



## Cambridge City Council Planning

**Date:** Wednesday, 3 October 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 457000

### 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  
To follow

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

5 18/0090/FUL - 63 New Street (Pages 17 - 42)

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

6 18/1108/FUL - 560 Newmarket Road (Pages 43 - 64)

7 18/0758/FUL - 57 Hartington Grove (Pages 65 - 80)

8 18/1050/FUL - 107 Hazelwood Close (Pages 81 - 90)

9 18/0745/FUL - Cantabrigian RUFC (Pages 91 - 102)

10 18/0765/FUL - Garage Block, Markham Close (Pages 103 - 138)

11 18/1104/FUL - Gunhild Way Garages (Pages 139 - 164)

12 18/0768/FUL - 21-25 Fitzwilliam Road (Pages 165 - 198)

**Part 3: General and Enforcement Items**

13 TPO 21/2018 - 5A and 7 Herschel Road (Pages 199 - 206)

14 TPO 10/2018 - 2 Southacre Drive (Pages 207 - 214)

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

**Alternates:** Gillespie, Green and Holt

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

(Updated August 2018)

## 1.0 Central Government Advice

1.1 **National Planning Policy Framework (July 2018)** – sets out the Government’s economic, environmental and social 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 COMMITTEE**

**DATE: 3<sup>RD</sup> OCTOBER 2018**

<b>Application Number</b>	18/0090/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	17th January 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	14th March 2018		
<b>Ward</b>	Petersfield		
<b>Site</b>	63 New Street		
<b>Proposal</b>	Erection of a residential development containing ten flats comprising of three 2+bed units, six 1+bed units and one studio unit along with one car parking space and cycle parking following demolition of existing buildings on site.		
<b>Applicant</b>	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><input type="checkbox"/> The design and scale of the development would not have an adverse impact upon the surrounding area.</li> <li><input type="checkbox"/> The proposed development would not have any adverse impact on the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No.63 New Street is on the northern side of New Street and is a two storey dwelling with a separate two storey outbuilding with a courtyard to the rear. Immediately adjacent to the east is Mackay Metal Works. To the west and to the north are multiple blocks of flats/student accommodation. Opposite the site is a recently constructed contemporary Anglia Ruskin University building. The site is bound by built form apart from to the rear where there is a courtyard serving the blocks of flats/student

accommodation. The site lies adjacent to the Central Conservation Area to the south.

## 2.0 THE PROPOSAL

2.1 The proposal is for the demolition of the existing buildings on the site and the erection of a building comprising of three 2 bed units, six 1 bed units and one studio flat. The proposal would provide one visitor/disabled parking space and 13 cycle parking spaces.

2.2 The application is accompanied by the following supporting information:

- Planning Statement
- Drawings
- Transport Statement
- Acoustic Assessment
- Sunlight and daylight assessment

2.3 Amended plans have been received which show the following revisions:

- Removal of balconies and addition of fixed shut windows

## 3.0 SITE HISTORY

## 4.0 PUBLICITY

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

## 5.0 POLICY

5.1 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/6 3/7 3/8 3/11 3/12 5/1 5/5 8/2 8/3 8/4 8/5 8/6 8/10
Cambridge Local	30, 31, 32, 33, 35, 36, 45, 50, 55, 56,

<p>Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications). <i>Thereafter referred to as Cambridge Local Plan (2014).</i></p>	<p>57, 82</p>
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5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

<p>Central Government Guidance</p>	<p>National Planning Policy Framework 2018 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)</p>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)</p>

	<p><u>Area Guidelines</u></p> <p>Eastern Gate Development Framework SPD (2011)</p>
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### 5.3 Cambridge Local Plan 2014

#### Local Plan Inspectors' reports

On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The South Cambridgeshire Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 18 October 2018.

Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors have concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.

The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.

Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the

Local Plan add substantial weight in favour of the outcome which accords with the application of policies of the adopted development plans and those of the Local Plans.

## **6.0 CONSULTATIONS**

### **Archaeology Officer**

- 6.1 No objection subject to a written scheme of investigation condition.

