



## Cambridge City Council Planning

**Date:** Wednesday, 6 December 2017

**Time:** 10.00 am

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

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

### Agenda

#### 1 Order of Agenda

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

- **Part One**  
Major Planning Applications  
Start time: 10am
  
- **Part Two**  
Minor/Other Planning Applications  
Start time: 1.00pm
  
- **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.

#### 1a Amendment Sheet

2	Apologies	
3	Declarations of Interest	
4	Minutes	(Pages 17 - 34)
<b>Part 1: Major Planning Applications (10am)</b>		
5	17/0974/FUL - 18 Chesterton Road	(Pages 35 - 62)
6	17/1527/FUL - 213 Mill Road	(Pages 63 - 110)
7	17/1349/FUL - Brookfields Hospital, 351 Mill Road	(Pages 111 - 134)
<b>Part 2: Minor/Other Planning Applications (1.00pm)</b>		
8	17/0548/FUL - 60 Trumpington Road	(Pages 135 - 180)
9	17/1625/FUL - 83 Lovell Road	(Pages 181 - 196)
10	17/0898/FUL - 111 Grantchester Meadows	(Pages 197 - 210)
11	17/1164/FUL - 11 Chedworth Street	(Pages 211 - 224)
12	17/1614/FUL - Withdrawn from agenda	(Pages 225 - 252)
13	17/1624/FUL - 1-2 Purbeck Road	(Pages 253 - 270)
14	17/1534/FUL - 4 Green End Road	(Pages 271 - 286)
15	17/1697/FUL - 1A and 1B Malletts Road	(Pages 287 - 306)
16	17/1646/FUL - 30 Dudley Road	(Pages 307 - 320)
17	17/0998/FUL - 98 Paget Road	(Pages 321 - 332)
18	17/1091/FUL - 8 Mill Road	(Pages 333 - 344)
19	17/1740/FUL - 31 Peverel Road	(Pages 345 - 360)
20	17/1420/FUL - Brookmount Court	(Pages 361 - 368)

### **Part 3: General and Enforcement Items**

21	EN/0143/16 - 17 Richmond Road	(Pages 369 - 382)
22	EN/0335/15 - 83 Searle Street	(Pages 383 - 388)

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

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

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

(Updated August 2015)

## 1.0 Central Government Advice

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

## 1.2 Planning Practice Guidance (March 2014)

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

Guidance is provided in relation to the following:

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

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

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

**1.4 Community Infrastructure Levy Regulations 2010**

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

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

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

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

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

have been entered on or after 6th April 2010

### **Development Plan policy**

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

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

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

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

## **3.0 Cambridge Local Plan 2006**

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

4/1 Green Belt

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

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

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

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



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

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

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

10/1 Infrastructure improvements

Planning Obligation Related Policies

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

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

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

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

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

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

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

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

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

## **5.0 Material Considerations**

### **5.1 City Wide Guidance**

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.2 Area Guidelines

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

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

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

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

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

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

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

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

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

Historic open space guidance.

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

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

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

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

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

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

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



**PLANNING**

1 November 2017  
10.00 am - 4.15 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 17/186/Plan.

**Officers:**

- City Development Manager: Sarah Dyer
- New Neighbourhoods Development Manager: Sharon Brown
- Principal Planner: Nigel Blazeby
- Principal Planner: Lorraine Casey
- Principal Planner: John Evans
- Principal Planner: Toby Williams
- Senior Planner: Michael Hammond
- Planning Enforcement Officer: John Shuttlewood
- Planner: Mairead O'Sullivan
- Planner: Sophia Dudding
- Legal Advisor: Rebecca Williams
- Committee Manager: Toni Birkin
- Committee Manager: James Goddard

**FOR THE INFORMATION OF THE COUNCIL**

**17/174/PlanApologies**

No apologies were received.

**17/175/PlanDeclarations of Interest**

Name	Item	Interest
Councillor Smart	17/177/Plan	Personal: Lead Councillor for Cycling

**17/176/PlanMinutes**

The minutes of the meeting of the 4<sup>th</sup> October 2017 were agreed and signed as a correct record.

### **17/177/Plan17/0995/S73 - 220 Milton Road**

The Committee received a Section 73 application to vary condition number 2.

The application sought approval to vary condition number 2 (approval 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 an additional car parking space.

Peter McKeown, Applicant's Agent, addressed the Committee in support of the application.

The Committee:

**Resolved (by 6 votes to 2)** to refuse the application to vary condition 2 in accordance with the officer recommendation, for the reasons set out in the officer report.

### **17/178/Plan17/1484/OUT - Land Adjacent to Barnwell Lake**

The Committee received an application for Outline Planning Permission.

The application sought approval for the erection of a cycle-themed café (A3 use) and shop along with associated infrastructure including car and cycle parking and new internal roads.

The Committee received a representation in support of the application from Jim Chisholm.

The Committee made the following comments in response to the report:

- i. Area was currently a neglected and underused space.
- ii. The Chisholm Trail development would significantly change the character of the space and bring increased activity levels to it. This includes the way in which fishing club members will access the lake.
- iii. Whilst not necessarily against a Café on the site, the scale of the application was excessive. Green belt land needed to be protected in accordance with national policy.
- iv. Lake side café facilities are not unusual within public green spaces.
- v. The proposal as it stands would have limited visual impact.

- vi. Expressed concern regarding the A3 proposal which would allow a wide range of uses within the same use class without the need for further planning permission.
- vii. Some of the outstanding issues could be addressed by a future reserved matters application.
- viii. The Committee acknowledged the case officer's advice that the present unmanaged condition of the land and presence of fly tipping did not amount to very special circumstances.

The Legal representative outlined the framework of exceptions allowed to the National Planning Policy Framework (NPPF) restriction regarding development within the Green Belt. This includes (para 89) provision of appropriate facilities for outdoor recreation.

The New Neighbourhoods Development Manager reminded members that, approval of this application would require consultation with the Secretary of State due to the green belt and flood risk issues according to the Consultation Direction 2009.

On a show of hands, 4 members indicated that they rejected the Officer's recommendation to refuse the application.

The Chair proposed instigating the Adjourned Decision Protocol and asked members to give their reasons for overturning the Officer's recommendation. The following reasons were proposed:

- i. Increased recreational use of green belt land
- ii. Overall net benefit to the community.

The legal advisor suggested that more robust reasons regarding the appropriateness of the development as exceptional development within the Green Belt would be needed.

Councillor Nethsingha moved a motion deferring the decision on the grounds of insufficient information.

On a show of hands, the motion was lost.

The Chair stated that considerable adjustments were needed to make the application acceptable.

The New Neighbourhoods Development Manager indicated that Members might wish to send a strong message to the applicant to supplement the information provided in respect of unresolved issues in the application.

The Committee:

**Unanimously resolved** to adjourn the application to return to a subsequent Committee in accordance with the adjourned decision protocol.

**17/179/Plan17/1225/FUL - 122-128 Newmarket Road, 2 and 5 Abbey Street**

The Committee received an application for full planning permission.

The application sought approval for the 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.

The Committee received a representation in objection to the application from Martin Lucas-Smith on behalf of Cambridge Cycling Campaign.

The representation covered the following issues:

- i. Had no view on the development.
- ii. Objected to double stacking cycle racks that were unpopular with the public.
- iii. Requested the removal of some of the parking spaces and replacing them with additional Sheffield Stand cycle racks.
- iv. Raised concerns that delivery vehicles would block the road.
- v. Requested a conditions requiring delivery parking within the curtilage of the site.
- vi. Suggested that the Road Traffic Order was needed to ensure the area received double yellow lined.

Peter McKeown (Applicant's Agent) and Nina Kristensen (Applicant) addressed the Committee in support of the application.

The Committee:

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

**17/180/Plan17/0548/FUL - 60 Trumpington Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of former restaurant, with redevelopment of former site for the erection of 2x3 bedroom and 1x2 bedroom detached linked dwellings; 1x2 bedroom apartment; associated cycle and car parking provision and landscaping.

The Senior Planner corrected a typographical error in paragraph 8.39 of the Officer's report:

The very front of the proposed two-storey mass would be situated approximately ~~10m~~ **9.5m** directly opposite this window.

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

The representation covered the following issues:

- i. North Cottages were 17 unique properties.
- ii. The planning portal website was off-line over the weekend of 28 – 29 October 2017. Late documents were added 31 October. This made it hard for objectors to refer to them.
- iii. Suggested the site plan was inaccurate.
- iv. Issues from a previous application had not been addressed:
  - a. Lack of green space.
  - b. Overbearing.
  - c. Overlooking and impact on neighbour's amenities in 1 North Cottage.
  - d. No assessment of the impact on neighbour's window.
- v. Asked for the application to be deferred until concerns raised had been addressed.

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

Councillor O'Connell (Trumpington Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. She and residents agreed the site could be developed into residences instead of a restaurant.
- ii. Raised concerns about the plan as submitted.
  - a. Overbearing and loss of light (ref report paragraph 8.21).
    - i. Trumpington Road had mixed housing styles, Long Road was more built up.
    - ii. The Planning Inspector had ruled against on-site development (ref report paragraph 8.50).
  - b. Outstanding objections had not been addressed (ref report paragraphs 8.32 – 33).
  - c. Fire/emergency access and related land ownership issues that impacted on access.
  - d. Asked for a condition stating planning permission would not be granted until the Planning Officer was satisfied that emergency vehicles could access the site.
- iii. Asked for the application to be deferred until all issues had been resolved.

#### 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.

Councillor Nethsingha did not take part in the vote as she was not present for the Officer's introduction to this item.

#### **17/181/Plan17/1312/CL2PD - Citylife House, Sturton Street**

The Committee received an 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).

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

The representations covered the following issues:

- i. The application process was long.

- ii. Took issue with details of evidence submitted regarding current dance school/studio use. Suggested this was not credible.
- iii. Suggested that the 2014 planning consent as dance school/studio had not been implemented, therefore the 1997 permission was still the extant permission instead.
  - a. Expressed concern about the scale of air conditioning equipment on the building.
  - b. Noise from the air conditioning equipment was acceptable.
  - c. The revised location of the air conditioning plant had been refused planning permission in a Section 73 application that was being appealed.
- iv. Suggested the current application should be deferred until the Section 73 appeal decision was known.

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

The representation covered the following issues:

- i. The loss of a community dance building to general education use was an important issue.
- ii. Suggested the 1997 planning permission was still in effect as the 2014 Section 73 application was still being contested.
- iii. Referred to Queen's Counsel's advice on P252 of the Officer's report.
- iv. Change of use should not occur until the Section 73 position was clarified.
- v. A Certificate of Lawfulness could not be issued without precise and unambiguous evidence from the Applicant.
- vi. The Applicant needed to materially demonstrate that at least 10% of the building was given over to dance school/studio use. 30 – 40% was better. Under 10% was unacceptable. It was unclear if the Applicant met the 10%+ criteria.
- vii. Took issue with evidence submitted by the Applicant that dance use was continuing at the date of application in July 2017. Suggested this was not credible.
- viii. Suggested the applicant had an unfortunate history for cutting corners on applications.

The Chair noted that an error had occurred in the order of speaking as he had allowed the Ward Councillor to speak before the Agent. The Chair invited the Agent to speak then invited the Ward Councillor to speak again if he wished to respond to any of the Agent's points.

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

Councillor Robertson (Petersfield Ward Councillor) made the following points:

- i. The building was used for activities other than dance before 28 July 2017.
- ii. Photographs submitted do not show what activities people were doing. Specific evidence of dance use was needed.
- iii. Re-iterated:
  - a. Evidence submitted was ambiguous and needed to be clearer before a Certificate of Lawfulness could be issued.
  - b. Concern over loss of a community facility.

The Legal Advisor said the enforcement notice served in respect of the alleged breach of condition regarding roof plant location was suspended while it was being appealed therefore Members should not defer the application in front of them to await the appeal outcome. The Committee had to consider the evidence in the report against the criteria of "more likely than not" as opposed to (the higher benchmark) "beyond reasonable doubt".

The Committee:

**Resolved (by 5 votes to 3)** to grant the application for a Certificate of Lawfulness in accordance with the officer recommendation, for the reasons set out in the officer report.

### **17/182/Plan17/1252/FUL - 12 Orchard Estate**

The Committee received an application for full planning permission.

The application sought approval for a ground floor rear and side extension and change of use to form three flats.



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

Councillor Ashton (Cherry Hinton Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Referred to paragraph 8.4 of the Officer's report which set out Policy 5/2 of the Cambridge Local Plan (2006) stated the conversion of non-residential buildings into self-contained dwellings would be permitted; and exceptions to this.
- ii. Suggested the development should not go ahead as it does not overcome 2 of the exception criteria:
  - a. The likely impact upon on-street parking would be unacceptable. The County Council Highways Authority had concerns about this.
  - b. The proposal would fail to provide for satisfactory refuse bin storage or cycle parking.
    - Details regarding arrangements for the above should be submitted before planning permission was granted.
- iii. The report was unclear which flat got the sole parking space on-site.
- iv. Referred to the refusal decision given against an application in Greville Road. It was pertinent to this application.

#### The Committee:

**Resolved (4 votes to 4 – and on the Chair's casting vote)** 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, condition 11 to be re-worded as follows:

“The car parking space immediately adjacent to the living room window of flat no.1 of the development hereby permitted shall be used solely by the future occupants of flat no.1. The car parking space shall be retained for use by the future occupants of flat no.1 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).”

**17/183/Plan17/1354/FUL - 7 Derby Street**

The Committee received an application for change of use from A1 (Bakery and shop) to A1/A3 mixed use (bakery, shop and café).

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.

**17/184/Plan17/1282/FUL - 339 Milton Road**

The Committee received an application for full planning permission.

The application sought approval for conversion and extension to create four new flats and one studio apartment.

The Planner corrected a typographical error in paragraph 8.23 of the Officer's report:

The passage along the side of the house is narrow at ~~4m~~ **1.2m** in width but is considered adequate.

The Planner updated planning conditions:

- i. An additional boundary treatment condition was proposed in response to documents submitted 1 November 2017.
- ii. Referred to pre-committee amendments to the recommendation on the amendment sheet:

An additional condition and informative regarding surface water drainage are recommended following comments from the Sustainable Drainage Engineer.

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

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

18. Informative: Before the details of the surface water drainage are submitted, an assessment shall be carried out of the potential for

disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- ii. provide a management and maintenance plan for the lifetime of the development.
- iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

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

The representation covered the following concerns:

- i. Conversion of attractive family home into flats that would only be suitable for single people.
- ii. Lack of amenity space.
- iii. Passageway access.
- iv. Glass screens on building not in-keeping with character of area.
- v. Noise from building terraces would disturb neighbours.
- vi. Plans did not make appropriate use of space.

#### 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 amended conditions recommended by the officers, with an additional condition relating to hard and soft landscaping to front boundary. See boundary condition wording below:

18. No development shall take place until full details of both hard and soft landscape works for the area to the front, including front boundary, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These

details include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation area; hard surface materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above ground level (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 size and proposed numbers/densities where appropriate and an implementation programme. The works shall thereafter be implemented in accordance with the approved details.

Reason: In the interest 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).

### **17/185/Plan17/1229/FUL - 2 Madras Road**

The Committee received an application for full planning permission.

The application sought approval for demolition of existing rear shed and construction of a bike store, ground floor extension, first floor extension, attic conversion incorporating rear dormers and installation of emergency exit door to side elevation.

The Planner referred to the amendment sheet which stated there was an error in paragraph 8.9 of the Officer's report which gives an incorrect measurement for the depth of the first floor extension.

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

The representation covered the following issues:

- i. The first floor extension would block the neighbour's view; plus create a sense of enclosure and loss of light.
- ii. Expected noise nuisance from the side alley which acted as the access route to the rear property units.
- iii. Queried bin storage arrangements.

Councillor Baigent (Romsey Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Much of Romsey housing was Victorian back to back houses with little amenity space.
- ii. Asked the Planning Committee to consider the need for accommodation as well as appropriate amenity space for modern housing.
- iii. Back garden developments could lead to a loss of open space due to buildings, bin and bike storage.
- iv. The proposed building and courtyard would be in front of the existing neighbour's window.
- v. Queried if the 1 proposed kitchen was sufficient/suitable facility for potentially 12 people who could occupy the building as a House in Multiple Occupation.
- vi. Queried if the kitchen emergency exit was appropriate.
- vii. The units would be approached from the rear of the property. This was unusual and unsatisfactory.
- viii. The development would impact on its own occupants' and neighbours' amenities:
  - a. Noise.
  - b. Smell.
  - c. Overdevelopment of site in an already crowded area.
  - d. Pollution.
  - e. Loss of privacy.
- ix. The development would exacerbate existing traffic flow and parking issues.
- x. Queried if appropriate bin and cycle storage would be provided.

The Committee:

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

### **17/186/Plan17/1579/FUL - 124 Whitehill Road**

The Committee received an application for full planning permission.

The application sought approval for the erection of a pergola.

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.

Councillor Nethsingha left the meeting for another commitment after the vote on this item.

### **17/187/Plan17/1249/FUL - 178 Coldhams Lane**

The Committee received an application for change of use from single Use Class dwellinghouse to 2 self-contained dwellings and associated enlargements to dwelling including ground and first floor rear extension along with associated hardstanding, amenity space, and parking.

#### The Committee:

**Unanimously 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.

### **17/188/Plan17/1299/FUL - 63 Ditton Walk**

The Committee received an application for full planning permission.

The application sought approval for the erection of 2no self-contained flats and 1no duplex.

The Senior Planner referred to a pre-Committee amendment to the recommendation set out on the amendment sheet:

Condition 21 should be re-worded as follows:

*“The rear amenity space shall be laid out in accordance with the approved drawing no. P-1-02 Rev C 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).”*

#### The Committee:

**Unanimously 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 amended conditions recommended by the officers.

### **17/189/Plan17/1444/S73 - 2 Barrow Road**

The Committee received a Section 73 application to vary condition 1 of planning permission 15/0804/FUL dated 04/11/2015.

The application sought approval 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.

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

The representation covered the following issues:

- i. Felt that objections had not been heard in the manner she expected.
- ii. People wanted to develop sites in Cambridge.
- iii. Took issue with the site plans.
- iv. The Applicant was saving visual and space amenity for themselves at the expense of the Objector who would lose privacy. This was an area of concern, not the development of the site.
- v. Took issue with fenestration on the development and overlooking from it into the Objector's son's bedroom.
- vi. Asked for the proposed property to be moved 20m from the boundary.

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

#### The Committee:

**Unanimously resolved (by 7 votes to 0)** to grant the Section 73 application in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **17/190/Plan17/1447/FUL - 58 Harvey Goodwin Avenue**

The Committee received an application for full planning permission.

The application sought approval for erection of a single-storey dwelling on land to the rear of no.58 Harvey Goodwin Avenue

The Committee:

**Unanimously 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.

**17/191/Plan17/0792/FUL - 23 Baldock Way**

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing bungalow and the erection of a detached three bedroom residential unit.

The Committee:

**Unanimously 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.

**17/192/PlanEnforcement - EN/0017/17 - 146 Mowbray Road**

The Committee received an amended version of the report previously seen at October 2017 committee whereby recommendations were subsequently unanimously approved by members. In the interest of planning clarity the correct version of the report was re-submitted for Members' approval at November 2017 committee.

The Enforcement Officer recommended 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.



The Planning Enforcement Officer amended details in his report recommendations to correct job titles:

(ii) To authorise the **Director of Planning and Economic Development Head of Planning Services** (after consultation with the Head of Legal Services **Practice**) to draft and issue the enforcement notice.

(iii) To delegate authority to the **Director of Planning and Economic Development Head of Planning Services** (after consultation with the Head of Legal Services **Practice**) to exercise the Council's powers to take further action in the event of noncompliance with the enforcement notice.

The Committee:

**Unanimously resolved (by 7 votes to 0)** 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 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 of the Officer's report, for the reasons contained in paragraph 9.4.
- ii. Authorise the Director of Planning and Economic Development (after consultation with the Head of Legal Practice) to draft and issue the enforcement notice.
- iii. Delegate authority to the Director of Planning and Economic Development (after consultation with the Head of Legal Practice) to exercise the Council's powers to take further action in the event of noncompliance with the enforcement notice.

The meeting ended at 4.15 pm

**CHAIR**

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<b>Application Number</b>	17/0974/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th June 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	12th September 2017		
<b>Ward</b>	West Chesterton		
<b>Site</b>	18 Chesterton Road		
<b>Proposal</b>	Full Planning Application for the proposed erection of a mixed use scheme comprising 13 flats and 2 retail units following demolition of existing buildings at 18, 18a, 18b and 18c Chesterton Road, Cambridge		
<b>Applicant</b>	Afterway Ltd		

SUMMARY	<p>The development fails to accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed scale, massing, fenestration and materials of the proposed development would dominate the street scene and views from Jesus Green, failing to preserve or enhance the character and appearance of the Central Conservation Area.</li> <li><input type="checkbox"/> The proposal would involve the loss of visually significant trees, visible from sensitive views along Jesus Green, and the proposed replacement planting would not mitigate the long-term loss of amenity and harm to the Central Conservation Area.</li> <li><input type="checkbox"/> The proposed development would visually overbear the adjoining properties at no.20 Chesterton Road and no.1 Riverside Court to the detriment of residential amenities of exiting occupiers of these properties.</li> </ul>
RECOMMENDATION	REFUSAL

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

- 1.1 The application site is comprised a two-storey building with some single-storey additions. The existing building is rendered white with a slate hipped roof. There are currently three shops along the street frontage and three residential flats, one of which is in the basement and the other two at first-floor level with flat roof terraces.
- 1.2 To the east are nos.20 and 22 Chesterton Road, a two-storey semi-detached pair with a restaurant and clinic at lower level and residential accommodation above. To the south-east of the site are the flats of Riverside Court and to the west is the distinctive Tivoli public house which is currently empty following a fire. Opposite the site to the north there is a row of commercial uses situated in a hung tile mansard roof building.
- 1.3 The site falls within the Central Conservation Area, Flood Zone 2, Air Quality Management Area and Controlled Parking Zone. The site also lies within the Mitcham's Corner Development Framework SPD (2017) and Mitcham's Corner District Centre. The River Cam to the south is designated as a County Wildlife Site.

## **2.0 THE PROPOSAL**

- 2.1 The proposal, as amended, seeks planning permission for the erection of a mixed-use scheme comprising 13no. flats and two retail units following the demolition of the existing buildings on site.
- 2.2 The proposed development would consist of a four-storey flat-roof building and associated landscaping at the rear of the site. The ground-floor would accommodate the two retail units and the remaining ground-floor and upper-floors would host the proposed 13 flats. The proposal has been amended to remove the plant room at roof level and introduce replacement planting at the rear of the site. Cycle parking and bin storage would be accessed down the side (east) of the proposed building, with some visitor parking for the retail units provided at the front of the site also. The proposed building would occupy a larger footprint than that of the existing building as it would project further towards the River Cam to the south.

2.3 There would be a net increase of 10 units on the application site as a result of the proposed development as there are already three units on the site. The proposed sizes of each of the units are as follows:

Flat No.	Number of bedrooms	Size (m <sup>2</sup> )
1	2	72
2	1	61
3	2	69
4	1	61
5	1	46
6	2	71
7	2	69
8	1	61
9	1 (studio)	41
10	1	56
11	1	52
12	1	50
13	1 (studio)	46

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

1. Drawings
2. Design and access statement
3. Ecology statement
4. Energy statement
5. Flood risk assessment
6. Acoustic design report
7. Heritage statement
8. Phase 1 contaminated land desktop study
9. Air quality assessment
10. Planning statement
11. Sustainability assessment
12. Tree survey and arboricultural impact assessment
13. Retail survey

### 3.0 SITE HISTORY

3.1 The site has an extensive planning history but none of this is considered relevant to this application.

#### 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 3/6 3/7 3/9 3/11 3/12 3/15 4/3 4/4 4/6 4/9 4/11 4/13 4/14 4/15 5/1 6/7 8/2 8/4 8/6 8/9 8/10 8/16 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge Landscape and Character Assessment (2003)</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge City Wildlife Sites Register (2005)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p>

	<p><u>Area Guidelines</u></p> <p>Cambridge Historic Core Conservation Area Appraisal (2015)</p> <p>Mitcham's Corner Development Framework SPD (2017)</p>
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

- 6.1 The development will impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.
- 6.2 A traffic management plan condition is recommended, as well as residents parking and highways informatives.



## **Environmental Health**

### Original comments (29/06/2017)

- 6.3 It is recommended that noise mitigation details for the balcony facing Chesterton Road are provided prior to determination of this application. It may not be possible to provide suitable mitigation at this location and therefore, a condition may be inadequate.

### Comments on additional information (15/09/2017)

- 6.4 No objection subject to the following conditions:

- Construction hours
- Collection during construction hours
- Piling
- Dust
- Contaminated land
- Plant noise insulation
- External/ floodlighting details
- Noise insulation
- Retail delivery times
- Informatives

## **Refuse and Recycling**

- 6.5 No comments received.

## **Urban Design and Conservation Team**

### Original comments (25/07/2017)

- 6.6 Whilst the principal of the replacement of the existing building no.18 is acceptable, scale, bulk and massing concerns, elevational issues, and functional design issues, demonstrate the current proposal is contextually inappropriate and would be dominating of the streetscene. The proposed materials would exacerbate this. The scale of the elements of the proposed front elevation need to be reduced; the top partial storey omitted; the river elevation is too tall and bulky.
- 6.7 The proposed replacement building would fail to preserve or enhance the character or appearance of the conservation area

contrary to Local Plan policy 4/11. The proposals would be contrary to Local Plan policy 3/12 as the new building is not considered to have a positive impact on its setting.

Comments on additional information (27/10/2017)

- 6.8 The amendments set out in the document titled 'cover letter' (uploaded on 08/09/2017) do not materially amend the nature of the proposals. The materials as described in the D&A Design section (3) and design would result in a building that fails to blend into the street context and would present a jarring contrast.

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

- 6.9 No objection subject to condition.

**Access Officer**

- 6.10 Flat layouts should be re-designed to meet Code 2 (formerly lifetime homes) standard building regulations.

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

Original comments (17/07/2017)

- 6.11 There are visually significant trees in the garden that will be lost to accommodate the development. The loss of these trees will have a material impact on the character of the area and the scale of development prohibits replacement planting that might mitigate the longterm loss of amenity. For these reason there are objections to the proposal and refusal is recommended.

Second comments (27/10/2017)

- 6.12 The amended proposal does not seek to satisfy concerns regarding tree losses and lack of space for replacement planting. For this reason my previous objection stands and I still recommend that the application is refused.

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

### Original comments (01/08/2017)

- 6.13 No assessments of potential visual and landscape impacts the development may have on the Conservation Area, Protected Open Space, Public Rights of Way and the River Cam have been submitted. CGI's of the development from the rear show a building which intrudes significantly closer to the site boundaries than the existing which we consider to be a harmful impact on the domestic scale and setting of the views towards this side of the River.
- 6.14 The proposals seek to remove a number of trees on the site, which we also consider to have a harmful effect on the character of the area. The site and its surrounding context is marked by the trees and gardens visible from the banks of the River and Jesus Green which mask and soften this aspect of the Chesterton Road buildings and create a green and domestic appearance to the bank sides of the River Cam.

### Comments on additional information (29/09/2017)

- 6.15 The original objections have not been overcome and still stand.

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

- 6.16 No comments received.

## **Cambridgeshire County Council (Lead Local Flood Authority)**

- 6.17 The drainage scheme does not adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework (2012). Insufficient information has been submitted on storage rates. The applicant should revise the surface water drainage layout to include above ground SUDS or provide reasonable justification why this is not possible.

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

- 6.18 No objection subject to surface water drainage condition.

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

- 6.19 No objection subject to bird and bat box provision and securing of green roof through landscaping condition.

**Environment Agency**

- 6.20 No objection subject to informatives.

**Anglian Water**

- 6.21 No comments received.

**Cambridgeshire Constabulary (Architectural Liaison Officer)**

- 6.22 No objection.

**Cambridgeshire County Council (Historic Environment Team)**

- 6.23 No objection subject to archaeology condition.

**Planning Policy Team**

- 6.24 If the development site meets the criteria of Policy 5/10 Dwelling mix, it is recommended that the applicant discuss the proposed dwelling mix with the Council's Housing Strategy Team to determine if this is considered acceptable.
- 6.25 It is recommended that a survey of the units in the Local Centre showing the percentage of A1 units (as measured against all units in the A use class including the last known use of any vacant properties), both before the development takes place and after should be undertaken to determine if the proposal is compliant Policy 6/7 Shopping Development and Change of Use in District and Local Centres.
- 6.26 The applicant should explain how the introduction of residential use will not compromise the adjacent public house site from operating as a public house to its previous capacity.

## **Cambridge International Airport**

6.27 No objection.

### **Ministry of Defence**

6.28 No objection.

### **Developer Contributions Monitoring Unit**

6.29 The guidance states that contributions should not be sought from developments of 10-units (net) 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.

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

## **7.0 REPRESENTATIONS**

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

- 8D Corona Road
- Church End Cottage, Rushden
- 1 – 8 Riverside Court
- 24 Chesterton Road
- 24A Chesterton Road
- 23 Ferry Path
- 177 Chesterton Road
- Howes Percival, Terrington House, 13-15 Hills Road

7.2 The representations in objection can be summarised as follows:

- The scale and massing is out of keeping with the area and unacceptable.
- The use of grey brick and facings would be out of character with local surroundings.
- The proposal fails to blend with its surroundings or relate to the Tivoli and is of a poor design.
- Visual enclosure/ overbearing impact

- Overlooking/ loss of privacy
- Dust, dirt and noise during construction.
- Insufficient car parking and increase in car trips.
- Further information regarding surface water drainage is needed.
- Structural damage during construction works to adjoining properties.

7.3 The owner/occupier of the following address has made a representation neither objecting to nor supporting the application:

- 52 Chesterton Road

7.4 The neutral representation can be summarised as follows:

- The frontage of the proposed plan looks acceptable.
- Lack of parking is always a concern
- Is there sufficient provision for 20+ bikes?
- Will the current tenants be offered the new units on similar terms? It is not good for the area if shops are empty.

7.5 The owners/occupiers of the following addresses have made representations supporting the application:

- 45 Pretoria Road
- HTS Estates Ltd, Salisbury House
- 24 De Freville Avenue
- 29 Victoria Road

7.6 The representations in support can be summarised as follows:

- The proposal would lift the whole area and encourage further regeneration.
- The existing building is ugly and the proposed development would improve the appearance on Chesterton Road and Jesus Green.
- The scheme will attract other business to Mitcham's Corner.
- The proposal may encourage the development of the Tivoli.
- If Mount Pleasant house was allowed by the planning department then this should be allowed also.

- Bike storage arrangements should be carefully considered given that this is a car free development.
- The proposed design is of high quality and would fit into the context of the area.

7.7 Councillor Sargeant has objected to the application. Concerns have been raised regarding the lack of car parking, massing and density, design and effect on the view from Jesus Green.

7.8 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. Trees
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Ecology
11. Drainage
12. Archaeology
13. Third party representations
14. Planning Obligations (s106 Agreement)

### **Principle of Development**

#### Residential Development

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). The site is already used to accommodate three flats and the proposal would increase the total number of flats up to 13. As policy 5/1 points out, proposals for housing development on windfall sites will be

permitted, subject to the existing land use and compatibility with adjoining uses. The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan.

- 8.3 It is acknowledged that the Planning Policy Team has asked the applicant to explain how the introduction of residential use will not compromise the adjacent public house site from operating as a public house to its previous capacity. This is due to the concern that the proposed residential element of the development could compromise the ability of the public house at the Tivoli to viably return to its current use if and when it is re-occupied. Paragraph 123 of the NPPF (2012) states that planning decision should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- 8.4 Whilst I acknowledge the request for further information I do not consider additional information necessary at this stage and I am of the view that appropriate mitigation could be incorporated into the noise insulation condition recommended by the Environmental Health Team to safeguard the public house use. High performance glazing and alternative means of ventilation could be included in proposed flats that are closest to the public house for example. Furthermore, there are already three residential flats on the application site which would have experienced the Tivoli public house when it was last in operation and there would not be a fresh introduction of residential use on the application site.

#### Loss of retail unit

- 8.5 At present there are three retail units on the application site with sizes of 13m<sup>2</sup>, 62m<sup>2</sup> and 44m<sup>2</sup> respectively, amounting to a total floorspace of 119m<sup>2</sup>. The proposed development would result in the net loss of one retail unit and bring the total floorspace down to 88m<sup>2</sup> (29m<sup>2</sup> and 59m<sup>2</sup>).
- 8.6 Policy 6/7 of the Cambridge Local Plan (2006) states that in district and local centres, change of use from A1 to other uses will not be permitted. At face value, therefore, the policy indicates that the proposal is unacceptable in principle, as it



would involve the loss of a retail unit in the Mitcham's Corner District Centre.

8.7 Notwithstanding this policy conflict, I am of the view that in this case there are material considerations that indicate policy 6/7 is now out of date. These material considerations are threefold. The first is that it can be argued that the adopted policy is overly rigid in the context of the current national and emerging local planning policy. The second is that emerging policy allows for greater flexibility in the percentage of A1 uses in district centres. The third is that a recent appeal decision confirms the first two considerations.

8.8 In considering the relevant appeal, this was for a change of use from A1 to A5 in the Hills Road Local Centre within the city (15/0765/FUL / APP/Q0505/W/15/3137889) where the percentage of A1 uses would have fallen well below the 60% threshold. The inspector allowed the appeal and questioned the merits of the reason for refusal against adopted policy 6/7. The concluding paragraph of this decision is copied below:

*"I therefore conclude that the proposed change of use from Class A1 to Class A5 would not have a detrimental effect on the underlying function of the Hills Road Local Centre to meet day-to-day needs as promoted in both CLP Policy 6/7 and emerging Local Plan Policy 72. For the reasons given I have only attributed little weight to the conflict with the provisions of CLP Policy 6/7 with regards to a numerical proportion of A1 uses. This conflict is outweighed by the lack of tangible harm to the vitality and viability of the Local Centre, the economic benefits identified and the consistency with the emerging Local Plan Policy 72, to which I have ascribed more weight given that it better reflects the flexible approach to uses in town centres (and by association local centres) espoused in the NPPF and PPG. In this way the proposal would be in conformity with paragraphs 14, 23 and 70 of the NPPF. It would also accord with the core planning principle at paragraph 17 of the NPPF to support sustainable economic development."*

8.9 It is a fact that emerging Local Plan (2014) policy 72 is more relaxed than current local planning policy in terms of protecting the percentage of A1 uses in district centres. It states that changes of use from A1 to another centre use will be permitted where the number of properties in A1 use would not fall below

55%. Although this policy has outstanding objections to it, it does give a sense of the general direction of travel of planning policy in terms of retail protection and district centres.

- 8.10 A retail survey has been submitted alongside the application to justify the reduction in floorspace and net loss of one retail unit. The survey shows that in 2008 there were 25 A1 units in the District Centre, equating to 43% of the district centre. This demonstrates that there is little likelihood that there was ever a 60% proportion of A1 units in the District Centre in 2006 when the policy was devised. A 2017 land use survey shows that there are 24 A1 units which represents a shared of 39% within the District Centre. The 4% drop in the proportion of A1 units is reflected by the loss of one retail unit.
- 8.11 At present, one of the units on site is extremely small at 13m<sup>2</sup> in size which makes this unit rather limited in terms of its market appeal to new tenants. Whilst there would be a loss of floorspace, the proposed retail units would be 29m<sup>2</sup> and 59m<sup>2</sup> which are considered to be of a more marketable size in terms of attracting tenants to the district centre. In addition, the site is relatively close to the Grafton Centre and City Centre and so unlike local centres in the more peripheral areas of the city, there are still a wide variety of retail related uses in close proximity to the local catchment.
- 8.12 In my opinion, given that the percentage of A1 uses within the Mitcham's Corner District Centre does not appear to have ever been above the 60% threshold set out in policy 6/7, I do not consider it would be reasonable to resist the principle of losing one retail unit. Furthermore, the unit that would be lost would be of a niche layout and size and the marketability of this small retail unit is questioned. In addition, there is clear direction in emerging policy and recent similar appeals that the application of policy 6/7 in certain circumstances is overly rigid and not flexible enough in the current retail planning context. The proposal would retain two reasonable sized retail units and would not have a harmful impact on the vitality and viability of the Mitcham's Corner District Centre and is acceptable.
- 8.13 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 6/7 of the Cambridge Local Plan (2006).

