



## Cambridge City Council Planning

**Date:** Wednesday, 6 June 2018

**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: 12.30pm
- **Part Three**  
General and Enforcement Items  
Start time: At conclusion of Part Two

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

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

#### 2 Apologies

3	Declarations of Interest	
4	Minutes	(Pages 17 - 48)
<b>Part 1: Major Planning Applications (10am)</b>		
5	17/2196/FUL - Hinton Grange Nursing Home, 55 Bullen Close	(Pages 49 - 78)
<b>Part 2: Minor/Other Planning Applications (12.30pm)</b>		
6	18/0190/FUL - 307 Mill Road	(Pages 79 - 100)
7	17/1107/FUL - Cambridge Brewhouse, Malcolm Place	(Pages 101 - 112)
8	18/0183/FUL - 65 Mill Road	(Pages 113 - 124)
9	18/0575/FUL - 84 Cromwell Road	(Pages 125 - 132)
10	18/0275/FUL - 18 Mill Road	(Pages 133 - 144)
<b>Part 3: General and Enforcement Items</b>		
11	TPO 06/2018 - 22 Garden Walk	(Pages 145 - 150)
12	TPO 02/2018 - Hilda Street	(Pages 151 - 156)
13	TPO 05/2018 - Hinton Grange	(Pages 157 - 162)
14	TWA 17/412/TTPO - High Street, Trumpington	(Pages 163 - 168)

**Planning Members:** Smart (Chair), Blencowe (Vice-Chair), Hart, Hipkin, McQueen, Nethsingha, Page-Croft, Sinnott, Thornburrow and Tunnacliffe

**Alternates:** Gillespie and Holt

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

(Updated August 2015)

## 1.0 Central Government Advice

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

## 1.2 Planning Practice Guidance (March 2014)

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

Guidance is provided in relation to the following:

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

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

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

**1.4 Community Infrastructure Levy Regulations 2010**

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

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

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

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

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

have been entered on or after 6th April 2010

### **Development Plan policy**

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

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

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

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

## **3.0 Cambridge Local Plan 2006**

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

4/1 Green Belt

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

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

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

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

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

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

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

10/1 Infrastructure improvements

Planning Obligation Related Policies

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



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

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

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

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

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

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

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

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

## **5.0 Material Considerations**

### **5.1 City Wide Guidance**

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.2 Area Guidelines

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

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

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

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

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

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

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

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

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

Historic open space guidance.

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

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

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

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

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

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

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

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**PLANNING**

28 March 2018

10.00 am - 5.30 pm

**Present:**

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

**Officers:**

City Development Manager: Sarah Dyer

Principal Planner: Sav Patel

Principal Planner: Toby Williams

Senior Planner: Michael Hammond

Arboricultural Officer: Joanna Davies

Planning Enforcement Officer: John Shuttlewood

Planner: Rob Brereton

Planner: Mairead O'Sullivan

Legal Advisor: Rebecca Williams

Planner: Sophia Dudding

Mary Collins: Senior Application Support Officer

Committee Manager: Toni Birkin

Committee Manager: Sarah Steed

**FOR THE INFORMATION OF THE COUNCIL****18/57/Plan Apologies**

Apologies were received from Councillor Hart.

**18/58/Plan Declarations of Interest**

Name	Item	Interest
Cllr Hipkin	18/60/Plan	Member of the City Council which is one partner in the applicant joint venture.
Cllr Sarris	18/63/Plan	Employee of Cambridge University

Councillor Smart noted the Chair of Planning Committee's declaration of interest would apply to all Councillors.

### **18/59/Plan Minutes**

Minutes of the previous meeting will be considered at the next meeting.

### **18/60/Plan 17/2245/FUL - Mill Road Depot, Mill Road**

The Committee received an application for full planning permission.

The application sought approval for the erection of 182 dwellings (including 50% affordable housing), 51sqm of floor-space consisting of Use Class B1 (Business) or D1 (Non-Residential Institutions) - in the alternative, basement car park (101 spaces), surface water pumping station, open space (including play area), alterations to the junction with Mill Road, together with associated external works including cycle parking and landscaping.

The Principal Planner referred to the amendments contained within the amendment sheet and also updated the Committee on the following issue:

- i. The Lead Local Flood Authority commented that the scheme was unacceptable for reasons set out in original consultation response and because the

The City Development Manager updated the Committee on the following issues:

- i. The County Council Transport Assessment Team accepted the issue with car parking trips associated with the scheme and asked for the travel monitoring plan to be extended from 5 to 10 years. The trip rates were acceptable for affordable housing. The travel plan would be secured through a s106 agreement.
- ii. The County Council had requested that the Chisholm Trail element of the application was physically provided on site and a contribution of £190,847 provided. Delegated powers to progress this were also requested.

The Committee received representations in objection to the application from the following:

- Residents of Kingston Street
- Representative of Petersfield Area Community Trust

- Residents of Golding Road

The representations made by residents of Kingston Street covered the following issues:

- i. Supported the principle of development but building B09 remained of significant concern, it had 3 storeys and the Supplementary Planning Guidance provided for a tight 2 storey boundary for the site.
- ii. The scale and mass of building B09 affected their residential amenity.
- iii. A statement building could be provided in a different way through public art or the Kingston Mews houses could be extended by another house.
- iv. The ground floor of building B09 was too small for a community use.
- v. Requested that building B09 was removed from the development.
- vi. If building B09 was not removed requested that the hours of use was reduced and no music could be played in the building.
- vii. Expressed concern regarding the site access junction and commented that the junction analysis was not good.

The representation by the representative of Petersfield Area Community Trust covered the following issues:

- i. Expressed concern regarding traffic and the open space.
- ii. Requested replacement facilities for existing users of the site particularly the Cambridge Women's Resource Centre.

The representations by residents of Golding Road covered the following issues:

- i. Commented that the application was premature as a second planning application was to follow for the site which had the library on it.
- ii. Felt the community was being let down as the whole site was not being considered under one planning application.
- iii. Had requested further information on the access off Mill Road and had not been provided with it.
- iv. Referred to draft local plan policy 23 which required regard to be had to listed buildings and commented that the application did not comply with policy.
- v. Commented that the Mill Road access did not make provision for local plan policy 23.
- vi. Referred to s66 of the Planning (Listed Building and Conservation Areas) Act 1990

- vii. Commented that there was no provision for disabled parking.
- viii. The Chisholm Trail was a transport use and this land should not be included within the public open space calculation.

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

Councillor Price (Executive Councillor for Housing) addressed the committee and raised the following points:

- i. This was the first major scheme to build council housing following the devolution funding scheme.
- ii. The application provided 10% affordable housing above the local plan requirements and would provide much needed social rent housing.
- iii. There were 2500 individuals in housing need awaiting accommodation.
- iv. Needed to keep people on low incomes living in the city.
- v. The site was a major brownfield site in the city.
- vi. The application sought to deliver high quality housing and maximise the provision of private and social rented homes.
- vii. Requested that the application was not deferred as it would lead to a delay in the delivery of affordable housing and commented that there had been extensive consultation with many of the comments being incorporated into the application.

Councillor Baigent (Romsey Ward Councillor) addressed the Committee about the application and raised the following points:

- i. Fully supported the application and had been involved with the application since the project began.
- ii. Commented that to provide 182 homes had required an air of realism.

The Director of Planning and Economic Development and the Legal Advisor gave advice on the status of the Mill Road Supplementary Planning Document.

#### The Committee:

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

Chair and Spokes of the Committee to be notified of the detail of community facility obligations contained in the s106 agreement.

**18/61/Plan 18/0002/FUL - Romsey Labour Club, Mill Road**

The Committee received an application for full planning permission.

The application sought approval for Mixed use development comprising a Day Nursery at ground floor and 37 self-contained 1xbed student rooms at the rear and on the upper floors along with a vehicle drop-off zone, disabled car parking space, cycle parking and associated landscaping.

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

The representation covered the following issues:

- i. There had been 102 letters of objection, Past Present and Future had objected to the application and 60 residents had signed a petition for refusal of the application.
- ii. The Council had not received any letters of support for the whole proposal.
- iii. The unique façade of the existing building was part of Cambridge's working class history.
- iv. The existing building currently provided facilities for the Tsunami Recreational Club; the proposed development would result in the loss of recreational facilities.
- v. The existing building was a building of interest and any alterations should be carried out in a sympathetic manner.
- vi. The development was not welcomed by the community.
- vii. The application was contrary to the local plan.
- viii. Requested that the Committee refused the application.

Councillor Baigent (Romsey Ward Councillor) addressed the Committee about the application and raised the following points:

- i. Commented that working men had built the existing building.
- ii. Advice on this application contradicted advice given on the previous planning application heard by the Planning Committee (Mill Road Depot application).
- iii. Commented that there were a lot of houses in Romsey ward that had been converted into student accommodation, the area did not need any further student accommodation.

- iv. There were four significant buildings at the Romsey Road, Coleridge Road and Mill Road junction one of which was the Romsey Labour Club. These buildings provided a picture of what the area was like over 100 years ago.
- v. This was the first building in the Conservation Area and was a key site and was the sole of Romsey ward area.
- vi. Once the building was gone it was irreplaceable.

Colin Brown (Applicant's Agent) addressed the Committee in support of the application.

### The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers and a s106 agreement.

### **18/62/Plan 17/2214/FUL - Land at Anstey Way**

The Committee received an application for full planning permission.

The application sought approval for the erection of 56 no. affordable apartments, car parking and associated landscaping

The Principal Planner referred to the amendments contained within the amendment sheet.

The Committee received representations in objection to the application from the following:

- Resident of Paget Road
- Resident of Lingrey Court

The representations covered the following issues:

- i. Requested angled windows to protect resident's privacy.
- ii. The previous development had individuals that lived in bungalows with no cars, the new development proposed houses therefore concerns were raised about new residents parking their cars outside properties and causing problems for existing residents to access their houses.
- iii. Requested that the eastern part of Anstey Way was widened to 5m in width.

- iv. Commented that the density of the development had increased.
- v. Referred to the pedestrian route to community facilities.
- vi. Commented that the design of the proposed development was unattractive.

Steven Longstaff (Applicant's Agent) addressed the Committee in support of the application.

Councillor Price (Executive Councillor for Housing) addressed the Committee and made the following points:

- i. The site had originally been approved for redevelopment by the Housing Scrutiny Committee 2 years ago but the Government had changed rents which meant that the development was unable to be brought forward.
- ii. The development would be 100% affordable housing.

The Committee:

**Resolved (by 6 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 and the completion of a S106 agreement.

### **18/63/Plan 17/1896/FUL - Land to the West of JJ Thomson Avenue**

Councillor Sarris declared a personal interest and did not take part in the discussion or vote on the application.

The Committee received an application for full planning permission.

The application sought approval for a mixed use building 4907 sq m in total, comprising 3411 sq of D1 academic floor space on the first and second floors; 1421 sq m of A3 (Café and restaurant) space on the ground floor; 75 sq m of A1 (retail) on the ground floor; all associated infrastructure, including drainage, service yard area, utilities, landscape and cycle parking; modifications to JJ Thomson Avenue to provide disabled car parking and a substation building.

The Principal Planner referred to the amendments contained within the amendment sheet.

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

The Committee:

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

**18/64/Plan 17/2037/FUL - 87 East Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of existing workshop and erection of 34 no. student studios above an A1 (65sqm) and an A1/A2/A3 unit (110sqm) with associated cycle and bin storage.

The Planning Officer referred to the amendments to the trigger point of some of the conditions contained within the amendment sheet.

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers and the amendments to conditions 11 and 20 contained within the amendment sheet.

**18/65/Plan 17/2230/S73 - Former Milton County Primary School**

The Committee received a Section 73 application to vary conditions.

The application sought approval for Section 73 application to vary condition 2 (approved plans) of planning permission ref: 16/2098/S73 to allow changes from a two storey side extension to dwelling on Plot A to a three storey side extension.

Reduction in height of the walls separating each of the terrace spaces on the second floor of all 5 houses.

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.

**18/66/Plan 17/2225/FUL - 572 Newmarket Road**

The Committee received an application for full planning permission.

The application sought approval for the construction of part one storey part two storey rear extension, construction of bike and bin store and new surfacing of front garden. Subdivision of property into 3 x 1-bed apartments.

The committee noted the amendment sheet.

Angus Jackson (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

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

**18/67/Plan 17/2198/FUL - Annexe, 29 Garden Walk**

The Committee received an application for full planning permission.

The application sought approval for a single storey extension and alterations to existing annexe to allow change of use to separate dwelling, with provision of bin and cycle store for both properties.

The Senior Application Support Officers amended the application as follows:

Amendment to the wording of condition 6 to also remove permitted development rights for any openings in the ground floor south elevation of the building to protect the amenities of the occupier of 27 Garden Walk.

Notwithstanding the provisions of Schedule 2, Part 1, Classes A 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 further windows or openings shall be inserted at or above first floor level in any

elevation of the dwelling, or at ground floor on the southern elevation of the dwelling 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).

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

The representation covered the following issues:

- i. Loss of privacy due to overlooking.
- ii. Loss on amenity and daylight.
- iii. Site includes unauthorised previous development for which retrospective planning permission was refused.
- iv. Window would overlook neighbours properties.
- v. Overdevelopment of property.
- vi. Lack of parking provision.

Githa St John (Applicant) addressed the Committee in support of the application.

Councillor O'Reilly (Arbury Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Although this site is not in Arbury, it would impact on nearby properties which fall within Arbury Ward.
- ii. Would overlook neighbours.
- iii. Outbuilding had previously been converted into living space without permission.
- iv. Road was narrow and parking was already difficult.
- v. Would harm amenity of neighbours.
- vi. Impact of garden development.
- vii. Illegal existing development would set a precedent for neighbours.

The Committee:

**Resolved (by 6 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.

**18/68/Plan 17/2078/FUL - 67 Norfolk Street**

The Committee received an application for full planning permission.

The Committee noted a change to the text of the proposed reason for refusal to make the significance of the SPD a little clearer. The proposed text is as follows:

The conversion of 67 Norfolk Street from retail to residential would further fragment the unique character and identity of this Local Centre. The Grafton Centre immediately to the west of Norfolk Street is anticipated to receive significant investment following the Council's approval of the Grafton Area of Major Change – Masterplan and Guidance in Feb 2018. The application fails to consider the unit in this context or demonstrate that its viability would not be enhanced as a result. As such the loss of the unit is contrary to Policy 6/7 of the Cambridge Local Plan (2006), Paragraph 23 of the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014).

The application sought approval for Change of Use from retail to residential flat including external alterations

Ben Pridgon (Applicant's Agent) addressed the Committee in support of the application.

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

- i. Stated that they had supported a previous decision to reject the change of use application as the applicant had not demonstrated that the current retail use of the site was unviable.
- ii. Suggested that the application for consideration today contained the required viability information.
- iii. Supported the view that foot fall in this area was unlikely to provide a sufficient customer base to support a retail unit.
- iv. Stated that the variety of uses such as residential and retail added to the character of the area.

The Committee:

**Resolved (by 6 votes to 1)** to reject the officer recommendation to refuse the application.

**Resolved (by 6 votes to 1)** to grant the application contrary to the officer recommendation for the following reasons:

The Committee previously refused the application due to insufficient evidence regarding viability. It was the view of the Committee that the applicant had now demonstrated good reason for the loss of this unit.

**Resolved (by 6 votes to 1)** to delegate authority regarding conditions to officers.

### **18/69/Plan 17/2015/FUL - 1 Vinery Way**

The Committee received an application for full planning permission.

The application sought approval for Change of use and ground and first floor side and rear extension, replacement of existing conservatory and sheds with a Nail Bar (Use Class Sui Generis).

The Planner amended the text of the application as follow:

- i. In section 2.1, full planning consent is sought for ground floor extension should be revised to ground floor reconfiguration.
- ii. In section 7.2, from the representation of 174 Vinery Road, light loss is not part of the concern and therefore should be removed from the text.
- iii. In section 8.22 Condition 10 should be changed to condition 9.

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

The representation covered the following issues:

- i. Would increase pressure on on-street parking.
- ii. Staff as well as customers would use the street for parking.
- iii. Would increase car trips in a narrow street.
- iv. Shop working hours would overlap with school drop off and would impact on traffic in the area.

Diep Tran (Applicant) addressed the Committee in support of the application.

