8.6 Prior to the submission of this application during pre-application discussions regarding the principle of demolition, the applicant was advised to supply additional information explaining how recent development proposals which have managed to retain or re-introduced the A4 use on-site are not viable options for the site at 60, Trumpington Road.
- 8.7 The information supplied included responses from a number of businesses operating in the public house trade explaining the types of sites currently sought by public house operators and how the application site failed to meet these requirements. The additional information also explained how the site's size and location are very different to other public house sites where it has been possible to re-introduce or retain an A4 use on-site.
- 8.8 While the site has not been marketed in accordance with the IPPG, a number of public house operators have been contacted about the site's potential for A4 use in some form including microbreweries. The operators have responded in kind listing the key factors that their public house businesses require and how the proposal site (including its edge of village location) fails to meet their requirements.
- 8.9 The Planning Policy Team suggested that if no further proposals for the site which include an A4 use come forward and there are no objections from the local community about the loss of the public house, it would be reasonable to conclude that the loss of the safeguarded public house site is acceptable to the local and public house community.

- 8.10 During the consultation stage, CAMRA objected to the development proposal for two reasons: the lack of adequate marketing of the site for public house use (A4 Use Class); and on grounds of viability. Following the receipt of CAMRA's objections, a meeting was held (Friday 30 June 2017) with CAMRA, the applicant (including their agent and independent viability assessor) and officers from the Council' Development Management and Planning Policy teams.
- 8.11 A key matter discussed was what additional marketing work which could be considered appropriate for the site. Any further marketing would need to be aimed at other public house businesses that were similar to that of the last tenant's business model which was also discussed. As cited in CAMRA's objections, it was agreed that the business would have appeared to have relied on the take-away part of the business. The barrelage information provided by Enterprise Inns to Longbeach Estates Ltd highlighted the very low alcohol sales and confirmed its reliance on non-alcohol sales. It was therefore reasonable to conclude the viability of the public house site appeared to rely on significant take-away business.
- 8.12 In addition to the public house operators already consulted by the applicant regarding the site's viability and their interest in operating the site as a public house (A4 Use Class), the question of identifying other public house operators whose business model might suit the site was also discussed. They would need to be willing to operate the site as a public house (A4 Use Class) knowing that the previous business appeared to be reliant on a significant food/take away business. Any further marketing would therefore need to be for not just for a pub/restaurant use (A4/A3 Use Class, respectively) but also as a takeaway business (A5 Use Class).
- 8.13 The need to include significant takeaway use raises policy issues in terms of the current 'saved policies in the Local Plan. Developments for new A5 Use Class are controlled by Local Plan (2060) Policy 6/10 Food and Drink Outlets. They are only allowed where they will not have an unacceptable impact on local amenity (criterion a) within an existing centre (criterion b). The development site is not within an existing centre and therefore, even if the impact of the takeaway use could be

satisfactorily mitigated the promotion of the site with a takeaway business would be contrary to current Local Plan policy.

- 8.14 The adopted IPPG is intended to provide guidance on how to plan positively for public houses and guard against the unnecessary loss of valued facilities as per the NPPF. It sets out the tests which should be satisfied for development proposals affecting the loss of a current or former public house. These require the site to be marketed, evidence of attempts to retain the site through diversification and the site is no longer needed by the community.
- 8.15 While the site has not been marketed according to the IPPG's requirements, the site has been the subject of a pre-application marketing exercise the details of which have been submitted as part of the planning application. From the evidence provided during the planning application public consultation, it would appear the site's viability relied on the site's ancillary takeaway business. This demonstrates that it has already had to diversify to retain any form of A4 use. Other diversification schemes including its use as a micro-brewery were also considered but found to be unsuitable. The limited number of objections to the loss of the public house site during both the local consultation undertaken by the applicant and the application's public consultation indicate the facility is no longer needed by the community.
- 8.16 Any further marketing of the site would need to be aimed at a public house operator that included a significant takeaway business which would permit the site to diversify to retain the public house use. While this may satisfy the requirements of the IPPG, the takeaway business, would however be contrary to the current 'saved' Local Plan (2006) Policy 6/10. In policy terms, Policy 6/10 has much greater weight than that of the IPPG which is only guidance. It should also be noted that it is the Council's strategy to safeguard public houses from development by ensuring they are no longer viable or able to diversify. This approach reflects the Council's recognition that some public house sites may no longer serve their local community and, or be economically viable. However, to reach these conclusions reasonable attempts should be made to avoid their unnecessary loss to the community.

- 8.17 In conclusion, for this particular site it is considered unreasonable to ask the applicant to market the site any further. Given the lack of interest from existing public house operators in the site, the policy conflict that arises from one viable option for the site's diversification and the lack of community objection to the site's loss, it is considered reasonable to conclude that the development site is no longer viable for public house use. I do not consider there to be a need within the local community for this facility and the loss of this facility would not reduce the community's ability to meet its day-to-day needs.
- 8.18 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 5/11 of the Local Plan (2006), as well as paragraph 70 of the NPPF (2012).

Context of site, design and external spaces

Demolition of existing building

- 8.19 The existing building is a two-storey hipped roof building that is set back from the wide pavement of Trumpington Road. In my opinion the building is relatively unassertive and of a comparable scale to other forms of development in the surrounding area but does not possess any intrinsic value in terms of its contribution to the character and appearance of the area. The building is not covered by any designations and I do not consider the demolition of the building would have a detrimental impact on the surrounding context.

Proposed front block (units 4, 5 and 6)

- 8.20 The proposed front block would be three-storeys in scale and of a similar width to the existing building on the site. The existing two-storey building is situated around 14.5m from the Trumpington Road pavement. The proposed works would project further forward than the existing building and the front two-storey wall of the proposal would be set back approximately 7m from the edge of the pavement on Trumpington Road, with the edge of the basement lightwell set around 4.8m from the front of the site.
- 8.21 It is acknowledged that the vast majority of third parties have objected to the proposed three-storey scale of the works and how this would be out of keeping with the two-storey domestic

scale of the area. In studying the immediate context, it is evident that the built form is typically two-storeys in scale. However, in surveying the wider area there is a notable exception to this in the form of the four-storey development known as The Orangery which faces onto Long Road to the south of the site.

8.22 The proposed front block would inevitably be more visually prominent than the existing building by virtue of the fact that it would be higher and would also project closer towards Trumpington Road. Nevertheless, I do not consider that being taller and more prominent automatically constitutes a proposal appearing harmful within its context.

8.23 The proposed front block, whilst closer to the street than that of present, would nonetheless be set back from the road a considerable distance and retain the staggered nature of building lines between no.1 North Cottages to Nightingale Cottages. In addition, whilst a storey higher, the proposal would only be approximately 0.6m higher than the pitched roof of no.1 North Cottages to the south and would be of a comparable overall height to that of Nightingale Cottages to the north. The proposed third-storey would be of an alternative material and set well in from the two-storey edges of the proposed block which, in my view, enables the top-storey to read as a subservient and appropriately portioned additional level of massing. In addition, the use of buff-brickwork, a contemporary flat roof form and unorthodox fenestration approach would clearly demarcate this proposal as a deliberate contrast to the character and appearance of this section of Trumpington Road.

8.24 In my opinion, the proposed front block would be interpreted as a successful contrast to the typical two-storey pitched roof architectural context in the area and would enhance the appearance of the area without appearing harmfully at odds with the character of the area. I have recommended a materials sample condition to ensure the proposed brickwork and metal cladding blends in successfully with the surrounding area.

Proposed rear block (units 1, 2 and 3)

8.25 The proposed rear units would project close to the southern boundary of the site and extend out to the very rear (east) of the site. At present, the space that would be developed over is

formed of car parking hardstanding and ancillary single-storey built forms and I do not consider the principle of replacing this to be an issue from a design perspective.

- 8.26 The layout of North Cottages and the surrounding area is somewhat unusual and there is not a consistent pattern of development or overriding building line that a proposal necessarily needs to conform to in my view.
- 8.27 The design and access statement submitted makes reference to the presence of other narrow streets within Cambridge that the proposal would seek to replicate. The narrow nature of the lane means that the proposal would be read in conjunction with the existing two-storey form of nos.2 – 4 North Cottages. Although I appreciate the proposal expands a considerable depth projecting along the entire depth of the site, the physical built form proposed would be representative of a contemporary intervention into a relatively historic environment that reads subserviently to the adjacent long-standing terrace. The scale of this element of the proposal would be limited to two-storeys and the massing of the upper-floors staggered back away from the adjacent terrace.
- 8.28 Similar to the proposed front block, the proposed works to the rear have been purposefully designed to be portrayed as a contrast to the surrounding context rather than trying to be in keeping with the established character and appearance of the area. In my opinion, the one and two-storey scale of development, coupled with the pulling and pushing of the upper floor blocks, helps to create an interesting frontage facing the lane of North Cottages. It would not be perceived as trying to compete with the two-storey domestic scale of North Cottages and would read comfortably within its plot.
- 8.29 The proposed dwellings would be orientated with their main front doors and active frontages on the north elevation looking across the proposed access road into the site which makes sense given the need to avoid overlooking of North Cottages to the north and providing a suitable level of active surveillance over the new access road.

Landscaping

- 8.30 The Trumpington Road Suburbs and Approaches Study (2012) references the application site and its surroundings when explaining the character of this part of Trumpington Road:

“The large area of hard-standing outside the Bollywood Spice Indian Restaurant, formerly the Volunteer public house, is contrary to the character of this section of Trumpington Road. Similarly, the side and rear elevations of the row of North Cottages can be seen beyond the car park, creating a rare sense of dense built development in this otherwise very green character area.”

- 8.31 The proposal seeks to replace the large area of hard-standing on the site with a front garden area which in my view cannot be viewed as anything but an enhancement to the character and appearance of the area. The proposal originally included a larger front garden area but the applicant has elected to replace part of this with an additional two car parking spaces.
- 8.32 Concerns have been raised by the Landscape Team regarding the amended proposals and how the garden frontage is not substantial enough following the shifting of the footprint of the proposed building forward and the addition of the parking bays. In addition, the Streets and Open Spaces Team has questioned the practicality of the large tree proposed due to its proximity near the parking bays and proposed basement level.
- 8.33 In my opinion, although it would be desirable if more of the frontage could be covered by soft landscaping, I remain of the view that the proposal would nonetheless represent an enhancement to the area in terms of contributing to the green character of the area. The current site is an eyesore in terms of landscaping and the proposal would go a considerable way to improving the image of the site. There may be scope for an alternative surface for the car parking to avoid pressure on the roots of the proposed tree planting which could be secured through a hard and soft landscaping condition. Similarly, the planting of the proposed trees could be agreed by way of condition to ensure that the species and size would grow comfortably within the plot.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.35 It is acknowledged that the majority of properties in the surrounding area have objected to the proposal. I have assessed the impact of the proposed works on the immediate neighbours, as well as the impact on the surrounding properties more generally in terms of car parking and noise/ disturbance.

Impact on no.1 North Cottages

- 8.36 No.1 North Cottages is a two-storey detached property situated to the south-west of the application site. This neighbour has objected on the grounds of loss of light/ overshadowing, overlooking and visual enclosure, as well as more general matters that have been addressed elsewhere in this report.
- 8.37 I do not consider the proposal would have a harmful impact in terms of loss of privacy. The nearest terraces of the front block would have frosted glass screens up to a height of 1.7m and there would be no side (south) facing windows. The first-floor terrace of unit no.3 would have a 1.5m high timber louvered screen. This screen should in my view be 1.7m high to avoid any harmful overlooking but I am comfortable that this could be controlled by way of condition. The view from the first-floor south-west facing cantilevered window of unit no.1 would be situated over 20m away from the garden of this neighbour. The proposed first-floor window of unit no.3 would be relatively oblique and would not offer a direct window-to-window view of this neighbour.
- 8.38 The proposed works would not in my opinion harmfully overbear this neighbour's outlooks. The position of the proposed three-storey building forward on the site would inevitably mean that the proposed development would be visible from some of this neighbour's window. The north-facing window serving the snug would also have a side (east) facing bi-folding door that leads onto the garden and I am confident that this habitable room would not feel enclosed as a result. The first-floor bedroom

window closest to the proposed works would retain reasonable outlooks out over the proposed works by virtue of its position high up on the elevation.

- 8.39 There would be a degree of impact caused on the single-aspect kitchen window of this neighbour as the proposed development would be visible from this outlook. The very front of the proposed two-storey mass would be situated approximately 10m directly opposite this window. The remaining two-storey side element of the proposal, although closer at around 6.1m from this window, would appear more in the periphery of this outlook and would not obstruct the direct line of sight. In my opinion, having visited this affected room, I do not consider the visual presence of the proposed works would be so great as to visually overbear the outlook to this kitchen to such a degree as to adversely impact on this neighbour's amenity. There would still be a reasonable outlook to the north-west and I consider the 10m separation distance sufficient to preserve this neighbour's amenity in this respect.
- 8.40 Concerns have also been raised by this neighbour regarding the outlook of the dining and living room windows which are situated further to the front of no.1. However, the direct views out from these windows would not be interrupted and any view of the proposed three-storey mass would be limited to more oblique views out to the north-east.
- 8.41 As the proposed works would be situated to the north-east of this neighbouring property, it is unlikely that there would be any significant overshadowing in terms of sunlight. Any direct loss of sunlight would likely be limited to the extreme early morning hours in the summer and I do not consider the impact would be significant enough to demonstrate harm to this neighbour in this respect. I consider the levels of light reaching this neighbour's garden would be similar to that of present.
- 8.42 No.1 North Cottage is similar to other properties along this side of the terrace in that many of the windows are single-aspect north facing window and so consideration as to the loss of daylight is crucial. The applicant has prepared a daylight and sunlight assessment which has been amended to take into account the arrangement of No.1's windows.

8.43 The assessment demonstrates that the most affected window in terms of daylight would be the single-aspect north-facing kitchen window which is unsurprising given that this window would be situated opposite the main bulk of the proposed front block. Whilst there would be some daylight lost, the percentage of daylight reaching the room in terms of the vertical sky component (VSC) would be over the 80% level recommended by the BRE Site Layout Planning For Daylight and Sunlight Good Practice (2012). All of the other rooms of this property would also retain 80% of their current daylight levels. In my opinion, the applicant has demonstrated in line with the relevant BRE guidance that the levels of light reaching no.1 would be acceptable.

Impact on nos.2 – 4 North Cottages

8.44 Nos.2 – 4 North Cottages is a row of terraced cottages which all rely on north-facing windows, some of which are single-aspect, as their main outlooks. Concerns have been raised from neighbours in relation to loss of light, visual enclosure and overlooking.

8.45 In terms of overlooking, I do not consider there would be a significant loss of privacy experienced at these neighbouring properties. There would no longer be a need for movements up and down the private lane following the removal of gates on the southern boundary and removal of gates onto this lane, all movements would take place internally within the application site. The proposed south-facing windows at ground-floor level would look out onto a close boarded fence and I do not consider these would compromise the privacy of these neighbours. The view from the proposed cantilevered window of unit1 would be limited and would not offer direct window-to-window views of these neighbours. The proposed first-floor bathroom windows would be obscure glazed and I have recommended a condition to ensure that these are obscure glazed with restricted openings accordingly. The terrace of unit 2 would have a timber louvered screen and I have recommended a condition for details of this to be secured by way of condition.

8.46 With respect to loss of daylight and sunlight, I do not consider the proposed development would have a harmful impact on these neighbours. The proposed works would be situated to the north of these neighbours and I am confident that there would

be no harmful overshadowing by virtue of the fact that the sun rises in the east and sets in the west. Given the close proximity of the proposed development to the north-facing windows, loss of daylight is an important consideration. The daylight and sunlight assessment prepared demonstrates that the proposed development would retain 80% of the former daylight value of the windows opposite which accords with the recommended levels of the BRE guidance. The room which would be most affected is the single-aspect north-facing living room window of no.4 which is anticipated given that this is situated far away from the existing building and is positioned at ground-floor level. Nevertheless the proposal would retain 82.5% of this windows daylight which is acceptable. It is also pertinent to note that the proposal would improve the levels of daylight reaching three of the rooms of no.2 as the two-storey mass of the existing building would be removed and replaced with a single-storey built form opposite these windows.

8.47 The most sensitive impact of the proposed development, in my opinion, that has been considered carefully throughout this process is the likely impact on the north-facing single-aspect living room window of no.4. At present, this habitable room has a relatively open outlook out to the north up and over the timber fence. The existing single-storey storage building on the site is partially visible from this window and was deemed to be visually oppressive under the previously refused permission which was subsequently dismissed at appeal (see appendix). Having visited this neighbouring property and assessed the amenity of this room, I was of the opinion that the proposal, as originally submitted, would have had a visually overbearing impact on this room to the detriment of this occupier's amenity. The sole aspect of this habitable room would have been dominated visually by the looming two-storey mass of the proposal directly opposite which consisted of an unrelieved bulk within close proximity. This concern was also shared by the Urban Design Team following receipt of the officer site visit photos.

8.48 In response to this, the application has been amended to try and overcome this objection raised by officers and third parties. This has consisted of removing large portions of the first-floor of the rear block element, including directly opposite the key window of no.1, and subsequently introducing noticeable breaks in the first-floor massing of the scheme. The upper terraces, previously proposed on top of the two-storey of the rear block,

have been reconfigured onto the first-floor instead and the overall height of the two-storey mass brought down from approximately 6m to 5.7m.

8.49 I consider the amendments to the scheme, in particular the reduction in first-floor massing, to represent a radical amendment to the proposed development that has overcome my original concern. The upper-floor windows of these properties would have reasonable outlooks up over the proposed development and the gaps in the first-floor mass would also ensure that the ground-floor windows of all of these neighbours would not be visually oppressed by the proposed works. The first-floor walls that would be visible from these neighbours' windows would be white rendered which would, in my view, help to reduce the perceived massing of the two-storey elements. The first-floor terrace of no.4 would retain a reasonable outlook out to the east and I do not consider this external space would be visually enclosed by the proposed development.

8.50 It is noted that the inspectors decision (see appendix) on the retrospective application for the storage building (15/0152/FUL) stated that the storage building, which measures approximately 2.6m to the ridge and is 7m wide, has an overbearing impact on the windows of nos. 2 – 4 North Cottages. Nevertheless, I do not consider that this appeal acts as an automatic ruling that any development above 2.6m high on the rear of the site would be unacceptable from an overbearing perspective. I have carefully assessed the impact on the windows opposite and the unusual relationship that these neighbours have with the site given that they are mainly single-aspect and north-facing. From my inspection of neighbours and the site in relation to the proposed works, my judgement of this subjective assessment of neighbour impact is that this relationship is acceptable.

Impact on no.5 North Cottages

8.51 No.5 North Cottages forms the end of the terrace of nos.5 – 17 North Cottages. This neighbour has raised concerns regarding the loss of light that would be experienced in their side (west) first-floor window which serves the stairwell.

8.52 In my opinion, following the reduction in scale and massing under the amended drawings, I do not consider the proposal

would appear visually oppressive from this window. This neighbour's window is situated high up at first-floor level and although I appreciate the window helps to light the ground and first-floor of the property, it does not in my view act as an integral outlook for one of their habitable rooms. The proposed development would not be prominent from this neighbour's garden.

8.53 In terms of loss of sunlight, there would be a degree of impact caused in the afternoon hours by virtue of the position of the rear block to the west of this window. However, the daylight and sunlight assessment states that the Annual Probable Sunlight Hours (APSH) reaching this window would be retained at over 90% of that of present. In addition, the levels of daylight reaching this window would be above the 80% threshold and I consider the levels of light reaching this window to be acceptable.

8.54 The views out across the garden of this neighbour from the proposed unit no.1 would be similar to that of the existing views between nos.5 and 6 North Cottages whereby there is already a mutual sense of inter-overlooking across gardens.

8.55 It is acknowledged that this neighbour has raised a concern regarding the overshadowing that may be experienced in the garden due to the position of a proposed tree in the north-east corner of the site. However, I consider that this could be controlled through the tree planting condition to ensure that this tree is of an appropriate size to avoid this impact.

Impact on no.2 Nightingale Cottages

8.56 No.2 Nightingale Cottages is situated to the north of the application site. This neighbour has one window on their south elevation at first-floor which appears to serve a habitable room. However, this window would have a reasonable outlook up and over the terrace of proposed unit no.2 and I do not consider it would be visually oppressed by the proposed works. The main rear (east) windows would not be harmfully affected by the proposed works in my opinion due to the orientation of the scheme away from these windows and comfortable separation distance between these windows and the garden of this neighbour.

- 8.57 In terms of loss of light, the daylight and sunlight assessment has demonstrated that the proposal would retain over 90% of daylight levels and over 80% of the sunlight reaching the rooms of this neighbour.
- 8.58 The views out from the proposed north facing windows to the side elevation, rear elevation and rear garden of this neighbour would have louvered splays to restrict direct views over this neighbouring property. The terrace of unit 2 would have a timber louvered screen up to a height of 1.7m which would prevent overlooking of this neighbouring property.

Noise and disturbance

- 8.59 In terms of vehicle movements, I do not consider the proposal would have a harmful impact on neighbouring properties. Car movements would be restricted predominantly to the site itself and there is not a regular need for the private road of North Cottages to be used as a point of access. The existing restaurant has 25 car parking spaces and the proposal seeks to reduce the level of on-site car parking down to seven units. Whilst I appreciate the restaurant is currently vacant, this is the current use of the site and if occupied by another restaurant user then this level of car parking could be achieved and is a material consideration. In my opinion, the proposal would reduce the level of vehicle movements within the site drastically and I do not consider the comings and goings from the six proposed units would harm the amenity of neighbouring properties.
- 8.60 The main routes into and out of the proposed dwellings, as well as location of bin and cycle storage, are well away from neighbouring windows and gardens and I am confident that there would be no harmful impact experienced in the surrounding area from these movements.
- 8.61 It is acknowledged that concerns have been raised in relation to the noise from the proposed terraces. I am of the opinion that the use of these terraces would not have an adverse impact on the enjoyment of the neighbouring properties. The proposed terraces would be set back from the boundaries and would be used in a domestic capacity, similar to other gardens in the surrounding areas. I consider that any instances of loud music or unsociably late use of the terraces is a civil matter between

the users of the site, once occupied, and neighbouring properties that could be dealt through the statutory nuisance procedure in the same manner as other noise disputes concerning external amenity space across the City.

Car Parking

- 8.62 The majority of concerns reference the lack of car parking and the subsequent pressure the proposal would put on the surrounding streets in terms of increased parking demand.
- 8.63 The proposal includes seven car parking spaces, five of which appear to be private spaces and two as visitor spaces at the front of the site. This amounts to one car parking space per dwelling, with the exception of unit no.2 which may access the visitor car parking space presumably. The site is located in a relatively sustainable location with frequent bus routes along Trumpington Road and a good cycle link along this road into the City Centre.
- 8.64 It is pertinent to note that the City Council has maximum car parking standards and there is no policy obligation to provide a minimum level of car parking. Trumpington Road and Long Road are both double-yellow lined. The nearest street available to the site in terms of on-street car parking is Porson Road which is approximately a five minute walk away. North Cottages is a private lane and it is understood that only the land owners of this lane have access to the car parking spaces at the end of this lane.
- 8.65 In my opinion, given that car parking has been proposed on a one-to-one basis, including a visitor car parking space, there would not be a significant pressure on on-street car parking in the surrounding streets as there is sufficient capacity on the site. In addition, the site is in a sustainable location and the nearest on-street parking is a considerable distance from the site and not convenient for future occupants to use on a frequent basis in my opinion.
- 8.66 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 and 3/7.

Amenity for future occupiers of the site

- 8.67 The proposed dwellings would all have some form of external amenity space and I consider the level of amenity space provided to be acceptable in this suburban location. The daylight and sunlight assessment has demonstrated that the levels of light reaching the habitable rooms of the basements of unit nos.1 – 4 would achieve the recommended levels of the BRE guidance (2012) and I am therefore comfortable that an acceptable living environment would be provided internally. The proposed dwellings would have sufficient bin storage which is within the necessary drag distance of the bin collection point near the front of the site. The level of cycle storage exceeds the minimum cycle parking standards and is convenient and secure for future occupants.
- 8.68 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12 and 4/13.

Refuse Arrangements

- 8.69 All of the proposed units would have a bin storage area and a suitable collection point is proposed near the front of the site which is acceptable in principle. I have recommended a waste storage condition to ensure that the communal bin store for the flats meets the minimum capacity.
- 8.70 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.71 The Highway Authority has raised no objection to the proposal. The proposal would retain a vehicular entrance in a similar location to one of the existing entrances. The proposal would reduce the number of cars able to occupy the site down from 25 to 7 and I am of the opinion that this would represent a reduction in vehicle movements and that there would not be a significant threat to highway safety from the proposed works. I have recommended the conditions advised by the Highway

Authority which includes a traffic management plan for the demolition/ construction phase of the works.

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

Car and Cycle Parking

8.73 Car parking has been addressed in paragraphs 8.62 – 8.65 of this report.

8.74 The proposal includes 18 cycle parking spaces all of which would be in secure covered environments. I have recommended a cycle parking condition to seek the details of the stores for unit no.1 and what locking mechanism will be used in each of the stores.

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

Third Party Representations

8.76 Some of the third party representations have been addressed in the main body of this report. The outstanding representations have been addressed in the table below:

<u>Comment</u>	<u>Response</u>
Health implications in terms of air quality due to increased vehicle movements.	The Environmental Health Team has raised no objection to the proposal and the site is not within an Air Quality Management Area. I consider the reduction in car parking spaces would reduce the number of vehicle movements.

<p>The vertical sky component used in the daylight/ sunlight assessment does not account for loss of reflected light which makes a considerable difference to the amount of light a property enjoys.</p>	<p>The daylight and sunlight assessment has been carried out in accordance with the BRE guidance (2012) and I consider this assessment robust enough to make an informed assessment of the likely impacts on neighbour amenity.</p>
<p>It should be conditioned that the deeds of each of the housing units does not have access to the private lane by vehicle.</p>	<p>This is a legal matter and it would not be reasonable or enforceable to control this through a planning condition.</p>
<p>No room for delivery vehicles to turn within the site.</p>	<p>The Highway Authority has raised no objection to the proposal and I do not envisage delivery vehicles entering and leaving the site would pose a threat to highway safety.</p>
<p>Trumpington Road is the third most dangerous cycling blackspot in the UK and no cycle safety improvement have been proposed.</p>	<p>The Highway Authority has raised no objection to the proposal.</p>
<p>Increase in parking from contractor parking.</p>	<p>A traffic management plan condition has been recommended.</p>
<ul style="list-style-type: none"> <input type="checkbox"/> No deliveries should take place before 09:30hrs or after 15:00hrs Monday to Friday during the term time dates of the Perse Prep School and St Faiths School. <input type="checkbox"/> No right turn restriction should be put on entering the development from the south. <input type="checkbox"/> A compulsory left turn should be put on traffic exiting the development during construction and in 	<p>The Highway Authority has not requested these to be conditioned. In addition, three of the proposed conditions fall outside the control of the application site and so are not enforceable as conditions.</p>

<p>perpetuity.</p> <ul style="list-style-type: none"> <input type="checkbox"/> A yellow box should be painted across the whole of the traffic light controlled junction at Long Road/ Trumpington road before construction starts and in perpetuity. 	
<p>The previous restaurant was commercially successful and the information submitted by the applicant is incorrect.</p>	<p>There is no policy on which the restaurant use needs to be protected.</p>
<ul style="list-style-type: none"> <input type="checkbox"/> The applicant has no ownership of the land shown on North Cottages lane. <input type="checkbox"/> The property has no use of the access of the privately owned lane of North Cottages. 	<p>These are civil/ legal matters that have been addressed through the removal of North Cottages from the red-line location plan.</p>
<ul style="list-style-type: none"> <input type="checkbox"/> Pressure on infrastructure (water supplies, sewers and broadband) <input type="checkbox"/> Sewer put at risk by proposed basement in close proximity 	<p>These are building control/ infrastructure provider matters and not planning considerations.</p>
<p>Planning permissions C/03/0289 & 07/0110/FUL were refused for residential development on land adjacent to no.4 North Cottages. The reasons for refusal are still valid to this application.</p>	<p>I have reviewed these two permissions and do not consider this proposal prejudices the proposed application. This was for a development on a different parcel of land.</p>
<ul style="list-style-type: none"> <input type="checkbox"/> The fence to the east of the site is owned and maintained by no.5 North Cottages and there is no permission for it to be altered. <input type="checkbox"/> The street lamp at the corner of the proposed development is not within the application site. 	<p>These are civil/ legal matters.</p>

<input type="checkbox"/> Subsidence risk increased at nearby properties due to basement.	
Failure to demonstrate that this is sustainable development.	The proposal is considered to be sustainable development and accords with the necessary local and national planning policies.
The applicant did not inform residents of the intention to submit an application despite promising to do so.	This is not a requirement of the planning application in terms of consultation.
The width of the north cottage access is not wide enough to accommodate a fire vehicle.	The proposal does not include works to the private lane.

Planning Obligations (s106 Agreement)

8.77 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.

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

9.0 CONCLUSION

9.1 I am of the opinion that the proposed development would successfully contrast with the established character of the area and is acceptable from a design perspective. The proposed development would respect the amenities of neighbouring properties and has been carefully amended to avoid detrimentally impacting on nearby properties in terms of

overlooking, loss of light and visual enclosure. The proposal would provide an acceptable living environment for future occupants and would not have a significant impact on car parking in the surrounding 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. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

a) Include details of the volumes and types of material proposed to be imported or reused on site

b) Include details of the proposed source(s) of the imported or reused material

c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.

d) Include the results of the chemical testing which must show the material is suitable for use on the development

e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

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

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

13. Prior to the commencement of development/construction, details of a ventilation scheme as an alternative to open windows for the accommodation units 4, 5 & 6 on the Trumpington Road façade shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed before the use hereby permitted is commenced and shall not be altered.

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

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports). Soft Landscape works shall include planting plans, including tree planting; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, 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, 3/12 and 4/4)

15. A landscape 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. The landscape plan shall be carried out as approved.

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

16. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

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

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

18. The first-floor side (south) facing bathroom windows of unit no.1 of the development hereby permitted, as shown on drawing number P 05 REV H, 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 dwelling) 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)

19. Prior to occupation of the development hereby permitted, details of the frosted glass terrace screens, louvered terrace screens and louvered window splays shall be submitted to and approved in writing by the local planning authority. The details shall include drawings of the type of louvered screens and splays, as well as confirmation that the frosted screens conform to Pilkington Glass level 3 or equivalent. The terraces and windows shall be implemented in accordance with the approved details and maintained and retained thereafter.

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

20. Notwithstanding the provisions 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 windows or dormer windows other than those expressly authorised by this permission shall be constructed on the development hereby permitted.

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

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

Reason: To ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2006 policies 3/7 and 8/6).

22. No development shall commence until details of facilities for the storage of bins for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the storage of bins (Cambridge Local Plan 2006 policies 3/7 and 4/13).

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

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- ii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

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

24. 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 and bat 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).

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

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

26. 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)

27. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (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).

28. 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).

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

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

30. 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).

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: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

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

Hard copies can also be provided upon request

INFORMATIVE: Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

INFORMATIVE: Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m³ or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

INFORMATIVE: The Council's document 'Developers Guide to Contaminated Land in Cambridge' provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Council's website on <https://www.cambridge.gov.uk/land-pollution>
Hard copies can also be provided upon request.

Appeal Decision

Site visit made on 2 February 2016

by **Helen Hockenhull BA (Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 March 2016

Appeal Ref: APP/Q0505/W/15/3135233

Zahza Grill, 60 Trumpington Road, Cambridge, Cambridgeshire CB2 8EX

- 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 Rahman, Zahza Grill against the decision of Cambridge City Council.
 - The application Ref 15/0152/FUL, dated 27 January 2015, was refused by notice dated 2 April 2015.
 - The development is a dry storage building. Extension to existing extract duct and additional storage space with raised roof to existing.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has commenced but has not been completed. I have dealt with the appeal accordingly.

Main Issues

3. The main issues are
 - the effect of the development on the character and appearance of the building and the surrounding area;
 - the effect of the development on the living conditions of the occupants of neighbouring properties with particular regard to outlook and odour emissions.

Reasons

Character and appearance

4. The appeal building forms a two storey white rendered property with a single storey rear extension in a restaurant use. At the time of my visit the business was no longer operating and the windows and doors to the property were boarded up. Trumpington Road forms one of the main routes in to the City Centre and forms a wide tree lined road with individually designed commercial properties, schools as well as large dwellings set in spacious plots.
5. I observed on my visit that the extension to the extract duct to the side elevation of the building has been implemented. When viewed from the road it

- is particularly prominent. It has a square and bulky appearance and due to its stainless steel materials contrasts significantly with the white render of the host building. It appears as an incongruous addition, adversely affecting the character and appearance of the restaurant building and the surrounding area.
6. The rear extension, though it is set further back to the rear of the site, is visible obliquely from Trumpington Road. Whilst I consider it to be appropriate in terms of scale and proportion to the existing building, the timber cladding materials, stained to match the rear boundary fence, are not in keeping with the white render of the host building. The extension appears as an unsympathetic addition at odds with the character and appearance of the building and out of keeping with the high quality design and materials of buildings in the surrounding area.
 7. Turning to the free standing store building, I observed that this structure has been erected but that it is not complete; the proposed black shiplap cladding has not been provided. The building is visible approximately half a metre above the boundary fence between the appeal site and neighbouring properties, No's 2, 3 and 4 North Cottages. These cottages form traditional Victorian brick terraced dwellings. Whilst the provision of shiplap cladding would improve the appearance of the chipboard building, the design and proposed materials would not reflect or complement the existing restaurant building or the neighbouring dwellings.
 8. I therefore conclude that the development would harm the character and appearance of the host building and the surrounding area. The development would be contrary to policies 3/4, 3/7, 3/12 and 3/14 of the Cambridge Local Plan 2006 which seek to achieve high quality design responding to local context. These policies I find to be in consistent with the National Planning Policy Framework (the Framework) in particular paragraphs 17 and 56 which aim to secure similar objectives.

Living conditions

9. The replacement store is located next to the boundary fence between the appeal site and No's 2, 3 and 4 North Cottages. The fence is approximately 1.8 metres high and the development extends approximately half a metre above it. A narrow stoned access road, approximately 4 metres wide, separates the fence and the front windows of the neighbouring properties. At this proximity, the storage building appears as a dominant feature which has an overbearing and enclosing effect, particularly on the ground floor windows of these properties. This adversely affects the outlook for the occupants of these dwellings. The proposed black shiplap cladding would improve the appearance of the building, however this would in my view, be insufficient to overcome the impact on the visual amenity and outlook from these neighbouring properties.
10. With regard to the extended flue, I have no evidence before me to demonstrate the impact on the living conditions of the occupants of neighbouring properties. I note from the appellants evidence that the raising the height of the flue is designed to improve the level of discharge and therefore protect the amenity of neighbours. I have had regard to the fact that this is an existing restaurant and that an extraction system is already in place. In addition I have not been provided with any evidence that there is an existing odour problem. As a result I consider that an appropriate condition could be imposed requiring further details of the system to be submitted for approval by the Council. I am

satisfied that this would safeguard the occupants of neighbouring properties with regard to odour emissions, in line with Policy 4/13 of the Cambridge Local Plan 2006.

11. Notwithstanding the above, I consider that the development would harm the living conditions of the occupants of neighbouring properties, in particular 2, 3 and 4 North Cottages, with regard to outlook. The development would therefore be contrary to Policy 3/4 of the Cambridge Local Plan 2006 which seeks to ensure developments have regard to their context to integrate successfully in the locality, a policy generally consistent with the Framework.