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

- 8.14 The site is within the Central Conservation Area and occupies a prominent frontage location on the south side of Chesterton Road which is also visible from views along the River Cam and Jesus Green to the south. Although within the conservation area, the application site is not specifically referenced in any conservation area appraisals. The site falls just outside the Riverside and Stourbridge Common conservation area appraisal, the Historic Core appraisal and the Castle and Victoria Road area appraisal.
- 8.15 The Jesus Green chapter of the Historic Core appraisal (2015) does reference the westward view from the Victoria Avenue Bridge as being an important view. The Mitcham's Corner Development Framework (2017) also identifies the view of the rear of the site as being a sensitive view from Jesus Green.
- 8.16 Whilst the characteristics, scale and materials of the existing building are in keeping with the context and street scene of the area, there is no objection to the principle of demolishing the building provided that any replacement development preserves or enhances the character and appearance of the conservation area. The existing building is considered to have little value as a heritage asset beyond its appropriate scale and layout.
- 8.17 The existing building has gaps and breathing space either side of it which allow for glimpsed views of mature trees beyond. In addition, the size of the building and recessive roof form creates a building that is part of a fine-grained context that characterises the frontage eastwards of the site. The scale and massing of the building within its context allows the Tivoli to punctuate the frontage of the road.
- 8.18 The Tivoli, situated immediately to the west of the application site, is a distinctive building which stands out in the street scene. Its unorthodox decorative parapet roof form is the most prominent element of the building which reflects the art deco period of the former cinema building. Whilst it is not specifically referenced in any conservation area appraisals, I consider the Tivoli to be the focal point of this section of Chesterton Road.

- 8.19 The proposed development fails to acknowledge and respond to the key townscape characteristics and in my opinion would harmfully compete with the local 'landmark' building of the Tivoli. The proposal introduces a bulky roof form that doesn't respond to the fine grain of the existing townscape. The overall scale is taller than the Tivoli and the apparent bulk is visible from the street. There is currently a gradual transition of scales between the smaller two-storey scale of buildings and the taller Tivoli building. This would be unbalanced by the introduction of a four-storey building and infilling of the 'breathing space' adjacent to the Tivoli building.
- 8.20 The scale of elements of the proposed front elevation, notably the height of the bays, grid of fenestration and large sheet windows, would appear as an alien feature compared with nos.20 and 22 Chesterton Road, exacerbating the perception of mass and failing in terms of successfully transitioning between the neighbouring buildings either side. This would be particularly evident when viewed from the east heading westwards down Chesterton Road where the large flank wall and zinc clad roof would be highly prominent and appear incongruous in the street scene. The proposed introduction of unorthodox material finishes would also amplify the prominence of the proposed development and exacerbate the dominant form when read in the street scene.
- 8.21 The large four-storey box-like form of the proposal would also have a harmful impact on sensitive views across the river from Jesus Green in my opinion. At present, the existing two-storey building is set well back from the River Cam frontage and development close to the river is typically domestic in scale and modest in appearance, such as Riverside Court. The proposed deep footprint and use of large panels of glazing would appear out of context with the vernacular and grain of development along this important vista and would harm the character and appearance of the conservation area in my view. The Jesus Green section of the Historic Core Conservation Area Appraisal (2015) identifies views of the river and buildings beyond as being visually important to the character of the area. Jesus Green is also identified as protected open space and the footpath along the southern bank of the river features as a frequently used right of way which makes the green appearance of the area and characterisation of buildings being set back

from the river frontage opposite and not dominating views as critical to the value of this open space.

- 8.22 Overall, I consider the proposed development would introduce a level of scale and massing that detracts from the local landmark of the Tivoli building and would appear alien in the street scene. The proposed four-storey form with large flat roofs, coupled with the unorthodox fenestration and material palette, would be out of character with the area and fail to preserve or enhance the character and appearance of the conservation area from street views and vistas along Jesus Green and the River Cam.
- 8.23 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/9, 3/12, 3/15 and 4/11.

### **Trees**

- 8.24 There are five trees at the rear of the application site, of which the three largest trees are readily visible from views along Jesus Green to the south and are also visible from Chesterton Road through the upper-level gaps between no.18 and its two neighbouring buildings. Trees play an important role in lining the north bank of this section of the River Cam and in my opinion have considerable public amenity value in terms of their contribution to the character and appearance of the area.
- 8.25 The proposal would involve the felling of all of these trees and any green shrubbery to accommodate the deep footprint and scale of the proposed building. The Streets and Open Spaces Team and Landscape Team have both objected to the proposal on the grounds that these trees are visually significant and the loss of these trees will have a material impact on the character of the conservation area.
- 8.26 The footprint of development severely hinders the ability for replacement planting to be integrated into the scheme and the Streets and Open Spaces Team does not consider that the level of planting proposed would compensate for the harm caused by the loss of the existing mature trees. In my opinion, the replacement planting suggested is somewhat tokenistic and would not outweigh the harm caused to the character and appearance of the area due to the loss of the established trees.

8.27 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policies 3/4, 3/11 and 4/4.

### **Renewable energy and sustainability**

8.28 The Sustainability Officer has raised no objection to the proposed development subject to condition. PV panels and thermal efficiency measures would be introduced to meet the requirement that at least 10% of the development's total predicted energy requirements on-site, are from renewable sources.

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

### **Disabled access**

8.30 The Access Officer has suggested that the internal layouts of flats should be re-considered to account for Code 2 (formerly lifetime homes) standard building regulations. In my opinion, this is an internal alteration that could be dealt with through building regulations rather than forming a reason for refusal. The access into the site and change in levels appears to be accessible for all users.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

8.32 The main considerations in terms of the impact of the proposed works are the potential impacts on no.1 Riverside Court and the flats at no.20 Chesterton Road.

### Overlooking/ loss of privacy

8.33 The owner of no.1 Riverside Court has raised an objection to the proposal on the grounds of loss of privacy due to the proximity of proposed windows and balconies that face towards

this neighbour. Whilst there would be windows in close proximity, I consider that in the event of approval, these windows could be obscure glazed to 1.7m above finished floor level and any balconies have screens of at least 1.7m high. The proposed side (east) facing windows that would face towards no.20 Chesterton Road would have fixed screens to prevent direct views of this neighbour. In my opinion, any issues regarding overlooking from windows and balconies could be conditioned to prevent any harmful loss of privacy.

#### Overshadowing/ loss of light

- 8.34 The proposed works would be situated to the north-west of the neighbour at no.1 Riverside Court and I am of the view that there would be no harmful loss of light experienced at this neighbouring property due to this orientation. A shadow study has been submitted which demonstrates that there would be a degree of overshadowing caused during the late afternoon hours during all equinoxes over the rear elevation of no.20 Chesterton Road. However, there would still be ample light reaching the adjoining flats up until the late afternoon and therefore I do not consider this impact would be so great as to harm this neighbour's amenity.

#### Visual enclosure/ dominance

- 8.35 I have concerns with the impact of the proposed development on the nearest upper-floor windows of no.20 Chesterton Road, as well as the ground-floor and first-floor kitchen windows of no.1 Riverside Court in terms of the overbearing nature of the proposed works. The reason that there are two kitchens at both ground-floor and first-floor at no.1 Riverside Court is because there is a live in carer for the occupant of no.1.
- 8.36 The existing building at no.18 is two-storeys and then drops down to single-storey as it projects deeper into the plot. There is also a significant level change in the ground between the properties of Riverside Court and that of the application site which makes the single-storey elements of no.18 appear very tall and prominent from the ground-floor kitchen window. The proposed development would occupy a much deeper footprint and would extend up to four-storeys in scale with little relief in terms of massing when viewed from the north-facing kitchen windows of no.1 Riverside Court. In my opinion, given the visual

dominance of the existing single-storey elements of no.18, the proposal to significantly increase the scale and footprint of the development would appear overly dominant and visually enclosing from these habitable rooms. This would result in occupants of these nearby habitable rooms feeling hemmed in by the proposed development and severely restrict the outlook from these rooms to the detriment of the amenity of occupiers.

- 8.37 In addition to the above, the expansion of a four-storey high wall along the eastern boundary of the site would also introduce a large expanse of dominating brickwork in close proximity to the upper-floor windows of no.20 Chesterton Road which appear to serve habitable rooms. Whilst I appreciate there is a degree of separation distance between the site and this neighbour, the proposal would represent a significant change in the south-easterly outlook for this room and would harm the amenity of this room in my opinion.

#### Noise and disturbance

- 8.38 The proposed residential development would be situated on a site whether there is an established residential use in the form of three flats and I do not consider the day-to-day comings and goings and use of external spaces would be significantly different to that of present. In the event of approval, conditions restricting the delivery hours for the retail uses would be recommended, as well as conditions regarding traffic management and the construction/ demolition process to safeguard neighbour amenity.

#### Car parking

- 8.39 Concerns have been raised regarding the lack of car parking provided for future occupants and the pressure this would have on the surrounding streets.
- 8.40 The site and the streets in the immediate vicinity of the site predominantly fall within the controlled parking zone which limits on-street parking for future occupants in the area. The City Council has maximum car parking standards. The site is also within a district centre and is within walking and cycling distance of the Grafton Centre and City Centre. The proposal includes space for 21 cycle parking spaces stored internally within the



building for future occupants. The site is well served by public transport routes along Chesterton Road.

- 8.41 In my opinion, the site is situated in a sustainable location and is not wholly dependent on car parking as the main means of transport for future occupants. The proposal includes sufficient cycle parking and there are shops and facilities within cycling and walking distance of the site. Overall I consider the impact on on-street car parking in the surrounding area would be limited and not significant enough as to warrant refusal of the application.
- 8.42 In my opinion the proposal fails to respect the residential amenity of its neighbours and the constraints of the site and I do not consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

#### Amenity for future occupiers of the site

- 8.43 The proposed flats would have reasonable internal space standards and provide acceptable outlooks for all habitable rooms. The smallest flat would be a single-bedroom studio unit that would measure 41m<sup>2</sup> internally which is above the space standards in the emerging local plan (2014). The majority of the units would have access to private balconies with the remaining units able to use the communal space at the rear. In addition, the open spaces of Jesus Green and Midsummer Common are both within walking distance of the site.
- 8.44 In my opinion the proposal provides an acceptable living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

#### **Refuse Arrangements**

- 8.45 The proposal includes internal bin stores down the side of the building for the residential and commercial units. These would be within close drag distance of Chesterton Road.
- 8.46 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

8.47 The Highway Authority has raised no objection to the proposed development.

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

## **Car and Cycle Parking**

8.49 Car parking and cycle parking have been addressed in paragraphs 8.39 – 8.41 of this report

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

## **Ecology**

8.51 The Biodiversity Officer has raised no objection to the proposed works subject to bird and bat box provision being secured through condition.

8.52 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 4/3 and 4/6.

## **Drainage**

8.53 It is acknowledged that there is ambiguity between the advice of the Lead Local Flood Authority and the City Council Drainage Officer. The Lead Local Flood Authority has requested further information be provided prior to determination whereas the Drainage Officer is satisfied that the surface water drainage of the scheme can be dealt with through condition. The Environment Agency has also raised no objection. In my opinion, given the Drainage Officer's expertise in this area, I am satisfied that flooding and surface water drainage can be managed through appropriate conditions in the event of approval.

8.54 In my opinion, subject to condition, the proposal is compliant with National Planning Policy Framework (2012) paragraph 103.

## Archaeology

- 8.55 The Historic Environment Team has raised no objection to the proposal subject to an archaeological condition.
- 8.56 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 4/9.

## Third Party Representations

- 8.57 The majority of the 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>
Structural damage during construction works to adjoining properties.	This is a civil/ legal matter and is not a planning consideration.
Will the current tenants be offered the new units on similar terms? It is not good for the area if shops are empty.	The letting of the retail units falls outside the remit of planning in terms of the specific occupier.
If Mount Pleasant house was allowed by the planning department then this should be allowed also.	This was for a different development within a different context and sets no precedent for decision making on this application.

## Planning Obligations (s106 Agreement)

- 8.58 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.
- 8.59 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 net increase in units would be 10 as there are

already three units on the site. 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, by virtue of its scale, massing, form and fenestration, would be out of character with the Conservation Area and harmfully detract from the local landmark of the Tivoli building. The removal of all of the existing trees and limited replacement planting would adversely affect the appearance of the area and harm views from Jesus Green, the River Cam and Chesterton Road. The significant increase in massing would have a harmful impact on no.1 Riverside Court and no.20 Chesterton Road by way of visually enclosing key habitable rooms. Based on the representations received and my assessment of the material planning issues, refusal is recommended.

## **10.0 RECOMMENDATION**

The application was advertised in the local press (Cambridge News) as proposed development affecting Conservation Areas and/or Listed Buildings of Special Architectural or Historic Interest. However, it should also have been advertised within the same publication as Major Development. This administrative error has been corrected and the advertisement is to be published in the Cambridge News on 24 November 2017 with a consultation period expiry date of 15 December 2017. As a result, the application should not be determined until after this date and subject to consideration of any further representations received. Delegated powers are therefore sought to refuse the application subject to no new issues arising from any further representations received.

**DELEGATED REFUSAL** for the following reasons:

1. The proposed development, by way of filling the width of the plot and projecting up to a height of four-storeys, would introduce a level of scale and massing that would appear dominant and out of context with the character of the Mitcham's Corner and Chesterton Road area. The proposed flat roof design, use of alien materials, large window planes and box-like form would appear bulky and out of scale with the level of

development present in the surrounding area. The dominant structure proposed fails to successfully navigate the transition of scales between the local landmark of the Tivoli building and the two-storey scales adjacent to this, resulting in a scale of development that overpowers the street scene. As such, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would be contrary to policies 3/4, 3/7, 3/12, and 4/11 of the Cambridge Local Plan (2006) and paragraph 58 of the National Planning Policy Framework (2012).

2. The proposed development would introduce an incongruous form of development into the area that would dominate and detract from sensitive views from Jesus Green and the River Cam. The north bank of the River Cam is characterised by soft greenery and modest scales and designs of built form that respect the sensitive setting of the Central Conservation Area and the green character of the protected open space of Jesus Green. The proposed four-storey scale, deep footprint, excessive use of glazing and material palette would be alien within the context of the area and appear overly prominent from key public viewpoints from Jesus Green. As a result, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would not complement and enhance the waterside setting. The development is therefore contrary to policies 3/4, 3/7, 3/9, 3/12 and 4/11 of the Cambridge Local Plan (2006) and paragraph 58 of the National Planning Policy Framework (2012).
3. The proposed works would necessitate the removal of all of the trees on the application site, the majority of which make a positive contribution to the green character and appearance of the area from public views along Chesterton Road, Jesus Green and the River Cam. The proposal only offers limited replacement planting which is not considered to outweigh the significant harm caused to the character and appearance of the area caused by the loss of the existing trees which have an important role in contributing to the green character of the north bank of the River Cam. As such, the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/9, 3/11 and 4/4.
4. The proposed development would introduce a four-storey built form that would visually dominate outlooks from habitable

rooms in no.1 Riverside Court and the upper-floor flat of no.20 Chesterton Road. The proposed works would represent a significant change in the level of massing on the site by way of an increase from two-storey with ancillary single-storey built forms to a large four-storey form that occupies a deep footprint. The resulting impact would be to visually dominate and overbear outlooks from the adjoining neighbours to the detriment of their amenity which is in part exacerbated by the significant level change between the site and no.1 Riverside Court. As such, the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12 and paragraph 17 of the National Planning Policy Framework (2012).

<b>Application Number</b>	17/1527/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	29th August 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	28th November 2017		
<b>Ward</b>	Romsey		
<b>Site</b>	213 Mill Road Cambridge CB1 3BE		
<b>Proposal</b>	Residential led mixed use development with a retail unit. 14 Residential units comprising three 3xbed terrace dwellings, five 2xbed mews units, three 2xbed flats and three 1xbed flats along with access, car and cycle parking and associated landscaping following the demolition of the existing buildings on site.		
<b>Applicant</b>	HTS Estates LTD		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The redevelopment of the site would be of a high quality and would help meet housing need</li> <li><input type="checkbox"/> The residential amenity of neighbours would be adequately respected</li> <li><input type="checkbox"/> The proposal would enhance the character and appearance of the Conservation Area</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site comprises the 'Bed Centre' on the corner of Mill Road and Ross Street (1679 sq.m). It incorporates the two storey flat roof building – the 'Bed Centre'- fronting Mill Road with the parking forecourt in front, the single storey building fronting Ross Street, and a row of lock-up garages and parking to the rear. The Bed Centre has an A1 (retail use) and the site also includes B8 (storage) use. The site has two vehicular accesses from Ross Street and one from Mill Road.

- 1.2 The site is within the Mill Road area of the Central Conservation Area. The Bed Centre is identified in the Mill Road Area Conservation Area Appraisal (2011) as one of two 'negative focal buildings' that could benefit of being replaced. There is a mature tree on the street corner outside of the site which is protected by virtue of the location within the Conservation Area and is identified within the conservation area appraisal as an 'important tree'. The frontage along Mill Road consists of a low brick wall.
- 1.3 To the north of the site the area is predominantly residential and characterised by traditional terraced properties along Ross Street. The site extends to the rear of Nos. 2-16 Ross Street and the garages on this part of the site are against the eastern boundary of the site adjoining the rear gardens of Nos. 1-9 Hemingford Road. The existing terraced housing in Ross Street and Mill Road (with a few exceptions) are identified in the Mill Road Conservation Area Appraisal (2011) as 'Positive Unlisted Buildings'. Directly opposite the site is the Salisbury Club which is a 'Building of Local Interest'.
- 1.4 The Bed Centre is within the Mill Road District Centre and forms the eastern-most property within the centre on the northern side of the road. The site forms part of the retail frontage along Mill Road which in this part of the centre is intermittent, with Nos. 201-211 to the west in residential use and excluded from the centre. The property to the east is a hairdressing salon at ground floor with residential above and is not included within the local centre. The site is outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a residential-led mixed-use development following demolition of the existing buildings comprising:
- Mill Road block providing 3 x 2-bed flats and 3 x 1-bed flats and a retail unit at ground floor level
  - Ross Street terrace providing 3 x 3-bed terrace dwellings
  - Mews properties providing 5 x 2-bed units
  - Parking court with access from Ross Street providing 8 no. car parking spaces allocated to the terrace and mews properties.
  - Associated cycle parking, bin stores and landscaping.



- 2.2 The Mill Road block would be two-and-a-half storeys and would be set back from the public highway with a paved area in front of the retail unit and landscaping in front of the ground floor flat. The frontage would be staggered and the eaves would be higher in the middle section of the building. The roof scape would be varied as a result and would include dormer windows. The materials would be red brick. The rear elevation would include windows and balconies. There would be communal bin and bike stores.
- 2.3 The Ross Street terrace would be two-and-a-half storeys set back on the established building line along the eastern side of the street, with individual front gardens. The ridge line would be higher than the neighbouring terrace by approximately 1m, however the eaves line would be similar. There would be dormer windows on the rear elevation. The properties would have private rear gardens including bin and bike storage.
- 2.4 The mews properties would be accessed via a pedestrian pathway from the parking court. They would be single storey above ground with a basement level, and would include private courtyard gardens and lightwells. The properties would be flat roof and constructed in brick. Bike stores would be provided within the courtyard and bin stores provided on the western side of the shared pathway.
- 2.5 The proposal has been subject to amendments and the provision of further information during the course of the application. The amendments include revisions to the internal layout of some of the 2-bed residential units facing Mill Road and an increase in the provision of the private amenity space and its layout associated with them. Some additional cycle parking for the retail unit has also been provided. Additional information has included an overshadowing study and an updated daylight assessment, both undertaken in accordance with BRE guidance.

### 3.0 SITE HISTORY

3.1 The most recent planning history comprises:

Reference	Description	Outcome
C/92/0294	USE OF PROPERTY FOR RETAILING OF BEDS (CLASS A1 USE).	Approved subject to conditions.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/15 4/4 4/11 4/13 4/15 5/1 6/7 7/3 8/2 8/6 8/10 10/1

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95 (Annex A)</p>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</p>

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

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

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

#### 6.0 **CONSULTATIONS**

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

- 6.1 No Objection: The proposal is not expected to have any substantial impact on the public highway or highway safety. An additional 3 no. retail cycle parking spaces are provided. The impact of the scheme on on-street car parking is for the City Council to consider. It is recognised that no car parking spaces will be provided for the retail unit. This is acceptable given its location within close proximity to residential areas and other retail units. The Highways Authority would not seek adoption of the street within the site.

They recommend conditions for the satisfactory construction, management and maintenance of the shared parking and pedestrian access court.

##### **Environmental Health**

- 6.2 No Objection: Records show the historical uses of the site include a possible builder's yard/merchants, garage/motor engineers, and fuel storage tanks/containers. Mitigation measures require to protect against traffic noise and

plant/delivery noise from the retail unit, and an assessment of external lighting, which could be secured through conditions.

They recommend conditions in relation to contaminated land; demolition/construction and delivery hours; piling; dust; plant noise; delivery collection hours for the retail unit; lighting and associated informatives.

## **Urban Design and Conservation Team**

### Initial comments

- 6.3 No Objection: The main block fronting Mill Road continues the angle of the building line of the adjacent houses. Its massing, window openings and articulation respects the context of the area and the surrounding buildings and has the potential to enhance this part of the conservation area. The proposed use of red facing brick is appropriate and will sit well with the red brick Salisbury Club and No. 211. The scheme successfully resolves the functional design requirements of the proposal and successfully accommodates the bikes, bins and car parking requirements for the different uses. There is a clear separation between the bin requirements for the retail and residential uses for the main block fronting Mill Road, with secure cycle parking for the residential use integrated within the footprint of the building. Elsewhere, cycle parking is securely provided on-plot for the houses.

The retail element on the frontage block requires further development:

- The shop front needs refinement to improve the legibility of the unit.
- The retail block gable would benefit from the introduction of a window at ground floor

The Ross Street dwellings are a contemporary interpretation of the traditional bay window terrace houses and the use of buff brick should harmonise with the remainder of the street.

In conclusion, the overall design and relationship with the conservation area is considered acceptable and subject to the

above amendments and further information regarding materials and details, the application is supported in conservation and urban design terms. They recommend conditions in relation to design elements and samples.

### Comments on revised proposal

The amendments to the shop front and additional slot window at ground floor to address Ross Street are supported. The retail unit is now much more legible within the streetscene and there are clear placeholders for signage. Our previous comments requesting further detailed information to demonstrate how the junctions between different materials and planes will be handled (e.g. between the roof and retail block end gable, dormers etc.) can be resolved by way of condition.

The Urban Design and Conservation Team support the application.

### **Landscape Architect**

- 6.4 No Objection: Trees proposed in narrow islands within the car parking area will require underground root cell products to reduce the risk of failure and damage to surfaces and substructures. The climbers shown on the north facing walls of the basement courtyards will be very unlikely to succeed due to the deep shade of this aspect. Recommend that an alternative treatment is considered. They recommend conditions in relation to hard and soft landscaping; boundary treatment; tree pits; green roofs; and landscape management and maintenance.

Recommend the County Council is approached to discuss improvements around the environment of the existing tree, providing a public seating area, removing the drop kerbs etc. BT will need to be approached with respect of removing or relocating the telephone box (see informatives).

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

- 6.5 No Objection: Support the proposed use of green roofs for the mews units, the use of permeable paving, and use of balconies

to reduce overheating, the commitment to achieve water efficiency, and the specification of materials. Encourage the applicant to consider providing electric vehicle charging points. Recommends conditions in relation to: implementation of renewable energy strategy; and water efficiency.

### **Access Officer**

6.6 No comments received.

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

#### Initial comment

6.7 Objection: The development is too close to the street tree on the corner of Ross Street and Mill Road and to the group of Birch within the rear garden of neighbouring property. Not only will the development be detrimental to existing trees but it fails to accommodate space for suitable new planting.

#### Comments on revised tree survey

Reviewed the revised tree survey. No objection subject to recommended condition for tree protection measures.

### **Environment Agency**

6.8 No Objection: They recommend conditions for further contamination reports/remediation.

### **Lead Local Flood Authority (Cambridgeshire County Council)**

6.9 No Objection: The application has demonstrated that surface water can be dealt with on-site by using permeable paving and attenuation/infiltration crates. Surface water will either be discharged to the ground via infiltration or will be discharge at greenfield runoff rates into a surface water sewer. Recommends conditions for infiltration testing, surface water drainage and maintenance arrangements.

## **Sustainable Drainage Engineer**

- 6.10 No Objection: Acceptable subject to conditions for infiltration testing, surface water drainage scheme and implementation/management. The drainage design should incorporate SuDs features.

## **Anglian Water**

- 6.11 No Objection: The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). Request a condition requiring a drainage strategy covering the issue(s) to be agreed.

## **Policy Team (Growth Projects Officer)**

- 6.12 No objection.

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

- 6.13 No Objection: This policing area is one with a medium risk to the vulnerability of acquisitive crime. The layout appears to be acceptable. The use of bollard lighting covering the car parking area is not appropriate and should be lit by columns or building mounted lights.

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

## **7.0 REPRESENTATIONS**

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

- 3 Hemingford Road
- 9 Hemingford Road
- 11 Hemingford Road
- 17 Romsey Road
- The Bike Depot (Camcycle)



7.2 These representations can be summarised as follows:

- Do not object to redevelopment for dwellings in principle
- Proposed dwellings are out of keeping
- Out of keeping with the building line
- Loss of openness and dominance of proposed commercial building.
- The Mill Road block should be white brick rather than red brick
- Inadequate parking and impact on nearby roads
- Proximity of mews properties to neighbours on Hemingford Road and Ross Street
- Overlooking from window/skylight of mews properties towards Hemingford Road
- Unclear the nature of the boundary between the mews properties and Hemingford Road and potential overlooking. Should be a consistent height and materials should be local brick. Consider a living wall.
- Impact on silver birch trees in garden of No. 11 Hemingford Road.
- Impact on structural stability of outbuildings in the rear gardens of Hemingford Road properties.
- Privacy and security of gardens along Hemingford Road during construction.
- Poor living accommodation within the mews and terraced properties
- Inadequate open space
- Mews properties are likely to deteriorate and become 'slums'
- Potential use for language schools and Air BnB or other serviced accommodation
- Insufficient cycle parking and details about access and dimensions which should include provision for larger-sized cargo bikes.
- The number of car parking spaces is excessive for the area
- Impact on footpath along Ross Street unacceptable.

7.3 The owner/occupier of the following address has made a neutral representation neither supporting nor objecting to the proposal:

- 5 Ross Street

7.4 The representation can be summarised as follows:

- The design of the terrace along Ross Street seems fine, however a single storey building would be more appropriate to replace the existing structure on the site.
- Design and materials for Mill Road building appears out of character and would not enhance the area.
- Reworking of the parking spaces in Ross Street to maximise available parking.
- Provide cycle parking and green space in front of the new building for the flats & shop.
- New buildings should incorporate living walls and roofs, hedges and trees, swift and bat boxes, wildlife corridors.

7.5 The owner/occupier of the following address has made a representation supporting the proposal:

- 18 Ross Street

7.6 The representation can be summarised as follows:

- Welcome the development including the mews properties
- The current use of the site is poor.
- The warehouses are decrepit and underutilised.
- The view from our house will be improved.
- Sewers will need upgrading.

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. Affordable Housing
3. Context of site, design and external spaces / Impact on heritage assets
4. Residential amenity
5. Disabled access
6. Highway safety

7. Car and cycle parking
8. Refuse arrangements
9. Renewable energy and sustainability
10. Third party representations
11. Planning Obligations (s106 Agreement)

### **Principle of Development**

- 8.2 The Cambridge Bed Centre is an A1 (shops) use with a floor space of 258 sqm. The unit is within the Mill Road District Centre. Policy 6/7 states that a change of use from A1 to other uses within District centres will not be permitted. The proposal includes the re-provision of an A1 retail unit on the ground floor with a floor space of 70 sqm. There would be an overall loss of retail floor space, however, in my opinion the retention of an A1 unit on the site within the proposal is compliant with policy 6/7.
- 8.3 The single storey building fronting Ross Street is currently in B8 (storage) use and has a floor space of 270 sqm. The site is not a protected industrial site, however policy 7/3 resists the loss of B8 uses within the city unless certain conditions are met. I am satisfied that there is a sufficient supply of B8 floor space in the city to meet the demand and that the site would be more appropriate for residential use given the surrounding context, and thus the loss of the B8 (storage) use would be compliant with policy 7/3.
- 8.4 Policy 5/1 supports the development of windfall sites for housing subject to land use compatibility. The change of use is acceptable in principle for the reasons given. The surrounding properties to the north are residential and therefore the use is acceptable in principle in accordance with policy 5/1.

### **Affordable Housing**

- 8.5 The proposal is for 14 no. units in total and the site area is 0.17 ha so the provision of affordable housing is not required. The proposal is compliant with Cambridge Local Plan (2006) policy 5/5.

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

8.6 The existing buildings are not protected and are considered to be of no architectural and limited historical interest. The demolition of these buildings is acceptable in principle and is supported by the Urban Design and Conservation team. The site occupies a prominent position on the corner of two roads within the conservation area and the rear of the site extends into a backland position. The proposed development on the site has to relate to these various contexts and to the character of the wider conservation area.

### *Site layout*

8.7 The site layout comprises a building fronting Mill Road including the ground floor retail unit and residential flats above; three terraced properties fronting Ross Street; and five mews properties to the rear of the Ross Street properties. The centre of the site would provide car parking, landscaping and access the mews properties to the rear. In my opinion, the layout addresses the different aspects of the site context – the two frontages and backland area – and provides a functional arrangement for the future occupants.

### *Mill Road block*

8.8 The existing frontage along Mill Road includes a forecourt area in front of the Bed Centre building which is set back approximately 8-13m from the public highway. The proposed Mill Road block would be further forward of the existing building and would be approximately 2-5m back from the public highway. The existing Bed Centre building is an anomaly. The terraced dwellings to the east are staggered and are unusual in not having front elevations parallel to the street. The proposal would be significantly further forward than the existing building, however the front elevation would be staggered and on a similar building line to the neighbouring terrace, so that it would continue the pattern and rhythm of the terrace.

8.9 The frontage along Mill Road would be two-and-a-half storeys. The ridge and eaves height would be higher than the terraced properties, however the site occupies a prominent corner and it is common for corner buildings to 'step' up. I consider this to be

an appropriate response. The eaves would be raised in the middle of the building where the building steps forward. The front elevation would include brick dormers which would brick up the roofscape and provide visual interest.

8.10 The building would have a central main entrance to the upper units which would provide good legibility. The ground floor unit would have a separate front door which, together with the arrangement of openings, would reinforce the rhythm across the elevation and respond well to the traditional terrace. The elevation features large windows with interesting reveals/projections. I have recommended conditions for the details of the windows and their finishes. The shop on the ground floor would have large windows which would animate the frontage and, following revisions to the scheme, the Urban Design and Conservation team support the proposed shop frontage in accordance with the adopted guidance. The building turns the corner onto Ross Street with small windows on the side elevation.

8.11 The rear elevation would be visible from Ross Street and would animate the rear parking and courtyard space with a variety of windows and balconies.

8.12 Third parties have raised concerns about the use of red brick and commented that the building should be in white brick to match the conservation area. The buildings along Mill Road and within the conservation area are typically white brick, including the dwellings to the east. However, the larger buildings within the vicinity and on similar corner sites are red brick. This includes the Salisbury Club opposite, Nos. 201-211 on the opposite side of the Ross Street junction to the west, and the Romsey Town Labour Club on the corner of Mill Road and Coleridge Road to the east. The use of red brick would contribute towards a cluster of red brick buildings which would form a focal point around the corner, which would be in-keeping with the conservation area. I have recommended a sample panel of the proposed brickwork and mortar to be agreed by the Council prior to its use via condition no. 24.

□ *Ross Street terrace*

8.13 Ross Street is characterised by traditional terraced properties set back from the road with small front gardens, bay windows,

stone lintels above the windows and fanlights above the doors, and chimney stacks. There have been some examples of later infill development, including Nos. 3 Ross Street opposite the site.

- 8.14 The proposed terrace would be formed of three properties. It would be separated from the existing terrace along Ross Street, however visually would appear as a continuation of the traditional terraced frontage. The terrace would be on the same building line as the neighbouring properties which are on the established building line along the eastern side of Ross Street. There would be space for a small front garden and boundary wall to complement the existing street scene.
- 8.15 In terms of proportions, the proposed terrace would have a similar width of frontages and the eaves height would be similar. The ridge would be higher by approximately 1m however the pitch of the roof would be similar to the neighbouring properties as the depth of the properties would be greater by approximately 2m so that the ridge line would be further back from the frontage. The side gable visible from Ross Street would be approximately 11m which is longer than the existing terrace (8m), however as the proportions of the roof slope would be similar to the existing, in my opinion this would be acceptable. The side elevation would be broken up visually with a recessed brickwork panel and small windows, as well as trees planted in front, so that it would not appear as a blank elevation.
- 8.16 The front elevations feature projecting windows which complement the pattern of bay windows along the terrace. On the upper floors, the windows have been paired, similar to traditional properties. The elevations have been handed to create a symmetrical pair and a pattern of front doors which reflects the existing terrace. In my opinion, these successfully translate the characteristics of the traditional terrace into a contemporary design which responds well to the character of the conservation area. The materials would be light brick to complement the buildings along Ross Street.
- 8.17 The rear elevations would be visible from the proposed car park and mews properties, and from the rear of Hemingford Road, however would not be visible from the public highway. The rear elevations would have full width single storey rear elements with

flat roofs. The first floor would have a pair of windows with traditional proportions. The rear roof slope of the two southern-most properties would include a flat roof dormer which would be generously set in from the sides, stepped up from the eaves and set down from the ridge line. The northern-most property would be shallower and would have a dormer flush with the rear elevation. In my opinion, the dormers would be appropriate to the conservation area and for the contemporary design of the units.

□ *Mews properties*

- 8.18 The mews properties would be within a backland position and only the southern-most property would be glimpsed from Ross Street through the proposed car park area. The dwellings would be single storey with a basement and the scale would be appropriate for the character of backland development. The units would be contemporary with a sedum flat roof and arranged around courtyards. The scale and nature of the properties would complement the conservation area. The materials would be white brick with timber cladding panels, which would be appropriate to the conservation area.

□ *Landscaping*

- 8.19 The Mill Road block has been stepped back on a similar building line to the neighbouring terrace to allow space for landscaping in front of the building. This would include hard paving in front of the retail unit which would provide space for cycle parking. The area in front of the ground floor residential unit would be defined as curtilage with hedge planting and a path leading to the front door, complementing the terraced dwellings to the east. While I acknowledge that the building would be further forward than the existing Bed Centre, the quality of the landscaping would be greatly enhanced compared to the existing forecourt, which would deliver an overall benefit to this part of the conservation area.
- 8.20 The large tree on the corner of Mill Road and Ross Street is outside the application site. The front elevation of the Mill Road block would be outside the root protection area. The Tree team initially raised a concern about the impact of the proposal on this tree, however, this was based on an incorrectly drawn tree canopy. The plans have been corrected to reflect the true

canopy shape and the Tree team has removed their objection subject to appropriate conditions (see nos. 20-22) to ensure protective fencing is in place, and that the tree can be safeguarded from construction damage. The tree protection measures would also safeguard the birch trees within the rear garden of No. 11 Hemingford Road.

- 8.21 Third parties have also commented that the street furniture on the corner of Mill Road and Ross Street should be removed, replaced or improved. This includes a bus shelter, telephone box, litter bins and benches. I understand that the applicant would also like to see improvements to this area, however these are outside the application site and beyond the applicant's control. It would be for the Highways Authority, City Council, BT and other parties to address this at the applicant's request and with their willingness. I have recommended an informative on the permission to this effect.
- 8.22 There would be views into the site from Ross Street towards the parking area which would be landscaped with shared surface permeable paving and new tree planting along the northern side of the courtyard. The access to the mews properties would be demarcated with an area of planting and a new tree acting as a focal point on the eastern side of the courtyard and the southern end of the mews terrace. There would be space for shrub planting and climbers along the western side of the shared footway access to the mews properties which would provide softening to the access and the outlook from the mews properties.
- 8.23 In summary, my opinion is that this is a high quality proposal which would replace a poor quality set of existing buildings. The buildings have responded positively to the pattern and character of development along the Mill Road and Ross Street frontages in terms of the scale, massing, design, detailing and landscaping, and further details including materials can be secured through condition nos. 23-24. The courtyard and the mews properties would be appropriate in scale and character, and would be a positive enhancement to the conservation area. For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.



## Residential Amenity

### Impact on amenity of neighbouring occupiers

8.24 The neighbouring properties are Nos. 215, 215a and 217 Mill Road to the east of the proposed Mill Road block, Nos. 2-16 Ross Street to the west of the proposed mews properties, and Nos. 1-9 Hemingford Road to the east. The properties on the western side of Ross Street include Nos. 211 Mill Road and Nos. 1-7 Ross Street.

*Impact of proposed Mill Road block*

8.25 The rear elevation would not project further beyond the rear elevation of the two storey part of Nos. 215 and 215a Mill Road. This is a commercial property used as a hairdressing salon on the ground floor with a flat above. The rear of the property is understood to be used by the commercial unit and not to provide amenity space for the residential unit. I am not therefore concerned about overbearing, over-shadowing or over-looking impacts on No. 215 and the proposal would not impact on the amenity of the occupants of the flat (No. 215a). There would be windows, balconies and dormers on the proposed rear elevation. However, views towards the rear gardens of the Ross Street and Hemingford Road properties would be over a long distance or oblique, so I am not concerned about over-looking.

*Impact of proposed Ross Street terrace*

8.26 The terrace would be separated from No. 2 Ross Street by a gap approximately 1m wide. There are no windows on the side gable elevation, however the property has a two storey outrigger with ground and first floor windows on the side elevation facing towards the proposed terrace. There are also ground and first floor windows on the rear elevation of the main part of the dwelling. This property has a rear garden.