The Committee:

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

#### **18/70/Plan 17/1533/FUL - 4 Green End Road**

The Committee received an application for full planning permission.

The application sought approval for 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.

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.

#### **18/71/Plan 17/2227/FUL - 184 Gwydir Street**

The Committee received an application for full planning permission.

The application sought approval for Change of use to 184 Gwydir Street from private dwelling house (C3) to David Parr House visitor centre (D1) on ground floor and three bedroom private residential flat(C3) on first and second floor.

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.

#### **18/72/Plan TPO 23/2017 - 2 Capstan Close**

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order (TPO) NO. 23/2017 that relates to a 2 Capstan Close.

The Committee:

**Resolved unanimously** to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

### **18/73/Plan TPO 24/2017 - 21 Clarkson Road**

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order (TPO) NO. 24/2017 that relates to a 21 Clarkson Road.

The Committee received representations in objection to the TPO from the owner of a neighbouring property.

The representation covered the following issues:

- i. Tree was within 3 meters of the property.
- ii. Tree roots had already damaged drains.
- iii. When the tree was in leaf the upper floors of property were in shadow.
- iv. Concerned about impact of roots on extension.
- v. Tree not yet mature and problem will get worse.

The Committee received representations in objection to the TPO from the owner of the property.

- i. Values mature trees.
- ii. Has planted a number of large trees at the property.
- iii. Loss of this tree would have limited impact on the visual appearance of the street.
- iv. Has the support of immediate neighbours.
- v. Shares concerns about future damage to property.

The Committee:

**Resolved (by 4 votes to 3)** to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

### **18/74/Plan TPO 25/2017 - Kings College School, West Road**

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order NO. 25/2017 that relates to a Kings College School, West Road.

The Committee:

**Unanimously resolved** to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

### **18/75/Plan Planning Enforcement Update**

The Committee received a report from the City Development Manager regarding Planning Enforcement Updates and a review of officer delegations.

#### The Committee:

#### **Unanimously resolved to**

- I. note the information contained in the report and;
- II. approve the delegations in relation to decision making on planning enforcement matters set out in 8.1 of the Officer's report.

The meeting ended at 5.30 pm

**CHAIR**

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**PLANNING**

25 April 2018

10.00 am - 4.45 pm

**Present:**

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

**Officers:**

Principal Planner: Nigel Blazeby

Principal Planner: Lorraine Casey

Planner: Mary Collins

Senior Planner: Charlotte Burton

Planner: Eloise Limmer

Planner: Rob Brereton

Planner: Mairead O'Sullivan

Legal Advisor: Rebecca Williams

Committee Manager: Toni Birkin

Committee Manager: James Goddard

**County Officer:**

Lead Engineer for Development Control: Ian Dyer

**FOR THE INFORMATION OF THE COUNCIL**

**18/80/Plan Apologies**

Apologies were received from Councillors Nethsingha and Sarris. Councillor Page-Croft was present as the alternate.

**18/81/Plan Declarations of Interest**

No declarations of interest were made.

**18/82/Plan Minutes**

The minutes of the meeting held on 7 March 2018 were approved as a correct record and signed by the Chair.

**18/83/Plan 17/1372/FUL - 291 Hills Road**

The Committee received an application for full planning permission.

The application sought approval for residential development containing 15 flats (comprising 8 x 2-bed units and 7 x 1-bed units), along with access, car parking and associated landscaping following demolition of the existing buildings.

The Senior Planner referred to the pre-committee amendments on the amendment sheet:

- Minor corrections to wording of conditions to remove typographical errors.
- Removal of the recommended public art condition 31

The Committee received representations in objection to the application from residents of Hills Road.

The representations covered the following issues:

- i. Suggested there were planning reasons to refuse the application.
- ii. Local Plan Policy 3/10 (sub-division of existing plots) was not mentioned in the Officer's report, although it was directly relevant.
  - a. Criterion A was not met due to impact on amenity, loss of privacy, overbearing, sense of enclosure and light pollution.
  - b. Criterion B was not met due to inadequate amenity space as 15 families would live on the proposed development.
  - c. Criterion C was not met due to as the development would detract from the character and appearance of the area. Also overlooking neighbouring properties and loss of privacy.
  - d. Criterion E was not met due to adverse effects on trees and wildlife
- iii. Expressed concern over loss of family home and proposed that affordable housing should have been required under the Affordable Housing Supplementary Planning Document 2008.
- iv. The Senior Planner's report asked Councillors to disregard Planning Policy 5/5.
- v. The Supplementary Planning Document was a material consideration which should be followed. It was the relevant document to consider until the 2014 draft document was adopted.

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

Councillor Price (Executive Councillor for Housing – City Council) addressed the Committee about the application.

The representations covered the following issues:

- i. There was great demand for affordable housing in the city.
- ii. The greatest need was for 1-2 bedroom homes.
- iii. The 2006 Local Plan and 2008 Supplementary Planning Document set 15 properties as the threshold at which housing developments are required to provide affordable housing. This would be amended to 11 in the new draft Local Plan.
- iv. The application proposed to replace 1 large home with 15 flats.
- v. Asked the Planning Committee to reject the application as it did not meet the requirements of policy 5/5 in the 2006 Local Plan or paragraph 30 in the Supplementary Planning Document to provide affordable housing.

Councillor T. Moore (Queen Edith's Ward Councillor - City Council) addressed the Committee about the application.

The representations covered the following issues:

- i. Expressed concern about the impact of the development on congestion on the south part of the city and Ring Road.
- ii. A small change in traffic volumes could produce a disproportionate impact on network flow during busy times. Vehicles leaving the site could cause traffic flow issues for the whole of the south area, including Addenbrooke's Hospital.
- iii. Vehicles egress from the development would be hindered by existing traffic routes as they would have to cross traffic lanes.
- iv. The Highways Agency was not good at modelling the impact of developments on the road network as a whole, just on individual junctions.
- v. Requested further modelling of the impact of the development on the Hills Road / Long Road / Queen Edith's Way junction and southern road network.
- vi. The network was important for the economy and health (ie impact of pollution) of the city.
- vii. Queuing vehicles would exacerbate air quality issues.

Councillor Taylor (Queen Edith's Ward Councillor – County Council) addressed the Committee about the application.

The representations covered the following issues:

- i. Traffic, accidents and parking were key issues for residents.
- ii. Addenbrooke's Hospital was located in the area, which already had heavy traffic, traffic flow and parking issues.
- iii. Cycleways had recently been built on Hills Road to reduce car numbers.
- iv. Hills Road had the highest traffic levels in south east Cambridgeshire.
- v. The Addenbrooke's junction was already at capacity. More companies were expected to relocate on the site in future and so add to congestion.
- vi. Referred to the Officer's report stating the application met planning policy criteria for traffic; the site was seen as sustainable due to bus and cycle links. It may do so in theory but Queen Edith's Ward had the highest level of car ownership in the city, so the application may have an unacceptable traffic impact contrary to indications from traffic modelling.
- vii. Referred to an application that was refused in 1990 due to traffic capacity issues. The situation had not changed.
- viii. A pedestrian crossing had not been included on the Queen Edith's Way section of the traffic junction due to the negative impact on traffic flow. T

The Chair asked for Officer advice on:

- i. How much consideration should be given to the ex ante Local Plan and Supplementary Planning Document.
- ii. Traffic impact.

Officers answered:

- i. The Legal Advisor said:
  - a. Councillors should determine the planning application on current planning policy (ie 5/5 of the 2006 Local Plan) unless an exception could be demonstrated.
  - b. The policy was typically interpreted as net increase of housing, not gross.
  - c. The Supplementary Planning Document was guidance that sat behind the Local Plan.
  - d. It was a decision for Councillors how much weight they gave to the Supplementary Planning Document.
- ii. The Lead Engineer said:
  - a. The National Planning Policy Framework indicated that the Highways Agency should not object to applications unless a severe detrimental negative impact could be demonstrated.
  - b. The small increase in vehicles was not enough to demonstrate a reason to object to the application.

- c. The traffic model had a margin of error. Smaller numbers of vehicles had greater margin of error in the model.
- d. He was unaware of any modelling that could calculate the impact of vehicles from the application on the network as a whole.
- e. The Hills Road / Long Road / Queen Edith's junction was over capacity.
- f. Vehicles from the application would have to cross traffic lanes to egress the site, but this should happen safely.
- g. He could not advise that there would be a severe adverse impact or that the junction would operate unsafely and therefore had no objection to the proposal.

### The Committee:

Councillor Tunnicliffe absented himself for the vote and part of the discussion on this item.

**Resolved (by 5 votes to 0)** to reject the officer recommendation to approve the application. The Chair abstained.

- The Committee decided reasons for refusal should be voted on and recorded separately:
- Accepted **(by 5 votes to 0)**: Lack of affordable housing.
- Accepted **(by 5 votes to 0)**: Inadequate cycle parking arrangements.
- Accepted **(by 4 votes to 2)**: Inadequate visitor parking.
- Accepted **(by 4 votes to 1)**: Cramped living conditions.
- Lost **(by 2 votes to 3)**: Bland design.

The Committee were asked to consider if they wished to follow the adjourned decision making protocol or make a decision at this committee. They resolved **(by 4 votes to 2)** to make a decision at this committee.

**Resolved (by 5 votes to 0)** to refuse the application contrary to the officer recommendation. The Chair abstained.

**Resolved (by 6 votes to 0)** to delegate authority to Officers to prepare reasons for refusal based upon the lack of affordable housing, inadequate cycle parking arrangements, cramped living conditions and unacceptable design layout resulting in no provision of visitor parking.

**18/84/Plan 17/1757/FUL - 283 Queen Edith's Way**

The Committee received an application for full planning permission.

The application sought approval for a residential development comprising 6 x 2-bed and 4 x 1-bed units with access, car and cycle parking and associated landscaping following demolition of the existing dwelling.

The Senior Planner referred to paragraph 8.24 of her report and said a new travel plan condition was required.

The Committee received a representation in objection to the application from a resident of Queens Edith Way.

The representation covered the following issues:

- i. Accepted more housing was needed in the city.
- ii. The site could be developed.
- iii. The current application design was unacceptable.
- iv. Expressed concern regarding height, mass, amenity and lack of parking provision for the expected number of residents (this could exacerbate existing issues, impact on street parking and lead to safety concerns about site access).

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

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

This amendment was **carried nem con.**

#### The Committee:

**Resolved (by 5 votes to 2)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers including additional condition below (reported verbally) and with inclusion of considerate contractors scheme informative.

No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to

encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the Local Planning Authority.

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

### **18/85/Plan 18/0086/FUL - 25 Hale Street**

The Committee received an application for full planning permission.

The application sought approval for construction of new single storey garden room ancillary to the main dwelling and replacement boundary wall following demolition of existing garden shed and timber fencing.

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

The representation covered the following issues:

- i. A number of nearby residents objected to the development.
- ii. Over development of site.
- iii. Previous applications had been rejected due to conservation issues.
- iv. New building would be very close to neighbours.
- v. Street scape would be changed by the loss of the break in the building line.
- vi. Neighbours would lose the views of the church.
- vii. Roof pitch was too steep.
- viii. Inconsistent comments from conservation officer.

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

Councillor Sheil (Arbury Ward Councillor) addressed the Committee regarding the application as follows:

- i. Questioned if this was a garden room or a separate dwelling.
- ii. Building would be 1 and a half storeys high.
- iii. Could create more traffic and parking issues.
- iv. As this was not a, dwelling standard safety consultees were not consulted.
- v. If this was a garden room, why was a separate entrance needed.

- vi. Inconsistent response from conservation officers.
- vii. Fails to respond to context.
- viii. Overlooking of Clare Street.
- ix. Proximity to neighbours would be problematic.
- x. Errors and inconsistencies in report.

### 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 and additional conditions regarding the removal of permitted development rights.

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), no further windows shall be inserted in the building without the granting of specific planning permission.

Reason: To protect the amenity of adjoining properties (Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/12).

### **18/86/Plan 18/0127/S73 - 23 Baldock Way**

The Committee received a Section 73 application to vary condition 2 (approved drawings).

The application sought approval to vary condition 2 (approved drawings) of planning 17/0792/FUL (demolition of the existing bungalow and the erection of a detached three bedroom residential unit) to allow infill of approved carport, relocation of the main entrance and a roof light to the flat roofs.

The Committee received a representation in objection to the application from a resident of Baldock Way.

The representation covered the following issues:

- i. Loss of parking spaces.
- ii. Impact of increased cars in area.
- iii. Increased occupancy.
- iv. Verge parking already a problem.
- v. Contravenes emerging local plan.
- vi. No cycle storage.



- vii. Existing front gardens increasingly converted to hard standing for cars is detrimental to the area.

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

The Committee:

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

**18/87/Plan 18/0092/FUL - 16 Thirleby Close**

The Committee received an application for full planning permission.

The application sought approval for a residential development consisting of four 1 x bedroom dwellings along with car and cycle parking and associated landscaping following demolition of existing buildings on site.

The Committee noted the amendment sheet.

The Committee received a representation in objection to the application from a resident of Thirleby Close.

The representation covered the following issues:

- i. Spoke on behalf of residents of Thirleby Close.
- ii. Overdevelopment of a small street.
- iii. Over dwelling small single units, mainly bungalows.
- iv. Narrow road with limited access for emergency services.
- v. Some residents often find their driveways blocked by parked cars.
- vi. Would result in increased noise.
- vii. Increased traffic.
- viii. Problematic parking.

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

Councillor Sheil (Arbury Ward Councillor) and addressed the Committee regarding the application as follows:

- i. Speaking on behalf of residents.
- ii. Overdevelopment.

- iii. Negative impact on the area.
- iv. Impact on resident amenities.
- v. Many local objections.
- vi. Thirleby Close is used as access other apartments.
- vii. Overlooking.
- viii. Overdevelopment.
- ix. Out of keeping with street scape of bungalows.
- x. Loss of privacy.

The Committee:

**Resolved (by 6 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.

**18/88/Plan 17/2261/FUL - 45 Nightingale Avenue**

The Committee received an application for full planning permission.

The application sought approval for the erection of two detached, three storey, four bedroom family homes with single storey elements to the front and rear following demolition of existing detached house and garage.

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.

**18/89/Plan 18/0119/FUL - Pavillion, Chesterton Recreation Ground**

The Committee received an application for full planning permission.

The application sought approval for a single storey extension to the existing pavilion with an external terrace. The existing building is 47m<sup>2</sup>; the new extension would provide 86m<sup>2</sup> of additional accommodation as well as 18m<sup>2</sup> of additional external covered storage. The proposed extension to the Pavilion would be mainly situated on the south-western end of the existing; overlooking the main sports facilities. The proposed facilities would include a new multi-purpose club room, an enlarged kitchen and internal and external storage facilities.

The Committee:

**Resolved (by 6 votes to 0 and 1 abstention)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**18/90/Plan 18/0076/FUL - Field House, Conduit Head Road**

Councillor Holt advised the Committee that although the objector was known to her, she had no declarable interest in the application. She had visited the site and had express and opinion. However, she came to this Committee with an open mind

The Committee received an application for full planning permission.

The application sought approval for single storey and first floor side extensions with alterations to existing and erection of garden shed.

The Committee noted the amendment sheet.

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

The representation covered the following issues:

- i. Speaking on behalf of neighbours.
- ii. Has sympathy with the needs of applicant's family.
- iii. Out of scale with other properties in area.
- iv. Too big for plot.
- v. Overbearing.
- vi. Overshadowing and loss of evening light.
- vii. Too close to neighbours.
- viii. Impact on nearby wildlife.
- ix. Disproportionate to scale of properties in the area.

Jay Heal (Applicant) addressed the Committee in support of the application.

The Committee:

**Resolved (by 6 votes to 0 with 1 abstention)** to grant the application for planning permission in accordance with the officer recommendation, for the

reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **18/91/Plan 17/2231/FUL - 92 Norfolk Street**

Councillor Blencowe stated that he had no personal interest in the application but had visited the site and had met with the applicant. He further confirmed that the Committee would consider every application on its merits. Other retail units in the area had long term viability issues.

The Committee received an application for full planning permission.