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

- 6.2 The proposal seeks to justify a level of car parking provision within the site in line with Local Plan Parking Policy, which gives maximum levels of provision based upon size of dwelling unit and location. More recent guidance contained within the National Planning Policy Framework and the IHT guidance on best practice in car parking provision moves away from maximum levels of provision and advises that parking provision for new residential development is based upon levels of access to a private car for existing residential uses in the surrounding area. It is advised that the Planning Authority should assess the impact of the proposal in regard to the guidance provided within the National Planning Policy Framework in tandem with the Local Plan Parking Standards.

The streets in the vicinity provide uncontrolled parking, and so, as there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets, the proposal would be “dedicated parking provision-free” rather than “car-free”.

The development will 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.

### **Conservation Officer**

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

### **Local Lead Flood Authority**

- 6.4 Originally objected, following the submission of further information, no objection subject to a condition regarding surface water drainage scheme.

### **Environmental Health**

- 6.5 Following the submission of additional information and revisions to the proposed plans (removal of balconies & fixed shut windows) no objection subject to conditions regarding construction hours, collection during construction, construction noise, dust, contaminated land conditions, ventilation scheme, acoustic compliance and various informatives to accompany the conditions.

### **Landscape Officer**

- 6.6 No objection subject to a condition regarding hard landscaping.

### **Sustainability Officer**

- 6.7 No objection subject to conditions regarding implementation of energy statement and water efficiency.

### **S106 Officer**

- 6.8 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. The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale

development and as such no tariff style planning obligation is considered necessary.

### **Urban Design Officer**

- 6.9 After revisions to the scheme, no objection subject to conditions regarding materials, external features detailing, windows and doors and the retention and reuse of the date stone.

### **Waste Officer**

- 6.10 This application is fine in terms of waste, however please make sure there is a drop kerb directly outside the bin store. There should be no keys or codes to the bin store unless its a standard FB2 lock.
- 6.11 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- 27 Ainsworth Street (on behalf of Petersfield Community Trust)
- 121 York Street

- 7.2 The representations can be summarised as follows:

- Lack of car parking
- Single aspect rooms
- The size of the flats are small
- Overdevelopment
- The size of the building would create an 'urban canyon' within New Street.
- Should be 3 storey not 4 storey.

- 7.3 A further representation in support has also been received from 65 Circus Drive:

- Increase the supply of flats in the Petersfield Area
- Improve New Street

7.4 A further representation was also been received from Camcycle:

- Originally objected but following revision to the plans, Camcycle withdraw their objection as the revised plans complied with the Cycle Parking Guide for New Residential Developments.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Drainage
8. Affordable Housing
9. Third party representations

### **Principle of Development**

8.2 The demolition of the existing building would be permitted development under Class B, Part 11, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to prior approval from the local planning authority as to the method of demolition and any proposed restoration of the site. Thus, the principle of demolition cannot be resisted and therefore is acceptable in principle.

8.3 Policy 5/1 of the Cambridge Local Plan (2006) and policy 3 of the Cambridge Local Plan (2014) supports residential development on windfall sites, subject to the existing land use and compatibility with adjoining uses. The site is situated within an established residential area, and therefore I consider that



additional dwelling units on this site could be supported. The principle of development is therefore acceptable.

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

- 8.4 The site currently consists of a two storey dwelling with a two storey outbuilding and a courtyard to the rear. The area is characterised by high density development with Mackays Metal Works and a car park to the west and is highlighted as a potential development site in the near future as outlined in the Eastern Gate Development Framework SPD. While the site itself is not included as a potential development site within the SPD, Figure 56 within the SPD states that the massing of development along New Street should be 3 – 4 storeys in height.
- 8.5 The proposed building would have a height of 4 storeys which would comply with the Eastern Gate Development Framework SPD. The fourth storey would be set back with a saw tooth design, and be of a darker material which would break up the front elevation. Further recessed elements within the front elevation would also help break up the massing of the building. The proposal would be of a contemporary design and would be in-keeping with the contemporary character of the Anglia Ruskin University building opposite the site.
- 8.6 The proposed use of brick, aluminum and zinc cladding for the roof are supported and considered appropriate for the area and the site. The Urban Design and Conservation Team were consulted as part of the application and have raised no objection subject to the inclusion of conditions. In regards to the date stone, this is best dealt with via an informative. These conditions are considered necessary to ensure the proposed building is finished to a high standard that is compatible with its surroundings. The Landscape Officer has requested the inclusion of a hard landscaping condition which is also considered necessary.
- 8.7 The proposed site would be a car free development, however given its direct links to East Road and close proximity to the city centre, there is a presumption in favour of walking, cycling and public transport. Secure cycle parking is integrated into the front of the building. This is assessed further in the following sections in the report.