8.27 The northern-most of the proposed terrace has been cut back so that the two storey rear elevation would be on the same line as the two storey element of No. 2. The two storey element would not have an enclosing impact on the ground and first floor windows on the rear elevation of No. 2. The single storey element would be approximately 3m high and would not project

further than the outrigger. It would not cut the 25 degree line taken from the centre of the ground floor window on the side elevation of the outrigger. The two storey element of the middle terrace would be approximately 7.5m away from the outrigger, so would not have an enclosing impact.

8.28 The applicant has submitted a Daylight and Sunlight Assessment which assesses the impact on the windows at the rear of No. 2 Ross Street. This demonstrates that the proposal would meet the relevant BRE guidance in terms of the impact on daylight and sunlight, and therefore I am satisfied that this impact would be acceptable. The shadow study demonstrates that the garden would retain sunlight for at least two hours on 21 March so the proposal would not result in significant overshadowing.

8.29 There would be some views from the first floor and dormer windows on the rear elevation towards the rear garden of No. 2, however these would be oblique and would be similar to other dormers that are permitted within the vicinity. This amount of overlooking is acceptable within the urban context. There would be some views from these windows towards the courtyard gardens of the proposed mews properties, however these are enclosed spaces and would be over 15m away so would not result in a significant loss of privacy.

*Impact of proposed mews properties*

8.30 I have received objections from occupiers of properties along Hemingford Road including concerns about overlooking from the proposed mews properties, including from windows. There would be no windows on the eastern elevation of the mews properties facing Hemingford Road. The roof lights that are shown on the plans would be on the flat roof so there would be no views from these windows. Concerns have also been raised about the height of the boundary. The mews properties would be built against the boundary to a maximum height of 3.4m and linked with brick walls to a height of 2m corresponding to the courtyard gardens. There would be no views from the courtyards into the neighbouring gardens. I acknowledge the concerns of neighbouring properties and I have recommended a condition to remove permitted development rights to prevent the insertion of windows into the eastern elevation of the mews properties.

8.31 The Hemingford Road properties have long rear gardens over 20m in most cases. The mews properties would also adjoin the rearmost part of the garden of No. 219 Mill Road, albeit separated by an access passageway. The mews properties would be a maximum of 3.4m high and the eastern boundary would be broken up by the link walls. The existing garage building is approximately 3m high on the boundary. The proposed mews properties would not have a significant overbearing or overshadowing impact compared to the existing situation, and would not harm the residential amenity of the neighbouring properties.

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

Amenity for future occupiers of the site

8.33 The Council has no adopted policies regarding internal and external space standards, nonetheless, however proposals should still provide a high quality living environment in accordance with general policies on good design. I have provided a table of internal space provision of the units below for information. Officers initially had concerns about the amount and quality of amenity space provided for the 2-bed flats and mews properties, however these have been overcome through the submission of additional information and amendments to the scheme, which is discussed in more detail below. It is officers' opinion that the proposal provides a good quality environment for the future occupants.

<b>Unit</b>	<b>Beds</b>	<b>Internal floor space (sqm)</b>
APARTMENT 1	2-BED	62
APARTMENT 2	1-BED	47
APARTMENT 3	1-BED	47
APARTMENT 4	2-BED	62
APARTMENT 5	2-BED	77
APARTMENT 6	1-BED	54
TERRACE 01	3-BED	108
TERRACE 02	3-BED	108
TERRACE 03	3-BED	98

MEWS 01	2-BED	116
MEWS 02	2-BED	111
MEWS 03	2-BED	111
MEWS 04	2-BED	111
MEWS 05	2-BED	111

□ *Occupants of the Mill Road block*

- 8.34 The proposed flats comprise three 2-bed units and two 1-bed units. The 2-bed units could be occupied by families and officers expect such units to provide useable private amenity space. This space should be large enough and of a suitable quality such that the occupants could carry out activities they would reasonable expect to. The 2-bed units would be on the ground floor (APT 1) and first floor within the eastern part of the Mill Road block (APT 4), and on the second floor within the western part (APT 5).
- 8.35 The ground floor unit would have access to private amenity space at the rear and would also have a front garden (albeit this would not provide private space). During the course of the application, the space at the rear was increased to 25 sqm, which is comparable to the amenity space for the proposed terrace and mews properties. There would be partial balcony above, however a large part of the space would be uncovered. The submission indicates a hit-and-miss boundary wall to provide screening from the parked cars, however the detail of the boundary would be secured through conditions.
- 8.36 The first floor unit (APT 4) would have a balcony 1.5m deep and with an area of approximately 7.5 sqm, following revisions submitted during the application. The second floor unit (APT 5) would have a balcony 2.5m deep and provide a useable area of approximately 3.75 sqm, again following revisions. I accept that these are north-facing balconies, however the rear elevation provides a greater degree of privacy and less disturbance from traffic long Mill Road. I am satisfied that this provides a good level of amenity space for the 2-bed flats.
- 8.37 The units would provide a good quality internal living standard for the future occupants.

□ *Occupants of the mews properties*

8.38 The proposed mews properties are 2-bed units. The living accommodation is split between ground and basement levels. Each unit has two lightwells to bring light to the living rooms and bedrooms on the basement level and would act as sunken courtyard spaces. Extensive glazing on the courtyard facing elevations and roof lights have been used to illuminate the ground floor. The applicant's Daylight and Sunlight Assessment - updated during the course of the application - demonstrates that the units would meet the relevant BRE guidance on internal light levels. The arrangement of the accommodation is unconventional, however officers are satisfied that the units would provide an acceptable level of amenity for the future occupants who chose to live in these units.

8.39 The mews properties would have courtyard gardens approximately 20 sqm, and the northernmost unit would have a larger area of amenity space including a paving area. The basement lightwells would also be accessible to supplement the amenity space. The courtyards would be enclosed spaces however would have a high degree of privacy. The Daylight and Sunlight Assessment demonstrates that these spaces would meet the relevant BRE guidance in terms of the number of daylight hours. I am satisfied that this would provide an acceptable amount and quality of amenity space for the future occupants.

□ *Occupants of the proposed Ross Street terrace*

8.40 These 3-bed properties have gardens approximately 25 sqm, plus additional space at the rear for bins and bikes. This is comparable to traditional terraced properties within the neighbourhood, including the Ross Street terrace to the north. The garden space would provide a good level of amenity for the future occupants.

8.41 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Disabled access**

- 8.42 I have not received comments from the Access Officer. I consider that the proposal can provide suitable access to disabled users and level access would be provided from external thresholds. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12 in this regard.

## **Highway Safety**

- 8.43 The proposal would use an existing access point on Ross Street to provide vehicular access to the car park, as well as for cyclists and pedestrians to the rear of the Mill Road block and to the mews properties. The existing vehicular accesses to the forecourt off Ross Street and Mill Road would be removed. Third parties have raised concerns about the impact of parking and access on the footpath along Ross Street. The Highways Authority has reviewed the access arrangements and the applicant's Transport Statement regarding the number of trips that are likely to be generated, and has not raised concerns on highway safety grounds subject to conditions. I accept their advice and have added a condition for the footway to be reinstated where the existing dropped kerbs are to be removed. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

### *Car parking*

- 8.44 The proposal includes 8 no. car parking spaces within the rear car park accessed from Ross Street, which would be allocated to the proposed terrace and mews properties. This is in accordance with the adopted car parking standards. The occupants of the proposed flats would not have allocated car parking spaces. The site is outside the controlled parking zone where parking is available on-street. The site is in a highly sustainable location within the Mill Road District Centre and close to public transport routes along Mill Road into the city centre. The future occupants would not be dependent on private-cars and would be aware of the parking arrangements prior to moving in. The retail unit is not likely to generate a significant number of additional car trips due to the size of the

unit and the location within the District Centre meaning trips are likely to be linked. In my view, the proposed car parking provision is acceptable.

□ *Cycle parking*

- 8.45 The proposal provides private cycle stores for the proposed terrace and mews units. The occupants of the flats would have access to a communal store at the rear providing 10 no. spaces. This would be in accordance with the adopted standards and meets the Cycle Parking Guide for New Residential Developments (2010). 6 no. Sheffield hoops would be provided at the front of the building for the staff and visitors to the retail unit. This was increased during the course of the application but is one space short of the number recommended by the Highways Authority. In my opinion, this is acceptable.
- 8.46 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Refuse Arrangements**

- 8.47 The proposal provides private bin stores for the proposed terrace and mews units. Collection points are provided within the parking courtyard for collection by the refuse team. The bin pull distance for the furthest mews houses are slightly greater than the 30m set out in RECAP guidance, however, this distance is still manageable. The capacity and location of these stores would be acceptable, however no elevations have been provided. The recommended landscaping condition includes details of the bin stores to be submitted for approval.
- 8.48 The proposed flats would have access to a communal bin store at the rear. The retail unit would have a separate store which would be acceptable for the size of the unit.

### **Renewable energy and sustainability**

- 8.49 The Sustainability Officer has reviewed the applicant's Renewable Energy Statement and advises that the use of exhaust air source heat recovery with enhanced fabric performance will deliver carbon reductions to meet the requirements of Cambridge Local Plan (2006) policy 8/16. This would be secured through conditions.

8.50 The proposal also includes the use of green roofs for the mews units, permeable paving, balconies to reduce overheating, a commitment to achieve water efficiency and the specification of materials, which are supported by the Sustainability Officer in line with the Sustainable Design and Construction SPD (2007).

### Third Party Representations

8.51 I have addressed these as follows:

<b>Representation</b>	<b>Response</b>
Do not object to redevelopment for dwellings in principle	Noted
Proposed dwellings are out of keeping	See paragraphs 8.6-8.23
Out of keeping with the building line	See paragraphs 8.8 and 8.19
Loss of openness and dominance of proposed commercial building.	See paragraphs 8.8-8.9 and 8.19
The Mill Road block should be white brick rather than red brick	Paragraph 8.12
Inadequate parking and impact on nearby roads	Paragraph 8.44
Proximity of mews properties to neighbours on Hemingford Road and Ross Street	Paragraph 8.30-8.31
Overlooking from window/skylight of mews properties towards Hemingford Road	Paragraph 8.30
Unclear the nature of the boundary between the mews properties and Hemingford Road and potential overlooking. Should be a consistent height and materials should be local brick. Consider a living wall.	Paragraph 8.30



Impact on silver birch trees in garden of No. 11 Hemingford Road.	Paragraph 8.20
Impact on structural stability of outbuildings in the rear gardens of Hemingford Road properties.	This is a civil matter and not a relevant planning consideration.
Privacy and security of gardens along Hemingford Road during construction.	This is a matter for the applicants to resolve with the neighbours as it is a civil matter and not a planning matter.
Poor living accommodation within the mews and terraced properties	See paragraphs 8.38-8.41
Inadequate open space	See paragraphs 8.33-8.41
Mews properties are likely to deteriorate and become 'slums'	The occupancy and maintenance of the proposed units is not a planning matter, nonetheless in my opinion these would be high quality units.
Potential use for language schools and Air BnB or other serviced accommodation	The use by language schools and holiday/short term lets would not be permitted under the proposed residential use.
Insufficient cycle parking and details about access and dimensions which should include provision for larger-sized cargo bikes.	See paragraph 8.46. I do not think it would be reasonable to require the applicants to provide specific stores for cargo bikes.
The number of car parking spaces is excessive for the area	Paragraph 8.44.

Impact on footpath along Ross Street unacceptable.	The proposal utilises the existing access. The car parking spaces would not overhang the footpath. The Highways Authority has recommended conditions for the access to be laid out in accordance with their standards. In my opinion, the access would not have a significant negative impact for users of the footpath compared to the existing situation.
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### **Planning Obligations (s106 Agreement)**

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

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

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

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

### City Council Infrastructure

8.54 The Developer Contribution Monitoring Unit (DCMU) has recommended that contributions be made to the following projects:

<b>Infrastructure</b>	<b>Project</b>	<b>Contribution</b>
<b>Community Facilities</b>	Towards providing / improving community facilities at the Mill Road depot site.	£19,462 (plus indexation)
<b>Indoor Sports</b>	Towards the provision of additional gym and exercise facilities at Parkside Pool.	£7,935 (plus indexation)
<b>Outdoor Sports</b>	For the provision of and / or improvements to outdoor fitness kit (e.g. dip stations, pull up bars and surfacing) at Donkey Common.	£7,021 (plus indexation)
<b>Informal Open Space</b>	For the provision of and / or improvements to informal open space at Romsey Recreation Ground.	£7,139 (plus indexation) for
<b>Play provision for children and teenagers</b>	For improving the play area equipment and facilities at Romsey Recreation Ground play area.	£7,900 (plus indexation) for

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

### County Council Infrastructure

8.56 The County Council has advised that no contributions are required to mitigate the impact of this development. Local schools in the catchment area are full or close to capacity but the number of children arising from this development is very low

that these can be accommodated within the current facilities. I accept their advice.

## **9.0 CONCLUSION**

- 9.1 The existing site detracts from the character and appearance of the conservation area. The proposal represents an opportunity to redevelop the site to provide much-needed residential accommodation while retaining an element of retail use. This is a high quality development which has responded positively to the site context, in particular the frontages along Mill Road and Ross Street, as well as providing mews properties which would be appropriate for the backland position. The Urban Design and Conservation team supports the proposal. I acknowledge the concerns of immediate neighbours regarding the impact in particular of the mews properties, however I am satisfied that the proposal would not cause significant harm. For these reasons, the proposal is recommended for approval subject to conditions and a S106 Agreement.

## **10.0 RECOMMENDATION**

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

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or otherwise agreed phase of development) or investigations required to assess the contamination of the site, the following information (for that phase as appropriate) 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.
- A Preliminary Risk Assessment (PRA) in accordance with the advice of the Environment Agency including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site regarding ground water pollution.

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

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

4. Submission of site investigation report and remediation strategy:

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

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

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

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

5. Implementation of remediation.

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

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

6. Completion report:

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

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

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

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

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

7. Material Management Plan:

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

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

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

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

8. Unexpected Contamination:

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

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

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

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

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

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

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

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

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



12. No development (or agreed phase of development) shall commence until a programme of measures to minimise the spread of airborne dust from the site (for that phase as appropriate) 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 (or agreed phase of development), a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units (for that phase as appropriate) as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings. The scheme as approved shall be fully implemented before the first occupation of the building and thereafter be retained as such.

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

14. Before the use hereby permitted is occupied (or otherwise agreed phase of use), a scheme for the insulation of the plant (for that phase as appropriate) 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)

15. Before the development (or agreed phase of development) hereby permitted is commenced details of the following matters (for that phase as appropriate) shall be submitted to and approved by the local planning authority in writing.
- i) contractors access arrangements for vehicles, plant and personnel,
  - ii) contractors site storage area/compound,
  - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
  - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

16. Collections from and deliveries to the retail unit shall not be made outside the hours 0700-2100 Monday-Saturday and 0900-1700 on Sundays and Bank/Public Holidays.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policy 4/13)

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

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

Reason: In order to safeguard residential amenity (Cambridge Local Plan policy 4/13)

18. No occupation of any residential unit (or agreed phase of residential occupation) shall take place until full details of both hard and soft landscape works (for that phase as appropriate) 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 boundary treatments, finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports). 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, tree pit details, details of the construction detail and planting plan for the green roofs and an implementation programme.

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

19. All hard and soft landscape works shall be carried out in accordance with the approved details for the applicable phase, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

20. Prior to the commencement of development (or agreed phase of development) and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Reason: To protect important trees (Cambridge Local Plan 2006 policy 4/4).

21. Prior to the commencement of site clearance (or agreed phase of site clearance/demolition) a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and local planning authority's Tree Officer to discuss details of the approved Arboricultural Method Statement (AMS) .

Reason: To protect important trees (Cambridge Local Plan 2006 policy 4/4).

22. The approved Arboricultural Method Statement (AMS) and Tree Protection Plan (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 important trees (Cambridge Local Plan 2006 policy 4/4).

23. Prior to their individual construction/insertion, full details of the following (for each phase) shall be submitted to and approved in writing by the Local Planning Authority:

- a) external joinery including frames, thresholds (reveals depths, projections), mullions, transoms, finishes and colours
- b) ridge, eaves and hip details
- c) dormer design, at a scale of 1:10, showing the construction, materials, rainwater disposal and joinery
- d) proposed materials, including brick, roofing and balcony finishes
- e) downpipe design, material and finish
- f) flue extract, electricity, gas and water metering servicing details and design housing location plans and details, avoiding where possible front façade terminations/installation unless as part of an integrated design solution.

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

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

24. No brickwork or windows are to be erected or installed for any phase until the choice of brick bond, mortar mix design and pointing technique for that phase have been submitted to and approved in writing by the local planning authority by means of sample panels prepared on site side-by-side with a window frame sample. The approved panels are to be retained on site for the duration of the works for comparative purposes, and development must take place only in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

25. No demolition or construction works (or agreed phased demolition or construction works) shall commence on site until a traffic management plan (for that phase as appropriate) has been agreed with the Planning Authority. The principle areas of concern that should be addressed are:

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

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

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

d) 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.

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).

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. Prior to the commencement of the first use 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).

28. 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. (Cambridge Local Plan 2006 policy 8/2).

29. The access and manoeuvring areas 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).

30. 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).

31. No occupation of the residential units (or agreed phased occupation) shall commence until details of the proposed arrangements for the future management and maintenance of the proposed rear shared parking and pedestrian court has been submitted to and approved in writing by the Local Planning Authority. The court shall thereafter be maintained in accordance with the approved management and maintenance details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and to ensure the shared space is managed and maintained to a suitable and safe standard (Cambridge Local Plan 2006, policies 3/7, 3/11, 8/4 and 8/11).

32. 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).

33. The redundant vehicle crossovers of the footway shall be returned to normal footway and kerb prior to the occupation of the residential development or agreed phase thereof.

Reason: for the safe and efficient operation of the public highway (Cambridge Local Plan 2006 policy 8/2).



34. No development (or agreed phase of development) hereby permitted shall be commenced until a surface water drainage scheme (for that phase as appropriate) - in accordance with the results of infiltration testing in accordance with BRE Digest 365 - has been submitted to and approved in writing by the local planning authority. The details shall consider the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and associated Guidance. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change.

The submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- b) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme shall be installed, managed and maintained thereafter in accordance with the agreed details.

Reason: In accordance with Cambridge Local Plan (2006) policy 3/1 and NPPF (2012) guidance.

35. The approved renewable energy technologies shall be fully installed and operational prior to the first occupation of the development (or agreed phased occupation of development) and shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and agreed in writing by the local planning authority.

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

Reason: In the interests of reducing carbon dioxide emissions. (Cambridge Local Plan 2006 policy 8/16).

36. Prior to the occupation of the first dwelling (or agreed phased occupation of the first dwelling), a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach sets out in Part G of the Building Regulations 2010 (2015 edition) shall be submitted to the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and that the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2006 policy 3/1 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

37. 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), no windows shall be inserted into the eastern elevations of the mews properties hereby permitted 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).

38. No development shall commence apart from enabling works agreed in writing by the Local Planning Authority until such time as a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall identify proposed phased stages of demolition, construction and occupation across the site, including the provision of any temporary measures to ensure access arrangements for future occupants are acceptable and safe. The development, including where appropriate the submission of information for the discharge of conditions, shall be carried out in accordance with the phasing plan and phased discharge, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity (Cambridge Local Plan 2006 policies 9/3, 9/5 and 10/1).

39. The demolition hereby permitted shall not be commenced until a contract for the redevelopment for the site (or phased demolition/redevelopment of the site in accordance with condition 38) in accordance with the planning permission has been let and evidence of this has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid the creation of cleared sites detrimental to the character and appearance of the Conservation Area. (Cambridge Local Plan 2006 policies 3/4 and 4/11)

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

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

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

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

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

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

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

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

Hard copies can also be provided upon request

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

**INFORMATIVE:** Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m<sup>3</sup> or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

**INFORMATIVE:** It is recommended that Cambridgeshire County Council is approached to discuss improvements including the environment of the existing tree, providing a public seating area and removing the drop kerbs etc. BT will need to be approached with respect of removing or relocating the telephone box.

**INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

**INFORMATIVE:** The applicant is advised that to discharge condition 30 the Local Planning Authority requires a copy of a completed agreement between the Applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

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

<b>Application Number</b>	17/1349/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th August 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	17th November 2017		
<b>Ward</b>	Romsey		
<b>Site</b>	Brookfields Hospital 351 Mill Road Cambridge CB1 3DF		
<b>Proposal</b>	Proposed car parking scheme to provide an additional 53 car parking spaces (including additional disability spaces) and an additional 20 cycle spaces.		
<b>Applicant</b>	CCS Unit 3 Meadow Lane St Ives Cambridge PE27 4LG		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed increase in car parking would not adversely impact on neighbour amenity in terms of noise and disturbance.</li> <li><input type="checkbox"/> The proposal would not pose a threat to highway safety in terms of increased vehicle movements into and out of the site.</li> <li><input type="checkbox"/> The proposed development would retain trees of public amenity value.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is a large L-shaped parcel of land which wraps around from Mill Road (south of the site) to Vinery Road (west of the site). The site is formed of a series of buildings of varying scales, footprints, and forms, as well as associated car parking and landscaping that forms the Brookfields Hospital complex.

- 1.2 To the north and east of the site lie the residential properties along Seymour Street and Janes Court. To the south of the site there are terraced properties along Mill Road and to the west are residential properties along Vinery Road. Immediately to the south-east of the site along Mill Road are the student housing and mosque developments which are currently under construction.
- 1.3 The southern section of the site falls within the Central Conservation Area. Five of the buildings on the southern section of the site are identified as Buildings of Local Interest (BLIs). There are several Tree Preservation Orders (TPOs) throughout the site.
- 1.4 The application site is included in site allocation R21 in the emerging Local Plan (2014), which includes the adjacent site at 315 – 349 Mill Road, for a mixed residential and employment use.

## **2.0 THE PROPOSAL**

- 2.1 The proposal, as amended, seeks planning permission to change the car parking layout of the site to incorporate an additional 53 car parking spaces, including an additional disabled space, and provide an additional 20 cycle parking spaces. The proposed changes consist of alterations to the hard and soft landscaping around the buildings on the northern section of the site adjacent to the Rupert Brook Ward and Peacock Centre buildings. The reason for the proposed additional car parking spaces is to cater for the relocation of the integrated Children's service hub for Cambridge City and South to the Brookfield site in early 2018.
- 2.2 The proposal has been amended to include three electric charging points in response to a request from the Environmental Health Team. The proposed car parking strategy and layout has also been amended to retain more trees on the site and provide more greenery following concerns raised by the Streets and Open Spaces Team and Landscape Team. This has brought the number of proposed car parking spaces down from 59 to 53 spaces.



2.3 The application is accompanied by the following additional information:

1. Drawings
2. Transport statement
3. Tree Survey & AIA
4. Ecology appraisal
5. Planning statement
6. Drainage strategy
7. Noise assessment

### 3.0 SITE HISTORY

3.1 The site has an extensive planning history none of which is considered specifically relevant to the assessment of this application.

### 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 3/6 3/7 3/11
		4/3 4/4 4/11 4/12 4/13 4/15
		5/12
		8/1 8/2 8/3 8/4 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)  Cambridge City Nature Conservation Strategy (2006)  Cambridge and Milton Surface Water Management Plan (2011)  Air Quality in Cambridge – Developers Guide (2008)  Buildings of Local Interest (2005)
	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

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

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge,

therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

## **6.0 CONSULTATIONS**

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

#### Original comments (15/09/2017)

- 6.1 Having reviewed the Transport Statement submitted, the County Council have a number of issues that need to be addressed by the applicant. Therefore the County Council recommend a holding objection at this stage.
- 6.2 The use of the car parking spaces 46 to 52 would still be extremely difficult and involve reversing a considerable distance within a constricted area.

#### Comments on revised transport statement and additional information (16/11/2017)

- 6.3 Having reviewed the Transport Statement submitted, the County Council consider that the development impacts have been demonstrated and the impact is not considered to be severe. Therefore the County Council recommend that our holding objection is removed subject to the following:
- A Travel Plan and Car Park Management Strategy being secured for the site to be agreed prior to occupation.
  - The optimisation of the signal timings at the Perne Road/ Brooks Road junction should be undertaken following first occupation by a signals engineer provided by the developer. This should be secured by condition.

## **Environmental Health**

- 6.4 No objections subject to construction hours condition and compliance condition regarding electric charging points.

## **Urban Design and Conservation Team**

- 6.5 No objection.

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

- 6.6 The layout requires the loss of a number of trees, which will make a significant impact on amenity. However only T12 and T13 are of individual value due to the poor condition of T11, T19 to T23 and G2. I do not support the removal of T12 and T13 and request that an alternative layout is sought unless there is overwhelming justification for the layout as proposed.
- 6.7 Comments on the amended drawings will be updated on the amendment sheet when received.

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

### Original comments (08/09/2017)

- 6.8 The general approach is acceptable but minor amendments to the layout, soft landscaping and species choice of planting should be considered.

### Comments on revised information (23/10/2017)

- 6.9 No objection subject to hard and soft landscaping condition and landscape maintenance/ management condition.

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

### Original comments (06/09/2017)

- 6.10 The area in which the car park is proposed is in an area with a high risk of flooding from surface water. The Environment Agency's Flood Risk from Surface Water map indicates that depths of flooding during a 1 in 30 event may be in the region of 300-900 mm. Given the proposals are for hospital parking which

will be in regular use regardless of the weather, appropriate mitigation should be incorporated into the design of the car park to reduce this depth of flooding.

- 6.11 Assumptions have been made as to the permeability of the soils and these assumed figures have been used to design the drainage system. Given the existing high risk of surface water flooding at this location and the potential for the proposed car park to further increase this risk, assumptions are not appropriate and on-site infiltration testing will need to be undertaken to ascertain actual infiltration rates.

Comments on additional information (07/11/2017)

- 6.12 Following a site visit and submission of further information, we have no objection subject to a surface water drainage condition.

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

Original comments (10/10/2017)

- 6.13 The proposed development is identified at high risk of surface water flooding according to the Environment Agency's Surface Water Flood Map. The hospital parking will be in regular use regardless of the weather therefore appropriate mitigation should be incorporated into the design of the car park to manage this risk of flooding.
- 6.14 The percolation characteristics of the geology have not been adequately investigated nor identified. An assumed figure has been used to design the proposed surface water drainage system which is not considered sufficient, particularly in context of the existing risk of flooding. Site-specific investigations need to be undertaken in accordance with BRE Digest 365 and revised calculations submitted. The groundwater level will also need to be identified and the proposed surface water drainage system designed to ensure there is a minimum of one metre between its invert and that groundwater level.

Comments on additional information (17/11/2017)

- 6.15 No objection subject to surface water drainage and infiltration testing conditions.

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

6.16 No objection subject to external lighting condition.

**Access Officer**

6.17 There should be three blue badge spaces.

**Environment Agency**

6.18 No objection subject to informatives.

**Cambridgeshire Constabulary (Architectural Liaison Officer)**

6.19 While the hospital at present has a low recorded crime level the policing area is a low to medium risk to the vulnerability of crime. Mill Road alone in the last 12 months has recorded 11 thefts from motor vehicles and 54 cycle theft offences.

6.20 Car parks should be lit by column lights designed to BS5489:1 2013 in conjunction with the landscaping to ensure that there is no conflict between lighting and trees. In relation to the 'green screen' at the front of the Lord Byron Ward – consideration should be given to the height of this to ensure that there is still good surveillance over the parking spaces from the building.

6.21 Cycle theft is always a problem in Cambridge City as can be seen above – external cycle storage should be secure and well lit – the applicant should be directed to the Cambridge City Cycle Parking Guide and Secured by Design Homes 2016 guide (paragraph 53).

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:

- 388 Mill Road
- 2 Janes Court
- 6 Janes Court
- 8 Janes Court
- 10 Janes Court
- 14 Janes Court
- 96 Cavendish Road (Cllr Baigent)

7.2 The representations can be summarised as follows:

- Loss of large walnut tree (TO35) would have a detrimental impact on wildlife and would lose shade, wind protection and ornament to neighbouring gardens.
- Loss of trees not supported.
- Increase in noise and disturbance from vehicle movements.
- Tree protection conditions as per the tree report should be implemented in the event of approval.
- Position of cycle racks could undermine security of nearby rear gardens.
- Highway safety for pedestrians on-site.
- The site could be used as overspill car park for the student scheme adjacent.

7.3 Cllr Baigent has requested that the application is called-in to Planning Committee for consideration because of concerns in relation to tree loss and protection.

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. Disabled access
4. Residential amenity and Car Parking Provision
5. Highway safety
6. Cycle parking
7. Drainage
8. Ecology
9. Third party representations

### **Principle of Development**

#### Emerging Local Plan (2014) Proposals Schedule R21

8.2 The application site is included in site allocation R21 in the Emerging Local Plan (2014), which includes the adjacent site at 315 – 349 Mill Road, for a mixed residential and employment use.

8.3 The proposed works would not involve a change of use of the overall site and the site would remain in use as a hospital (D1). As no change of use of the overall site is proposed, I do not consider the proposal would have any bearing on the deliverability and coordinated development of the wider allocation site. It is also pertinent to note that the Emerging Local Plan (2014) is at examination stage and only limited weight could be applied to this site allocation in any case.

#### Extension of existing community facilities

8.4 The proposed increase in car parking would improve the level of car parking provision for the existing community facility of Brookfields Hospital. No increase in the footprint of the existing buildings on-site is proposed under this application. The proposed car parking has been proposed to accommodate the Children and Young Persons Unit which will be brought onto the site from the wider area as part of a consolidation of services.



Policy 5/12 of the Cambridge Local Plan (2006) is supportive of extensions to existing community facilities and I see no conflict with this policy.

- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 3/6 and 5/1 of the Cambridge Local Plan (2006).

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

#### Impact on heritage assets

- 8.6 The proposed alterations to landscaping and the layout of the site would be isolated to the northern half of the site which falls outside the conservation areas and a considerable distance from the Buildings of Local Interest on site.
- 8.7 The views from the conservation area would not be materially affected by the proposed works in my view. The proposal retains the large trees that are visible from within the conservation area which are considered to have the highest public amenity value. In my opinion, the proposed works would preserve the character and appearance of the conservation area.
- 8.8 The setting and appearance of the BLIs would be unaffected by the proposed changes to the parking layout and landscaping in my view. As such, I consider the special interest of these nearby BLIs would be preserved.

#### Impact on landscaping, trees and character of area

- 8.9 The proposed alterations to the site would not be visible from any public viewpoints. The existing site is comprised of a mixture of buildings, hard standing, soft landscaping and tree planting. The existing trees along the northern and eastern boundaries of the site are partially visible from Seymour Street and Janes Court, with the larger trees forming a green background to long views from the south along Mill Road.
- 8.10 The proposal originally sought permission to fell a number of trees on-site, mainly located to the south of, and in-between, the Peacock Centre and Rupert Brook Ward buildings. The

majority of these trees are not visible from the public realm and the Tree Officer has raised no objection to the vast majority of these tree removals as these trees are typically in poor condition.

- 8.11 The Tree Officer had requested that a revised layout be submitted that included the retention of two trees that were considered to be of amenity value. These are identified as tree no.12 and tree no.13 on the proposed site plan and tree surveys. Tree no.12 is a 'Pride of India' which is identified as a category U tree whereby it would be likely to survive no longer than 10 years in the context of the current land use. Tree no.13 is a 'Whitebeam' tree identified as a category B tree whereby it is of 'moderate quality' and has an estimated life expectancy of at least 20 years.
- 8.12 The proposals have been amended to retain more trees on the site which is welcomed given the general green character of the site and surroundings. Tree no.12 has been protected under the amended plan which is welcomed. Tree no.13 is however still shown as being removed under the proposed scheme.
- 8.13 Whilst it would be desirable if tree no.13 were retained, it is appreciated that retaining this tree would compromise the functional layout of the parking spaces and reduce the level of parking available. Furthermore, although not requested to be retained, the proposal does show tree no.11 retained which is a large black walnut tree visible from Mill Road in close proximity to tree no.13 and I consider this would go some way to offsetting the loss of tree no.13. The proposal also includes reasonably sized green verges throughout the development as well as some small-scale replacement planting. The large walnut tree along the boundary of Janes Court, originally proposed to be removed, has been retained under the amended plans also.
- 8.14 In my opinion, the proposed development, as amended, has taken sufficient steps to protect trees of significance on the site without compromising the layout and access of the proposed parking scheme. I consider the green character and appearance of the site and surroundings would be preserved. I have recommended tree protection conditions to ensure that the proposal does not harm the trees during the construction process.

- 8.15 The Landscape Team, although not objectionable to the general approach, had requested minor amendments to the proposal. These consisted of reducing the number of spaces to allow for further shrub bed planting, introducing pedestrian pass through spaces in the centre of the site, increasing the diversity of tree planting species and re-positioning of tree planting. The application has been amended to address all of these comments and the Landscape Team is supportive of the proposed works subject to conditions.
- 8.16 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 4/4, 4/11 and 4/12.

### **Disabled access**

- 8.17 The Access Officer has raised no objection to the proposed development in principle but has recommended that three of the proposed spaces should be blue badge spaces. In my opinion, given the use of the site as a hospital, I consider this a reasonable request. Proposed condition 5 makes explicit reference to this and I have recommended an informative to this effect also.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

### **Residential Amenity and Car Parking Provision**

Impact on amenity of neighbouring occupiers

- 8.19 The main consideration is the impact of the proposed increase in vehicle movements on residential properties in the surrounding area.
- 8.20 There are currently 103 car parking spaces on the application site. The transport statement explains that the existing car park is at its busiest from 09:00 – 16:00hrs where there was a peak of up to 137 vehicles, of which 125 were cars, on the site during the 15-minute period of 13:45 – 14:00hrs. This under-provision of car parking on the site means that cars typically park informally on grass verges or during peak times may park on surrounding streets. There is currently no mechanism for controlling and enforcing parking on the site.

- 8.21 The proposal would increase the number of car parking spaces to 156 which would help to alleviate the informal parking pressures on the site and reduce the need for on-street parking in the surrounding area. The adopted car parking standards do not provide a specific space per sqm. parking ratio for hospital parking provision and states that such provision should be treated on its own merits. The additional spaces have been proposed to counteract the rise in parking demand that the hospital has experienced as a result of the relocation of Ida Darwin Hospital to Brookfields Hospital which has already taken place. Based on the current provision, the proposed 53 additional spaces would provide a surplus of parking during the peak period and would also provide capacity for the visitors and staff of the Children and Young Persons Unit when this is relocated to the site. I consider this a reasonable approach.
- 8.22 The proposal would not introduce any new access routes or roads onto the site and would take advantage of the existing infrastructure on the site. The additional car parking would facilitate more vehicle movements but these would take place in similar locations to that of present. The proposed additional parking spaces would be a considerable distance from neighbouring properties along Seymour Street to the north. The nearest car parking space would be set 4m away from the nearest neighbour garden boundary and separated by a relatively dense tree belt. The significant planting along the boundary with the currently under construction student accommodation adjacent would also remain. It is also relevant to note that vehicle movements are more likely to take place during the core working hours of the day (09:00 – 16:00hrs) and outside the earlier and later noise sensitive times of nearby residential properties.
- 8.23 A travel plan condition has also been recommended to encourage non-private car related trips such as a staff mini-bus collection service, carpooling schemes and incentives for public transport, walking and cycling. The securement of this through a condition would also reduce the number of car movements on the site.
- 8.24 In my opinion, the proposed additional car parking has been designed to cater predominantly for the existing vehicle parking demands the site experiences and would not be directly linked to a significant and sudden increase in vehicle trips to and from

the site. In addition, the position of the proposed car parking spaces would be in similar locations to that of the existing car parking and I am confident that the comings and goings would not disturb neighbour amenity in terms of noise and disturbance.

- 8.25 The Environmental Health Team has recommended that three of the car parking spaces are fitted with electric charging points as a means of encouraging electric vehicles to help lower the air pollution associated with standard vehicle movements. I have recommended a compliance condition for the three spaces shown on the plan as electric charging points to remain in-situ.
- 8.26 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 4/13 and 8/10.

### **Highway Safety**

- 8.27 The existing access onto the site from Mill Road would not be altered as a result of the proposed development. The transport statement and accident data indicates that the proposed development is not expected to exacerbate the existing highway safety levels of the access.
- 8.28 The Highway Authority has assessed the junction assessment of Brooks Road, Perne Road, Brookfield and Mill Road, to the east of the site, provided as part of the transport statement. The proposal has been found to potentially cause additional delays at this junction as traffic on the Mill Road side of the junction can back up well past the application site during peak periods of the day. However, the Highway Authority is satisfied that the potential impact could be mitigated by way of optimizing the vehicular access timings of this junction. A condition has been recommended to secure this. A travel plan condition has also been recommended to identify how staff and visitors will be encouraged to travel to the site by non-car modes.
- 8.29 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 8/1, 8/2 and 8/3.

## **Cycle Parking**

- 8.30 The proposal includes an additional 20 cycle parking spaces. It is pertinent to note that there is no obligation for cycle parking to be secured as no physical change of use or additional floor area is proposed. As a result I consider the increase in cycle parking would only be an improvement in my view. Notwithstanding this, the proposed cycle parking would likely be required as part of the travel plan requirements to encourage non-car trips to the site. I have recommended a condition for the specific details of the cycle parking storage to be agreed prior to first use of the new car parking.
- 8.31 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Drainage**

- 8.32 The Lead Local Flood Authority and Drainage Officer are both supportive of the works subject to conditions. This is following additional information and measures to overcome the consultee objections and I consider the proposal acceptable in this respect.
- 8.33 In my opinion, subject to conditions, the proposal is compliant with National Planning Policy Framework (2012) paragraph 103.