The application sought approval for a rear roof extension to incorporate two dormer windows, alterations to the front façade and change of use of ground floor to provide two self-contained flats

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

#### The Committee:

**Resolved (by 6 votes to 1)** to reject the officer recommendation of refusal of the application.

**Resolved (by 6 votes to 1)** to grant the application for planning permission contrary to the officer recommendation and delegated powers granted to prepare conditions for the following reasons:

- i. The committee does not accept that the loss of this retail unit would harm the vitality of this Local Centre.
- ii. There is insufficient evidence that the implementation of the Grafton SPD would enhance viability in this location.
- iii. The internal and external amenity space provided for future occupiers is considered adequate.

**Resolved (by 6 votes to 1)** to delegate authority to officers to draft additional conditions.

Conditions added by delegated powers:

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

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

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

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

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

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

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

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

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

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

6. Prior to the commencement of development, full details of the refuse layout and bin provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate bin storage is provided. (Cambridge Local Plan 2006, policy 3/7).

7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected between the rear garden of the hereby approved ground floor flat and the cycle and bin store facing the laneway to the rear of the site. 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 3/12).

### **18/92/Plan 17/2250/FUL - 20 Kinnaird Way**

The Committee received an application for full planning permission.

The application sought approval for demolition of an existing garage and erection of a single new dwelling (and associated development).

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

#### The Committee:

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

### **18/93/Plan 17/1615/FUL - 156-158 Mowbray Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of existing dwellings and outbuildings and construction of 2X2 bed semi-detached dwellings, 5x1 bed apartments including bin and cycle store.

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

The Committee:

**Resolved (by 6 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 with additional condition regarding surface water drainage.

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).

The meeting ended at 4.45 pm

**CHAIR**



<b>Application Number</b>	17/2196/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd January 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	3rd April 2018		
<b>Ward</b>	Coleridge		
<b>Site</b>	Hinton Grange Nursing Home 55 Bullen Close Cambridge CB1 8YU		
<b>Proposal</b>	Demolition of the existing buildings and redevelopment of the site to provide a replacement care home (Use Class C2) arranged over three storeys together with associated car parking, landscaping and amenity space.		
<b>Applicant</b>	Mr Andrew Brett c/o Agent		

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

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is Hinton Grange; an existing 56 bed residential care home on Bullen Close. The existing building is two storey with a hipped roof. The ground floor is finished in red bricks and the upper floor is clad in a mixture of render and timber cladding with a tiled roof. There is a car park to the front of the site surrounded by a low wall. The site backs onto residential gardens of properties on Cherry Hinton Road. A fence separates the site from these gardens.

- 1.2 Bullen Close is a residential cul-de-sac. The eastern part of the close is characterised by semi-detached and detached brick properties; many with gable end front detail. The western end of the close is higher density with more terraced properties and flats.
- 1.3 Vehicular access to the site is from Bullen Close. A cycle and pedestrian path lead from Cherry Hinton Road along the boundary with the Territorial Army site into the western end of Bullen Close.
- 1.4 Following the submission of the application, the Tree Officer has had 6 trees protected by TPO; three clustered together along the northern boundary and three dispersed along the southern part of the site.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the demolition of the existing building and redevelopment of the site with a replacement 68 bedroom care home (C2 use class). The replacement building involves the reconfiguration of the plot with revised car parking, landscape and amenity space. The application has been revised since submission to retain three trees on the northern boundary of the site. These trees have been protected by TPOs following the submission of the application. Two additional trees on the southern part of the site have also been protected, as have a number of trees outside of the application site within the neighbouring garden.
- 2.2 The plans have been amended since submission to try to overcome concerns raised by the Tree Officer. The primary concern was the loss of the trees on the northern boundary of the site adjacent to the ends of the gardens of the properties on Cherry Hinton Road. The building has been reduced in scale with the length of the 'T' element reduced on the northern element to pull away from the boundary and retain the recently protected trees.
- 2.3 The applicant has also submitted further information to address comments from the City Council Sustainable Drainage Engineer and the County Council drainage engineer.

### 3.0 SITE HISTORY

3.1 There is no site history.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 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 and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) Cambridge and Milton Surface Water Management Plan (2011) Cycle Parking Guide for New Residential Developments (2010)

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

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

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

## 6.0 CONSULTATIONS

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

#### *First comment*

- 6.1 No objection. No comments in the interim. Additional comments will follow after consultation with the Transport Planning Team.

#### *Second comment*

- 6.2 No objection: The County Council consider the impacts of the development on the highway network are not severe, therefore we recommend its approval subject to the Travel Plan being secured by condition.

### **Environmental Health**

- 6.3 No objection. Conditions are requested regarding plant noise insulation, construction hours, collections during construction, construction/demolition noise/vibration & piling, dust and previously unidentified contaminated land. Informatives are requested regarding plant noise insulation, dust and demolition/construction noise/vibration

### **Refuse and Recycling**

- 6.4 No comments received.

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

- 6.5 No objection. The building provides a positive frontage to the main approach from Bullen Close. The T-shape allows the bedrooms to interact with the landscaped gardens. The oak porch defines and provides a high quality entrance. Visitor cycle parking is well located. A secure cycle store is provided for staff. Further information is needed to ensure there is adequate provision for the number of staff. Details of the bin store and its green roof are required by condition. The building is of a similar scale to existing and the mass is broken down into different elements. The treatment of the roof and upper floor also help break up the mass. All external materials should be conditioned.

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

- 6.6 No objection: Two conditions relating to the implementation of the low carbon technologies and details of the combined heat and power system are requested.

## **Access Officer**

- 6.7 No comments received.

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

### *First comment*

- 6.8 Objection. It is not clear why trees 16 and 17 have been graded B; both have significant potential value and should be classed as A. These are shown to be retained but with insufficient space to mature without significant pruning. Trees 3, 4 and 5 make a significant contribution to the character of Cherry Hinton Road; they are visible between the gaps in the houses and contribute to the green backdrop helping screen the existing building. The building must be amended to retain trees 3, 4, 5, 16 and 17 without regular remedial works.

### *Second comment*

- 6.9 Objection: The amendments are adequate with regard to the north elevation but the amendments have not addressed the proximity of the building to the two London Planes. Given the height of the new building and its proximity to the trees, the trees will not be able to grow naturally so their significant future amenity will be lost. There are few trees of stature in the area and limited space to plant new trees of stature, without future conflicts with structures.

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

- 6.10 No objection. The north facing patio spaces may prove difficult to plant and maintain so options which allow for alternative arrangements which provide a similar level of threshold and privacy may need to be considered. Four conditions are recommended regarding hard and soft landscaping, landscape maintenance, boundary treatment and green roof details.

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

### *First comment*

- 6.11 Objection: Sufficient details have not been submitted to demonstrate the proposed development will be safe for its lifetime.

### *Second comment*

- 6.12 Objection: The applicant has submitted a letter to try to address comments from the drainage engineer. The drainage proposal is retrofitted rather than integrated into the design and does not utilise the opportunity to manage surface water more sustainably.

### *Third comment*

- 6.13 No objection: Conditions are recommended.

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

### *First comment*

- 6.14 Objection: The applicant has not demonstrated that SuDS will be used. An area to the north of the site is at high risk of surface water flooding and as a result a greater degree of betterment is required.

### *Second comment*

- 6.15 Objection: Have nothing further to add to the comments made by the City Council Drainage Engineer regarding the response from the applicant.

### *Third comment*

- 6.16 No objection: We can now remove our objection. Two conditions are recommended.

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

- 6.17 No objection: Application is acceptable. Request a condition to secure the proposed ecological enhancements detailed within the Ecology report.

## **Environment Agency**

- 6.18 No objection. The application falls within Flood Risk Standing Advice.

## **Anglian Water**

- 6.19 No comments received.

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

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

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

- 6.21 No objection. The layout appears acceptable. The area is at low vulnerability to the risk of crime.

## **Disability Consultative Panel**

- 6.22 The Panel felt the inclusion of double/twin rooms should be explored so that residents could be housed with their partners. Partition doors would also allow for carers or visiting family members to be within easy reach. It was not clear from the plans whether the proposal included assisted bathroom facilities. The outside accessible seating was welcomed by the Panel.
- 6.23 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:
- 42 Bullen Close
  - 43 Bullen Close x2



- 48 Bullen Close
- 58 Bullen Close
- 71 Bullen Close
- Camcycle
- Cheffins Planning and Development (on behalf of 426, 428, 430, 432, 434, 436 & 438 Cherry Hinton Road)
- 424 Cherry Hinton Road
- 426 Cherry Hinton Road
- 428 Cherry Hinton Road
- 430 Cherry Hinton Road
- 432 Cherry Hinton Road x2
- 434 Cherry Hinton Road
- 438 Cherry Hinton Road
- 33 Cliveden Close
- 320 Milton Road
- 8 Wetenhall Road

## 7.2 The representations can be summarised as follows:

- The number of trees proposed to be removed is excessive
- There is no improvement to the design of the building
- The new building will alter the character of the area
- Loss of trees will result in loss of privacy to rear gardens on Cherry Hinton Road
- The height of the building and the basement will inhibit planting in the garden
- Third floor windows would have a diagonal view of gardens on Cherry Hinton Road
- Concerned about lighting (to car park, security lighting, etc.) and light pollution
- Overbearing impact from new building; exacerbated by loss of trees
- Will result in whole of garden of 428 being bounded by a building
- Will cast a shadow on the garden of many properties on Cherry Hinton Road
- The existing building has an unacceptable impact on amenity of adjoining occupiers; replacement building will exacerbate this relationship. The increase in scale and proximity to boundary with properties on Cherry Hinton Road will overshadow, enclose and impact on privacy to these properties
- Management is currently stressed and is only reactive rather than proactive when it comes to dealing with issues of the Cherry Hinton Road properties.

- Concerned about accuracy of travel plan
- Concerned about disturbance and disruptions during construction
- The basement poses a flood risk
- Concerned about subsidence
- The investment is welcome and a number of the improvements are desirable
- Staff cycle parking is inadequate
- Loss of car parking
- Car parking proposed would be inadequate for visitors and employees.
- The proximity of bin and bike stores to fences on Cherry Hinton Road would be a security risk
- Residents of the home will find the relocation challenging
- There are existing issues with servicing and large vehicles accessing the site
- Concerned about the impact on the sewer system
- The revisions are welcome but do not overcome all of the residents' concerns

7.3 Councillor Herbert has requested that the application is determined at planning committee. His comment can be summarised as follows:

- Increase in height and scale of building would dominate neighbouring properties on Cherry Hinton Road and Bullen Close
- Impact of building exacerbated by loss of 3 mature trees which provide screening
- Would overshadow gardens on Cherry Hinton Road; particularly in winter months.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces

3. Tree impact
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Flood risk
11. Third party representations

### **Principle of Development**

- 8.2 The proposed use on site would remain as a care home (Use Class C2) and as a result is compliant with policy.

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

- 8.3 The existing building on site is of no architectural merit and there are no concerns about its loss. The replacement building, although larger than existing, is well broken down. Its height is carefully managed so as to be broadly the same as the existing building and as a result I am satisfied that the replacement building would not appear dominant. The design incorporates gable end elements which are in keeping with other properties on Bullen Close.
- 8.4 The Urban Design Officer is supportive of the proposal. She notes that the form of the building with varied eaves and ridge heights and broken up mass with projecting gable end forms provides an overall domestic scaled appearance. The treatment of the upper floors and dormers helps them read as accommodation in the roof. Details of materials are recommended to be required for approval by condition.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

### **Tree impact**

- 8.6 The Tree officer has raised an objection to the proposal. The application has been amended to partially overcome her objections. The original proposal involved the loss of three trees on the northern boundary of the site adjacent to the end of the rear gardens on Cherry Hinton Road. These trees are

considered to make a significant positive contribution to the character of Cherry Hinton Road as they are substantial trees which are highly visible between the large gaps between the houses. As a result, these trees are considered to contribute to the verdant backdrop of the street. The trees also help to screen the existing nursing home building in views from the street and from the gardens of these properties on Cherry Hinton Road.

- 8.7 The building has been amended to retain these trees. This has been done by removing two rooms on each floor and reducing the length of one arm of the 'T' shaped element on the western part of the building. The Tree Officer has confirmed that this overcomes part of her objection as it allows the retention of the trees on the northern boundary.
- 8.8 The Tree Officer remains concerned about the impact of the building on the two London Planes to the south of the site. The proposal retains these trees but given the proximity of the building to the trees she considers that they will not be able to grow to their full potential. She notes that there are few trees of this stature in the area and as a result they are considered to be valuable.
- 8.9 I accept the Tree Officer's comments about the quality of the trees. However, although the trees are good quality their contribution is more limited than the trees on the northern part of the site. The retained trees to the north play an important role in the character of this part of Cherry Hinton Road and provide some privacy and amenity to the gardens of a number of properties on Cherry Hinton Road. The London Planes front onto Bullen Close which is a cul-de-sac and as a result they do not have the same level of importance as the trees adjacent to the gardens on Cherry Hinton Road. I am satisfied that a condition could be included requiring replacement planting if either of these trees became compromised within 5 years of the commencement of development.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

### **Renewable energy and sustainability**

- 8.11 The Senior Sustainability Officer is satisfied that the proposal

would be acceptable and compliant with policy subject to two conditions relating to the implementation of the low carbon technologies and details of the combined heat and power system. Both conditions are recommended.

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

### **Disabled access**

- 8.13 The building is designed to be accessible for those with mobility issues. I recommend that the comments from Disability Panel are included on any decision as an informative to ensure the applicant is aware of their suggestions.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.15 I note that there have been a large number of objections from residents of the properties to the north of the site on Cherry Hinton Road. Their main concerns are enclosure, overshadowing, loss of trees and overlooking. The revised proposal moves the 'T' element of the proposal away from the boundary with the gardens of 428-432 Cherry Hinton Road. The trees on this boundary can now be retained which overcomes part of their objections.
- 8.16 The building will have a broadly similar impact to the existing building in terms of enclosure and overshadowing. There will be an improved relationship with the garden of 426 Cherry Hinton Road as the proposal removes a projecting element adjacent to this boundary and pulls the building further east into the site. The building goes from being approx 4m to the boundary to approx. 10m to the boundary. The projecting element on the existing building is also adjacent to the garden of 428. The replacement building will also be sited near the end of the garden of 428. The existing building is sited approx. 4m from the end of the garden and the replacement building will be

approx. 6m from the boundary but would be adjacent to a larger part of no. 428's garden. The relationship between no 428 and the care home building will change but the impact in terms of enclosure and overshadowing would be broadly the same.

- 8.17 As a result of the proposal, no's 430 and 432 Cherry Hinton Road would have mass closer to the boundary than with the existing building. However, the revised building is still set away from their boundary by 14m, with 56m separation between the rear of these properties and the new building, and the trees on this boundary are to be retained. The building would result in some further enclosure and minor additional overshadowing to the end of the garden. Given the increase in overshadowing and enclosure would be minimal with only the end of the garden impacted; as there is a substantial distance of over 50m between the proposed building and the back of the houses, the impact is not considered to be significantly harmful to warrant refusal.
- 8.18 The remainder of the properties that are located to the north of the site would not experience any significant further enclosure or overshadowing. The new building would be marginally further away from their boundaries than the existing building and the height adjacent to these boundaries would also be marginally lower.
- 8.19 The trees on the northern boundary are now to be retained and are protected by TPO. These will help provide some screening and privacy to the gardens on Cherry Hinton Road for much of the year. There are first floor windows on the northern elevation but this is no different than the current situation and I am satisfied that the proposal would not have any significant impact on the privacy of the gardens to the north of the site. The closest windows to these gardens are those at the projecting element adjacent to 430 and 432 Cherry Hinton Road. These serve a corridor and as a result would not cause any significant overlooking. A condition is recommended requiring these to be obscure glazed.
- 8.20 The replacement building would be set further away from its existing nearest neighbours on Bullen Close at no 43 to the west and 71 to the south. The projecting element would be closer to the flats and terrace at 58-62 Bullen Close but would remain significantly set away from these properties with some

landscaping and a road providing separation. As a result I am satisfied that the building would not enclose these occupiers. Due to the orientation of the plots, with these buildings on Bullen Close to the south of the site, there would be no overshadowing impact.