- 8.8 In my opinion the proposal is compliant with policies 3/4, 3/7, 3/11 & 3/12 of the Cambridge Local Plan (2006) and policies 55, 56, 57 of the Cambridge Local Plan (2014).

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.9 As there is ample distance between the elevations of the blocks of flats/student accommodation to the rear and the building itself is separated by a large communal courtyard, the proposal would not overlook, overshadow or result in an overbearing impact upon the neighbouring properties in my opinion.

*Wider area*

- 8.10 The Environmental Health Team has recommended various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction. I accept this advice and have recommended the conditions accordingly. I have considered the impact of additional demand for car parking spaces on residential amenity in the 'car parking' section below.

- 8.11 For these reasons, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with policies 3/4, 3/7 and 4/13 of the Cambridge Local Plan (2006) and policies 35, 55 & 56 of the Cambridge Local Plan (2014).

#### Amenity for future occupiers of the site

- 8.12 Policy 50 of the Cambridge Local Plan (2014) sets out internal residential space standards. All the proposed units comply with the standards and the majority of the units exceed them. In this regard, the units would provide a high quality internal living environment for the future occupants in my opinion. The floor space of the proposed units is presented in the table below against the requirements of policy 50.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit (m <sup>2</sup> )	Difference in size
1	1	2	1	50	50	0
2	1	1	1	37	38	+1
3	1	2	1	50	51	+1
4	2	3	1	61	63	+2
5	1	1	1	37	50	+13
6	1	2	1	50	51	+1
7	2	3	1	61	63	+2
8	1	1	1	37	50	+13
9	2	3	1	61	77	+16
10	1	2	1	50	51	+1

8.13 The proposed units would have single aspect facing rooms. The proposed development is an infill and therefore is constrained by neighbouring buildings. That being said, all the units meet, and the majority even exceed, the required internal space standards set out in Policy 50 of the Cambridge Local Plan (2014). A daylight assessment has also been submitted with the application which demonstrates that all the units would meet the recommended levels of internal daylight required.

8.14 Units 1 & 2 are the only units that would have private amenity areas. Policy 50 of Cambridge Local Plan (2014) states that all new residential units will be expected to have direct access to an area of private amenity space. Within the supporting text of Policy 50 of Cambridge Local Plan (2014) it also states that dwellings with more than one bedroom would need to take space for children to play into account. In addition to private amenity space, developments with flats will need to provide high-quality shared amenity areas on site to meet the needs of residents, including play space for children.

8.15 Previously the proposal included balconies for units 4, 5, 7, 8 and 9 which would have provided external private amenity space for these units. The Environmental Health Team objected to the application due to potential noise impact from the adjacent Mackays Metal Works. At the request of the Environmental Health Team, the balconies were removed and windows were fixed shut on the front elevation. Mechanical ventilation heat recovery (MVHR) had been proposed as part of the application since the original submission. Following these

revision, the Environmental Health Team has now raised no objection subject to various conditions.