## **Ecology**

- 8.34 The Biodiversity Officer has raised no objection to the proposed works subject to an external lighting condition. I consider this condition reasonable given the presence of mature trees on and adjacent to the site which facilitate bat migration.
- 8.35 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 4/3.

## **Third Party Representations**

- 8.36 The majority of the third party representations have been addressed in the main body of this report.
- 8.37 The large walnut tree adjacent to Janes Court is proposed to be retained under the amended plans.

8.38 The Highway Authority has raised no objection to the proposed layout of the site from a highway safety perspective. Amendments have also been made to introduce footpaths adjacent to parking spaces to avoid users walking over the main roads when accessing services.

8.39 The security of the proposed cycle storage would be controlled through condition. Provided that cycle parking is secure I do not consider this would encourage crime in the area.

## **9.0 CONCLUSION**

9.1 The proposed additional parking spaces have been designed to manage and mitigate the high demand for car parking that the site currently experiences and would not introduce a significant increase in vehicle movements on the site. The proposed car parking spaces would be a reasonable distance from neighbouring properties and would not harmfully impact on nearby properties in terms of noise and disturbance. The proposal would not pose a threat to highway safety and would retain trees of high public amenity value.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. The EV charging points, as shown on drawing number document '3665-KLH-00-00-DR-A-126 REV P07', shall be installed prior to the use of the new car parking spaces hereby permitted and maintained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of encouraging more sustainable forms of travel/transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF) Paragraph 35.

5. Prior to the use of the new car parking spaces or in accordance with an alternative timing agreed in writing with the Local Planning Authority, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to their use. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts (including the provision of at least three blue badge spaces), 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; 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 scheme shall be carried out in accordance with the approved details.



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

6. 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 first use of the new car parking spaces hereby permitted. 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 and 3/11)

7. Prior to first use of the new car parking spaces hereby permitted, details of facilities for the covered, secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided in accordance with the approved details before use of the new car parking spaces 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 and 8/6).

8. No external lighting to be used in connection with the development hereby permitted shall be implemented until an external lighting plan for the site has been submitted to and approved in writing by the local planning authority. The plan shall:
  - a) identify those areas/features on site that are particularly sensitive for foraging and commuting bat species
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory

All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority

Reason: To protect the foraging corridor for bat species along the site boundaries (Cambridge Local Plan 2006 policy 4/3).

9. No use of the new car parking spaces hereby permitted shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority unless an alternative timing for provision of the Travel Plan is agreed in writing with 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 and visitors of the hospital. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In order to deliver sustainable transport objectives and to ensure the occupation of the buildings is appropriately managed and controlled (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/12, 8/2, 8/3 and 8/4)

10. Prior to first use of the new car parking spaces or in accordance with an alternative timing of provision agreed in writing by the Local Planning Authority, details of improvements to optimise the vehicular access timings at the signal traffic junction between Mill Road, Brooks Road, Perne Road and Brookfields shall be submitted to and approved in writing by the local planning authority. The improvements shall be carried out in accordance with the approved details and timing of provision.

Reason: to make best use of the capacity at the junction with the additional vehicle trips generated by this development in the interests of highway safety (Cambridge Local Plan Policies 8/2, 8/3 and 8/4).

11. None of the hard surfacing works shall commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include and be informed by an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, 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;
  - b. consider the existing high surface water risk for the site and reduce this risk through surface water drainage design and/or flood risk management techniques; and
  - c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To minimise surface water flood risk (National Planning Policy Framework 2012 paragraph 103).

12. No development hereby permitted shall be commenced until infiltration testing results and revised calculations in accordance with BRE Digest 365 have been undertaken and submitted in writing to the local planning authority. The groundwater level will also need to be identified and the proposed surface water drainage system designed to ensure there is a minimum of one metre between its invert and that groundwater level.

Reason: To minimise surface water flood risk (National Planning Policy Framework 2012 paragraph 103).

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

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

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

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

15. 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:** To satisfy condition 5 (hard and soft landscaping) three of the car parking spaces should be shown as blue badge spaces.

**INFORMATIVE:** Environment Agency informative:

The applicant should be aware of his responsibility to ensure that there is sufficient capacity in the existing surface water drainage system to cope with any additional loading from the proposed development. Anglian Water must be consulted, if there is not capacity in the sewer, the Agency must be reconsulted with alternative methods of disposal. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

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<b>Application Number</b>	17/0548/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th April 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	5th June 2017		
<b>Ward</b>	Trumpington		
<b>Site Proposal</b>	60 Trumpington Road Cambridge CB2 8EX 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		
<b>Applicant</b>	Longbeach Estates Ltd		

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

**0.0 UPDATE REPORT**

- 0.1 Planning Committee considered this application at the meeting on 1 November 2017 and resolved to accept the officer recommendation. Planning permission has not been issued in the light of concerns raised by a local resident.
- 0.2 During the Committee meeting a resident of North Cottages addressed the Committee as a ‘public speaker’. The resident subsequently submitted a formal complaint to the Council on

the basis that she was disadvantaged because she was to not able to circulate her annotated plans and speak to them. Officers have concluded that in order to ensure a fair process is followed it is appropriate to bring the application back to Committee.

- 0.3 The purpose of bringing the item back to Committee is to enable the resident to address the Committee again but with the benefit of reference to annotated plans. The agent/applicant have been advised of this course of action and have been invited to address the Committee in the interests of fairness. The officer assessment/recommendation remains unchanged. The Committee's task is to decide, in the light of comments made by the public speakers, whether to confirm approval of the application or to refuse the application for reasons that are related to comments made by public speakers at the meeting.

## **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

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
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 Plan 2006	Local	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

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)  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 x5	2 North Cottages
3 North Cottages	4 North Cottages
5 North Cottages	6 North Cottages
7 North Cottages	8 North Cottages x3
9 North Cottages	12 North Cottages
13 North Cottages	14 North Cottages x2
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 x2	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 x2	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 meet 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.
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.	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.
It should be conditioned that the deeds of each of the housing units does not have access to the private lane by vehicle.	This is a legal matter and it would not be reasonable or enforceable to control this through a planning condition.
No room for delivery vehicles to turn within the site.	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.
Trumpington Road is the third most dangerous cycling blackspot in the UK and no cycle safety improvement have been proposed.	The Highway Authority has raised no objection to the proposal.

<p>Increase in parking from contractor parking.</p>	<p>A traffic management plan condition has been recommended.</p>
<ul style="list-style-type: none"> <li><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.</li> <li><input type="checkbox"/> No right turn restriction should be put on entering the development from the south.</li> <li><input type="checkbox"/> A compulsory left turn should be put on traffic exiting the development during construction and in perpetuity.</li> <li><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.</li> </ul>	<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>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"> <li><input type="checkbox"/> The applicant has no ownership of the land shown on North Cottages lane.</li> <li><input type="checkbox"/> The property has no use of the access of the privately owned lane of North Cottages.</li> </ul>	<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"> <li><input type="checkbox"/> Pressure on infrastructure (water supplies, sewers and broadband)</li> <li><input type="checkbox"/> Sewer put at risk by proposed basement in close proximity</li> </ul>	<p>These are building control/ infrastructure provider matters and not planning considerations.</p>

<p>Planning permissions C/03/0289 &amp; 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"> <li><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.</li> <li><input type="checkbox"/> The street lamp at the corner of the proposed development is not within the application site.</li> <li><input type="checkbox"/> Subsidence risk increased at nearby properties due to basement.</li> </ul>	<p>These are civil/ legal matters.</p>
<p>Failure to demonstrate that this is sustainable development.</p>	<p>The proposal is considered to be sustainable development and accords with the necessary local and national planning policies.</p>
<p>The applicant did not inform residents of the intention to submit an application despite promising to do so.</p>	<p>This is not a requirement of the planning application in terms of consultation.</p>
<p>The width of the north cottage access is not wide enough to accommodate a fire vehicle.</p>	<p>The proposal does not include works to the private lane.</p>

### **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](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

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

-Control of dust and emissions during construction and demolition - supplementary planning guidance  
[https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014\\_0.pdf](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf)

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

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

**INFORMATIVE:** Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m<sup>3</sup> or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

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

<b>Application Number</b>	17/1625/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	25th September 2017	<b>Officer</b>	Sean OSullivan
<b>Target Date</b>	20th November 2017		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	83 Lovell Road Cambridge CB4 2QW		
<b>Proposal</b>	Change of use from single C3 Use Class dwellinghouse to 2 self-contained 1 bedroom flats and 1 self-contained 2 bedroom flat. Single storey rear extension, roof extension incorporating rear dormer, and Juliet balcony at first floor. Associated hardstandings, amenity space, and parking.		
<b>Applicant</b>	Mrs Jingfang Hu		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposal would not have a detrimental impact on residential amenity.</li> <li><input type="checkbox"/> The proposed change of use would not give rise to unacceptable environmental or nuisance problems.</li> <li><input type="checkbox"/> The proposal would have an acceptable external appearance.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is one half of a semi-detached pair of two storey residential properties which front the southwestern side of Lovell Road, Cambridge.
- 1.2 The surrounding area is predominantly residential in character. The site does not fall within a conservation area and the semi-detached pair of houses of which No.83 Lovell Road is part, are not listed.

## **2.0 THE PROPOSAL**

- 2.1 Change of use from single C3 Use Class dwellinghouse to 2 self-contained 1 bedroom flats and 1 self-contained 2 bedroom flat. The proposal would result in a net gain of two residential units.
- 2.2 Several enlargements and alterations of the existing property are proposed to facilitate the change of use to self-contained flats and these include a ground floor rear extension, a hipped to gable side roof extension and Juliet balcony at first floor at the rear. Bin and cycle storage has been designed into the landscaping of the site. 2x Off road car parking spaces are proposed to the front of the site.
- 2.3 Following the submission of the current planning application, the proposed plans and elevations have been amended to remove the flattened main roof and rear dormer alterations previously proposed and to retain the shape of the existing main roof. Neighbouring properties have been further consulted by letter for 14 days, regarding the amendments.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/89/0807	Two storey rear extension.	Refused
C/93/0112	Two storey rear extension.	Refused
C/93/0490	Two storey rear extension.	Approved
C/94/0036	Two storey rear extension.	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 Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/13 5/1 5/2 8/2 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) RECAP Waste Management Design Guide Supplementary Planning Document 2012
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)

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 seeks to justify a development without parking provision at less than one space per dwelling unit within the site for residents. Recent guidance contained within the National Planning Policy Framework and the IHT guidance on best practice in car parking provision moves away from maximum levels of provision and advises that parking provision for new residential development is based upon levels of access to a private car for existing residential uses in the surrounding area. The streets in the vicinity provide uncontrolled parking, and there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets. This is unlikely to result in any significant adverse impact upon highway safety. However, there is potentially an impact upon residential amenity. The development proposed is acceptable subject to the imposition of the following conditions:-

- i) No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
- ii) 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.



- iii) The vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
- iv) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.
- v) Visibility splays shall be provided as shown on the drawings.
- vi) The access shall be provided as shown on the approved drawings and retained free of obstruction.

### **Environmental Health**

- 6.2 The development proposed is acceptable subject to the imposition of the standard construction hours condition.

### **Waste (Shared Service)**

- 6.3 This application is fine in terms of waste.

### **Drainage**

- 6.4 No comments received.

### **Landscape Architect**

- 6.5 The development proposed is acceptable subject to the imposition of the standard hard and soft landscaping condition.
- 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 address have made a representation in support of the application:-

- 14 Lovell Road

- 7.2 The representations in support can be summarised as follows:-

- This area needs more flats.
- There are many young professionals wanting to live close to the business parks.

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

12 Lovell Road	77 Lovell Road
39 Lovell Road	80 Lovell Road
50 Lovell Road	81 Lovell Road
57 Lovell Road	84 Lovell Road
60 Lovell Road	87 Lovell Road
72 Lovell Road	99 Lovell Road
74 Lovell Road	241 Milton Road.

The representations in objection can be summarised as follows:-

- Overdevelopment of the property/site;
- The refusal of two applications to convert the near-identical 85 Lovell Road to flats, that these properties are not suitable for conversion to flats;
- This conversion cannot be justified in terms of meeting housing need when there are numerous sites nearby such as the Pringle House flats at 418a Milton Road;
- No neighbours were spoken to about any plans prior to "gutting" the property;
- While some aspects of the conversion, such as a Juliet balcony would be modern and fitting in a new development or detached house, it is not appropriate here;
- The additional mass and principle of conversion to flats may work on a larger plot with adequate parking and highway access, such as Milton Road, but not in an already overly dense residential street;
- It is clear that the goal of this development is to maximise commercial returns without seeking to accommodate the needs of existing residents;
- Access to the cycle parking passes the full length of garden of no 81 with multiple accesses through a gate potentially late at night.
- The Juliet balcony would impact on the privacy of No 81 to a greater extent than an existing bedroom window. It is not an appropriate feature for a property so close to others.
- The Juliet balcony would provide a direct view into the garden of No 85;

- The roofline changes to No 83 would cause an increasing effect of overbearing to 81;
- Loss of light to neighbouring properties;
- It is not acceptable to extend a property that is already “one of the largest” in the street;
- Not in keeping with the character of area, which consists of family dwellings;
- The setting of a precedent that would fundamentally change the planning regime for the whole street;
- Impact on character of the street due to loss of verge for vehicle access;
- The street is substantially pitched roofs with a number of recent hip to gable conversions. The design of the roof substantially changes this in creating a 3 storey flat-roofed block extending significantly back past the original footprint of the building;
- Impact on residential amenity due to additional cars parked on the road;
- There is a maximum of 2 parking spaces available due to the kerb-side space to the front of the existing dwelling being lost;
- There could be as many as 8 cars associated with this property, once converted;
- Expect a need for at least 1 car per dwelling;
- Under provision of parking;
- There is also a loss of residential amenity through loss of any “surplus parking for visitors and deliveries”;
- Too many cars parked on the road will also result in a loss of safety for children crossing the road and restrict space for access and deliveries;
- Layout of parking allows only 2 cars to be parked to the front, whereas 3 cars can presently be accommodated with access via a single driveway width drop kerb (i.e. as originally designed and built);
- Loss of a family dwelling;
- Lack of outdoor space for family use;
- Inadequate waste and recycling provision;
- The flat that has 2 bedrooms and could potentially support a family is not the one that has access to a private garden area suitable for children;
- Bedroom for Flat 1 is next to the parking of Flats 2 and 3;
- The bathroom to Flat 1 is on the ground floor with a window onto the street and next to the parking for Flat 2;

- Flat 3 spans across the top of both flats 1 and 2 such that there could be significant noise and disturbance below unless concrete floors are installed;
- Guests of occupants of Flats 1 and 2 would have to go through a bedroom to get to a toilet.

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. Third party representations

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan 2006 emphasises the need to provide increased amounts of housing. Policy 5/2 of the Cambridge Local Plan 2006 outlines the requirements for a residential conversion of a single dwelling to take place:-

- a. The property in question must have an internal floorspace greater than 110 square metres;
- b. There must be no likely unacceptable impact regarding on street parking;
- c. The resultant living accommodation must be satisfactory;
- d. Satisfactory refuse storage and cycle storage being provided;
- e. The location of the property, or the nature of nearby land uses would offer a satisfactory level of residential amenity

- 8.3 The proposal accords with part a of the policy. The issues in parts b, c, d & e of the policy are discussed later in this report. In summary, Highways and Waste Officers have recommended approval of the current planning application subject to conditions. The use of the single dwellinghouse as 2 self-contained 1 bedroom flats and 1 self-contained 2 bedroom flat, is also unlikely to cause a significant increase in noise and disturbance to the occupiers of neighbouring properties and no objection has been made by Environmental Health in this regard.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with Policy 5/1 and Policy 5/2 of the Cambridge Local Plan 2006.

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

#### Context of site and design

- 8.5 Following the submission of the current planning application, the proposed plans and elevations have been amended to remove the flattened main roof and rear dormer alterations previously proposed and to retain the shape of the existing main roof. The proposed hipped to gable side main roof extension remains part of the proposal. There are other examples of this form of extension in the street so this would not be out of keeping with the character of the area. Notwithstanding this, this element would by itself be permitted development, and not normally require a planning application.
- 8.6 Concerns have been raised by local residents that flats would be out of keeping with the character of the area, which consists mainly of family houses. The proposed three flats would still constitute a residential use so would not significantly alter the character of the area. Two off street parking spaces are to be provided to the front of the property, as part of the proposal. The front garden is already hard surfaced so there would be no significant change to the front of the site. With the exception of the addition of two new entrance doors to the side of the existing property, there will be no external visible sign that No.83 has been converted to flats from Lovell Road to the front. Use as flats would result in the subdivision of land to the rear to provide separate garden spaces but this would not be visible from the street and would not harm the character of the area.

- 8.7 The amended scheme is of a good design, which would preserve the character of the streetscene and surrounding area. The existing house is to be extended to the rear at ground floor level and to the side at main roof level. To ensure a high standard of materials are used as part of the proposal, a materials to match condition is recommended. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14., with respect to design and appearance.
- 8.8 A standard hard and soft landscaping condition, which would apply to the front, rear and side of the property, is recommended if planning permission is granted. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/11, with respect to the provision of landscaping and amenity space.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.9 The proposed ground floor rear extension would project 5.4 metres to the rear of the existing house. However, this ground floor level extension would be set 1.6 metres away from the common shared boundary with No.85, it would be flat roofed and it would replace a recently demolished rear conservatory extension. As a result of these considerations, the proposed ground floor rear extension would not cause a significant enough loss of daylight, loss of direct sunlight, loss of outlook, or increased sense of enclosure to the neighbouring property at No.85 Lovell Road, to warrant refusal. As a result of an existing mono-pitched outbuilding to the rear of the neighbouring property at No.81 Lovell Road, the proposed ground floor rear extension would not cause a significant enough loss of daylight, loss of direct sunlight, loss of outlook, or increased sense of enclosure to the neighbouring property at No.81 Lovell Road, to warrant refusal.
- 8.10 The rear facing Juliette Balcony proposed as part of the current scheme at first floor level, would replace an existing first floor rear bedroom window. As a result, there would be no significant increase in overlooking or loss of privacy caused to neighbouring properties. No.81 has raised concerns about overlooking from windows to the side of the property. These windows already exist presently. A condition is not therefore

recommended to obscure glaze or fix shut windows at first floor level to the side of No.83. Additional windows proposed following the change of use of the existing property to the side of No.83, would require planning permission.

- 8.11 The use of the single dwellinghouse as 2 self-contained 1 bedroom flats and 1 self-contained 2 bedroom flat is unlikely to cause a significant increase in noise and disturbance to the occupiers of neighbouring properties and no objection has been made by Environmental Health in this regard. However, Environmental Health have raised concerns about noise impacts during construction, and as a result, a condition is recommended in this regard.
- 8.12 In my opinion, there are no further significant neighbouring amenity concerns to consider and 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

- 8.13 Flat 1 at ground floor level would have an internal floorspace of 45.6 square metres and Flat 2 at ground floor level would have an internal floorspace of 39.8 square metres. Flat 3 at first floor and roof level would have an internal floorspace of 53.7 square metres. Each of the flats proposed would provide adequate internal floor space. Habitable rooms in each of the flats proposed would have an adequate standard of outlook and incoming daylight.
- 8.14 Access to the rear amenity spaces to be provided, would be by a gate to the side of the building. An enclosed garden area with a side gate would be dedicated to Flat 2 and would be positioned immediately to the rear of this property. The garden area dedicated to Flat 2, would include a patio and would have a total area of 32 square metres. The communal area to the rear of the dedicated garden area would include a cycle parking area and the total turfed area would be 63 square metres. It is considered that the amenity space to be provided is of an adequate standard for the three dwellings proposed. It is recommended that a hard and soft landscaping condition is included with any planning permission to provide the

opportunity to provide some buffer landscaping to the front of Flat 1.

- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14

### **Refuse Arrangements**

- 8.16 The proposed site plan submitted has indicated a bin storage area to the side of the property.
- 8.17 The Waste officer has not made an objection to the proposed scheme. I have recommended a condition requiring bin storage to be provided in accordance with the plans, prior to occupation. In my opinion therefore, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.18 The proposal includes the provision of two car parking spaces to the front. The proposal seeks to justify a development without parking provision at less than one space per dwelling unit within the site for residents. The application site is close to frequent bus services, the Cambridge Science Park and is within walking and cycling distance of Cambridge North Railway Station. There are also the Kings Hedges Road Post Office, a Tesco Express, a Cooperative Supermarket and the Golden Hind Public House located close by. It is recognised that the development may impose additional parking demands upon the on-street parking on the surrounding streets. However, the Highways Officer has stated that the additional parking demands caused are unlikely to result in any significant adverse impact upon highway safety.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.20 Two off street car parking spaces would be provided to the front of the property and six cycle parking spaces would be provided in the rear garden space.



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

### **Third Party Representations**

8.22 Neighbours have referred to refusal of planning permission for the conversion of No.85 Lovell Road into two flats and one bedsitting room (05/0005/FUL). The decision was made for the following reasons: inadequate car parking space, inadequate cycle parking space, inappropriate accessible on-site space for storage of waste, the proximity of three car parking spaces provided to the windows of the living room and kitchen of the proposed ground floor flat and no contribution being made to infrastructure provision. However, the decision was made in 2005 prior to the adoption of the 2006 Local Plan and can therefore be given little weight. At that time, adopted car parking standards required minimum car parking standards to be applied, instead of the current maximum standards, and contributions to infrastructure from smaller developments are no longer required. These reasons therefore no longer apply. The development on this site is otherwise considered acceptable in terms of bin and bike storage and amenities of occupiers, as discussed in this report.

8.23 Local residents have raised concern that the applicant has overstated the extent of works needed to this property. The need for the development and the current condition of No.83 Lovell Road are not material planning issues to be considered with the current planning application. Internal works to any single dwellinghouse, with the exception of works relating directly to self-containment or a statutory listed building; do not require a planning application.

## **9.0 CONCLUSION**

9.1 As a result of design of the proposal, the acceptable impact on the external appearance of the existing property, the acceptable impact on neighbouring amenities, the quality of living environment for future occupiers and the minimal impact on highway safety, the proposal is considered acceptable and 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. The extensions 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 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)

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

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

6. Prior to occupation of the flats, hereby permitted, the access shall be modified in accordance with the approved drawings and shall be retained free of obstruction thereafter.

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

7. Prior to occupation of the flats, hereby permitted, bin and cycle storage shall be provided in accordance with the approved drawings, and shall be retained in accordance with these details thereafter, unless alternative details are submitted for the prior written approval of the Local Planning Authority.

Reason - To ensure appropriate provision for the storage of bins and cycles, to protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policies 5/2, 3/12 and 8/6).

<b>Application Number</b>	17/0898/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd May 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	17th July 2017		
<b>Ward</b>	Newnham		
<b>Site</b>	111 Grantchester Meadows CB3 9JN		
<b>Proposal</b>	Extension of garage roof including installation of solar panels.		
<b>Applicant</b>	Mrs Barbara Tichel 111 Grantchester Meadows CB3 9JN		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposal would not harm the character and appearance of the conservation area;</p> <p style="padding-left: 40px;">The proposal would not have a significant adverse impact on residential amenity of neighbouring properties.</p>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

- 1.1 The site is within the curtilage of No. 111 Grantchester Meadows which is on the northern side of the road and has an 'L' shaped plot. The existing garage is located on the north western boundary within the rear garden and fronts onto South Green Road. It is a single storey brick structure with a flat roof and an opening on the western end.
- 1.2 To the north is the property known as 'Innisfree' fronting South Green Road. To the south is the rear garden of No. 113 Grantchester Meadows which has a single storey outbuilding referred to as a 'consulting room' which also fronts onto South Green Road. Since the application was last presented to the Planning Committee in August, planning permission has been granted for a single storey annex to replace the consulting

room, which would be positioned to the south of the existing garage and would have a pitched roof (17/1371/FUL).

- 1.3 The site is located within the Newham Croft Conservation Area. The property is not listed and there are no listed buildings within the vicinity. The site is outside the controlled parking zone. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a roof extension to the existing garage to incorporate the installation of solar panels on the southern roof slope.
- 2.2 During the course of the application, revised plans were submitted which changed the mono-pitched roof to an asymmetric pitched roof and removed the roof overhang onto Innisfree and No. 113. The height of the building would be increased from a maximum of 2.61m to 4.13m high. The area of the roof covered in solar panels would be approximately 20 sqm.
- 2.3 The materials would be timber cladding on the end elevations and slate on the roof, with solar panels on the south-facing roof slope. The garage doors would remain on the western elevation fronting South Green Road. The existing openings on the southern and eastern elevations would remain.
- 2.4 The Planning Committee deferred the application in August so that more information could be provided on the appearance of the solar panels. The applicant has since submitted a specification for the solar panels and images showing these used on large roofs. These will be included in the presentation to the committee. The panels would be approximately 0.8 x 1.6m in size and would project approximately 35mm from the roof.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
05/1100/FUL	Installation of dormer window and terrace.	Approved

05/0088/FUL	Erection of ground floor rear bay window and rear 1st floor extension.	Approved
13/0221/FUL	Study in the garden for personal use.	Approved
13/0614/FUL	Installation of dormer window and terrace.	Approved

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

#### 5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Conditions)
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>
	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.

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

6.2 No objection. The revised proposals have introduced a dual pitch roof which has reduced the height and the area of roof slope which have mitigated its impact. The application is supported as it will not affect key views in the conservation area.

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



## 7.0 REPRESENTATIONS

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

- Innisfree, South Green Road
- 1 South Green Road x2
- 2 South Green Road
- 3 South Green Road
- 4 South Green Road
- 5 South Green Road
- 6 South Green Road
- 7 South Green Road
- 8 South Green Road
- 104 Grantchester Meadows
- 106 Grantchester Meadows
- 109 Grantchester Meadows
- 113 Grantchester Meadows
- St Catharine's College
- South Newnham Neighbourhood Forum (16 Grantchester Road)

7.2 The representations can be summarised as follows:

### Character/context/conservation

- Out-of-keeping with the character of the area
- Scale of the structure and excessive height
- Steeply sloped roof
- Number of panels
- Glare from panels
- Suitability of felt roof
- Visual impact on South Green Road and harm to its rural character.
- Negative impact on views across Grantchester Meadows and the playing field to South Green Road
- Unsightly and obtrusive solar panels would be contrary to the Council's 'Micro Renewable Energy Guidance for Householders' (July 2010).
- Drawings are partial, lack detail including regarding materials, inaccurate and do not show the impact looking from Grantchester Meadows.

- Other examples of solar panels within the Conservation Area are on first floors, and are either not visible or unobtrusive from the street.
- The revised proposal is an improvement, but has not gone far enough.

### Residential amenity

- Overshadowing and enclosure of Innisfree front garden amenity space, and loss of light to sitting room
- Height of the building prejudices re-development of adjacent derelict consulting room of more than one storey.
- Use of extended building potentially for residential and access to the building.
- Overhanging roof onto Innisfree is unacceptable.
- Overhanging roof onto No. 113 Grantchester Meadows.

### Other

- Support renewable energy technologies
- Disappointment that the applicant did not consult the South Newnham Neighbourhood Forum nor any neighbours, contrary to paragraph 66 of the NPPF
- The disbenefits are to the residents of South Green Road and only the applicants will benefit who do not live on the road.

7.3 The application has been called-in to planning committee by Councillor Cantrill on the following grounds:

- The proposal fails to meet policy 4/11 as the height of the proposed roof and the location of the solar panels would not preserve or enhance the character and appearance of the Conservation Area.

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 the conservation area
2. Residential amenity
3. Third party representations

### **Context of site, design and external spaces and impact on the conservation area**

- 8.2 The site is located to the south of the traditional terrace of properties along South Green Road in a position between the 1960s dwelling known as 'Innisfree' and the outbuilding at the rear of No. 113 which is referred to as a 'consulting room'. The latter is a single storey structure which is currently derelict and identified within the Newnham Croft Conservation Area Appraisal (2013) as detracting from the conservation area, however it is relevant to note that planning permission was granted in September 2017 for a replacement annex with a pitched roof. Nonetheless, it is the traditional terrace to the north which is identified within the appraisal as making a positive contribution to the character and appearance of the conservation area.
- 8.3 The garage is stepped forward of the front elevation of Innisfree on a building line similar to the boundary of No. 113 on which the consulting room sits. The building is visible in views along South Green Road. Looking north, due to the positioning adjacent to Innisfree, the building is viewed within the context of the two storey side elevation of this property, albeit stepped forward. Looking south, only the part of the building that projects forward of Innisfree is visible. The existing flat-roof building is not considered to make a positive contribution to the character and appearance of the conservation area, albeit the scale and positioning results in a relatively modest building.
- 8.4 During the course of the application, the proposal was amended to reduce the height of the roof extension from 5.65m high to 4.13m. The steep monopitched roof was changed to an asymmetric pitched roof. As a result, the overall increase in height compared to the existing 2.61m high flat roof building is 1.52m. The highest part of the asymmetric roof would be on the northern side which is adjacent to the two storey side elevation of Innisfree. I accept that the scale and massing of the building would be increased so that it would be more

prominent in views along South Green Road, however it would be viewed in the context of the two storey building of Innisfree and the pitched roof breaks up the mass of the building. Moreover, the consent for the replacement annex to the south is a material consideration and, if implemented, the roof would be viewed within the context of the pitched roof of this building which would partially obscure the solar panels in views from the south along South Green Road. Regardless of whether the annex permission is implemented, in my opinion, it would appear as a subservient outbuilding which would be appropriate within the street scene.

- 8.5 The solar panels would cover the extent of the south-facing roof slope and would be black panels. The revised proposal has reduced the area of solar panels and has lowered the slope of the roof so that the panels would be less prominent and would have minimal glare. The area of the panels would be approximately 20 sqm, however the area that would be visible from the street level would be reduced due to the shallow pitch of the roof. Moreover, it would be partially obscured by the replacement annex building for the consulting room, should this consent be implemented. The applicant has provided a specification for the solar panels and images showing similar examples where these have been used on roof slopes. In my opinion, these precedents show a relatively crisp and slim-line roof slope which would not harm the conservation area. I have recommended a condition for the installation of the solar panels to be in accordance with these details.
- 8.6 I accept that the building would be more prominent than the existing garage in views along South Green Road, both as a result of the increase in height and the addition of solar panels to the roof. However, I share the view of the Conservation Team that this would not harm the character and appearance of the conservation area. When assessing applications within conservation areas, the National Planning Policy Framework (2012) makes it clear that not all elements necessarily contribute towards its significance (paragraph 138). The Newnham Croft Conservation Area Appraisal assesses the conservation area as a whole and has identified features that are important or make a positive contribution to the character of the conservation area, which is a material consideration.

- 8.7 The existing garage is not identified as making a positive contribution and thus the alteration would not directly affect an important building. The views along South Green Road and from Grantchester Meadows are not identified as important views and are towards a mixture of traditional and late C20 development, which in my opinion is not characteristic of the conservation area. It is the views from South Green Road looking out over the playing fields that are marked as being important and the proposal would not impact on these. The proposal also would not impact on the terrace to the north of the site, which is identified as making a positive contribution. For these reasons, while the building and the solar panels would be visible, in my opinion the proposal would not harm the character and appearance of the conservation area when assessed against the conservation area appraisal.
- 8.8 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

- 8.9 The neighbouring properties are Innisfree along South Green Road to the north and No. 113 Grantchester Meadows to the south.
- Innisfree*
- 8.10 Third parties have raised concerns about the overshadowing and enclosing impact on the front garden, and loss of light to the ground floor sitting room window on the front elevation. There are no windows on the side elevation of this property. Innisfree is set back from the general building line along South Green Road so that the existing garage is forward of the front elevation. The existing garage has some enclosing impact on the front garden.
- 8.11 The revised proposal would have the same eaves height and northern elevation as the existing garage. The asymmetric pitched roof would be a maximum of 4.61m high. I accept that this would have a greater enclosing impact on the front garden than the existing flat-roof garage, however in my opinion, this

would not have a significant adverse impact on residential amenity.

8.12 The front garden of Innisfree is laid out as lawn with some planting beds and bench. The occupants have advised that this area is important for their residential amenity. While I accept this, I also note that this property has a rear garden which provides more private amenity space. The side elevation extends only part of the southern side of the amenity space and in my opinion, the additional enclosure as a result of the increase in height would not have a significant adverse impact on residential amenity.

8.13 Regarding overshadowing, the garage is to the south of Innisfree. The increase in height would have an additional overshadowing impact on the front garden, however in my opinion, this would not have a significant adverse impact on residential amenity as it would not overshadow the whole of the front garden, and there is alternative amenity space available.

8.14 In terms of loss of light to the sitting room, the ground floor window is wide, being almost half the width of the frontage. I have applied the 45 degree tests in accordance with BRE guidance, which are used as a 'rule of thumb'. Due to the width of this window, the centre point of the window would not be within 45 degrees taken from the north western corner of the building. As a result, I am satisfied that the increase in height would not result in an unacceptable loss of light.

□ *No. 113*

8.15 No. 113 sits on the southern side of a large plot and is currently being extended following the granting of planning permission. The consulting room is on the northern part of the site, however is currently derelict, and is understood not to be used for residential accommodation. I am satisfied that due to the size of this property's plot, the orientation of the proposal to the north, and the scale of the proposed extensions, this would not have an unacceptable impact on the amenity of the occupants of this property.

8.16 In my opinion the revised proposal adequately respects the residential amenity of its neighbours and the constraints of the

site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

### Third Party Representations

8.17 I have addressed the third party representations as follows:

<b>Representation</b>	<b>Response</b>
Out-of-keeping with the character of the area	See paragraphs 8.2-8.7
Scale of the structure and excessive height	The scale of the roof extension has been reduced during the course of the application, and in my opinion, would be a subservient outbuilding which is appropriate to the street scene. See paragraphs 8.2-8.7
Steeply sloped roof	The roof slope changed from a steep mono-pitch to a shallower asymmetric roof, which in my opinion would be acceptable. See paragraphs 8.2-8.7
Number of panels	The area of solar panels was reduced during the course of the application and in my opinion would be acceptable. See paragraphs 8.2-8.7
Glare from panels	See paragraph 8.5.
Suitability of felt roof	This is not proposed.
Visual impact on South Green Road and harm to its rural character.	I have assessed this in paragraphs 8.2-8.7.
Negative impact on views across Grantchester Meadows and the playing field to South Green Road	I have assessed this in paragraphs 8.2-8.7.

<p>Unightly and obtrusive solar panels would be contrary to the Council's 'Micro Renewable Energy Guidance for Householders' (July 2010).</p>	<p>This document is guidance and recommends discussing proposals for micro renewable energy projects in conservation areas with the Conservation Team.</p>
<p>Drawings are partial, lack detail including regarding materials, inaccurate and do not show the impact looking from Grantchester Meadows.</p>	<p>I am satisfied that the information submitted meets validation requirements and provides the detail necessary to assess the application. Materials have been annotated on the revised plans. The applicant is not required to provide streetscene views.</p>
<p>Other examples of solar panels within the Conservation Area are on first floors, and are either not visible or unobtrusive from the street.</p>	<p>Each application must be assessed on its own merits.</p>
<p>The revised proposal is an improvement, but has not gone far enough</p>	<p>Noted.</p>
<p>Overshadowing and enclosure of Innisfree front garden amenity space, and loss of light to sitting room</p>	<p>See paragraphs 8.10-8.14</p>
<p>Height of the building prejudices re-development of adjacent derelict consulting room.</p>	<p>The application must be assessed on the basis of the situation on the ground today and with regard to other material planning matters. There is currently no planning consent for redevelopment of the consulting room, so this is not a material consideration.</p>



Use of extended building potentially for residential and access to the building.	The applicant could use the garage for accommodation ancillary to the main house without the need for planning permission. The proposed roof extension does not affect this.
Overhanging roof onto Innisfree is unacceptable.	The overhang was removed through the submission of revised drawings.
Overhanging onto No. 113 Grantchester Meadows.	The applicant is aware of this issue and I am expecting an update to report on the amendment sheet.
Support renewable energy technologies	Noted.
Disappointment that the applicant did not consult the South Newnham Neighbourhood Forum nor any neighbours, contrary to paragraph 66 of the NPPF.	There is no requirement for applicants to consult third parties prior to a submitting planning application.
The disbenefits are to the residents of South Green Road and only the applicants will benefit who do not live on the road.	This is not a relevant planning matter.

## 9.0 CONCLUSION

- 9.1 I acknowledge the objections from third parties raising concerns primarily on visual impact and amenity terms. In my opinion, the revised proposal would have an acceptable impact in this regard. It must be acknowledged that not all elements of the conservation area contribute towards its significance and, in my opinion, the proposal would preserve the character and appearance of the conservation area when taken as a whole.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. The solar panels installed shall be the 'Panasonic 245W HiT Solar Panel' in accordance with the details that have been submitted by the applicant, or shall be in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to installation. Development shall be carried out in accordance with the agreed details and retained as such thereafter.