Conclusion

12. I have found that the development would harm the character and appearance of the area and the living conditions of the occupants of neighbouring properties with regards to outlook.
13. For the reasons given above and having regard to all other matters raised, I dismiss the appeal.

Helen Hockenhull

INSPECTOR

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Agenda Item 9

PLANNING COMMITTEE

1st November 2017

Application Number	17/1312/CL2PD	Agenda Item	
Date Received	28th July 2017	Officer	Nigel Blazeby
Target Date	22nd September 2017		
Ward	Petersfield		
Site Proposal	Citylife House Sturton Street Cambridge CB1 2QF Application for a Certificate of Lawfulness under section 192 for the proposed use of the building for general educational use falling within Use Class D1 (Non Residential Institutions) as defined by the Town and County Planning (Use Classes) Order 1987 (as amended).		
Applicant	Citylife House Sturton Street Cambridge CB1 2QF		

SUMMARY	<p>A Lawful Development Certificate should be granted for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The site benefits from planning permission for a dance school/studio use under planning permission ref. 14/1252/FUL <input type="checkbox"/> The planning permission has been lawfully implemented <input type="checkbox"/> There are no restrictions within the planning permission to limit the use to a dance school/studio use only <input type="checkbox"/> Both dance school/studio and general educational uses fall within the same Use Class D1 <input type="checkbox"/> Planning law allows for uses within the same use class to be interchangeable as this is not regarded as development <input type="checkbox"/> The dance school/studio use is materially established
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site lies adjacent to St Matthew's Piece in the Petersfield area of the city. It is bounded on the east side by York Street, on the north side by New Street, on the west side by Sturton Street, and to the south by the open space of St Matthew's Piece. The areas to the east, south and west of the site are primarily residential, including many small nineteenth-century terraced houses, and small modern houses and flats. The area to the north is a mixed area, which includes light industrial and retail uses as well as dwellings and student accommodation.

2.0 THE PROPOSAL

- 2.1 The application has been submitted under S192 of the Town and Country Planning Act 1990 (the 1990 Act). It is an application for a Certificate of Lawfulness for a proposed use. It is not an application for planning permission. The planning merits of the proposal are not therefore relevant considerations.
- 2.2 S192 allows an applicant to seek to ascertain whether any proposed use of buildings or land would be lawful and does not require any further planning permission. If the Local Planning Authority is provided with information satisfying it that the use would be lawful if it were to have begun at the time of the application, a certificate should be issued.
- 2.3 The application, as submitted, seeks to establish that a general educational use of the building would be lawful if it were to have begun on 28 July 2017 (the application submission date).
- 2.4 The effect of granting a certificate is not to grant a planning permission for the proposed use. In this instance a certificate would confirm that the change from dance school/studio to general educational use would not amount to development, as both uses fall within the same use class, and would therefore recognise that the reference in the description of planning permission 14/1252/FUL to dance school/studio use would not limit the use to a dance school/studio only. All of the conditions contained within the permission would continue to apply so long as they are relevant.

2.5 The application seeks to demonstrate the lawfulness of general educational use by establishing the following:

- The site benefits from planning permission for a dance school/studio use under planning permission ref. 14/1252/FUL
- The planning permission has been lawfully implemented as the pre-commencement conditions have now all been discharged
- There are no restrictions within the planning permission to limit the use to a dance school/studio only
- Both dance school/studio and general educational uses fall within the same Use Class D1
- Planning law provides that movement between uses within the same use class does not amount to development
- The dance school/studio use has been established as a material use

2.6 As stated above, part of the proposal, seeks to establish that planning permission reference 14/1252/FUL has been lawfully implemented. This matter formed one of the reasons for deferment of planning application ref. 15/2372/FUL at the 5 July 2017 planning committee.

3.0 RELEVANT SITE HISTORY

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

Reference	Description	Outcome
EN/0062/17	Alleged flues on roof of building at the premises without planning permission. Breach of Condition 2 of 14/1252/FUL.	Enforcement Notice served (suspended pending appeal decision)

EN/0061/17	Alleged Breach of Condition 2 14/1252/FUL re: erection of roof plant and paths	Enforcement Notice served (suspended pending appeal decision)
16/1272/S73	Section 73 application to vary condition number 2 of permission 14/1252/FUL to permit revised cycle and bin storage locations, revised internal configurations and revised location of plant from the eastern elevation to the roof.	Refused (appeal in progress)
15/2372/FUL	Change of use from the implemented use as a class D1 dance school/studio (granted under planning permission 14/1252/FUL) to general educational use within use class D1 including limited alterations to the external appearance of the building & associated landscaping works	Pending consideration (deferred at 5 July 2017 planning committee)
14/1252/FUL	Change of use from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.	Permitted
06/0567/FUL	Erection of a community innovation centre.	Appeal Dismissed

05/1171/FUL	Change of use of land (Howard Mallett Centre) from Sui Generis use to public open space as part of St Matthew's Piece.	Permitted (not implemented)
05/1180/CAC	Demolition of Howard Mallett Centre.	Permitted (not implemented)
C/97/1020	Change of use from a youth club to a broadcasting studio, cafe-bar and multi-media education centre, and community facility (a sui generis use), with external alterations to building, laying out of car park and landscaping.	Permitted

4.0 PUBLICITY

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

5.0 POLICY

5.1 The application seeks a lawful development certificate. The planning merits of the proposal are not relevant to this consideration. The Development Plan, including the Cambridge Local Plan 2006 is similarly not a relevant consideration.

6.0 CONSULTATIONS

None

7.0 REPRESENTATIONS

7.1 Councillor Robertson has requested that the application be decided at Planning Committee, recognising that the site has a long planning history and the proposal is extremely contentious.

7.2 There is no requirement in planning law to notify residents of S192 applications. However, in recognition of significant local

concerns regarding previous planning applications, local residents have been notified and comments invited. The owners/occupiers of the following addresses have made representations in objection to the application:

- 6 Edward Street
- 121 York Street
- 106 Gwydir Street
- 80B York Street
- 80 York Street

7.3 An additional representation did not include an address. This cannot be taken into consideration.

7.4 The representations can be summarised as follows:

The application should be refused as in line with the advice of Simon Bird QC, lawful implementation involves two crucial elements: compliance with the full terms of all conditions; and subsequent sustained use only as a dance school/studio. Neither of these crucial elements have occurred.

Any breach of conditions prevents lawful implementation and no reliance can be placed on the Use Classes Order.

The use has effectively been non-existent since April 2017 and the building is essentially unused most of the time. It is operating neither as a dance school nor as a dance studio.

Condition 6 refers to the air conditioning. It seems a logical impossibility for this to be valid and subsequently implementable after discharge when the air conditioning is not as approved. The unauthorised plant facilitates the use and the dance school could not operate otherwise. This is a significant factor when considering the lawfulness of the use. Condition 6 was discharged by officers prematurely.

Condition 11 of planning permission ref. 14/1252/FUL was not been complied with before mid-April when photographic evidence shows the gate only then being correctly installed. No lawful implementation could be considered to have taken place before that time. The gate has been chained for months which does not accord with the parking management plan and

subsequently with condition 11. It has perhaps never been complied with and remains outstanding.

There are flaws in the content and delivery of the travel survey report which breach Condition 12.

The development has grossly deviated from the approved plans. At a fundamental level, there is the principle that if something has been built that is not according to approved plans then it does not implement a consent.

The 2014 consent is not in place. The 1997 permission is the only authorised consent.

Most of the dance school activity takes place at CSVPA's King Street site and not the application site.

The developer pays little attention to the conditions: starting work in violation of pre-conditions; refusing to supply details of its various travel plans and proposed automated barriers; putting down hardstanding paths on Protected Open Space and not removing them when enforcement action is taken; siting the plant on the roof as opposed to its approved position on the ground; providing only timetables months after the event as supposed proof that the building is in fact in use as a dance studio.

- 7.5 Other comments related to the planning merits of the proposal such as how the proposed use conflicts with the Local Plan have not been summarised since these are not relevant to the consideration of the application.
- 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.
- 7.7 Two witness statements submitted with the application were not made available on the Council's website. These are now available and are included as part of appendix 1 of this report. The omission was an oversight and in light of the inclusion of the information within this report and the lack of any legal requirement for consultation to take place it is considered that residents should not be disadvantaged by this.

8.0 ASSESSMENT

8.1 I shall assess the application in relation to the proposal as set out above at paragraph 2.5. I consider that each of the six steps set out therein amount to tests where, should each be satisfied, the lawfulness of the proposed use must be confirmed.

1. Planning permission for a dance school/studio use under planning permission ref. 14/1252/FUL

8.2 Planning permission ref. 14/1252/FUL was granted on 28 October 2015 for:

Change of use from the permitted use as a studio/café bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.

8.3 The permission remains extant until 28 October 2018.

8.4 I conclude that the site benefits from planning permission for a dance school/studio use.

2. Lawful implementation of planning permission ref. 14/1252/FUL

8.5 The permission is lawfully implemented where:

- (a) All pre-commencement, pre-use, or pre-occupation conditions which go to the heart of the permission have been discharged in full by the LPA; and
- (b) The use and/or the operational development has commenced.

8.6 In addition to the pre-commencement/use/occupation requirements set out in a number of the conditions, some conditions or parts of conditions are for compliance only and are not required to be discharged by the LPA. Failure to comply with these would not affect consideration of lawful implementation but could result in a breach of condition and potential enforcement action.

- 8.7 The following is an assessment of all of the conditions attached to planning permission ref. 14/1252/FUL having regard to the above.

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

- 8.8 This condition is a compliance condition. It requires no pre-commencement/use/occupation discharge. Evidence of the commencement of the development is attached at Appendix 1.

- 8.9 It is worth noting that the permission contains two elements, the change of use and the physical works (operational development). Commencing either would constitute implementation of the permission as a whole. For example, once all pre-commencement/use/occupation conditions have been discharged, the use could commence prior to any works taking place to the building and this would constitute lawful implementation. Similarly the operational works could begin prior to the use taking place which would also lawfully implement the permission.

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

- 8.10 This condition is a compliance condition. It requires no pre-commencement use/occupation discharge. Where aspects of the operational elements of the proposal have not been erected in accordance with the approved plans, the LPA has discretionary enforcement powers. Currently two breach of condition enforcement notices have been served and enforcement appeals are outstanding in relation to plant, paths, flues and cowls that it is alleged have not been erected in accordance with the approved plans. This is an on-going compliance, rather than a pre-commencement/use/occupation requirement and does not therefore affect consideration of lawful implementation.

- 8.11 As stated above, the permission contains both change of use and operational development elements. Failure to comply with aspects of the operational development matters, that are not pre-commencement in any case, is an on-going compliance

matter that does not in my view affect the ability of the use to be lawfully implemented.

- 8.12 I conclude that failure to comply with Condition 2 is an on-going compliance and enforcement matter that does not have a bearing on consideration of lawful implementation.

Condition 3 - No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

- 8.13 This condition was formally discharged in full by letter dated 2 September 2016.

Condition 4 - 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.

- 8.14 This condition was formally discharged in full by letter dated 16 September 2016. In addition to the submission and approval of the required details, the condition contains matters for compliance that do not affect consideration of lawful implementation.

Condition 5 - No construction work or demolition work shall be carried out or plant operated other than between the following

hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

- 8.15 This condition is a compliance condition. It requires no pre-commencement/use/occupation discharge.

Condition 6 - Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced.

- 8.16 This condition was formally discharged in full by letter dated 2 September 2016.

Condition 7 - Noise limiting devices (specification and design to be agreed with the LPA) shall be fitted within the studios so that all amplified music is channeled through the devices. The maximum noise levels will be set by agreement with the LPA and will be reviewed from time to time as appropriate.

The Premises Management and/or nominated person shall ensure that the noise limiting device is sealed after commissioning, so that sound operators cannot override the system during any performance or class and that the agreed settings are kept unless otherwise agreed in writing by the LPA.

The use hereby approved shall be carried out in accordance with the approved specifications and details.

- 8.17 This condition was formally discharged by letter dated 23 March 2017. The condition contains matters for compliance that do not affect consideration of lawful implementation.

Condition 8 - During performances, practices or classes all doors and windows in the studios being used must be kept closed at all times.

- 8.18 This condition is a compliance condition. It requires no pre-commencement/use/occupation discharge.

Condition 9 - The premises shall only be used for performances, practice sessions and dance classes between the hours of 08.00 and 22.00 Monday to Saturday and between 10.00 and 21.00 on Sundays.

- 8.19 This condition is a compliance condition. It requires no pre-commencement/use/occupation discharge.

Condition 10 - Prior the commencement of the use hereby permitted full details of waste storage and collection arrangements shall be submitted to and approved in writing by the local planning authority. The agreed arrangements shall be maintained permanently thereafter.

- 8.20 This condition was formally discharged by letter dated 2 September 2016. The condition contains matters for compliance that do not affect consideration of lawful implementation.

Condition 11 - Prior to the commencement of the use hereby permitted, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the parking for the proposed use is managed on site. The existing car park shall not be used other than by the use hereby permitted. The car parking arrangements for the approved use shall thereafter be carried out in accordance with the approved management plan.

Thereafter, any proposal to replace the approved system of parking shall be submitted to and approved by the local planning authority before the approved system is discontinued and the replacement is introduced.

- 8.21 This condition was formally discharged by letter dated 4 November 2016. Representations received suggest that the parking management plan is not being complied with and that the current use is therefore in breach of this condition. The applicants have stated that the automatic gate entry system had been damaged necessitating the need to chain the gate and that it is now repaired. Notwithstanding that there appear to have been periods when a technical breach may have occurred this is a compliance matter that does not affect consideration of lawful implementation.

Condition 12 - No development shall take place until a Travel Plan for the Bodywork use has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be focused on encouraging sustainable modes of transports for its students, staff and visitors. The approved plan shall be implemented and monitored according to the provisions approved by the local planning authority.

8.22 This condition was formally discharged by letter dated 2 December 2016. The remainder of the condition is for compliance once the use has commenced and requires no pre-commencement/use/occupation action. A Travel Plan monitoring report was submitted on 19 May 2017. Representations received suggest that the information contained within the report was inadequate and in breach of the requirements of the condition. It is understood that the information that was missing was excluded as it related to the collection of data that was not relevant to provide at the time. Taking the merits of this allegation aside, any potential technical breaches of the condition is a compliance matter that does not affect consideration of lawful implementation.

8.23 The use commenced on 20 February 2017 but at that time not all of the conditions had been discharged. It was not until 23 March when all of the conditions were discharged and the implementation was lawful.

3. Extent to which the planning permission description limits the use to dance school/studio only

8.24 Case law indicates that unless a planning condition expressly limits a development to the specific use described then any other use within the same Use Class is not prevented. *Wilson v. West Sussex CC* [1963] 2 Q.B. 764 – “an agricultural cottage” and *East Suffolk CC v. SSE* (1972) 70 L.G.R. 803 - “a detached bungalow or house for occupation by an agricultural worker”) established that the *initial* use of a development is limited by the description of that development, but from the above cases, such a description could not prevent the subsequent use of the property for some other purpose within the same Use Class. It was subsequently confirmed that in the absence of an express condition attached to the permission, this does not prevent a different use being implemented at a later date, provided it does not amount to a material change of use. (*I'm Your Man Ltd v.*

SSE [1998] P.L.C.R. 107, also *Uttlesford DC -v- SSE* (1989) JPL 685).

- 8.25 Planning permission ref. 14/1252/FUL contains no planning condition restricting the use to a dance school/studio only and it follows that the permission does not prevent any subsequent use from taking place within the same Use Class.
- 8.26 I therefore conclude that the planning permission does not contain any restriction limiting the approved use to a dance school/studio use only.

4. Both dance school/studio and general educational uses fall within the same Use Class D1

- 8.27 The following is an extract from the Town and Country Planning (Use Classes) Order 1987 (as amended) setting out the uses that are contained within Use Class D1:

Class D1. Non-residential institutions

Any use not including a residential use —

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction,
- (i) as a law court.

- 8.28 I conclude that a dance school/studio and general educational use both fall within the same Use Class D1

5. Planning law states that changes of use within the same use class is not development

- 8.29 The Town and Country Planning Act 1990 Paragraph 55(2) states (in part)

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

- 8.30 The Town and Country Planning (Use Classes) Order 1987 (as amended) Article 3 states (in part):

3(1) Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.

- 8.31 Having regard to the 1990 Act and the Use Classes Order, I conclude that a change from dance school/studio use to general educational use being within the same D1 Use Class, would not constitute development and is therefore beyond the scope of planning control in this regard.

6. The dance school/studio use has been established

- 8.32 It is not sufficient for the planning permission for the dance school/studio use merely to be implemented before reliance can be placed on the Use Classes Order to change to another D1 use. Its first use as a dance school/studio has to have been material and this needs to be judged as a matter of fact and degree.

- 8.33 The applicants have sought Counsel's advice in this regard from Simon Bird QC. The full advice has been made publically available and is attached as appendix 2. Paragraph 25 of this advice indicates that the dance school/studio use would have to

be a material first use which he states as a very general rule of thumb would need to be no less than 10% of the floorspace of the building, provided no other use was made of the premises, and the use would have to have been sustained over a period of months rather than days. I agree with this assessment.

8.34 Attached at appendix 1 is evidence of the material use of the building as a dance school/studio. There are two witness statements setting out how the building has been used for dance purposes which include timetables of activities. In addition there are a number of, photographs, student statements and artistic company statements and timetables showing in particular how the building has been used since April 2017 addressing the point that the controlled entry system was not in place until this time.

8.35 The submitted evidence indicates to me that the use of the building significantly exceeds any token use and demonstrates that the building has been in material use for dance classes and studio activity for some months. I consider that any breaks in the use are consistent with an educational use e.g. term times, such that I do not consider it necessary for the applicants to demonstrate that there have been no breaks in activity whatsoever.

8.36 On balance, I consider, the evidence indicates, to my satisfaction, that the use commenced on 20 February 2017 and was on-going up until at least the date of the application, 28 July 2017, taking into account the term time nature of the use. The burden of proof on the applicants is not to demonstrate this 'beyond doubt' and the LPA should not seek to establish this. I understand that Members of the Planning Committee have also visited the premises and witnessed the use in operation for themselves. In my opinion, the variety and extent of the evidence submitted indicates that the use has been established and amounts to a material first use as a dance school/studio.

Third Party Representations

8.37 Representations refer to alleged breaches of the planning permission ref. 14/1252/FUL and failure to comply with conditions, in particular conditions 11 and 12. They state that the gates were not installed before April 2017 and no implementation can have lawfully taken place before this date.

They state that the permission deviates from that approved significantly and again lawful implementation cannot therefore have taken place. They also state that the building has not been in sustained use.

8.38 The starting point for many of the representations is a reference to the advice of Simon Bird QC (attached as appendix 2) and in particular paragraph 24 of that advice where it suggests that the initial use is lawful only once the full terms of all of the conditions have been complied with.

8.39 This advice would appear to conflict with the arguments that I have set out in this report and in particular those at paragraph 8.5. In relation to this advice I have asked the applicants to seek clarification from Simon Bird QC in relation to the meaning of paragraph 24. Simon Bird QC has responded as follows:

“You have asked for clarification of my advice of 22 August 2016.

Paragraphs 20 to 26 of that advice are to be read together. Where paragraph 24 refers to “all conditions” it means all negatively expressed pre-commencement conditions which go to the root of the permission and not all of the conditions attached to the permission. Where a use has been lawfully implemented, the breach of other conditions do not prevent reliance on the Use Classes Order.”

8.40 I consider it regrettable that paragraph 24 has been open to a different interpretation but consider that there is no conflict with this advice and the arguments set out in the report. The advice confirms that any breach of compliance conditions does not affect consideration of lawful implementation or reliance on the Use Classes Order. I agree with this assessment.

8.41 In relation to concerns expressed in the representations regarding alleged breaches of planning control and failure to comply with conditions, it is important to note that the effect of issuing a lawful development certificate for the proposed general educational use is to confirm the lawfulness of this type of use were it to have taken place on 28 July 2017 and not to confirm that if it had taken place on 28 July 2017 it would necessarily be operating lawfully. As stated above the conditions attached to the planning permission would continue

to apply to a general educational use, so long as they are relevant, and any breaches of them could be subject to enforcement action. In this regard the allegations made regarding breaches of the planning permission will continue to be considered in relation to any general educational use and where unacceptable harm is identified they will be subject to enforcement action.

8.42 The applicant's maintain that other than condition 2 they consider that all conditions are complied with. They accept that due to damage to the controlled entry system on the gates a chain has been erected as a temporary measure but state this has now been corrected. Regardless of the situation in relation to compliance with conditions, for the reasons given in the report, I consider this is not material to the consideration of the lawfulness of the proposed use.

8.43 I note the concerns from residents regarding the manner in which some conditions have been discharged. I have not assessed this within the report since it is a fact that conditions, 3, 4, 6, 7, 10, 11 and 12 have all been discharged in full and I do not consider the circumstances in which this has occurred to be material to the consideration of the lawfulness of the proposed use.

9.0 CONCLUSION

9.1 I conclude that a planning permission exists for the dance school/studio use and that this use has been lawfully implemented. There are no restrictions within the permission for a change to any other D1 use and both the dance school/studio and general educational uses fall within the same D1 Use Class. Planning law indicates that a change of use within the same Use Class does not constitute development and it is therefore beyond the scope of planning control. The dance school/studio use has to have been a material first use which is a matter of fact and degree. I consider the evidence indicates a material dance school/studio use has been evident since it opened on 20 February 2017 until at least the date of submission of the lawful development certificate application, 28 July 2017. I consider that lawful implementation did not occur until 23 March 2017, but again, a dance school/studio use has been a material use for 4 months following this. The applicant does not have to prove this beyond doubt and I consider the

body of evidence to be sufficient to demonstrate a material use has taken place for a number of months. As such I consider the proposal for general educational use to be lawful.

10.0 RECOMMENDATION

APPROVE the granting of a Lawful Development Certificate for proposed general educational use.

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Appendix 1 – Evidence submitted by the applicants demonstrating the use as dance school/studio is a material use

Two key witness statements

Statements from two previous students confirming that they have attended taught dance courses and spent additional hours practising dance at the Sturton Street premises which ran between April 2017 and the end of the summer term

A selection of photographs showing dance use of the premises which have been extracted from Instagram; these photographs (reposted by CSVPA) were originally posted by (a) community groups that have used the premises; (b) a tutor at the dance school, (c) CSVPA itself showing its Musical Theatre students, and (d) students themselves. The date of each post is captured, confirming that all were posted after 10 April 2017

A letter from Sin Cru, a not for profit local community group working with children, young people and emerging and local artists confirming its use of the premises.

A letter from Cambridge Theatre Company, another local community group, confirming that it has used the premises for dance rehearsals on a range of dates commencing 25 April 2017 in preparation for its production of 'Priscilla, Queen of the Desert'.

IN THE MATTER OF

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS
OF PROPOSED USE**

ST MATTHEWS CENTRE, STURTON STREET, CAMBRIDGE

WITNESS STATEMENT OF

1. [REDACTED] of 13-14 Round Church St, Cambridge CB5 8AD am the course leader for Music and Musical Theatre at the Cambridge School of Visual and Performing Arts ("CSVPA"). My main role at CSVPA is to create a practical and educational environment which will fully prepare my students for the next step in their lives, be it in additional education or professional performance work.
2. I make this statement in support of an application for a certificate of lawfulness of proposed use of CSVPA's premises known as the St Matthew's Centre on Sturton Street, Cambridge, referred to in this statement as "Sturton Street" or "the Building". The content of this statement is from my personal knowledge.
3. My students are studying on full time Further Education courses, and are typically also staying in our accommodation. This means that they spend the majority of each teaching day in our studios.
4. CSVPA's Drama Foundation is a one year umbrella program which contains Classical and Contemporary Acting as well as Musical Theatre. The students specialise in different skillsets within the two strands of the Drama Foundation. Our two year Extended Diploma program is made up of students who will progress on to either Musical Theatre or Classical and Contemporary Acting next year. Both courses and their sub-strands contain large amounts of Dance, all of which has been carried out at Sturton Street since we first started using it in February of this year.
5. Since we took over the building we have been maintaining a detailed log of all activities taking place in the building. I understand that a version of this showing activities up to the end of March has already been provided to the Council and the timetables are exhibited to the statement [REDACTED] marked Exhibit GB2. Since the period to which those timetables relate, our usage has continued to increase as we have moved towards preparation for our end of year shows. In some cases the timetables have shown a summary of what has occurred, for example the reference to 3 hours of ballet classes actually covered 1.5 hours of beginner ballet and 1.5 hours of advanced ballet.
6. All of this activity has been Dance or Dance related (e.g. warm ups and warm downs), and has resulted in us regularly using more than 50% of the space in the building for these activities. Nothing other than these types of activities has occurred in the building during this period as all other activities of CSVPA have continued to operate in our King Street, Round Church Street, Bridge House and Free School Lane properties.
7. Since 20 February 2017 I have been using the Sturton Street building extensively, working there with our Drama Foundation (Musical Theatre) and Extended Diploma (Performing Arts) students, on the Dance elements of their courses. Musical Theatre is an extremely dance heavy program, since dance is one of the fundamental elements of that genre. The Musical Theatre students dance every day, exploring and developing their practical technique in ballet, jazz, contemporary dance, commercial dance (hip hop), and musical theatre dance. This breadth of different types of dance is very typical of Dance Schools or the use of Dance Studios generally. Dance as a genre is incredibly varied,

encapsulating everything from Ballet, Jazz and Movement to the likes of more recent phenomena such as Zumba dance fitness classes (something we have not yet branched out into).

8. As with other Dance Schools / Studios, the use of the space is by no means just for taught lessons, with our students also required to do a full warm up to prepare their bodies for the physical demands of so much dance work. The sprung floors available in Sturton Street are essential for this type of work to avoid injury for the dancers, while allowing them to develop as fully as possible. In addition to the formal dance classes, the students are expected to do a significant amount of individual practice and rehearsal to reinforce what they have been taught in their lessons. The Sturton Street space is an excellent building for this and my students have been using most of the Studios on a regular basis for these purposes.
9. Our students got to work in Sturton Street as soon as all preparatory works at the building were complete in February. Students always work best when they're preparing for a performance, so we immediately scheduled a Dance performance at the end of March. The weeks between 20th February and 31st March were very heavily focused on that preparation. Students and their tutors created an extended ballet sequence, several movement pieces including one representing the Suzuki method, a lyrical dance piece, a dance excerpt from *Legally Blonde the musical*, and two devised dance pieces with hand drum accompaniment that the students choreographed themselves. The studios were in use extensively, as the various groups were rehearsing. Those not directly involved in teacher-led rehearsals were reviewing with dance captains or in student-led groups. Most of the sprung floor studio spaces were in use throughout this time for rehearsals. Rooms without the sprung floors were also used for warmups and stretching either in preparation for rehearsal or cooling down afterward. Students would also use the rooms without sprung floors to rehearse by 'walking through' the choreography. This involved reviewing without undertaking the full range of movement.
10. The Dance Performance (which we called Cirque du Sturton) occurred on Thursday 30th March. The event was a private one for our staff, students, their friends and family (and so did not appear on our public website). There was a public CSVPA Fashion Show around the same time that was based entirely in our King Street building. For our Cirque du Sturton performance, it involved all students in drama, musical theatre, and extended diploma. We used most of the available studios, as we were rehearsing several large group numbers, individual class numbers, and duets. Students not in teacher-led rehearsals were expected to rehearse and review in other studios. Everything in the performance was dance based in celebration of the opening of the new dance studios at Sturton Street. The choreography was taught by our dance tutors, as well as one visiting choreographer who created one of the pieces performed that evening. I was the supervising staff member on the day of the performance. There was live piano accompaniment for some of the dance pieces (played by me and one of my music students) and hand drumming accompaniment for a couple of the pieces played by our drum tutor. The performance went extremely well, and the staff were all very pleased with the effort made by the students as well as the results.
11. In addition to the performance preparation, the students were having regular dance and movement classes, as well as one to one dance lessons. Students really keen to improve their dance skills have the opportunity to take individual lessons so the tutor can focus on their weaknesses specifically. Of course the one to one lessons result in much faster progress for the student. At this time, one to one lessons are organised through the course leaders at the availability of the dance tutors. This can be tricky to organise around existing dance classes due to tutor and space availability. Quite often students and tutors are willing to work through the lunch break or stay after classes finish.
12. After the Easter Break the students had several other projects to complete before the end of the academic year. They worked on individual dance pieces (to be choreographed themselves), which were part of a Trinity ATCL Musical Theatre exam. Happily, most of our Musical Theatre students achieved Distinctions this year. Students also rehearsed a fully devised physical piece built around a theme, and of course our main end of year shows. Both end of year shows for the Drama Foundation contained a significant amount of dance and/or movement. Non-dance related elements (such as text work) of the


shows were rehearsed in the King Street facilities, or in the ultimate performance venues. The dance studios at Sturton Street were invaluable for all of these projects, providing the students the space and quality of flooring to rehearse safely.

13. Since the start of our occupation we have been open to local dance groups using some of our studios, outside of school hours. During May and June both the Sin Cru Dance Company and the Cambridge Theatre Company have used the space on a number of occasions for dance purposes, the latter for practising and rehearsing the dance elements of their upcoming show Priscilla Queen of the Desert.
14. We have some wonderful dance teachers to help us with all of our activities set out above, including Elan Crockatt, Emma Olley, and Rachel Yates. Rachel teaches several subjects at CSVPA, but is a trained dancer. I attach as exhibit EN1 correspondence from each of these three teachers confirming their involvement with the school. We also have a broad network of other specialists that we call on regularly throughout the year to assist with our Dance programmes, such as Tom Roden who was the guest choreographer for the 30th March performance.
15. As well as better Dance Studio space, for many years our students have been desperately asking for proper changing facilities with lockers and showers. Several hours of physical movement or dance makes everyone hopeful for the opportunity for a quick shower during a break. Dancers very regularly bring several dance outfits to the college with them, because they know they'll need to change at least once a day. Students rarely want to leave the college in their sweaty dance clothes (especially during the colder months), so will insist on getting changed before they go. All of our students use the change and shower facilities every day. There are more students than can fit into the change rooms, but so far they've been very good at organising themselves to take turns. Toilets are on a separate side from the change space, so there hasn't been any trouble with overcrowding one area of the change facilities.
16. The café is also tremendously appreciated by students and staff alike. We all look forward to the time from next academic year when our café staff will start preparing food on site. Meanwhile we've all been enjoying the drinks (coffee, tea, water, sodas, juices) and snacks (crisps, fruit, sweet snacks) available during the café's operating hours. Having this facility within the building means that students can get a quick drink or snack between classes, and don't have to leave the building, taking away from valuable class time, or dealing with inclement weather.
17. We look forward to continuing our dance use of Sturton street in the future, starting with the dance elements of our summer school programme that started recently and then using the benefits of the wonderful new space to further develop the dance elements of Musical Theatre into a separate Dance Foundation program in the near future. We also look forward to welcoming other local dance groups into the space.

I believe that the facts stated in this witness statement are true

Signed

Dated



24/07/17


IN THE MATTER OF

APPLICATION FOR A CERTIFICATE OF LAWFULNESS
OF PROPOSED USE

ST MATTHEWS CENTRE, STURTON STREET, CAMBRIDGE

EXHIBIT EN1

This is the exhibit marked EN1 referred to in the Witness Statement of 

Signed 

Dated

24/07/17

12 Sovereign Place
Apollo Way
Cambridge
CB4 2TG

To whom it may concern

I, [REDACTED], can confirm that I have been working at Cambridge School of Visual and Performing Arts (CSVPA) as a ballet teacher since September 2016. I am a qualified dance teacher, having trained with both the Royal Academy of Dance (RAD) and the Imperial Society of Teachers of Dancing (ISTD). My ISTD qualification is a level 4 Diploma in Dance Education, specialising in tap dance and modern theatre dance, and my RAD qualification is a level 5 Diploma in Dance Teaching Studies, specialising in classical ballet. I completed this training while working at King Slocombe School of Dance in the centre of Cambridge.

My regular teaching at CSVPA has been ballet classes since the start of September 2016, with my classes moving in to the new building at Sturton street from 20th February 2017. However, on top of my regular hours I have had much additional work, such as one-to-one tuition with the students. I have also occasionally covered the morning physical warm up and jazz dance classes, as well as running workshops in a variety of dance styles including Martha Graham contemporary.

In addition, in the lead up to the dance show in March I was teaching additional hours. This was to ensure that a certain standard was reached in time for the big performance on the 30th March. The piece that I prepared with the students was a series of extracts from the ballet 'The Nutcracker' and we were very lucky to be accompanied by a live pianist. The students began with the famous 'March', with one student playing Clara, one of the boys Drosselmeyer, and the other students filling the parts of guests and children. We had basic costumes and a few props including, of course, a model of the Nutcracker. We then moved into the Russian 'Trepak' dance, which is famous for its Cossack-style dancing, performed by the students on the extended course. And we finished up with the waltz of the flowers, which was beautifully performed by the musical theatre students. The choreography was my own, but I was inspired by productions of the Birmingham Royal Ballet.

In addition to my work at CSVPA I also teach at many other locations and for other companies, including; King Slocombe School of Dance, Cambridge University Ballet Club, Cambridge University Tap and Jazz Society and Premier Performing Arts (part of Premier Sports). I will also begin work at Colours of Dance in September as a ballet and modern teacher. I run my own classes from time-to-time, such as in the holidays. You can see more details of some of my classes [REDACTED]

I have also choreographed many musical theatre productions in and around Cambridge for groups including; Cambridge Operatic Society, Cambridge Theatre Company, The Pied Pipers, BAWDS, Combined Actors of Cambridge, NOMADS in Newmarket, and a youth production in Saffron Walden. Please see my C.V. for further details. My next musical theatre production will be a youth production of Les Miserables with Cambridge Theatre Company, with rehearsals beginning at the end of August.

Please accept this letter and my C.V. as confirmation of my dance teaching at CSVPA.

Yours sincerely,

[REDACTED]

BSc(hons) Dunelm, DDTS, DDE, ATCL

[REDACTED]

Subject: [REDACTED]

From: [REDACTED]
Sent: 07 July 2017 14:16

[REDACTED]

To whom it may concern,

I have been teaching dance at CSVPA since 2013 on the Musical Theatre, Classical & Contemporary and Extended Diploma courses. I have been teaching a wide range of dance styles including Jazz, Ballet, ISTD Modern, Musical Theatre Dance, Contemporary and Commercial. I teach 16 class hours a week and also do at least four 60-minute one to one sessions with individual students. A total of 20 hours of Dance a week regularly, plus extra hours around dance performances. I had a very big involvement with the Dance Performance on March the 30th having choreographed and rehearsed the contemporary, jazz and musical theatre dance numbers. I took inspiration from top West End shows like 'Legally Blonde' and musical artists such as Ed Sheeran for the performance.

I started training as a dancer when I was 16 years old in my home city of Aberdeen in Scotland. I then chose to advance my training professionally at 'Performers College' in Essex for 4 years where I gained a diploma in Dance and Musical Theatre. I also gained 2 ISTD teaching module qualifications in ISTD Modern whilst at 'Performers College'. After graduating I performed as a dancer professionally across the UK and Europe in film, TV and Theatre. My teaching credits include some of the top London Dance Colleges like Urdang, Performers College, EDA, and The South East Ballet Scholars. I have also taught at numerous kids summer and Easter schools across the UK.

At my time at CSVPA I am proud to have helped a number of students prepare for the continuation of their professional training at the top Dance Colleges around the world including; Performers College, The Urdang Academy, Italia Conti Academy of Theatre Arts, AMDA (New York) and Middlesex University.