- 8.16 There is an existing residential property on the site which has a poor relationship with the adjacent Mackays Metal Works. There are no specific noise insulation measures present within the existing building and the current occupiers are subject to what I consider to be an unreasonable level of noise at present. It is also to be noted the current operating hours of Mackays Metal Works are quite reasonable but the site could be used to its full potential in the future or another heavy industrial company may purchase the site. There would be a gap between the proposed building and the building that houses Mackays Metal Works. The proposal would also include the necessary insulation alongside MVHR to ensure the future occupants experience an acceptable level of noise and vibration. This, in my opinion, would be an improvement in comparison to the existing residential property on the site in terms of noise.
- 8.17 It is to be noted that 6 of the units are 1bed flats and 1 of the units is a studio flat. These 1bed units are likely to be occupied by individuals or couples and not family units, however 3 of the units are 2bed flats. St Matthew's Piece is within 2 minutes walking distance from the site and provides play area/equipment for younger and older children as well as a substantial open green space. As the proposal does not provide private amenity space for all the units and does not provide any shared amenity space within the site, the proposal is contrary to Policy 50 of the Cambridge Local Plan (2014) in regards to external amenity space. However, given that there is already a residential property on the site and the proposal would, in my opinion, result in an improvement on the current situation in regards to noise and vibration, and given the close proximity of St Matthews Piece, on balance, I consider the proposal is acceptable in this instance.
- 8.18 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 policy 3/7 of the Cambridge Local Plan (2006) and broadly with policy 50 of the Cambridge Local Plan (2014).

## **Refuse Arrangements**

- 8.19 The bins would be located in an integrated store within the building that would be accessed from the front of the site. In my opinion the proposal is compliant with policy 3/12 of the Cambridge Local Plan (2006) and policy 57 of the Cambridge Local Plan (2014).

## **Highway Safety**

- 8.20 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon highway safety but has raised the issue that the proposal could impose additional parking demands upon the on-street parking on the surrounding streets, this is addressed in the below section regarding car parking.
- 8.21 In my opinion the proposal is compliant with policy 8/2 of the Cambridge Local Plan (2006) and policy 82 of the Cambridge Local Plan (2014).

## **Car and Cycle Parking**

- 8.22 The proposal would provide one visitor/disabled car parking space. The Council has maximum parking standards outlined in Appendix C of the Cambridge Local Plan (2006) and Appendix L of the Cambridge Local Plan (2014). Cambridge City Council promotes lower levels of private parking particularly where good transport accessibility exists. This site is located in a very sustainable location just off East Road and is very accessible. East Road has many shops and services, and the city centre is within walking/cycling distance. For the reasons stated above, officers therefore consider that the proposal would not warrant a refusal based upon the lack of car parking. The level of provision accords with our adopted standards.
- 8.23 13 cycle parking spaces are proposed for the flats. The cycle parking would be located within an integrated store within the building that would be accessed from the front of the site. This level of cycle parking would comply with policy and the Cycle Parking Guide for New Residential Developments

8.24 In my opinion the proposal is compliant with policies 8/6 and 8/10 of the Cambridge Local Plan (2006) and policy 82 of the Cambridge Local Plan (2014).

### **Drainage**

8.25 The Drainage Officer was consulted as part of the application and following the submission of additional information has raised no objection subject to the imposition of a surface water condition.

### **Affordable Housing**

8.26 The proposed development is for a scheme of 10 units. As there is currently 1 dwelling on the site, the proposal would result in a net increase of 9 dwellings. Policy 45 of the Cambridge Local Plan (2014) states that affordable housing provision should be calculated on the basis that the thresholds are to be considered against the net increase in the number of units on the site. As the proposed net increase of units on the site would be below the threshold, there is no policy basis to require affordable housing provision as part of this application.

8.27 In my opinion the proposal is compliant with policy 5/5 of the Cambridge Local Plan (2006) and policy 45 of the Cambridge Local Plan (2014).

### **Third Party Representations**

8.28 I have dealt with the third party representations in the preceding paragraphs.

## **9.0 CONCLUSION**

9.1 In conclusion the proposal would have an acceptable impact on the amenity of the occupiers of adjoining properties and future occupants having regard to the proposed unit sizes, the existing noise situation for the existing dwelling in comparison to improvement situation for the proposed units, and the close proximity to St Matthews Piece. The proposal would also have no detrimental impact on the visual quality of the streetscene.