Reason: To preserve or enhance the Conservation Area (Cambridge Local Plan 2006 policy 4/11).

<b>Application Number</b>	17/1164/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th July 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	7th September 2017		
<b>Ward</b>	Newnham		
<b>Site</b>	11 Chedworth Street Cambridge CB3 9JF		
<b>Proposal</b>	Ground floor extension to side and rear.		
<b>Applicant</b>	Mr & Mrs Katznelson 11, Chedworth Street Cambridge CB3 9JF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposal would not harm the character and appearance of the conservation area;</p> <p style="padding-left: 40px;">The proposal would not have a significant adverse impact on the amenity of neighbouring properties.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No. 11 is a two-storey mid-terrace property on the northern side of Chedworth Street. The property has a two storey outrigger including a single storey lean-to element. The property is constructed in gault bricks. The surrounding area is predominantly residential. The property has a small rear garden.
- 1.2 The site is within the Newnham Croft Conservation Area. Trees are protected by virtue of their location within the conservation area and there are no tree preservation orders on the site. There are no other relevant site constraints.

## 2.0 THE PROPOSAL

- 2.1 The proposal is for a single storey side and rear extension. The side extension would infill between the existing outrigger and the boundary with No. 9. The rear extension would project

approximately 4.2m from the existing two storey rear elevation and would be full width. The extension would have a flat roof at the rear and a sloped roof on the side extension.

2.2 During the course of the application, the proposal was amended as follows:

- The length of the rear extension was reduced by approximately 0.8m.
- The roof along the side extension was changed from a flat roof to a sloped roof.
- The height of the side elevation on the boundary with No. 9 was reduced from varying between 2.5 – 3.15 m to 2.3 - 2.5m.
- The height of the side elevation on the boundary with No. 13 was reduced from approximately 3.15m to 3.05m.

2.3 The plans were also amended to show the location of some trees and shrubs within the rear garden and the neighbouring garden of No. 13.

### 3.0 SITE HISTORY

3.1 There is no planning history.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)  Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)
	<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.

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

6.2 No objection.

#### **South Newnham Neighbourhood Forum**

6.3 The importance of using the same style/colour brick on the new extension as on the main house. The referral to the planning committee will be an opportunity to discuss the matters raised by neighbours.

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 application has been called-in by Councillor Cantrill on the grounds that the proposals would be overbearing on the neighbouring property and the impact on the amenity value of neighbours. The amendments to the plans have not overcome the Councillor's concerns and the call-in request remains.

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

#### Objections

- 7 Chedworth Street
- 13 Chedworth Street x 2

## Support

- 9 Chedworth Street

### 7.3 The representations can be summarised as follows:

- Extension is excessively large and 'ugly'. Inappropriate and does not respect the character of the area.
- Loss of light to north-facing kitchen window of No. 13 and outlook.
- Impact of noise from dining room and the extension would facilitate 'big parties'
- Impact on drainage system
- Unclear rainwater arrangements
- Unclear the ventilation for the kitchen and toilet.
- Unclear bin storage arrangements
- Reduced area of garden will increase noise from children playing in the street.
- Japanese Quince and Holly trees within the rear garden of No. 13 not accurately shown on plan. Another Holly tree and horse chestnut in rear part of garden unmarked on plans. Apple tree within garden of No. 11 not marked on plans. Request a root survey to be undertaken.
- Impact of foundations and overshadowing on Japanese Quince tree in the rear garden of No. 13 including resulting impact on ability to screen lower part of extension.
- Impact of additional weight loading on structural soundness of party wall.
- Impact of additional roof scape on reduced ground area on surface water drainage.
- The owners of No. 9 intend to submit an application for a similar proposal and have discussed the plans with the applicant.
- The owners of No. 9 are likely to consent to the proposed development of a party wall.
- Likely to set a precedent for similar development at No. 9 which would harm the amenity of No. 7.

### Specific comments on first set of revised proposals

- Welcome that the amended plan extends less into the garden, however the reduced length would still remain a massively large extension and the length and height could be reduced further.

- 7.4 Consultation with third parties is ongoing on the latest set of revised plans showing the location of trees and shrubs and a reduction in the height of the upstand on the eastern elevation. Any third party comments received prior to committee will be reported on the amendment sheet or as a verbal update.
- 7.5 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

- 8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:
1. Context of site, design and external spaces (and impact on heritage assets)
  2. Residential amenity
  3. Impact on trees
  4. Refuse arrangements
  5. Highway safety
  6. Car and cycle parking
  7. Third party representations

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

- 8.2 The Conservation Team supports the proposal on the basis that the extension would not harm the character or appearance of the Conservation Area, and I share this view. Third parties have raised concerns about the scale and form being inappropriate for the terrace, which is identified within the Newnham Croft Conservation Area Appraisal as being 'buildings important to the character'. The appraisal notes this is a 'well-designed early 20th century terrace with some remaining historic details' however acknowledges that 'little of the rear aspect can be seen from the Lammas Field car park'.
- 8.3 The extension is single storey so the form of the traditional two storey outrigger would remain visible. This would retain the overall character of the property as a typical mid-terrace Victorian property. The extension would be full width and would



have a flat roof element at the rear. The change to include a sloped roof on the side element of the extension would break up the mass of the proposal, so that in my opinion it would read as a flat roof rear extension and a subservient side extension. This would be appropriate to the existing dwelling and would not overwhelm or dominate the traditional proportions.

- 8.4 I acknowledge that the extension would be contemporary in form and design, however in my opinion it would be a high quality addition. The materials on the side elevation would be brick to match the existing and I have recommended a condition to secure this. The rear elevation would be glazed, which would be contemporary and visually light-weight. The extension would not be visible from the public realm and therefore not prominent within the Conservation Area. For these reasons, it would not harm the character or appearance of the Conservation Area in my opinion.
- 8.5 In my view, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/11.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.6 The neighbouring properties are No. 9 to the west and No. 13 to the east. I have also assessed the impact on the wider residential area.

#### *No. 9*

- 8.7 The property has a two storey outrigger which faces towards the proposed extension. On the ground floor side elevation of the outrigger is a door and a small window which serve the kitchen, however there is also a larger window on the north elevation which provides light and the primary outlook. There is also a ground floor window on the rear elevation of the main house which serves the main living area, however there is a south-facing window on the front elevation which is the primary window serving this living space.
- 8.8 No. 9 has an unusually narrow gap between the outrigger and the boundary approximately 1.35m wide. I am satisfied that the amendments that have been submitted to reduce the length of

the side extension and the height of the side elevation from 3.15m to a maximum of 2.5m have overcome my initial concerns about enclosure and loss of light impacting on the small window on the side elevation. The side extension would not cut the 25 degree line from this window taken from a point approximately 1.7m above the internal floor level, so I am not concerned about any significant loss of light. Moreover, this is a secondary window and the proposal would not have a significant impact on the primary window on the north elevation. I am not concerned about the impact on the living space served by the window on the rear elevation.

- 8.9 The extension includes roof lights above the side and rear extension. There would be some light emission from these windows which could be visible from upper floor windows on the rear elevations of No. 9. However, as this is a residential property the pattern of use would be similar to the neighbouring property, so would be unlikely to emit direct light into neighbouring windows at unreasonable hours. The roof lights are acceptable in my opinion.

*No. 13*

- 8.10 This property has a two storey outrigger adjoining the application site. There is a single storey element with French doors on the northern end of the outrigger.
- 8.11 The proposed extension would project approximately 1.1m beyond the rear elevation and would be approximately 3.05m high to the upstand. The occupier has objected to the proposal partly on the grounds of enclosure and loss of light. I acknowledge that the ground level lowers towards the rear of the site. I appreciate that the extension would be higher than the existing boundary, however the extension would only be glimpsed from the French windows at an oblique angle, so would not have a significant enclosing impact. In my opinion it would not have a significant overbearing impact on the rear garden as it would not project far along the boundary. Due to the orientation of the extension to the west of the garden, the extension would not have a significant overshadowing impact. For these reasons, in my opinion, it would not cause significant harm to the residential amenity of the occupants of No. 13.

8.12 The occupants of No. 13 have raised concerns about the impact of noise from dinner parties being held within the extension. While the extension does increase the size of the dining area, the use would be residential in nature and I do not consider it would generate unreasonable noise that would have a significant adverse impact on the residential amenity of neighbours.

#### *Wider area*

8.13 Third parties have raised concerns about the reduction in the size of the garden which would displace children from playing in the garden to the street, resulting in noise that would harm residential amenity. The property would retain a good-size garden approximately 10m long which would provide acceptable amenity space, so this would not be a likely result in my opinion. Moreover, the planning system cannot control children playing in the street, so this is not a relevant consideration.

8.14 I am satisfied that the impact on residential amenity during construction can be controlled through conditions to restrict construction hours and that this would be reasonable due to the narrowness of the plot and the density of dwellings in this particular area.

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

#### Amenity for future occupiers of the site

8.16 The property would retain a good sized garden which would provide an acceptable amenity space for the future occupants. The proposed extension would provide a good quality living environment. I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/14 and 4/13.

#### **Impact on trees**

8.17 The owners of No. 13 have raised concerns about the impact of the proposal on trees and bushes within their rear garden. In particular, a Japanese Quince on the boundary fence within

approximately 1.1m of the rear elevation of their property and a Holly tree on the boundary further north, as well as the impact on an Apple tree within the rear garden of the application site. During the course of the application, revised plans were submitted showing more accurately the location of the trees, as well as photographs taken from within the neighbouring property No. 13.

- 8.18 Trees are protected by virtue of their location within the conservation area, however the Japanese Quince is a shrub, which is not afforded such protection. I appreciate the neighbour's concerns, however it would not be reasonable to recommend a condition for protection and mitigation measures. The occupants of No. 13 could take reasonable measures to protect or replace the shrubs. The Holly tree is far enough away from the proposed development that it would not be significantly adversely impacted. The loss of the Apple tree within the garden of the application site would be acceptable as it is a garden tree and does not make a significant contribution to the conservation area.
- 8.19 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

### **Refuse Arrangements**

- 8.20 Third parties have queried whether the proposal would alter the existing bin storage and collection arrangements. The proposed site plan shows a bin store against the northern boundary. The bin store would be acceptable in terms of the size and location in accordance with the adopted guidance, nonetheless the store is not necessary in order to make the development acceptable, as the extension does not require changes to the existing arrangements. As no elevations have been submitted, the erection of a store would not form part of the consent. However provided the store does not exceed 2.5m in height, it would be permitted development.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## Highway Safety

8.22 The proposal does not impact on existing access arrangements and the Highways Authority has advised that the proposal raises no issues for highway safety. I accept their advice and in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## Third Party Representations

8.23 I have addressed the third party comments as follows:

Representation	Response
Extension is excessively large and 'ugly'. Inappropriate and does not respect the character of the area.	See paragraphs 8.2-8.5
Loss of light to north-facing kitchen window of No. 13 and outlook.	See paragraphs 8.10-8.11
Impact of noise from dining room and the extension would facilitate 'big parties'	See paragraph 8.12
Impact on drainage system Unclear rainwater arrangements	The site is not within an identified area of flood risk and therefore a surface water drainage scheme is not required. The impact on the existing drainage infrastructure is a civil matter and is not a relevant planning matter.
Unclear the ventilation for the kitchen and toilet.	The use would be residential and not commercial and therefore the ventilation of the kitchen and toilet would be acceptable within the residential area. These details are not relevant planning matters.
Unclear bin storage arrangements	See paragraph 8.20

Reduced area of garden will increase noise from children playing in the street.	See paragraph 8.13
Japanese Quince and Holly trees within the rear garden of No. 13 not accurately shown on plan. Another Holly tree and horse chestnut in rear part of garden unmarked on plans. Apple tree within garden of No. 11 not marked on plans. Request a root survey to be undertaken.	See paragraph 8.17-8.19
Impact of foundations and overshadowing on Japanese Quince tree in the rear garden of No. 13 including resulting impact on ability to screen lower part of extension.	See paragraph 8.17-8.19
Impact of additional weight loading on structural soundness of party wall.	Structural stability and party walls are civil matters and not a planning matter.
Impact of additional roof scape on reduced ground area on surface water drainage.	The site is not within an area of surface water flood risk and therefore a surface water drainage scheme is not required. The scale of the proposal is unlikely to generate a significant additional impact.
The owners of No. 9 intend to submit an application for a similar proposal and have discussed the plans with the applicant.	There has been no application submitted to extend No. 9 and the current proposal must be considered on its own merits.
The owners of No. 9 are likely to consent to the proposed development of a party wall.	This is a civil matter and not a planning matter.

Likely to set a precedent for similar development at No. 9 which would harm the amenity of No. 7.	There has been no application submitted to extend No. 9. The current proposal any future applications on neighbouring sites must be considered on their own merits.
Welcome that the amended plan extends less into the garden, however the reduced length would still remain a massively large extension and the length and height could be reduced further.	I acknowledge these comments which I have addressed in my report.

## 9.0 CONCLUSION

- 9.1 I acknowledge the concerns that have been raised by third parties in response to the impact on the character of the conservation area, however I share the view of the Conservation Team that the proposal would not have a material impact on the conservation area. I have assessed the impact on the residential amenity of neighbouring properties, and I consider that the proposal as amended during the course of the application would be a scale that would not have a significant adverse impact on Nos. 9 and 13. For these reasons, the recommendation is for approval subject to conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. The external brickwork on the extension hereby permitted shall match the existing building in type, colour and texture as much as possible, or shall be in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of external brickwork.

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



<b>Application Number</b>	17/1614/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th September 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	10th November 2017		
<b>Ward</b>	Petersfield		
<b>Site</b>	103 Mill Road Cambridge CB1 2AZ		
<b>Proposal</b>	Demolition of existing building. Erection of a two and a half storey building with part basement to provide a commercial unit (A1, A2 and A3 in the alternative) and 8 self contained residential units.		
<b>Applicant</b>	Mr M Tariq c/o Studio11 Development 79 St. Barnabas Road Woodford Green IG8 7BY Essex		

<p><b>SUMMARY</b></p>	<p>The development fails to accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The fenestration, appearance and layout of the proposed development would be of a poor quality design that would fail to preserve or enhance the character and appearance of the Conservation Area and the nearby Buildings of Local Interest.</li> <li><input type="checkbox"/> The proposal would adversely impact upon the residential amenities of adjoining properties in terms of loss of light, visual dominance and noise.</li> <li><input type="checkbox"/> The servicing arrangements and forecourt layout would pose a threat to highway safety.</li> <li><input type="checkbox"/> Insufficient information has been submitted to demonstrate that the proposed A3 use would not harm the amenity of the adjacent flats or future occupants of the proposed units.</li> </ul>
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	<input type="checkbox"/> The proposal would provide a poor quality living environment for future occupants.
RECOMMENDATION	REFUSAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located on the north side of Mill Road, between Gwydir Street and Kingston Street. The building is single-storey, constructed of brick with a corrugated sheet roof. The site lies to the east of the Bath House, and is set back from the street frontage. The Gwydir Street car park lies behind and partly to the west side of the building. The curtilages of terraced houses in Kingston Street abut the application site at its north-east corner, but the area is mixed in use, with many retail premises in Classes A1, A2 and A3 on both sides of Mill Road at this point.
- 1.2 The site lies within the area defined as Local Centre 20 (Mill Road West) in the Cambridge Local Plan (2006). It also lies within the Mill Road section of the City of Cambridge Conservation Area No.1 (Central). The Mill Road Conservation Area Appraisal 2011 identifies the application building as a negative feature in the conservation area. There are several Buildings of Local Interest in close proximity to the site.
- 1.3 There are no trees on the site.
- 1.4 The site lies within the controlled parking zone. There are loading/ unloading restrictions on both sides of Mill Road in this area.

## 2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the demolition of the existing building and replacement with a two-and-a-half storey building (including part-basement) to provide a commercial unit (A1, A2 and A3 in the alternative) and eight self-contained residential units.
- 2.2 The proposed replacement building would occupy a broadly similar rectangular footprint on the site to that of the existing

building. It would be tucked in from the eastern and western boundaries slightly to provide gardens and access for the proposed flats at the rear. The main difference in positioning would be that the proposed building would be pulled forward by approximately 5.6m compared to its former position. The eaves of the proposed building would be approximately 5.75m and the ridge 8.3m at its highest point, both higher than the original building.

- 2.3 The proposed development is effectively split into two main elements.
- 2.4 The frontage building would comprise the flexible commercial unit at ground-floor level and two flats above at first-floor level. The front elevation would be clad in a combination of stone and facing brickwork with a shopfront. The upper-floor windows would project along the front wall and also extend up into the plane of the pitched zinc roof. The commercial unit would be accessed from the front along Mill Road. The upper-floor flats would be accessed from the side (west) entrance of the building.
- 2.5 The rear element would act as a mews style development with the frontage of the six flats at the rear facing to the west, with rear patios to the east. This element of the proposed works would be lower than the frontage building and would measure approximately 5.1m to the eaves of the pitched roof and 7m to the apex. This part of the development would be clad predominantly in zinc with smaller aspects of timber cladding and low level brickwork in other areas. The proposed units, bedroom numbers and internal sizes are listed in the table below:

Unit No.	Number of bedrooms	Size (M <sup>2</sup> )
1	2	57
2	1	56
3	2	65
4	1	56
5	2	65
6	1	56
7	1	42
8	3	72

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

1. Drawings
2. Design and Access Statement
3. Planning statement
4. Daylight and sunlight assessment
5. CGI images

### 3.0 SITE HISTORY

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

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
14/0964/FUL	Change of use from Pool and Snooker Club to A1 (Shops)	Permitted
14/0966/FUL	Change of use to A2 (Financial and Professional Services), A3 (Restaurant and Cafes), and A4 (Drinking Establishments) in the alternative.	Approved
12/1071/FUL	Change of use from Pool and Snooker Club to A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurant and Cafes), and A4 (Drinking Establishments) in the alternative.	Refused: appeal dismissed
11/0710/FUL	Change of use from Pool Hall (Use Class D2) to a Sainsbury's Local Store (Use Class A1) together with external alterations.	Refused

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

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/12 3/15 4/4 4/11 4/12 4/13 4/14 5/1 6/1 6/7 6/8 6/10 8/2 8/4 8/6 8/9 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p> <p>Buildings of Local Interest (2005)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</p>

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

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and

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

For the application considered in this report, 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 application shows the installation of a delivery bay that would block the footway of Mill Road. No undertaking is made, unlike in previous proposals, to install a footway bypassing the loading on this frontage and to dedicate land within the site to provide this footway and retain as a right in perpetuity a route for pedestrians without entering the busy carriageway of Mill Road.
- 6.2 The forecourt is also shown as providing a location for tables and chairs, which would obstruct the forecourt to the passage of pedestrians. To summarise no provision is made to allow the safe passage of pedestrians past the development site.
- 6.3 The Highway Authority therefore recommends that this proposal be REFUSED planning permission.

### **Environmental Health**

- 6.4 If A3 use is still sought at this stage, it is advised that the applicant is able to demonstrate the following prior to determination of this application:
  - That the design of the commercial unit allows for the accommodation of the internal commercial kitchen extract ductwork considering the potential impacts of noise, odour

and smoke on the adjoining residential units (proposed and existing). Consideration will need to be given to layout and location of ductwork, riser locations, fan locations and the potential for structure-borne noise and

- That the external plant/ductwork can be positioned at such a location and height that noise and smoke/odour will not become a significant issue to the amenity of future residents within the proposed new units or existing/nearby residents.

6.5 It is considered that these issues are too complex to deal with through condition, especially given the proposed residential premises adjoining and above the commercial unit. If the unit is not designed to accommodate A3 use, it may result in significant adverse impacts through noise, smoke and odour if eventually introduced.

### **Refuse and Recycling**

6.6 No comments received.

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

6.7 The Design and Access Statement states that the Mill Road block has taken reference from the local architecture and will be interpreted with contemporary detailing and materials. Whilst in terms of massing and scale the building has done the architectural elements do not sit comfortably in the context of this part of Mill Road.

6.8 Detailing will be critical to the final quality of the scheme and it is unclear from the elevations and DAS how the junctions between different materials and planes will be handled, e.g. between the roof and the retail block end gable, dormers etc. There needs to be much more clarity at this stage on the materials used for both this block and the residential mews behind.

6.9 There are a number of functional design issues with the scheme in its current form. Losing a unit could resolve some of the issues relating to quality of amenity space, cycle storage and bin location and access. While in principle the proposal of a scheme like this one is supported, there are a number of



detailed design changes that need to be incorporated before it can be considered acceptable.

**Access Officer**

6.10 No comments received.

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

6.11 No comments received.

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

6.12 The consideration given to the relationship of the development to the public open space to the west is disappointing. The area immediately to the west of the commercial unit and the entrance to the residential units above it seems to simply blur into the open space with little explanation as to how the development is presented to the open space and vice versa. The reduced area of public realm to the south of the commercial unit is also not explained. Please provide more detailed information on how the area will be treated. The substantial stainless steel bollards to the south of the building are shown to be retained. These could be removed to improve the relationship with Mill Road and the overall streetscene.

6.13 We would not support the removal of the small tree (Cercis) to the west of the development. The Arboricultural Officer will comment further, but the tree could easily be integrated into an area of soft landscape which would enhance the entrance to the mews. Some sort of subtle definition of the ownership boundary may be sensible.

6.14 The development would involve the removal of some public cycle parking immediately the west of the existing building which would need to be replaced. The idea that some of the private amenity spaces integrated into the residential units will have surveillance over the public open space is supported. However, we would like to see shadow studies for these spaces (both east and west of the properties).

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

- 6.15 Sufficient surface water drainage details have not been submitted to 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.

### **Anglian Water**

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

## **7.0 REPRESENTATIONS**

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

- 105 Mill Road
- Flat no.2 105 Mill Road
- Flat no.3 105 Mill Road
- Flat no.4 105 Mill Road
- 107 Mill Road
- 1 Kingston Street
- 10 Ascham Road
- 69 Glisson Road
- 101 Catharine Street
- 17 Romsey Road (Mill Road History Society)
- 30 Lyndewode Road
- Camcycle, 140 Cowley Road
- Cambridge Past, Present and Future
- Massucco Buttress Solicitors, 162 Tenison Road

- 7.2 The representations in objection can be summarised as follows:

- No information has been submitted to demonstrate what will be delivered following the 'incorporation' of the open space.

- Poor quality design and living environment for future occupants.
- The existing forecourt area provides a comfortable breathing space along Mill Road which would be lost as a result of this development.
- The proposed development would have a significant impact on the street scene.
- The proposed materials are out of character with the area and dominant in appearance.
- The potential restaurant use could harm the amenity of future occupiers in terms of extractor fans.
- The proposed delivery area would block the pavement.
- Will any of the units be affordable?
- The proposed rear units are too small.
- Insufficient and poor quality cycle parking provision.
- Poor quality entrance for future occupants of the development given proximity of car park and bins.
- The application lacks sufficient information to make a robust assessment.
- The proposal fails to preserve or enhance the character and appearance of the Conservation Area.
- Insufficient information regarding overshadowing/ light has been submitted.
- Poor quality bin storage arrangements.
- The access width appears too narrow for disabled users.
- The proposal is an overdevelopment of the site and lacks a sense of place.
- Could tree pits be introduced into the car park as a Section 106 improvement?
- Loss of light/ overshadowing
- Overlooking/ loss of privacy

7.3 The owner/occupier of the following address has made a representation neither objecting to or supporting the application:

- 27 Ainsworth Street

7.4 The representation can be summarised as follows:

- Can there be assurances that residents of this "car free" scheme will have no entitlement to parking within any current or future residents' parking scheme in the nearby area?

7.5 The owner/occupier of the following address has made a representation supporting the application:

- 142 Gwydir Street

7.6 The representation can be summarised as follows:

- The mixed use redevelopment of what is currently an eye sore is supported.
- It would be beneficial to have some form of parking provision for future occupants.

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 (and impact on heritage assets)
3. Highway Safety and Disabled access
4. Residential amenity
5. Refuse arrangements
6. Car and cycle parking
7. Drainage
8. Third party representations
9. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The principle of development in respect of the loss of the leisure facility and introduction of commercial uses on this site has both been established under planning permissions 14/0966/FUL and 14/0964/FUL. Although these permissions are due to expire imminently on 18<sup>th</sup> November 2017, I consider that it would be unreasonable in this current context to warrant coming to any other conclusion than that the principle of the loss of this leisure facility is acceptable on this occasion. In my opinion, given the planning history of the site, I consider the principle of

development, at the time of writing this report, in terms of the loss of the leisure facility and introduction of a flexible commercial unit acceptable.

- 8.3 Notwithstanding the above, it must be stressed that if a future application were to come in at a later date the local planning authority may consider coming to a different conclusion on the loss of the leisure facility and as such I reserve my position on this potential scenario. This is because the justification for the loss of the leisure facility was based on evidence that was formulated over four years ago.
- 8.4 The rationale for the loss of the leisure facility was, in part, based on the snooker and pool facilities at WT's on the corner of East Road and Burleigh Street being expanded by way of a former extension permission which also included improvements to accessibility in the form of a lift to the first-floor. It has not been demonstrated by the applicant that this other permission has commenced or been implemented.
- 8.5 In addition, the housing demand and demographic makeup of the local Petersfield and Romsey wards, as well as the wider City, will have evolved significantly since the original permission (12/1071/FUL) and appeal were considered. Furthermore, there could be further demands for leisure facilities in the area with the large 270 student development at the end of Mill Road due to be occupied in 2018 and also a potential large scale development at the Mill Road Depot within extremely close proximity to the site.
- 8.6 It is also pertinent to note that Emerging Local Plan (2014) policy 73 is far more restrictive in terms of the marketing information and rationalisation for the loss of leisure facilities than the current Local Plan (2006) policy 6/1. Whilst this emerging policy only has limited weight at the time of writing this report, it may be the case that if formally adopted a more robust marketing exercise would be required as part of a future application for the loss of the facility due to the expiration of the extant permissions.
- 8.7 There is a technical issue in terms of insufficient information being submitted to demonstrate that the proposed restaurant/café (A3) use would be acceptable in terms of noise and disturbance and this is expanded on in the residential amenity

section of this report. Nevertheless, the principle of a restaurant/ café use has been established under the previous permission on this site.

- 8.8 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses. The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan.
- 8.9 In my opinion and at this point in time, the principle of the development is acceptable and in accordance with policies 5/1, 6/1, 6/7 and 6/10.

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

- 8.10 The existing building is identified in the Mill Road Conservation Area Appraisal (2011) as a negative building and the Urban Design and Conservation Team has raised no objection to the proposed demolition of the building. I consider the principle of demolishing the building to be acceptable.
- 8.11 The proposal is for a block facing Mill Road with two first floor apartments above a single commercial unit. Six residential units would be built to the rear of this element but within the existing building's footprint but taller. The frontage building has been brought forward to create a better relationship with the adjacent terraced houses.

### **Mill Road Frontage Block**

- 8.12 From a scale and massing perspective the proposed Mill Road frontage block would successfully assimilate into its context in my opinion. Although more prominent and taller than the original building in the street scene, the general two-storey approach with a pitched roof would be reflective of the surrounding area and the Urban Design and Conservation Team is supportive of the massing proposed.
- 8.13 Notwithstanding the above, there are issues with the architectural treatment and detailed design of the proposed

block. The design of the front first-floor elongated windows appears heavy on this front elevation due to the way the zinc roof cascades down onto the main wall. This unorthodox treatment is exacerbated by way of the use of the rhythmmed alternate brick and glass openings beneath these windows.

- 8.14 Furthermore, the appearance of the shop front is overly long and generally out of keeping with the aesthetics of the majority of other commercial frontages along Mill Road. The presence of the shop frontage is also elongated by the way the entrance wraps around the side of the building which would be highly visible when travelling eastwards along Mill Road. The shops in the vicinity have mostly retained their small traditional shop units some with the original shop fronts. Introducing these large glazed panels almost the whole length of the ground floor is out of character in the area. In addition, information regarding the detailed design of specific features, notably the shop door, are missing which are necessary to be able to determine whether the shopfront would be acceptable from a design perspective. In the absence of this information it cannot be confirmed whether the relationship with the Buildings of Local Interest (BLIs) would be acceptable.

#### Residential mews block

- 8.15 The scale and massing of this aspect is considered to be acceptable as it transitions down to a lower two-storey scale than the front building and would not appear out of character with the area. The general rhythm of windows and creation of a frontage with large cut out balconies would, in my view, create a successful active frontage that would be acceptable in design terms.
- 8.16 However, once again, insufficient information regarding the detailed design of this element has been provided and it is not possible to make an informed decision as to whether the contemporary materials and finishes would preserve or enhance the character and appearance of the conservation area, as well as the local interest of the nearby BLIs.

#### Layout and functionality

- 8.17 I have serious concerns with the proposed accessibility and layout of the proposed development.

- 8.18 The main entrance to the residential units from Mill Road would be unresolved and the proposal lacks adequate detail to make an informed assessment as to whether the quality of this entrance would be acceptable. The proposed block plan indicates that the public space, owned by Cambridge City Council, immediately to the west of the main access point could be incorporated into the development by way of a section 106 agreement. This land falls outside the red-line plan of the application site and not within the ownership of the applicant and consequently it cannot be guaranteed that improvements to this space could be delivered.
- 8.19 At present, this space outside the proposed entrance consists of low level planting and cycle parking. If this adjacent public space remains as is then there would only be a 1m narrow pinch-point between the edge of the building and the site which as the main entrance for eight flats would be cramped, harsh and impractical in terms of maneuvering cycles in and out of the development. Furthermore, given the tightness and proximity of the existing car parking spaces in the Gwydir Street car park, the access at the northern end is not suitable. This would create an uncomfortable entrance to the residential units, especially when the car park is full.
- 8.20 In addition to providing a poor quality entrance for future occupants, it is pertinent to note that there is a strong presence of anti-social behavior already in this area and in the adjacent open space which the proposal fails to adequately account for. The proposed side access is jagged and provides lots of corners and hiding places which could encourage congregation in these spaces and fail to create a safe living environment for future occupants. I am not at all confident that the proposed access and layout of external spaces adheres to the principles of the Secured by Design (2016) principles and guidance.
- 8.21 The position of cycle storage in a long row spanning along the western perimeter of the site appears to be somewhat of an afterthought and fails to integrate successfully into the proposed scheme. The clutter introduced into what is supposed to be a permeable route through the site would also further tighten what is already a relatively cramped access point. The proposed stores appear small and no information has been submitted to demonstrate how many cycle parking spaces have been



provided nor whether the numbers of spaces would meet the minimum standards of the Local Plan (2006).

- 8.22 The siting of the residential refuse at the far end (north) of the building would be inadequate from a layout and usability perspective. The future occupants of units 7 and 8 in the first-floor of the Mill Road frontage block would have to walk a significant distance when emptying bins into the communal store. In addition, the lack of a level access through the site would mean that the bins would have to be wheeled over 35m to the edge of Gwydir Street for collection and this would also involve navigating through a car park. I am not convinced that a refuse lorry would be able to enter and leave the car park as the position of parked cars would likely block this route.

### Conclusion

- 8.23 Overall, the proposal lacks adequate detail regarding the detailed finish of the proposed elevations to determine that the proposal would preserve or enhance the character or appearance of the Conservation Area, and whether it would respect the local interest of the opposite BLIs. The proposed shop frontage would be out of keeping with the traditional appearance of other shop fronts along Mill Road. There are fundamental issues with the layout of the proposed scheme.
- 8.24 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 3/15, 4/11 and 4/12.

### **Disabled access and Highway Safety**

- 8.25 The narrow 1m wide pinch-point on the southern entrance, coupled with the lack of a level access from the northern end, would fail to provide a satisfactory layout for disabled users. The cramped layout of external spaces and constriction exacerbated by the positioning of the cycle storage along the western boundary would represent a poor quality of design from this perspective
- 8.26 In addition to the above, the shifting of the building line forward, indicative positioning of tables and chairs on the forecourt and siting of the service bay over the existing path, would severely hinder the ability of pedestrians, including disabled users, to safely move along this key pedestrian route. This path

experiences a high volume of footfall and any restriction of this right of way would inevitably pose a threat to highway safety. Requiring service vehicles to block this path is unacceptable and would endanger pedestrians. Whilst tracking plans have not been provided it appears clear to me that to park in the proposed space a service vehicle would have to over-run the re-aligned pavement. Mill Road has a very high accident record, for example in the last five years there have been 74 recorded highways incidents between a 800m stretch of Mill Road from Covent Garden to Hope Street. There have also been two serious highway incidents in close proximity to the site in-between Kingston Street and Gwydir Street during this period (Crashmap.co.uk, 2017).

- 8.27 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policies 3/7, 3/12, 8/2, 8/4 and 8/9.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.28 The main consideration is the impact of the proposed development on the flats and properties to the east of the site.

#### Overlooking/ loss of privacy

- 8.29 The proposed development includes a series of first-floor windows that would face towards the side windows and rear garden of the adjacent upper floor flats above no.105 Mill Road, as well as the rear garden and windows of nos.1 and 3 Kingston Street. These windows would however be high level and be positioned above 1.6m above the finished floor level. It is usually required that a 1.7m finished floor level is needed to safeguard neighbour amenity but I am confident that this could be conditioned or amended, if officers were minded to approve, to overcome this.

- 8.30 In my opinion, I do not consider a harmful loss of privacy would be experienced as a result of this development.

#### Overshadowing/ loss of light

- 8.31 A daylight and sunlight assessment has been submitted with the application which demonstrates the likely impact on the first-

floor windows of the upper-floor flats above no.105 Mill Road. Whilst the results of the windows that have been surveyed are within the required levels in terms of retained light, there is a significant error in this assessment in that it has labelled a single-aspect kitchen/ dining room window as a bathroom and has not calculated the impact on this room. In my opinion, given the proximity of this habitable window to the proposed development and the noticeable increase in scale and massing compared to the original building, an assessment of this window is critical to be able to make an informed assessment on the amenity of this neighbour. The proposed building appears to fall outside the 25° line of the rear windows of properties along Kingston Street and I do not consider it would be reasonable to ask for these windows to be included in an assessment.

8.32 In addition to the above, the application also lacks a basic shadow study which is vital to understand whether the increased massing proposed would harmfully overshadow the rear amenity space for the flats of no.105 Mill Road, as well as that of no.1 Kingston Street, all of whom have objected on the grounds of loss of light.

8.33 In my opinion, without an accurate daylight and sunlight assessment or a basic shadow study, I cannot be certain that the proposal would have an acceptable impact on one of the habitable windows of the upper floor flats and the adjacent external amenity spaces of neighbours. Therefore, in the absence of this required information, I consider the proposal unacceptable from a loss of light perspective.

#### Visual enclosure/ dominance

8.34 I have visited the adjoining flats of No.105 Mill Road and looked out of the main habitable outlooks. At present, the views out to the south-west from the side (west) facing windows allow for some unobstructed views across the front of the building. The existing long corrugated sheet roof features in views out to the west and north-west from these first-floor windows. However, given the gentle rise of the slope as it reaches the apex of the roof, I do not consider it can be argued that these views are visually enclosed or dominated severely at present. The relationship is nonetheless very sensitive given that these outlooks are single-aspect and serve habitable rooms.

8.35 The proposal would introduce a large two-storey gable end measuring approximately 5.9m to the eaves and 8.35m to the ridge set around 5.6m forward of the original front building line. In addition to this, the long 6.7m high pitched roof would be replaced with a larger roof form that has a higher ridge and eaves. In my opinion, the proposed works would introduce a significant level of scale and massing in very close proximity to three side and rear facing first-floor single-aspect habitable windows that would harmfully overbear these rooms to the detriment of neighbour amenity. These rooms have a limited outlook at present and I am concerned that the proposed development, by way of being taller and bulkier, would exacerbate the outlook for these rooms and cause an overbearing effect on the future occupants.

8.36 In addition to the above, I also have significant concerns with the enclosing impact the proposal would have on the amenity space for the flats of no.105 Mill Road and the adjacent gardens of nos.1 and 3 Kingston Street. At present, these amenity spaces look out onto the existing building which measures around 3.4m to the eaves and 6.7m to the ridge. This existing relationship is, in my view, un-neighborly and oppressive. The rear projecting element of the proposal would be set back from the current building line on this side by approximately 2.2m but would be higher than the original building, notably by approximately 1.7m at eaves level. Although the setting back of the building line provides a degree of separation from these gardens, the increase in the height of the eaves by 1.7m would represent a demonstrable change compared to the current outlooks for these external spaces. There would be a sharp 5.1m high wall in close proximity to these amenity spaces which would be far more oppressive, in my opinion, than the current pitched roof. Overall, I consider the proposal would worsen what it already a poor relationship and would adversely impact on the amenities of the adjoining properties.

#### Noise and disturbance

8.37 I have concerns that the introduction of storing commercial bins externally in close proximity to these habitable rooms would result in noise and disturbance being experienced in the adjoining upper-floor flats of no.105 Mill Road. The applicant has not demonstrated that the disposal of bottles and glass, as well as the general movement and collection of bins in this

space, would be within acceptable background noise levels in the event that the proposed restaurant/ café use is occupied.