[REDACTED]

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[REDACTED]

Subject: [REDACTED]
Attachments: [REDACTED]

[REDACTED]

To whom it may concern,

[REDACTED]

I have worked at CVSPA since January. I have been working with the students on several projects where dance has been developed through movement workshops- devising movement vocabulary for performance. During the period leading up to the 30th March I was working with a group of eight students towards their dance project and performance-FRANTIC. This was a dance piece looking at commuters on the underground. This was from a piece I choreographed for Chickenshed Theatre Company called Globaleyes- see CV- see reviews. The group worked hard at devising and developing the movement style, which needs to combine mundane and pedestrian gesture and combining this with highly choreographed sequences to rhythm and counts. we rehearsed this continually through this period in question.

I am currently a Creative Producer at Chickenshed, and have worked there for 19 years developing the dance technique and inclusive dance practices, choreographing and teaching on the educational courses at BTEC, Foundation and Degree level. Before this I was a lecturer in contemporary dance at Middlesex University (see CV), and also ran the dance programmes at Islington Arts Factory.

I was trained in dance and have been working professionally in this area now since 1990.

Please contact me for further information.

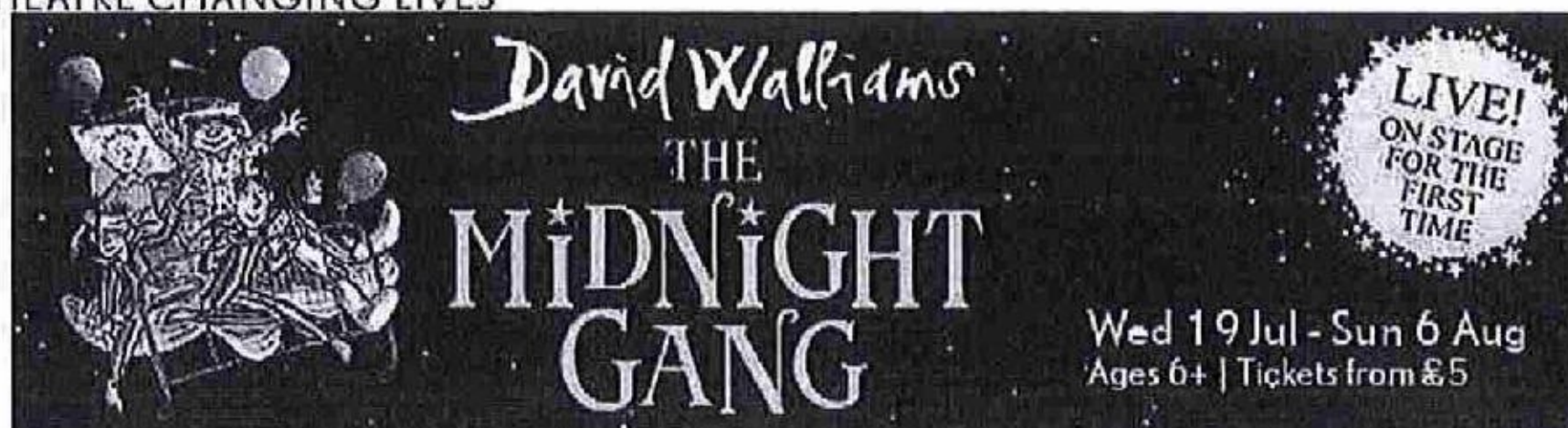
Yours,

[REDACTED]

[REDACTED]

Creative Producer - Projects
DDI : 020 8216 2744
rachely@chickenshed.org.uk
www.chickenshed.org.uk

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"The play is billed as an ensemble piece, but Yates' forceful stage presence is what holds the show together. Her portrayal of the broad range of emotions of patients with cancer bridges the gap between the theatrical scenes and the interspersed dance pieces. From her opening monologue delivered straight to the audience, to her interactions with her on-stage daughter and husband, Yates is mesmerising and her character is all the more believable because she could be anyone's wife or mother, sister, or daughter" **The Lancet August 2011**

"Communicating as much information as it does emotion, this is a piece with true integrity from a company with true compassion." **The List August 2011**

<http://edinburghfestival.list.co.uk/article/36456-slender-threads/>

<http://www.youtube.com/user/ChickenshedTheatre?blend=6&ob=5#p/u/1/wNriKCxzFiA>

"...as the mother of a brown boy"

"Vivid and compelling" **Time Out, Critics Choice******

"Astonishing" **Alice Jones, The Independent**

"Universally relevant" **Anna Kessel, The Observer.**

"An important piece of theatre that young people everywhere should see" **The Fringe Review**

Globaleyes

"...this is a truly remarkable production from a company which seems able to produce top-flight actors, dancers, choreographers, writers and musicians almost at will and to find worthwhile scenarios within which to work" **The Stage**

"When the performance ended, I needed a couple of minutes to regain composure before I could talk sensibly – it is that powerful. "Globaleyes" follows in the noble tradition of Kurt Jooss' "The Green Table", Christopher Bruce's "Swansong" and Darshan Singh Bhuller's "Planted Seeds" in using dance and theatre to express ideas on conflict and exploitation and is one of the most potent and successful art works I'll see this year. For dance fans and anyone concerned about the condition of the world it's a must-see production" **Critical Dance.com**

<http://www.youtube.com/watch?v=-n0DrAlbmZ8>

The King's Web

http://www.youtube.com/watch?v=ZEJSfDBHfMM&http://www.youtube.com/watch?v=xMzqMEPxJlo&feature=results_main&playnext=1&list=PL6BF0E40A568213EEfeature=related

Music Videos

Temper Trap *Love Lost*. Director Dougal Wilson (winner of the D&AD Music Video award. 2011)

http://www.youtube.com/watch?v=yMuuc_pqx2s

Massive Attack *Psyche*. Director Dougal Wilson

<http://www.youtube.com/watch?v=GpvZSZwrKlo>

Cecil *Hostage in a Frock*. Director John Hardwick

<http://www.youtube.com/watch?v=xMzqMEPxJlo>

Adverts

Ikea- *Playin' With My Friends*. Director Dougal Wilson. Agency- Mother.

http://www.youtube.com/watch?v=kPbDW_Y72Aw&list=PL1WO2RvoRKZh0bn-l-eV8U2iPc91nQw-G

Cadbury's *Egg and Spoon*. Director Tomas Mankovsky

<http://www.youtube.com/watch?v=lZruwqwicNM>

Belvita. Director Ross Cooper

<http://www.youtube.com/watch?v=bVoXwNfRGhU>

Television

Adam Buxton's *Bugs- Pompom Party*- Director Dougal Wilson. Sky Atlantic

http://www.youtube.com/watch?v=3JMXVXnefBU&playnext=1&list=PL7vaT7SJ8ET2j8lJBQcFCulbpReaKZ4yE&feature=results_video

IN THE MATTER OF

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS
OF PROPOSED USE**

ST MATTHEWS CENTRE, STURTON STREET, CAMBRIDGE



Introduction

1. [REDACTED] Kett House, Station Rd, Cambridge CB1 2JH am the Managing Director for the Cambridge School of Visual and Performing Arts ("CSVPA"), which is a trading entity of Cambridge Arts and Sciences Limited ("CASL"), owned by Cambridge Education Group. CASL is classified as a school by the Department for Education under reference number 110935, and inspected as such by the Independent Schools Inspectorate. As Managing Director I represent CSVPA on the Executive leadership team of CEG, and oversee the strategic direction and senior management of the college.
2. I make this statement in support of an application for a certificate of lawfulness of proposed use of CSVPA's premises known as the St Matthew's Centre on Sturton Street, Cambridge, referred to in this statement as "Sturton Street" or "the Building". The content of this statement is from my personal knowledge.

Background

3. CSVPA has been active in Cambridge for around 30 years, teaching students on courses in the creative and performing arts. Our college operates all year round, with full time courses for students aged 16 and above operating principally in the normal academic year of September to June, and our Summer School classes principally for younger students, typically aged 14-17, operating in July and August. We currently operate from 6 sites across Cambridge, including Sturton Street.
4. Our performing arts students are in full time secondary or further education, and one of our key selling points is that they receive a minimum of 25 hours of teacher contact time per week. This means that students are with teachers in large blocks of time, often for a full day, moving between warm ups, taught lessons, observed one-on-ones, private practice, or group practice/rehearsal sessions for upcoming performances. For our students dancing in Sturton Street this sees them regularly in the building throughout the normal school day of 9am to 5pm (and not permitted to leave it). We do not operate a pay-as-you-go model where either children or adults can attend individual one hour sessions.
5. Our creative arts courses, covering subjects such as art and design, fashion and graphics and illustration, currently represent the larger percentage of student numbers, but the performing arts, covering subjects such as dance (various disciplines), musical theatre, music, drama and acting are a significant and growing area for us and a key focus of our strategic plan.
6. Our full time performing arts courses currently comprise of 1 and 2 year full time courses covering three principle areas: music, acting and musical theatre. The courses are as follows:
 - 6.1 Drama Foundation – Classical Acting

- 6.2 Drama Foundation – Musical Theatre (Dance)
 - 6.3 Music Foundation
 - 6.4 UAL Level 3 Extended Diploma in Performing Arts
7. Both the acting, and to a greater degree the musical theatre, elements of these courses include significant amounts of dance. This includes classes in ballet, Suzuki Movement Method, contemporary dance, devised movement and musical theatre dance. These classes also necessitate warm up sessions before the main class itself and warm down sessions afterwards. As well as group classes we deliver significant amounts of one-on-one classes, as well as group rehearsal sessions for performances and the end of term or year performances themselves. Since the launch of our new facilities at Sturton Street, a number of our performances through the academic year have been dance based, and delivered from the Building to capitalise on the excellent facilities for this it provides.
 8. As a heavily regulated entity (overseen by amongst other entities the Department for Education, Independent Schools Inspectorate, the Quality Assurance Agency for Higher Education and UK Visas and Immigration) we are only allowed to use buildings for the purposes for which they have planning permission. We are therefore very careful to comply with this requirement across all of our buildings and have taken steps to ensure that our use of Sturton Street is in line with its permission as a "Dance School / Studio".

Sturton Street Fit Out

9. In order to help deliver our strategic plan, in 2015 we signed an agreement for lease of the Building at Sturton Street which comprises approximately 15,000 square feet of internal floorspace, of which around 13,000 is useable by students, with the remaining 2,000 comprising cupboards, storage and ancillary space. The plan for the Building, devised with its freehold owners, Chard Robinson Developments, was to create a state of the art performing arts centre in the heart of Cambridge, with a particular focus on Dance and dance related activities. The Building had the benefit of planning permission for its change of use from the previous historic use as a studio, café bar, multimedia education centre and community facility to a Class D1 dance school / studio which had been granted under reference 14/1252/FUL on 28 October 2015 ("the Planning Permission"), a copy of which is attached as Exhibit GB1 and complemented our proposed use of the Building.
10. During 2016 the Building underwent a complete internal refurbishment and improvement plan in accordance with the Planning Permission, at a cost of many millions of pounds, resulting in the creation of 14 individual studios along with a central shared social space and café bar, and extensive changing and toilet facilities. Of the 14 studios, 7 of the largest studios have been fitted with state of the art Harlequin sprung flooring which is specifically designed for dance classes, as it cushions impact on the floor to avoid injury to dancers. Included within these 7 studios is the 'signature space' of the Building, in the form of two adjoining studios that represent the core space for shows and performances. This combined space when opened up comprises a single space of 1,800 sq ft that can accommodate up to 100 people seated in front of a stage or dance area.
11. The remaining studios are typically smaller in floor area, and comprise of concrete floors, some of which have wall mounted mirrors and the same exposed industrial look ceilings. They are used for activities such as warm up and warm downs and walk-throughs of choreography. Those remaining rooms without mirrors are designed for other ancillary activities relating to the core dance use such as a meeting room for staff and an IT suite.
12. In addition to the specialist floor provision, the Building has been fitted throughout with a high specification sound system and noise limiting devices to support Dance activities and to ensure that volume levels for amplified music comply with the conditions imposed on the Building as part of its planning permission.

Current Use of the Building

13. Our lease on the Building completed in December 2016. After a period of preparation for use which included making arrangements for students to transfer to the Building from our other premises, we started the delivery of dance classes in the Building on 20th February 2017 after the academic half term break. The Building has been in regular use for dance purposes, and dance purposes only, since this date; the non-dance elements of our music, acting and musical theatre courses have continued to be held at our building at 6-16 Kings Street, Cambridge. All of our other courses, including those in the visual arts have been carried out either also at Kings Street, or our buildings at 14 Round Church Street, Bridge House on Bridge Street, 25 Hills Road or Myers Hall on Thompsons Lane.
14. Two weekly timetables were previously submitted to the local planning authority in connection with planning application reference 15/2372/FUL in respect of the Building, showing our usage of the building in weeks one and six after delivery of classes commenced. These are exhibited to this statement as Exhibit GB2. They show that 36.5% of the net useable area of the Building was used in the first week of use in February, rising thereafter to 55%% in the last week of March. Subsequent to submitting those timetables a small number of minor errors have been identified as follows:
 - 14.1 on 28th March [REDACTED] taught his one-to-ones in the morning not the afternoon (in studio 9), and
 - 14.2 on 23rd February two classes have been copied across into the 6-7pm slot whereas they finished at 5pm.

Neither of these errors makes any material difference to the overall usage percentages.

15. Our usage of the building has remained broadly consistent since the end of March, frequently exceeding it as practice and rehearsals for year-end performances have intensified. We have also welcomed two local performance groups to use the space for dance activities on numerous occasions during this time, being the Sin Cru Dance Company and the Cambridge Theatre Company; their usage has been almost exclusively during evenings and weekends, so outside of school hours, but further putting the building to beneficial use in accordance with the extant planning permission for the Building.
16. It is our intention to continue to allow local groups to use the Building, in conjunction with our own continued use and as school timetabling allows, for dance related purposes commensurate with the facilities the Building provides.
17. Dance classes will also be ongoing throughout the summer as part of our Summer School programme, before full time courses start again in September 2017. A number of local groups will also be using the Building for dance activities over the summer.

The Planning Permission

18. The Planning Permission was described as being for a change of use to a '*Class D1 dance school/studio including limited alterations to the external envelope of the building*' and subject to 12 conditions.
19. The building operations authorised by the Planning Permission were commenced by the freehold owner within the time period specified in condition 1, and each of the pre-commencement conditions specified in conditions 3, 4, 10, 11 and 12 have been discharged by the local planning authority as shown in the discharge notices attached at Exhibit GB3. The Development has therefore been lawfully implemented.
20. The conditions controlling the use of the Building have been discharged, and the regulatory requirements are also being fully complied with

21. An application has been made to vary condition 2 of the Planning Permission which requires the development to be carried out in accordance with the approved plans as listed in the decision notice, to vary the location of the rooftop plant and the footpaths to the east and rear of the Building. This was refused by the local planning authority on 5 April 2017, and the local planning authority subsequently served an enforcement notice alleging breach of condition 2. Appeals have been lodged against both refusal of the application to vary condition 2, and the enforcement notice, however I understand, based on legal advice, that a breach of condition 2 would not preclude the operational development or the change of use permitted by the Planning Permission, having been lawfully implemented.

Proposed Use

22. As noted above the purpose of CSVPA is for the provision of courses in the creative and performing arts. As such our intention is to use the Building for the delivery of courses beyond just dance. Our intention is to start to deliver those elements of existing performing arts courses that are currently being delivered at our Kings Street premises and then possibly to expand our offer at the Building to our broader curriculum in the creative arts. We will, however, retain a core emphasis on dance, securing maximum usage of the high quality specialist facilities provided through the refurbishment of the Building.
23. CSVPA offers a thriving environment full of artists of many backgrounds. We thoroughly enjoy all opportunities for collaboration between programs. This is especially possible between Music and Drama, or Theatre Arts and Performing Arts. Our performing arts students have regularly contributed to student projects in the Moving Image department as well. By allowing the presence of more art-focused programs, the building would create an environment which would expand and develop performing arts in ways that it couldn't otherwise. Film makers, photographers, costume designers, musicians, and make-up artists are all vital parts of the performing arts world. Dance will continue to thrive in the studios built for that purpose, but allowing students of other performance related arts programs to use the Building would enrich and enhance the experience for all of those pursuing their studies with us in the excellent facilities that Sturton Street has to offer.
24. The Planning Permission confirms that the current authorised use of the Building falls within Class D1 of the Town and Country Planning (Use Classes) Order 1987 and as demonstrated above the Planning Permission has been lawfully implemented. This has also been accepted by the local planning authority's officers in their processing of application reference 15/2372/FUL in respect of the Building. CVSPA's proposed use of the Building will continue to fall within use D1 as defined in the Town and Country Planning Use Classes Order 1987 and as such I understand that the change to a wider educational function does not involve development of the land requiring planning permission and is therefore lawful.

I believe that the facts stated in this witness statement are true

Signed



Dated

24 / 7 / 17


IN THE MATTER OF

APPLICATION FOR A CERTIFICATE OF LAWFULNESS
OF PROPOSED USE

ST MATTHEWS CENTRE, STURTON STREET, CAMBRIDGE

EXHIBIT GB1

This is the exhibit marked GB1 referred to in the Witness Statement 

Signed 

Dated.....

24/7/17

CAMBRIDGE CITY COUNCIL
The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

FULL PLANNING PERMISSION

SUBJECT TO CONDITIONS

Ref: 14/1252/FUL



Mr Colin Brown
Januarys Consultant Surveyors
7 Dukes Court
54-62 Newmarket Road
Cambridge
Cambridgeshire
CB5 8DZ

The Council hereby grant full planning permission for

Change of use from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.

at

Citylife House Sturton Street Cambridge CB1 2QF

in accordance with your application received 5th August 2014 and the plans, drawings and documents which form part of the application, subject to the conditions set out below:

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

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

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

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

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

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

4. 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: 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)

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

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

6. Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing by the local planning authority. 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)

7. Noise limiting devices (specification and design to be agreed with the LPA) shall be fitted within the studios so that all amplified music is channelled through the devices. The maximum noise levels will be set by agreement with the LPA and will be reviewed from time to time as appropriate.

The Premises Management and/or nominated person shall ensure that the noise limiting device is sealed after commissioning, so that sound operators cannot override the system during any performance or class and that the agreed settings are kept unless otherwise agreed in writing by the LPA.

The use hereby approved shall be carried out in accordance with the approved specifications and details.

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

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

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

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

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

10. Prior to the commencement of the use hereby permitted full details of waste storage and collection arrangements shall be submitted to and approved in writing by the local planning authority. The agreed arrangements shall be maintained permanently thereafter.

Reason: To ensure satisfactory waste and recycling provision and to protect public amenity. (Cambridge Local Plan 2006 policies 3/1 and 3/4)

11. Prior to the commencement of the use hereby permitted, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the parking for the proposed use is managed on site. The existing car park shall not be used other than by the use hereby permitted. The car parking arrangements for the approved use shall thereafter be carried out in accordance with the approved management plan.

Thereafter, any proposal to replace the approved system of parking shall be submitted to and approved by the local planning authority before the approved system is discontinued and the replacement is introduced.

Reason: To ensure the existing car park is adequately managed and in the interests of highway safety and convenience. (Cambridge Local Plan 2006 policies 8/2 and 8/10)

12. No development shall take place until a Travel Plan for the Bodywork use has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be focused on encouraging sustainable modes of transport for its students, staff and visitors. The approved plan shall be implemented and monitored according to the provisions approved by the local planning authority.

Reason: To increase sustainability, limit pollution, and mitigate any air quality impact of the development. (Cambridge Local Plan (2006) policies 3/1, 4/13, 4/14 and 8/2)

This decision notice relates to the following drawings: **0224/C/150 REV B , 0224C450D , 0224/C/106 REV B & 0224/C/105 REV C.**

It is important the development is carried out fully in accordance with these plans. If you are an agent, please ensure that your client has a copy of them and that they are also passed to the contractor carrying out the development. A copy of the approved plan(s) are kept on the planning application file.

It is important that all conditions particularly pre-commencement conditions are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Your attention is specifically drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970, the Disabled Persons Act 1981, to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS 5810 1979), to Part M of the Building Regulations 1991, and to BS 5588 Part 8 1988 (Code of Practice for means of escape for disabled persons). The development should comply with these requirements.

Informative: Compliance with the Town and Country Planning Development Management Procedure Order 2010 (as amended) Part 4 Paragraph 31

In reaching this decision the City Council has worked in a positive and proactive manner with the applicant and sought to find solutions to problems arising in relation to dealing with the planning application. In general the Council will seek to approve applications for sustainable development and work proactively with applicants that will improve the economic, social and environmental conditions of the area. The Council provides a pre-application advice service, the details of which are set out on our website. When an application is received the Council will add such planning conditions as are necessary to allow the application to be approved or will provide detailed reasons for refusal where planning issues are not capable of resolution.

Please note: On-street parking controls, including residents' parking schemes, are in operation in several parts of the City of Cambridge. There are restrictions on eligibility for residents' parking permits, even for residents within the areas covered by schemes. Implementing a planning consent can remove eligibility for a permit. The County Council can advise whether or not properties qualify for a Residents' Parking Permit. If in doubt, please contact Cambridgeshire County Council, Cambridgeshire Parking Services by telephoning (01223) 727920 or by e-mailing parkingpermits@cambridgeshire.gov.uk, mentioning this planning consent. Please also be aware that the criteria for granting parking permits may change from time to time.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 28 October 2015



Guildhall, Cambridge, CB2 3QJ
Head of Planning Services

SEE NOTES ATTACHED

PLANNING PERMISSION

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant permission subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder or minor commercial planning application, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or from www.planningportal.gov.uk/pcs

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONSENT TO DISPLAY AN ADVERTISEMENT

7. Appeals to the Secretary of State

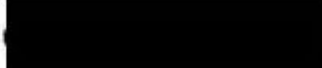
If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)

IN THE MATTER OF

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS
OF PROPOSED USE**

ST MATTHEWS CENTRE, STURTON STREET, CAMBRIDGE

EXHIBIT GB2

This is the exhibit marked GB2 referred to in the Witness Statement 

Signed 

Dated.....

24/7/17

Sturton Street, Cambridge

CSVPA Timetable - Week 1, Spring Term 2017 (20th Feb - 24th Feb)

"Dance Use" Summary Tables:

Monday 20th February
 Tuesday 21st February
 Wednesday 22nd February
 Thursday 23rd February
 Friday 24th February

Total Sq.ft Capacity (x 8No 1Hr Sessions)	Floorspace used for Dance (x2No 1Hr Sessions)	Minimum % of Total Sq.ft Capacity
101,672	43,203	42.5%
101,672	45,115	44.4%
101,672	41,198	40.5%
101,672	56,246	55.3%
101,672	0	0.0%
508,360	185,762	36.5%

Teaching Hours	Sq.ft	Teaching Hours												
		9am - 10am	10am - 11am	11am - Midday	Midday - 1am	1am - 2am	2am - 3am	3pm - 4pm	4pm - 5pm	5pm - 6pm	6am - 7pm	7pm - 8pm	8pm - 9pm	9pm - 10pm
MONDAY 20th February 2017	Studio 1	775					Lunch							Available for Community Access
	Studio 2	604					Lunch							Available for Community Access
	Studio 3	818					Lunch							Available for Community Access
	Studio 4	757					Lunch							Reserved for Community Access Areas
	Studio 5	2,076	Ballet Class (Theresa O'Leary)				Lunch	Ballet Class (Theresa O'Leary)						Reserved for Community Access Areas
	Studio 6	354					Lunch							Available for Community Access
	Studio 7	320					Lunch							Available for Community Access
	Studio 8	753			Warm-up, Rehearsal & Practice		Lunch							Reserved for Community Access Areas
	Studio 9	726	Warm-up, Rehearsal & Practice				Lunch							Reserved for Community Access Areas
	Studio 10	464					Lunch							Available for Community Access
	Studio 11	603					Lunch							Available for Community Access
	Studio 12	248					Lunch							Available for Community Access
	Studio 13 (IT Suite)	625					Lunch							Not Publicly Accessible
	Changing Rooms (MSF)	807												Available for Community Access
Circle Use Space	1,961												Available for Community Access	
Break Out/Reception/Clubby	2,227												Available for Community Access	
Studio 14	325					Lunch							Available for Community Access	
Total Available Teaching Space (Per Hour)		12,720	12,709	12,709	12,709	0	12,709	12,709	12,708	0	12,709	12,672		
Dance Related Usage/hrs		5,967	6,600	6,600	4,788	0	5,111	5,111	5,111	0	4,085	45,115		
% of Dance Related Usage/hrs		46%	52%	52%	38%	0%	40%	40%	40%	0%	32%	43%		

Teaching Hours	Sq.ft	Teaching Hours												
		9am - 10am	10am - 11am	11am - Midday	Midday - 1pm	1pm - 2pm	2pm - 3pm	3pm - 4pm	4pm - 5pm	5pm - 6pm	6pm - 7pm	7pm - 8pm	8pm - 9pm	9pm - 10pm
TUESDAY 21st February 2017	Studio 1	775					Lunch							Available for Community Access
	Studio 2	604					Lunch							Available for Community Access
	Studio 3	818					Lunch							Available for Community Access
	Studio 4	757					Lunch							Reserved for Community Access Areas
	Studio 5	2,076	Ballet Class (Theresa O'Leary)				Lunch	Ballet Class (Theresa O'Leary)						Reserved for Community Access Areas
	Studio 6	354					Lunch							Available for Community Access
	Studio 7	320					Lunch							Available for Community Access
	Studio 8	753			Warm-up, Rehearsal & Practice		Lunch							Reserved for Community Access Areas
	Studio 9	726	Warm-up, Rehearsal & Practice				Lunch							Reserved for Community Access Areas
	Studio 10	464					Lunch							Available for Community Access
	Studio 11	603					Lunch							Available for Community Access
	Studio 12	248					Lunch							Available for Community Access
	Studio 13 (IT Suite)	625					Lunch							Not Publicly Accessible
	Changing Rooms (MSF)	807												Available for Community Access
Circle Use Space	1,961												Available for Community Access	
Break Out/Reception/Clubby	2,227												Available for Community Access	
Studio 14	325					Lunch							Available for Community Access	
Total Available Teaching Space (Per Hour)		12,709	12,709	12,709	12,709	0	12,709	12,709	12,709	0	12,709	12,672		
Dance Related Usage/hrs		5,647	7,275	6,629	5,886	0	5,111	5,111	5,111	0	4,085	45,115		
% of Dance Related Usage/hrs		44%	56%	52%	46%	0%	40%	40%	40%	0%	32%	43%		

Sturton Street, Cambridge
 CSUPA Timetable - Week 1, Spring Term 2017 (20th Feb - 24th Feb)

		6:30	9am - 10am	10am - 11am	11am - Midday	Midday - 1pm	1pm - 2pm	2pm - 3pm	3pm - 4pm	4pm - 5pm	5pm - 6pm	6pm - 7pm	7pm - 8pm	8pm - 9pm	9pm - 10pm
Saturday	Studio 1	778							Available for Community Access						
	Studio 2	808							Available for Community Access						
	Studio 3	818							Available for Community Access						
	Studio 4	752							Reserved for 'Community Access Areas'						
	Studio 5	2,076							Reserved for 'Community Access Areas'						
	Studio 6	254							Available for Community Access						
	Studio 7	372							Available for Community Access						
	Studio 8	752							Reserved for 'Community Access Areas'						
	Studio 9	730							Reserved for 'Community Access Areas'						
	Studio 10	438							Available for Community Access						
	Studio 11	903							Available for Community Access						
	Studio 12	248							Available for Community Access						
	Studio 13 (7' Suite)	633							Not Publicly Accessible						
	Changing Rooms (M&F)	807												Available for Community Access	
Circulation Space	1,910												Available for Community Access		
Break Out/Reception/Lobby	2,227												Available for Community Access		
Studio 14	375								Available for Community Access						

		6:30	9am - 10am	10am - 11am	11am - Midday	Midday - 1pm	1pm - 2pm	2pm - 3pm	3pm - 4pm	4pm - 5pm	5pm - 6pm	6pm - 7pm	7pm - 8pm	8pm - 9pm	9pm - 10pm
Sunday	Studio 1	778							Available for Community Access						
	Studio 2	808							Available for Community Access						
	Studio 3	818							Available for Community Access						
	Studio 4	752							Reserved for 'Community Access Areas'						
	Studio 5	2,076							Reserved for 'Community Access Areas'						
	Studio 6	254							Available for Community Access						
	Studio 7	370							Available for Community Access						
	Studio 8	752							Reserved for 'Community Access Areas'						
	Studio 9	738							Reserved for 'Community Access Areas'						
	Studio 10	438							Available for Community Access						
	Studio 11	903							Available for Community Access						
	Studio 12	248							Available for Community Access						
	Studio 13 (7' Suite)	633							Not Publicly Accessible						
	Changing Rooms (M&F)	807												Available for Community Access	
Circulation Space	1,910												Available for Community Access		
Break Out/Reception/Lobby	2,227												Available for Community Access		
Studio 14	375								Available for Community Access						

Sturton Street, Cambridge
CSVA Timetable - Week 6, Spring Term 2017 (27th March Feb - 31st March)

		06:00	09:00 - 10:00	10:00 - 11:00	11:00 - Midday	Midday - 12:00	12:00 - 1:00	1:00 - 2:00	2:00 - 3:00	3:00 - 4:00	4:00 - 5:00	5:00 - 6:00	6:00 - 7:00	7:00 - 8:00	8:00 - 9:00	9:00 - 10:00	
Saturday	Studio 1	775								Available for Community Access							
	Studio 2	804								Available for Community Access							
	Studio 3	810								Available for Community Access							
	Studio 4	753								Reserved for 'Community Access Areas'							
	Studio 5	2,076								Reserved for 'Community Access Areas'							
	Studio 6	354								Available for Community Access							
	Studio 7	370								Available for Community Access							
	Studio 8	753								Reserved for 'Community Access Areas'							
	Studio 9	736								Reserved for 'Community Access Areas'							
	Studio 10	484								Available for Community Access							
	Studio 11	609								Available for Community Access							
	Studio 12	248								Available for Community Access							
	Studio 13 (IT Suite)	625	Not Publicly Accessible														
	Changing Rooms (M&F)	807															
Circulation Space	1,393																Available for Community Access
Break Out/Reception/Lobby	3,237																Available for Community Access
Studio 14	376																Available for Community Access

		06:00	09:00 - 10:00	10:00 - 11:00	11:00 - Midday	Midday - 12:00	12:00 - 1:00	1:00 - 2:00	2:00 - 3:00	3:00 - 4:00	4:00 - 5:00	5:00 - 6:00	6:00 - 7:00	7:00 - 8:00	8:00 - 9:00	9:00 - 10:00	
Sunday	Studio 1	775								Available for Community Access							
	Studio 2	804								Available for Community Access							
	Studio 3	810								Available for Community Access							
	Studio 4	753								Reserved for 'Community Access Areas'							
	Studio 5	2,076								Reserved for 'Community Access Areas'							
	Studio 6	354								Available for Community Access							
	Studio 7	370								Available for Community Access							
	Studio 8	753								Reserved for 'Community Access Areas'							
	Studio 9	736								Reserved for 'Community Access Areas'							
	Studio 10	484								Available for Community Access							
	Studio 11	609								Available for Community Access							
	Studio 12	248								Available for Community Access							
	Studio 13 (IT Suite)	625	Not Publicly Accessible														
	Changing Rooms (M&F)	807															
Circulation Space	1,393																Available for Community Access
Break Out/Reception/Lobby	3,237																Available for Community Access
Studio 14	376																Available for Community Access


IN THE MATTER OF

APPLICATION FOR A CERTIFICATE OF LAWFULNESS
OF PROPOSED USE

ST MATTHEWS CENTRE, STURTON STREET, CAMBRIDGE

EXHIBIT GB3

This is the exhibit marked GB3 referred to in the Witness Statement of 

Signed 

Dated.....24/7/17.....

CAMBRIDGE CITY COUNCIL
The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

CONDITION DISCHARGED IN FULL

Ref: 14/1252/COND3



Mr Julian Curry
HCH LLP
207 Regents Street
London
W1B 3HH

The Council hereby discharge the following condition in full:

Condition 3 of 14/1252/FUL on decision dated 28th October 2015
at
Citylife House Sturton Street Cambridge CB1 2QF

in accordance with your application received 9th June 2016 and the plans, drawings and documents which form part of the application as described below:

1. SITE PLAN PROPOSED drawing no. 0224/C/450 REV L and cycle shelter type 'Broxap (Littleborough) Shelters'. Any alterations to the approved cycle parking arrangement will require this condition to be redischarged.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 2 September 2016

S J Kelly

Director of Planning and Economic Development

CAMBRIDGE CITY COUNCIL
The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

CONDITION DISCHARGED IN FULL

Ref: 14/1252/COND4



Mr Julian Curry
HCH LLP
207 Regents Street
London
W1B 3HH

The Council hereby discharge the following condition in full:

Condition 4 of 14/1252/FUL on decision dated 28th October 2015
at
Citylife House, Sturton Street, Cambridge, CB1 2QF

in accordance with your application received 9th June 2016 and the plans, drawings and documents which form part of the application as described below:

1. Arboricultural Method Statement - 5553-D-1 A, Terraventing Location - 5553-D-2, Root investigation - 5553-D-3 and Service Routes - 5553-D-4.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 16 September 2016

S J Kelly

Director of Planning and Economic Development

CAMBRIDGE CITY COUNCIL
The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

CONDITION DISCHARGED IN FULL

Ref: 14/1252/COND10



Mr Julian Curry
HCH LLP
207 Regents Street
London
W1B 3HH

The Council hereby discharge the following condition in full:

Condition 10 of 14/1252/FUL on decision dated 28th October 2015
at
Citylife House Sturton Street Cambridge CB1 2QF

in accordance with your application received 9th June 2016 and the plans, drawings and documents which form part of the application as described below:

1. SITE PLAN drawing no. 0224/C/450G - please ensure the provision for accessing the bin store (i.e. key/code/pass etc) is supplied to the contracted commercial waste collector.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 2 September 2016

S J Kelly

Director of Planning and Economic Development

CAMBRIDGE CITY COUNCIL
The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

CONDITION DISCHARGED IN FULL

Ref: 14/1252/COND11A



Mr Julian Curry
HCH LLP
207 Regents Street
London
W1B 3HH
United Kingdom

The Council hereby discharge the following condition in full:

Condition 11 - Resubmission of 14/1252/FUL on decision dated 28th October 2015

at

Citylife House, Sturton Street Cambridge CB1 2QF

in accordance with your application received 20th September 2016 and the plans, drawings and documents which form part of the application as described below:

1. Car Park Management Plan (Rev D) and Site Plan Proposed drawing no. 0224/C/450 rev N

For further information please go to www.cambridge.gov.uk/planning.

Dated: 4 November 2016

A handwritten signature in black ink that reads 'S J Kelly'.

Director of Planning and Economic Development

CAMBRIDGE CITY COUNCIL
The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

CONDITION DISCHARGED IN FULL

Ref: 14/1252/COND12A



Julian Curry
HCH LP
207 Regents Street
London
W1B 3HH

The Council hereby discharge the following condition in full:

Condition 12 - Resubmission of Travel Plan condition pertaining to 14/1252/FUL dated 28th October 2015

at

Citylife House, Sturton Street, Cambridge, CB1 2QF

in accordance with your application received 29th September 2016 and the documents which form part of the application as described below:

1. TPA, Dance School/Studio Travel Plan, October 2016 (Revision D, 14/10/2016) and accompanying Technical Note ref: 1406-57/TN/04 (27/10/2016) which updates the forecasted modal split, subject to their terms and contents being complied with, including a survey being carried out within three months of first occupation to inform modal targets, including of community evening and weekend use and annually thereafter for five years.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 2 December 2016

S J Kelly

Director of Planning and Economic Development

09/10/17

To Whom It May Concern:

My name is [REDACTED] and I was a student at CSVPA from Sept 2015-June 2017. I completed my qualification as a Musical Theatre student. Thanks to my dance studies at CSVPA I have progressed to Performers College, studying toward a qualification in Professional Dance /Musical Theatre.