## 10.0 RECOMMENDATION

**APPROVE** subject to conditions

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 33)

4. Submission of site investigation report and remediation strategy:

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

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

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

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 33)

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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 33)



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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 33)

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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 33)

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 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 33)

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

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

Reason: To minimise flood risk (Paragraph 163 of the National Planning Policy Framework (2018) and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 31)

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

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

Reason: In the interests of reducing carbon dioxide emissions and to ensure that the development does not give rise to unacceptable pollution. (Cambridge Local Plan 2006 policy 8/16 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 29)

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

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2006 policy 3/1 and Supplementary Planning Document 'Sustainable Design & Construction' 2007 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 27)

12. No development shall take place until full details of hard 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; pedestrian access and circulation areas; and hard surfacing materials.

Reason: In the interests of visual amenity and to ensure that suitable hard landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 55, 57 and 59)

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

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4 and 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 55 and 57)

14. Full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing are to be submitted to and approved in writing by the LPA. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing. Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4 and 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 55 and 57)

15. Full details of all windows and doors, as identified on the approved drawings, including materials, colours, surface finishes/textures are to be submitted to and approved in writing by the LPA. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4 and 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 55 and 57)

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

Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate. (Local Plan 2006 Policy 4/9 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 61)

17. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800hours 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 35)

18. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 35)

19. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 35)

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

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 35)

21. Prior to the commencement of development/construction, details of an alternative ventilation scheme for the habitable rooms on the New Street façade in order to protect future occupiers from external noise shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall achieve at least 2 air changes per hour. Full details are also required of the operating noise level of the alternative ventilation system.

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

Reason: To protect the amenity of the future occupiers (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 35)

22. The noise insulation scheme and mitigation requirements as stated within the Cass Allen acoustic assessment dated 01 May 2018 (Revision 3, ref: RP01-17702) shall be fully implemented prior to first occupation of the development and should be maintained and not altered in perpetuity.

Reason: To protect the amenity of the future occupiers (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 35)

23. 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)

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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



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

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

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

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

**INFORMATIVE:** In the interest of the preservation of the date stone, the applicant should carefully remove the The date stone, "Rodney Stores 1903", associated with Rodney Brewery (the former brewery tap Brewery: E Lacon & Co Ltd & Frederick J Swan - Rodney Brewery, Cambridge), store in a safe & secure manner in a place to be agreed with the LPA. Thereafter the development shall incorporate the date stone into the New Street elevation as part of the new building



**PLANNING COMMITTEE**

**DATE: 3<sup>RD</sup> OCTOBER 2018**

<b>Application Number</b>	18/1108/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	12th July 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	6th September 2018		
<b>Ward</b>	Abbey		
<b>Site</b>	560 Newmarket Road		
<b>Proposal</b>	Erection of a 1x Bed Bungalow along with car parking and associated landscaping.		
<b>Applicant</b>	Mr A De Simone c/o Agent		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>• The design and scale of the development would not have an adverse impact upon the surrounding area.</li> <li>• The proposed development would not have any adverse impact on the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers.</li> <li>• The proposal would not lead to a significant increase in on-street car parking in the surrounding streets.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of a mid-terrace property situated on the south side of Newmarket Road, opposite the junction with Ditton Fields. The property is two-storeys in scale, rendered, and with a pitched roof that has a front gable end. There is a small garden to the front and a long garden to the rear. There is a car parking area at the far end of the site which

is accessed from a private road which connects Newmarket Road with Elfleda Road. The surrounding area is residential in character and is formed of similar-sized semi-detached and terraced properties.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal seeks planning permission for the erection of a one-bedroom bungalow in the rear garden. The proposed bungalow would occupy a footprint of approximately 67m<sup>2</sup> and would have a pitched roof measuring approximately 2.7m to the eaves and 4.1m to the ridge. It would be accessed from a private road which links Newmarket Road and Elfleda Road. It would have one car parking space and would also provide cycle/bin storage for the proposed dwelling.