- 8.38 Furthermore, the proposed restaurant/ café use could also introduce noise and odour from external extraction and associated plant. No details have been submitted to accompany this application and the Environmental Health Team has recommended the application be refused in the absence of this. In my opinion, given the proximity of the neighbouring windows to the proposed commercial use, I do not feel confident that this could be controlled by way of condition without first knowing that there is potential to facilitate the associated plant/ extraction.

#### Impact on car parking on surrounding streets

- 8.39 The majority of the surrounding streets fall within controlled parking zones. The site is in a sustainable location, close to the City Centre and well served by public transport links into the City Centre and wider area. The site also falls within the Mill Road (West) District Centre and there are shops and services within walking distance of the site. Although the cycle parking provision is inadequate, if there was sufficient cycle parking this would also alleviate the pressure on on-street car parking in the area. Overall, given the sustainable location of the site, I do not anticipate the proposal would drastically increase on-street car parking in the surrounding area and is acceptable as a car free development.
- 8.40 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 is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 4/13 and 6/10.

#### Amenity for future occupiers of the site

- 8.41 There are fundamental issues with the accessibility and functional layout of the proposed development which have been explained in the preceding paragraphs of this report. The internal space standards (as set out below paragraph 2.5 of this report) of the proposed units would in my opinion be generous in this location and I do not consider this to be an issue.

- 8.42 In my opinion, the quality and quantity of amenity space provided for future occupants of some of the units is inadequate.
- 8.43 I do not consider the provision of external amenity spaces for the proposed one-bedroom units to be necessary given the size of these units and the urban context of the site. Notwithstanding this, these proposed units would benefit from both roof terraces and patios which would be acceptable.
- 8.44 The proposed larger two and three-bedroom units however do not have an acceptable level of private outdoor amenity space. The proposed two-bedroom units in the rear mews style block would only have 9m<sup>2</sup> private patios which would only have limited light levels and would be extremely cramped environments for what could be occupied as family dwellings. Also, the proposed three-bedroom unit appears to only have a Juliet balcony and it does not appear from the plans that users could walk out onto this balcony. As a three-bedroom duplex property, this level and quality of amenity space, facing out onto the busy Mill Road, is unacceptable.
- 8.45 The future occupants of proposed unit nos. 5 and 6 would have a poor outlook as the front (west) facing windows face out onto a large sign and recycling centre which would physically overbear these outlooks and provide an unsatisfactory living environment for the habitable living rooms of these properties.
- 8.46 The impact on the neighbours from noise and disturbance in paragraphs 8.37 and 8.38 of this report are also applicable to these proposed dwellings and the mixed use development has not adequately accounted for the multiple uses on the site.
- 8.47 In my opinion the proposal provides a poor-quality living environment and an in-appropriate standard of residential amenity 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**

- 8.48 Refuse arrangements have been addressed in paragraphs 8.22 and 8.37 of this report.

8.49 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policy 3/12.

### **Car and Cycle Parking**

8.50 Car parking has been addressed in paragraph 8.39 of this report. In the event of approval, a car club informative would be recommended.

8.51 Cycle parking has been addressed in paragraph 8.21 of this report. The proposal lacks sufficient detail to make an informed assessment in terms of cycle parking for future occupiers.

8.52 It is assumed that no cycle parking is proposed for the commercial unit. In my opinion, given that many other commercial uses along Mill Road do not benefit from dedicated on-site cycle parking, I do not consider it would be reasonable to require this for the commercial unit. In addition, there are also public cycle parking spaces outside St Barnabas Church and in the public space to the west which could cater for visitors and staff.

8.53 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policy 8/6.

### **Drainage**

8.54 It is acknowledged that the Drainage Team has requested further information regarding surface water drainage prior to determination. I do not consider it would be reasonable to ask for this information at this stage given that the site is a brownfield site and is covered with hard standing at present. The site is not identified as being at any high risk of surface water flooding and I am of the opinion that this could be conditioned if necessary.

### **Third Party Representations**

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

Comment	Response
The existing forecourt area provides a comfortable breathing space along Mill Road which would be lost as a result of this development.	The Urban Design and Conservation Team have no objection to the principle of a building footprint coming forward in this location. There is a building line established beyond no.105 to the east and the proposal would respect this in my opinion.
Will any of the units be affordable?	There is no policy requirement for the units to be affordable as the quantum of development falls below the threshold of policy 5/5 of the Cambridge Local Plan (2006).
Could tree pits be introduced into the car park as a Section 106 improvement?	I do not consider the provision of tree pits in the car park to be necessary in order for the development to be acceptable.

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

8.56 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

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

## **9.0 CONCLUSION**

9.1 The proposed shop front would be out of keeping with the traditional appearances of shop fronts along Mill Road and



would subsequently fails to preserve or enhance the character and appearance of the Conservation Area. Inadequate detail has been submitted to demonstrate that the proposed use of alternative and contemporary materials and dormer forms would successfully assimilate into the surrounding context. The proposal would fail to provide a satisfactory living environment for future occupants and would have an adverse impact on neighbouring properties. The proposed servicing arrangements and layout would pose a threat to highway safety.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. The proposed development would occupy a highly prominent position in the Mill Road Conservation Area. The proposed shop front for the commercial unit would have an elongated appearance that appears out of character with the traditional fenestration of shop fronts in this part of the Mill Road Conservation Area. In addition, insufficient detail has accompanied the application to demonstrate that the proposed finishes and detailed design of the overall development would successfully integrate into the context and appearance of the area. In the absence of this detailed information, it cannot be confirmed that the proposal would preserve or enhance the character and appearance of the conservation area or the Buildings of Local Interest in close proximity. As such, the proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 3/15, 4/11 and 4/12.

2. The proposal would fail to provide a satisfactory living environment for the future residential occupants. The narrow entrance point from Mill Road and northern access from the car park would both represent poor quality access points that would limit accessibility and lack sufficient active surveillance. The cramped patio spaces for the proposed two-bedroom units and the lack of any meaningful private external amenity space for the proposed three-bedroom duplex flat would be inadequate for the level of development proposed and offer a poor level of amenity for future occupants. The future occupants of the proposed unit nos.5 and 6 would have their main ground-floor outlook and entrance facing onto a recycling centre and the amenity standards for these properties would be unacceptable. The refuse arrangements proposed would be convoluted and the provision of cycle parking is poorly planned and inadequate for a scheme of this size. As such, the proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/13 and 8/6.
  
3. Insufficient information has been submitted to demonstrate that the proposed restaurant/ café (A3) commercial use could function without having a harmful impact on the amenities of both future occupants of the proposed development and the adjoining flats above no.105 Mill Road in terms of noise and odour. The disposal of commercial refuse and comings and goings associated with this could also detrimentally impact upon the amenities of neighbours and future occupants and the submission lacks suitable detail to make an informed assessment of this. In the absence of this noise and odour information, the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 4/13 and 6/10.

4. The proposed development would introduce a level of massing significantly greater than the existing building which would harmfully overbear the outlooks of nearby windows and amenity spaces of adjoining occupiers. There are three habitable single-aspect windows on the side and original rear elevation in the flats above no.105 Mill Road and the proposed development, by way of projecting further to the front and higher, would adversely oppress these outlooks to the degree that these neighbours would feel visually enclosed when using these habitable rooms. The significant increase in height of the eaves of the rear element of the proposed development compared to the former building would also drastically increase the perceived visual enclosure in the adjoining shared patio of no.105 Mill Road and adjacent gardens of nos.1 and 3 Kingston Street. As such, the proposal would be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.
  
5. The proposed works would be in close proximity to three habitable windows in the flats above no.105 Mill Road. The daylight and sunlight assessment submitted with the application has not accounted for a single-aspect dining and kitchen room window and it is therefore not possible to determine that the proposal would have an acceptable impact from a loss of light perspective. In addition, a shadow study has not been submitted to accompany the application and it cannot be determined that the proposal would retain sufficient light reaching the adjoining amenity spaces at the rear of no.105 Mill Road and nos.1 and 3 Kingston Street. In light of the inaccurate information, and lack of a shadow study, it cannot be confirmed that the proposal would be acceptable in terms of loss of light and consequently the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

6. The proposed servicing arrangements and layout of the front of the development would pose a threat to highway safety. The combination of bringing the building line of the proposed development forward of the original building line, potential introduction of outside seating in the limited forecourt area, and, proposed positioning of servicing on the pavement of Mill Road would constrain what is already a very narrow pavement that experiences high volumes of pedestrian footfall. The proposal would severely restrict the ability of disabled users and pedestrian to permeate past the application site safely to the detriment of highway safety. As such, the proposal would be contrary to Cambridge Local Plan (2006) policies 3/7, 3/12, 8/2, 8/4 and 8/9.

<b>Application Number</b>	17/1624/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	28th September 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	23rd November 2017		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	1-2 Purbeck Road Cambridge CB2 8PF		
<b>Proposal</b>	Conversion and extension of existing dwellings to provide 10 new student rooms.		
<b>Applicant</b>	Ms Deborah Griffin Homerton College Hills Road Cambridge CB24 3DQ		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The principle of development of the site as a large student HMO is acceptable and in accordance with policy 5/7 of the Cambridge Local Plan (2006).</li> <li><input type="checkbox"/> The proposal would not have an adverse impact on neighbour amenity.</li> <li><input type="checkbox"/> The proposed extensions would be in keeping with the character and appearance of the area.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site comprises a pair of semi-detached properties which are owned by Homerton College and last let as two individual houses although currently vacant. The existing buildings are two-storeys in scale with hipped and pitched roofs and a brick fenestration. There is an external passage at ground-floor level which separates the two buildings. There is a small rear courtyard and parking bays to the north-east of the main buildings. There is a small substation immediately to the north-east of the existing buildings.

- 1.2 To the south-east is the large Hills Road Sports and Tennis Centre building. To the south-west is the recently completed residential development and Abbey College development. There is a pedestrianised street which runs to the west of the site, connecting Purbeck Road to Harrison Drive. The surrounding area comprises a mix of student and residential accommodation and some commercial uses.
- 1.3 There are no relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks planning permission for extensions to the existing buildings and conversion of the two properties into one large 10 person HMO.
- 2.2 The proposed extensions would involve filling in the undercroft passageway and extending the existing two-storey and single-storey rear wings along the eastern boundary to create a staircase.
- 2.3 The proposed HMO would have 10 rooms with two shared bathrooms, two shared smaller toilets and two shared kitchen/dining rooms. The proposed bedrooms would be upwards of 13m<sup>2</sup> in size. The car parking arrangements would remain as is and there would be bin and cycle storage at the rear of the site in an enclosed courtyard.

### 3.0 SITE HISTORY

Reference	Description	Outcome
14/1648/REM	Reserved Matters Scheme (access, appearance, landscaping, layout and scale) for the erection of 95 residential units including affordable housing, together with associated landscaping (the provision of a central amenity space and the reconfiguration of the existing on-site balancing pond to the south), car and cycle parking, and associated infrastructure works pursuant to application 13/1250/OUT.	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 5/4 5/7 8/2 8/4 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  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 car parking is unsuitable for use by an HMO as the spaces cannot be accessed independently. Residents parking informative recommended.

### **Environmental Health**

- 6.2 No objection subject to construction hours, piling and contaminated land conditions.

### **Refuse and Recycling**

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

- 3 Corfe Close
- 6 Corfe Close

- 7.2 The representations can be summarised as follows:

- We were not consulted about this application but should have been.
- The loss of the Victorian properties, which could be used as affordable homes, would add to housing demand in the City.
- The approved planning application (13/1250/OUT) of Sept 2013 showed these properties to be occupied as affordable homes.
- The loss of the green space will lead to the loss of further valuable green space on a densely developed site.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

#### Amalgamation of two residential properties into one large HMO

8.2 The proposed works would facilitate the change of use of the site from two properties to one large HMO. Policy 5/4 of the Cambridge Local Plan (2006) states that the redevelopment or change of use of residential accommodation to other uses will not be permitted unless specific criteria can be met. This policy does not specify the type of residential accommodation it seeks to protect and is concerned with loss of residential to other uses. The proposed works would increase the amount of residential floorspace on the site and the use of the site as a HMO would in my view remain a residential use.

8.3 Section 55 of the Town and Country Planning Act 1990 (as amended) does not include the amalgamation of multiple dwellinghouses into one as being a material change of use. There have been cases in other authorities where the amalgamation of units into one larger unit has been deemed to be a material change of use. However, in these cases, the interpretation of this being a material change of use was a matter of fact and degree and was applied in cases where the local planning authority had policies that specifically sought to protect smaller units from being lost in the housing market. Policy 5/4 of the Cambridge Local Plan (2006) makes no

reference to protecting certain sized units and the proposal would increase the level of residential floorspace available.

- 8.4 The existing properties could be used independently as two separate HMOs, capable of accommodating six persons each without the need for planning permission. The proposed change of use would be similar to this albeit one large HMO rather than two individual ones.
- 8.5 As such, I see no conflict with the purpose of this policy and consequently I am of the opinion that the amalgamation of the two properties to one large HMO on site would not conflict with the provisions of policy 5/4.

#### Affordable housing

- 8.6 It is acknowledged that a concern has been raised from a third party regarding the fact that nos.1 and 2 Purbeck Road were allocated as affordable housing under applications 13/1250/OUT and 14/1648/REM as part of the wider development of the site. However, it was agreed in writing on 13<sup>th</sup> September 2016 that the affordable housing provision for these permissions would instead be provided within the main development of the wider site, specifically 'Block D2', and that nos.1 and 2 would remain as private housing. In light of this redistribution of affordable housing, I do not consider the proposal would have any bearing on the allocation of affordable housing.

#### Principle of HMO

- 8.7 Policy 5/7 (Supported Housing/Housing in Multiple Occupation) of the Cambridge Local Plan (2006) is relevant to test whether the principle of the proposed use is acceptable. Policy 5/7 states that development of properties for multiple occupation will be permitted subject to:
- a. the potential impact on the residential amenity of the local area;
  - b. the suitability of the building or site; and
  - c. the proximity of bus stops and pedestrian and cycle routes, shops and other local services

8.8 I set out below my assessment of the proposed use in accordance with the above policy criteria:

Impact on residential amenity (use)

8.9 At present, the site is capable of being occupied by 12 people as two separate HMOs with no restrictions on the management or future users of the property. The proposal would provide 10 student rooms within the HMO.

8.10 The site is proposed to be occupied for student accommodation in association with Homerton College which is within walking distance immediately to the south of the site, the other side of Harrison Drive.

8.11 The proposed 10 student bedrooms are upwards of 13m<sup>2</sup> in size and there would be shared bathroom, kitchen and dining facilities. The communal spaces would be identical on the ground-floor and first-floor and the facilities would each effectively be shared by five occupants.

8.12 The application site is situated a considerable distance from other dwellinghouses in the surrounding area and adjacent to other student accommodation owned by Abbey College. The pedestrianised street running adjacent to the site is relatively busy and I do not consider the comings and goings of students entering and leaving the site would be materially different to that of the surrounding context. I have recommended a condition to limit the occupancy of the site to no more than 10 persons. The existing three car parking spaces would be retained for future occupants and I do not consider there would be a drastic increase in on-street car parking in the surrounding area.

Suitability of the building

8.13 The layout of the large student HMO is set out in paragraph 8.10 of this report. All of the habitable rooms would have acceptable outlooks and the communal spaces are considered sufficient for the level of development proposed. The site is located in a sustainable location with good cycle links and bus routes into the city centre and within walking distance of the College facilities. There would be a ramp for level access at the rear and the ground-floor rooms would have sufficient space for disabled access. A cycle store is proposed which appears

capable of accommodating the necessary number of cycle parking spaces in a secure environment. A condition is recommended for the full details of cycle parking to be provided prior to occupation of the rooms. Bin storage is provided at the rear of the site with a straightforward route out to Cherry Hinton Road on collection days.

#### Proximity to public transport, shops and services

- 8.14 There are shops and facilities along Hills Road and Cherry Hinton Road within close proximity and the large open space of Homerton College is also within walking distance.
- 8.15 In my opinion, subject to condition, the principle of development is acceptable and complies with Cambridge Local Plan (2006) policy 5/7.

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

- 8.16 The proposed extensions would in my opinion read as subservient additions to the original buildings and would not detract from the character or appearance of the area. The proposed two-storey extension would have a level eaves to the original building and a subservient hipped roof form that appears modest in the context of the site. I have recommended a matching materials condition.
- 8.17 It is acknowledged that a concern has been raised regarding the further densifying of the site with additional developments. However, I do not consider the scale of the proposed works would be so great as to result in the site appearing overdeveloped. The site is situated in a relatively urban context and the small size of the garden would not appear out of keeping with this context in my view. It is not clear from the drawings what would be used to enclose the rear courtyard and I have therefore recommended a boundary treatment condition to control this.
- 8.18 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

- 8.19 The proposed extensions would be a significant distance from any adjoining neighbours and I am confident no harmful loss of privacy, overshadowing or visual enclosure would arise from this development.
- 8.20 The use of the site as a 10 person student HMO has been assessed in paragraphs 8.9 – 8.12 of this report.
- 8.21 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14, 4/13 and 5/7.

## **Refuse Arrangements**

- 8.22 The proposal includes bin storage along the side of the proposed extension in the rear courtyard. Whilst the capacity of bin storage appears acceptable, it would be beneficial from a visual amenity standpoint if a small timber lean-to enclosure could be erected to enclose these bins from the outdoor amenity space and public views. I have recommended a condition to control this.
- 8.23 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 5/7.

## **Highway Safety**

- 8.24 The Highway Authority has raised no objection to the proposal on the grounds of highway safety but has questioned the ability to access one of the parking bays. In order to access one of the parking spaces the user of the space in front would have to drive out of the space to allow the user of the rear space to leave. This is an existing arrangement. In my opinion, this is a matter for the occupants of the proposed HMO to arrange and is a civil matter rather than posing a threat to highway safety or raising any other material planning issues.

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

### **Car and Cycle Parking**

8.26 The proposal provides three car parking spaces which accords with the maximum parking standards of the Local Plan (2006)

8.27 The proposal includes space for 10 cycles to be stored in the rear of the site. The drawings indicate that a cantilevered canopy would be erected over the stands which are acceptable in principle but full details of this are required prior to occupation of the development by way of condition.

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

### **Third Party Representations**

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

8.30 I have consulted and confirmed with the application support team that letters notifying residents of the proposed application were sent to all direct neighbours in accordance with consultation procedures.

## **9.0 CONCLUSION**

9.1 The proposed amalgamation of the two properties into one large HMO is considered to be acceptable in light of the fact that the site would remain in residential use and each property could be separately used as a HMO without the need for planning permission. The proposed use of the site as a large student HMO would not give rise to unacceptable levels of noise and disturbance to surrounding occupiers and would be compatible with the context 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. 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. 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)

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 treatment to be erected. The boundary treatment shall be completed before the building is occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

12. 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)

13. 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 5/7).

14. 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, 5/7 and 8/6).

15. The HMO hereby permitted shall be occupied by no more than 10 people at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2006 policies 3/7 and 5/7).

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

**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>

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<b>Application Number</b>	17/1534/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th September 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	8th November 2017		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	4 Green End Road Cambridge CB4 1RX		
<b>Proposal</b>	Change of use from outbuilding to form new 1 Bed dwelling including forming a first floor by raising the eaves and ridge height and a single storey front extension		
<b>Applicant</b>	Mr B Giove 4, Green End Road Cambridge CB4 1RX		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed works would be in keeping with the character and appearance of the area.</li> <li><input type="checkbox"/> The proposal would provide an acceptable living environment for future occupants.</li> <li><input type="checkbox"/> The proposed change of use and associated works would not harm the amenity of nearby properties.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site comprises a large detached property situated close to the corner of Green End Road and Milton Road. The property has a large forecourt car parking area to the front, as well as a rear and side garden. There is a single-storey outbuilding to the side of the main dwelling which is currently used as ancillary accommodation to the main property. To the north of the site is the Golden Hind public house which is identified as a Building of Local Interest (BLI). The surrounding area is predominantly residential in character and is formed of a

range of housing typologies, typically no higher than two-storeys in scale.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal seeks planning permission to create a first-floor above the single-storey outbuilding, by way of raising the height of the building by approximately 1.3m, to facilitate the change of use of the outbuilding to form a new one-bedroom dwelling. A small single-storey extension is also proposed as part of these works.

2.2 The proposed one-bedroom dwelling would have the living room, kitchen and bathroom on the ground-floor and the bedroom within the first-floor with a total internal floor area of approximately 65m<sup>2</sup>. There would be a separate entrance from the path along Milton Road leading to the entrance, bin store area and cycle parking. At the rear of the proposed building there would be an outdoor private amenity area of 44m<sup>2</sup>, separated from the main house by landscaping and boundary treatment.

2.3 The application is accompanied by the following additional information:

1. Drawings
2. Design and access statement

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
17/1533/FUL	Sub-division of existing detached 5 Bedroom house to form 1 No. 3 Bedroom House and 1 No. 2 Bedroom House both with associated amenity space and parking and canopy to the front and side elevation.	Pending consideration.



#### 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 3/14 4/12 4/13 5/1 8/2 8/6 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 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)  Buildings of Local Interest (2005)

#### 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 may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact

upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

### **Environmental Health**

- 6.2 No objection subject to construction hours and noise insulation conditions.

### **Urban Design 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 owners/occupiers of the following addresses have made representations:

- Camcycle, 140 Cowley Road
- 6 Green End Road

- 7.2 The representations can be summarised as follows:

- Increase in parking demands on surrounding streets due to lack of car parking
- Highway safety concerns as per the Highway Authority comments.
- The gate opening onto the shared path along Milton Road would pose a threat to the safety of cyclists.
- The cycle parking is poorly designed and awkward to use.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

- 8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.
- 8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.
- 8.4 As the proposal is for the subdivision of an existing residential plot, Local Plan policy 3/10 is relevant in assessing the acceptability of the proposal. Policy 3/10 allows for the subdivision of existing plots, subject to compliance with specified criteria. However, in this instance, Section d and f of the policy are not relevant as the proposal would not adversely affect the setting of a listed building (d) and would not prejudice the comprehensive development of the wider area (f).
- 8.5 Local Plan policy 3/10 states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) have a significantly adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and generation of unreasonable levels of traffic or noise nuisance;

- b) provide inadequate amenity space, or access arrangements and parking spaces for the proposed and existing properties;
  - c) detract from the prevailing character and appearance of the area; and
  - e) would not adversely affect trees, wildlife features or architectural features of local importance
- 8.6 I consider that the proposal complies with the four criteria set out in policy 3/10 for the reasons set out in the relevant sections of this report.

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

- 8.7 The pitch of the roof of the exiting building is visible from views to the west, north-west and north by virtue of its position close to the busy road junction which connects Milton Road, Green End Road and King Hedges Road together.
- 8.8 The proposed raising of the eaves and ridge line by approximately 1.3m would inevitably increase the visual prominence of the outbuilding as the scale of the building would rise up.
- 8.9 Notwithstanding this increased scale, I do not consider the proposed development would appear out of character with the area. All four corners of the road junction have differing typologies and there is no consistent pattern that the proposal needs to conform to or respect. For example, the Golden Hind public house on the north-east of the junction is a distinctive locally listed building which reads as a standalone building, on the north-west side of the road there are pairs of semi-detached two-storey properties and the south-east side consists of a single-storey flat roof commercial building.
- 8.10 In my opinion, the increased scale would not appear disproportionate to the other two-storey forms in the surrounding area and the proposed works would not appear visually dominant from public views along these key arterial routes into and out of the City. The appearance of the building would remain residential in my view and I do not consider the physical sub-division of the plot would materially harm the character of the area. I have recommended a matching

materials condition to ensure the proposed works blend in with the existing building.

- 8.11 The proposed development would not, in my view, compete with or detract from the architectural merit of the Golden Hind BLI by virtue of the subservient scale and simple form of the proposed outbuilding. The outbuilding would retain the existing footprint of the building and I am confident that the large trees visible along the street nearby would not be impacted by the proposed development. The proposed single-storey extension would be of a modest mass and design and would not harm the character or appearance of the area.
- 8.12 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 3/14 and 4/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.13 The proposed raising of the ridge and eaves would have no material impact on the amenity of neighbouring properties due to the separation distance of the proposed works from neighbouring properties. The proposed extension to the outbuilding would be a considerable distance from the nearest neighbour at no.418 Milton Road and would also be obscured from views from this neighbour by the dense tree planting already present on-site.
- 8.14 I have recommended a condition to control permitted development rights to prevent any roof extensions or windows being added at first floor level to the north-east and south-east elevations as these could potentially overlook the host property and no.418 Milton Road. The rooflight shown on the proposed plans is 1.2m above the internal floor level and I have requested that this be amended to no lower than 1.7m above the finished floor level of the first-floor in order to protect neighbour amenity.
- 8.15 The proposed sub-division of the plot would not compromise the garden space of the host dwelling and there would still be a large garden retained for the existing property at no.4. The views from the proposed gable end first-floor bedroom window

would be orientated away from the host garden and would not compromise privacy.

- 8.16 The use of the site for residential purposes would not in my opinion introduce any noise and disturbance above and beyond the existing property in terms of comings and goings and day-to-day use of the proposed dwelling.
- 8.17 It is acknowledged that a concern has been raised regarding the pressure on on-street parking in the surrounding streets that the proposal would cause.
- 8.18 The proposed development would be one-bedroom in size and I consider the level of parking demand for this proposed unit would be relatively low. Furthermore, the site adjoins onto a cycle path and route which connects to the City Centre and wider area and there appears adequate room to accommodate appropriate cycle storage on the site. There are also good public transport links along Milton Road and Green End Road which provide further alternative means of accessing shops, services and facilities in the wider area. The site is also immediately adjacent to the King Hedges Road Local Centre providing basic shops and facilities within walking distance. Overall, I consider the pressure on the surrounding streets would be minimal, the proposed development is well-served by public transport and cycle links and is not dependent on the private car as the main means of transport.
- 8.19 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/14 and 4/13.

Amenity for future occupiers of the site

- 8.20 The proposed dwelling would have an internal floor area of approximately 65m<sup>2</sup> and a generous rear garden of 44m<sup>2</sup> which in my opinion would provide a good living environment for future occupiers. I have recommended conditions to control the boundary treatment and landscaping of the rear amenity space to ensure it provides a high quality private space for the future occupants. The site is situated in a sustainable location with good transport links and reasonable access to shops and

facilities in the wider area. A noise insulation condition has been recommended by the Environmental Health Team to ensure that future occupiers would not experience high volumes of noise from the busy Milton road adjacent.

8.21 The submitted site location plan is currently drawn around the entire curtilage of the host dwelling. I have requested an amended plan to ensure the location plan accords with the curtilage shown within the block plan.

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

### **Refuse Arrangements**

8.23 There is some ambiguity on the drawings as to precisely where bins will be stored. Nevertheless, there is ample room in the front entrance area around the building to integrate a small bin store which would not be prominent from the street. It is presumed that bins would be collected from Milton Road to the north-east in a similar manner to no.418 Milton Road. I have recommended a condition for the details of the store and means of collection to be agreed in consultation with the Waste Team.

8.24 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/10

### **Highway Safety**

8.25 The Highway Authority has raised no objection to the proposed development. It is acknowledged that a concern has been raised regarding the position of the proposed entrance gate in relation to the adjacent shared cycle/ footpath. However, in my opinion, as the gate opens inward onto the application site and the number of movements for a one-bedroom dwelling would be limited, I do not consider the proposal would compromise the safety of the users of this path. I have recommended a condition to ensure the gate only opens inward and should at no time open outwards onto the path.



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

### **Car and Cycle Parking**

8.27 Car parking has been addressed in paragraph 8.18 of this report. A car club informative is recommended.

8.28 An objection has been raised regarding the layout and type of cycle storage proposed for future occupiers. The floorplan indicates cycle parking being stored down the side of the building and in my view there is ample space to accommodate two secure cycle parking spaces on the site comfortably. I consider there is room to accommodate two Sheffield style cycle stands in a small enclosure on the site and have recommended a condition for this to be agreed.

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

### **Third Party Representations**

8.30 The third party representations have been addressed in the main body of this report.

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

8.31 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.

8.32 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 character of the area and the context of its surroundings. The proposal would not harm the amenity of residential properties in the surrounding area and would provide a high quality living environment for future occupiers.

## 10.0 RECOMMENDATION

**APPROVE** subject to the receipt of an amended site location plan and revised rooflight drawing, and the following conditions:

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

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

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

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

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

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

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

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

5. 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)

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

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 5/2)

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; pedestrian access and circulation areas; and hard surfacing materials. 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, 3/10, 3/11 and 3/14)

8. The proposed private amenity space for the dwelling shall be laid out in accordance with drawing no.A99 prior to the occupation of the dwelling and shall thereafter be retained in the configuration as approved for the benefit of future occupants of the development 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, 3/10, 3/11, 3/14 and 5/1).

9. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed at first floor level in the north-east and south-east elevations 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 3/14).

10. The first-floor rooflight of the development hereby permitted shall be inserted no lower than 1.7m above the finished floor level of the first-floor and retained at a height greater than 1.7m above the finished floor level thereafter.

Reason: To protect neighbour amenity (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/14).

11. 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, 3/10 and 8/6).

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

Reason: To ensure appropriate provision for the storage of bins and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 3/10 and 4/13).

13. The proposed gate labelled 'proposed entrance gate', as shown on drawing no.A99, shall only open inwards into the application site and shall at no time open outwards onto the adjacent footpath/ cyclepath on Milton Road. Any new entrance gates or means of access onto the application site shall only open inwards and shall at no time open outwards onto the public highway.

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

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

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<b>Application Number</b>	17/1697/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	3rd October 2017	<b>Officer</b>	Sophia Dudding
<b>Target Date</b>	28th November 2017		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	1A And 1B Malletts Road Cambridge CB1 9EZ		
<b>Proposal</b>	Erection of new dwelling (Land r/o 1a, 1b and 1 Malletts Road)		
<b>Applicant</b>	Stewart Debnam 1-2 Union Street Wisbech PE13 1DJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development is considered to be in keeping with the area and would not give rise to harm to the appearance of the site and local area.</li> <li>- The proposed dwelling would not give rise to a significant adverse impact on residential amenity of neighbouring properties</li> <li>- The proposal would provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is a parcel of land to the rear of 1a, 1b and 1 Malletts Road located close to the corner of Malletts Road and Leete Road. It lies adjacent to 3 Malletts Road, a two storey semi-detached property to the east side of the application site. 1a and 1b Malletts Road has been subdivided from 1 Malletts Road which was originally an end-of-terrace dwelling located in the corner plot with spacious garden space. To the north, the

terrace unit with which 1 Malletts Road is attached, is comprised of 4 mid-terrace properties (2-8 Leete Road) indented from the end terraces on both sides (1 Malletts Road and 2 Drayton Road). 2 Drayton Road has been developed in a similar way to the current proposal for 1 Malletts Road. It consists of an attached new building with 2 flats (2a and 2b Drayton Road) and a single new detached dwelling (2c) in the land to the rear of 2a, 2b and 2 Drayton Road.

- 1.2 The surrounding residential area is located within the southern suburban area off Fulbourn Road with a belt of green space separating the properties on Malletts Road from the busy highway. The surrounding residential properties are characterised by pairs of semi-detached buildings and terraced units which were built in the early 20C. Recently, a number of new dwellings have been erected in the area through the subdivision of plots.
- 1.3 There are no listed buildings in the vicinity of the application site and the site neither falls within a Conservation Area or a Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 Full planning consent is sought for the erection of a new dwelling on land r/o 1a, 1b and 1 Malletts Road.
- 2.2 The application site is rectangular in shape with a depth (south to north) of approx. 17.8m and a width (west to east) of approx. 10 m. The proposed front garden area would be slightly wider at approx. 11m. The new dwelling would take up a rectangular-shaped footprint with a depth of approx. 7.4m and a width of approx. 6.7m. It would be arranged with a 2 storey element sitting close to 3 Malletts with gable ends facing front and rear. The ridge height would be approx. 6.4m and the eaves approx. 4.3m. It would have a lean-to element stepped down to single storey close to the host dwelling with a ridge height of approx. 3.2m and an eaves of approx. 2.4m. The internal arrangement would form an 'upside down' house with living and kitchen area at the first floor and bedrooms at the ground floor.



2.3 The application site has a lengthy planning history for the erection of one and two new dwellings, these proposals have been refused/withdrawn for the following reasons:

- The relationship between the new dwellings and existing dwellings appears cramped; erection of a new dwelling in the space gives rise to an overdevelopment of the site;
- Enclosure to 1a/1b Malletts Road;
- Overlooking to 1a/1b/1 Malletts Road and 2 Leete Road;
- Loss of sunlight to 3 Malletts Road.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. drawings

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
05/1256/FUL	Erection of 1No detached two storey dwelling (on land between Nos 1 and 3 Malletts Road).	Refusal
06/0664/FUL	Erection of 1 No detached two storey dwelling including car parking (on land between Nos 1 and 3 Malletts Road).	Application returned
06/0792/FUL	Erection of 1no dwelling.	Withdrawn
11/0758/OUT	Outline application for erection of pair of semi-detached houses with associated external works.	Refusal

APPEAL(11/0758/OUT): Outline application for erection of pair of semi-detached houses with associated external works. APPEAL DISMISSED  
 12/00030/REFUSL

**4.0 PUBLICITY**

4.1 Advertisement: No  
 Adjoining Owners: Yes  
 Site Notice Displayed: Yes  
 Public Meeting/Exhibition (meeting of): No  
 DC Forum (meeting of): 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 3/10 3/11 3/12 4/13 5/1 8/2 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Appendix A)
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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, should it gain the benefit of planning permission, subject to the incorporation of suggested conditions and informatives.

### **Environmental Health**

- 6.2 The development proposed is acceptable subject to the imposition of conditions to control construction hours and piling.

## **Refuse and Recycling**

6.3 No comments

## **Urban Design and Conservation team**

6.4 It is considered that there are no material Urban Design issues with this application.

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:

- 3 Leete Road
- 3 Malletts Road
- Camcycle

7.2 The representations can be summarised as follows:

- The proposed car parking is on a blind corner which might cause car accidents for the area which already has a lot of cars parked;
- If the new dwelling is built right up on the boundary of 3 Malletts Road, it would impede the natural light and generate maintenance difficulties;
- Overcrowded and privacy loss;
- The extended dropped kerb would give rise to further on-street parking pressure;
- Three cycles leaning against a wall without any indication of how they are covered or secured.
- 1.2 metre width doorway for the cycle parking is necessary to help people wheel their cycle through.

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 the main issues are:

- Principle of Development
- Context of site, design and external spaces
- Residential Amenity
- Refuse Arrangements and cycle parking
- Highway safety and car parking
- Third Party Representations

### **Principle of Development**

8.2 The Cambridge Local Plan (2006) states that proposals for housing development of windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses (policy 5/1). The surrounding land uses are residential and the principle of housing development in relation to this policy is therefore acceptable. However, consideration should also be given to policies relating to subdivision of the existing plots and the design of the new building (Policy 3/10 and Policy 3/12).

8.3 Policy 3/10 of the 2006 Local Plan states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) Detract from the prevailing character and appearance of the area;
- d) Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) Prejudice the comprehensive development of the wider area.

8.4 Parts d, e, and f are not considered of relevance to this application. Parts a, b, and c are considered in further detail in this report.

8.5 Policy 3/12 states that new buildings would be permitted where it can be demonstrated that they:

- a) Have a positive impact on their setting in terms of location on the site, height, scale, and form, materials, detailing, wider townscape and landscape impacts and available views;
- b) Are convenient, safe, and accessible for all users and visitors; and
- c) Are constructed in a substantial manner, easily adaptable and which successfully integrate refuse and recycling facilities, cycle parking, and plant and other services into the design.

These matters are considered in further detail in this report.

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

#### Context

8.6 The surrounding area of the application site is characterised by pairs of semi-detached properties and terrace units built in 1940-50s. The building-form, with 35 degree gable-ended roof slopes, is the prevailing building style in the area with building materials in tile and brick/render finish in different colours. Most corner plots in the area, due to their spacious garden space, have been subdivided at least once and developed for housing such as 1 Leete Road, 2 Malletts Road and 2 Drayton Road. Although new buildings in the area mostly use different exterior building materials, the design in terms of the overall massing, height and layout in general are consistent with that of the existing buildings. Overall, however, buildings within the surrounding area do not exhibit a strong unified appearance and, in my view, there is scope for innovation for architectural details so far as they would integrate well with the existing buildings in general terms of design such as massing, height, layout, materials and access of the new development.

#### Design and the impact on the character of the area

8.7 The application site is currently fenced and overgrown with vegetation. It has been vacant for years and appears neglected

providing an opportunity for litter tipping. In my opinion, the development of this space could improve the appearance of the area.

- 8.8 The new dwelling would fill in the centre of the application site, following the layout of the adjacent buildings that would be setback from the pedestrian footpath approx. 5m and leave a relatively spacious front garden. It would follow the building line of 1a/1b Malletts Road and stagger slightly forward than 3 Malletts Road. The new dwelling would be under a pitched roof with two gable ends facing front and rear, and it would be lower than the surrounding buildings. It would be broken down into two elements with the 2 storey element spanning along the frontage approx. 5.1m and the single storey approx. 1.7m, and with a depth approx. 7.5m. The scale and massing of the new dwelling would match that of existing buildings in the area. The building forms with gable ends, in my view, also positively reflect the building design of the area. Although it has a flavour of some details with contemporary design, I consider, in general, the new dwelling would integrate well with the existing buildings in terms of scale, heights, layout and materials.
- 8.9 I have recommended conditions to control the details of materials, landscaping and boundary treatment.
- 8.10 Given the location of the site is near a corner and is transitioning from one road to the other, some design differences that would connect dwellings on both roads are considered acceptable. To the north is a similar arrangement, where a new detached dwelling, 2c Drayton Road, of similar design to the proposed new dwelling, gained planning permission and is currently substantially constructed. In my opinion, the erection of the proposed new dwelling would provide some symmetry with 2c Drayton Road and this would improve the housing appearance on both ends of Leete Road.