I can confirm that we were having our dance and movement lessons in the St Matthew's centre on Sturton Street from 20 February 2017 onwards. None of our other classes happened in the building during this time, and they were held in other CSVPA buildings. Our use of the building and in particular its Dance studios was extensive from this point onwards, with us having the luxury of spreading out across the building. From 10/04/17 our Dance activities included the following:

Week starting

10/04/17 – dance classes in Sturton Street in ballet, movement, jazz, contemporary dance, and musical theatre dance. All classes taught by one of our dance or movement tutors.

17/04/17 – we were in Sturton Street 20/04-21/04 for the first two days of Term 3. Group and individual rehearsals for the dance component of our major final graded project plus cool down afterward. Three hours/day taught dance classes plus our own independent rehearsals.

24/04/17 – working in Sturton Street on the dance component of our major final graded project. We had individual lessons taught by various tutors for 2-3 hours each day (different tutors present on different days), plus our own independent rehearsals and cool down afterward.

01/05/17 – Monday bank holiday. Tues-Fri working all day every day on the final graded dance project. We had individual lessons taught by various tutors for 2-3 hours each day (different tutors present on different days), plus our own independent rehearsals and cool down afterward.

08/05/17 – Monday to Friday all full days at Sturton Street. We had individual lessons taught by various tutors for 2-3 hours each day (different tutors present on different days), plus our own independent rehearsals and cool down afterward. The week finished with the assessment of these final graded dance projects.

15/05/17 – Monday to Friday 3-6 hours each day of rehearsal in Sturton Street each day for the dance pieces in our end of year show. When not in teacher-led rehearsal we were encouraged to rehearse independently. Always important to begin with a warm up and finish with a cool down.

22/05/17 – same as week of 15/05

29/05/17 – Bank Holiday Monday. Tues-Fri 3-6 hours each day of rehearsal in Sturton Street each day for the dance pieces in our end of year show. When not in teacher-led rehearsal we were encouraged to rehearse independently. We were all expected to be sure to warm up and cool down appropriately.

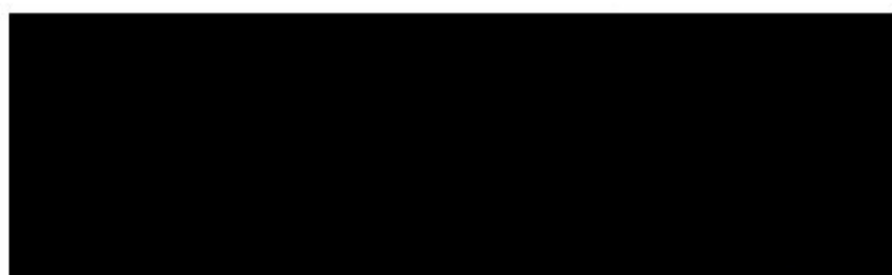
05/06/17 – same as week of 15/05

12/06/17 – performance in an external venue. Then two hours of taught dance class on Friday in Sturton Street, plus my own independent warm up, rehearsal and cool down.

19/06/17 – final week of term for taught dance classes for full time students such as me. We had 2-4 hours every day taught dance classes in Sturton Street, plus our independent warm up, rehearsal, and cool down. We were still expected to challenge ourselves even though it was the last week.

In addition to all of my classes and independent rehearsals, we were able to organise one to one sessions with the dance tutors, all of which also happened at Sturton Street from 20 February 2017 onwards. This was arranged between me and the tutor I wanted to work with, to be sure we could both find time in our schedules.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.

11/10/17

To Whom It May Concern:

I was a student in the Classical and Contemporary Acting program at CSVPA for the 2016-17 academic year. I am a British student originally from Stapleford Cambridgeshire.

As part of our foundation program, we had a number of weeks of very physical dance and movement sessions. From 20 February 2017 onwards, these dance and movement classes were held in the St Matthew's centre on Sturton Street. Any classes not focused on dance or movement were held in another building.

During the third term, we focused our work on our end of year shows. Our production contained a significant amount of movement and dance, so our use of the Dance studios in the building on Sturton Street was particularly extensive from the middle of May onwards. Our schedule during this period included the following dance rehearsals in the building on Sturton Street:

Week starting

20/02-17 – 30/03/17 – Students in my program had 1.5 hours of ballet, 2 hours of movement (mostly focused on the Suzuki method), and 1 hour of Contemporary Dance each week during this time. This culminated with a Dance performance on 30/03.

15/05/17 – 3 hours of dance rehearsal on the 17th taught by the Movement tutor. We also had two full days (7 hours each day on the 18th and 19th) of dance workshop led by a guest dance tutor from RADA

22/05/17 – 3 hours of dance and movement rehearsals each day on the 24th and 25th. Two movement rehearsals were happening at the same time both days in Sturton Street, led by 2 of our Movement tutors.

29/05/17 – Bank Holiday on Monday. We worked in the other building that week, because we were focusing on elements other than dance and movement

05/06/17 – Monday, Tuesday and Thursday we were in Sturton Street all day each day. These were all teacher-led rehearsals focusing on movement. We had several different tutors rotating between two movement and dance rehearsals.

12/06/17 – Monday, Tuesday full day teacher led movement/dance rehearsals in Sturton Street led by tutors again. Wednesday half day in Sturton with teacher led movement and dance rehearsals.

Students also had the opportunity to organise individual lessons with the dance/movement tutors, which were also taught at the building on Sturton Street during terms 2 and 3. I didn't have any additional dance lessons myself, but several of my classmates did.

All the very best,

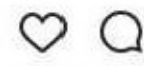
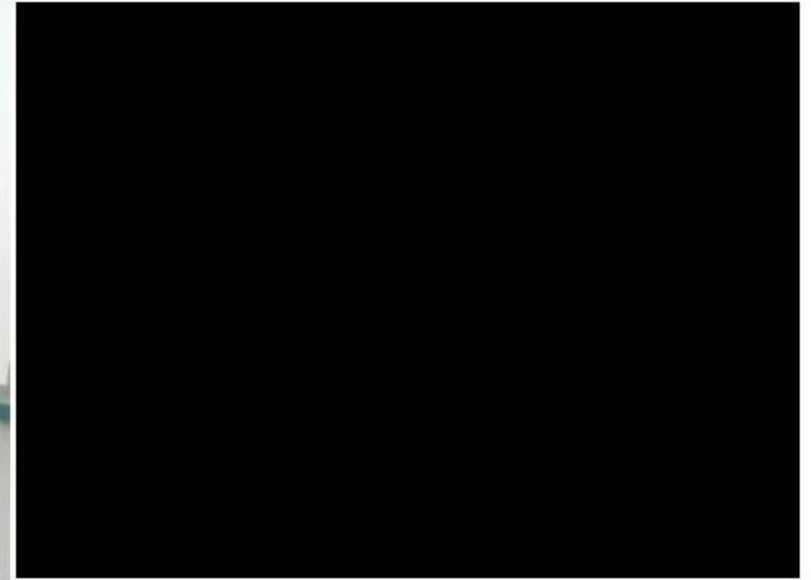


Sin Cru

Usage: 10th May | Posted: 10th May



RvAOf2/?taken-by=sin_cru



33 likes

MAY 10

Add a comment...



Usage: 21st June | Posted 21st June



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sin_cru
Cambridge, Cambri...

Following



22 likes


JUNE 21

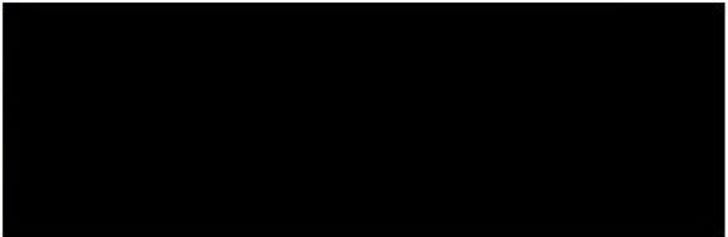
Add a comment...



Usage: 21st June | Posted: 26th June



 **sin_cru**
CSVPA Cambridge S... Following



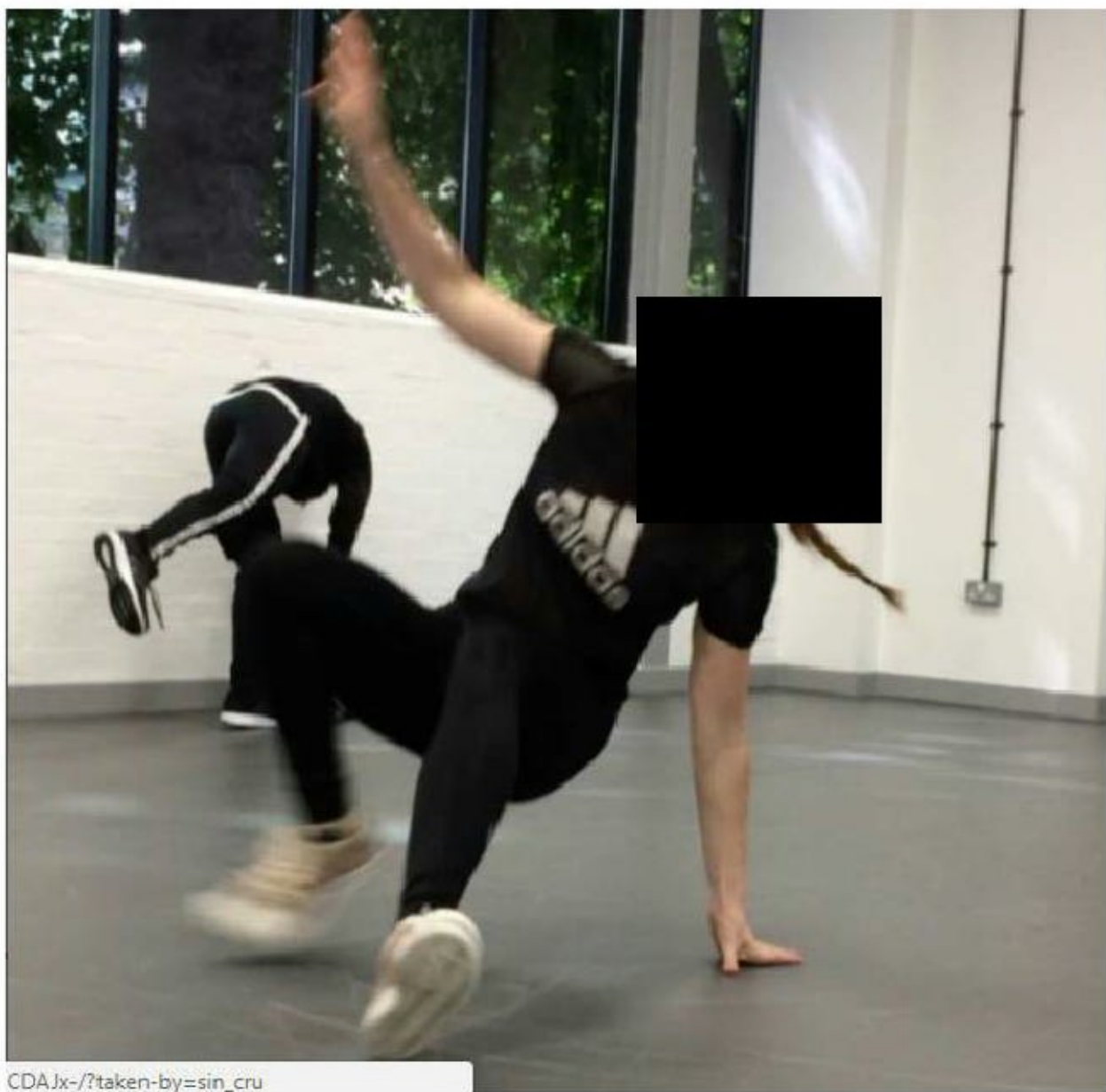
 


13 likes

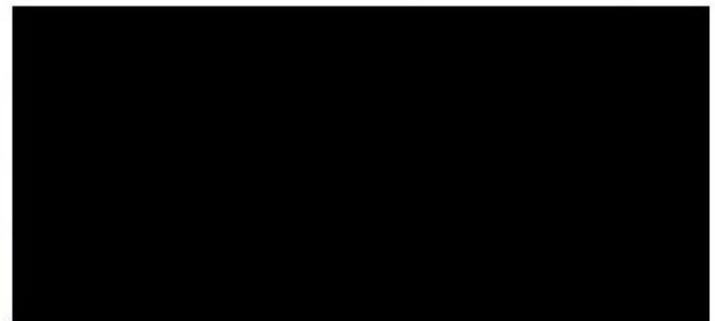
JUNE 26



Add a comment... ...

Usage: 25th July | Posted: 25th July



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Cambridge, Cambri... Following



89 views

JULY 25

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Usage: 25th July | Posted: 26th July



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Cambridge, Cambri... Following



 
48 likes
JULY 26

Add a comment... ...

Usage: 25th July | Posted 27th July



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Cambridge, Cambri... Following

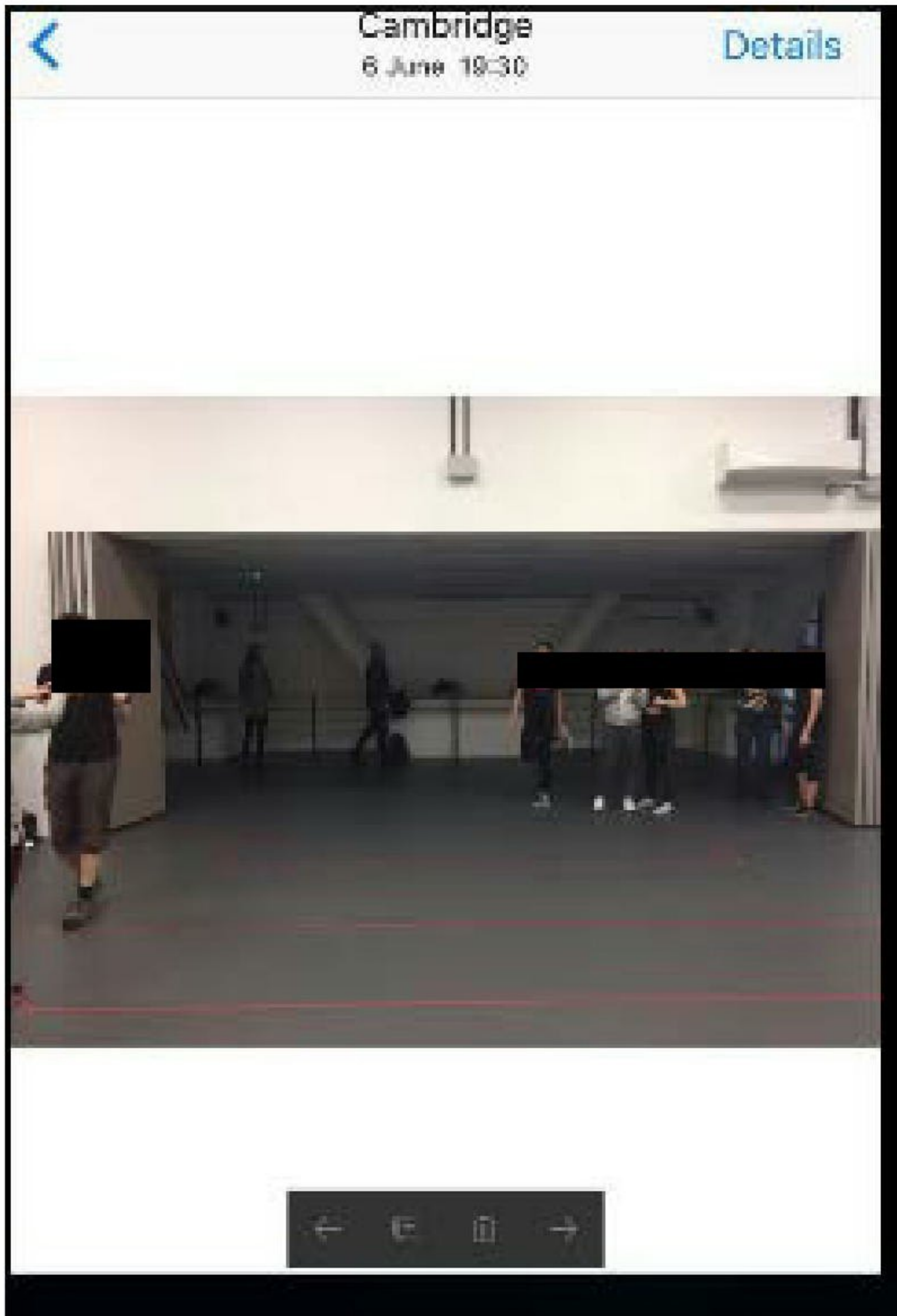


 
41 likes
JULY 27

Add a comment... ...

Cambridge Theatre Company

6th June



Posted: 11th June

recompany/

Student Advice Service x Results x (12) Cambridge Theatre x Isle Active - Website Mar x Isle Active - Website Mar x audition_c

PO System CMS CSVPA Connect TuckerGardner - Ven Home - Video Cloud Cambridge Education 2017 Art & Design

Cambridge Theatre Company

Like Follow Share ...

Press Enter to post.

ctc Cambridge Theatre Company
11 June · G

Priscilla, Queen of the Desert
11-15 July 2017
Great Hall at The Leys

Priscilla is the uplifting adventure of three friends on a road trip, searching for love and friendship. Featuring classics including It's Raining Men and I Will Survive, this hilarious and heart-warming musical will take you on a journey to the heart of fabulous!

'Hugely entertaining... insanely glitzy'
Daily Telegraph

Book now for the biggest show this Summer at <http://ow.ly/fQUL30aToir>

5.2k Views

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Producer in Cambridge, Cambridgeshire

Very responsive to messages

Community See all

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camtheatrecompany.co.uk

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Theatrical productions Like

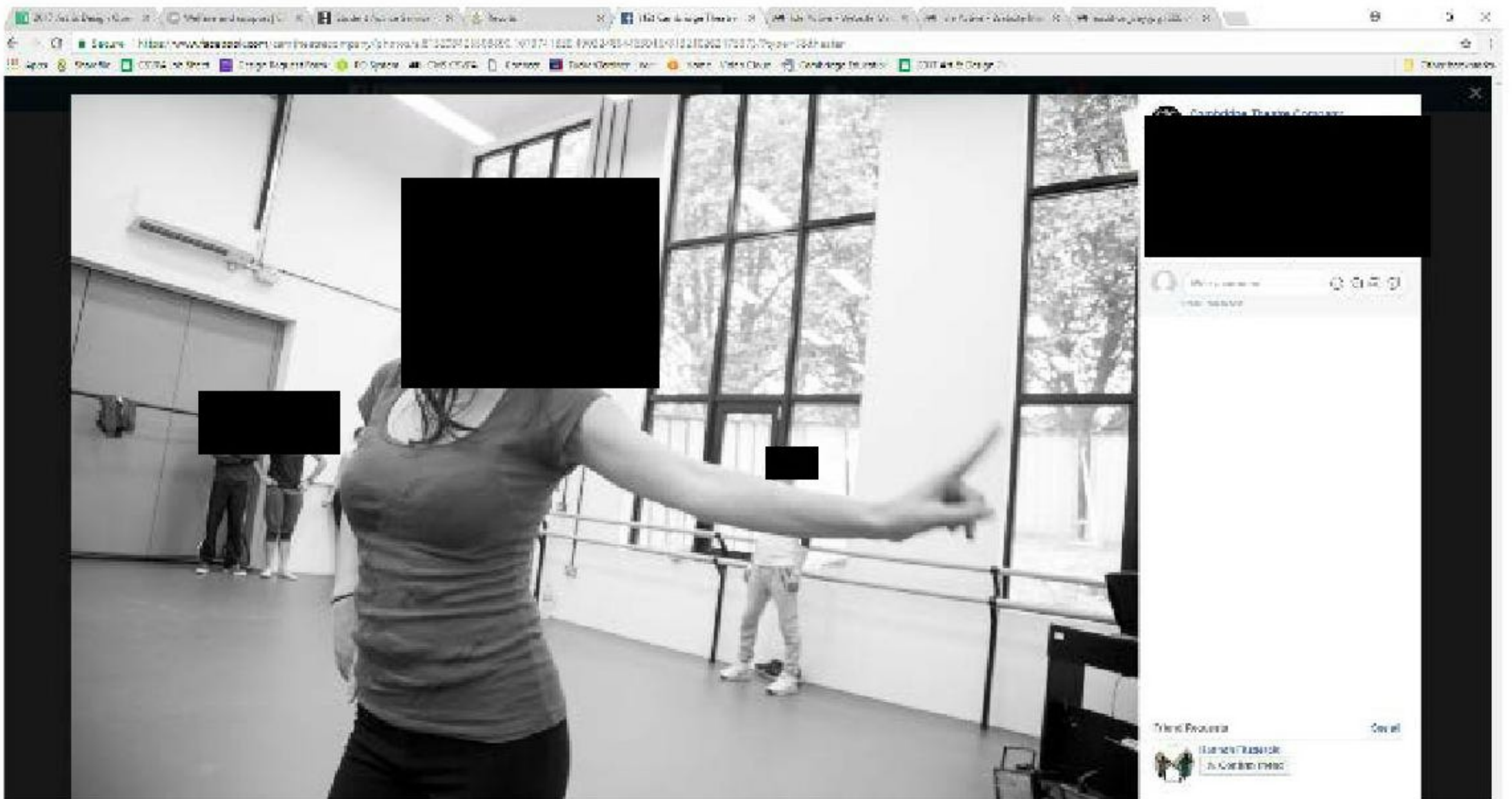
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Usage: 21st May

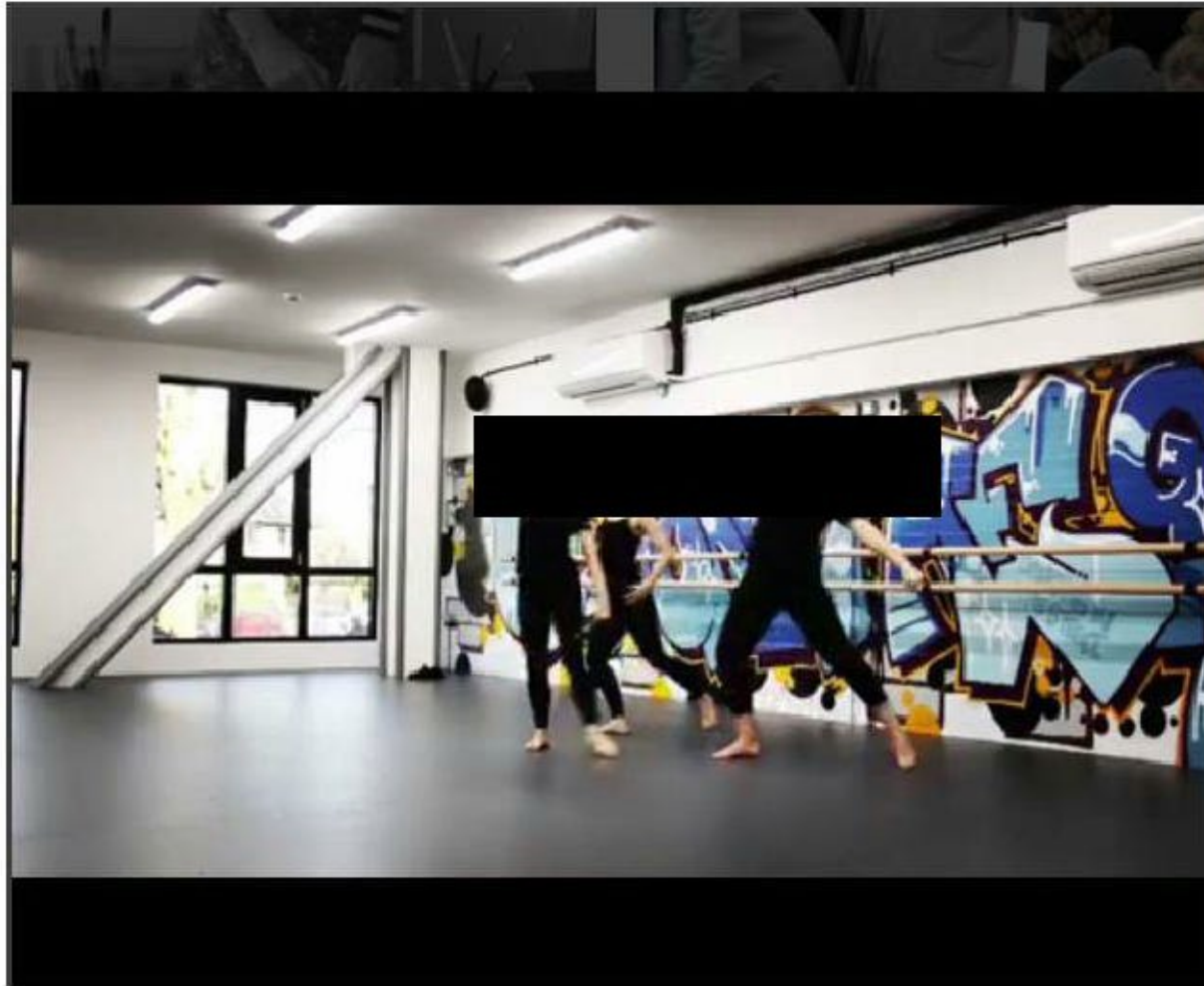


Usage: 21st May | Posted 18th June

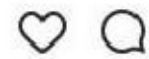
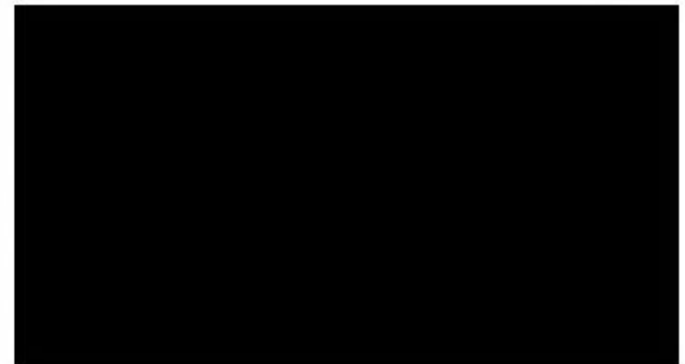


CSVPA Images & Student Images

12th April



cambridgevisualperformingarts



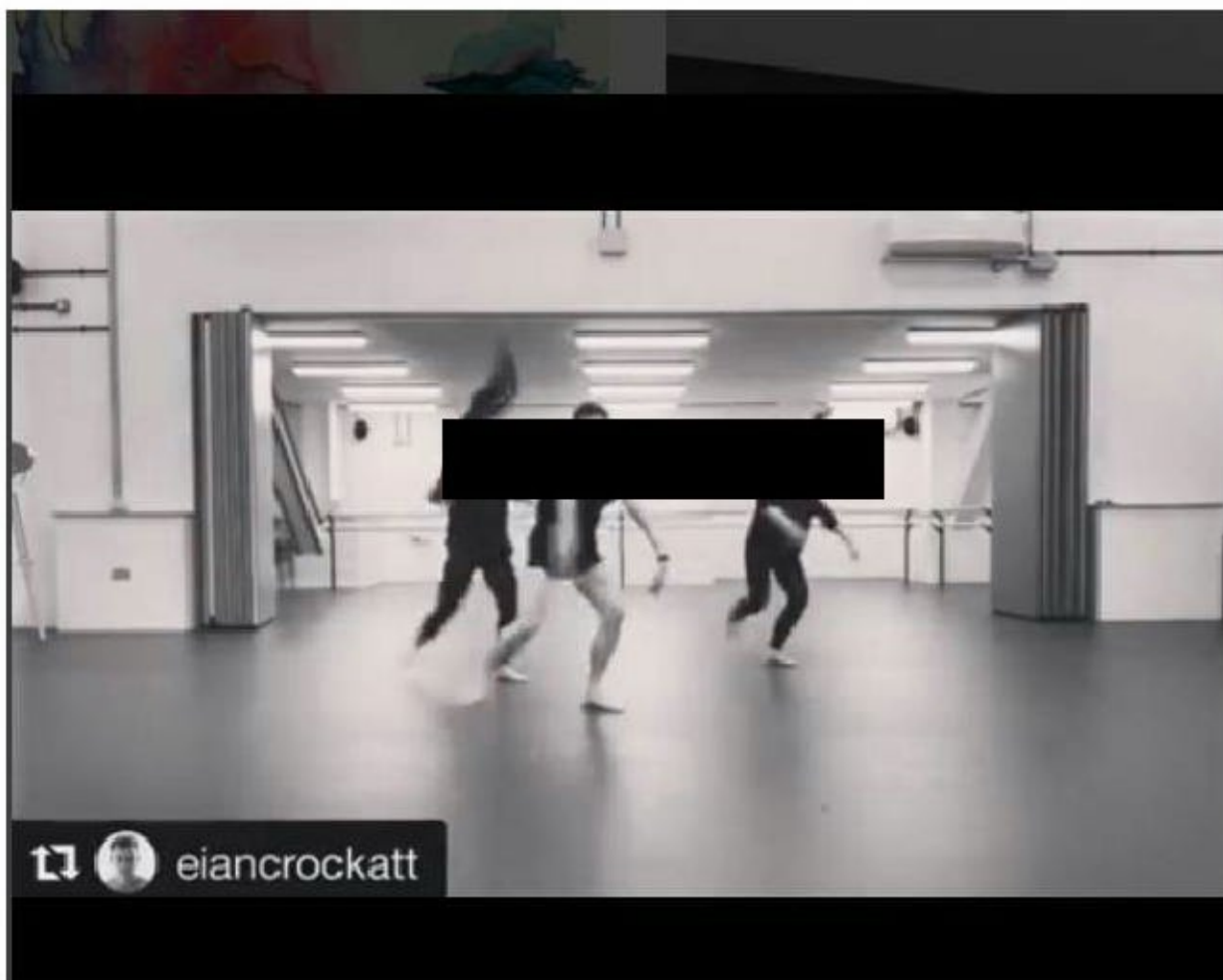
284 views

APRIL 12

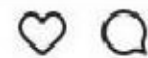
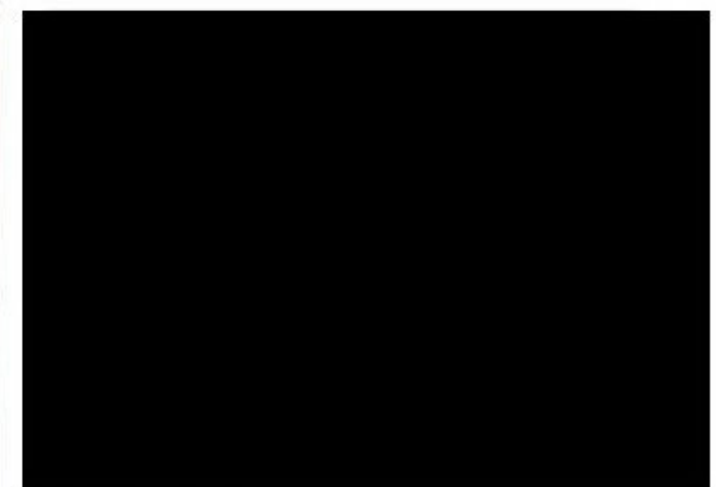
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26th April



cambridgevisualperformingarts



335 views

APRIL 26

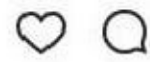
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26th May



cambridgevisualperformingarts



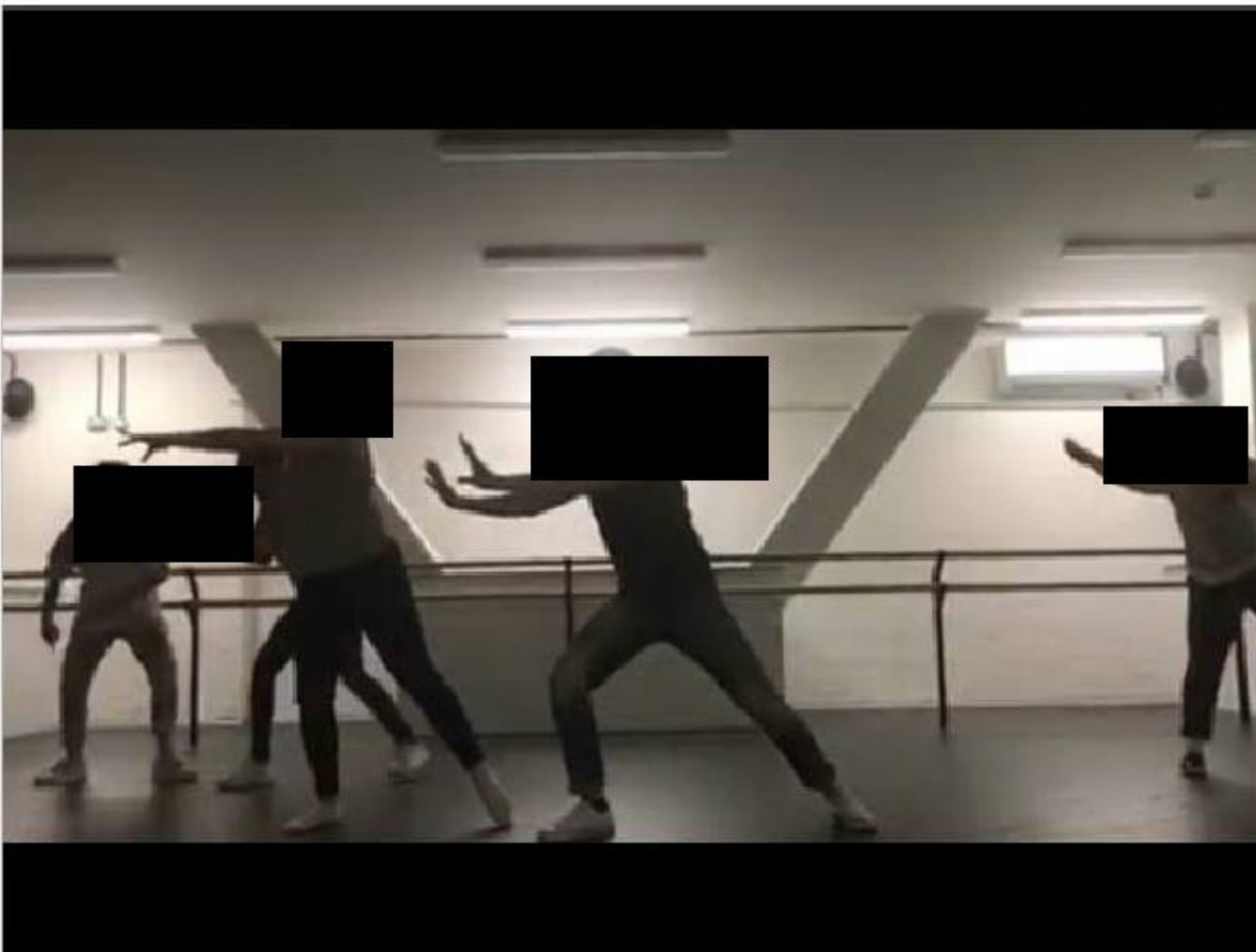
311 views

MAY 26

Add a comment...