- 8.21 Some concerns have been raised about the new car park layout and the potential for noise and disturbance. The car park would be adjacent to no 43 Bullen Close but I do not consider it likely to give rise to any significant disturbance to this occupier. The care home will have visiting hours and as a result the car park is likely to be mostly used during these times. There would be some additional movements when staff changeover but I do not consider this to be significant.
- 8.22 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

- 8.23 The proposed rooms are considered to provide a high level of amenity for future occupiers. The rooms are varied with some quieter rooms facing onto garden spaces and others which will look out at more active areas towards the car park. The gardens surrounding the site would provide a high level of amenity for occupiers and visitors to the site. The Landscape Officer has requested a number of conditions to ensure this space is finished to a high standard.
- 8.24 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.25 The Refuse and Recycling Officer has not commented on the application. However, I am satisfied that the proposed refuse arrangement would be acceptable.

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

### **Highway Safety**

8.27 The County Council Transport Assessment Team considers the impacts of the development on the highway network are not severe. They have requested a Travel Plan condition which I have recommended.

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

### **Car and Cycle Parking**

8.29 The planning statement expects 20-25 staff on site at any time; 10 cycle parking spaces are provided in a store within the car park. This is a slight under provision as the local plan requires 1 space for every 2 members of staff but on balance I consider this to be acceptable. 6 visitor cycle parking spaces are to be provided by the entrance; this complies with policy.

8.30 The Highway Authority has raised no objection to the car parking provision. The proposal provides 25 parking bays; an increase in the ratio of bedrooms to parking bays when compared with existing. None of the residents would have access to a car so parking would only be for staff and visitors. Car parking standards for nursing homes require 1 space per every 2 members of staff and 1 space for every 8 residents. As a result the number of car parking spaces would be policy compliant.

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

### **Drainage**

8.32 The City Council and County Council Drainage Officers initially both raised objections to the proposal. Initially insufficient information was provided. The information then submitted tried to retrofit around the design and was not considered to utilise the opportunity presented by the new build to manage surface water more sustainably. The applicant has now revised the drainage proposals and both City and County Council Drainage



Officers have removed their objections and recommended a condition requiring approval of surface water drainage measures.

### Third Party Representations

8.33 I have addressed the majority of the third party representations within the bod of my report. I will cover any outstanding matters in the below table:

<b>Representation</b>	<b>Response</b>
The number of trees proposed to be removed is excessive	See paragraphs 8.6-8.9
There is no improvement to the design of the building	The building is considered to be acceptable in terms of design. See paragraphs 8.3 & 8.4
The new building will alter the character of the area	I am satisfied that the new building will not have any significant impact on the character of the area
Loss of trees will result in loss of privacy to rear gardens on Cherry Hinton Road	The trees to the northern boundary are now proposed to be retained.
The height of the building and the basement will inhibit planting in the garden Third floor windows would have a diagonal view of gardens on Cherry Hinton Road	The tree officer and landscape officer have not raised concerns about viability of planting due to the basement. The impact of the height and proximity of the building to the two London Planes on the south of the site is assessed at paragraph 8.8 & 8.9. Overlooking is assessed at paragraph 8.19
Concerned about lighting (to car park, security lighting, etc.) and light pollution	A condition requiring details of external lighting to be approved prior to occupation is recommended. (condition 14)
Overbearing impact from new building; exacerbated by loss of trees	The trees to the north of the site are now to be retained due to revisions to the building. Enclosure is assessed at 8.15-8.20
Will result in whole of garden of 428	See paragraph 8.15 & 8.16

being bounded by a building	
Will cast a shadow on the garden of many properties on Cherry Hinton Road	See paragraph 8.15-8.22
The existing building has an unacceptable impact on amenity of adjoining occupiers; replacement building will exacerbate this relationship. The increase in scale and proximity to boundary with properties on Cherry Hinton Road will overshadow, enclose and impact on privacy to these properties	See paragraphs 8.15 – 8.22
Management is currently stressed and is only reactive rather than proactive when it comes to dealing with issues of the Cherry Hinton Road properties.	The concerns about current management of the site are noted.
Concerned about accuracy of travel plan	The Transport Assessment Team are satisfied with the information submitted.
Concerned about disturbance and disruptions during construction	Conditions are recommended to minimise disturbance during construction regarding construction hours, construction noise and dust.
The basement poses a flood risk	The City and County Council Drainage Engineers are satisfied with the proposal.
Concerned about subsidence	This is a civil matter and not a material planning consideration
Staff cycle parking is inadequate	See paragraph 8.29
Car parking proposed would be inadequate for visitors and employees.	See paragraph 8.30
Loss of car parking	There is an increase in car parking provision on site from 18 to 25 spaces
The proximity of bin and bike stores to fences on Cherry Hinton Road would be a security risk	The bike and bin store has been relocated and is now set away from the boundary.
Residents of the home will find the relocation challenging	Noted but I cannot assess this impact as part of the planning

	application.
There are existing issues with servicing and large vehicles accessing the site	Noted but the highway authority has no objection to the proposal on highway safety grounds.
Concerned about the impact on the sewer system	Anglia Water has been consulted but had no comment to make. The city council and county council drainage officers are now satisfied with the proposal.
The revisions are welcome but do not overcome all of the residents' concerns	Noted.

## 9.0 CONCLUSION

9.1 The revised proposal retains the trees on the northern boundary of the site which are important to the character of Cherry Hinton Road. The replacement building would not have any significant further impact on the amenities of adjoining occupiers in terms of enclosure, overshadowing or overlooking. The replacement building is considered to be of an appropriate design and scale for the site.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. Prior to the commencement of above ground works, details of the facing materials to be used shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be in accordance with the approved details.

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

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

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. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

7. 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, 3/12 and 3/11)

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

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

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

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

14. Prior to the occupation of the building, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. External lighting shall be installed in accordance with the approved details.

Reason: to protect the amenity of surrounding occupiers (Cambridge Local Plan 2006 policies 3/4 and 4/15)

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

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

16. 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)

17. The windows in the north elevation at and above first floor level and serving the stairwell adjacent to the gardens of 430 and 432 Cherry Hinton Road shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

18. Ecological enhancements shall be implemented in accordance with the Ecological Impact Assessment (SLR Ref: 402.02498.00011.044).

Reason: To ensure adequate measures are provided to protect local ecology (Cambridge Local Plan 2006 policy 4/3)



19. No development shall commence until a plan has been submitted to and approved in writing to the Local Planning Authority detailing the proposed specification, number and locations of internal bird and bat boxes within the new buildings. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To ensure adequate measures are provided to protect local ecology (Cambridge Local Plan 2006 policy 4/3)

20. The proposed low carbon technologies shall be installed 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 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 8/16).

21. Prior to occupation, further information shall be submitted and agreed in writing by the local planning authority in relation to the technical specification of the proposed gas fired Combined Heat and Power System, including emissions standards. Any gas fired CHP shall meet an emissions standard of:

Spark ignition engine: less than 150 mgNO<sub>x</sub>/Nm<sup>3</sup>  
Compression ignition engine: less than 400 mgNO<sub>x</sub>/Nm<sup>3</sup>  
Gas turbine: less than 50 mgNO<sub>x</sub>/Nm<sup>3</sup>

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16) and to protect human health in accordance with policy 4/14 of the Cambridge Local Plan (2006).

**INFORMATIVE:** The drainage system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding or flooding of third party land for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

- a. provide information about the design storm period and intensity, the site and contributing areas, the method employed to delay and control the surface water discharged from the site to ensure no increase in surface water runoff from the site;
- b. provide results of infiltration testing and calculations in accordance with BRE

Digest 365 if infiltration is to be used. The information shall include:

- a) Identification of the water level within the trial pits at timed intervals;
- b) the trial pit dimensions;
- c) a plan showing the location of the trial pits; and
- d) the depth of the water table below ground level
- e) provide information on the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- f) 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.

**INFORMATIVE:** The Disability Consultative Panel comments are as follows:

The Panel felt the inclusion of double/twin rooms should be explored so that residents could be housed with their partners. Partition doors would also allow for carers or visiting family members to be within easy reach. It was not clear from the plans whether the proposal included assisted bathroom facilities. The outside accessible seating was welcomed by the Panel.

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

The noise and vibration report should include:

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

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

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

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

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

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

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

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

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<b>Application Number</b>	18/0190/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th February 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	5th April 2018		
<b>Ward</b>	Romsey		
<b>Site</b>	307 Mill Road Cambridge CB1 3DF		
<b>Proposal</b>	Demolition of former retail unit, associated workshop, storage and office and erection of 9 flats.		
<b>Applicant</b>	Mr Phil Haith c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The revised proposal is considered to preserve and enhance the character and appearance of the Conservation Area</li> <li>- The revised proposal is considered to provide a high quality living environment for future occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site lies on the north western end of Mill Road. The area is currently subject to much redevelopment. The site to the west, 305 Mill Road is also currently being developed under permission ref 16/1213/FUL. The site to the east is being redeveloped as the Mill Road Mosque; works have also commenced on site here. The application site has an extant consent to redevelop the site. Some conditions have been discharged and development has commenced on site.

1.2 The site is located within the Mill Road Conservation Area but the buildings on the site are not identified as of any merit. To the west of the site and in front of the allocated site is a grass verge which contains three protected (Tree Preservation Order) Birch trees with shrub planting.

## 2.0 THE PROPOSAL

2.1 The application seeks full planning permission for the demolition of the former retail unit, workshop, storage and office on site and construction of 9 flats.

2.2 The application has been amended since submission to overcome concerns regarding the impact of the building on the Conservation Area and amenity for future occupiers of the flats

2.3 The application follows on from a previously approved scheme on site. The revised plans are similar in design and scale to the previous approval. The nature of the units has changed. The previous consent was for 7 flats (3 x 1 bed & 4 x 2 Bed). The current application is for 9 flats (3 x 1 bed 1 person, 3 x 1 bed 2 person and 3 x 2 bed 3 person dwelling).

## 3.0 SITE HISTORY

Reference	Description	Outcome
18/0032/S73	S73 to vary conditions 3 and 4 of ref: 15/1859/FUL (Demolition of an existing retail unit, associated workshop, storage and office and erection of 7 flats, together with associated access, landscaping, drainage and infrastructure works) to change the trigger for submission of details to allow demolition to begin before details of the preliminary contamination assessment, site investigation report and remediation strategy are required to be submitted.	Permitted
15/1859/FUL	Demolition of an existing retail unit, associated workshop, storage and office and erection of 7 flats, together with	Permitted



	associated access, landscaping, drainage and infrastructure works	
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#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 4/11 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) Technical housing standards – nationally described space standard – published by Department of Communities and Local
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	Government March 2015 (material consideration)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

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

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

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

## 6.0 CONSULTATIONS

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

- 6.1 No objection: The proposal is for a car-free development. This may result in an increase in demand for on-street car parking. This is unlikely to impact on highway safety but may impact on residential amenity.

#### **Landscape**

##### *First comment*

- 6.2 No objection: The planting plan suggested appears inappropriate for Cambridge's climate and should be reviewed. Please clarify whether turf or artificial turf is to be used.

##### *Second comment*

- 6.3 No objection: Landscape supports the application and finds that a requirement for landscape conditions are unneeded. A prior application and condition clearance exercise has already been completed on extant permission 15/1859/FUL and the proposed plans included in the application information are identical for the purposes of hard and soft landscape proposals.

#### **Refuse and Recycling**

- 6.4 No objection: The capacity seems fine. Ensure all paths from the collection point to the bin stores are level and have no gravel, there must be a drop kerb at the collection point. If there are going to be locks on the bin store door they must be FB2 or Star key locks. All doors must have door hooks so they can be kept open whilst collection is taking place.

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

##### *First comment*

- 6.5 Objection: The proposed frontage building does not retain the same details and character of the previous scheme for this site, nor that of other new and existing buildings adjacent. (This building will be an elongation of the terrace and therefore should retain those same details.) Therefore the frontage building is not appropriate to the character or appearance of the conservation area. The scale and massing of the rear range is

not appropriate to the conservation area. It is too tall, has an uncharacteristic roof form and a horizontal emphasis which exaggerates these elements. It does not preserve or enhance the character or appearance of the conservation area.

*Second comment*

- 6.6 No objection: The applicant has revised the previous elevations and has dealt with the issues raised previously. The frontage building is now the same as that originally approved on the site and is therefore acceptable for this part of the conservation area as it will work with the buildings adjacent. The details should be submitted for written approval prior to the commencement of the works. The scale and massing of the rear buildings is now more appropriate to this site. The bulk is broken up with a varied ridge line, and the bay windows give the scheme a vertical character which is more appropriate to the site. The use of brick rather than render for the elevations is supported. A sample panel must be constructed with an appropriate mortar for written approval.

### **Environmental Health**

- 6.7 No objection: Conditions are recommended regarding contaminated land, construction hours and collections/deliveries during construction.

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

- 6.8 Objection: insufficient information regarding surface water drainage has been submitted.
- 6.9 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Baigent has commented on the application. His comments can be summarised as follows:
- The frontage building does not retain the detail of the previous consent

- Planning creep - acceptable scheme approved so a larger scheme is now proposed
- Not sympathetic to conservation area

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

- 17 Romsey Road (For East Mill Road Action Group)
- 8 Vinery Road
- 45 Vinery Road
- Camcycle x2

7.3 The representations can be summarised as follows:

- There is no evidence to back up the claim that smaller units are what the market wants.
- Increase in the number of units increases parking pressures; the lack of off-street car parking is unrealistic
- There is also a demand for 2 bedroom flats
- Not sympathetic to conservation area
- Unsustainable
- Concerned about cycle parking
- Revised application overcome cycle parking concerns (raised by Camcycle)

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. Drainage
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations

## 9. Planning Obligations (s106 Agreement)

### **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses. The site is located within a mainly residential context with a small element of commercial uses nearby. Therefore, the proposed redevelopment of the site which requires the removal of existing structures on the site to provide a new building consisting of 9 flats is acceptable in principle. Although the last lawful use of the site was as an A1 unit, the site lies outside identified District or Local Centre and as such Policy 6/7 of the Cambridge Local Plan (2006) does not apply to this retail unit. The loss of the A1 unit has already been accepted as part of the previous application.

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

- 8.3 The Conservation Officer raised an objection to the original proposal. The detailing to the front elevation was considered inadequate. The bulky mansard roof form was considered out of character and harmful to the Conservation Area. The applicant has amended the plans to overcome the objection.
- 8.4 The front elevation of the building has been amended and now matches with the previously approved consent and overcomes this issue raised by the Conservation Officer.
- 8.5 The rear range of the building has also been amended to overcome concerns about the scale, massing and roof form. The roof form has been amended and although not a standard pitched roof, as there is a flat roofed element to the top, the form is no longer considered incongruous. Although there is a flat roofed element, it is unlikely that one will be able to appreciate this in any views into the site and for all intents and purposes the rear return will read as having a pitched roof. The inclusion of the pitched roof gable end elements helps to break down the mass and adds a more vertical form than the previous blocky and glazed form. This is more in keeping with the surrounding character.

- 8.6 There were concerns that the large flat mass of the original proposal would be harmful to the character of the Conservation Area. As mentioned above, the introduction of the pitched roof gable elements has helped to break up the mass. The rear return has also been designed with a step down immediately to the rear of the frontage element and then a step back up and then down to 1.5 storeys. This change in height breaks up what was previously a continuous mass which was considered to appear bulky and oppressive. The revised proposal no longer appears dominant and is considered acceptable in terms of design and impact on the character and appearance of the conservation area.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

### **Drainage**

- 8.8 The Sustainable Drainage Engineer has requested further information prior to determination. The site has already been subject to consent with no requirement for sustainable drainage information to be provided. Given the extant consent and as the current proposal is broadly similar, I am satisfied that surface water drainage details can be obtained by condition.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.9 The proposal occupies a broadly similar footprint as the previous proposal and the impact on the amenity of the neighbouring properties in terms of enclosure, loss of light and overlooking is broadly the same as the approved scheme.
- 8.10 Since the previous proposal was approved a subsequent application has also been approved on the adjoining site of 305 Mill Road (16/1213/FUL). This was designed with the previous scheme in mind and has no first floor windows on the rear wall nearest the boundary with 307. The current proposal does involve an elongated element which is higher than the approved scheme directly to the rear of the frontage element of the building. This lies adjacent to the bike store and stairwell of the approved scheme at 305 and the primary courtyard amenity area would remain unaffected by the height increase.