#### Layout of the site

- 8.11 The current proposal has also overcome previous concerns relating to development appearing cramped and the site appearing overdeveloped due to the proximity to 3 Malletts Road and additional required functional space for bins, bikes and car parking. The proposed new building is now arranged with a distance approx. 1m away from the shared boundary and

a distance approx.2.2m from the property of No.3. The general distance between pairs of semi-detached properties and terrace units is generally 2-3 meters. The new building would also keep a sufficient distance from 1a, b Malletts Road. As such, in my opinion, the relationship between the proposed new dwelling and adjacent neighbouring properties would reflect the general relationship between neighbouring properties and the arrangement would not appear cramped in my opinion.

8.12 Due to the size of the application site and the layout of the scheme, I consider that the required bin stores and cycle parking can be accommodated away from the street scene. The proposal indicates a bin store to the very front of the site. I do not feel this is appropriate but the side path to the west, where the proposed cycle parking is located, could sufficiently accommodate bin storage for three bins and I feel this can be addressed through a suitably worded planning condition. The proposal includes a private rear garden which is approx. 60 m2. The size of private garden is relatively small compared with most properties in the area. However, for a single family home the proposed garden of this size would provide an acceptable amount of amenity space. Therefore, in my view, the application site can sufficiently accommodate a new dwelling with required functional space, and it would not give rise to overdevelopment or a cramped appearance.

8.13 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*

8.14 The elevation of the new dwelling facing 1a and 1b Malletts Road would have two staggered sloping roof slopes and would span along the end of the rear garden of No.1a/1b by approx. 7.5m. The height of the building is designed below the 25 degree vision line drawn from the centre of rear windows of the ground floor flat. In my view, this arrangement would result in less apparent bulk than the previously refused schemes (05/1256/FUL and 11/0758/OUT) which were arranged with a bulky gable end and a higher roof line facing these properties in a similar location. The new building would be located perpendicular to the rear of 1a/1b Malletts Road with a distance



of approx. 8m separating them. I consider this distance coupled with the reduced height and re-designed roof form has overcome any concerns regarding the impact of enclosure on the occupiers of 1a/1b Mallets Road.

- 8.15 As the new building would fall below the 25 degree line drawn from the center of the rear ground floor windows of No. 1a/1b, the new building would not give rise to any significant adverse overshadowing to their primary habitable space. It is acknowledged that the new building would give rise to some overshadowing to the rear garden of no.1a/1b, however, due to the orientation, this would be in the morning hours only. As per BRE guidance, the amount of sunlight received following construction of the proposed dwelling would not fall below the threshold required for garden space and therefore the proposal would not give rise to any significant adverse overshadowing to No.1a/1b.
- 8.16 The new building would be arranged with living and kitchen area at the first floor level with a Juliet balcony facing the front highway. The outlook towards neighbouring properties would be from the primary habitable rooms located at the ground floor level and screened by a boundary fence. Therefore, in my view the new building would not give rise to significant overlooking to adjacent neighbouring properties.
- 8.17 The proposed new building would be located diagonally to the rear of 1 Mallets Road at a distance of approx. 8m. Due to the relationship of both buildings, the new dwelling would still have a distance approx. 2.1m to the boundary of No.1 and would not extend perpendicularly to the rear of it. In my opinion the new building would not appear significantly intrusive from the rear garden or the rear windows of 1 Mallets Road.
- 8.18 3 Mallets Road would lie approx. 2.2m to the east flank wall of the new dwelling and would be set back from the front building line of the new dwelling by approx. 1m. There are two windows in the elevation of No.3 facing the new dwelling. One is a hallway window at the ground floor level and one is an obscured bathroom window at the first floor level. As there are no primary habitable windows in the elevation and also the new building would finish before the rear wall of No.3, in my opinion, the new dwelling would not give rise to significant loss of light to No.3.

- 8.19 I have recommended conditions to remove permitted development rights for additions to the roof and the erection of outbuildings to ensure that the amenity impact of any future development is controlled.
- 8.20 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 (3/14) and 4/13

*Amenity for future occupiers of the site*

- 8.21 The new dwelling would provide sufficient interior habitable space and external amenity space. The rear garden would be overlooked by the first floor windows of 1 and 3 Malletts Road, however, this is not an uncommon arrangement in most properties in the area and I consider it to be acceptable. The 'upside down' arrangement with bedrooms at the ground floor level and the open-plan living and kitchen area upstairs would provide sufficient light and outlook for the primary habitable spaces.
- 8.22 I have recommended conditions to remove permitted development rights for extensions and outbuildings to ensure that the Local Planning Authority retains control over the amount of external amenity space available for the future occupiers.
- 8.23 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 or 3/10) and 4/13.

**Refuse Arrangements and Cycle Parking**

- 8.24 The proposed cycle parking would be located within the side path to the west of the site and not visible from within the street scene. It has been revised to be covered in an enclosed shed and with a 1.2m wide access in order that the future occupiers can conveniently wheel through their bikes. I consider the proposal provides satisfactory arrangement for cycle parking, the detail of which can be secured through a recommended condition. The bin store is proposed to be located close to the

front boundary fence. As stated above, I do not consider this to be satisfactory as it would give rise to harm to the visual quality of the street scene. There is sufficient space within the side path to accommodate the bins close to the cycle parking and I have recommended a condition to secure the details of the enclosure and this alternative location.

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

### **Highway Safety and car parking**

8.26 The highway Authority comments that the proposal would not give rise to significant harm to highway safety and I share this view. As the proposed car parking space has already been used for car parking, I consider the car parking arrangements to be acceptable. I do not consider the impact on on-street parking to be significant.

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

### **Third Party Representations**

8.28 The third party representations would be addressed in the below table:

<b><u>Representations</u></b>	<b><u>Comments</u></b>
Potential car accidents caused from the car parking on a blind corner;	The proposed parking space, in my opinion, is relatively open with sufficient vision for car manoeuvres. The site is within a residential area without busy traffic and the space is already used for car parking. I consider the proposed car parking arrangement would not give rise to harm to highway safety and this is also confirmed by the Highway Authority.
Light loss and maintenance difficulties to 3 Malletts Road;	The issue related to the light loss to No.3 has been addressed in the report; the proposed new

	dwelling would have a distance to the property of No.3 approx. 2.2m, which would provide sufficient space for maintenance access.
Overcrowded and loss of privacy;	The issues of the site appearing overcrowded and any potential loss of privacy have been addressed within the report.
On-street parking pressure and issues raised from the extended dropped kerb;	The extended dropped kerb is in order to provide an additional off-street car parking space. It would result in approx. loss of 1 on-street parking space. Balanced against the increased on-site provision this is not considered to result in any material impact upon the safe and convenient use of the highway.
Parking difficulty for disabled people. The owner of 3 Malletts Road suggests the extended dropped kerb would give rise to parking difficulty for disabled people, particularly for his severely sight impaired daughter when they wish to park cars close to the house to drop and pick her up.	The extended dropped kerb would be approx. 10m from No.3 and would only result in the loss of one on-street parking space. In my opinion, there would still be enough on-street parking close to No.3. In addition, the street is not a classified road so the dropped kerb element of the development could be implemented under permitted development.
Issues with Cycle parking ;	The comments have been addressed within the report.

## 9.0 Conclusion

9.1 In conclusion, the proposed new dwelling would be in keeping with the area and in my view would improve the appearance and symmetrical arrangement of the area. It would not give rise to a significant adverse impact on residential amenity of neighbouring properties, and would provide a high-quality living environment and 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4. 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. 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 future occupiers by ensuring that sufficient external amenity space is provided (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 occupiers of adjoining properties and the amenity of future occupiers (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12).

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

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

16. Notwithstanding the approved plans, no development shall take place until full details of the bin stores, including their location, elevations and details of materials, have been submitted to and approved in writing by the local planning authority. The bin stores shall not be located within the front garden area and the development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the location and external appearance of the bin stores is appropriate (Cambridge Local Plan 2006 policy 3/4)

**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](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

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

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

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

<b>Application Number</b>	17/1646/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st September 2017	<b>Officer</b>	Sophia Dudding
<b>Target Date</b>	16th November 2017		
<b>Ward</b>	Abbey		
<b>Site</b>	30 Dudley Road Cambridge CB5 8PJ		
<b>Proposal</b>	Construction of a single storey dwelling within the rear garden of 30 Dudley Road.		
<b>Applicant</b>	Mr Nedialkov 74 Standen Road London SW18 5TG		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development is considered to be of high quality design and would not give rise to harm to the appearance of the site or local area.</li> <li>- The proposed dwelling has been designed to mitigate the impact on the occupiers of adjacent properties.</li> <li>- The proposed dwelling would provide a high-quality living environment and an appropriate standard of residential amenity for future occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located within the east suburban area of the city to the west of Ditton Lane. The rectangular shaped Dudley Road forms an inner residential square with spacious open space in the centre. Residential buildings located on the road sit back-to-back with properties on the outer roads of Keynes Road and Howard Road. The surrounding area is predominantly residential and characterised by pairs of hipped-

roofed semi-detached buildings and gable-end terrace units in red tile and white render finish.

- 1.2 30 Dudley Road is a semi-detached property located on the south part of Dudley Road with a 1.8m wide public passageway to the east connecting with Keynes Road.

## 2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the construction of a single storey dwelling within the rear garden of 30 Dudley Road. The existing single storey side extension of the host dwelling would be demolished and the space created would be used for access. The new dwelling would be an 'L' shaped single storey building consisting of two mono-pitched roofed elements modelled with an eaves lines of approximately 2.5m high close to the host dwelling and sloping up to 3.7m high for the ridge lines. The interior habitable space would be approximately 74.6m<sup>2</sup>.

- 2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Drawings

## 3.0 SITE HISTORY

Reference	Description	Outcome
17/1105/FUL	Construction of a 1.5 storey dwelling within the rear garden of 30 Dudley Road.	Withdrawn

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
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 No objection: No additional off-street car parking provision is made for the new residential unit. The development may impose additional parking demands upon 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.

The following conditions are recommended if the Planning Authority is minded to grant permission: surface finish for driveway; permitted development removal for gates; access construction detail; drainage detail; footway and kerb replacement for redundant cross-over; and access provision free of obstruction.

### **Environmental Health**

- 6.2 No Objection: The development proposed is acceptable subject to the imposition of the following condition(s)/informatives: Construction hours; piling; and an informative in relation to substations.

### **Urban Design**

#### Original Comments

- 6.3 No Objection: The sloped roof will be visible from the rear of properties along Dudley Road. It would be preferable to have a metal standing seam roof for the proposed dwelling rather than the specified 'single ply roof membrane'. There are no other material urban design issues with this proposal.

## Final comments

- 6.4 The use of décor strips on a single ply membrane instead of metal standing seam for the roof would be acceptable.
- 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:

- 57A Wadloes Road (support)
- 34 Dudley Road (objection)

- 7.2 The representations can be summarised as follows:

### 57A Wadloes Road

- Developments like small single storey houses are needed in this area.
- This kind of development would result in the rear garden looking better than an unmaintained rear garden.

### 34 Dudley Road

- There is limited off-site parking capacity in the area, especially on match days
- Issues with existing adaptations to the host property and outbuildings.
- 14 people living in both the host dwelling and the new dwelling would give rise to parking issues.
- The host property is used as a HMO and it will require planning permission/licence.
- Raises a query as to why the owners/occupiers of 57A Wadloes Road would want to comment on the application.

- 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 my assessment of the site and from the representations made, I consider the application raises the following main issues:

- Principle of Development
- Context of site, design and external spaces
- Residential Amenity
- Refuse Arrangements and car and cycle parking
- Highway safety

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses. In my view, the residential development of this site is acceptable in principle and accords with policy 5/1.

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

8.3 The proposed new dwelling would be located at the end of the rear garden of the host dwelling. It would be a single storey 'L' shaped building and finished in render. It would not appear prominent from either Dudley Road or Keynes Road or from the footpath. Some properties located within the square around Dudley Road have subdivided their gardens. My view is that the subdivision of this garden would not adversely impact the prevailing character given the substantial depth (20m) of the pre-existing garden and the low scale of the proposed house, being only 3.7m to the ridge, 2.5m to the eaves and with a low pitched roof.

8.4 The access for the new dwelling is proposed from Dudley Road to the side of the host dwelling. The new access would be approximately 21m long and 2.5m wide. It would incorporate space for bikes, bins and landscaping. I consider the access would be convenient, legible and safe.

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



## **Residential Amenity**

Impact on amenity of neighbouring occupiers

### *Impact on the host dwelling*

- 8.6 The new dwelling would have a distance of approximately 10m to the host dwelling. Due to the low scale and the modelling of the building form, I do not consider the new dwelling would give rise to either enclosure or light/overshadowing issues. The retained 10m garden for the host dwelling would be sufficient. There would be no substantial noise disturbance generated by the access point and the orientation of openings is such that no privacy issues arise.

### *Impact on 28 Dudley Road*

- 8.7 Due to the low scale of the new dwelling, I do not consider it would give rise to significant enclosure no. 28. A 5.3m part of the 'L' shaped footprint would be located adjacent to no.28's rear garden but the overall impact, because of the overall depth of this garden and the low scale of the proposed side would be minimal. There would be some morning overshadowing caused, but no more so than what one might expect from a subservient outbuilding. I am satisfied that there are no significant issues of overshadowing, enclosure or noise disturbance arising because of the orientation and positioning of the new unit. Furthermore, because the openings in the proposed dwelling are mainly to the south, no privacy issues arise.

### *Impact on 39 Keynes Road*

- 8.8 The proposed ridge height would be 3.7m facing this property. A rectangular south facing courtyard (5m x 7.5m) is proposed between these two properties and the plans show it to be partially landscaped. The building-to-building distance from no. 39 to the new dwelling would be 24.5m. As such, the proposed new dwelling would not appear imposing from this property and I have no privacy concerns.

### *Overall*

- 8.9 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it

is compliant with Cambridge Local Plan (2006) policies 3/4, 3/12 and 3/10.

*Amenity for future occupiers of the site*

- 8.10 The 2-bed new building would provide interior habitable space of approximately 75sqm for future occupiers. The private amenity space would be south facing and of a good size (5m x 7.5m) for a 2-bed unit.
- 8.11 In my opinion the proposal would provide 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 3/10.

**Refuse Arrangements and cycle parking**

- 8.12 The bin store and cycle parking would be located within the new access along the new boundary fence with the host dwelling. Both sides of the arrangement would have planting to enclose them from the public view. The cycle parking would be covered and secured and the distance from the bin store to the front waste collection point would be 12.3m. The proposed bin storage and cycle parking, in my view, are of a satisfactory arrangement.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10 and 3/12.

**Highway Safety and car parking**

- 8.14 The Highway Authority does not consider the proposal is likely to result in any significant adverse impact upon highway safety. I share the same view.
- 8.15 No parking is proposed for the new dwelling. The Local Plan parking standards are maximum rather than minimum standards and therefore the scheme accords with this.
- 8.16 The Highway Authority suggests the new development may impose additional parking demands upon on-street parking. Some limited impact may arise but I note that many properties within this area benefit from off-street car parking. The site is

also in a sustainable location with easy access to public transport. As such, I consider the proposal would not give rise to significant additional parking pressure on surrounding streets.

8.17 The proposal is compliant with Cambridge Local Plan (2006) policies 8/2 and 8/10.

### **Third Party Representations**

8.18 I deal with these in the table below:

<b><u>Representations</u></b>	<b><u>Comments</u></b>
No off-street car parking provided and in total 14 people living on site would give rise additional pressure on on-street parking;	The proposal does not seek any form of permission for a change of use to the host dwelling, which could operate a 6-bed HMO without the need for planning permission.  As addressed in paragraphs 8.13-8.16, the impact of the proposed scheme on parking demand would be minimal.
The host building used for HMOs would require licence;	This is not material to my assessment of this planning application.
Comments received from 57A Wadloe's Road	I note the representation made but this does not influence my recommendation. Planning applications are open for comments to the whole public with no restriction as to the address of contributors.

## **9.0 CONCLUSION**

9.1 The proposed dwelling would be subservient to the appearance of surrounding buildings and would not give rise to a significant adverse harm to the prevailing character of the area. It would not give rise to any significant amenity harm to neighbouring properties. The new dwelling provides a high-quality living environment and 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. 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 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)

6. 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).

7. 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).

8. 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).

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

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

10. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents 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)

**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.

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<b>Application Number</b>	17/0998/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	7th June 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	2nd August 2017		
<b>Ward</b>	Trumpington		
<b>Site</b>	98 Paget Road Cambridge CB2 9JH		
<b>Proposal</b>	Two storey side, and single storey front and rear extensions		
<b>Applicant</b>	Mr & Mrs Brooks 98 Paget Road Cambridge CB2 9JH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The proposal would not have a significant adverse impact on the residential amenity of the neighbouring properties.</p> <p style="padding-left: 40px;">The extensions would be in-keeping with the character of the property and the surrounding area.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.98 is a two-storey semi-detached property on the southern side of Paget Road. The property is constructed in render at ground-floor level and metal cladding at first-floor level with a pitched tiled roof. There is parking at the front and a garden to the rear.
  
- 1.2 The surrounding area is residential in character and is formed of similar sized semi-detached properties. The attached property is No. 100 and the neighbouring property to the west is No. 96, with which the applicants share a footpath between the properties.
  
- 1.3 The site is not within a conservation area and there are no relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a two storey side extension, single storey rear extensions, and single storey front projection. The proposal includes rendering the property. The extensions would be in brickwork.
- 2.2 The two storey side extension would be up to 2.5m wide and would extend to the boundary with No. 96, and would be stepped in at the front to take account of the shared access. The eaves and ridge height would be stepped down from the main house approximately 0.2m. The side extension would provide space for a bike store and workshop.
- 2.3 The front extension would be single storey and would comprise a hall way and double-gates to the workshop. The extension would project approximately 1.5m from the front elevation and the eaves height would be approximately 2.5m with a sloped roof to a maximum height of 3.8m.
- 2.4 The rear extensions comprise an extension to the living room along the boundary with No. 100, and an extension along the boundary with No. 96 to provide a gym which would be separated from the rear elevation by a courtyard. During the course of the application, the following amendments were submitted:
- Reduction in the length of the living room extension from 6m to 4m;
  - Reduction in the length of the gym extension from 8m to approximately 6.8m
  - Stepping the side elevation of the gym extension approximately 0.1m off the boundary with No. 96.
- 2.5 The extensions would be 2.5m high to the eaves and the ridge height of the gym and living room extensions would be approximately 3.4m and 3.8m respectively.

### 3.0 SITE HISTORY

3.1. The planning history for the site is as follows:

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1202/FUL	Two storey side extension and single storey front and rear extensions	Refused

3.2 The previous application was refused under officer delegated powers on the grounds that:

The combination of the substantial depth, height and proximity of the proposed single-storey rear extensions to the western boundary would result in the proposed works having an unacceptable enclosure impact on the garden of no.96 Paget Road. The proposed extensions would also project 8m in depth, very close to the eastern boundary, and this would visually enclose the garden and nearest ground-floor rear window of no.100 Paget Road. As such, the proposal would harm the amenities of the occupiers of both neighbouring properties through its overbearing impact and be contrary to policies 3/4 and 3/14 of the Cambridge Local Plan 2006, as well as conflicting with paragraph 17 of the NPPF (2012).

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## **6.0 CONSULTATIONS**

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

6.1 No objection.

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

## **7.0 REPRESENTATIONS**

7.1 The owner/occupier of the following address has made representations objecting to the proposal:

- 96 Paget Road

7.2 The representations can be summarised as follows:

- The height and length of the proposed rear extension would be obtrusive
- There is no hedging masking the building
- Concerns about noise levels from the proposed gym extension
- Noise and disturbance from the proposed workshop side extension
- The proposed front extension would go across the shared pathway which will not be permitted.
- The revised plans submitted during the course of the application does not seem to be much of an amendment.
- The expanse and proximity of the proposed side extension.

7.3 Councillor Avery has called in the application on the grounds that the proposal has not made significant changes since the previous refused application, that Members should consider the revised proposal and that the third parties should have the opportunity to present their views to the committee.

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
2. Residential amenity
3. Highway safety
4. Car and cycle parking
5. Third party representations

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

8.2 The visual impact of the proposed extensions was not a reason for refusal of the previous application which was considered to be in-keeping with the character of the area. Compared to the previous scheme, the two storey side extension would have the eaves and ridge set below the existing roof profile, and the first floor would be stepped back from the existing property. This gives the extension a subservient feel which in my opinion would be appropriate to the street scene.

8.3 The proposed single-storey front extension is of a relatively modest scale and there are other examples of front extensions in the surrounding area. The property is one of the last remaining examples of metal cladding on the first floor along Paget Road and detracts from the street scene. The proposal includes rendering the property which would significantly enhance the appearance. The side and front extensions would be in brick which would be in keeping with the material palette in the surrounding area.

8.4 The proposed single-storey rear extensions would not be visible from any public viewpoints. Nonetheless, the extensions would be in-keeping with the character of the existing property and the surrounding area in terms of the form, scale and materials.

8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

## Residential Amenity

### Impact on amenity of neighbouring occupiers

8.6 The main consideration is the impact of the proposed works on the occupiers of the two adjacent properties at Nos. 96 and 100 Paget Road. This was the sole reason for refusal of the previous application. I have addressed these and responded to the objections received by the occupants of No. 96 in my assessment below.

#### *No. 96*

8.7 I have received objections from the occupants of this property concerned about the impact of the expense and proximity of the proposed side extension, the impact of noise from the proposed workshop and gym, and the obtrusive impact of the proposed rear extension. I have visited this property and assessed the impact for myself.

8.8 This property has a single storey element on the side elevation which includes ground floor windows. This is used as a store room and as an extension to the kitchen and I do not consider this to be habitable space. I am not therefore concerned about the impact of the two storey extension on this element. There is a first floor window on the side elevation of No. 96, however this serves a hallway and is not habitable space. Therefore, while I accept that the two storey extension would be closer to the neighbouring property and would have some enclosing impact, No. 96 has no windows serving habitable rooms that would be impacted, so the extension would not harm the residential amenity of the occupants of this property.

8.9 The occupiers of No. 96 have expressed concern about the 'canyoning effect' of the side extension. There is a passageway along the side of No. 96 which would be enclosed along the boundary by the proposed extension, however this is not amenity space and does not provide access to the main entrance to this dwelling which is on the front elevation, so the impact on this passageway would not harm residential amenity in my opinion. Moreover, the side extension is similar in scale to the previous proposal and this element was not a reason for refusal.

- 8.10 Turning to the proposed gym extension, this element has been reduced in height and length since the previous application and during the course of the application in response to officers' concerns about the overbearing impact on the neighbouring property. Compared to the previous application, the side elevation has been reduced in height from 3.8m to 2.5m with a pitched roof approximately 3.8m high. The length has been reduced from 8m as previously proposed to 6m during the course of this application, and the side elevation has been stepped off the boundary by 0.1m. I appreciate that the proposal does not include a hedge along this boundary, however the neighbours could reasonably plant a border on their side to soften the visual impact, should they wish to.
- 8.11 The gym extension must be assessed in the context of the existing buildings on the site and a fall-back permitted development scenario. The existing site plan shows the footprint of outbuildings on the site. These comprise wooden structures the rearmost of which is a relatively modest shed structure. These outbuildings are positioned on the boundary with No. 96 and the proposed extension would cover a similar length. I appreciate that the extension would be taller and more visually 'solid' than the existing structures, however the applicants could erect an outbuilding under permitted development in this location with an eaves height of 2.5m. The extension would have a higher ridge height than a permitted development outbuilding and would be attached to the house, however in my opinion this would not have a significant impact in terms of overbearing and enclosure on the neighboring garden or the ground floor windows on the rear elevation compared to the existing or fallback situation. I am satisfied that the revised proposal is acceptable.
- 8.12 The proposal would not have an adverse impact in terms of overlooking. No windows are proposed on the side (west) elevation and the view from the first-floor window on the rear elevation of the side extension would be similar to that of the existing rear first-floor windows which allow for views across this neighbour's garden at an oblique angle.
- 8.13 The levels of light reaching this neighbouring dwelling would not be diminished to such an extent as to adversely impact on this neighbour's amenity. The proposed two-storey side extension does not project any further to the front or rear than the existing



building line. The first-floor landing window at No.96 would lose a degree of light but as this window does not serve a habitable room, this impact is considered to be acceptable. The proposed single-storey extension running adjacent to the boundary of this neighbour would likely lead to a loss of light over the rear garden of this neighbouring dwelling in the early morning hours. However, the levels of light reaching the garden in the late morning and afternoon hours would not be significantly affected by the proposed works.

- 8.14 The occupants of No. 96 have raised concerns about the impact of noise from the use of the side extension as a bike store and workshop and the use of the rear extension as a gym. The applicants have said that this use would be domestic and related to hobby use. It would not be commercial in nature. The applicants could not run a commercial business from the site that would amount to a change of use without planning permission for change of use. I have recommended a condition to prevent the commercial use of the extensions. In my opinion, these uses would not generate significant noise that would harm residential amenity. I do not consider this would be reasonable grounds to recommend refusal of this application.

*No. 100*

- 8.15 The proposed living room extension would extend along the boundary with No. 100. The side elevation would be 2.5m high with a pitched roof to 3.8m. This property has a large patio at the rear and ground floor windows serving habitable rooms. The occupants of No. 100 have not objected, however I had concerns about the enclosing impact of the extension, which was initially proposed to be 6m long. In response to these concerns, the length was reduced to 4m by the applicant. This has been sufficient to overcome my concerns, particularly as an extension of this length and height could be erected under the prior approval permitted development process, which is a relevant consideration.
- 8.16 I am satisfied that the impact on residential amenity during construction can be controlled through conditions to restrict construction hours and that this would be reasonable due to the proximity to neighbouring properties.

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

Amenity for future occupiers of the site

8.18 The property would retain a good sized garden and the extension would provide a high quality living environment. I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

**Highway Safety**

8.19 The Highways Authority has not objected to the proposal and I accept their advice. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

**Third Party Representations**

8.20 I have considered the objections from the occupants of No. 96 within my assessment. For clarity, these have been addressed as follows:

<b>Representation</b>	<b>Response</b>
The height and length of the proposed rear extension would be obtrusive	Paragraphs 8.10-8.11
There is no hedging masking the building	Paragraph 8.10
Concerns about noise levels from the proposed gym extension	Paragraph 8.15
Noise and disturbance from the proposed workshop side extension	
The proposed front extension would go across the shared pathway which will not be permitted.	The use of the shared pathway is a civil matter and is not a relevant planning matter that I can give weight to.

<p>The revised plans submitted during the course of the application does not seem to be much of an amendment.</p>	<p>I have assessed the amendments that have been submitted during the course of the application within the relevant sections of this report. In my opinion, the changes have addressed previous concerns and the proposal is now acceptable.</p>
<p>The expanse and proximity of the proposed side extension.</p>	<p>Paragraphs 8.8-8.9</p>

## 9.0 CONCLUSION

- 9.1 I acknowledge the objections I have received from the occupants of No. 96 Paget Road and I have visited this property as part of my assessment. I am satisfied that the current application has responded to the previous reason for refusal relating to the overbearing impact of the rear extensions, and the proposal as amended during the course of this application would not have a significant adverse impact on residential amenity, particularly when considering the existing outbuildings and the fall-back permitted development scenarios. In my opinion, the previous reason for refusal has been overcome and the proposal is acceptable.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. The workshop and gym extensions hereby permitted shall not be used at any time for commercial activity.

Reason: To protect the amenity of neighbouring occupiers  
(Cambridge Local Plan 2006, policies 3/4, 3/14 and 4/13).

<b>Application Number</b>	17/1091/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd June 2017	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	17th August 2017		
<b>Ward</b>	Petersfield		
<b>Site</b>	8 Mill Road Cambridge CB1 2AD		
<b>Proposal</b>	Change of use from a charity shop to a restaurant and new ventilation system.		
<b>Applicant</b>	Mr Roi Vaquero 88 Histon Road Cambridge CB4 3GP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p style="padding-left: 40px;">The change of use would promote the viability and vitality of the Mill Road District Centre</p> <p style="padding-left: 40px;">The proposal would not harm the residential amenity of the flats above and nearby</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No. 8 is located on the western end of the Mill Road District Centre. The property has an existing A1 (shops) use at the ground floor with separate residential units above. There is a small garden at the rear. The site is within the Mill Road area of the Central Conservation Area and is within the controlled parking zone. There are no other relevant site constraints.

## 2.0 THE PROPOSAL

2.1 The proposal is for change of use from a charity shop to a restaurant and new ventilation system. During the course of the application, additional information was submitted in response to queries raised by the Environmental Health team.

### 3.0 SITE HISTORY

3.1 There is no relevant recent planning history for the premises.

### 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	3/4 3/7 3/14 3/14 4/11 4/13 6/7 8/2 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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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)
Material Considerations	<u>City Wide Guidance</u>  The Cambridge Shopfront Design Guide (1997)
	<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, the following policy in the emerging Local Plan is of relevance:

- Policy 72: Development and change of use in district, local and neighbourhood centres

## 6.0 CONSULTATIONS

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

6.1 No objection.

## **Environmental Health**

### Initial comments

- 6.2 Unacceptable. There is ambiguity concerning potential noise, smoke and odour impacts causing significant adverse harm to quality of life / amenity of surrounding sensitive receptors. The proposal is in close proximity to existing receptors and as such, a significant amount of detail is required at this stage as evidence that detriment to local amenity will not occur.

### Comment on additional information

- 6.3 Further information has been submitted with regard to noise assessment, details of the proposed cooking practices, the proposed extract system and an odour risk assessment. The additional information is acceptable subject to conditions to control construction hours, hours of operation, delivery hours and odour control. Confirmation needed that the proposed smoking area has been removed.

## **Refuse and Recycling**

- 6.4 No comments received.

## **Policy Section**

- 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 address have made representations objecting to the proposal:

6a Mill Road x 2

- 7.2 The representations can be summarised as follows:

Concentration of food premises instead of retail units would harm the character of Mill Road



- No means of controlling delivery for takeaways which would be unfair competition
- Demand for A1 units on Mill Road
- Increase in noise from food unit
- Impact of outdoor smoking area on students living nearby due to smell and noise
- Increase in congestion and traffic
- Drinking license could increase level of disruptive behaviour

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. Residential amenity
3. Context of site, design and external spaces / impact on heritage assets
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Disabled access
8. Third party representations

### **Principle of Development**

8.2 Policy 6/7 of the Cambridge Local Plan (2006) states that in district and local centres, change of use from A1 to other uses including A3 will only be permitted provided the percentage of A1 uses does not fall below 60%. The applicant has submitted an analysis of the uses of premises within the western part of the Mill Road district centre (between the railway bridge and Donkey Common). According to this, the percentage of A1 uses would be approximately 58%. This would be marginally below the threshold and in conflict with policy 6/7. However I am of the view that in this case there are material considerations that indicate policy 6/7 is now out of date.

8.3 The emerging Local Plan (2014) policy 72 is more relaxed than current local planning policy in terms of protecting the percentage of A1 uses in district centres. It states that changes of use from A1 to another centre use (including A3) will be permitted where the number of properties in A1 use would not fall below 55%, which the current proposal would comply with. Although this policy has outstanding objections to it, it does give a sense of the general travel of planning policy in terms of retail protection and district centres. This is more consistent with the NPPF which supports the 'viability and vitality' of town centres (and district centres) (paragraph 23).

8.4 This inconsistency between the adopted and emerging policy is highlighted in a recent appeal decision which confirms that little weight can be given to policy 6/7. The appeal decision relates to a change of use from A1 to A5 in a different local centre within the city (15/0765/FUL / APP/Q0505/W/15/3137889) where the percentage of A1 uses would have fallen well below the 60% threshold. The Inspector concluded:

*"... the proposed change of use from Class A1 to Class A5 would not have a detrimental effect on the underlying function of the Hills Road Local Centre to meet day-to-day needs as promoted in both CLP Policy 6/7 and emerging Local Plan Policy 72. ... I have only attributed little weight to the conflict with the provisions of CLP Policy 6/7 with regards to a numerical proportion of A1 uses. This conflict is outweighed by the lack of tangible harm to the vitality and viability of the Local Centre, the economic benefits identified and the consistency with the emerging Local Plan Policy 72, to which I have ascribed more weight given that it better reflects the flexible approach to uses in town centres (and by association local centres) espoused in the NPPF and PPG. In this way the proposal would be in conformity with paragraphs 14, 23 and 70 of the NPPF. It would also accord with the core planning principle at paragraph 17 of the NPPF to support sustainable economic development."*

8.5 Moreover, recent changes to the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended) have introduced new permitted development rights for change of use from A1 to A3 (Schedule 2, Part 3, Class C). This permits up to 150 square metres of floor space in the building to change from A1 to A3, subject to a prior approval

process as to the environmental health impacts of the proposal. The current proposal would be for 203 sqm which is above this threshold, so would not be permitted development, however this change to the permitted development rights has rendered policy 6/7 partially incapable of being effective. It points to a conflict between adopted policy - which is 11 years old - and emerging policy/permitted development rights set out in Government guidance which promotes more flexibility.

- 8.6 For these reasons, I give limited weight to the conflict with policy 6/7 in line with the Inspector's conclusions. The current and future direction of national and local planning policy supports the vitality and viability of centres and in my opinion the proposed change of use from A1 to A3 would not have a harmful impact on the Mill Road district centre. There is a vibrant mix of uses along Mill Road including A3 uses and this use would be appropriate. Moreover, it is a material consideration that A1 units up to 150 sqm could change use to A3 under the prior approval permitted development rights and I do not consider that the change of use of an additional 50 sqm would have a significant impact on the district centre. The change of use is acceptable in principle.

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

- 8.7 The proposal includes the installation of ventilation equipment and an external cold room. There would be no alteration to the front elevation (changes to signage would be subject to advertisement consent as appropriate) and the work to the rear would not be visible from the public highway within the conservation area. The rear elevation has previously been altered and plant equipment added. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/11.

### **Residential Amenity**

- 8.8 The upper floors are residential and have entrances separate from the ground floor unit. The Environmental Health team has assessed the proposal in terms of odour/smoke and noise and is satisfied with the proposed use and ventilation equipment subject to conditions to control operation and delivery hours, and requiring the installation of odour filtration/extraction

equipment prior to first use. The customer smoking area has been removed from the plans and I have recommended a condition to control the use of this area to mitigate the impact of noise and smoke on the residential units above. Subject to this, 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.

### **Refuse Arrangements**

- 8.9 The site plan shows a bin store area at the rear of the property. I have not received comments from the Waste Team however this is a similar arrangement to the existing premises and to neighbouring units. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.10 The Highways Authority has not objected to the proposal and I accept their advice. Third parties have commented that the proposed use could generate additional trips to and from the site. However, in my opinion, this is unlikely to have a significant impact compared to the existing situation. Mill Road is a busy main road which already has a high traffic flow and I do not consider that the proposed change of use would have a significant impact on this. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.11 There would be space at the rear of the property for staff to keep bicycles and there are cycle parking hoops available on street for customers. The unit is within the district centre and the controlled parking zone and the use without parking is acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Disabled access**

- 8.12 The current shop has level access from the external pavement and this arrangement would not alter with the proposed restaurant. The proposal includes a disabled access toilet. I consider that the proposal can provide suitable internal access

to disabled users to comply with the relevant legislation, which is outside planning control.

### Third Party Representations

8.13 I have addressed these as follows:

<b>Representation</b>	<b>Response</b>
Concentration of food premises instead of retail units would harm the character of Mill Road	I have provided assessed the proposal against Local Plan (2006) policy 6/7 in my report above and concluded that there are material considerations which make it difficult to resist the change of use in principle. The current national and emerging local policy is towards greater flexibility to support the viability and vitality of centres. In my opinion, the A3 use would contribute to the existing mix of uses along Mill Road and towards the vitality of the centre. I do not consider the loss of an A1 unit would cause significant harm.
Demand for A1 units on Mill Road	
No means of controlling delivery for takeaways which would be unfair competition	The proposed use for A3 does not include takeaways.
Increase in noise from food unit	The Environmental Health team has reviewed the application and has recommended opening hours which they are satisfied would ensure the premises have an acceptable impact on residential amenity. I accept their advice.
Impact of outdoor smoking area on students living nearby due to smell and noise	The smoking area has been removed from the plans and I have recommended a condition to control this.