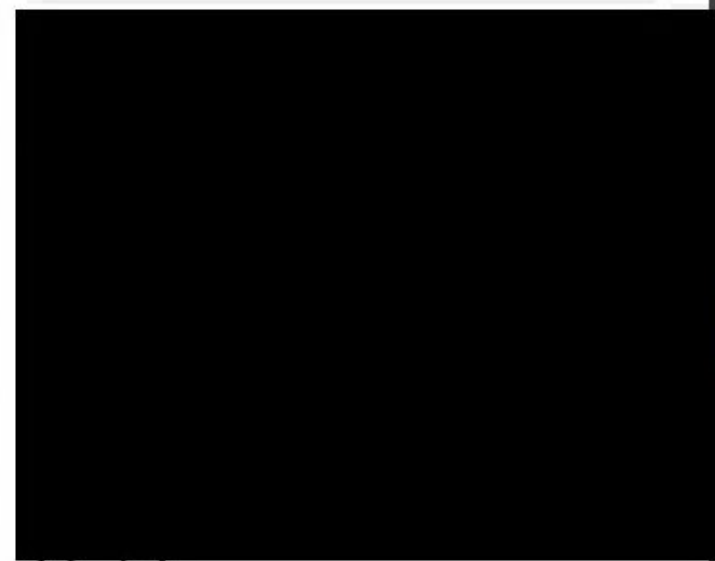


8th June



malika_uter_moye

Following



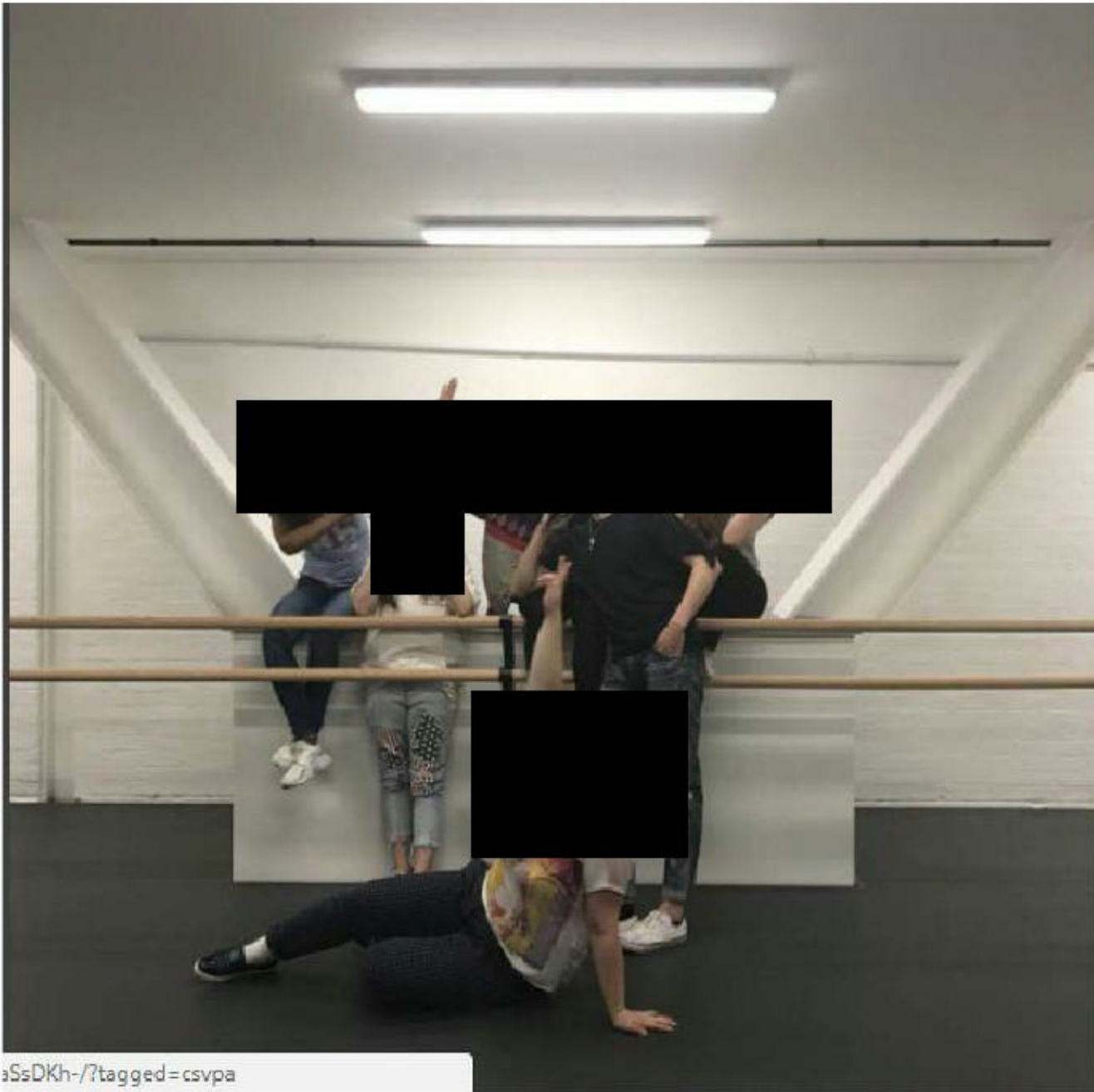
69 views

JUNE 9

Add a comment...

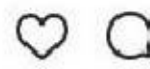


9th June



malika_uter_moye

Following



22 likes

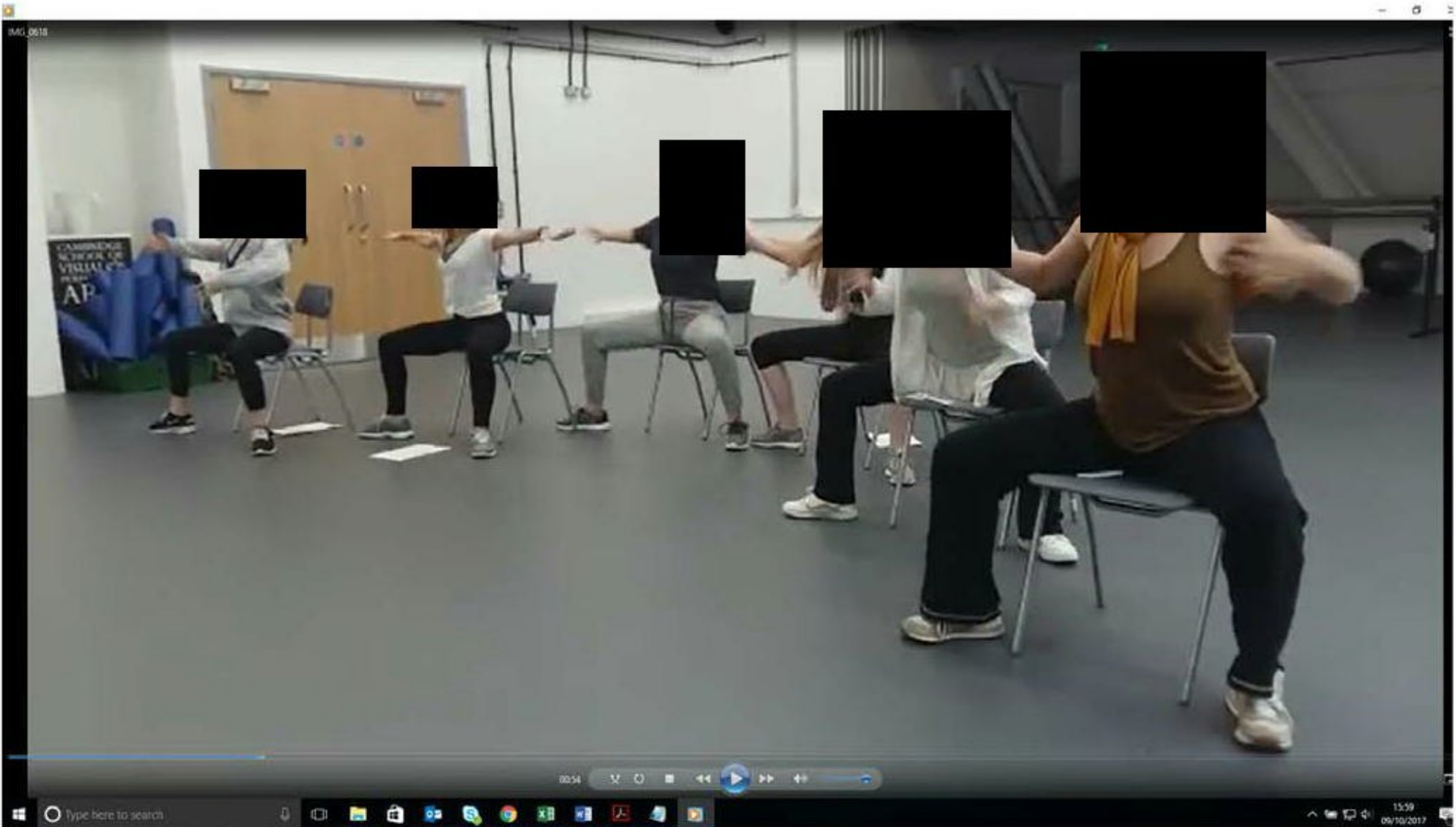
JUNE 8

Add a comment...



3SsDKh-/7tagged=csvpa

31st July to 7th August Summer School



SIN CRU

STRENGTH IN NUMBERS



Monday 9th October, 2017

To whom it may concern,

We have been using the studios at Cambridge School of Visual and Performing Arts, previously the Howard Mallet, on Sturton Street since May 2017. As a not-for-profit-unincorporated group, with no core funding, the support from CSVPA in the form of free studio space as been absolutely essential to our continued work with children, young people, emerging and local artists.

Between May and July we used studio 1 for dance rehearsals and development on the following dates:

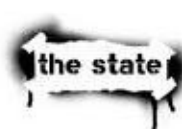
- 8th May - 2hrs
- 9th May - 2hrs
- 10th May - 2hrs
- 11th May - 2hrs
- 12th May - 2hrs
- 16th May - 2hrs
- 19th May - 2hrs
- 30th May - 1.5hrs
- 1st June - 2.5hrs
- 20th June - 1.5hrs
- 21st June - 7hrs
- 25th July - 4hrs

We are extremely grateful to CSVPA and very pleased to be back in the building with our youth and community engagement activities after many years of transition for the old Howard Mallet.



Artistic Director

SIN Cru Headquarters 10 Pembroke Street, Cambridge CB2 3QY www.sincru.co.uk
Artistic Director: Lucy Crowe Chair: Andrew Milbourn Founders: Kilo and Dref





06/09/2017

Dear 

I can confirm these are the dates that we used CSVPA dance studios, Sturton St.

DATE	DURATION	STUDIO(S)
25/04/17	3.5 hours	4,5
07/05/17	6 hours	4,5
19/05/17	3.5 hours	4,5
21/05/17	4 hours	4,5
23/05/17	3.5 hours	4,5
26/05/17	3.5 hours	4,5
04/06/17	6 hours	4,5
06/06/17	3.5 hours	4,5
09/06/17	3.5 hours	4,5
12/06/17	3.5 hours	4,5
16/06/17	3.5 hours	4,5
18/06/17	6 hours	4,5
20/06/17	3.5 hours	4,5
25/06/17	6 hours	4,5

The spaces provided were perfect for our dance rehearsals for Cambridge Theatre Company's production of Priscilla, Queen of the Desert.

Please find attached some pictures from one of our dance rehearsals dated:

Best wishes,



CTC Associate Artist

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Appendix 2 – Advice of Simon Bird QC 22 August 2016 (submitted by the applicants)

CITYLIFE HOUSE
STURTON STREET, CAMBRIDGE CB1 2QF

A D V I C E

1. My advice is sought by CRU Sturton Street (“CRU”) and Cambridge Arts and Science Limited (“CRU”) on the interpretation and scope of a full planning permission granted by Cambridge City Council (“the Council”) authorising the change of use of Citylife House, Sturton Street, Cambridge CB1 2QF (“the Building”). CRU own Citylife House and CAS who operate the Cambridge School of Visual and Performing Arts (“CSVPA”) and who are the intended tenants of the building.

2. The planning permission was granted under reference 14/1252/FUL (“the Planning Permission”) and the description of the authorised development is:

“Change of use from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building”.

3. Some 12 conditions were attached to the grant of the planning permission and those principally relevant to this advice are as follows:

“7. Noise limiting devices (specification and design to be agreed with the LPA) shall be fitted within the studios so that all amplified music is channelled through the devices. The maximum noise levels will be set by agreement with the LPA and will be reviewed from time to time as appropriate.

The Premises Management and/or nominated person shall ensure that the noise limiting device is sealed after commissioning, so that sound operators cannot override the system during any performance or class and that the agreed settings are kept unless otherwise agreed in writing by the LPA.

The use hereby approved shall be carried out in accordance with the approved specifications and details.

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

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

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

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

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

12. No development shall take place until a Travel Plan for the Bodywork use has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be focused on encouraging sustainable modes of transports for its students, staff and visitors. The approved plan shall be implemented and monitored according to the provisions approved by the local planning authority.

Reason: To increase sustainability, limit pollution, and mitigate any air quality impact of the development. (Cambridge Local Plan (2006) policies 3/1, 4/13, 4/14 and 8/2).”

4. The permission was applied for to facilitate the occupation and use of the Building by Bodywork Company Dance Studio (“BCDS”) who operate from a number of sites within Cambridge. BCDS provide high-level courses in professional dance and musical theatre and also offer a range of dance and fitness uses. The works to the building as approved would provide nine dance studios ranging in size from 35 sqm through to 131 sqm, with ancillary facilities such as a small community coffee shop.
5. Although the exact status of the existing use of the building is very unclear, the Council consider that its lawful use is that permitted by planning permission 97/1020 and referred to in the grant of the Planning Permission. The Council regards this as a community use which has planning policy implications under its adopted Local Plan.
6. During 2014/2015 extensive discussions were held between CRU and BCDS. During these discussions it became apparent that BCDS would be unable to take a lease of the building. Instead, CRU agreed to enter into a lease for the occupation and use of the building by the CSVPA.
7. CSVPA is a school specialising in the teaching of visual and performing arts related courses between NQF3 and NQF7 (for illustration, A levels fall at NQF3 and Masters degrees at NQF7). Programmes include partnerships with University of Arts London, Kingston University and the Royal Academy of Dramatic Art.

8. The principal issue upon which my advice is sought is whether use of the converted building by CSVPA whether jointly with BCDS or on its own would be authorised by the Planning Permission. I understand that the Council are concerned that condition 12 could be read as restricting the use of the premises to BCDS alone.

Interpretation

9. The principles to be applied in interpreting the scope of planning permissions are well established and were recently reviewed by the Supreme Court in Trump International Golf Club Scotland Ltd v Scottish Ministers [2016] 1 WLR 85 (albeit that the case concerned the validity of a consent granted under the Electricity Act 1989 rather than the grant of a planning permission). The authorities establish that in the absence of ambiguity, in interpreting a planning permission regard may be had only to the terms of the planning permission, any conditions attached to the relevant planning permission and any documents expressly incorporated by reference (see Ashford Borough Council v Shepway District Council [1999] PLCR 12).

Implication

10. The Trump case touched on (albeit obiter) whether it was possible for words to be implied into a statutory consent in order to give it efficacy. It was in that context that the Supreme Court considered the principles applicable to the implication of words into planning permissions which, until the Trump the Courts had generally ruled against on public policy grounds. The Supreme Court held that there was no general principle that words cannot be implied

into a statutory consent such as a planning permission and that the approach should be as follows:

- (i) Whether words are to be implied into a document depends on the proper interpretation of the words used;
- (ii) The potential (ultimately) for criminal liability calls for both clarity and precision in the drafting of conditions;
- (iii) In interpreting a statutory consent the question is what a reasonable reader would understand the words to mean when reading the condition in the context of the other conditions and of the consent as a whole;
- (iv) The exercise is an objective one i.e. having regard to the ordinary and natural meaning of relevant words, the overall purpose of the consent and other conditions, the purpose of the relevant words and also commonsense;
- (v) Implication can be justified only where it must have been intended that the document would have a certain effect, although the words to give it that effect are absent;
- (vi) Great restraint should be shown towards implication in relation to public documents.

11. These principles were endorsed by the Patterson J in the specific context of a planning permission in Dunnett Investments Ltd v SSCLG [2016] EWHC 534 (Admin).

Application of the Principles to the Planning Permission

12. The grant of planning permission here is expressed in terms which incorporate the application documents. However, whilst the supporting documentation was directed at and anticipated use by BCDS, neither the application for planning permission or the terms of the grant are expressed in terms personal to BCDS.
13. Further, there is no condition attached to the planning permission which expressly restricts the permitted use to BCDS. If it had been the intention to do so, I would have expected to see an express condition to that effect particularly as it would have been contrary to the guidance on planning conditions (restricting occupation to a named company is likely to prove ineffective as companies can change control (and operation) through share transfer and name changes) and would have required special justification.
14. Looking at the permission as a whole, the only reference to the potential occupant is in condition 12, however, the condition refers not to the company but to "*the Bodywork use*". The reason does not refer to any need to restrict occupation to BCDS; it simply refers to general transportation sustainability concerns. Looked at in this context and objectively, a reader of the permission would conclude that the reference to "*the Bodywork use*" is no

more than shorthand for the use as described in the terms of the grant i.e. “a *Class D1 dance school/studio*” but in the context that the anticipated (but not required) first user was BCDS.

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

D1 Use

16. The reference within the terms of the grant to Class D1 indicate that, absent some restriction, the intention was that the operation of the Town and Country Planning (Use Classes) Order 1987 should not be restricted. There is no condition attached to the permission which expressly excludes the operation of the Use Classes Order. There would have been no reason in principle why such a condition could not have been attached to the permission if the Council had been able to justify it, but no such condition was imposed.
17. The Courts have consistently held that conditions which exclude the operation of otherwise available statutory rights must be clearly and unambiguously expressed. Whilst there is no need for a reference to the relevant statutory instrument, the words used must be clear in preventing reliance on the relevant statutory right (see Dunoon Developments v Secretary of State for

the Environment (1983) 65 P&CR 101 and Carpet Decor (Guildford) v Secretary of State for the Environment [1981] JPL 806. A good example of the strictness of the approach is Telford & Wrekin Borough Council v SSCLG [2013] EWHC 79 (Admin). The case involved a challenge to the grant on appeal of a certificate for unrestricted A1 use of a site with a permitted use as a garden centre. A condition (condition 19) had required the submission for approval of a list of products to be sold prior to the garden centre opening but the condition did not go on to restrict the sale of products to those on the list.

Beatson LJ held the Inspector had been correct to conclude that the permission authorised unrestricted A1 use. The condition did not say that the use was confined to a garden centre use, it merely required that prior to opening the applicant should provide details of the proposed type of products to be sold. It did not say that no others were to be sold. Whilst some of Beatson LJ's reasoning was rejected in the Trump case, the correctness of the judge's conclusion was not doubted.

18. Having regard to the terms of the Planning Permission, there are some parallels with the Telford & Wrekin case. Whilst a number of the conditions require prior approvals of control measures appropriate to a dance studio use, none of the conditions restricts the subsequent use of the premises for other uses within Class D1. Even condition 9 which refers to *"The premises shall only be used for performances, practice sessions and dance classes between the hours of 08.00 and 22.00 Monday to Saturday and between 10.00 and 21.00 on Sundays"* is clearly directed not at restricting the use to use as a dance studio but rather the hours of operation of the premises. That is clear

from the reason for the imposition of the condition. The conditions are consistent with the dance studio use being the first use to be made of the premises under the permission as opposed to being the exclusive permitted use.

19. Again, there is no scope for implying a condition which excludes the operation of the Use Classes Order. A reasonable reader would not conclude that this must have been the intention from the permission read as a whole.

Implementation

20. In my view, in order for the planning permission to be lawfully implemented, the pre-commencement conditions would need to be discharged and use would have to be made of the premises as a dance studio. Once those have both occurred, it would then be possible for the use to change to another D1 use without the need for planning permission in reliance on the Use Classes Order.
21. Discharge in this context means compliance with (a) each of the elements of the conditions which require written approvals of the Council prior to the development (e.g. conditions 3, 4 and 12), the use (e.g. conditions 10 and 11) or occupation (condition 6) commencing and (b) those elements which require the approved facilities etc. to be in place before the use or occupation commences (e.g. conditions 6, 10,11).

22. The general rule is that works commenced in breach of conditions precedent are incapable of lawfully implementing a planning permission and whilst the context (which includes the importance of the relevant conditions) will be important in deciding whether a breach of condition has this effect, in my view the majority of the conditions precedent attached to the Planning Permission are properly regarded as going to its root and therefore any breach would prevent lawful implementation.
23. Whilst it is open to a local planning authority retrospectively to validate works of implementation, there is no obligation on it to do so and unless and until the details are approved, it remains open to it to take enforcement action if it decides to do so. There is no restriction in law on a local planning authority discharging conditions after the date by which, according to their terms, they should have been complied with. Provided that the relevant planning permission has not expired, it remains open to a local planning authority to approve details submitted under conditions precedent after the development has commenced. The process for, and effect of, any such retrospective approval is the same as if the approval and discharge had been sought/obtained at the relevant time (see F G Whitley & Sons v Secretary of State for Wales (1992) 64 P&CR 296 and Ellaway v Cardiff County Council [2015] Env LR 19
24. No reliance can be placed on the Use Classes Order unless and until the initial use is lawful which means that the full terms of all of the conditions have been complied with.

25. There is no specific period of time over which a dance studio use would have to occur before reliance could be placed on the Use Classes Order to change to another D1 use where the initial use is lawful, but the use would have to be a material first use judged as a matter of fact and degree which, as a very general rule of thumb would be no less than 10% of the floorspace, provided that there is no other use made of the premises. It must be a use which is of sufficient extent and duration which, if not authorised, could be the subject of enforcement action. I understand that the initial use will be of some 30-40% of the building as dance studios and as a matter of fact and degree that would, in my view, be sufficient to implement the change of use provided that it is sustained over a period of months rather than days.
26. Unless and until it has been lawfully implemented, the correct description of the change of use in any subsequent application would refer to the use permitted by the 1997 permission. Equally, any unauthorised development would be an immaterial consideration in the determination of any subsequent planning permission, although until 2018, the Planning Permission provides the baseline for assessment as a fall-back.

SIMON BIRD QC
22 August 2016



Francis Taylor Building
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London
EC4Y 7BY
DX: 402 LDE

**CITYLIFE HOUSE
STURTON STREET, CAMBRIDGE
CB1 2QF**

ADVICE

Carter Jonas
6-8 Hills Road
Cambridge
CB2 1NH

Application Number	17/1252/FUL	Agenda Item	
Date Received	3rd August 2017	Officer	Michael Hammond
Target Date	28th September 2017		
Ward	Cherry Hinton		
Site	12 Orchard Estate Cambridge CB1 3JP		
Proposal	Ground floor rear and side extension and change of use to form three flats.		
Applicant	Mr A De Simone 436 Milton Road Cambridge CB4 1ST		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed works would respect the amenities of neighbouring properties. - The proposal would provide an acceptable living environment for its future occupants. - The proposed development would not increase on-street parking in the area to such an extent as to harm the residential amenity of the area.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of a semi-detached property situated in the west side of Orchard Estate. To the north of the site is Coldhams Lane, to the south-east is Cherry Hinton High Street and to the south-west is the cycle route connecting Cherry Hinton to Romsey. There is on-site parking at the front of the site and a large garden to the rear. The surrounding area is residential in character and is formed predominantly of similar-sized semi-detached properties.

1.2 There are no site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks planning permission for a ground-floor rear and side extension to facilitate a change of use of the existing property into three flats.
- 2.2 The proposed extension would extend out to the rear by approximately 6.7m at single-storey scale with a flat roof measuring approximately 2.8m to the ridge. The proposal originally sought permission for a wider side extension element but this has since been amended following concerns raised regarding the narrow width of the side access that would have remained for future occupiers.
- 2.3 Flat no.1 would be a ground-floor flat which would occupy the majority of the ground-floor footprint of the original building. It would have its own entrance from the side and would have its own small courtyard, as well as access to the large communal garden.
- 2.4 Flat no.2 would also be situated on the ground-floor and would occupy the proposed rear and side extension. It would have its own private garden and is also accessed from the side passageway.
- 2.5 Flat no.3 would occupy the original first-floor of the building and would use the front door as its main entrance. It would have access to a communal garden at the end of the site.
- 2.6 All of the proposed flats would be one-bedroom in size. Bin and cycle storage would be situated adjacent to the side of the building. The existing one car parking space would be retained at the front of the site.
- 2.7 The application is accompanied by the following information:
 1. Drawings
 2. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
C/73/0277	Erection of single-storey extension to existing dwelling house	Permitted.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/13 5/1 5/2 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)
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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 The development is 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. Conditions regarding unbound material, erection of gates and the manoeuvring area are proposed.

Environmental Health

6.2 No objection subject to construction hours and piling conditions.

Head of Streets and Open Spaces (Tree Team)

6.3 No comment received.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.4 No objection subject to surface water drainage condition.

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:

1 Orchard Estate	2 Orchard Estate
3 Orchard Estate	7 Orchard Estate
9 Orchard Estate	10 Orchard Estate
11 Orchard Estate	14 Orchard Estate
15 Orchard Estate	18 Orchard Estate
20 Orchard Estate	24 Orchard Estate
32 Orchard Estate	36 Orchard Estate
37 Orchard Estate	40 Orchard Estate
Cam Cycle	

7.2 The representations can be summarised as follows:

- The loss of a family home is not supported and is not in keeping with the street.
- Cambridge needs more family homes and not flats.
- The proposal would set a precedent for more flat conversions in the area.

- Increase in on-street parking demand/ parking pressure.
- The proposal could introduce six cars into the area.
- Noise and disturbance from noise travelling through walls.
- Noise and disturbance for future occupants from reception rooms of no.14 adjacent.
- Additional bins that are taken out on collection days will worsen parking problems and hamper pedestrian movement.
- There is insufficient information regarding cycle parking
- Highway safety concerns due to increase in on-street parking.
- Damage to grass verges from on-street car parking.

7.3 Councillor Dryden has commented on this application, citing increase in traffic movements/ parking and the development being out of character.

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 (and impact on heritage assets)
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Drainage
8. Third party representations
9. Planning Obligations (s106 Agreement)

Principle of Development

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

8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.

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

- A) The residential property has a floorspace of less than 110m²;
- B) The likely impact upon on-street parking would be unacceptable;
- C) The living accommodation provided would be unsatisfactory;
- D) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
- E) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

A) The residential property has a floorspace of less than 110 square metres

8.5 The footprint of the residential property as a result of the proposed extensions would be over 120m² and this criterion would be met.

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

8.6 It is acknowledged that the vast majority of the representations cite the pressure on on-street car parking as one of the main concerns with the proposed development.

8.7 There is one car parking space for the existing three-bedroom property. The proposal would retain this car parking space for use by the future occupants, which for residential amenity reasons, I would recommend a condition for use by flat no.1 of the proposed development only.

8.8 The Orchard Estate is a cul-de-sac and from my visit of the site it was noted that there were some examples of cars parked on

grass verges informally on the street. Notwithstanding this, it was also observed that the vast majority of properties in this cul-de-sac have off-street car parking to provide at least one private car parking space per dwelling. In addition, my opinion is that the presence of on-street car parking is not at a significant level at present.

- 8.9 The proposed development would provide a dedicated cycle storage area for cycle parking and the site would be around 50m from the cycle route that connects Cherry Hinton to Romsey and provides a good cycle link into the City Centre. There are bus stops on Coldhams Lane heading both into and out of the City Centre which are within five minutes walking distance of the site. The Cherry Hinton Local Centre is within 650m of the site, providing local shops and facilities, and can be accessed in less than 10 minutes on foot. In light of the sustainable location of the site I do not consider the proposed development is dependent on private car as the sole means of travel.
- 8.10 In my opinion, the pressure on on-street car parking caused by the proposed development would be relatively minor in respect of the sustainable location and one-bedroom size of the proposed flats. The majority of other properties along the Orchard Estate have their own private car parking spaces and are not reliant on the existing on-street parking as their only means of car parking. Overall, I do not consider the proposal would exacerbate on-street car parking to such an extent as to harm the amenity of the surrounding residential properties.

C) The living accommodation provided would be unsatisfactory

- 8.11 The habitable rooms of the proposed flats would all have acceptable outlooks. I have recommended a condition that the car parking space is solely used by the occupier of flat no.1 as otherwise car movements outside the living room window of this flat could be problematic. The future occupants of flat no.2 would have their own private garden and the future occupants of flat no.1 would have a small courtyard and access to the large communal garden to the rear which would be shared with flat no.3. As explained in paragraph 8.9 of this report, the site is in a sustainable location with good cycle and public transport links to the wider area and there are local shops and services in

Cherry Hinton within walking distance. The Cherry Hinton Recreation Ground is also within walking distance of the site.

D) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking

8.12 A bin storage area is shown at the side of the property with a straightforward means of access onto the Orchard Estate on collection days. Whilst this is acceptable in principle, further details of the bin capacity for each of the proposed flats is required which I am content can be controlled by way of condition in the event of approval. The application form does not specify the number of cycle parking spaces that would be provided but three cycle stores are shown on the site plan in the communal rear garden area. There appears adequate room to accommodate the necessary number of cycle spaces and these would presumably be within enclosed sheds or a similar form of enclosed structure. Similar to the refuse arrangements, I am of the opinion that this can be dealt with through a planning condition in the event of approval.

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

8.13 The site is situated in a residential area and so I do not consider the nearby land uses or site itself would result in an unsatisfactory level of residential amenity for future occupiers of the proposed dwelling.

8.14 In my opinion, the principle of residential development in this location is acceptable and in accordance with policies 5/1 and 5/2 of the Local Plan (2006).

Context of site, design and external spaces

8.15 The proposed side and rear extension would have a simple and modest design that would not in my view appear out of character with the area. It would read as a subservient addition to the original building and would fit in successfully within its context. The existing residential appearance of the front of the property would be retained and the sub-division of the property would not have any material impact on the appearance of the street scene in my view. A matching materials condition for the extension has been recommended.

8.16 It is acknowledged that concerns have been raised by third parties due to the fact that the Orchard Estate is formed of family dwelling houses and that the introduction of single occupancy flats would be out of character with this context. Whilst I am not aware of other examples of single occupancy accommodation present in the local area, I do not consider that the proposed use of the site for flats would harm the character of the area. The Council had previously used this argument as a reason for refusal for a similar type of development at no.6 Greville Road (15/1076/FUL) which sought permission for five self-contained units in a street which was dominated by family dwellings. In the appeal decision (APP/Q0505/W/15/3135167), the planning inspector did not agree with this reasoning, stating that:

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

8.17 In light of this recent appeal decision, I do not consider that the introduction of flats into the area would have a harmful impact on the character of the area. The use of the site would remain residential and the appearance of the building would remain legible as a residential property similar to that of the existing building.

8.18 The proposed landscaping works to sub-divide the garden would be relatively minimal interventions into garden and it is anticipated a standard timber fence and gate would separate the private garden of flat no.2 from the main communal garden. A boundary treatment condition has been recommended to control this.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

Impact of proposed extension

- 8.20 The proposed extension would be single-storey and would have a low flat roof measuring approximately 2.8m to the ridge. It would be set off the boundary of both neighbours and there would be a comfortable separation distance from the main windows and gardens of both of the immediate neighbours. In my opinion, the proposed extension would not introduce any harmful loss of light or visual enclosure to either of the neighbours due to the low scale of the proposed extension and the fact that it would be set off the two adjacent boundaries.
- 8.21 The proposal would not introduce any new forms of overlooking that would affect the privacy of neighbours any worse than that of the existing views from the property. I have recommended a condition that the first-floor side (north) facing kitchen window is obscure glazed to prevent any direct views across to no.10 Orchard Estate.

Noise and disturbance

- 8.22 Flat nos.1 and 2 on the ground-floor would be accessed from the side (north) passage of the site. The existing property is three-bedroom in size and I do not anticipate the movements up and down the side access would be significantly worse than that of present. The windows of this neighbour are set a comfortable separation distance from the passage and there is a low timber fence obscuring views towards this neighbour's side windows. As these would be one-bedroom units, I am of the opinion that the movements of people when accessing the garden and cycle store, as well as day-to-day internal use, would not be too dissimilar to that of the existing property.
- 8.23 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 and 3/7.

Amenity for future occupiers of the site

- 8.24 This has been addressed in paragraph 8.11 of this report.
- 8.25 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, 3/14 and 5/2.

Refuse Arrangements

- 8.26 This has been addressed in paragraph 8.12 of this report.
- 8.27 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 5/2.

Highway Safety

- 8.28 The Highway Authority has raised no objection to the proposal on the grounds of highway safety and I agree with this advice. I have not recommended the conditions suggested by the Highway Authority as the existing access arrangements would not be affected by 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 Car parking has been addressed in paragraphs 8.6 – 8.10 of this report. A car club informative has been recommended.
- 8.31 Cycle parking has been addressed in paragraph 8.12 of this report.
- 8.32 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Drainage

- 8.33 The Drainage Officer has raised no objection to the proposed works subject to a surface water drainage condition.

8.34 In my opinion, subject to condition, the proposal is compliant with National Planning Policy Framework (2012) paragraph 103.

Third Party Representations

8.35 Some of the third party representations have been addressed in the main body of this report. The outstanding representations have been addressed below:

<u>Comment</u>	<u>Response</u>
The proposal would set a precedent for more flat conversions in the area.	In terms of precedent, each planning application is considered on its own merits.
Noise and disturbance from noise travelling through walls. Noise and disturbance for future occupants from reception rooms of no.14 adjacent.	The internal noise quality of walls is a building control matter. If a future occupier of the flat is causing excessive noise then this should be dealt with through the statutory nuisance complaints procedure with the City Council.
Additional bins that are taken out on collection days will worsen parking problems and hamper pedestrian movement.	I do not anticipate the additional bins being placed on the pavement would be significantly different to that of present.
There is insufficient information regarding cycle parking	I am of the opinion that there is adequate space on the site to accommodate the required number of cycle parking spaces and that this can be dealt with through a condition.
Highway safety concerns due to increase in on-street parking.	The Highway Authority has raised no objection to the proposed works. Illegal parking is a matter for the Highway Authority to monitor and enforce against.
Damage to grass verges from on-street car parking.	This is a matter for the land owner of the grass verges, in this case the Highway Authority, and is outside the application site boundary.

Planning Obligations (s106 Agreement)

- 8.36 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.
- 8.37 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

9.0 CONCLUSION

- 9.1 The proposed development would not adversely impact on the amenity of neighbours and would provide an acceptable living environment for future occupants. The proposal would not result in a significant increase in on-street car parking due to the one-bedroom occupancy of the units coupled with the sustainable location of the site. The proposal would respect 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. 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. The first-floor side window on the north elevation serving the kitchen to flat no.3, as shown on drawing no.10, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of flat no.3 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).

6. 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)

7. The proposed private and communal amenity spaces for the flats shall be laid out in accordance with drawing no.5A prior to the occupation of the flats and shall thereafter be retained in the configuration as approved for the benefit of future occupants of the scheme unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure an appropriate standard of residential amenity for future occupants (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11, 3/14, 5/1 and 5/2).

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 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 5/2)

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

Reason: To ensure appropriate provision for the secure storage of bicycles and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 5/2 and 8/6).

10. No development shall commence until details of facilities for the storage of bins for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the storage of bins and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 4/13 and 5/2).

11. The car parking space immediately adjacent to the living room window of flat no.3 of the development hereby permitted shall be used solely by the future occupants of flat no.3. The car parking space shall be retained for use by the future occupants of flat no.3 unless otherwise agreed in writing by the local planning authority.