2.2 A similar scheme 17/1019/FUL which included the conversion of the existing property into two units was recommended for approval by officers but was refused by planning committee for the following reasons:

1. The cumulative impact of the proposed ground floor extensions and bungalow would result in an overdevelopment of the site by virtue of the excessive footprint and resulting massing. As a result the proposal would detract from the prevailing character and appearance of the area, contrary to policies 3/4, 3/10 and 3/12 of the Cambridge Local Plan (2006).
2. The cumulative impact of the proposed ground floor extensions and bungalow would result in inadequate external amenity space for future residents and poor pedestrian and vehicular access arrangements for occupants of the bungalow by virtue of its backland location. For this reason the proposal would fail to provide a satisfactory quality of living environment and standard of amenity for future occupiers. As such it is contrary to policies 3/7, 3/10, 3/12 and 5/2 of the Cambridge Local Plan (2006).

2.3 This scheme does not include any alterations to the existing dwelling and seeks planning permission solely for the erection of a bungalow to the rear of 560 Newmarket Road.

### 3.0 SITE HISTORY

Reference	Description	Outcome
17/1019/FUL	Change of use of existing dwelling into two flats, including extensions to the building along with frontage cycle and bin storage, and erection of a 1-bedroom bungalow at the rear of the site	Refused

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/11 3/12 4/4 4/9 4/13 5/1 8/2 8/4 8/6 8/10
Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as	31, 35, 36, 50, 52, 55, 56, 57, 59, 61, 71, 81, 82

amended by the Inspectors' Main Modifications). <i>Thereafter referred to as Cambridge Local Plan (2014).</i>	
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### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2018  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Newmarket Road Suburbs and Approaches Study (October 2011)

### 5.4 Local Plan Inspectors' reports

On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The

South Cambridgeshire Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 18 October 2018.

Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors' have concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.

The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.

Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the Local Plan add substantial weight in favour of the outcome which accords with the application of policies of the adopted development plans and those of the Local Plans.

## **6.0 CONSULTATIONS**

### **Cadent Gas**

- 6.1 Recommends an informative regarding gas pipelines identified on site.

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

- 6.2 The proposal displaces the existing parking for the dwelling at 560 Newmarket Road, which is likely to engender an application for a vehicular crossing of the footway to Newmarket Road. Although this is undesirable, the existence of accesses to either side of the property would, in my opinion, mean no demonstrable significant additional adverse impact upon the highway network could be shown should such a proposal come forward.

### **Environmental Health**

- 6.3 No objection subject to conditions regarding construction hours, collection/ delivery hours, piling, dust and an informative regarding dust.

### **Landscape Officer**

- 6.4 No objection subject to hard and soft landscaping and boundary treatment conditions.

### **Urban Design Officer**

- 6.5 It is considered that there a no material urban design issues with this proposal.

### **Sustainable Drainage Engineer**

- 6.6 It is not possible to comment on the proposed development and the additional information set out below will be required in order to provide comments: surface water drainage strategy & foul drainage strategy.
- 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:



- 9 Elfleda Road
- 558 Newmarket Road
- 562 Newmarket Road
- 563 Newmarket Road
- 566 Newmarket Road
- 568 Newmarket Road
- 574 Newmarket Road

7.2 The representations can be summarised as follows:

- Previous reasons for refusal have not been addressed
- Precedent for future development
- Use of the back access/padlocked gate
- Potential creation of new access to the front
- Loss/lack of car parking
- Disturbance/damage caused by construction
- Out of keeping with character of area
- Adverse impact upon tranquillity of gardens due to noise and disturbance
- Loss of parking for existing dwelling at 560 Newmarket Road
- Access to the dwelling for deliveries and waste collection
- Overlooking
- Decrease in value of properties

7.3 Councillor Johnson has objected to the proposal as the reasons for refusal for 17/1019/FUL have not been addressed. Councillor Johnson also refers to his previous objections to 17/1019/FUL, namely overlooking and loss of privacy, and comments that these concerns remain valid.

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

## 8.0 ASSESSMENT

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

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

4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Drainage
8. Archaeology
9. Third party representations
10. Planning Obligations (s106 Agreement)

### **Principle of Development**

- 8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.
- 8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.