Increase in congestion and traffic	See paragraph 8.10
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## 9.0 CONCLUSION

- 9.1 The third party representations primarily relate to the principle of the change of use and the impact on residential amenity. I have addressed these within my report. The current policy which restricts the change of use from A1 to A3 is outdated and inconsistent with national and emerging policy which promotes greater flexibility. The Environmental Health team raises no objection. For these reasons, the recommendation is for approval subject to conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

4. The A3 (restaurants and cafes) use hereby permitted shall not operate outside the hours of 07:00 and 23:00 daily, unless otherwise approved in writing by the Local Planning Authority. There shall be no activities on the site associated with the permitted use outside the agreed hours.

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

5. Deliveries to or dispatches from the site associated with the A3 (restaurants and cafes) use shall not be made outside the hours of 07:00-22:00hrs on Monday to Saturday and 09:00- 19:00hrs on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

6. Prior to commencement of the use hereby permitted, an odour filtration/extraction system shall be fully installed in accordance with plans and details that have been 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 and retained as such thereafter.

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

7. The external areas at the rear of the premises shall not be used as a smoking area by staff, customers or any others associated with the use hereby permitted at any time. There shall be signage to advise that the area is not to be used for smoking and customers shall be prevented from accessing the rear area except in emergencies.

Reason: In order to protect the residential amenity of neighbouring properties (Cambridge Local Plan 2006 policy 4/13).

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<b>Application Number</b>	17/1740/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	20th October 2017	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	15th December 2017		
<b>Ward</b>	Abbey		
<b>Site</b>	31 Peverel Road Cambridge CB5 8RN		
<b>Proposal</b>	Erection of one 3 bedroomed detached dwelling.		
<b>Applicant</b>	Mr & Mrs T SUSTINS 31 Peverel Road Cambridge CB5 8RN		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The development would have an acceptable impact on the character of the area</li> <li><input type="checkbox"/> The development would not have a significant adverse impact on residential amenity.</li> <li><input type="checkbox"/> The development would not have a significant adverse impact on highway and pedestrian safety.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 No. 31 Peverel Road is a two storey end of terrace property finished in render. While Peverel Road skirts around the front and side of the site, there is a grass verge in between the site and the highway. The surrounding area is residential in character and formed primarily of terraced properties.
- 1.2 The site is not within a Conservation Area and falls outside the Controlled Parking Zone.

## 2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of one 3 bedroomed detached dwelling.
- 2.2 This proposed dwellinghouse would be located in the rear garden of No. 31 Peverel Road, splitting the planning unit in two. The proposal would replace an existing single storey garage and workshop using its access over a grass verge onto Peverel Road. It would be two storeys high with a dual pitched roof sloping to the front and rear elevations and gable ends on both side elevations. The first floor of the proposal is mainly within the roofspace and incorporates two pitched roofed front facing dormers. Associated hard and soft landscaping is also proposed.

## 3.0 SITE HISTORY

Reference	Description	Outcome
17/0740/FUL	Erection of one 3 bedroomed detached dwelling	Refused

- 3.1 This scheme differs from the above as the refused scheme involved a dwellinghouse with attached garage which had a larger footprint than the proposal. The refused proposal constituted an overdevelopment of the site which led to the creation of an unacceptable split of amenity space for the future occupants of the proposed dwelling and the occupants of No. 31 Peverel Road. The reason for refusal was as follows:

*‘The combined effect of the location of [the] boundary and the overdevelopment of the site result in a proposal that would fail to provide a satisfactory level of amenity space and consequent high quality living environment for the future residents of the proposed 3 bedroom unit. It would also diminish the size and quality of the rear garden of No. 31 Peverel Road to an unacceptable level, significantly impacting the amenities of the occupiers. As such, the proposal is contrary to Cambridge Local Plan 2006 policies, 3/4, 3/7 and 3/10.’*

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
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 principle of the development. The existing fence and gates appear to enclose an area of public highway, which would require their removal or the stopping up of the land. It cannot be assumed that parking on the highway can be secured. If off street parking is required and it could not be conditioned for the existing arrangement to be stopped-up, a refusal is recommended in the alternative.

#### **Environmental Health**

- 6.2 No objection. Standard piling and construction hours conditions recommended.

#### **Cambridge City Airport**

- 6.3 No objection to this proposal.
- 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:

- No. 33 Peverel Road Cambridge

7.2 The representation can be summarised as follows:

- Object to proposed fence on highway land and incorrect red edge boundary.
- Inadequate sized parking space within the site.
- Already congested street parking will be impacted.
- The positioning of new house would have a detrimental impact to No. 33's rear garden, patio and conservatory due to overshadowing.
- These living spaces will be dominated and overshadowed by a gable ended development 8257mm wide x 7490mm high to ridge.
- The proposed gable wall 7490 high will produce a shadow cast of 12.5m across No. 33's garden at 12 noon. (Their garden is 9.3m wide). There will be a greater shadow earlier in the day as back/rear of my house faces west.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

## **8.0 ASSESSMENT**

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

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

## **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential and it is therefore my view that the proposal complies with policy 5/1 of the Local Plan.
- 8.3 Policy 3/10 of the Cambridge Local Plan (2006) states residential development will not be permitted if it [the relevant extracts are listed below]:
- Has a significant impact on the amenities of neighbouring properties;
  - Provides an inadequate amount of amenity space/vehicular access for the proposed and existing properties;
  - Or detracts from the character of the area.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1. The relevant criteria of policy 3/10 are considered in further detail below.

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

### Response to context

- 8.5 Effort has been made to decrease the bulk of the proposal when compared with the refused scheme of planning reference 17/0740/FUL. The height of ridge height of this proposal is 0.25 metres lower and its eaves facing the highway are 0.7 metres lower. It is a metre less in depth. The width of this proposal compared to the refused scheme has been substantially reduced as the single storey attached garage element has been removed. It is now 6.6 metres wide, a 4.4 metre decrease at ground floor.
- 8.6 The proposal will face onto Peverel Road. When viewed from the streetscene it would be seen within the context of the side elevation of No. 31 and front elevation of No. 33. No. 31 has been extended both to the side and rear at single storey however the main gable ended two storey bulk of the dwelling is well indented from the highway. No. 33 is a two storey, semi-detached, hipped roof property. Its front elevation is closer to

the highway than the side elevation of No. 31. The proposed dwelling would sit in between these creating a staggered building line which is considered acceptable. The height and scale of the proposal are very similar to the surrounding dwellings and therefore considered in keeping with the streetscene.

- 8.7 Peverel Road has a mixture of properties with hipped roofs and properties with dual pitched roofs with gable ended side elevations. I therefore consider the proposed roof design is in keeping. The two proposed dormers would give this dwellinghouse some visual interest demarcating it as an infill dwelling while complementing the surrounding residential architecture.
- 8.8 The proposed materials including buff brick and dark red roof tile are also in character with the building stock of the locality. A condition (no. 13) is recommended for details of the materials to be assessed and signed off as acceptable prior to commencement.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.10 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.

#### Overlooking

- 8.11 No first floor windows are proposed on the side and rear elevations apart from two rooflights within the rear. I have conditioned these to be set 1.7m above the finished internal floor level. Subject to this condition (see no. 14), no detrimental overlooking impacts are envisaged.

## Overshadowing / Enclosure

### *No. 31 Peverel Road*

8.12 The proposed dwelling is to the north of no. 31. The side elevation of the proposed dwellinghouse is 4.4 metres away from the proposed rear boundary with No. 31 Peverel Road. The distance from ground floor to ground floor would be 12.2 metres and from first floor to first floor would be 15.1 metres. It is considered these distances coupled with the large apple tree to the rear of No. 31 Peverel Road will dispel any potentially detrimental overshadowing or enclosure impacts.

### *No. 33 Peverel Road*

8.13 The proposed dwelling is to the south of no. 33 and therefore has the potential to cause overshadowing to it, an issue the occupant of no.33 has raised with reference to their rear conservatory and adjoining patio. I have therefore visited this property to understand the nature of the objection in relation to its layout.

8.14 The two storey side gable of the proposal would be located 1 metre away from the boundary with this property. There would be an approximate gap of 4.4 metres between the main sides of the existing and proposed properties, between which sits an attached garage belonging to no. 33.

8.15 No. 33 has two windows in its side elevation facing the proposal, but both are to non-habitable rooms/spaces. Therefore the impact on light and enclosure to these windows is acceptable.

8.16 The proposal extends 4.4 metres past the rear elevation of No. 33. As per BRE guidance a 45 degree horizontal angled plane was taken from the midpoint of each window into a habitable room in the rear elevation of No. 33. None of these planes are cut by the proposal, which indicates that the impact on daylight entering these rooms will be acceptable.

8.17 No. 33 also has a conservatory which faces south and west into its garden and which is located some 6.9m to the north of the proposed side wall of the proposed house. As the conservatory is dual aspect, daylight reaching the conservatory space would



not be unduly impacted upon. I am not concerned that views from the conservatory would be unduly enclosed.

- 8.18 No. 33 also has a patio which wraps around the southern and western sides of the conservatory. It is already partially overshadowed by the attached garage and a pergola which covers part of it. The applicants have produced a shadow study to show how any additional overshadowing would impact on this space and the nearby conservatory.
- 8.19 The shadow study assesses impacts at hourly intervals on the 21<sup>st</sup> March (vernal equinox) and this is considered an acceptable approach. It uses the current OS map as its base map.
- 8.20 The shadow study shows that there will be some additional loss of light to part of no.33's patio, mainly in the area between the side elevation of the dual aspect conservatory and the rear elevation of the house between the hours of 10am and 12pm. My view is that the extent of additional overshadowing caused would be minimal compared to the substantial long garden that no. 33 already has and that the nature of the impact is such that it would only be felt within a discrete part of the day (late morning). As such, I do not consider a refusal of planning permission could be substantiated on the grounds of loss of light. Given the distances and positioning of the existing and proposed properties (effectively creating a square shaped footprint stagger), my view is that the impact in terms of enclosure on no. 33 would also not be significantly harmful.
- 8.21 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

#### Amenity for future occupiers of the site

##### Amenity space

- 8.22 The reduction of the footprint, the removal of the attached garage and the re-location of the proposed boundary between the new dwellinghouse and No. 31 Peverel Road have led to an acceptable and high quality amenity space for future occupiers. The amenity space would be 44 sqm. approx. Increasing the

distance between the boundary of amenity space of the proposed dwelling and the rear elevation of No. 31 Peverel Road allows for the amenity space to have an increased feeling of spaciousness. It is recommended permitted development rights are removed to ensure this amenity space is not diminished in size.

## Outlook

- 8.23 All rooms in the proposed dwelling have a good outlook onto private amenity space. The indoor amenity spaces of the lounge and the kitchen are of an appropriate size for a three bedroom dwelling and both would be naturally well lit.

### Amenity space for existing occupants of no. 31

- 8.24 The proposed split of rear garden with this revised proposal increases the amount of garden space left for no. 31. It would leave No. 31 with a modest 'L' shaped rear garden. The size and quality of this private amenity space would be acceptable for this end-of-terrace property. It is noted the area being lost currently mainly contains outbuildings and parking.
- 8.25 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future and existing occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Refuse Arrangements**

- 8.26 The bin store is indicated on the plans and complies with Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) and is therefore considered acceptable.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Car and Cycle Parking**

- 8.28 The Highway Authority and neighbours have concerns the proposal would be built on highway land and does not have

adequate parking. I note that the proposal will not change the existing way No. 31's garage is used for vehicle parking. The gate and driveway will remain in the same location. Therefore in my opinion there will be no additional risk to highway safety. The amount of off-street parking proposed is less than the maximum parking standards outlined in Appendix C of the Cambridge Local Plan (2006). Also it is noted No. 31's off-street parking would be lost. The City Council promotes lower levels of private car parking particularly where good transport accessibility exists. There are bus stops on Barnwell Road and the site is within walking distance or cycling distance of shops along Newmarket Road and the City Centre. It is noted this is not an area of parking control and on-street parking is available in this area. It is, therefore, my view that it would be unreasonable to refuse the application for this reason.

8.29 A cycle store has been provided and it would appear large enough to cater for the storage of at least 2 cycle parking spaces. The proposal is therefore in accordance 8/6.

### 8.30 Third Party Representations

<b>Concern</b>	<b>Response</b>
Plans incorrect	For the purposes of examining this application I am satisfied the plans are correct to the adequate standard.
Parking	See paragraphs 8.28 – 8.29
Enclosure and overshadowing of No. 33	See paragraphs 8.13 - 8.21

## 9.0 CONCLUSION

9.1 This proposed dwellinghouse would be an acceptable addition to the streetscene and not have a detrimental impact on the amenity of neighbours. It is also considered the sub-division of the plot would leave an acceptable level of amenity space for both the occupiers of the proposal and no. 31 Peverel Road. The development would also not result in harmful impact to the highway and on-street parking when accessed against the current situation.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. No development shall take place until 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)

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. 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).

7. 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).

8. Notwithstanding the provisions of Schedule 2, Part 1, Class D 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 erection or construction of a porch outside the external door of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

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

9. 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).

10. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s) shall not be allowed without the granting of specific planning permission.

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

11. The curtilage (garden) of the proposed property as approved and No. 31 Peverel Road shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

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

12. Prior to commencement of development a scheme for the disposal of surface water and foul water shall be submitted to and agreed in writing with the local planning authority and the scheme implemented in accordance with the approved details.

Reason: To ensure appropriate surface water drainage. (National Planning Policy Framework 2012)

13. 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)

14. The rear facing first floor rooflights shall be set no lower than 1.7m from the internal finished floor level.

Reason: In order to safeguard residential amenity (Cambridge Local Plan policy 3/10)

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<b>Application Number</b>	17/1420/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	6th September 2017	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	1st November 2017		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	Brookmount Court Kirkwood Road Cambridge CB4 2QH		
<b>Proposal</b>	Change of use application from B1(a) office use to a car licence testing centre (sui generis) use		
<b>Applicant</b>	Mr Matthew Cooper		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed use would not adversely impact on residential amenity</li> <li>- The cycle parking on site is considered acceptable for the proposed use</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site lies within Brookmount Court; an industrial estate located to the west of Kings Hedges Road. The application relates to Units A and B. The site is not in close proximity to residential development. To the south east of the site is the Nuns Way Recreational Ground.

1.2 The site lies within a Protected Industrial Site.

## 2.0 THE PROPOSAL

2.1 The application seeks full planning permission for a change of use from B1(a) Office use to a car licence testing centre (sui generis) use.

2.2 The application does not propose any external changes to the building. 4 additional car parking spaces are proposed on site. No additional cycle parking is to be provided but there are 8 spaces available in the courtyard of the industrial estate which provide for the wider site.

### 3.0 SITE HISTORY

3.1 The site has an extensive planning history; none of which is relevant to the current application.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014
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	Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

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

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

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

## 6.0 CONSULTATIONS

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

- 6.1 The Highway Authority does not consider that this application will have any significant adverse impact upon the operation of the highway network.

### **Environmental Health**

- 6.2 No objection. A construction hours condition is recommended. The application form and proposed ground floor layout do not specify any additional plant. However, if external condensers are required for cooling a plant noise impact assessment shall be required. The hours of use specified within the application should be conditioned.

## **Access Officer**

- 6.3 The access officer has requested some internal amendments. He suggest blue badge spaces be provided near the entrance.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- Camcycle x2

7.2 The representations can be summarised as follows:

- Object to lack of cycle parking
- Although there may be no clients who cycle to site at the moment this may change in future
- No details of the existing cycle parking is available
- The lack of cycle parking in other DVSA sites is irrelevant
- The site is located near cycle infrastructure and request that appropriate provision is provided to employees

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. Disabled access
4. Residential amenity
5. Highway safety
6. Car and cycle parking
7. Third party representations

## **Principle of Development**

- 8.2 Although the site lies within a Protected Industrial Site, the existing use as B1(a) is not a protected use. Policy 7/3 of the 2006 Local Plan and Policy 41 of the emerging plan seek to prevent the loss of floorspace within Use Classes B1(c), B2 and B8. The building was approved as Research and Development, and offices fall within the same B1 use class. The proposal would not conflict with policy 7/3 and there are no policies which resist the loss of B1(a) floorspace and as a result the principle of the loss of the office use is acceptable.
- 8.3 The proposed Sui Generis use as a car testing centre is considered comparable with the surrounding light industrial uses. The proposed use would employ 15 instructors. In my view, it would not result in a significant intensification of use of units A and B. As a result I am satisfied that the proposed use would be acceptable in principle.

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

- 8.4 The application does not propose any external changes to the building. The proposed use as a driving license testing centre would be appropriate for the area and does not conflict with the surrounding light industrial uses.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7

## **Disabled access**

- 8.6 The applicant has responded to comments from the access officer. No changes, internal or external, are proposed to the building. Typically customers will not spend much time in the building. There is to be no reception and all other internal fixtures will be comparable to other testing centres nationally. Given the nature of the use, the DVSA has advised that disabled candidates are rare. 25 car parking spaces have been identified to serve the proposed use, out of the total provision for Brookmount Court. Spaces closer to the main entrance are allocated to other occupiers. If a candidate is unable to enter the building, special arrangements will be made in advance to meet them at their vehicle at their examination time.

- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 The site lies within an industrial estate and the two units are not in close proximity to any residential uses. The proposed use would not represent a significant intensification of use of the site. I am satisfied that the proposal would not have any significant adverse impact on the residential amenity of nearby occupiers. Due to the location of the site, I do not consider the EHO conditions to be necessary.

### **Highway Safety**

- 8.9 The Highway Engineer is satisfied that the proposal will not adversely impact on highway safety. I share this view.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.11 The proposed use would be car based. The use would be solely for car license testing and no other functions. There would be no visitors. The candidate and their instructors would arrive at the testing centre by car. The only people who may wish to travel by bicycle or public transport are the examiners. There would be up to 15 examiners based on site. There are 8 cycle racks which serve the wider industrial estate located within the central courtyard. The instructors could avail of these if they were to cycle to the site.
- 8.12 Camcycle has objected to the lack of cycle spaces for the use. The proposed use is Sui Generis and therefore there is no policy requiring a particular number of cycle spaces for the use. In my view the 8 existing spaces would adequately serve the limited need for cycle parking associated with the car based use of the site. Additional cycle parking was suggested to be provided to overcome the objection. However, the landlord for the site does not feel these are necessary. I share this view and

consider that the use of the shared cycle stand would be adequate.

8.13 25 car parking spaces are to be provided for the proposed use; including two disabled spaces. This is considered to be adequate.

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

### Third Party Representations

8.15 I have addressed the majority of the third party representation within the body of my report. I address any outstanding issues below.

Representation	Response
Object to lack of cycle parking	See paragraphs 8.11 & 8.12
Although there may be no clients who cycle to site at the moment this may change in future	I accept that the lack of cycle provision is based on the existing situation but consider that it would be unreasonable to require cycle parking for this car focused use.
No details of the existing cycle parking is available	The cycle parking is existing and serves the wider site. It falls outside the site edged red. In my view, details of these stands are not required
The lack of cycle parking in other DVSA sites is irrelevant	I accept that this may not be wholly relevant but the car testing use is clearly a car focused use with little need for cycle parking.
The site is located near cycle infrastructure and request that appropriate provision is provided to employees	As noted in paragraphs 8.12 & 8.12, I am satisfied that the cycle parking provision would be acceptable given the car orientated nature of the proposed use

## **9.0 CONCLUSION**

- 9.1 The proposed change of use would not give rise to any significant adverse impact to the residential amenity of nearby occupiers. The proposed use would not have any significant adverse impact on highway safety. The proposed cycle parking arrangement is considered acceptable given the car based nature of the use.

## **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.



## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: Planning Committee      DATE: 6<sup>th</sup> December

WARD: Castle

### PLANNING ENFORCEMENT REPORT FOR:

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**Address: 17 Richmond Road, Cambridge, Cambridgeshire CB4 3PP**

**Details of Alleged Breaches of Planning Control: Without planning permission, the unauthorised change of use from C3 dwellinghouse to short-term visitor accommodation (sui generis) at the premises**

SUMMARY	This report has regard to an alleged unauthorised change of use of a domestic residential dwellinghouse into a commercial short-term visitor accommodation letting use at the premises.
RECOMMENDATION	Serving one change of use Enforcement Notice directed at remedying the harm caused as a result of the breach occurring. The recommendation looks to ensure compliance in the short term and onwards.
NOTICE TYPE	Enforcement Notice Material Change of Use x1

### 1.0 INTRODUCTION

- 1.1 17 Richmond Road is a three storey 3 bed terraced town house on the northern side of Richmond Road. The locality is of a mainly residential nature.
- 1.2 Information was initially received during 2016 that the house was being advertised as a holiday let on the Airbnb website as a whole

dwelling (not individual rooms). It appeared therefore that it was being used commercially for short-term visitor accommodation rather than as a dwellinghouse. A planning enforcement investigation was undertaken that included the service and completed return of a Planning Contravention Notice (PCN) in February 2017. A decision on how to proceed with the investigation has been pending whilst consideration has been given to when the use of a dwelling for short-term visitor accommodation can amount to a change of use that constitutes development.

- 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

12/0559/FUL	Loft conversion with rear dormer. Ridge height raised by 300mm.	Granted Permission
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### 2.2 Planning Enforcement

EN/0143/16 – Alleged change of use to holiday let (Current Investigation)

## **3.0 ENFORCEMENT INVESTIGATION AND ASSESSMENT**

- 3.1 The site was initially referred to the Planning Enforcement Team by local residents concerned with noise disturbances resulting from increased comings and goings from the property. Late night arrivals of persons to the property and early morning departures were identified as the main reason for noise disturbance. It was alleged that the comings and goings were as a result of the whole of the premises being available for rent on the Airbnb website on a nightly basis. A log was submitted by complainants with witnessed comings and goings from the premises. The log alleged at least 72 lets over a year.
- 3.2 A request for information from the owner in relation to this allegation was returned by the owner who states that he still resides in the property 2-3 days a week and the premises is

available for rent during the other periods, e.g. at the weekend. He stated in February 2017 that it is let out approx. 10 days per month on average. It is an offence to knowingly make a false or misleading statement within a PCN and the information submitted should therefore be taken at face value and assessed accordingly.

3.3 A search on the Airbnb website for the premises revealed that it is available to rent as a 3 bed home for up to 5 guests.

3.4 Residents continue to contact the planning enforcement team as a result of what they feel to be harm to their amenity resulting from noise and disturbances early in the morning and late at night. They do note that there is generally an acceptable noise level within the premises and disturbance is limited to comings and goings.

3.5 There are no recorded complaints to the council's Environmental Health Team.

3.6 A case review has been carried out and identified the following:

The premises are let and available to be let as a whole rather than individual rooms for some or all of the days of the week. Even though the owner states that he is resident at the property for some of the week, the fact that it is let out in its entirety for at least part of the week is likely to result in a change of character and use of the premises.

3.7 Consideration of when/if a dwelling has undergone a change of use if it is occupied for short periods of time has been legally uncertain for some time and has been considered in a number of cases by the courts. In the case of **Moore v Secretary of State for Communities and Local Government [2012]** the Court of Appeal determined that:

*It was not correct to say either that using a dwelling for commercial holiday lettings would never amount to a material change of use or that it would always amount to a material change of use. Rather, in each case it would be a matter of fact and degree and would depend on the characteristics of the use as holiday accommodation.*

3.8 This means that the circumstances of each case will be critical to the determination of the matter. In order to ensure a consistent and robust approach to such assessments, officers have given some thought to providing a working definition to assist in considering when a change of use is likely to have occurred in the majority of cases. It must be stressed that this is to be regarded as guidance only on the technical matter of determining if the use amounts to development and is not to be regarded as definitive in every case or having any weight when considering the merits of any proposal.

3.9 The working definition is as follows:

*A material change of use of a dwelling from Class C3 to a sui generis use of short-term visitor accommodation is likely to have occurred where all, or the majority of, the bedrooms within a dwelling are used as short-term visitor accommodation and:*

- *The frequency of the short-term visitor uses exceeds 10 in any calendar year; or*
- *The cumulative duration of short-term visitor use exceeds 6 months in any calendar year*

*Short-term visitor accommodation is defined as accommodation of less than 90 days duration provided for paying occupants.*

3.10 The key issues are considered to be the frequency of the arrivals and departures, since it is this that can cause noise and disturbance and change the character and impact of the use of the property; and the length of time the property is available for let throughout the year, which can impact on amenity and the permanent nature of the residential occupation.

3.11 Permanent residential occupation may involve occasional changes in occupation such as when a lease expires and new tenants move in but it is considered that there is a fundamental difference between this and the, for example, daily or weekly change in occupation that occurs with an Airbnb type use. The figure of 10 occasions in the working definition was arrived at having regard to the likely maximum frequency of change in occupation that may occur for a permanent residential use and the frequency at which such changes may start to impact on neighbouring amenity. The 6 months figure was arrived at having regard to the fact that where a

permanent residential use persists for most of the year it is likely that the overall permanent residential use of the dwelling has not been lost.

- 3.12 In relation to 17 Richmond Road, the PCN response indicates the property is let out for 10 days a month on average and the complainant's log alleges it is let out for at least 72 occasions over a year. It also appears that the property is let throughout the year. This character of use is well in excess of the working definition and officers consider that a change of use has occurred. For it to be expedient to consider taking formal enforcement action there has to be material planning harm identified. In this case this is identified as the loss of permanent residential accommodation and unacceptable impact on the amenity of occupiers of neighbouring properties. More detailed in this regard is given in the following paragraphs and in the reasons for service of the notice.
- 3.13 It is considered that there has been a change in character of the use of the premises for short term lettings. This is in terms of the frequency of the changes in occupation and the timings of arrivals and departures to and from the premises, especially the increased likelihood of early morning and late evening arrivals/departures compared to the pattern of these events when the owner is resident. In relation to this is the fact that these arrivals are more likely to be groups of persons coming and going together and the associated noise and disturbance that this may cause compared to various occupants of a property coming and going separately i.e. not all at the same time.
- 3.14 A further factor is that the transitory nature of the use will result in visitors having no investment in the local community or neighbourhood. Whilst the amenity impact of this is by no means certain I consider it likely that in some instances visitors may demonstrate less respect and consideration to neighbours than might be exhibited by more permanent residents because they are staying for a short period only. This is of course speculation but the frequency of the change in occupiers will bring a range of different people to the property with a range of motives for booking their stay. In my opinion this increases the risk that some of those occupiers will be inconsiderate to the amenities of local residents.
- 3.15 In addition, it would not be unreasonable to say that persons booking the premises for a few days are more likely to be in high

spirits either as a group of friends or a family on a weekend break. Such groups may also arrive and depart the premises by use of a taxi which will stand idle whilst passengers and bags are loaded/unloaded. This may give rise to conditions resulting in an increase of noise and disturbance not normally associated with the character and use of an average dwellinghouse.

- 3.16 The use of the property as short-term visitor accommodation is also not considered to be consistent with Class C4 use, Houses in multiple occupation (HMO) (3-6 occupants) since the short term nature and frequency of the arrivals and departures is inconsistent with the nature of the HMO use as a single household by persons who reside in the property on a longer term basis and who have some investment in the local community and neighbourhood. As such the use for short-term lets fails to fall within Classes C3 or C4 and is considered to be Sui Generis (a class of its own).
- 3.17 In my view the frequency of changes in occupation has changed the character of the use and has resulted in a sui generis use for short-term visitor accommodation that represents the loss of the premises as permanent residential accommodation and introduces an unacceptable level of harm to the amenity of occupiers of neighbouring dwellings.
- 3.18 I do not consider that the 2-3 days a week use of the premises by the owner amounts to a continued permanent residential use. In my opinion his use of the dwelling is transitory and more consistent with the alleged change of use to short-term visitor accommodation.
- 3.19 It is considered that planning conditions could not overcome the identified planning harm described in the reasons for service of the notice in respect of the premises at the time of writing this report.
- 3.20 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 resulting change of use of the premises would effectively benefit from planning consent after 10 years from the commencement of the use.
- 3.21 It is recommended in the interests of planning clarity to serve one enforcement notice covering the alleged breach of planning control

which results 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 breach to cease and be rectified. All interested parties are to be served with a copy of the notice.

#### **4.0 RELEVANT PLANNING POLICIES**

##### **4.1 The National Planning Policy Framework states:**

‘Para 207 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

##### **4.2 National Planning Policy Guidance states:**

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

##### **4.3 Cambridge Local Plan 2006**

3/4 Responding to Context  
3/7 Creating Successful Places  
4/13 Pollution and Amenity  
5/4 Loss of Housing  
6/3 Tourist Accommodation

##### **4.4 Policies 3/4, 3/7 and 4/13 are relevant to the concerns regarding the impact of the development on the amenity of occupiers of neighbouring properties.**

4.5 Policy 5/4 states:

*“The redevelopment of existing dwellings or the change of use of residential accommodation to other uses will not be permitted unless it can be demonstrated that:*

- a. the property is unfit for human habitation and cannot be rehabilitated;*
- b. it is a subsidiary part of a non-residential property without any practical means of separate access being provided;*
- c. it is a Listed Building which can best be preserved through change of use;*
- d. it is necessary for the provision of community facilities for which there is a need in Cambridge; or*
- e. the lost accommodation is replaced by at least an equivalent amount of new residential floorspace. Such provision will be made on site unless otherwise agreed.”*

4.6 It is considered that the development results in the change of use of residential accommodation to a sui generis commercial short-term visitor accommodation use and that none of the exception criteria are met. The development therefore represents the unacceptable loss of residential accommodation.

4.7 Policy 6/3 states:

*“Development which maintains, strengthens and diversifies the range of short-stay accommodation will be permitted. Provision should be made for disabled visitors. In the case of change from residential use, part of the accommodation must be retained as permanent residential accommodation.*

*Development will not be permitted which would result in the loss of existing short-stay tourist accommodation unless the change is to permanent residential accommodation or community facilities for which there is a need in Cambridge.”*

4.8 The change of use is considered to represent the loss of permanent residential accommodation.



## **5.0 INVOLVEMENT OF OTHER COUNCIL DEPARTMENTS OR OTHER AGENCIES**

5.1 During the course of the investigation no contact has been made with 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.

## **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 development 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.

6.4 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 resulting material change of use would effectively benefit from planning consent after 10 years.

6.5 The steps to comply in the notice reflect and give planning clarity as to what must be carried out in order for the breach 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, namely without planning permission, the unauthorised change of use from C3 dwelling house to short-term visitor accommodation lets (sui generis) at the premises, specifying the steps to comply and the period for compliance set out in paragraphs 9.2 to 9.4, for the reasons contained in paragraph 9.5.
- (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 the premises for short-term let visitor accommodation of less than 90 days duration provided for paying occupants.
- 9.3 Permanently cease and remove all forms of advertising the entire premises for let in relation to the short-term let visitor accommodation use.

### Period for Compliance:

- 9.4 Two [2] month(s) from the date the notice comes into effect.

### Statement of Reasons:

- 9.5 (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 use of the whole of the premises for commercial short term visitor accommodation use results in none of the accommodation being retained as permanent residential accommodation. This is contrary to policies 5/4 and 6/3 of the Cambridge Local Plan (2006).
- (iii) The use of the premises for short-term visitor accommodation lettings is likely to give rise to conditions resulting in increased noise and disturbance. In particular, the increased frequency of turnover of arrivals and departures to and from the premises, especially at the weekend may give rise to a resulting loss of amenity. This is contrary to Policies 3/4, 3/7 and 4/13 of the Cambridge Local Plan (2006).
- (iv) The use of the premises for short-term visitor accommodation lettings is likely to give rise to conditions resulting in increased noise and disturbance. In particular, the nature of the visitors not having a permanent investment in the neighbourhood and the timing of the late night arrivals and early morning departures of arrivals and departures to and from the premises, especially at the weekend may give rise to a resulting loss of amenity. This is contrary to Policies 3/4, 3/7 and 4/13 of the Cambridge Local Plan (2006).
- (v) The use of the premises for short-term visitor accommodation lettings is likely to give rise to conditions resulting in increased noise and disturbance. In particular, the nature of the premises being used as short-term let accommodation for groups of persons and their subsequent arrival and departures together, also with regard to mode of transport used, especially at the weekend may give rise to a resulting loss of amenity. This is contrary to Policies 3/4, 3/7 and 4/13 of the Cambridge Local Plan (2006).
- (vi) It is considered that planning conditions could not overcome the identified objections with regard to this unauthorised change of use.

9.6 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.

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

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: Planning Committee      DATE: 6<sup>th</sup> December

WARD: Arbury

**PLANNING ENFORCEMENT INVESTIGATION REF: EN/0335/15  
REPORT FOR:**

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**Address: 83 Searle Street, Cambridge, Cambridgeshire CB4 3DD**

**Details of Breach of Planning Control: Unauthorised rear dormer  
erected in a Conservation Area**

SUMMARY	A Planning Enforcement Notice was served for the removal of a loft dormer following retrospective refusal of planning permission and subsequent dismissal of an appeal by the Planning Inspectorate. New information has come to light during the enforcement appeal process that on the balance of probabilities shows the dormer likely to be immune from enforcement action.
RECOMMENDATION	The withdrawal of the enforcement notice and closure of the enforcement investigation
NOTICE TYPE	Enforcement Notice – Material Change of Use

### 1.0 INTRODUCTION

1.1 83 Searle Street is a residential terraced property in a Conservation Area within Arbury Ward.

### 2.0 PLANNING HISTORY

2.1 A complaint was received in October 2015 that a rear dormer had been erected in a Conservation Area.

- 2.2 A retrospective application was refused permission under delegated officer powers in June 2016 for the following reason:

The dormer appears overly dominant and bulky at the rear of the property and fails to harmonise with the adjoining terraced properties. It fails to respond positively to its context due to its excessive size and appearance. No other house in this adjoining row of terraced properties along Searle Street have had rear roof extensions and the dormer is at odds with the character of this row in which it relates. The dormer's appearance and excessive size neither preserves or enhances the character and appearance of the Conservation Area and harms views from nearby streets and gardens. The dormer fails to comply with policies 3/4, 3/7, 3/12 and 4/11 of the Local Plan 2006 and the Roof Extension Design Guide 2003.

- 2.3 This decision was appealed against August 2016 and subsequently dismissed by the Planning Inspectorate in September 2016.

### **3.0 BACKGROUND / TIMELINE OF ENFORCEMENT INVESTIGATION**

- 3.1 The retrospective planning application form stated that the date works were completed was on 18<sup>th</sup> September 2013, and was the date used within the enforcement investigation as being the date of completion of the rear loft dormer.
- 3.2 The relevant section S.171a of The Town & Country Planning Act 1990 states the following:
- (1)Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- 3.3 An enforcement notice was served on 15<sup>th</sup> August 2017 requiring the removal of the rear loft dormer amongst other actions to be taken.
- 3.4 This notice was appealed against under grounds (d) and (g);



(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

#### **4.0 ASSESSMENT AGAINST PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS**

4.1 The National Planning Policy Framework states:

‘Para 207 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

4.2 National Planning Policy Guidance states:

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

4.3 Cambridge Local Plan 2006

3/4 Responding to context  
3/7 Creating successful places  
3/12 The design of new buildings  
4/11 Conservation Areas

4.4 Supplementary Planning Documents

Roof Extensions Design Guide (2003)

## **5.0 CONSIDERATION OF ENFORCEMENT OPTIONS**

- 5.1 The appeal against the enforcement notice to the Planning Inspectorate by the owner of the premises under ground (d) was accompanied with evidence not previously seen by this local planning authority. Evidence was provided that although the application form had given one date as the date of completion, the owner now stated that the loft was 'substantially complete' at an earlier date. This evidence is in the form of invoices for work completed by various individuals carrying out works normally associated with finishing internal works of the construction process.
- 5.2 The evidence only now provided has to be treated on face value and a recommendation is being made that on the balance of probabilities, the dormer was substantially completed during the time period of June / July 2013. This results in a time period of more than 4 years passing since the loft dormer was sustainably completed and becomes immune from enforcement action. The council has no evidence to counter this information and relies solely on the date originally stated on the application form in 2016.
- 5.3 The continuation of the appeal could result in a possible claim for costs.
- 5.4 The withdrawal of the enforcement notice will effectively give planning permission to the loft dormer at the premises.

## **6.0 POLICY CONSIDERATIONS**

- 6.1 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.
- 6.2 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.
- 6.3 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.

## 7.0 RECOMMENDATION

### Enforcement Notice

- 7.1 (i) To authorise the withdrawal of the enforcement notice as per withdrawal notice description set out below:

**NOTICE IS HEREBY GIVEN** that Cambridge City Council, in accordance with its powers contained in Section 173A of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) (and without prejudice to its powers to issue another Enforcement Notice) **HEREBY WITHDRAW** the Enforcement Notice issued on the 15<sup>th</sup> August 2017 relating to 83 Searle Street, Cherry Hinton, Cambridge, Cambridgeshire, CB4 3DD (“the Premises”) which required you within the period of six calendar months from the date when the Enforcement Notice would take effect to: -

- (i) Permanently remove the rear loft dormer erected (outlined in blue on attached plan for identification purposes only) at the Land.
- (ii) Make good the works undertaken and restore the roof to its former condition using matching materials and colour of the existing roof.
- (iii) Remove all resulting materials from the premises.

The said Enforcement Notice was appealed against to the Planning Inspectorate before it came into effect from 14<sup>th</sup> September 2017. The said Enforcement Notice has no effect as it has been withdrawn due to information received by the local planning authority as part of the said appeal.

**Dated this 6<sup>th</sup> of December 2017**

- (ii) To authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the withdrawal notice and notify the Planning Inspectorate of the decision.