Reason: To provide a high quality living environment for future occupiers (Cambridge Local Plan policies 3/4 and 5/2).

12. 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.

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

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

PLANNING COMMITTEE

1st November 2017

Application Number	17/1354/FUL	Agenda Item	
Date Received	2nd August 2017	Officer	Michael Hammond
Target Date	27th September 2017		
Ward	Newnham		
Site	7 Derby Street Cambridge CB3 9JE		
Proposal	Change of use from A1 (Bakery and shop) to A1/A3 mixed use (bakery, shop and cafe).		
Applicant	Mr J Sturdy 7 Derby Street Cambridge CB3 9JE		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed change of use to a mixed bakery/ café use would be acceptable in principle. - The proposal would not have a detrimental impact on residential amenity in terms of on-street parking pressures. - The proposed change of use would not give rise to unacceptable environmental or nuisance problems.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of a bakery situated on the west side of Derby Street in Newnham. There is an undercroft passage way which provides access to the rear of the shop, as well as nos.5 and 6 Derby Street. The first-floor above the shop is occupied as a self-contained flat. The surrounding area is predominantly residential in character with sporadic retail uses.

1.2 The site falls within the Newnham Croft Conservation Area.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission to change the existing bakery (A1) into a mixed bakery (A1)/ Café (A3).
- 2.2 At present there are two tables and six chairs for customers of the bakery to consume food and drink in the premises. This is considered to be an ancillary element of the bakery (A1) use given that the majority of customers do not stay on-site after purchasing food or drink and the limited number of tables and chairs in comparison to the floorspace of the retail area.
- 2.3 The proposal seeks to increase the provision of on-site dining up to seven tables and 21 seats. This is deemed to constitute a material change of use of the site from a retail (A1) use to a mixed retail/ café (A1/A3) use. A customer toilet is also proposed to facilitate customers staying on-site for longer periods of time.
- 2.4 There are no external changes proposed to the unit.
- 2.5 Councillor Cantrill has requested the application be called in to Planning Committee for determination on the grounds that it conflicts with policies 3/14, 3/15 and 4/11 of the Cambridge Local Plan (2006).
- 2.6 The application is accompanied by the following additional information:
1. Drawings
 2. Planning Statement
 3. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
16/1818/FUL	Replacement of existing shopfront	Permitted.
C/86/0590	INSTALLATION OF NEW SHOPFRONT.	Permitted.
C/83/0993	Alterations to existing bakery	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 Local Plan 2006	3/1 3/4 3/7 3/11 4/11 4/13 6/10 8/1 8/2 8/4 8/6 8/9 8/10

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

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

Material Considerations	<u>City Wide Guidance</u>
	Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>
	Newnham Croft Conservation Area Appraisal (2013)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

Environmental Health

Original comments (25/08/2017)

6.2 Full details are required of the current kitchen extraction of the kitchen and prep kitchen and whether any odour abatement is present within these areas.

Second comments (19/09/2017)

- 6.3 The additional information regarding odour abatement is acceptable. No objection subject to odour compliance and hours of use conditions.

Urban Design and Conservation Team

- 6.4 No objection.

South Newnham Neighbourhood Forum

- 6.5 In our Forum community workshops it became very apparent that one of the key things that people value in our neighbourhood is the convenience, accessibility (especially for older people), variety and quality of the local shops. There were numerous requests for a cafe in the area. The recent additions by the current bakery manager of a cafe, extended baked offerings and seating areas have proved popular, and the venue has provided a meeting-place for people of all ages.
- 6.6 This application for additional food offerings and extended opening hours and a few more seats, plus accessible ground-floor w.c., will expand the opportunities for social interaction in the community.

Disability Consultative Panel

- 6.7 This is a well-considered scheme with an improved door width and accessible WC that are very much welcomed. The door could be designed to be power-assisted for the benefit of both wheelchair users and the ambulant disabled. The absence of any parking provision is understood.
- 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 in support of the application:

16 Grantchester Road	24 Eltisley Avenue
4 West View	73 Selwyn Road
100 Barton Road	32 Owlstone Road
6 Merton Street	

7.2 The representations in support can be summarised as follows:

- There has not been a significant increase in car use in the area although footfall has increased.
- A café is needed in Newnham.
- The café would be a positive addition to the streetscape.
- Many of the customers would be within walking distance of the bakery.
- It is hoped that the proposed Residents Parking Scheme will address parking on Derby Street.
- Small businesses like this need to change to fit economic circumstances to survive.
- The improved accessible toilet facilities are welcomed.
- There is cycle parking at the co-op and Lammas Land although the area needs to look at increasing cycle parking more generally.

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

6 Derby Street	20 Derby Street
10 Hardwick Street	

7.4 The representations in objection can be summarised as follows:

- The increased footfall and potential extension to hours of use would increase noise and traffic disturbance.
- The increase in parking demand would obstruct the narrow footpaths.
- Noise and disturbance from customers within café as windows left open for ventilation
- Difficulty for access by disabled users due to narrow path and combination of car and cycle parking on pavement.

- The viability argument put forward by the applicant regarding the existing bakery use is questioned.
- A board signs are blocking the pavement.
- There is external seating fixed to the fascia which is obstructing the highway.
- An application for a café on Eltisley Avenue was refused due to noise and additional traffic.
- Increase in on-street parking demand
- The site is being slowly transitioned into a restaurant which is suggested by the proposed 8pm closing time.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 The application site does not fall within a District or Local Centre. The nearest Local Centre is the Newnham Local Centre which is situated to the east of the application site. The only premises on Derby Street that is covered by this Local Centre is no.26 Derby Street which is a small convenience shop. There is no conflict with the Cambridge Local Plan (2006) in terms of the principle of the change of use from a bakery (A1) to a mixed bakery/ café (A1/A3).

8.3 Policy 6/10 of the Cambridge Local Plan (2006) states that development for use classes A3, A4 and A5 (food and drink) will only be permitted:

- A) Where the proposal will not give rise to unacceptable environmental problems or nuisance and the individual and cumulative impact of the development is considered acceptable; and
- B) Where it is in an existing centre or is part of a mixed use area in an urban extension or the Station Area.

- 8.4 In my opinion, the proposal complies with criterion A for the reasons set out in the residential amenity section of this report. In the strictest application of this policy, the proposal is contrary to criterion B as the site is not within an existing centre. However it is pertinent to note that the accompanying text of this policy emphasises the environmental problems, traffic problems and loss of residential amenity as the reasoning for restricting the location of certain uses. These three impacts have all been addressed in the succeeding paragraphs of this report.
- 8.5 It is also pertinent to note that under the Town and Country Planning (General Permitted Development) Order (GPDO) (2015) as amended, Part 3, Class C, the applicant could undertake a change of use from a shop (A1) to a mixed use of retail (A1) and restaurants/ cafes (A3) for a temporary period of up to 2 years, without the need for any prior approval.
- 8.6 There are also no policies in the draft Local Plan (2014) which restrict the use of food and drink to certain locations. This differs from the current Local Plan (2006) and instead the planning considerations of changes of use to these types of uses would be assessed on their individual merits, rather than by whether or not they fall within an existing centre. Whilst I appreciate that there are objections to this policy, this does provide a direction of travel for food and drink use related policy that is less restrictive on where these uses can operate from.
- 8.7 In my opinion, given the fact that planning permission would not be required under the GPDO (2015) for a mixed retail/ café use (A1/ A3) for a temporary period, I do not consider it would be reasonable to apply criterion B in this particular case. The purpose of policy 6/10 of the Cambridge Local Plan (2006) is to protect residential amenity from potential environmental, noise and traffic issues, and I consider that the proposal would not give rise to any of these unacceptable impacts. The draft Local

Plan (2014) suggests that the direction of planning policy is moving away from restricting where food and drink uses can be located.

8.8 In my opinion, the principle of the development is acceptable.

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

8.9 The proposed development does not involve any external alterations and the Conservation Team has raised no objection to the proposed change of use.

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

Disabled access

8.11 The disability consultative panel is supportive of the proposed change of use. There are currently no accessible toilets for customers of the bakery and the proposal would address this. The door would be DDA compliant.

8.12 It is acknowledged that concerns have been raised regarding the potential increase in car and cycle parking the proposal may generate on the narrow pavement and the obstruction that this would present to disabled customers. However, the illegal obstruction of the path by vehicles or bicycles is a matter for the highway authority to enforce against on a case-by-case basis. I do not consider it would be reasonable to refuse this proposed change of use due to potential highways interference that is outside the land controlled by the owner/ occupier of the application site. The obstructions to the public footpath created by bins, cycle parking and car parking along this street is unfortunately an existing barrier to accessibility and I do not consider it would be reasonable to refuse the application given that this situation already occurs.

8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.14 The main considerations are the impacts on neighbours in terms of noise and disturbance, and the potential impact on the surrounding area from increased car parking.

Noise and disturbance

- 8.15 It is acknowledged that concerns have been raised from properties on Derby Street regarding the potential increase in noise emitting from the site and the impact that this will have on their amenity, particularly when windows are open. The proposal would increase the capacity of people able to congregate within the premises from six up to 21. This would, in my view, inevitably increase the levels of noise experienced in the nearby properties along Derby Street.

- 8.16 However, I do not consider this increase in noise levels would likely be significant enough as to adversely impact on the amenity of nearby properties. In my opinion, the type of noise and disturbance experienced from the use of the bakery/ café would be limited to verbal conversations and the opening and closing of the main door which I do not consider would be above and beyond the levels of background noise from the existing bakery and the general movement of people up and down the street.

- 8.17 I do accept though that amplified music from within the building may introduce an alternative noise form that could impact on neighbour amenity. In order to ensure that this does not occur, I have recommended a condition to prohibit the playing of amplified music and ensure that any audio equipment is not audible from outside the premises.

- 8.18 The proposed hours of use are as follows:

- Monday – Saturday = 07:00 – 18:00hrs
- Sundays and Bank Holidays = 08:00 – 18:00hrs

- 8.19 The Environmental Health Team has raised no objection to the proposed hours of use and I agree with this. The bakery/ café would only operate during the core hours of the day and would

not be open after 18:00hrs. I do not consider the movements and noise associated with the bakery/ café from 07:00hrs would be harmful to neighbour amenity.

- 8.20 Odour extraction would take place using the existing chimney which disperses fumes from a high level and is considered acceptable by the Environmental Health Team. A compliance condition is recommended to ensure that any subsequent café/ restaurant (A3) use of the development that differs from the use stated within the accompanying documents installs and maintains an odour filtration/ extraction system that is designed in accordance with DEFRA guidance and/ or its subsequent amendments.

Impact on on-street car parking

- 8.21 The majority of the concerns raised reference the increase in car parking to the surrounding streets that the proposal would cause. Although I recognise the proposed increase in seating on-site would result in greater amounts of people occupying the site than that of present, I do not consider the proposed use would exacerbate on-street car parking to such an extent as to harmfully impact on residential amenity.
- 8.22 In my opinion, users of the proposed bakery/ café would not be dependent on private car as the main means of accessing the premises. The site is located in a sustainable location and is well served by public transport links along Barton Road and excellent cycle links which connect Newnham to the City Centre and beyond. The proposed use would be located close to the Newnham Local Centre and would in my opinion serve a local catchment in the Newnham area rather than further afield. I do not consider a bakery/ café of less than 150m² and roughly 7 tables and 21 seats is likely to facilitate a use that would attract large volumes of people from outside this local catchment. There is a wide array of other bakeries and/or cafes elsewhere across Cambridge and this is not a unique facility within the City.
- 8.23 Overall, I consider the proposed change of use would not drastically increase parking demand in the area and would serve as a local facility which would predominantly be accessed by pedestrians and cyclists.

8.24 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 6/10.

Refuse Arrangements

8.25 Bin storage would be provided in the rear yard area which is accessed from an undercroft passage, identical to that of the existing bakery arrangements.

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

Highway Safety

8.27 The Highway Authority has raised no objection to the proposed works and I agree with this advice.

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

Car and Cycle Parking

8.29 Car parking has been addressed in paragraphs 8.22 – 8.24 of this report.

8.30 The proposal does not include any cycle parking. There is no room to accommodate cycle parking on-site due to the tight terraced nature of the road which has narrow paths and roads. Any proposal to implement cycle parking at the front of the building would represent an unacceptable obstruction to the public highway.

8.31 It is anticipated that many customers would access the proposed bakery/ café by bicycle, similar to that of the existing bakery. At present, customers leave their bicycles propped up against the walls of buildings along the street on an informal basis. Public cycle parking is limited in the area with the nearest cycle stands being located at Llamas Land which is within walking distance of the application site.

8.32 Whilst it would be desirable if there was on-site cycle parking integrated into the site, given the site context and surrounding

constraints I do not consider it would be reasonable to refuse the application on the lack of dedicated cycle parking. The majority of other shops and services in the Newnham area also do not have access to dedicated cycle parking. In my view, the informal arrangement of standing bicycles against walls is an unavoidable facet of the local area and I do not consider it would be justified to single out this proposal on this basis in respect of the surrounding context.

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

Third Party Representations

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

<u>Comment</u>	<u>Response</u>
The viability argument put forward by the applicant regarding the existing bakery use is questioned.	There is no in principle objection to the loss of the retail use and the viability of the existing use is not a consideration under this application.
A board signs are blocking the pavement.	This is a matter for the streets and open spaces enforcement team.
There is external seating fixed to the fascia which is obstructing the highway.	This has since been removed.
An application for a café on Eltisley Avenue was refused due to noise and additional traffic.	This other application (14/1940/FUL) was withdrawn and not refused. In any case, each application is assessed on its own merits.
The site is being slowly transitioned into a restaurant which is suggested by the proposed 8pm closing time.	Planning permission is being sought for a 6pm closing time. Any future variation to this would require planning permission.

9.0 CONCLUSION

- 9.1 There is no in principle objection to the change of the use of the premises from a bakery to a bakery/ café. The proposed change of use would not give rise to harmful levels of on-street car parking in my view. The proposal would respect the amenities of nearby residential properties.

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 permitted use hereby approved shall not operate / open outside the hours of 07:00hrs - 18:00hrs Monday to Saturday and 08:00hrs - 18:00hrs Sundays & bank holidays.

Reason: To protect the amenity of nearby residential properties (Cambridge Local Plan (2006) policies 3/7, 4/13 and 6/10).

4. Any subsequent A3 use of the development that differs from the use stated within the E & P Building design, design and access statement dated 27th July 2017 shall install and maintain an odour filtration/extraction system designed 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 Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 and/or its subsequent amendments. Full details of the odour filtration/extraction system shall be submitted to and approved in writing by the planning department prior to use and maintained thereafter.

Reason: To protect the amenity of nearby residential properties (Cambridge Local Plan (2006) policies 3/7, 4/13 and 6/10).

5. In the event that amplified music is played within the building, doors and windows must be kept closed. This excludes the playing of typical "background" music. Amplified music should not be audible at the boundary of the site, including within the adjoining properties.

Reason: To protect the amenity of the nearby occupiers. (Cambridge Local Plan (2006) policies 4/13 and 6/10)

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Application Number	17/1282/FUL	Agenda Item	
Date Received	21st July 2017	Officer	Mairead O'Sullivan
Target Date	15th September 2017		
Ward	Kings Hedges		
Site	339 Milton Road Cambridge CB4 1XL		
Proposal	Conversion and extension to create four new flats and one studio apartment		
Applicant	Mr A Arzulu 339, Milton Road Cambridge CB4 1XL		

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

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site lies on the north eastern side of Milton Road near the junction with Green End Road and Kings Hedges Road. The site consists of a semi-detached residential dwelling. The site is finished in a mixture of render to the ground floor and red tiles to the first floor. There is a single storey extension to the side of the property.
- 1.2 This part of Milton Road is predominantly in residential use. The northern side of this part of the street is characterised by semi-detached dwellings. The southern side has a more mixed character. The site does not lie within the conservation area or

the controlled parking zone. Whilst the area is predominantly in residential use, the site is in 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 side and rear extension and a roof extension incorporating rear dormer. The proposal also seeks the conversion of the single residential unit into 5 flats (4 x 1 bedroom flats and 1 studio flat)
- 2.2 The extension would protrude 2.5m past the side wall at a height which would be subservient to the main ridge. The extension to the side would also protrude past the rear wall by 3.6m. A hip to gable roof extension is proposed with a box dormer on the rear roof slope of the existing property. The rear extension is set 2.5m off the boundary with the attached neighbour at number 337.
- 2.3 The application has been amended as there were concerns regarding overlooking from the balconies to the rear. The balconies now are proposed to have 1.7m obscure glazed screens which angle views down the garden. The fenestration to the first floor has also been amended as there were concerns that one of the windows would result in a significant increase to overlooking of the garden of number 341 Milton Road.
- 2.4 A previous application for a similar proposal was withdrawn as there were serious concerns that the proposal would harm the character of the area and amenity of number 341 Milton Road. This application seeks to overcome the previous objections.

3.0 SITE HISTORY

Reference	Description	Outcome
17/0219/FUL	Conversion and extension to create five new flats	Withdrawn
06/0985/FUL	Single storey side and rear extension.	Permitted
06/0569/FUL	Erection of a single storey rear and two storey side extension.	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 3/11 3/14 4/13 5/1 5/2 8/2 8/6 8/10 10/1

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

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

Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)
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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: The low level of off-street car parking provision may increase the demand for on-street parking on the surrounding streets. This is unlikely to impact on highway safety but may impact on residential amenity. A number of conditions are requested.

Environmental Health

- 6.2 No objection: Conditions are requested in relation to construction hours and collections during construction to protect the amenity of surrounding occupiers. Conditions are requested in relation to noise insulation glazing and the ventilation scheme for the flats to protect the amenity of future occupiers.

Refuse and Recycling

6.3 No comments received.

Head of Streets and Open Spaces (Tree Team)

6.4 No comments received.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.5 No comments received.

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

7.0 REPRESENTATIONS

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

- 309 Milton Road
- 313 Milton Road
- 341 Milton Road x 2

7.2 The representations can be summarised as follows:

- Extension would result in a loss of light to side and rear of house (no.341)
- Will increase overlooking (no.341)
- Revised scheme is an improvement but would still impact on light
- There would still be overlooking from the living room of flat 4
- Loss of a family home
- Living next door to 5 flats is going to be detrimental to adjoining occupiers
- Would be an eyesore and out of keeping with the character of the existing house
- Small poor quality flats
- Parking is already a problem and this will exacerbate
- Can drains cope with additional flats on site
- Is side passage wide enough to push bike to bike shed

- Removal of trees/bushes to front of house would be unacceptable

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 site is currently in residential use and is located within a predominantly residential area. As a result the proposal is considered compliant with policy 5/1.

8.3 The proposal involves the conversion of a property into flats and as a result policy 5/2 is relevant. The extended building has a floorspace significantly over 110sqm. As noted above, the surrounding use is considered compatible with residential development. I will assess the proposal against criteria b), c), and d) under the relevant headings below.

8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 5/1 and criteria a) and e) of policy 5/2.

Context of site, design and external spaces

8.5 The application is a resubmission. The previously withdrawn scheme was considered to be unacceptable in terms of design and impact on the character of the area. A two storey side extension was also previously refused on site. The previous

applications were full width and full height extensions to the side and rear which did not appear subservient.

- 8.6 The revised side extension is set back from the principal elevation and set down from the ridge. It clearly reads as a subservient later addition to the property. There were concerns that the previously refused scheme would destroy the characteristic open space between the buildings. I am satisfied that the revised application, although it would infill some of the space between the buildings; due to its subservient nature, it would not appear dominant nor would it harm the character of the area. A matching materials condition is recommended to ensure the extension would be in keeping with the host dwelling.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 The neighbour at number 341 has extended at ground floor to the side and rear. This has moved the outlook from the rear near the boundary with 339 further into the garden. The proposed two storey side extension would extend past the extension to no. 341 but given that the extension would be set off the boundary and subservient in height to the ridge, I am satisfied that it would not result in any significant enclosure to the neighbouring garden.
- 8.9 Number 341 is located to the north of the application site and as a result the extension is likely to result in some overshadowing of this property. The primary area affected would be to the side of the property where the side extension is being constructed. There are no habitable room windows in this elevation which would be impacted by the proposal. The extension would result in some further overshadowing of the garden however, given the set off the boundary and subservient height of the extension; this would not be significantly harmful to warrant a refusal of permission.
- 8.10 The ground floor element of the extension would run hard against the boundary with number 337. This would have a flat

roof with a height of 3m and depth of 3.7m. Although it would be flush on the boundary, this element has a depth which is typically acceptable for a flat roofed single storey extension. It would result in some enclosure to the immediate garden area but this would not be significantly harmful to warrant a refusal of permission. Due to the low height of this element and the orientation of the plots, with number 337 located to the south of the site, it would not result in any significant loss of light.

- 8.11 The first floor element would be set off the boundary with number 337 by 2.5m. It would have a height subservient to the ridge. Given the set away and the low height I am satisfied that this element would not result in any significant enclosure or loss of light to number 337. The 1.7m balcony screen for Flat 3 would be located close to the boundary but this would be obscure glass which would allow some light through and would not be as oppressive as a full height brick wall.
- 8.12 There were concerns that the balconies would result in an unacceptable level of overlooking to neighbouring gardens. Both balconies have been amended to include 1.7m high obscure glazed screens around the sides and part of the front of the terraces. This prevents views into the immediate garden area of the adjoining plots and angles views down the garden of the host property. This is considered to be an acceptable solution. I have recommended a condition to require the provision and retention of these screens.
- 8.13 There were concerns that the first floor window near the boundary with 341 which serves a living room for flat 4 would result in an unacceptable level of overlooking of the adjacent garden. The fenestration to the rear has been amended and the revised window location is considered to address the concern.
- 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 5/2.

Amenity for future occupiers of the site

- 8.15 The proposed flats are all considered to be of an adequate size. The studio unit is considered small at 27.3sqm but this has a roof terrace which provides additional private outdoor space

and this is considered to overcome the size constraints as it will provide an area for sitting out/drying clothes/etc. Flats 1-4 are dual aspect. Flat 4 is the only flat which is not provided with its own private outdoor amenity space and is the smallest of the flats at 31.6sqm. However occupants of this unit would have access to the communal rear garden.

8.16 All of the units access the building from the Milton Road frontage. Access to the communal gardens for the upper floor flats is not ideal as occupant would need to come down stairs, out the front door and around the side of the house. However given that the units are all 1 bedrooms and only 1 unit relies on the communal garden as their only outdoor living space, I am satisfied that this arrangement would be acceptable. The Environmental Health Officer has recommended conditions regarding noise glazing and a ventilation scheme for where windows would be non-open-able due to traffic noise.

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

Refuse Arrangements

8.18 Bin storage is to be provided in the rear garden. No details of the bin store are provided and these are requested via condition. There would be a drag distance of over 30m to the highway. As a result a managing agent may be required to move the bins to the highway on collection days.

8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/12 and 5/2.

Highway Safety

8.20 The highway authority does not consider the proposal would have any significant adverse impact on highway safety. I share this view.

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

Car and Cycle Parking

- 8.22 Three off street car parking spaces are to be provided to the 5 flats. Given the sustainable location of the site, this level of provision is considered to be acceptable.
- 8.23 A cycle store is proposed in the rear garden. The plans state this would accommodate 6 cycle parking spaces. Details of the store are requested via condition. The amount of spaces would exceed minimum standards and is considered acceptable. Two visitor cycle parking spaces are to be provided adjacent to the footpath on Milton Road. The passage along the side of the house is narrow at 1m in width but is considered adequate.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 5/2, 8/6 and 8/10.

Drainage

- 8.25 One of the representations has raised concerns regarding drainage. I have consulted the Sustainable Drainage Engineers to check whether they consider a surface water drainage condition to be necessary. I will report their comments on the amendment sheet.

Third Party Representations

- 8.26 I have addressed some of the third part representations within the body of my report. I will address any outstanding matters in the below table:

Representation	Response
Extension would result in a loss of light to side and rear of house (341)	See paragraph 8.9
Will increase overlooking (341)	See paragraphs 8.12 and 8.13
Revised scheme is an improvement but would still impact on light (341)	See paragraph 8.9

There would still be overlooking from the living room of flat 4	The revised fenestration has moved the window to Flat 4 away from the boundary and this is considered to satisfactorily address the previous overlooking issue.
Loss of a family home	There is no policy to resist the loss of family homes. The proposal would provide 4 additional residential units
Living next door to 5 flats is going to be detrimental to adjoining occupiers	I am satisfied that the proposal would not harm the amenity of adjoining occupiers; see paragraphs 8.8 – 8.14
Would be an eyesore	I am satisfied that the design is acceptable and in keeping with the area; see paragraph 8.6
Small poor quality flats	See paragraphs 8.15 and 8.16
Parking is already a problem and this will exacerbate	See paragraph 8.22
Can drains cope with additional flats on site	See paragraph 8.25
Is side passage wide enough to push bike to bike shed	See paragraph 8.23
Removal of trees/bushes to front of house would be unacceptable	There are no trees to be removed and the frontage is currently predominantly paved. Some planting is proposed around the front windows and a boundary treatment condition is recommended.

Planning Obligations (s106 Agreement)

8.27 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.

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

9.0 CONCLUSION

- 9.1 The proposed extension would read as subservient to the main house and is considered acceptable in terms of design. The revised proposal, with balcony screens, has overcome the issue regarding overlooking of the neighbouring gardens. The proposed flats would provide an appropriate standard of residential amenity for future 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. 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)

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

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

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

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

6. Prior to the commencement of development, a noise insulation scheme detailing the acoustic / noise insulation performance specification of the glazing within the Milton Road façade ground floor and first floor accommodation units shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to the internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented in accordance with the approved details before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenity of future occupiers (Cambridge Local Plan 2006 policies 3/4 and 3/7)

7. Prior to the commencement of development/construction, details of an alternate ventilation scheme to open windows for the habitable rooms within the Milton Road façade ground floor and first floor accommodation units shall be submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall source air from the rear of the development away from Milton Road. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed in accordance with the approved details before the use hereby permitted is commenced and shall be thereafter maintained.

Reason: To protect the amenity of future occupiers (Cambridge Local Plan 2006 policies 3/4 and 3/7)

8. The balcony screens, as shown on drawing number 1823/02 Rev C, shall be installed and obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of the flats. The screens shall be retained as such thereafter.

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

9. The windows identified as having obscured glass on drawing number 1823/02 Rev C 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/new flats 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).

10. No development shall take place until full details of the bin stores, including elevations and details of materials, 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 policy 3/4)

11. No development shall take place until full details of secure cycle storage, including elevations and materials, for the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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 and 5/2)

13. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan 2006 policy 8/2)

14. Notwithstanding the 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)

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

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

16. 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)

Application Number	17/1229/FUL	Agenda Item	
Date Received	25th July 2017	Officer	Mairead O'Sullivan
Target Date	19th September 2017		
Ward	Romsey		
Site	2 Madras Road Cambridge CB1 3PX		
Proposal	Demolition of existing rear shed and construction of: bike store, ground floor extension, first floor extension, attic conversion incorporating rear dormers and installation of emergency exit door to side elevation.		
Applicant	Mr Martin 39 Long Horse Croft		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The revised roof extension is considered to preserve and enhance the character and appearance of the conservation area - The revised ground floor extension would not have an overbearing impact to number 4 Madras Road
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is a two storey detached property on the north western side of Madras Road. Madras Road is predominantly residential in character but the site is also within close proximity to commercial uses in the Mill Road East District Centre. The site falls within the Mill Road area of the Central Conservation Area.

2.0 THE PROPOSAL

2.1 The application seeks full planning permission for the erection of a ground floor and first floor rear extension and loft

conversion incorporating rear dormers. The application also seeks to demolish an existing shed and erect a bike store. An additional door to provide emergency exit is proposed to the side elevation.

- 2.2 The application has been amended since submission to reduce the scale of the roof extension and to reduce the height and amend the footprint of the proposed ground floor rear extension adjacent to the boundary with no. 4 Madras Road.
- 2.3 The first floor extension would extend the existing outrigger by 1.1m in length. The pitch of the roof would be altered to facilitate this but the cat slide roof is to be maintained. The courtyard to the ground floor extension has been increased in size. The extension would be partially flat roofed with a lean-to element adjacent to the boundary with number 4. The total roof height would be 2.8m dropping down to 2m close to the boundary with number 4 Madras Road. The rear dormers are two pitched roofed elements with a central flat roofed recessed linking element connecting them.
- 2.4 The application has been called into planning committee by Councillor Baigent. His concerns are summarised in paragraph 7.3.

3.0 SITE HISTORY

- 3.1 The site was accompanied by a similar application with only minor internal and fenestration differences. The applications were more or less duplicates and as a result one application was withdrawn. Details of the withdrawn application are provided in the below table.

Reference	Description	Outcome
17/1227/FUL	Demolition of existing rear shed and construction of: bike store, ground floor extension, first floor extension and attic conversion incorporating rear dormers.	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 3/14 4/11

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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comments.

Environmental Health

6.2 The proposal is acceptable subject to conditions related to construction hours and piling and the housing standards informative.

Urban Design and Conservation Team

First comment

6.3 The scale of the proposed roof extension dominates the rear roof slope of the building and therefore does not comply with policy 4/11 or the Roof Extensions Design Guide.

Second comment

6.4 The revised roof extension is acceptable. A condition requiring material samples of the dormer and roofing material to be signed off prior to construction is recommended.

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:

- Camcycle, 140 Cowley Road
- 4 Madras Road

7.2 The representations can be summarised as follows:

- Object to the height and proximity of the large ground floor extension
- Proposal would be overdevelopment.
- Would result in a loss of light to rear ground floor windows of no.4
- Would greatly enclose no.4
- The roof extension fails to preserve or enhance the character and appearance of the conservation area
- The use of the building as a HMO would give rise to an increase in demand for parking
- Suggest that proposal is reduced to 4 bedrooms
- Concerned that first floor extension would enclose and impact on light into kitchen of no.4
- Concerned that cycle parking may not be accessible
- Concerned about width of bin and cycle stores; may be inaccessible
- Development should make provision for larger bikes
- There should be visitor cycle parking

7.3 Councillor Baigent has commented on the application. His comments can be summarised as follows:

- Concerned that moving front door would cause disturbance from comings and goings
- Concerned about loss of light to no.4
- Concerned about increase demand for parking
- Request the application is determined at planning committee if officers are minded to approve.

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. Context of site, design and external spaces and impact on heritage assets
2. Residential amenity
3. Third party representations

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

8.2 The majority of the proposed works are to the rear of the property and would not be visible from the public realm. The proposed ground and first floor extensions are modest in scale and would clearly read as later additions to the property. Both of these elements are considered acceptable in terms of design.

8.3 The proposed bike store replaces a much smaller shed on the site. Whilst the proposed replacement shed is larger, it would still read as subservient to the host dwelling in terms of scale. I am satisfied that this element of the proposal would be acceptable.

8.4 The emergency door is in the side elevation and would not be prominent in the streetscene. The door would be similar to the other doors on the property. This could be constructed under permitted development.

8.5 The original proposed roof extension was considered to be unacceptable as it was bulky and would obliterate the rear roof form. The proposed recess to the linking element was inadequate and the proposal was considered to read as one large mass rather than as two individual dormer windows. This element has been amended. The revised dormer has a much larger recess to the linked element. Both dormers have also been moved in from the sides. The revised scheme allows the original roof form to be read and is considered acceptable. The Conservation Officer is satisfied that the revised roof extension

design would preserve and enhance the character and appearance of the conservation area. A condition is recommended requiring material samples of the dormer and roofing material to be approved prior to construction.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 There were concerns that the original single storey rear extension would have an unacceptable impact on the occupier of 4 Madras Road. The original proposal was to have a flat roof with a height of 2.8m running hard on the boundary with No.4. The proposal has been amended and the extension height has been reduced, the mass has been set off the boundary and the size of the courtyard to bedroom 2 on the extension has been increased. All of these amendments reduce the massing near the single aspect kitchen and living/dining room of number 4. The revised single storey element has been reduced to have an eaves height of 2m and gently sloping roof and has also been pulled away from the boundary. The increase to the size of the courtyard allows more space adjacent to the neighbouring windows and immediate garden area. The revised proposal at ground floor level is acceptable in terms of its impact on number 4.
- 8.8 I note that the neighbour at number 4 has concerns regarding the first floor element of the proposal. The extension is set away from the boundary by 2.3m and would have a cat slide roof which would keep the height low. The first floor extension is of a modest depth and would only add an additional 1.9m to the length of the existing outrigger and the roof of this element slopes down to 4.8m in height. As a result of the low height, modest scale and separation from the boundary, I do not consider this element would result in significant enclosure to the neighbouring property. Number 4 is located to the south of the site and as a result there would be no significant loss of light. Given the tight, enclosed nature of the site, a condition is recommended, in line with the request from the neighbour at number 4, requiring the side wall of the first floor element to be painted white to help reflect light.

- 8.9 A condition is recommended to ensure that the flat roof of the extension is not used as a roof terrace. The neighbour at number 4 has expressed concerns regarding overlooking if this were used for sitting out on. I share his concerns as these gardens are small and the use of the roof as a terrace would result in an unacceptable loss of privacy to the adjoining occupiers.
- 8.10 The gardens of the adjacent properties on Mill Road are relatively long and as a result I am satisfied that the proposed extensions would not have any significant adverse impact on the amenity of these occupiers.
- 8.11 The representation raises concerns regarding the use of the building as a HMO. The concerns mainly relate to the likely increase to on-street parking demand. The application is for a domestic extension and does not include any proposed change of use element. If the building is to be occupied by over 6 people, then a change of use would be required and consideration could be given to the use of the building. However as it stands it is not possible to consider the use of the building as part of this application
- 8.12 Concerns are also raised regarding bike and bin storage provision and access arrangements. As the application is for a domestic extension, then there are no minimum cycle parking standards which need to be addressed. The accessibility of the bikes and bins is an issue for the applicant to resolve. The proposed store in the rear garden is modest in size and is not considered to have any significant harmful impact on adjoining occupiers in terms of enclosure or overshadowing.
- 8.13 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Third Party Representations

- 8.14 I have addressed the main issues raised by the third party representations within the body of my report. I will address the outstanding issues in the below table:

Representation	Response
Object to the height and proximity of the large ground floor extension	See paragraph 8.7
Proposal would be overdevelopment.	The proposal is considered to be of an appropriate scale and design and the revised scheme would no longer harm the amenity of number 4 Madras Road
Would result in a loss of light to rear ground floor windows of no.4	See paragraphs 8.7 and 8.8
Would greatly enclose no.4	See paragraphs 8.7 and 8.8
The roof extension fails to preserve or enhance the character and appearance of the conservation area	See paragraph 8.5
The use of the building as a HMO would give rise to an increase in demand for parking	See paragraph 8.11
Suggest that proposal is reduced to 4 bedrooms	There is no policy justification to seek a reduction in the number of proposed bedrooms.
Concerned that first floor extension would enclose and impact on light into kitchen of no.4	See paragraph 8.8
Concerned that cycle parking may not be accessible	See paragraph 8.12
Concerned about width of bin and cycle stores; may be inaccessible	See paragraph 8.12
Development should make provision for larger bikes	See paragraph 8.12
There should be visitor cycle parking	There is no policy requirement for visitor cycle parking. See paragraph 8.14
Concerned that moving front door would cause disturbance from comings and goings	The movement of the door would constitute permitted development. I am satisfied that the new door location

	would not cause any significant harm, in terms of noise and disturbance, to the neighbouring properties on Mill Road.
Concerned about loss of light to no.4	See paragraphs 8.7 and 8.8
Concerned about increase demand for parking	See paragraph 8.11
Request the application is determined at planning committee if officers are minded to approve.	Noted

9.0 CONCLUSION

9.1 The revised ground floor extension design is considered to address concerns regarding enclosure and loss of light. The first floor extension is relatively modest, with a low height and would be set off the boundary so is not considered to have any significant impact in terms of enclosure or overshadowing. The revised roof extension no longer dominates the roof and is considered to preserve and enhance the character and appearance of the Conservation 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. Prior to the commencement of any work to the roof, samples of the dormer and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

5. 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. Access to the flat roof over the ground floor extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To protect adjoining properties from overlooking and noise disturbance in accordance with Cambridge Local Plan policies 3/4 and 3/14.