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

Amenity for future occupiers of the site

8.12 The applicant has provided a table which details the internal space provision for each unit. See below:

Unit	Type	Area (sqm)	No. persons	Cycle provision	Waste		
					Refuse	recycling	green
1	1 bed	50.5	2	1	50	50	25
2	2 bed	64	3	2	150	150	75
3	2 bed	67	4	2	150	150	75
4	1 bed	52	2	1	100	100	50
5	1 bed	58.5	2	1	100	100	50
6	Studio	42	1	1	50	50	25
7	2 bed	71	4	2	200	200	100
8	Studio	38	1	1	50	50	25
9	Studio	38	1	1	50	50	25

8.13 Flat 1 meets with the national space standards. Flats 2 and 3 are duplex units providing 2 bedrooms for 3 people. These units are marginally below the space standards which require 70sqm for 2b3p flats on 2 storeys. Both flats are less than 10% below the required internal space requirement and are considered to provide an acceptable level of amenity of future occupiers. Plot 4 and 5 both meet the space standards. Plot 4 also has access to its own small area of outdoor amenity space to the front. Plot 6 is contained in the roof space. It would be served by two windows and single aspect. This plot meets with internal space standards for a studio. Given the shallow depth of the unit, the window arrangement is considered to be adequate. Plot 7 similar to plots 2 and 3 is a 2 bed 3 person flat over 2 floors. It meets with the internal space standard and is served by its own small garden to the front and is considered to provide a good standard of living accommodation for future occupiers. Plots 8 and 9 are both studio units for 1 person. Both meet with the internal standards and, as they are both on the ground floor, have access to their own small outdoor spaces.



- 8.14 Not all of the units would have access to their own private amenity spaces but there would be a communal garden along the eastern end of the site. The communal garden would be well landscaped and the landscape officer is satisfied that the details provided regarding hard and soft landscaping would be acceptable.
- 8.15 One of the 2 bedroom units would not have its own private amenity space. Private outdoor space is normally required for units of 2 bedrooms and upwards as these could be occupied by a small family rather than just an individual or a couple. I note on the extant permission that there were a number of 2 bedroom units without their own gardens. I am also satisfied that the communal garden space is adequately large and well landscaped to provide a high level of amenity. As a result, the lack of a garden for plot 3 is on balance considered to be acceptable.
- 8.16 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.17 The Refuse and Recycling Officer has no objection to the proposed refuse arrangement. The above table illustrates that there would be adequate provision. She has included suggestions which are recommended to be added to the decision as an informative.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.19 I am satisfied that the proposal would not have any significant adverse impact on highway safety.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## Car and Cycle Parking

- 8.21 No car parking is proposed. The site is located in a sustainable location on a bus route, near cycle infrastructure and within walking distance of the Mill Road East Local Centre. As a result the lack of off-street car parking is considered acceptable.
- 8.22 The table in residential amenity for future occupiers' details that there would be adequate cycle parking provision to comply with policy. Cam cycle initially objected to the proposal. The plans have been revised and they have withdrawn their objection.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## Third Party Representations

- 8.24 I have addressed the majority of the third party representations within the body of my report but will cover any outstanding matters in the below tables:

Representation	Response
There is no evidence to back up the claim that smaller units are what the market wants.	I can only assess what has been applied for and have not assessed the market need as this is not a material planning consideration. The proposal is considered to be acceptable in terms of design and impact on surrounding occupiers. It is considered to provide an acceptable standard of amenity to future occupiers.
Increase in the number of units increases parking pressures; the lack of off-street car parking is unrealistic	The council has minimum car parking standards so there is no requirement to provide off-street car parking. The site is located within a sustainable site close to bus and cycle infrastructure.
The frontage building does not retain the detail of the previous consent	This has been revised since submission and now retains an adequate level of detail
Planning creep - acceptable	The revised scheme is

scheme approved so a larger scheme is now proposed	considered acceptable and to be of a similar scale as the approved development.
There is also a demand for 2 bedroom flats	Noted. Three 2 bed 3 person flats are proposed as part of the development.
Not sympathetic to conservation area	The Conservation Officer is satisfied that the revised plans preserve and enhance the Conservation Area
Unsustainable	The site is located in a sustainable brownfield site within the city close to cycle and public transport links and within close proximity to the Mill Road East Local Centre.
Concerned about cycle parking	The plans have been revised to comply with policy.
Revised application overcome cycle parking concerns	Noted.

## Conditions

8.25 A number of conditions have been discharged on the previous approval. As the schemes are broadly similar these are relevant to the current application. As a result a number of conditions such as landscape details and waste details are proposed to be compliance conditions as the information submitted to discharge the conditions is acceptable and relevant to the current live application. A previous section 73 application on the original permission allowed for a change to the trigger for submission of information to allow demolition to occur to facilitate investigative works prior to the need to submit initial details of contaminated land in relation to conditions 2 and 3 of 15/1859/FUL. These conditions have also been recommended with the revised triggers for submission.

## Planning Obligations (s106 Agreement)

8.26 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This

follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the [Written Ministerial Statement of 28 November 2014](#) and should be taken into account.

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

## **9.0 CONCLUSION**

- 9.1 The revised plans are considered to be acceptable in terms of design and are considered to preserve and enhance the character and appearance of the Conservation Area. The proposal would not have any significant adverse impact on the amenity of surrounding occupiers. The proposal would provide an acceptable standard of 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. Submission of Preliminary Contamination Assessment:

Prior to commencement of any ground works, 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 commencement of any ground works 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. Demolition / construction noise and vibration impact associated with this development shall be in accordance with the details submitted in the Noise Impact Assessment submitted as part of the application (Cass Allen, 22 November 2017), ref RP01-17655)

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

12. Measures to minimise the spread of airborne dust from the site during the demolition / construction period shall be implemented in accordance with the submitted details (Dust Mitigation report submitted on 2nd February 2018)

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

13. Building noise insulation shall be fully implemented in accordance with the details submitted (Noise Impact Assessment; Cass Allen, November 2017). The scheme shall be fully implemented before the building hereby permitted is occupied and shall be thereafter retained as such.

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

14. The material to be used in the construction of the external surfaces of the development shall be carried out in accordance with the information detailed on drawing no.220P11

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/14 and 4/11)



15. All hard and soft landscape works shall be carried out in accordance with the details in drawing no.220 P13, 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 in accordance with the programme identified in the plan. 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)

16. The boundary treatment shall be in accordance with the details shown in drawing no.220 P13. 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.

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

17. Facilities for the storage of waste, recycling and composting shall be in accordance with the details shown in drawing no.220 P13. These shall be implemented prior to the occupation of the dwellings and retained thereafter.

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

18. The redundant vehicle crossover of the footway must be returned to normal footway and kerb at no cost to the Highway Authority.

Reason: for the safe and efficient operation of the public highway

19. Demolition and construction traffic management shall be in accordance with the details in the submitted Traffic Management Plan (submitted on 2nd February 2018)

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

20. 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)

**INFORMATIVE:** The drainage system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding or flooding of third party land for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

- a. provide information about the design storm period and intensity, the site and contributing areas, the method employed to delay and control the surface water discharged from the site to ensure no increase in surface water runoff from the site;
- b. provide results of infiltration testing and calculations in accordance with BRE

Digest 365 if infiltration is to be used. The information shall include:

- a) Identification of the water level within the trial pits at timed intervals;
- b) the trial pit dimensions;
- c) a plan showing the location of the trial pits; and
- d) the depth of the water table below ground level
- e) provide information on the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

f) 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.

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

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

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

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

**INFORMATIVE:** Ensure all paths from the collection point to the bin stores are level and have no gravel, there must be a drop kerb at the collection point. If there are going to be locks on the bin store door they must be FB2 or Star key locks. All doors must have door hooks so they can be kept open whilst collection is taking place.

<b>Application Number</b>	17/1107/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th July 2017	<b>Officer</b>	Eloise Limmer
<b>Target Date</b>	4th September 2017		
<b>Ward</b>	Market		
<b>Site</b>	Malcolm Place King Street		
<b>Proposal</b>	Change of use from ancillary residential storage to ancillary storage for public house (retrospective).		
<b>Applicant</b>	City Pub Company (East) 1 Carpenter's Mews, North Road London N7 9EF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>It is considered that the change of use would not adversely impact the amenity of neighbouring occupiers.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated in an under croft under residential units 18-23 Malcolm Place which are situated on the eastern side of Malcolm Place behind the Cambridge Brewhouse Public House. The under croft spaces have limited headroom and are typically used for car parking or storage by the residents of the flats above.
- 1.2 The surrounding area is a mix of commercial and residential. The site falls within the Historic Core Conservation Area and a number of the buildings along Malcolm Street are Grade II Listed. It also falls within the controlled parking zone. There are no other relevant site constraints.

## 2.0 THE PROPOSAL

- 2.1 The application seeks full planning permission for change of use from ancillary residential storage to storage unit for the public house. This is a retrospective application; the storage unit in place and is used to store beer, it includes lighting, security doors and a cellar cooling unit.
- 2.2 The application has been amended to add acoustic louvres as requested by Environmental Health.

## 3.0 SITE HISTORY

Relevant history of the Cambridge Brewhouse, 1 King Street

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/0475/FUL	Retrospective application for the installation of a storage shed 2200mm (w) x 2600mm (d) x 1950mm (h) within the rear external area of the Cambridge Brew House pub at Ground Floor.	Approved
13/1475/FUL	Plant for kitchen extract system, air conditioning and refrigeration within timber compound (Retrospective)	Approved

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

## 5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u> Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012)
	<u>Area Guidelines</u> Cambridge Historic Core Conservation Area Appraisal (2006)

## 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 results in the loss of two parking spaces. No information has been supplied regarding the existing use of those spaces. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

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

- 6.2 It is considered that there are no material Conservation issues with this proposal.

### **Environmental Health**

- 6.3 1<sup>st</sup> Comment  
Unable to comment until further information about hours of use and plant noise have been provided.
- 6.4 2<sup>nd</sup> Comment (following submission of Acoustic Assessment)  
Further information is still required about the hours of use and how barrels will be transported. The timing (busy weekend period) and monitoring location (very close proximity to the Brewhouse kitchen extraction unit) for the acoustic assessment raises uncertainty of the yielded results. Acoustic louvres are required to be fitted to the clear cooling unit enclosure area to



reduce noise egress. This requires confirmation and assurance that noise levels will be significantly reduced with the implementation of the louvres.

6.5 3<sup>rd</sup> Comment

There was a noise complaint from residents of Malcolm Place regarding plant noise, alleged to emanate from the operational beer storage area associated with this planning application. One of the out of hour's officers witnessed the low frequency plant noise in a Malcolm Place property located in the block above the beer storage location during the early morning at approximately 0100hrs on Saturday 20<sup>th</sup> January 2018 and concluded that the noise was intrusive and required abatement.

6.6 The Environmental Health Officer visited the site with James McCullough of McCulloughs Ltd on 23<sup>rd</sup> January 2018 who maintain and install the plant associated with the Brewhouse. The Brewhouse management advised that they had switched off both of their condensers within the new beer storage area from Friday afternoon (19th) until Monday (23rd) afternoon on request of one of the neighbours. This strongly suggested that the noise complained of did not emanate from the Brewhouse beer storage area.

6.7 The complainant's property was visited and officers witnessed the low frequency noise at a very low level. Turning the beer storage area condensers on and off did not influence the noise witnessed in the neighbour's property above the car parking area. Yippee noodle's plant was off and Stem and Glory turned off their kitchen extract. The officers visited the small art office located between the covered carpark and the first floor residential flats. They did not have any plant operating or available that would cause the complained of noise. The noise was still present within the neighbours flat with all plant operating and when turned off. During the visit the noise source could not be located.

6.8 The noise is emanating from an unknown source likely to be within the residential block (e.g. heating system etc) or an unknown item of plant within the covered car park. The Environmental Health Officer is confident from his site visit and the fact the Brewhouse had their condensers switched off when the out of hours officer visited during the weekend and witnessed the noise that the noise complained of is not being

caused by the Brewhouse beer storage area which was originally identified by residents as the source.

- 6.9 Acoustic louvres should be fitted to the clear cooling unit enclosure area to reduce noise egress. The installation of the LP01 louvres, as specified in the documents is acceptable. It will be Planning Officer's decision if this can be requested via a suggested condition as this application is now retrospective.
- 6.10 The agent has confirmed that barrels will be transferred to and from the storage area between the hours of 9am and 6.30pm. It is recommended that this is secured by condition.
- 6.11 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Gillespie made the following representation:
- The main material issue with the application seems to be around noise and loss of amenity to nearby residents. They are already putting up with a lot of noise from beer barrel movements and it seems as if the issue will get worse with the new development.
- 7.2 The owners/occupiers of the following addresses have made representations:
- Original:  
17 Malcolm Place  
20 Malcolm Place  
30 Malcolm Place  
32 Manor Place
- Amended:  
17 Malcolm Place  
A further local resident, address not supplied
- 7.3 The representations can be summarised as follows:
- Original:
- The reason that the Brewhouse has a shortage of space is that they are brewing more than they have permission to and are supplying other pubs in the area.

- The storage of large numbers of barrels in the car park of the Brewhouse is unacceptable and causes a significant impact on the amenity of neighbouring occupiers.
- Noise from moving barrels is an existing noise issue in the area.
- The potential motor noise would be a nuisance to the flats above. They won't be able to open their windows because of the noise.
- The proposal is inappropriate in a residential area and is out of character with the conservation area.

Amended:

- The description as a 'storage area' is inaccurate and doesn't represent the large refrigerated unit that has been installed.
- The residents in the flats above this unit are still troubled by intrusive noise, this seemed to start soon after the store was created.
- Until such time as it has been 100% proven that the noise does not come from the beer store (i.e. the actual source is identified) it would not be reasonable to grant planning permission for the store.
- A way of moving barrels with minimal noise needs to be established.

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

## **8.0 ASSESSMENT**

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

1. Context of site, design and external spaces (and impact on heritage assets)
2. Residential amenity
3. Car parking
4. Third party representations

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

- 8.4 The site is one of the undercroft storage units used by residents of the flats above, these units are largely unused. Some of the units have been gated to provide secure storage and others are used for car parking. The site is continuing to be used as storage but by the adjacent public house, The Cambridge Brewhouse, instead of residents.
- 8.5 The site is now a refrigerated storage area for beer. All proposed works are internal and therefore do not require planning permission. However the application has been submitted as the change from residential storage to commercial storage is considered to represent a material change of use. The proposal has no impact on the external appearance of the building and therefore in terms of design it is considered acceptable. It is also considered that the proposal has no impact on the character of the conservation area.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 4/11.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.7 There are no external alterations proposed therefore there would be no overshadowing, overbearing or overlooking impact on any neighbouring occupiers.
- 8.8 There have been a number of objections from neighbours relating to a mechanical noise causing disturbance to the flats in Malcolm Place. As outlined in paragraphs 6.5 - 6.9 the Environmental Health team have investigated the source of the noise. Although the source of the noise has not yet been identified the Environmental Health Officer is confident that the storage unit that is the subject of this application is not the source. The Environmental Health Officer has requested that acoustic louvres are fitted to the clear cooling unit enclosure area to reduce noise egress. They consider the installation of the LP01 louvres, as specified in the documents, to be acceptable. As this is a retrospective application a condition is recommended to ensure that the louvres are installed in a

timely manner. I am confident that, subject to this condition, there would be no noise impact on the neighbouring occupiers as the result of this proposal.

- 8.9 A number of the objections highlighted that there is an existing noise issue relating to the movement of barrels and there was a concern that the frequency of this noise would increase if this proposal was permitted. The agent has stated that this area is not intended as a store for empty barrels and that barrels will be transported on a wooden trolley which would minimise any noise associated with their movement. A condition is recommended to limit the transfer of barrels to between 09:00 and 18:30.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

### **Car Parking**

- 8.11 The undercroft spaces are used by residents of the flats above for car parking or storage. Using one of the undercroft spaces for storage, as proposed, results in the loss of space that could be used for off-street parking. However, the loss of car parking space is considered to be acceptable given the very sustainable location of the site.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/10.