7. Prior to the occupation of the extension, the south-western flank wall of the extension, adjacent to number 4 Madras Road, shall be painted white.

Reason: To help reflect light towards the neighbouring property (Cambridge Local Plan 2006 policy 3/4 and 3/14)

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

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

Further information may be found here:

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

INFORMATIVE: The Housing Act 2004 introduced Mandatory Licensing for Houses in Multiple Occupation (HMOs) across all of England. This applies to all HMOs of three or more storeys and occupied by five or more persons forming more than one household and a person managing or controlling an HMO that should be licensed commits an offence if, without reasonable excuse, he fails to apply for a licence. It is, therefore, in your interest to apply for a licence promptly if the building requires one. Further information and how to apply for a Licence may be found here:

<https://www.cambridge.gov.uk/licensing-of-houses-in-multiple-occupation>.

Application Number	17/1579/FUL	Agenda Item	
Date Received	6th September 2017	Officer	Sophia Dudding
Target Date	1st November 2017		
Ward	Abbey		
Site	124 Whitehill Road Cambridge CB5 8LY		
Proposal	Erection of a pergola		
Applicant	Owner/Occupier 124 Whitehill Road Cambridge CB5 8LY		

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

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is the ground floor flat of the semi-detached building located on the south side of Whitehill Road. The surrounding area is characterised by pairs of two storey semi-detached residential properties with a very uniformed appearance. Most of buildings are built in red brick and tile with fairly simple architecture design as typical development in the 1950s/1960s.

- 1.2 A few pairs of the adjacent semi-detached buildings have been sub-divided into upper and lower level flats. The rear garden of the original semi-detached building has been equally divided and the applicant owns the garden space to the east side.

- 1.3 The site does not fall within the conservation area nor is it within the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the erection of a pergola. It will be erected in a simple cuboid shape in timber frame and located away from the rear wall in the rear garden. It will be approx. 2.70m wide x2.70m deep x 2.35m high.
- 2.2 The application is coming to the Planning Committee because the applicant is a Council employee.

3.0 SITE HISTORY

No relevant 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	3/4 3/7 3/11 3/12

- 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)
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Supplementary Planning Guidance	Sustainable Design and Construction (May 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 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 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 pergola will take up a small foot print in what is a long rear garden which is approx. 4.5m wide x 19m deep. Due to its simple design, in my opinion, I do not consider it will give rise to a significant adverse impact on the character of the area. Due to its function, it would contribute to a better landscaping arrangement of the garden and improve its visual appearance.

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

Residential Amenity

8.4 Due to the simple design of the pergola itself, which is made of a timber framework, I do not consider it will give rise to a significant impact on the amenity of the neighbouring properties. Due to its design, future climbing plants are envisaged to grow over the roof-top of the pergola. Due to the orientation, this might give rise to some overshadowing to the immediate adjacent neighbour No.126. However, due to its modest size, I do not consider the impact would be significant.

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

9.0 CONCLUSION

9.1 The proposed development will not give rise to a significant adverse impact on the character of the area and 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.

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Application Number	17/1249/FUL	Agenda Item	
Date Received	31st July 2017	Officer	Michael Hammond
Target Date	25th September 2017		
Ward	Romsey		
Site	178 Coldhams Lane Cambridge CB1 3HH		
Proposal	Change of use from single C3 Use Class dwellinghouse to 2 self-contained dwellings and associated enlargements to dwelling including ground and first floor rear extension along with associated hardstandings, amenity space, and parking.		
Applicant	Kang Bridge Developments Ltd 178, Coldhams Lane Cambridge CB1 3HH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed works would respect the amenity of neighbouring properties. <input type="checkbox"/> The proposed change of use would provide an acceptable living environment for future occupants. <input type="checkbox"/> The proposal would be in keeping with the character and appearance of the area.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of a two-storey semi-detached property situated on the corner of Coldhams lane and Brampton Road. There is a small garden to the front and a side access which leads to a larger rear garden. At the rear of the site is a single-storey garage which provides one car parking space that is accessible from Brampton Road. The property is constructed in brick with a hipped tiled roof, similar to other properties in the

area. The surrounding area is residential in character and is formed of similar-sized semi-detached and terraced properties. Coldhams Recreation Ground and Coldhams Common are opposite the site to the north.

1.2 There are no site constraints.

2.0 THE PROPOSAL

2.1 The proposal seeks planning permission for the change of use of the property from one dwelling house to two self-contained dwellings. To accommodate this proposed change of use the application includes a ground-floor rear extension and a first-floor side and rear infill extension.

2.2 The proposed ground-floor extension would be part-width and extend out from the existing rear building line by 2m with a flat roof measuring 3m to the parapet. The existing conservatory would be demolished and replaced with a proposed 3m high flat roof brick extension but this element would retain the existing footprint of the conservatory.

2.3 The proposed first-floor extension would infill the majority of the space between the rear and side first-floor building lines. The proposed first-floor extension would expand the hipped roof of the building whilst retaining the existing eaves and ridge line of the original roof form.

2.4 Plot 1, which occupies a large proportion of the original building, would host a three-bedroom dwelling over two-floors and would be accessed from the original front door. Plot 2 would utilise the floorspace created by the proposed extensions and would be a two-bedroom dwelling which is accessed from the side (west) elevation of the building. Each dwelling would have its own private garden which includes space for bin and cycle storage. Two car parking spaces would be provided at the rear of the site following the demolition of the existing garage and widening of the dropped kerb.

3.0 SITE HISTORY

Reference	Description	Outcome
C/88/0559	EXTENSIONS TO HOUSE (SINGLE and TWO STOREY EXTENSIONS). (AMENDED BY LETTER and DRAWINGS RECEIVED 24/06/88)	Permitted.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014
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	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 subject to the following conditions and informative:

- No unbound material;
- No gates erected;

- First use of vehicular access;
- Highways drainage;
- Visibility splays;
- Access as shown; and
- Highways informative

Environmental Health

6.2 No objection subject to construction hours condition.

Head of Streets and Open Spaces (Tree Team)

Original comments (24/08/2017)

6.3 There are trees in the highway adjacent to the property that could be impacted by proposals. In order to fully assess the impact of the development the applicant should engage an arboriculturalist to ascertain the tree constraints and prepare an Arboricultural Impact Assessment in accordance with BS 5837:2012.

Comments on additional information (03/10/2017)

6.4 No objection subject to tree protection and implementation conditions.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.5 The site is identified at high risk of surface water flooding and the impact of the proposed development has not been assessed nor mitigated. A Flood Risk Assessment should be undertaken and submitted to the local planning authority in accordance with the NPPF. This assessment should include the impact of the proposed increase of building footprint that may displace flood waters and affect neighbouring land.

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

7.0 REPRESENTATIONS

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

- Camcycle, 140 Cowley Road
- 14 Brampton Road

7.2 The representations can be summarised as follows:

- Insufficient cycle parking and the design of the cycle parking it does propose is unusable.
- Loss of family sized dwelling not supported.
- The changes to the Brampton Road boundary would harm the street scene.
- Risk of damage to trees on street from widening of dropped kerb.
- Additional parking pressure on Brampton Road.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be

permitted, subject to the existing land use and compatibility with adjoining uses.

8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.

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

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

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

C) The living accommodation provided would be unsatisfactory;

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

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

A) The residential property has a floorspace of less than 110 square metres

8.5 The footprint of the residential property as a result of the proposed extensions would be over 130m² and this criterion would be met.

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

8.6 It is acknowledged that an objection has been raised in relation to the pressure on on-street car parking the proposal would cause.

8.7 There is one car parking space for the existing four-bedroom property. The proposal would increase the level of car parking to two spaces. There is a paved area between the main road and pavement of Coldhams Lane that is used for car parking on an informal basis. There are also similar paved areas on both

sides of Brampton Road that are frequently used. In my opinion, there is a reasonable amount of existing on-street car parking pressure on Brampton Road and the on-site provision would not exacerbate parking pressures locally.

- 8.8 The proposed development would provide cycle storage areas for each of the proposed dwellings and there are good cycle links to local shops and services at the Cambridge Retail Park and Beehive Centre to the north-west of the site, as well as the Mill Road (East) Local Centre to the south of the site. These facilities are also within walking distance of the site. There are bus stops on Coldhams Lane heading both into and out of the City Centre which are within five minutes walking distance of the site. In light of the sustainable location of the site I do not consider the proposed development is dependent on private car as the sole means of travel.
- 8.9 In my opinion, the pressure on on-street car parking caused by the proposed development would be relatively minor in respect of the sustainable location of the site coupled with the fact that two car parking spaces would be provided. Overall, I do not consider the proposal would exacerbate on-street car parking to such an extent as to harm the amenity of the surrounding residential properties.

C) The living accommodation provided would be unsatisfactory

- 8.10 The habitable rooms of the proposed dwellings would all have acceptable outlooks. The future occupants of the proposed dwellings would have their own private gardens, with the two-bedroom dwelling having access to a garden of approximately 30m² and the larger three-bedroom dwelling with roughly 45m² of garden space. As explained in paragraph 8.8 of this report, the site is in a sustainable location with good cycle and public transport links to the wider area and there are local shops and services in Mill Road and the adjacent retail parks within walking distance. Coldhams Common Recreation Ground and Coldhams Common are also both opposite the site and within walking distance.

D) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking

8.11 Bin storage for each of the proposed dwelling would be situated in their rear gardens with a straightforward means of access onto Brampton road for collection days. There would be capacity for three receptacles and I have recommended a condition for the design details of the bin store enclosure to be provided.

8.12 The application form does not specify the number of cycle parking spaces that would be provided. The cycle stores proposed appear to indicate each of the cycle stores would accommodate two cycle parking spaces. This falls below the five cycle spaces required for this level of development. In addition, the layout of cycle spaces appears unnecessarily cramped and difficult to maneuver into and out of. Notwithstanding this, there appears adequate room to accommodate the necessary number of cycle spaces in the garden and the final layout and type of storage could be dealt with through a planning condition in the event of approval.

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

8.13 The site is situated in a residential area and so I do not consider the nearby land uses or site itself would result in an unsatisfactory level of residential amenity for future occupiers of the proposed dwelling.

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

Context of site, design and external spaces

8.15 The proposed ground-floor extension and alteration to the existing conservatory would be of a fairly modest scale and design. This element of the proposed works would not be prominent from the street scene and would be in keeping with the character and appearance of the area in my opinion.

8.16 I consider the proposed first-floor extension would respect the street scene of Coldhams Lane. There are several examples of

other first-floor side and rear extensions and the proposal would retain the hipped roof form, eaves and ridge line of the original roof which is generally in keeping with the rest of the street. The proposed first-floor extension would not project any further than the existing two-storey building line towards Brampton road. The fenestration of this elevation would include a first-floor window and there would be a break in the massing on this elevation as the proposed first-floor extension is set marginally back from the existing first-floor side extension. I have recommended a condition to ensure the proposed works are constructed in matching materials.

- 8.17 It is acknowledged that a concern has been raised in relation to the potential risk to the existing street trees along Brampton Road from the proposed highways works. However, the applicant has submitted an arboricultural assessment which demonstrates that these works can be constructed without removing the adjacent trees. The Tree Officer is satisfied with this information and has recommended conditions to safeguard these trees during construction.
- 8.18 The neighbour objection also references the works to the boundary adjacent to Brampton Road and the harmful impact this would have on the street scene of this road. At present the boundary of the site is formed by a flat roofed wooden garage, a hit and miss fence and a hedgerow situated behind this fence. The proposal would remove this low level planting and erect a new 1.8m high timber fence along the majority of this boundary. The garage would be removed and this boundary would become open and the space of the garage hard paved to accommodate the two proposed car parking spaces.
- 8.19 In my opinion, the loss of the hedging would not have a significant impact upon the appearance of the street scene. This hedging is partially screened by the hit and miss fence and I consider that it is less important to the character of the area than the hedging outside the fronts of nos.2 – 10 and no.25 Brampton Road opposite which fronts directly onto the street and contributes to the public realm more. There is solid timber fencing opposite the site to the west at no.176 Brampton Road and I do not consider the proposed fencing would appear alien. The open nature of the proposed car parking area would be situated next to the existing private access road which is already exposed and I do not consider this would appear out of

context with its surroundings. I have recommended a boundary treatment condition for the boundary details to be secured and retained thereafter.

- 8.20 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3.14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.21 The proposed alterations to the conservatory would not harm the amenity of no.180 Coldhams Lane in my opinion. The existing conservatory measures approximately 3m to the ridge and then slopes down to an eaves height of 2.5m. The proposal would retain this footprint but increase the height to a flat 3m. As this element only projects 1.8m beyond the rear wall of no.180, I am confident that no harmful overshadowing or visual enclosure would be experienced as a result of this. The proposed 2m deep single-storey extension would be approximately 5m away from the boundary of this neighbour and I do not consider any harmful loss of light or visual dominance would occur.
- 8.22 The proposed first-floor extension would not project any further to the rear or side than the existing building lines. It would not be visible from the main views of no.180 and the additional mass would be situated across the road from no.176 to the west which only has an obscure glazed window that would face towards this proposed extension. I am of the opinion that no harmful impacts would be experienced at any neighbouring properties as a result of this.
- 8.23 The outlooks from windows would be similar to that of present and I am confident no loss of privacy would be experienced as a result of the proposed works. The side (west) first-floor window would serve a landing area and not a habitable room.
- 8.24 I do not anticipate any harmful noise or disturbance would be experienced in the gardens of neighbours given that the garden and site of the existing property is already in residential use as a four-bedroom dwelling. The additional movement created by the proposed extra car parking space would be situated at the

far end of the site and away from the main private spaces of neighbours.

- 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, 3/10 and 3/14.

Amenity for future occupiers of the site

- 8.26 This has been addressed in paragraph 8.10 of this report. I have recommended conditions to restrict permitted development rights for extensions and outbuildings for future occupants as I am concerned that these additions could compromise the garden space available for future occupants and potentially enclose and/ or overshadow the other dwelling hereby permitted.
- 8.27 In my opinion, subject to conditions, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/14 and 5/2

Refuse Arrangements

- 8.28 This has been addressed in paragraph 8.11 of this report.
- 8.29 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 5/2.

Highway Safety

- 8.30 The Highway Authority has raised no objection to the proposal subject to conditions.
- 8.31 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.32 Car parking has been addressed in paragraphs 8.6 – 8.9 of this report.

8.33 Cycle parking has been addressed in paragraph 8.12 of this report.

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

Drainage

8.35 It is acknowledged that the Drainage Team has requested a flood risk assessment to be submitted prior to determination of the application as the development is identified at high risk of surface water flooding. The site is not situated within a flood zone or any other flood related constraint. It is pertinent to note that under permitted development the existing garden could be turned into hardstanding and outbuildings and certain extensions could be erected without the need for planning permission and the local planning authority would have no control over the surface water drainage of these developments. In my opinion, I therefore consider it would be reasonable to request this information as a prior to commencement condition as opposed to prior to determination.

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

Third Party Representations

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

8.38 There is no policy basis on which to resist the loss of a family style dwelling in favor of two smaller dwellings. The proposed change of use retains the residential use of the site and is considered to be compliant with policy. In addition, the proposed dwellings would be two-bedroom and three-bedroom respectively and are therefore capable of being occupied by families.

Planning Obligations (s106 Agreement)

8.39 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.

- 8.40 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 Overall, the proposed change of use of the four-bedroom dwelling house into two smaller dwellings is considered to be acceptable in principle. The proposed development would respect the amenities of neighbouring properties whilst providing a high quality living environment for its future occupants. The proposal would increase the level of off-street car parking to two car parking spaces and I do not consider there would be a significant increase in on-street parking resulting from this development. The proposed alterations would be in keeping with 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. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouses hereby permitted (including the insertion of any windows) shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of the adjoining dwelling hereby permitted and to ensure an acceptable level of garden space is retained for future occupants (Cambridge Local Plan 2006 policies 3/4, 3/14 and 5/2).

5. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwellinghouse hereby permitted 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 and 5/2).

6. The proposed private amenity spaces for the dwellings shall be laid out in accordance with drawing no.055-PL(21)01 prior to the occupation of the dwellings and shall thereafter be retained in the configuration as approved for the benefit of future occupants of the scheme unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure an appropriate standard of residential amenity for future occupants (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11, 3/14, 5/1 and 5/2).

7. 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)

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

iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

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

9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary 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 5/2)

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

Reason: To ensure appropriate provision for the secure storage of bicycles and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 5/2 and 8/6).

11. No development shall commence until details of facilities for the storage of bins for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the storage of bins and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 4/13 and 5/2).

12. 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)

13. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (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).

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

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

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

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

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

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

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

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

18. The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

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

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

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

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Application Number	17/1299/FUL	Agenda Item	
Date Received	25th July 2017	Officer	Michael Hammond
Target Date	19th September 2017		
Ward	Abbey		
Site	63 Ditton Walk Cambridge CB5 8QD		
Proposal	Erection of 2no self contained flats & 1no duplex		
Applicant	Mr Ian Purkiss		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would enhance the character and appearance of the area. - The proposed works would respect the amenities of neighbouring properties. - The proposal would provide an acceptable living environment for future occupants.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site consists of a vacant parcel of land situated on the west side of Ditton Walk. There was previously a single-storey warehouse building on the site, set back from the frontage, but this has since been demolished. The red line boundary for the application site does not include a rectangular section of land to the rear. This area of land, whilst in the applicant's ownership, is not part of the proposed development site.
- 1.2 To the west of the site is an existing car repair use with a large front forecourt area and beyond this use there are other commercial uses. To the east is a terrace of two storey dwellings with deep rear gardens, particularly no.65 and 67. To the north-east of the site is a recent development of a three storey residential apartment block and car parking area.

- 1.3 The residential form of the area is characterised by mainly two storey Victorian semi-detached and terrace houses, which are set back from the highway with small front threshold spaces. There are several recent infill houses and small scale residential developments along Ditton Walk and nearby to the site.
- 1.4 The application site is not located within any designated area of constraint and there are no listed buildings nearby. However, to the north of the site is Stourbridge Common which is a protected open space and within the Conservation Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of three residential flats on the application site. The proposed flats would be situated within a two-and-a-half storey brick building that takes the form of a detached dwellinghouse. It would measure approximately 5.6m to the eaves and 9.7m to the ridge of the pitched roof.
- 2.2 The ground-floor of the proposed building would host 2no. one-bedroom flats, each accessed independently. There would be an additional entrance on the side which would lead up to a duplex two-bedroom flat situated over the first-floor and loft level. There would be a rear amenity space area which is shown as three private amenity spaces with individual bin and cycle storage points. The table below provides the internal size of each unit:

Flat no.	Size
1	39.7m ²
2	45.6m ²
3	68.1m ²

- 2.3 The proposed development is very similar to a previously permitted scheme (16/1825/FUL) on this site which was granted permission for 4no. one-bedroom dwellings. The only significant alterations consist of a change to the rear external amenity space, changes to the side window and door arrangement, and change from part-pitched, part-flat roof to a single flat-roof on the single-storey rear element.

- 2.4 There is also a further extant permission on this site (15/2196/FUL) which was granted planning permission for 3no. flats (1no. two-bedroom and 2no. one-bedroom).
- 2.5 The proposal has been amended following concerns raised by officers regarding the narrow width of the side access and limited provision of external amenity space at the rear of the site.

3.0 SITE HISTORY

Reference	Description	Outcome
16/1825/FUL	Erection of 4 No. self contained units following demolition of the existing workshops with associated refuse, cycle, access and landscaping works.	Permitted.
15/2196/FUL	Erection of 3No. self contained flats (1 x 2bed and 2 x 1bed) following demolition of the existing workshops with associated refuse, cycle, access and landscaping works at the land of 63 Ditton Walk	APPROVED
09/1101/FUL	Erection of part single and two storey commercial building to be used in connection with catering butchers (following demolition of existing building).	APPROVED

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 4/13 5/1 7/3 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 The development is 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.

Environmental Health

- 6.2 The kitchen/ living room window of flat no.1 on the ground-floor should be relocated to the north-east elevation to allow the window to be opened on the quieter façade to provide natural ventilation to the living room in the event of noise from the nearby workshop. Subject to this reconfiguration, the following conditions are recommended:

- Construction hours;
- Collection/ delivery hours;
- Construction/ demolition noise/ vibration and piling;
- Dust;

- Contaminated land;
- Acoustic assessment compliance;
- Ventilation;
- Dust informative;
- Asbestos informative;
- Site investigation informative;
- Remediation works informative;
- Materials chemical testing informative.

Urban Design and Conservation Team

Original comments (21/08/2017)

- 6.3 The layout plan should be revised to show a 1.5m wide side entrance for adequate cycle access to the rear.

Comments on additional information (11/10/2017)

- 6.4 The increase in the width of the side entrance is welcomed. It would be preferable if the enlarged amenity space is one large communal space rather than three individual spaces. This could be secured through the landscaping conditions though. The following conditions are recommended:

- Materials samples
- Non-masonry walling systems
- Window and door details

Head of Streets and Open Spaces (Landscape Team)

- 6.5 The stacked private gardens are a poor quality provision for gardens due to the separation from the associated dwelling. It would be preferable to provide a private garden for the associated ground floor flat and a larger communal garden as shown in the original scheme for the remaining two flats, but just larger so that bins and bikes can be effectively separated from the amenity area. It needs to be shown that three bins can be accommodated.

Head of Streets and Open Spaces (Tree Officer)

- 6.6 No objection.

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

7.0 REPRESENTATIONS

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

- 60 Ditton Walk
- 65 Ditton Walk

7.2 The representations can be summarised as follows:

- The proposed units fall below the Technical Housing Standard national space standards and are inadequate in terms of size.
- The minimum space standards form part of the National Planning Policy Framework.
- The space standards in the 2014 Emerging Local Plan should be applied.
- The proposed development, by way of its height and position forward of the building line of no.65, would be out of keeping with the area.
- Increase in traffic.
- Increase in car parking pressure on street.
- Moving the building back would allow for three car parking bays.
- Loss of light/ overshadowing
- Visual enclosure/ dominance
- Overlooking/ loss of privacy
- Confirmation of who owns the garden wall boundary and how it will be supported are needed.
- How will the car free development be regulated?

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

- 61 Ditton Walk

7.4 The representation can be summarised as follows:

- The proposal is supported.
- The amendments would improve the scheme.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
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 principle of demolishing the existing warehouse building and construction of a two-and-a-half storey residential building has already been established on this site in the previous planning permissions (16/1825/FUL & 15/2196/FUL). Therefore, as there has been no material change in the use of the site or to planning policy, the principle of residential continues to be acceptable

Context of site, design and external spaces

8.3 The design, scale, and footprint of the proposed development have for the most-part not materially changed from the previously approved scheme. I therefore do not consider it necessary to reassess the proposed development other than the material amendments to the external fabric and appearance of the building.

8.4 It is acknowledged that concerns have been raised regarding the position of the proposed building forward of the adjoining building line of no.65. It is pertinent to note that the proposed building line is identical to that of the two previous permissions. Notwithstanding this, I consider the building line of this side of Ditton Walk to be inconsistent due to the staggered set back of

the three residential blocks in close proximity formed of nos.65 – 69a, nos. 77 – 79 and nos. 81 – 83 Ditton Walk.

- 8.5 The proposed change to the window and door arrangement would not have a harmful impact on the character and appearance of the area. The proposed amendments would be limited to the side elevation and the domestic appearance of the front of the building would be retained.
- 8.6 The proposed amendment to the roof design of the single-storey rear element of the proposed building would not be prominent from the public realm and would be of a modest scale and design.
- 8.7 The proposed reconfiguration and reconsolidation of the rear external amenity space would not have a significant impact on the appearance of the development in my view. I agree with the advice of the Urban Design and Landscape Team that this external space could be arranged more effectively to improve the functional quality of the proposal. This would likely consist of a reduced threshold amenity space outside the rear of flat no.1 and a larger communal space to the rear for use by all of the proposed dwellings. Bin and cycle storage could then be situated in one location rather than split amongst three private gardens. Nevertheless, I am comfortable that this can be dealt with through a condition.
- 8.8 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.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 I have visited the neighbouring property at no.65 that has raised concerns regarding loss of light and overlooking.
- 8.10 In terms of loss of light, the main concern raised relates to the proposed two-storey bulk of the building and the fact that it projects forward of this neighbour and would overshadow the front living room window. In my opinion though, as the proposal is identical in terms of the scale, massing and positioning of the main two-storey mass to that of the two extant permissions on

this site, I do not consider it would be reasonable to raise this as a reason for refusal now. In any case, I do not consider that the impact of the proposed works would harmfully impact on this neighbour in terms of loss of light. I appreciate the front living window is the sole window for this habitable room, but, there would still be light reaching this window throughout the morning and up until midday and the early afternoon. Any overshadowing would be limited to the later afternoon hours and I do not consider the impact would be so great as to adversely impact on the amenity of this neighbour.

- 8.11 The proposed change to the single-storey rear element from a part-hipped part-flat roof to a flat roof would not have a harmful impact on this neighbour in my view. The proposed single-storey element would remain around 1.5m away from the shared boundary and at 3m in height to the ridge, I do not consider the level of massing would result in any significant loss of light or visual enclosure being experienced at this neighbouring property.
- 8.12 The proposed amendments would introduce additional windows onto the side elevation which face towards this neighbour. However, I am of the opinion that subject to these window being obscure glazed up to a height of 1.7m above the finished floor level, these windows would not compromise the privacy of this neighbour. I have recommended a condition to control this.
- 8.13 The number of people likely coming and going up and down the side access close to no.65 would be similar to that of the two previous permissions and I do not consider the reconfigured external amenity space would have a harmful impact on this neighbour in terms of comings and goings. Similarly, the likely number of cars that the proposal would introduce would be similar to that of the previous permissions. The proposed development includes cycle parking and there are good cycle links and public transport connections into the City Centre and I do not consider the proposal to be reliant on the private car as the main means of travel for future occupants.
- 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 4/13.

Amenity for future occupiers of the site

- 8.15 The proposal would include bedroom windows for the two proposed ground-floor flats that face onto the side access. Whilst this is not ideal, this relationship was also proposed for one of the flats under the previous permissions and I do not consider it would be reasonable to require a radical re-design of the internal layout in light of these material considerations. Nevertheless, provided that these windows are obscure glazed up to 1.7m, the presence of other occupants moving up and down the side access would be unlikely to compromise the privacy of these rooms.
- 8.16 The Environmental Health Team has suggested that the movement of the rear ground-floor kitchen window to the side elevation would improve the quality of unit no.1 by removing the need for doors and windows to be fully closed when the adjacent workshop is in use. By re-positioning the kitchen window on the side elevation, it would allow for this window to remain open as a source of ventilation without resulting in a noisy living environment. Notwithstanding this, the noise assessment submitted with the applicant does demonstrate that this room can be ventilated mechanically and it is not dependent on the kitchen window being open throughout the day. Therefore, whilst it is desirable for the window to be relocated, I do not consider this to be necessary in order for the scheme to be acceptable. The applicant is not willing to amend the layout of the proposal to accommodate this suggestion and I consider this application should be assessed in its current format which the Environmental Health Team are not objectionable to in principle.
- 8.17 It is acknowledged that a third party has raised a concern regarding the small size of the two ground-floor units and how these fail to comply with the space standards of the Draft Local Plan (2014) Policy 50 and the National Planning Policy Guidance: Technical Housing Standards (March 2015). It is pertinent to note that Policy 50 of the Draft Local Plan (2014) can only be given limited weight due to the fact that there are objections to this policy and it is currently being examined as part of the plan making process. The Technical Housing Standards (2015) are guidance only and do not have any statutory meaning or use. The proposed flats are of a similar internal size to that of the approved permissions and I do not

consider it would be reasonable to raise this as a reason for refusal.

- 8.18 The general arrangement for bin and cycle storage access is similar to that of the previous permissions. The rear external amenity space, whilst reduced in size compared to the previous permissions, would still provide a large amenity space that is capable of being used by all of the proposed units. This includes the two-bedroom flat which is most likely to be dependent on external amenity space as it is capable of being occupied as a family unit.
- 8.19 In my opinion, subject to conditions, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.20 The proposal includes bin storage in the rear amenity space area and currently shows three individual stores within three private spaces. There would be a considerable drag distance from the rear-most amenity space to the front of the site for collections. However, a large communal store could be integrated closer to the front of this amenity space which could overcome this and the hard and soft landscaping condition could control this. No green bins have been shown on the proposed plans. However, given the lack of any green garden space and the one and two-bedroom sizes of the flats, I do not consider a full-sized green bin would be needed. If necessary one or possibly two green bins could be integrated into the large communal bin store to be used by all occupiers which would likely satisfy this provision.
- 8.21 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.22 The Highway Authority has raised no objection to the proposed development and I agree with this advice.

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

Car and Cycle Parking

8.24 Car parking has been addressed in paragraph 8.13 of this report. I have recommended a car club informative.

8.25 The quantity of cycle storage proposed is acceptable in principle but it is recommended that one larger communal store with internal locking mechanisms, rather than three individual stores, is considered to make more efficient use of the external amenity space. I am content that this can be controlled by way of the hard and soft landscaping condition.

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

Third Party Representations

8.27 The majority of the third party representations have been addressed in the main body of this report. The outstanding comments have been addressed below:

<u>Comment</u>	<u>Response</u>
The minimum space standards form part of the National Planning Policy Framework.	The space standards do not form part of the National Planning Policy Framework and are guidance only.
Increase in traffic.	The proposal would not lead to a significant increase in traffic in my opinion. No car parking is proposed and any impact on the surrounding streets from on-street car parking would be limited in my view.
Moving the building back would allow for three car parking bays.	I do not consider it necessary for car parking to be integrated into the development.

<p>Confirmation of who owns the garden wall boundary and how it will be supported are needed.</p>	<p>The ownership of the wall is a civil/ legal matter. The structural support of the wall is a building regulation matter. I have recommended a boundary treatment condition for the boundaries of the site to be defined.</p>
<p>How will the car free development be regulated?</p>	<p>It would not be reasonable to prevent residents from parking cars through a planning condition. Whilst I do not consider the site to be dependent on car parking, there may be a degree of car parking on the surrounding streets. However I do not consider this impact would be significant given the size of the proposed flats and level of existing car parking already present on the surrounding streets.</p>

Planning Obligations (s106 Agreement)

- 8.28 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.
- 8.29 The guidance states that contributions should not be sought from developments of 10-units or 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 respect the amenities of neighbouring properties. The proposal would provide an acceptable living environment for future occupants. The proposed works would be very similar to the two extant permissions on this site and is considered to be compliant with policy.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

a) Include details of the volumes and types of material proposed to be imported or reused on site

b) Include details of the proposed source(s) of the imported or reused material

c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.

d) Include the results of the chemical testing which must show the material is suitable for use on the development

e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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

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

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

13. The noise insulation scheme and mitigation requirements as stated within the Cass Allen acoustic design assessment dated 12 October 2017 (ref: RP01-16260, Rev 2) shall be fully implemented, maintained and not altered unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of future occupiers (Cambridge Local Plan 2006 policies 3/7, 3/12 and 4/13)

14. Prior to the commencement of development/construction, details of an alternate ventilation scheme to open windows for flat 1 living room / kitchen to negate / replace the need to open windows, in order to protect future occupiers from external noise shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall achieve at least 2 air changes per hour. Full details are also required of the operating noise level of the alternative ventilation system. The scheme shall be installed before the use hereby permitted is commenced and shall be fully retained thereafter.

Reason: To provide an acceptable living environment for future occupiers (Cambridge Local Plan 2006 policies 3/7, 3/12 and 4/13)

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

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

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

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

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

18. The windows on the north-east side elevation, as shown on drawing no.P-2-01 REV A, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and obscured glazed up to a height of no lower than 1.7m above the finished floor level prior to commencement of use (of the development) 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 and to provide an acceptable living environment for future occupants (Cambridge Local Plan 2006 policies 3/4 and 3/12).

19. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure, including bin and cycle storage; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting). Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: In the interests of visual amenity, to ensure that suitable hard and soft landscape is provided as part of the development and to ensure bin and cycle storage can be incorporated into the development. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12, 4/13 and 8/6)

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

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

21. Notwithstanding the approved drawings, prior to commencement of development a plan showing the layout of the rear external amenity space, including bin and cycle storage details, shall be submitted to and approved in writing by the local planning authority. The rear amenity space shall be laid out in accordance with the approved details and retained thereafter.

Reason: To provide a satisfactory level of amenity for future occupants (Cambridge Local Plan (2006) policies 3/4, 3/11 and 3/12).

22. Prior to the commencement of development a scheme for surface water drainage works shall be submitted to and approved in writing by the local planning authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage. (National Planning Policy Framework (2012) paragraph 103)

23. 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).

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

-Control of dust and emissions during construction and demolition - supplementary planning guidance
https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

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

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

INFORMATIVE: Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

INFORMATIVE: Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m³ or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

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

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

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

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Application Number	17/1444/S73	Agenda Item	
Date Received	17th August 2017	Officer	Michael Hammond
Target Date	12th October 2017		
Ward	Trumpington		
Site	2 Barrow Road Cambridge CB2 8AS		
Proposal	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.		
Applicant	Ms C Speed		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed extension to the first-floor compared to the previous permission would not give rise to any adverse neighbour impacts and would be in keeping with the character and appearance of the area. <input type="checkbox"/> The proposed amendments to the fenestration of the building would not introduce any harmful overlooking over neighbouring properties. <input type="checkbox"/> The proposed works would preserve the character and appearance of the Barrow Road Conservation Area.
RECOMMENDATION	APPROVAL

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 on the corner of Barrow Road and Trumpington Road.

- 1.2 The large garden to the rear is shielded from Trumpington Road to the west by a row of large trees which runs parallel to the length of the garden which are all protected by a group tree preservation order.
- 1.3 The existing building on the site has elements of the Arts and Crafts style. It has a rectangular footprint and projecting front garage. The front elevation has symmetrical fenestration, across eaves dormers and part external chimney breasts, which are design features associated with the Arts and Crafts style.
- 1.4 Planning permission (15/0225/FUL) was granted in September 2015 for the demolition and replacement of this dwelling. The Planning Committee recently made a motion to approve a further application for the demolition and replacement of the original building. This is awaiting confirmation by the National Planning Casework Unit as to whether the application should be determined by the Secretary of State which is due to be clarified by the end of October 2017.
- 1.5 The site is within the Barrow Road Conservation Area (2016).

2.0 THE PROPOSAL

- 2.1 Planning permission is sought to vary the approved drawings of permission 15/0804/FUL to allow for the removal of the basement pool, first-floor extension over the single-storey garage and alterations to the fenestration of the building.
- 2.2 Planning permission reference 15/0804/FUL was granted on 4th November 2015 for a new dwelling in the latter part of the garden of no.2 Barrow Road. The footprint of the building would remain as per the originally approved drawings. The proposed amendments would effectively change the three-bedroom dwelling into a four-bedroom dwelling by including a first-floor extension over part of the proposed single-storey garage.