### **Third Party Representations**

- 8.13 Neighbours are concerned about the amount of brewing being undertaken by the Cambridge Brewhouse and the unsightly stacks of barrels in the car park. The area used for storing barrels forms part of the planning unit and therefore it can be used in connection with the Brew House and this includes the storage of barrels. Whether the amount of brewing is related to distribution elsewhere and a possible change in the use of the premises is a matter that is being investigated separately by the Planning Enforcement team. It is not relevant to this particular proposal but, for the avoidance of doubt, I have recommended a condition to ensure the building is used for ancillary storage to

public house at 1 King Street as the impacts upon neighbour amenity have been assessed on this basis.

## **9.0 CONCLUSION**

- 9.1 The third party representations primarily relate to existing noise issues and other matters relating to the Cambridge Brewhouse's storage arrangements that are not relevant to this application. The Environmental Health team consider the amended proposal to be acceptable. It is considered that the change of use from ancillary residential storage to storage unit for the public house would not adversely impact the amenity of neighbouring occupiers. 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 carried out in accordance with the approved plans as listed on this decision notice.

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

2. Within 28 days of the date of this decision, acoustic louvres shall be fitted across the grating enclosing the cellar cooling unit in accordance with the approved acoustic louvre drawings, information and details. The louvres shall thereafter be maintained in accordance with the approved details.

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

3. The transfer of barrels between the public house and the storage area shall only occur between 09:00hrs and 18:30hrs.

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

4. The use, hereby permitted, shall be used for ancillary storage for the adjacent public house (currently known as The Cambridge Brewhouse) at 1 King Street only and for no other purpose (including any other purpose in Classes A4 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt, and because use of the building for any other purpose would require re-examination of its impact. (Cambridge Local Plan 2006 policies 3/4, 4/13 and 8/2)

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<b>Application Number</b>	18/0183/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	7th February 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	4th April 2018		
<b>Ward</b>	Petersfield		
<b>Site</b>	65 Mill Road		
<b>Proposal</b>	First floor rear extension and change of use to 6 bed (7 person) HMO.		
<b>Applicant</b>	Mrs Laki Begum 65, Mill Road Cambridge CB1 2AW		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would not have any significant adverse impact on the amenity of adjoining occupiers in terms of loss of light, enclosure, loss of privacy or noise and disturbance.</li> <li>- The proposal would provide an adequately high standard of amenity for future occupiers</li> <li>- The extension is considered acceptable in terms of design and would not harm the character and appearance of the Conservation Area</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site lies on the north eastern side of Mill Road. This is a mixed use area within the Mill Road East Local Centre. The southern side of the street is predominantly in commercial use at ground floor with a mix of commercial and residential uses on the upper floors. The northern side of the street is more residential with many wholly residential buildings. The

application site and both adjoining properties are wholly in residential use.

1.2 The site lies within the Mill Road Area of the Central Conservation Area.

## **2.0 THE PROPOSAL**

2.1 The application seeks full planning permission for the construction of a first floor rear extension and change of use to a 6 bedroom (7 person) HMO. The extension is to the first floor outrigger and would extend over an existing single storey extension. It would create an additional bedroom. The extension would be set off the boundary with no 63. The extension would have a pitched roof and maintain the eaves and ridge height of the outrigger with a stepped end wall. The extension would be finished in brick to match existing. Bike and bin storage remains as existing.

2.2 The application has been amended since submission to reduce the width of the extension as there were concerns that it would be harmful to the amenity of the adjoining property to the east of the site.

2.3 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans
3. Revised plans

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
06/0159/FUL	Part single part two storey rear extension.	Permitted

## **4.0 PUBLICITY**

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)  Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material	<u>City Wide Guidance</u>

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

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

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

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

## 6.0 CONSULTATIONS

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

- 6.1 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. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission. A condition and informative are requested requiring details of a traffic management plan prior to the commencement of works.

## **Urban Design and Conservation Team**

6.2 There are no material conservation issues.

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:

- 7 Diamond Close (owner of 63 Mill Road)
- 63 Mill Road x 4

7.2 The representations can be summarised as follows:

- Would have an overbearing impact on two rooms closest to the boundary
- May impact on light to 63
- Will impact on privacy of 63
- Increased traffic, noise disturbance and bin requirements due to increased density
- Appreciate effort made to reduce impact in amended plans but remain concerned about loss of light and enclosure to the rooms in the rear of the property
- Roof windows in ground floor bathroom would look into upstairs of no.63

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

### **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces and impact on heritage assets
3. Residential amenity

4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations

### **Principle of Development**

- 8.2 The site is currently is use as a small HMO (C4). The application proposes a change of use from C4 to a Sui Generis use as a large HMO with 6 bedrooms serving 7 people.
- 8.3 Policy 5/7 relates to houses in multiple occupation. It states that development of HMOs will be permitted subject to:
- a. the potential impact on the residential amenity of the local area;
  - b. the suitability of the building or site1; and
  - c. the proximity of bus stops and pedestrian and cycle routes, shops and other local services.
- 8.4 The building is currently in residential use as a small HMO so the proposal meets criterion b. The site is located within the Mill Road East Local Centre close to bus stops, cycle infrastructure and local services and as a result meets criterion c. The impact on residential amenity will be assessed under the relevant heading within the body of my report.

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

- 8.5 The proposed extension is to the rear of the property and would not be visible in the streetscene. The extension would be set down from the ridge and would clearly read as a subservient later addition. The Conservation Officer is satisfied that there are no material conservation issues. I share this view and consider the proposed extension to be of an appropriate scale and in keeping with the surrounding area.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.7 The original proposed extension protruded beyond the rear wall and to the side at first floor level. There were concerns that this would have an overbearing impact on no. 63's ground floor bedroom window nearest to the boundary which is already partially enclosed by the existing single storey extensions to no. 63 and 65. The plans have been amended and the side element has been largely removed with the revised extension being set off the boundary by 1.55m.
- 8.8 The extension is now set away from the boundary with no. 63. It would still protrude beyond the rear wall but given the distance between the extension and the windows on no.63, I am satisfied that there would be no significant further enclosure to this occupier. Given the distance from the boundary and the orientation of the extension to the north-east of this window, I am satisfied there would be no significant overshadowing to no.63
- 8.9 The other adjoining neighbour at no. 67 has an existing first floor extension to the rear. The proposal would be broadly in line with this extension and as a result there would be no significant impact on this occupier in terms of enclosure or overshadowing.
- 8.10 The representations raise concerns regarding the increase in the density on site and the additional pressure which this may create. The application proposes the building is used as a 7 person HMO. The building could be occupied by 6 people under permitted development and I am satisfied that one additional occupier is not going to result in any significant impact to traffic, bin requirement or noise on site.
- 8.11 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 5/7.

Amenity for future occupiers of the site

- 8.12 The technical space standards do not apply for HMOs. The proposal would provide one additional bedroom to accommodate a total of 7 people and 6 bedrooms on site. The extension would result in some enclosure to bedroom one of the host dwelling but this would not be significant and occupiers of

this room would still have an adequate level of outlook. The rear garden is relatively small but as the extension is at first floor it does not eat into the existing amount of outdoor amenity space. Although the space is small, it is considered to be adequate and in line with other HMOs in the area. Occupiers of HMOs do not require the same level of outdoor amenity space as single dwellings given their more transient nature. The site is also within easy walking distance of a large area of public open space at Parker's Piece. The proposal is therefore considered to provide an adequately high standard of amenity for future occupiers.

- 8.13 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.

### **Highway Safety**

- 8.14 The Highway Authority has no objection to the proposal. The requested condition and two informatives have been recommended.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.16 There is no off-street car parking provision. This is acceptable given the sustainable location of the site within a local centre.
- 8.17 There is an existing cycle store within the rear garden which appears to be adequate provision. Two additional spaces will need to be accommodated for the new occupiers but I am satisfied that this would be achievable.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Refuse Arrangements**

- 8.19 The refuse arrangement remains as existing with bins stored to the front of the property. Whilst this is not ideal this is a current



situation. Many other properties on the street also store their bins to the front. The building is set back from the street so it is possible to store bins without obstructing the public highway.

8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/12 and 5/7.

### Third Party Representations

8.21 I have addressed the majority of the third party representations within the body of my report. I will respond to any outstanding matters below.

Representation	Response
Would have an overbearing impact on two rooms in no.63 closest to the boundary	See paragraphs 8.7 - 8.10
May impact on light to 63	See paragraph 8.8
Will impact on privacy of 63	There is an existing window to the rear of the property and I am satisfied that the new window on the end wall of the extension would not result in any further overlooking than is currently the case. There are no new windows proposed in the side elevation which would look into no.63.
Increased traffic, noise disturbance and bin requirements due to increased density	See paragraph 8.10
Appreciate effort make to reduce impact but remain concerned about loss of light and enclosure to the rooms in the rear of the property	The revised proposal is considered to address the issues of loss of light and enclosure to no.63. See paragraphs 8.7-8.9
Roof windows in ground floor bathroom would look	The roof window would only allow for very acute views back at the

into upstairs of no.63	first floor of 63. This is not considered to have any significant impact on the privacy of the occupiers of no.63;
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## 9.0 CONCLUSION

- 9.1 The revised proposed extension is no longer considered to have any significant adverse impact on the occupiers of no.63. The proposed extension is considered acceptable in terms of design. The additional two people on site is not considered to give rise to any significant increase to noise and disturbance. The site is considered to provide an adequate standard of amenity for future occupiers.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

5. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Planning Authority. The works shall thereafter be implemented in accordance with the approved details.

Reason: in the interests of highway safety in accordance with policy 8/2 of the Cambridge Local Plan (2006)

6. The property shown as 65 Mill Road shall be occupied by no more than 7 no. 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:** The principle areas of concern that should be addressed by the Traffic Management Plan are:

- Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
- Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- 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:** 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.

**PLANNING COMMITTEE**

**DATE: 6<sup>TH</sup> JUNE 2018**

<b>Application Number</b>	18/0575/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th April 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	8th June 2018		
<b>Ward</b>	Romsey		
<b>Site</b>	84 Cromwell Road Cambridge CB1 3EG		
<b>Proposal</b>	Roof extension incorporating hip to gable extension and front and rear dormers. External insulation with rendered finish.		
<b>Applicant</b>	Moll and Kokott 84 Cromwell Road Cambridge CB1 3EG		

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 be subservient to the host dwelling and is acceptable in terms of design</li> <li><input type="checkbox"/> The proposal would not have a significant adverse impact upon the character of the area.</li> <li><input type="checkbox"/> The proposal would not have a significant adverse impact on the amenity of neighbouring occupiers</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is an end of terrace property on the south eastern part of Cromwell Road. This is a predominantly residential area characterised by terraced properties with long gardens and garages to the rear.

1.2 There are no site constraints.

## 2.0 THE PROPOSAL

- 2.1 A previous planning application for a loft extension incorporating a conversion from hip to gable, raising the ridge level, a box dormer to the rear and triangular shaped dormer to the front under reference 17/2067/FUL was refused under delegated powers due to the increased ridge height and its impact upon the street scene.
- 2.2 This application seeks full planning permission for a loft extension incorporating a conversion from hip to gable, raising the ridge level, a box dormer to the rear and triangular shaped dormer to the front. The application also seeks full planning permission for external insulation with a rendered finish. The raised ridge height has been redesigned to minimise the impact upon the street scene.
- 2.3 This application was called into Planning Committee by Councillor Baigent.
- 2.4 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Plans

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/71/0735	Extension to kitchen and bedroom	Refused
C/72/0198	Enlarging existing Kitchen and bathroom addition	Permitted
17/2067/FUL	Loft conversion of the end-of-terrace house incorporating hip to gable roof extension, raised ridge level, rear box dormer, dormer window to front and external insulation with rendered finish.	Refused

## PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
City Wide Guidance	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 Highway Authority has no comment to make upon this application.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Baigent has commented on this application and called it in to be considered by Planning Committee for the following reasons

1. Concerns regarding the increase in height, as well as the scale and massing. Not in line with the current street scape.

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

## **8.0 ASSESSMENT**

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

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



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

- 8.2 The previous application (17/2067/FUL) was refused for the following reason:

‘The proposed roof extension by virtue of its increased ridge height would unbalance the terrace of properties and appear dominant in the streetscene; particularly when viewed, between the gap in the houses, from the south of the site. The increased height of the building would also harm the uniform quality of the roof heights on the terrace. The proposal would be contrary to policies 3/4, 3/7, and 3/14 of the Cambridge Local Plan (2006)’

- 8.3 The current application also proposes to increase the ridge height. However, the design of the proposed asymmetrical pyramid style hip would result in the raised part of the ridge being set back from the North West facing (front) elevation and it would also be set back from the South West facing (side) elevation. This would reduce views of the apex from the surrounding area apart from when approaching the site from the south along Cromwell Road. This is demonstrated by the submitted sketch views. Therefore the proposal would not significantly unbalance the terrace of properties or appear dominant or prominent in the streetscene, and I consider that the current proposal has overcome the previous reason for refusal.
- 8.4 The proposed front dormer is triangular in form. There are no other similar extensions on the street. This dormer appears to take its cues from the neighbouring pair of semi-detached properties with their gable end frontages. Although the extension is of an unusual form, it would be subservient in terms of scale and as a result I am satisfied that it would not harm the streetscene.
- 8.5 There are many box dormers on Cromwell Road and the adjacent Bateson Road. These are visible from the back-track which runs behind these houses. These tend to be boxy in form and are finished in a variety of materials. The proposed use of zinc and aluminum windows would not be out of keeping with the surrounding area. The previous Planning Officer raised no objection to the proposed rear dormer element or the proposed front dormer element of the application.

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

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.7 The proposed roof extension would be within the footprint of the existing house. The proposal includes raising the ridge so the building would increase in height but this is not significant enough to have any significant adverse impact on surrounding occupiers. In order to protect the amenity of adjoining neighbours during construction, a condition restricting working times is recommended to be imposed on the consent.
- 8.8 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14 in terms of residential amenity impact.

## **9.0 CONCLUSION**

- 9.1 As the proposed asymmetrical pyramid style hip would result in the apex being set in from the front and side elevation, it is considered that this would mitigate the impact upon the street scene and has overcome the previous reason for refusal. The proposal would not have a significant adverse impact on the amenity of the neighbouring occupiers. The proposed dormers are appropriate in scale and design and would read as subservient to the host dwelling.

## **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)

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**PLANNING COMMITTEE**

**DATE: 6<sup>TH</sup> JUNE 2018**

<b>Application Number</b>	18/0275/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	26th February 2018	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	23rd April 2018		
<b>Ward</b>	Petersfield		
<b>Site</b>	18 Mill Road Cambridge CB1 2AD		
<b>Proposal</b>	Change of use of first and second floors and part of ground floor at 18 Mill Road to create 2 studio apartments and provision of new door accessing ground floor.		
<b>Applicant</b>	Mr Kane Astin 18, Mill Road Cambridge CB1 2AD		

<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"/> It would not impact the appearance of the Conservation Area or the character of the building.</li> <li><input type="checkbox"/> It would not impact the amenities of adjoining neighbouring properties.</li> <li><input type="checkbox"/> It would provide an adequate quality of internal amenity space for future occupiers.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No. 18 is on the southern side of Mill Road. It is a two and a half storey mid-terrace property with rooms within the pitched roof. Currently the ground floor is used as an estate agents (Class A2) and the upper floors are used for offices (Class B1) related to this estate agents use. The property is Victorian and finished in brick, it has a traditional shopfront, a bay window at first floor and a pitched roof dormer facing the street. To the rear of No. 18 is a two storey

building which contains two flats, Nos. 18a and 18b Mill Road.

- 1.2 The subject site is within the Central Conservation Area and appraised under the Mill Road Area Conservation Area Appraisal (2011). It is also within the Mill Road West District and Local Centre.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for the Change of use of the first and second floors and part of the ground floor at No. 18 Mill Road to create 2 studio apartments and the provision of a new door accessing the ground floor.
- 2.2 Originally the application proposed 3 studio units this was amended to 2 studio units and the layout of the associated bin and bike store was also altered.
- 2.3 Plot one is a one bedroom flat which is proposed within the first floor and is 39.6 square metres in area. Plot two is a studio flat which is proposed within the roofspace of the second floor and its allocated bathroom is on the first floor. It is 37.9 square metres in area. The bins are proposed to be stored under the stairs at ground floor and two cycle spaces are proposed within the access at ground floor. No external amenity space is proposed.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
15/0077/FUL	Ground and second floor extension at 20 and 22, to create 4 additional bedsits, and second floor extension to no 18 and alteration to shopfront.	Refused
13/1373/FUL	Proposed first floor extension to existing offices.	Refused
07/1492/FUL	Single storey rear extension to form office space.	Approved
07/1051/FUL	Single storey rear extension to form office space.	Refused
C/01/0892	Single Storey rear extension	Approved

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A) Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)
Supplementary	Sustainable Design and Construction (May

Planning Guidance (2007)

Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

#### Area Guidelines

Mill Road Area Conservation Area Appraisal (2011)

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

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

### 6.0 CONSULTATIONS

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

- 6.1 The Highway Authority states new residents of this scheme will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. An informative should be added to bring this to the attention of the applicant.