3.0 SITE HISTORY

Reference	Description	Outcome
17/0826/FUL	Demolition of the existing dwelling and construction of a replacement dwelling.	Pending decision.
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 Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/4 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 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/ delivery hours
- Piling

Urban Design and Conservation Team

6.3 No objection.

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

7.0 REPRESENTATIONS

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

- 30 Trumpington Road

7.2 The representation can be summarised as follows:

- Overlooking/ loss of privacy
- The building should be at least 20 metres from the fence of no.30.
- Human rights are being infringed due to overlooking.
- Noise and disturbance.

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

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

Preliminary

8.2 The matters of principle of development, highway safety, cycle parking, car parking, refuse arrangements, amenity for future occupants and trees were assessed as part of the previous application. I do not consider the proposed material alterations to the scheme, compared to the previous application (15/0804/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. The noise mitigation condition concerning the proposed basement swimming pool plant equipment has been removed due to the fact that there is no longer a swimming pool proposed.

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

8.3 The proposed dwelling would occupy an identical footprint to that of the previous permission and I do not consider the proposed changes to the approved drawings would have any material impact on the layout and pattern of development of the area. The removal of the basement would reduce the pressure on the nearby tree belt on Trumpington Road.

- 8.4 The proposed alterations to the fenestration of the building would not have a significant impact on the appearance of the building. The proposal would continue to be read as a domestic dwelling that has an active frontage.
- 8.5 The additional mass proposed above the single-storey garage element would be set back from the main frontage of the building and would not result in the proposed dwelling appearing overly dominant or out of proportion within its context in my opinion.
- 8.6 It is pertinent to note that the site now lies within the conservation area and so consideration as to the impact on the character and appearance of this heritage asset is necessary. The proposed development would be detached a considerable distance from the host dwelling of no.2 Barrow Road and would be read within the context of Trumpington Road and largely obscured from the main public viewpoints along Barrow Road. The Urban Design and Conservation Team have raised no objection to the proposal in light of the conservation area designation. I consider the proposal would preserve the character and appearance of the Barrow Road Conservation Area.
- 8.7 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/4 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 The proposed first-floor extension would be situated on the northern elevation of the proposed building. This additional mass proposed would remain a comfortable distance from the host garden of no.2, as well as the adjacent garden of no.4, and I am confident that no harmful loss of light or visual enclosure would be experienced as a result of this.
- 8.9 The proposed building occupies an identical footprint to that of the previous permission and I do not consider the proposal would harmfully impact on no.30 Trumpington Road to the

south in terms of loss of light or visual dominance for the reasons stated in the previous assessment.

- 8.10 It is acknowledged that the neighbouring property at no.30 Trumpington Road has been extended (16/1267/FUL) at two-storey level by approximately 3m since permission 15/0804/FUL was granted. Under the previous permission there would have been a separation distance of approximately 20m between the two-storey mass of the proposal and no.30. In light of the recent development at no.30, the separation distance from the first-floor of the proposal has been reduced down to 17m.
- 8.11 The proposed amendments to the fenestration mainly relate to the front (west), side (north) and rear (east) elevations. The remaining side (south) elevation facing no.30 is near-identical to what was previously permitted. The largest window on the south-elevation at first-floor level is the master bedroom window which wraps around the corner on the east elevation. This window would provide a south-easterly outlook and does not solely face south and I consider the view towards this neighbour would not compromise the privacy of this neighbour. The three other south-facing first-floor windows further along the elevation are narrow windows that serve a secondary window to the master bedroom and an en-suite respectively. I consider that these windows could be obscure glazed and have fixed openings to prevent direct views towards these neighbours. In my opinion, whilst I appreciate the proposal is now 17m rather than 20m away from the key windows of no.30, I consider that a separation distance of 17m would be sufficient to prevent any harmful loss of privacy being experienced at this neighbouring property.
- 8.12 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 and 3/10.

Third Party Representations

- 8.13 The concern regarding overlooking has been addressed in the main body of this report. The remaining comments have been addressed in the table below:

<u>Comment</u>	<u>Response</u>
The building should be at least 20 metres from the fence of no.30.	I do not consider the proposed building needs to be sited this distance as it would not introduce any harmful neighbour amenity impacts and would be acceptable from a design perspective.
Human rights are being infringed due to overlooking.	The Human Rights Act relates, in part, to an individual's right to peaceful enjoyment of their property. I have considered the potential amenity impact through the changes to the proposed dwelling and of the view that no significant harm would arise.
Noise and disturbance	I do not consider the material alterations to the proposed scheme would introduce any alternative forms of noise and disturbance compared to that of the previous permission.

Planning Obligations (s106 Agreement)

- 8.14 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.
- 8.15 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 amendments to the development would preserve the character and appearance of the conservation area. The proposed works would respect the amenities of neighbouring properties.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun on or before 4th November 2018.

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 en-suite bathroom first-floor windows and the secondary first-floor master bedroom window on the south elevation, as shown on drawing no.PL-2-01, 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 dwelling) 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).

4. Conditions 3 -4 and 6-17 of planning permission 15/0804/FUL (as set out below) shall continue to apply to this permission. Where such conditions pertaining to 15/0804/FUL have been discharged, the development of 17/1444/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.

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

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

6. 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 nearby properties
(Cambridge Local Plan 2006 policy 4/13)

7. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The 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 and any arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To minimise flood risk (Cambridge Local Plan 2006, Policy 4/16)

8. 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

9. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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

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

11. The access shall be constructed with adequate drainage measures to prevent surface water runoff 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.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

14. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety.

15. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety

16. No development shall take place until an arboricultural method statement, tree constraints plan and tree protection plan, in accordance with BS:5837:2005, have been submitted to and approved in writing by the local planning authority. These shall include:
- a) Plans showing trees to be removed, identified by number.
 - b) Plans showing trees to be retained, identified by number, with canopies accurately plotted.
 - c) A tree constraints plan that identifies root protection areas of retained trees within, adjacent to, or which overhang the development site.
 - d) The precise location and design details for the erection of protective tree barriers and any other physical protection measures.
 - e) A method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard.

The arboricultural method statement shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policy 4/4).

17. 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 visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policy 4/4).

18. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

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

INFORMATIVE: The pergola structure shown on the elevations is outside the red-line ownership of this application. Approval of this planning application does not include the erection of this pergola structure.

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Application Number	17/1447/FUL	Agenda Item	
Date Received	16th August 2017	Officer	Michael Hammond
Target Date	11th October 2017		
Ward	Arbury		
Site	58 Harvey Goodwin Avenue Cambridge CB4 3EU		
Proposal	Single storey dwelling		
Applicant	Mr & Mrs Colclough 58, Harvey Goodwin Avenue Cambridge CB4 3EU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed dwelling would be in keeping with the character and appearance of the area. - The proposal would provide an acceptable living environment for future occupiers. - The proposed works would not harm the amenity of neighbouring occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is situated to the rear of no.58 Harvey Goodwin Avenue, which is a semi-detached property on the corner of Harvey Goodwin Avenue and Hale Avenue. The area is characterised by dwellings that are mixed in form and style. The site is currently the rear garden area belonging to no.58. Beyond the rear boundary of the site, is a single storey dwelling which faces onto Hale Avenue. The site, subject of this application, is a small narrow area and is bounded by a timber fence.

1.2 There are no planning constraints.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the erection of a single-storey dwelling on land to the rear of no.58 Harvey Goodwin Avenue.
- 2.2 The proposed building would be constructed in brick with a slate tiled pitched roof measuring approximately 2.7m to the eaves and 4.35m to the ridge. The building would occupy a floor area of roughly 40m². There would be a small patio area to the east of the building which would also include space for the storage of cycles. Bin storage would be to the front of the site behind a low timber fence.
- 2.3 The proposal is very similar to the previously approved dwelling that was granted planning permission by Planning Committee on 30th November 2016. The eaves line has been increased by 0.2m from the approved 2.5m to the proposed 2.7m. The fenestration of the building has been amended to remove the pitched gable features and replace these with a set of narrow windows and alternative front door design. It was also discovered from clearing the site that when measured in-situ rather than on the OS plan, the physical width of the site was actually wider than anticipated. The dimensions of the footprint have been increased to reflect this but the general positioning of the building in the plot remains the same as previously approved, whereby it is hard-up against the boundary of the host dwelling and no.56 Harvey Goodwin Avenue.

3.0 SITE HISTORY

Reference	Description	Outcome
16/1587/FUL	Erection of bed-sit/studio to the rear of 58 Harvey Goodwin Avenue, with access from Hale Avenue.	Permitted.
15/2242/FUL	Erection of dwelling at rear of 58 Harvey Goodwin Avenue	Refused – Appeal dismissed.
15/1063/FUL	Erection of 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 8/4 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 subject to traffic management plan condition and informatives.

Environmental Health

- 6.2 No objection subject to construction hours and piling conditions.

Refuse and Recycling

- 6.3 No comment received.

Landscape Team

- 6.4 The site is very compact and fails to provide the full site requirements of a dwelling including space for three wheelie bins and secure parking for a cycle. A review of the external spaces and possibly the building could provide these necessities. The size of the private amenity space is acceptable however, if changes are made to size or shape of the amenity space this assessment needs to be reviewed.

Streets and Open Spaces (Trees)

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

7.0 REPRESENTATIONS

- 7.1 The owner/occupier of the following address has made a representation objecting to the application:

- 6 Hale Avenue

- 7.2 The representation can be summarised as follows:

- Noise and disturbance due to proximity of garden and bike storage area to No.6 Hale Avenue.
- The wall along the eastern boundary of the site is the property of no.6 Hale Avenue and should be retained.
- Overlooking from proposed loft window and this should be obscure glazed.
- Any disruption due to the water drainage/ sewer of no.6 Hale Avenue should be avoided.

- 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. Preliminary
2. Context of site, design and external spaces
3. Residential amenity
4. Third party representations
5. Planning Obligations (s106 Agreement)

Preliminary

8.2 The matters of the principle of development, highway safety, cycle parking, car parking, refuse arrangements, drainage and planning obligations were assessed as part of the previous application. I do not consider the proposed material alterations to the scheme, compared to the previous application (16/1587/FUL), 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.

Context of site, design and external spaces

8.3 The proposed development would be of an identical overall height (4.35m) to that of the previously approved scheme and the additional 0.2m in eaves height proposed would not have any significant impact on the overall scale and massing of the proposal in my view. The building line remains set back from the road and the proposed dwelling would continue to appear comfortable within the site and not represent an overdevelopment of the plot.

8.4 The proposed alterations to the fenestration of the building would amount to an improvement to the appearance of the proposed dwelling in my opinion. The previous fenestration, although acceptable, was relatively orthodox from an ornamental perspective. In contrast, I consider the proposed fenestration with its emphasis on vertical window and door details appears more interesting in the context of the site and would be in keeping with the character of the area.

- 8.5 It is acknowledged that the Landscape Team has questioned the quantity of the external spaces around the building and whether these are able to accommodate the functional requirements (bin and cycle storage) of the proposed development.
- 8.6 The previously approved scheme had a rear patio area of approximately 18m². In relation to bin storage it was explained in the officer assessment of the previous proposal that, given the lack of any green garden space and the one-bedroom size of the dwelling, a full-sized green bin would not be needed and that future occupants could make provision for a small green bin to be stored internally if needed.
- 8.7 The proposed development would have a rear patio area of approximately 17m² which is only marginally smaller than that of the approved development. In addition, the proposed bin storage arrangements are identical to that of the previously approved scheme. In my opinion, the reduction in external space of 1m² would not impinge upon the functionality of the site and that the proposed development is acceptable in this respect. It is also relevant to note that the Landscape Team raised no objection to the approved development and I do not think it would be reasonable to impose a re-design of the external arrangements in terms of the lack of consistency in decision making this would represent.
- 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 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 I am of the opinion that the proposed increase in eaves height up to 2.7m would not have a harmful impact upon the amenities of any neighbouring properties and that the height of the wall would not harmfully dominate or overshadow any of the immediate neighbouring properties, including the host dwelling.
- 8.10 The depth of the proposed dwelling would be increased by approximately 0.45m compared to the approved development

and this additional mass would be situated adjacent to the end of the garden of no.56 Harvey Goodwin Avenue to the south. However, given the position of this additional mass at the far end of this neighbour's garden and away from the main private amenity space and windows of this neighbour, I am comfortable that this would not introduce any harmful amenity impacts to this neighbour. The 12.5m separation distance from the nearest windows of this neighbour would remain as per the originally approved proposal.

8.11 The proposed development would be situated approximately 0.45m closer to no.6 Hale Avenue but there would still be a separation distance of just over 3.5m from the building line of this neighbour. The 2m high wall close to the nearest front window of no.6 Hale Avenue would not in my opinion visually enclose this neighbour. The proposed building is also set off to the north-west of this neighbour and at single-storey in scale would not harmfully overshadow or visually dominate views from this neighbour. The proposed side facing patio door would only have limited views across the front of this neighbour and would not have any direct or harmful views of this neighbour's windows. It is acknowledged that this neighbour has raised a concern regarding potential overlooking from a high level window. However, this would serve for natural lighting purposes and there are no plans for a loft or mezzanine level in the roof space of the proposed dwelling. Nevertheless, for the avoidance of doubt I have recommended a condition to ensure that in the event a mezzanine level is added at a later date, the high level window shall be obscure glazed and have a fixed opening.

8.12 Concerns have also been raised from no.6 Hale Avenue regarding the noise and disturbance from the future occupants using the patio area. I do not consider the proposal would give rise to unacceptable levels of noise and disturbance. The patio area is situated to the front of this neighbour and away from the main private amenity space to this neighbour which is to the rear. The proposal would be a one-bedroom dwelling and the intensity of use and comings and goings would be relatively low. The site is situated in a residential context and I do not consider the use would be out of keeping with the area. The main entrance would be from the street and the patio would only be accessed for the enjoyment of the future occupiers or for storing

bicycles. I do not consider the noise associated with this would adversely impact on the neighbouring windows.

- 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 and 3/10.

Amenity for future occupiers of the site

- 8.14 The proposal would provide windows to all of the habitable rooms for the one-bedroom dwelling. There would be a reasonable sized patio area to the side of the dwelling and space for the storage of bins and cycles. The site is situated in a sustainable location, close to Local Centres, and well served by public transport and cycle links into the City Centre. A condition restricting the permitted development rights for the site has been recommended to ensure that there would be sufficient outdoor space for future occupants.

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

Third Party Representations

- 8.16 The concerns regarding noise and overlooking have been addressed in the main body of this report.
- 8.17 The concern regarding the retention and ownership of the existing wall is a party wall matter and is not a planning consideration.
- 8.18 A concern has been raised regarding how the proposal would affect the existing drainage/ sewer system. A drainage condition has been recommended to ensure that surface water is appropriately managed.

9.0 CONCLUSION

- 9.1 I consider the proposed development would not harm the character and appearance of the area. The proposal would

provide an acceptable living environment for future occupants and would not harm the amenity of neighbouring properties.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and 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 enlargement, improvement or other alteration of the dwellinghouse; and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling and to protect the character of the area (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)

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

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

8. Prior to occupation of development, details of facilities for the secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before the development is occupied.

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

9. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

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

10. In the event that a mezzanine level is installed in the development hereby permitted, prior to first use of the mezzanine level the high level circular windows on the south-east and north-west elevations, and rooflight on the south-west elevation, as shown on drawing no. 01 Revision H, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent 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: To protect the amenity of neighbouring properties (Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12).

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

INFORMATIVE for condition 9: The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).

- iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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

INFORMATIVE: 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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Application Number	17/0792/FUL	Agenda Item	
Date Received	4th May 2017	Officer	Sav Patel
Target Date	29th June 2017		
Ward	Queen Ediths		
Site	23 Baldock Way Cambridge CB1 7UX		
Proposal	Demolition of the existing bungalow and the erection of a detached three bedroom residential unit.		
Applicant	Dr N Cheung		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development is considered to be of high quality design and would enhance the appearance of the site and local area. - The proposed dwelling has been designed to mitigate the impact on the occupiers of adjacent properties. - The proposed level of outdoor amenity space is acceptable.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 23 Baldock Way is a detached bungalow with an attached single flat roof garage and drive way to the north, situated on the eastern side of Baldock Way. The surrounding area is predominantly residential mainly consisting of two-storey detached, semi-detached and terrace houses. To the north of the site is an allotment site and to the south the site adjoins the rear boundary of no.73 Glebe Road. The application site has been formed from the subdivision of no.73.
- 1.2 The site is not within a Conservation Area or within the setting of any Listed Buildings or Buildings of Local Interest.

2.0 THE PROPOSAL

- 2.1 The proposal is for the demolition of the existing bungalow and construction of a two storey 3-bed dwellinghouse with off street car parking and private amenity space. The proposed dwelling would be 5.5 metres in height.
- 2.2 The proposed dwelling has been amended to address concerns relating to the potential overbearing impact on the neighbour at no.71 Glebe Road. The first floor roof element has been pitched so that it is at a similar angle to the roof of the approved dwelling and existing bungalow. Amended plans have been consulted on.

3.0 SITE HISTORY

Reference	Description	Outcome
C/78/0035	Erection of detached bungalow	PERMITTED
14/0129/FUL	Demolition of bungalow and erection of detached house	REFUSED – dismissed at appeal
14/1652/FUL	Demolition of the bungalow and replacing it with a chalet bungalow	REFUSED
15/1589/FUL	Demolition of the existing bungalow and the erection of a pair of two-bedroom residential units.	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 3/8 3/11 3/12 5/1 5/14 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

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

will have considerably more weight than emerging policies in the revised Local Plan.

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 The proposal should have no significant impact on the public highway subject to the following conditions/informative:

- No unbound materials for driveway;
- No PD rights for gates;
- Drainage measures;
- No overhanging of highway informative

Environmental Health

6.2 The proposed development is acceptable subject to conditions on construction hours and piling and an informative on dust.

Drainage

6.3 No objections subject to a surface water drainage condition. All new or altered external areas within the site boundary should be of permeable construction

Head of Streets and Open Spaces (Landscape Team)

6.4 The proposed development is acceptable subject to a hard and soft landscaping and boundary treatment conditions.

Urban Design Team

First comments:

6.5 The proposal is acceptable in principle but have significant concerns with the potential overbearing impact of the first floor of the proposal on the existing property at no.71 Glebe Road

and the bulk form of the southern elevation when views from no.73 Glebe Road.

Second comments – on amended plans

- 6.6 The previous concerns about overbearing impact of the first floor massing on the properties at no.71 and no.73 Glebe Road have been alleviated through altering the rear roof-slope to closely match the existing bungalow.
- 6.7 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- 45 Cavendish Avenue (Support);
- 60 Glebe Road;
- 69 Glebe Road;
- 71 Glebe Road;
- 73 Glebe Road (from Owner of property who lives at Woodlands Farm, Hive Road, Witcham);
- 59 Hills Avenue (Support)

7.2 The representations can be summarised as follows:

Design, scale and layout:

- Overdevelopment of the site for an unsuited 3 bed property with lack of garden land;
- The increased height of the buildings and proximity to the boundary of neighbouring properties will exacerbate sense of dominance and enclosure that the existing bungalow already creates;
- The proposed dwellings would provide insufficient external amenity space;

Residential amenity:

- The height of the proposed dwelling and its proximity to the common boundaries, it will have a significant adverse

- overbearing impact on residential amenity and dominate the outlook from the neighbouring properties;
- The proposed dwelling due to its location west of the rear garden of no.71 would cause unacceptable overshadowing over the garden area;
 - The proposed family dwelling has limited external garden space to serve a future occupiers;
 - The proposal would cause overlooking and loss of privacy;

Highway/car parking impact:

- Limited off-site parking provision which is likely to result in increased on-road parking causing significant problems in the area during peak times;
- The site is not close to shops or services;
- Baldock Way is narrow and gets congested at times with parking associated with Addenbrookes and nearby schools;
- The proposal will have a negative impact on local road network and impact road safety;

Other issues:

- Drainage system does not adequately cope with existing demand and causes overflowing;
- Back gardens have regularly become waterlogged and so are concerned that the foundation work for the new dwelling will exacerbate this;
- Sewer pipes regularly blocked and proposal will exacerbate this;
- Misrepresentation of view in the design and access statement

In support:

- The bungalow is of no merit and an eyesore not befitting of the area;
- The proposal is well designed with no intensification of the site as it would replace an existing 3bed property;
- The proposal would provide slightly more amenity space;

Comments received on amended plans:

- The previous application was approved due to the fact there was a clear break in the roof ridge line and there was just in

enough outdoor space which is at odds with the proposed scheme;

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

8.0 ASSESSMENT

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

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

Context of site, design and external spaces

- 8.2 The application site fronts onto Baldock Way and is situated on the eastern side of the road. The pattern of development along this stretch of Baldock Way (between Hills Avenue and Glebe Road) is generally characterised by predominantly two storey detached housing set back from the road and behind either hedgerows or timber fences along the front boundaries. However, there are examples of single storey and semi-detached dwellings but the prevailing pattern is of a two storey detached form.
- 8.3 The allotment site; to the north of the application site, gives the eastern side of Baldock Way a more open feel as opposed to the more built up setting on the western side. Baldock Way is characterised by trees planted on grass verges which separate the pavement from the road. The road itself is relatively unrestricted with the exception of a single yellow line that runs along the western side of the road.
- 8.4 The architectural character along this stretch of Baldock Way is varied and so there is no prevailing style from which to respond or take reference from. The existing bungalow has little architectural merit.

- 8.5 The site has extant planning permission (15/1589/FUL dated 15/01/16) for demolition of the existing dwelling and construction of 2no. two storey semi-detached dwellings with basements and roof terraces. The proposal is for a single two storey residential dwelling with off road parking and garden space. The proposed design follows a similar contemporary design concept to the approved scheme.
- 8.6 Concerns were initially raised with the proposed dwelling due to the elevation facing the garden of no.71 Glebe Road. The first floor roof elevation would have resulted in a continuous form approx. 11.8 metres wide. This was considered to have an unacceptable impact. The roof element of the previous scheme was carefully designed to mitigate the overbearing and enclosure impact over the garden area of the adjacent neighbours. As a result, the first floor element was amended. The first floor vertical roof was remodeled so that it was similar to the existing bungalow roof and roof design of the approved development. The proposed dwelling was also pulled off the boundary. These amendments did not compromise the contemporary design of the dwelling.
- 8.7 Therefore, in terms of design and scale the amended scheme is now acceptable and would make a positive contribution to the screen scene. The proposed design is considered to be an improvement on the existing bungalow in terms of architectural style and appearance.
- 8.8 In terms of external amenity space, this was a concern that has been raised in the previous application. However, the proposal would provide more usable outdoor space than the existing bungalow and approved dwellings. The amount of outdoor space is considered to be acceptable for the size of the proposed dwelling – see below table:

Proposed	65.2m ²
Existing bungalow	43.5m ²
Approved scheme (15/1589/FUL)	Total 51.2m ² (split 25.6m ² each unit)

- 8.9 Therefore, whilst there are no policies that prescribe standards for outdoor space for new developments, the proposal would improve the level of outdoor space on the site by making

efficient use of the space/site. The proposal would also provide an on-plot car parking space. In my view, therefore, the proposal would provide sufficient outdoor space for the size of dwelling proposed.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 Concerns have been raised about the potential detrimental impact of the proposed dwelling would have on residential amenity in terms of overbearing and overshadowing and loss of privacy. I set out below my assessment of each.

Overbearing and sense of enclosure

- 8.12 Concerns were raised with the original design of the proposed dwelling. Following amendments to the first floor element, the amended scheme would not appear overbearing from the garden area of no.71 Glebe Road. The impact would be very similar to the existing bungalow and the approved development. The proposed dwelling has been pulled off the boundary and the first floor roof angled so that it pitches away from the rear boundary. The first floor of the proposed dwelling is also set further away from the rear boundary of no.73 Glebe than the approved dwellings. This would also mitigate the impact on the occupiers of no.73. In my view, therefore, the proposal is acceptable and would not have a detrimental impact on the residential amenity of the adjacent neighbours.

Overshadowing

- 8.13 The amended scheme would not cause any significant levels of overshadowing over and above the existing bungalow. The proposed dwelling is located north of no.71 and no.73 Glebe Road and as such due to the orientation of the sun the proposed dwelling would not cast any unacceptable levels of shadowing to these properties.

Overlooking

- 8.14 The proposed dwelling does not contain any first floor windows facing the rear gardens of the adjacent properties at no.71 or 73 Glebe Road. All first floor windows, which serve bedrooms, face Baldock Way and therefore the first floor layout of the proposal would not cause any loss of privacy. The proposal does contain ground floor living room windows facing the side boundary of no.71 and rear boundary of no.73 but these are at ground floor level and so would not cause any overlooking issues.

Amenity for future occupiers of the site

- 8.15 The proposed dwelling would provide a high quality living accommodation for future occupiers with a decent amount of internal habitable space, sufficient garden space and off road parking. The garden space which is located in a similar location to the existing bungalow would be overlooked by the first floor windows in no.71 and 73 Glebe Road. However, this relationship currently exists with the existing bungalow on this constrained site. By relocating the garden space to the opposite side would have resulted in bringing the dwelling closer to the existing dwellings which would have raised potentially adverse residential amenity issues. Therefore, the impact from overlooking on the future occupiers is not considered to outweigh the benefits of keeping the proposed dwellings away from the boundaries.

Refuse Arrangements

- 8.16 The proposal makes appropriate provision for bin storage within the site in an enclosed space with good access to the highway for collection.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.18 No concerns have been raised by the Local Highway Authority regarding highway safety issues arising from the proposed development.

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

Car and Cycle Parking

Car parking

8.20 The approved development did not provide any off street car parking spaces. However, the proposal provides an on-plot space and car port at the northern end of the site for potentially two cars in the same location as the existing bungalow.

Cycle parking

8.21 The proposal includes suitable provision for the secure storage of two cycles.

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

Third Party Representations

8.23 I set out below my response to the concerns raised in the third party representation in the below table.

Representation	Response
<i>Design, scale and layout:</i>	
Overdevelopment of the site for an unsuited 3 bed property with lack of garden land;	The proposal is not considered to be harmful overdevelopment of the plot. The proposal makes efficient and effective use of the land.
The increased height of the buildings and proximity to the boundary of neighbouring properties will exacerbate sense of dominance and enclosure that the existing bungalow already creates;	The height is comparable to the existing bungalow and approved dwellings. I therefore do not consider the dwelling would appear overbearing or dominant on the adjacent neighbours.
The proposed dwellings would provide insufficient external amenity space;	The proposed dwelling would provide more external amenity space than the existing bungalow and approved dwellings.

<i>Residential amenity:</i>	
The height of the proposed dwelling and its proximity to the common boundaries, it will have a significant adverse overbearing impact on residential amenity and dominate the outlook from the neighbouring properties;	The main bulk of the proposed dwelling would be located further away from the boundaries of the neighbouring properties than the existing bungalow and approved dwellings.
The proposed dwelling due to its location west of the rear garden of no.71 cause unacceptable overshadowing over the garden area;	The proposed dwelling would not cause any significant levels of overshadowing such that it would warrant refusal.
The proposed family dwelling has limited external garden space to serve a future occupiers;	See para 8.15
The proposal would cause overlooking and loss of privacy;	See para 8.14
<i>Highway/car parking impact:</i>	
Limited off-site parking provision which is likely to result in increased on-road parking causing significant problems in the area during peak times;	The proposal provides enough off road parking for 2 spaces the same as the existing dwelling.
Baldock Way is narrow and gets congested at times with parking associated with Addenbrookes and nearby schools;	The proposal makes sufficient provision to cater of its own parking requirements.
The proposal will have a negative impact on local road network and impact road safety;	No highway safety issues have been raised by the County Highway Authority.

Other issues:	
Drainage system does not adequately cope with existing demand and causes overflowing;	<p>The Council's Drainage Officer does not consider the proposal will cause any additional drainage issues over and above that which already exists.</p> <p>The site is also not within a flood zone and therefore any localised flooding /waterlogging issue would appear to be an extant problem that those affected by would need to resolve.</p>
Back gardens have regularly become waterlogged and so are concerned that the foundation work for the new dwelling will exacerbate this;	As above.
Sewer pipes regularly blocked and proposal will exacerbate this;	As above.
Misrepresentation of view in the design and access statement	This is not a material planning consideration. Only the formal plans (elevations/floorplans/site location plan) would be approved.
<i>In support:</i>	
The bungalow is of no merit and an eyesore not befitting of the area;	Noted.
The proposal is well designed with no intensification of the site as it would replace an existing 3 bed property;	Noted.
The proposal would provide slightly more amenity space;	Noted.

<i>Comments received on amended plans:</i>	
The previous application was approved due the fact there was a clear break in the roof ridge line and there was just in enough outdoor space which is at odds with the proposed scheme;	Each planning application is considered on its own merits. This revised design is of merit and has responded to the site constraints.

9.0 CONCLUSION

- 9.1 The proposed development would replace an existing 3-bed bungalow with a 3-bed two storey detached dwelling. The contemporary design approach taken for the proposed dwelling is acceptable and would enhance the appearance of the site and make a positive contribution to the street scene. The scale of the dwelling has been modelled to ensure it appears similar to the existing bungalow and approved dwellings without compromising the design approach.
- 9.2 The proposed dwelling would not have a significantly detrimental impact on the residential amenity of the adjacent neighbours over and above the impact of the existing bungalow and approved dwellings.

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. 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)

5. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

6. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (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.

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

Reason: To prevent surface water discharging to the highway.

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

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

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

9. Prior to the commencement of development a scheme for surface water drainage works shall be submitted to and approved in writing by the local planning authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

- 1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- 2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

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

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

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

11. 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)

12. 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).

13. 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).

14. 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).

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

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

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CAMBRIDGE CITY COUNCIL

REPORT OF: Director of Planning and Economic Development

TO: Planning Committee DATE: 1st November 2017

WARD: Queen Ediths

PLANNING ENFORCEMENT REPORT FOR:

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	This report is an amended version of the report previously seen at October 2017 committee whereby recommendations were subsequently unanimously approved by members. In the interests of planning clarity the correct version of the report has been re-submitted for members approval at November 2017 committee.
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.

1.0 INTRODUCTION

- 1.1 146 Mowbray Road is an extended two storey semi-detached house on the western side of Mowbray Road. Planning permission was granted in 2014 for a first floor side extension on top of the existing garage which had previously been converted internally for ancillary living accommodation.
- 1.2 Information was received in early 2017 that 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 part of the side extension and the original dwelling house and the owner verbally stated that he did not want to change the current situation. The unit has been marked on the external front wall as 146a. 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).

2.0 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

3.0 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 26th January

2017. Shortly afterwards a phone conversation took place where the owner denied the use of the extension as a separate unit of accommodation, however a subsequent site visit by an enforcement officer on 1st February 2017 found that a door located on the ground floor of the side extension and shown on plans passed on the 2014 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 18th March 2017 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 9th February 2017.
- 3.4 Shortly after this, 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 has been received to date despite reminder correspondence being sent at the end of March 2017.
- 3.5 Information gathered during a case review in September 2017 showed the side extension available for let by two different local letting agents. A further site visit was then conducted with the owner and confirmed that there was still no internal functioning link between the original dwelling house and the side extension. Therefore the extension is not built to plans passed showing such a link as part of planning permission 14/1143/FUL and in turn facilitates the use of part of the side extension as a separate unit of accommodation.
- 3.6 A case review has been carried out and identified the following breaches of conditions 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

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.

Condition 3

The extension shall not be used as a separate unit of accommodation independent from 146 Mowbray Road. There shall remain a functional link at ground floor level with the kitchen, sitting room and dining room of the host property which shall not be partitioned off.

Reason: In order to ensure that the extension operates as part of the host property and because the creation of an independent flat would require separate planning permission and would not necessarily gain the benefit of planning permission (Cambridge Local Plan 2006 policies 3/10, 3/12, 3/14).

- 3.7 As a result of the case review, a Planning Contravention Notice was served on 13th September 2017 in order to collect information in relation to the alleged breaches and persons with an interest in the premises.
- 3.8 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 breaches of conditions at the premises at the time of writing this report.
- 3.9 It is noted that the breaches would be immune from enforcement action after 10 years from the date that the breaches occurred. If the decision were taken not to continue with formal enforcement action the unauthorised breaches of conditions and resulting change of use of part of the premises would benefit from planning consent after 10 years.
- 3.10 It is recommended in the interests of planning clarity to serve one breach of condition notice and one breach of condition notice enforcement notice covering the alleged two breaches of conditions which result in a

material change of use at 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 breaches of conditions and resulting change of use at the premises to be rectified. All interested parties are to be served with notice to carry out the requirements of the notice.

4.0 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

- 3/7 Creating Successful Places
- 3/10 Sub-division of Existing plots
- 3/12 The Design of New Buildings
- 4/13 Pollution and amenity
- 5/2 Conversion of Large Properties
- 8/6 Cycle Parking

5.0 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:
- 5.2 Council Tax Team have been made aware of the creation of an additional separate unit of accommodation which has resulted in a separate Council Tax account and charge levied on the property.

6.0 CONSIDERATION OF ENFORCEMENT OPTIONS

- 6.1 It appears to the Council that the breaches of planning control have occurred within the last 10 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 10 years from the date that the breaches of conditions occurred. If the decision were taken not to continue with formal enforcement action the resulting material change of use would benefit from planning consent after 10 years.
- 6.5 A breach of condition notice should be served to prevent the use of the premises in the event of an appeal against the breach of condition enforcement notice. The breach of condition notice can be served at the same time as the enforcement notice and comes into immediate effect without appeal. The breach of condition notice can be served under delegated powers. This is preferred to serving a material change of use enforcement notice due to the requirements of dealing with breaches of conditions.
- 6.6 The steps to comply in the notices reflect and give planning clarity as to what must be carried out in order for the breaches of conditions to be

rectified. All interested parties are to be served with notice to carry out the requirements of the notice.

7.0 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.

8.0 OTHER MATTERS

8.1 N/A

9.0 RECOMMENDATION

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 ten years, involving the breaches of conditions 2 & 3 of planning permission ref: 14/1143/FUL, 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.

Steps to Comply

9.2 Permanently cease the use of part of the side extension at the premises as a separate unit of accommodation.

9.3 Revert the internal build to plans passed under planning permission ref no. 14/1143/FUL by way of inserting all shown internal doors at ground floor level.

9.4 Permanently retain a functional link at ground floor level with the kitchen, sitting room and dining room of the host property which shall not be partitioned off.

9.5 Permanently remove the cooking facilities from the first floor side extension.

Period for Compliance:

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

Statement of Reasons:

- 9.7 (i) It appears to the Council that the breach of planning control has occurred within the last ten years (Section 171B(3)). The applicant has undertaken development without the benefit of planning permission.
- (ii) The creation of an additional separate self-contained unit of accommodation within the side extension at the premises in conjunction with the use of the rest of the main dwelling house 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 and insufficient external amenity space. 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 3/7, 3/10 and 5/2 of the Cambridge Local Plan (2006).
- (iii) Insufficient private amenity space has been provided at the premises for the additional unit of residential accommodation created in the side extension at the premises as a result of the breach of planning conditions. This is contrary to policies 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006).
- (iv) Insufficient details have been received to demonstrate that the provision of refuse and recycling storage would meet the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). This is contrary to policies 3/12, 4/13 and 5/2 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).
- (v) Insufficient details have been received to demonstrate that the provision of cycle parking for future occupants would meet the requirements of the guidance within the Cycle Parking Guide for New Residential Developments (2010) as it does not provide a

secure and covered enclosure for the storage of bicycles. This is contrary to policies 3/12, 5/2 and 8/6 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).

- (vi) It is considered that planning conditions could not overcome the identified objections with regard to this unauthorised change of use.

9.8 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

**Planning Permission Decision Notice dated 2 September 2014 for application ref no. 14/1143/FUL
Associated drawing 20142 – 10058 REV 4**

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