#### **Environmental Health**

- 6.2 No objection subject to conditions. As these proposed flats are located on a busy road, a noise assessment and insulation scheme



is recommended to be sought by condition to ensure future residents do not experience a detrimental level of noise pollution. This should also assess external plant noise to the rear. Conditions limiting construction hours and collection and deliveries during construction are also recommended.

### **Conservation Team**

- 6.3 There are no Conservation concerns regarding the proposed change of use. The applicants have shown that there is a precedent for a door in the proposed new location within the shopfront as there was one in that position previously. Therefore, subject to appropriate details, this can be supported. Details of the new door and the alterations to the shopfront to accommodate it are recommended to be sought by condition.

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

- 6.4 It is considered that there are no material Landscape issues with this proposal.

### **Waste Team**

- 6.5 The waste facilities suggested are fine, so I have no comments to make.

### **Drainage**

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

## **7.0 REPRESENTATIONS**

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

- 30 Lyndewode Road

- 7.2 The representations can be summarised as follows:

- This section of Mill Road has been subject to numerous

applications for small studio or effectively bedsit conversions. There is concern that the Council is not taking a more strategic view of these developments and in particular access to amenity space. The applicant states in this case there is no need for this facility as Parkers Piece is close. This is unacceptable; this scheme could easily provide a small area of garden on site for both the existing residents of the building to the rear and the new occupants. Access to open space is important particularly in hot weather.

- The top floor of the building will be particularly prone to excessive heat in the summer as it is located directly under the roof which may be not be insulated.
- The occupants of these studio apartments could be single people or couples and it is important that the Council consider the quality of the living environment that is being created.

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 impact on heritage assets
3. Residential amenity
4. Refuse arrangements
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 buildings have a predominantly residential use at upper floor levels. It is therefore my view that the proposed addition of two studio units in this location is in line with policy 5/1 of the Local Plan.

- 8.3 Policy 5/2 of the Cambridge Local Plan (2006) states the conversion of single residential properties and the conversion of non-residential buildings into self-contained dwellings will be permitted except where:
- a. The residential property has a floorspace of less than 110 square metres;
  - b. the likely impact upon on-street parking would be unacceptable;
  - c. the living accommodation provided would be unsatisfactory;
  - d. the proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
  - e. the location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

The subject building has a floor area larger than 110 square metres and therefore complies with criteria a, the paragraphs below consider the other criteria b, c, d and e of this policy.

- 8.4 The proposed scheme will result in the loss of office space on first and second floors and the loss of some of the estate agents floor space on the ground floor. There are no policies in the Local Plan resisting the loss of office uses. There is no objection to the loss of some of the ground floor space under policy 6/7 of the Cambridge Local Plan (2006), which relates to change of use in District Centres given that the existing ground floor is in A2 rather than A1 use.

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

- 8.5 The only external work proposed includes the insertion of a new door and alterations to the existing shopfront. The existing door way would be used by the proposed residential use, while the proposed new door opening would be used by the estate agents use. The applicants have shown that there is a precedent for a door in the proposed new location within the shopfront as there was one in that position previously. Therefore, subject to appropriate details, recommended to be sought by condition this alteration can be supported. I therefore consider the proposed minor external works will have an acceptable impact on the appearance of the Conservation Area and character of the building.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/11.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.7 I do not consider the proposed change of use from office to residential accommodation would have an adverse impact on neighbouring properties. I note no additional windows are proposed so I do not envisage any additional overlooking of nearby dwellings. The existing first floor window facing south of the proposed flat plot 01 is approximately 16 metres from the windows of 18A and 18B Mill Rod. The existing second floor south facing window of the proposed flat plot 02 is even further away from these neighbouring windows at circa 21 metres. These distances are significant enough to dispel any potentially detriment overlooking impacts.
- 8.8 To ensure neighbours are not unduly impacted during the construction phase conditions limiting construction hours and collection and during construction are recommended.
- 8.9 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### Amenity for future occupiers of the site

- 8.10 Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (NDSS) is a material consideration for this application. Originally this application proposed three studio units, none of which met the NDSS standards. The application was therefore amended to have two studio units. Plot 01 on the first floor has an area of 39.6 square metres, this exceeds the 37 square metres required by the NDSS for a one bedroom unit occupied by 1 person. I also note this unit is not a new build but a retrofit into an existing building in a sustainable location. Plot 2 on the second floor has a floor area of 37.9 square metres, again this exceeds the 37 square metres required by the NDSS for a single occupancy unit. However, the bathroom of this unit, which makes up 6.4 square metres of the floorspace is located on the first floor. This is not an ideal situation and the NDSS does not give different space standards for 1-bed/1 person units that are sited over two floors. However, I believe it would provide an adequate level of amenity for the future occupiers. I also note this unit is not a new build but a retrofit into an existing

building in a sustainable location.

- 8.11 No outdoor amenity spaces are proposed as part of this scheme. I consider this acceptable as the two units are most likely to be occupied by single occupants and in this central location many parks and open spaces including Parker Pieces are within walking distance.
- 8.12 Environmental Health has identified Mill Road as a road that emits a significant amount of noise pollution. I therefore recommend a condition requiring a noise insulation scheme, which would dispel any detrimental impacts to future occupants.
- 8.13 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) criteria c and e of policy 5/2 and policies 3/4, 3/7, 4/13 and.

### **Refuse Arrangements**

- 8.14 The bins for these flats are proposed to be stored in a room underneath the stairs on the ground floor. This room is proposed to be mechanically ventilated. Currently the room proposed is used as a bathroom and therefore has an acceptable ceiling height for a bin store. Prior to the scheme being amended I had concerns this space was too small for the bins of three studio flats, but as the scheme has been amended to two studio flats I now consider the level of storage acceptable. The Refuse Team have no objection to the storage location and the amount of bins provided for this scheme.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and criteria d of policy 5/2.

### **Car and Cycle Parking**

- 8.16 No car parking is proposed as part of this scheme and future occupants would not qualify for Residents' Parking Schemes operating on surrounding streets. I consider this acceptable as these flats are located in such a central location and close to the train station and many bus routes. I also note parking standards in the Cambridge Local Plan (2006) are maximum standards, therefore I consider a car-free development in this location is policy compliant.

8.17 Two cycle spaces are proposed as part of this scheme. This number of spaces is compliant with Appendix D of the Cambridge Local Plan (2006). Originally I was concerned the location of these cycle parking spaces would conflict with taking the bins out. The siting of the internal wall between the estate agents and the hallway leading to the proposed flats was amended so that the two cycle spaces would be indented into the wall. I consider this removed any conflict and the cycle parking is now considered acceptable.

### 8.18 Third Party Representations

Concern	Response
Lack of amenity space	See paragraph 8.11
Insulation	See paragraph 8.12
Occupant's amenity	See paragraphs 8.10 to 8.13

## 9.0 CONCLUSION

9.1 The proposal as amended would have an acceptable impact on the Conservation Area, the amenity of the occupiers of adjoining properties and the amenity of the future occupiers of the two studio flats.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

5. No new, replacement or altered doors or shopfront shall be installed, nor existing doors or shopfront removed, until drawings at a scale of 1:20 of all such doors and shopfront have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

6. All new joinery is to be of timber and not metal or plastic.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

7. 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)

8. No occupation shall commence of the hereby approved residential units until the cycle and bin storage are provided in accordance with Drawing Number: 1265.P.100 REV F. The storage facilities shall thereafter be maintained in accordance with these details.

Reason: To ensure appropriate provision for the secure storage of bins and bicycles. (Cambridge Local Plan 2006 policies 4/13 and 8/6)

**INFORMATIVE:** Please note the occupants of the hereby approved residential units are not entitled to resident parking permits (other than visitor permits) within the existing Residents' Parking Scheme in this location.



CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 6<sup>th</sup> June 2018  
WARDS: WCH

## **OBJECTION TO CITY OF CAMBRIDGE TREE PRESERVATION ORDER (TPO) NO. 06/2018**

---

### **1.0 INTRODUCTION**

- 1.1 A TPO has been served to protect a tree at 22 Garden Walk.
- 1.2 As objections to the order have been received, the decision whether or not to confirm the order is brought before Committee.
- 1.3 Members are to decide whether to confirm or not confirm the Tree Preservation Order.

### **2.0 RECOMMENDATION**

- 2.1 The tree preservation order is confirmed without amendment.

### **3.0 BACKGROUND**

- 3.1 A section 211 Notice was received proposing the removal of all limbs (4 of 5) that overhang 25 Victoria Park and a further crown reduction of 20%, which would be equal to about 3 metres. The reasons given for the works were loss of light to the garden of number 25, autumn leaf clear-up, clear-up of seedlings, occasional damage from falling branches and general mess to the patio. Following a site visit, officers concluded that there was justification for some tree work but that the works proposed was excessive, contrary to best practice, that there were no arboricultural or overbearing practical reasons to allow the works in the manner proposed and that such work would have a material impact on the tree's health, appearance and the structural integrity of the remaining canopy. As the Council cannot refuse or permit works detailed in a s.211 Notice, a TPO was served to protect the tree.

### **4.0 POWER TO MAKE A TPO**

- 4.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or

woodlands in their area, they may for that purpose make trees, groups of trees or woodlands the subject of TPO.

#### 4.1.1 Expedience

If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to amenity it may be expedient to serve a Tree Preservation Order. In some cases the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO.

#### 4.1.2 Amenity

While amenity is not defined in the Town and Country Planning Act, government guidance advises that authorities develop ways of assessing the amenity value of trees in a structured and consistent way. Cambridge City Council Citywide Tree Strategy 2016 – 2026 sets out the criteria for assessing amenity in Policy P2 and considers visual, wider impact, atmospheric, climate change, biodiversity, historic/cultural and botanical benefits when assessing the amenity value of trees.

#### 4.1.3 Suitability

The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

### 4.2 Suitability of this TPO

#### 4.2.1 Expedience

The TPO is considered to be expedient because there was insufficient justification for the tree work in the manner proposed and that the works would have a detrimental impact on amenity and the long-term health of the trees.

#### 4.2.2 Amenity

Visual. The trees are located along the drive to Kings College School and are clearly visible from West Road.

Wider Impact. The trees contribute positively to the character and appearance of the conservation area.

Climate Change. Larger trees have a greater impact with regard to climate change adaptation.

#### 4.2.3 Suitability

The trees are not conflicting with the reasonable use of the property, are not implicated in any direct or indirect damage and are not causing unreasonable shading or maintenance requirements.

## 5.0 CONSULTATIONS

- 5.1 A TPO must be served on anyone who has an interest in land affected by the TPO.
- 5.2 Following such consultation objections have been received to the TPO from residents in Victoria Park, including the applicant who is not the tree owner.

## 6.0 CONSIDERATIONS

- 6.1 The objections are comprehensive and available in full from the case officer. They are made on the following grounds:
  - 6.1.1 The TPO was made on the basis that the tree is a public amenity but this argument ignores the opinions and feelings of the people who have to live under its shadow every day.
  - 6.1.2 The tree's visual amenity is limited.
  - 6.1.3 The Council policy to encourage the growth of large trees is flawed and policies should be made to encourage people to manage their trees to the betterment of their neighbours.
  - 6.1.4 The only objection to the works proposed was from the owner of the tree, who does not reside there. There were however three letter of support for the works.
  - 6.1.5 The owners claim to cherish the tree but as they have never given it care or attention, this is questionable.
  - 6.1.6 The tree is not rare, endangered or a protected species and it is too large for the location. It is a weed species and self-set.
  - 6.1.7 The overhanging branches are a treat to the outbuildings in 23, 25 and 27 Victoria Park and number 25's outbuilding has already been damaged.
  - 6.1.8 The tree has created an inconvenience to Victoria Park residents and a reduction in their quality of life for the following reasons. From 3.45pm in the summer only 50% of the garden of number 25 gets sun, the garden of 27 is in deep shade from 1pm, clear-up of leaves and seedlings, sticky mess and pigeon excrement is a massive operation.

6.1.9 There are other examples of s.211 Notices for works or removals in the area and the Council did not object to these.

6.1.10 Confirming the TPO would create an unfortunate precedent and risk alienating the public from the legitimate objective of protecting trees with genuinely high amenity value.

## 6.2 Officer's response to the objection.

6.2.1 When officers consider the suitability of TPO, the balance between amenity value and nuisance is considered. The TPO was not served to prevent any tree work that would be beneficial to adjacent properties but was served to prevent the works in the manner proposed because the Council cannot grant or refuse consent for tree works detailed in a s.211 Notice. If the Council objects to works detailed in a s.211 Notice, the Council can only serve a TPO to prevent described works from taking place.

6.2.2 The tree can be viewed from points in Garden Walk, Victoria Road and Victoria Park and therefore contributes to the verdant character of the area sufficiently to warrant protection.

6.2.3 With reference to the Town and Country Planning Act, this objection is not relevant to the tree's suitability for a TPO.

6.2.4 As above.

6.2.5 As above.

6.2.6 While the Council can use TPOs to protect rare or endangered trees, this is not the reason for the TPO on the subject sycamore. The TPO was served to preserve the contribution the tree makes to the character and appearance of the conservation area and only because officers have concerns about the works in the manner they are proposed.

6.2.7 There is no objection from officers to prune the tree to ensure a suitable clearance to adjacent structures and remove any decayed or damaged limbs.

6.2.8 Officers agree that the tree has a negative impact on surrounding properties in Victoria Park sufficient to justify tree work and an alternative description of works was suggested at a site meeting. This work included crown lifting to create a reasonable clearance to adjacent structures and allow more afternoon light in under the tree canopy, crown thinning to reduce leaf volume and allow more through the canopy and a lateral reduction to reduce the extent the tree overhangs adjacent properties.

6.2.9 When assessing the suitability of tree works, officers can only assess the subject trees and their surroundings. The process involves balancing the justification for work against the impact work will have on amenity and this is the same for all applications. Some applications officers agree are justified while others might not be.

6.2.3 Overall, the public benefits associated with preserving trees is shown to outweigh the negative impacts associated with alienating individuals effected by them but in this case the TPO was not served to stop any works to the tree just the work as it was proposed.

6.3 In conclusion, officers believe that there are no overwhelming arboricultural or practical reasons to justify the removal of 4 of the 5 main structural limbs of the tree and a further reduction in length of the remaining stem and that the works will have a detrimental impact on the tree's health and appearance and therefore the character and appearance of the conservation area. Because the tree works were proposed in a s.211 Notice, it was necessary to the serve TPO 06/2018 as the Council cannot refuse or grant permission for works detailed in a s.211 Notice. The confirmation of the TPO will not stop works that are justified to reduce negative impacts the tree has on neighbouring properties but will require the submission of a tree work application detailing works that conform to best practice.

## **7.0. OPTIONS**

7.1 Members may

- Confirm the Tree Preservation Order.
- Decide not to confirm the Tree Preservation Order.
- Confirm the Tree Preservation Order with modification

## **8.0 RECOMMENDATION**

8.1 Members are respectfully recommended to confirm City of Cambridge Tree Preservation Order 06/2018.

## **9.0 IMPLICATIONS**

(a) Financial Implications	None
(b) Staffing Implications	None
(c) Equal Opportunities Implications	None
(d) Environmental Implications	None
(e) Community Safety	None

### **BACKGROUND PAPERS:**

The following are the background papers that were used in the preparation of this report:

TWA 18/019/TTCA

City of Cambridge Tree Preservation Order 06/2018.

Written objections to TPO 06/2018

To inspect these documents contact Joanna Davies on extension 8522

The author and contact officer for queries on the report is Joanna Davies on extension 8522

Date originated: 17/05/2018

Date of last revision: 21/05/2018

Appendix 1 - Example of view possible from a number of locations.



CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 6<sup>th</sup> June 2018  
WARDS: CAS

## **OBJECTION TO CITY OF CAMBRIDGE TREE PRESERVATION ORDER (TPO) NO. 02/2018**

---

### **1.0 INTRODUCTION**

- 1.1 A TPO has been served to protect a tree in Hilda Street.
- 1.2 As an objection to the order has been received, the decision whether or not to confirm the order is brought before Committee.
- 1.3 Members are to decide whether to confirm or not confirm the Tree Preservation Order.

### **2.0 RECOMMENDATION**

- 2.1 The tree preservation order is confirmed without amendment.

### **3.0 BACKGROUND**

- 3.1 A section 211 Notice, 17/633/TTCA was received proposing the removal of two sycamores and underlying fruit trees. The reasons given for the removals were to maintain safety to buildings and public and to reduce the misuse of the area. Following a site visit officers concluded that there was some justification for works as most of the trees had limited value and made the area difficult to manage but that there were no arboricultural or overbearing practical reasons to remove one of the sycamores. A TPO was therefore served to protect this one tree.

### **4.0 POWER TO MAKE A TPO**

- 4.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make trees, groups of trees or woodlands the subject of TPO.

#### 4.1.1 Expedience

If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to amenity it may be expedient to serve a Tree Preservation Order. In some cases the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO.

#### 4.1.2 Amenity

While amenity is not defined in the Town and Country Planning Act, government guidance advises that authorities develop ways of assessing the amenity value of trees in a structured and consistent way. Cambridge City Council Citywide Tree Strategy 2016 – 2026 sets out the criteria for assessing amenity in Policy P2 and considers visual, wider impact, atmospheric, climate change, biodiversity, historic/cultural and botanical benefits when assessing the amenity value of trees.

#### 4.1.3 Suitability

The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

### 4.2 Suitability of this TPO

#### 4.2.1 Expedience

The TPO is considered to be expedient because there was insufficient justification for the tree work in the manner proposed and that the works would have a detrimental impact on amenity and the long-term health of the trees.

#### 4.2.2 Amenity

Visual. The trees are located along the drive to Kings College School and are clearly visible from West Road.

Wider Impact. The trees contribute positively to the character and appearance of the conservation area.

Climate Change. Larger trees have a greater impact with regard to climate change adaptation.



#### 4.2.3 Suitability

The trees are not conflicting with the reasonable use of the property, are not implicated in any direct or indirect damage and are not causing unreasonable shading or maintenance requirements.

### 5.0 CONSULTATIONS

5.1 A TPO must be served upon anyone who has an interest in land affected by the TPO.

5.2 Following such consultation objections have been received to the TPO from Victoria Road and Searle Street.

### 6.0 CONSIDERATIONS

6.1 The objections are made on the following grounds:

6.1.1 The intention is to remove the tree and replace it with smaller trees and shrubs.

6.1.2 The area where the trees grow is neglected and the owner takes no care of it.

6.1.3 The area is used as a dumping ground and the residents are forced to clear it up.

6.1.4 The tree is too big for the location and a danger to the neighbouring studio, which the tree overhangs. A branch came off a few years ago and a tree surgeon stated that the tree was sick.

6.2 Officer's response to the objection.

6.2.1 Removing the one TPOd sycamore and replacing it with shrubs and other smaller trees would not alleviate the problems associated with the anti-social behaviour.

6.2.2 While this is a reasonable concern for neighbours it is not relevant to the TPO.

6.2.3 Again, while this is a reasonable concern for neighbours it is not relevant to the TPO.

6.2.4 The sycamore the TPO protects is a tall tree with a reasonably clear stem so that the crown forms above the adjacent studio, allowing access all around and providing no cover for anti-social behaviour. The tree is close to the adjacent studio but there is no evidence that the relationship is not sustainable with periodic tree works. The studio was built in 2004 and therefore would have to have conformed to building regulations meaning that it should have been constructed to withstand changes in soil moisture volumes associated with the water uptake of trees. The tree appears healthy and with no obvious defects that would create an unreasonable level of risk from structural failure. It is important to monitor the condition

of trees and should its condition change consideration can again be given to the suitability of its retention. With the TPO in place if it becomes necessary to remove the tree in the future its replacement can be conditioned.

6.3 In conclusion, officers believe that there are no overwhelming arboricultural or practical reasons to justify the removal of one sycamore from the group of trees proposed to be removed and that its removal will have a detrimental impact on amenity and the character and appearance of the conservation area. Because the tree works were proposed in a 211 Notice, the serving of TPO 02/2018 was expedient in the interests of amenity. The confirmation of the TPO will not stop works that are required in the interests of health and safety from being carried out but will require the submission of a tree work application.

## **7.0. OPTIONS**

7.1 Members may

- Confirm the Tree Preservation Order.
- Decide not to confirm the Tree Preservation Order.
- Confirm the Tree Preservation Order with modification

## **8.0 RECOMMENDATION**

8.1 Members are respectfully recommended to confirm City of Cambridge Tree Preservation Order 02/2018.

## **9.0 IMPLICATIONS**

(a) Financial Implications	None
(b) Staffing Implications	None
(c) Equal Opportunities Implications	None
(d) Environmental Implications	None
(e) Community Safety	None

### **BACKGROUND PAPERS:**

The following are the background papers that were used in the preparation of this report:

TWA 17/633/TTCA

City of Cambridge Tree Preservation Order 02/2017.

Written objections to TPO 02/2017

To inspect these documents contact Joanna Davies on extension 8522

The author and contact officer for queries on the report is Joanna Davies on extension 8522

Date originated: 16/05/2018

Date of last revision: 21/05/2018



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CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 6<sup>th</sup> June 2018  
WARDS: CHH

## **OBJECTION TO CITY OF CAMBRIDGE TREE PRESERVATION ORDER (TPO) NO. 05/2018**

---

### **1.0 INTRODUCTION**

- 1.1 A TPO has been served to protect trees at Hinton Grange, Bullen Close.
- 1.2 As an objection to the order has been received, the decision whether or not to confirm the order is brought before Committee.
- 1.3 Members are to decide whether to confirm or not confirm the Tree Preservation Order.

### **2.0 RECOMMENDATION**

- 2.1 The tree preservation order is confirmed without amendment.

### **3.0 BACKGROUND**

- 3.1 Planning application 17/2196/FUL was received proposing the removal of two birch trees and a cherry tree and that required significant pruning to two London plane trees. The site is not located in a conservation area therefore trees were not afforded any protection. The trees make a positive contribution to amenity so it was considered to be prudent to serve a tree preservation order to ensure that trees were retained to be a material consideration in the planning application. During the application process, amendments were made to the development layout allowing the retention of the three trees previously shown to be removed but the development is still too close to the London planes to allow them to mature without significant crown management.

### **4.0 POWER TO MAKE A TPO**

- 4.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or

woodlands in their area, they may for that purpose make trees, groups of trees or woodlands the subject of TPO.

#### 4.1.1 Expedience

If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to amenity it may be expedient to serve a Tree Preservation Order. In some cases the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO.

#### 4.1.2 Amenity

While amenity is not defined in the Town and Country Planning Act, government guidance advises that authorities develop ways of assessing the amenity value of trees in a structured and consistent way. Cambridge City Council Citywide Tree Strategy 2016 – 2026 sets out the criteria for assessing amenity in Policy P2 and considers visual, wider impact, atmospheric, climate change, biodiversity, historic/cultural and botanical benefits when assessing the amenity value of trees.

#### 4.1.3 Suitability

The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

### 4.2 Suitability of this TPO

#### 4.2.1 Expedience

The TPO is considered to be expedient because there was insufficient justification for the tree work in the manner proposed and that the works would have a detrimental impact on amenity and the long-term health of the trees.

#### 4.2.2 Amenity

Visual. The trees are located along the drive to Kings College School and are clearly visible from West Road.

Wider Impact. The trees contribute positively to the character and appearance of the conservation area.

Climate Change. Larger trees have a greater impact with regard to climate change adaptation.

#### 4.2.3 Suitability

The trees are not conflicting with the reasonable use of the property, are not implicated in any direct or indirect damage and are not causing unreasonable shading or maintenance requirements.

## 5.0 CONSULTATIONS

- 5.1 A TPO must be served upon anyone who has an interest in land affected by the TPO.
- 5.2 Following such consultation an objection has been received to the TPO from CBA Trees on behalf of Care UK via SLR Consulting.

## 6.0 CONSIDERATIONS

- 6.1 The objections are made on the following grounds:
  - 6.1.1 None of the trees or their impact on the local environment could be considered significant. CBA Trees carried out an amenity assessment using TEMPO, which is a tool used to aid in the assessment of TPO suitability. The TEMPO assessment concluded that four of the six trees did not merit TPO protection but for two of the trees the TPO was defensible. Notwithstanding their own assessment, CBA Trees has stated that these two trees are easily replaceable. Full details of the assessments can be made available by contacting the case officer.
- 6.2 Officer's response to the objection.
  - 6.2.1 All of the trees are of a condition to be suitable for TPO. All of the trees can be seen from public view points and therefore contribute to the visual character of the area, this is in addition to the general environmental amenity the trees offer in terms of pollution and climate change adaptation. The area in question is not considered to be well treed therefore removing some of the few trees that make a visual contribution is considered to be significant. Officers do not accept the argument that the London plane trees are easily replaceable and consider this argument to be flawed. All trees are replaceable were space allows but the loss of amenity associated with removals cannot be replaced in the short-term. These trees are already established, are healthy and well located to be allowed to mature without significant management. Given their species, the

trees would be expected to outlive the proposed development and officers believe therefore that they are a reasonable constraint to development and should therefore have been designed around. It is to be noted that removal of these trees is not proposed in the planning application, but because of the proximity of the new building to the trees, they will need to be managed as pollards. Should the application 17/2196/FUL be granted consent, the TPO will allow officers some control over how these trees are managed in the future.

- 6.3 In conclusion, officers believe that the trees that are the subject of TPO 05/2018 offer sufficient amenity to the area to warrant a TPO. The TPO will not jeopardise the planning application as any permission to carry out work required to actuate planning permission will automatically be given, subject to condition, should the planning application be permitted. The TPO will however ensure that the Council is given some control over how trees are managed in the future.

## **7.0. OPTIONS**

### **7.1 Members may**

- Confirm the Tree Preservation Order.
- Decide not to confirm the Tree Preservation Order.
- Confirm the Tree Preservation Order with modification

## **8.0 RECOMMENDATION**

- 8.1 Members are respectfully recommended to confirm City of Cambridge Tree Preservation Order 05/2018.

## **9.0 IMPLICATIONS**

(a) Financial Implications	None
(b) Staffing Implications	None
(c) Equal Opportunities Implications	None
(d) Environmental Implications	None
(e) Community Safety	None

### **BACKGROUND PAPERS:**

The following are the background papers that were used in the preparation of this report:

17/2196/FUL

City of Cambridge Tree Preservation Order 05/2017.

Written objection to TPO 05/2017

To inspect these documents contact Joanna Davies on extension 8522

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Appendix 1 View of all trees at Hinton Grange



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CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 6<sup>th</sup> June 2018  
WARDS: TRU

## **OBJECTION TO TREE WORK APPLICATION 17/412/TTPO**

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### **1.0 INTRODUCTION**

- 1.1 A tree work application has been received to remove and replace a TPOd tree located at 24 High Street, Trumpington.
- 1.2 As an objection to the application has been received, the decision whether or not to grant consent is brought before Committee.
- 1.3 The Council can deal with this application in one of three ways:
  - (1) Refuse permission to remove the tree,
  - (2) Grant consent for the tree's removal or
  - (3) Grant consent for the tree's removal subject to replacement planting.

### **2.0 RECOMMENDATION**

- 2.1 Permission is granted for the removal of the tree subject to conditions requiring replacement planting.

### **3.0 BACKGROUND**

- 3.1 A tree work application, 17/412/TTPO, was received proposing the removal and replacement of an Ash tree located in the rear garden of 24 High Street, Trumpington. The application was made because the tree is considered to be too close to the property and is too tall and full of ivy to effectively manage.

### **4.0 CONSULTATIONS**

- 4.1 Ward Councillors and residents of High Street and Winchmore Drive were consulted on the application and a Site Notice was issued for display.
- 4.2 Following such consultations objections have been received from Winchmore Drive.

## 5.0 CONSIDERATIONS

### 5.1 Is the TPO still appropriate?

#### Amenity

Does the tree still make a significant contribution to the character and appearance of the area?

#### Condition/Nuisance

Is the tree in sufficiently poor condition to make its removal exempt from the TPO or is the tree causing unreasonable nuisance.

#### Justification for Remedial works

Are there sound practical or arboricultural reasons to carry out tree works?

- What is the justification
- Is there a financial consideration
- Is there a health and safety consideration
- Does the nuisance out way the benefit of retention

### 5.2 The Arboricultural Officer's assessment of the trees.

#### Amenity

The tree is in a back garden that backs onto Winchmore Drive. It can be seen from High Street but its contribution to the street scene is more significant when viewed from Winchmore Drive. Also in the garden of 24 High Street as a very large Holm oak. This tree is a prominent feature of Trumpington and it significantly reduces the visual amenity of the ash when viewed from High Street. The ash tree's amenity value is nevertheless sufficient to merit TPO.

#### Condition/Nuisance

The tree's canopy is dominated by ivy, this has resulted in a reduction of ash leaves in the canopy but the presence of ivy makes the canopy very dense. There is a significant amount of small diameter dead wood and the tree's vigour appears compromised. The tree bifurcates at ground level and has two co-dominant stems. The branch union between the stems is tight as there is evidence of included bark, which creates a weakness at the union. There is no evidence of movement at present but the long-term retention of the tree is expected to have been compromised by the defect. The ash is located in the centre of the property's garden and significantly limits its use and the growth of other vegetation. This is exacerbated by the large Holm oak located close the properties south boundary.

### Justification for Removal

- What is the justification  
Declining condition  
Detrimental impact on use of the garden  
Long-term retention compromised by structural defect
- Is there a financial consideration  
No
- Is there a health and safety consideration  
Potentially
- Does the risk/nuisance outweigh the benefit of retention  
Yes

### **6.0** Objections with Officer Comments:

6.1 The tree is an ancient tree and ash trees are currently threatened by pathogens.

6.1.1 It is a mature tree but is not considered to be ancient or 'veteran'. It is agreed that ash trees are under threat at the moment that neither of these reasons would increase the value of this individual.

6.2 Trees are needed to combat pollution and Trumpington High Street is one of the most polluted roads in Cambridge.

6.2.1 It is agreed that trees are needed to help combat pollution and climate change and this has been considered when balancing the tree's overall value against the justification for removal.

6.3 The owners knew that trees were protected when they bought the property. In the past few years too many trees have been removed and not replaced.

6.3.1 Whether or not there was prior knowledge of tree protection is not a consideration when assessing the justification for tree works. Should Members allow the tree's removal its replacement will be conditioned and if necessary that can be enforced.

6.4 In conclusion, while it is clear that the ash does contribute to public amenity, officers have determined that the nuisance associated with its long-term retention outweighs its public amenity value and that the presence of the large Holm oak within the same property will help mitigate the visual impact of the ash's loss. With consideration of The Town and Country Planning Act and government guidance, therefore, officers believe that the Council would not be justified in refusing permission for the tree to be felled and replaced subject to the condition that approval for the proposed replacement planting is sought before the ash is removed.

## **7.0. OPTIONS**

7.1 Members may

- (1) Refuse permission to remove the tree
- (2) Grant consent for the tree's removal or,
- (3) Grant consent for the tree's removal subject to replacement planting.

## **8.0 RECOMMENDATION**

8.1 Members are respectfully recommended to grant consent for the tree's removal subject to replacement planting.

## **9.0 IMPLICATIONS**

(a) Financial Implications	None
(b) Staffing Implications	None
(c) Equal Opportunities Implications	None
(d) Environmental Implications	None
(e) Community Safety	None

## **BACKGROUND PAPERS:**

The following are the background papers that were used in the preparation of this report:

TWA 17/412/TTPO

Written objection to TWA 17/412/TTPO

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Appendix 1 - Photo of the ash, with Holm oak behind, as viewed from Winchmore Drive.



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