#### Policy 3/10 Sub-division of Existing Plots & Policy 52 Protecting garden land and the subdivision of existing dwelling plots

- 8.4 As the proposal is for the subdivision of an existing residential plot, policy 3/10 of Cambridge Local Plan (2006) is relevant in assessing the acceptability of the proposal. Policy 3/10 allows for the sub-division of existing plots, subject to compliance with specified criteria. Policy 52 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications) criteria is similar to policy 3/10 of the Cambridge Local Plan (2006) but the detailed criteria has changed.
- 8.5 Policy 52 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications) states that: Proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:

- a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;
- b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity;
- c. the amenity and privacy of neighbouring, existing and new properties is protected;
- d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties; and
- e. there is no detrimental effect on the potential comprehensive development of the wider area.

8.6 I consider that the proposal complies with the above five criteria and the reasons for this are set out in the relevant sections of this report.

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

8.7 The first reason for refusal on application 17/1019/FUL refers to the cumulative impact of both the ground floor extensions to the existing property and the proposed bungalows and how this would amount to overdevelopment. This proposal differs from application 17/1019/FUL as the conversion of the existing property along with the ground floor extensions has been removed from the proposal, and the application solely seeks permission for the erection of a bungalow.

8.8 Backland developments and outbuildings are typically single-storey and of a more domestic scale. The proposed dwelling would be of a scale and mass that would be in keeping with the character of the area. There are other examples of similar scaled developments in the rear gardens of other properties in the surrounding context, such as no.554 Newmarket Road and nos.10A and 23A Elfleda Road, and I am of the opinion that the proposal would be in keeping with this pattern of development. I have recommended a materials condition to ensure the proposed bungalow would be of an acceptable appearance. The Urban Design Team have raised no objections to the application. The Landscape Team is supportive of the proposed works subject to conditions and I have recommended these

accordingly. It is my opinion the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area and would not constitute as overdevelopment.

- 8.9 In my opinion the proposal is compliant with policies 3/4, 3/7, 3/10, 3/11 & 3/12 of the Cambridge Local Plan (2006) and policies 52, 55, 56, 57 and 59 of the Cambridge Local Plan (2014).

### **Residential Amenity**

- 8.10 The proposed bungalow would not in my opinion lead to a significant loss of light at either neighbouring property. At 4.1m in height, with a pitched roof that slopes down to around 2.7m in height as it falls towards the neighbouring boundaries, I do not consider this mass would lead to a harmful loss of light. Any loss of light would be minor and limited to the latter parts of neighbouring gardens in the late afternoon or early morning respectively.
- 8.11 The proposed bungalow would be set approximately 1.2m away from the two adjoining boundaries. I am of the opinion that given the single-storey scale proposed with a low eaves height, the proposed dwelling would not appear visually overbearing from neighbouring gardens. It would be sited a considerable distance from the main window of neighbours.
- 8.12 It is acknowledged that concerns have been raised from third parties in relation to the proposed French doors on the north elevation of the bungalow and the loss of privacy that this would cause to the adjoining occupiers. I do not consider there would be any direct views to the ground-floor windows of neighbours due to the boundary treatment which would be secured through condition as this would obscure views. The proposed outlook back towards the first-floor windows of neighbours would be positioned around 20m away and I am of the opinion that this separation distance is sufficient to ensure that no harmful loss of privacy would be experienced. A condition is recommended to remove permitted development rights to not only protect neighbouring properties, but also to protect the character of the area and the external amenity space provided for the dwelling.

8.13 The Environmental Health Team has recommended various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction. I accept this advice and have recommended the conditions accordingly.

8.14 For these reasons, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with policies 3/4, 3/7 and 4/13 of the Cambridge Local Plan (2006) and policies 35, 55 & 56 of the Cambridge Local Plan (2014).

Amenity for future occupiers of the site

8.15 The floor space of the proposed units is provided in the table below. Policy 50 of Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications) sets out internal residential space standards. The proposed dwelling exceeds that. In my opinion, the proposed dwelling would provide a high quality internal living environment for the future occupants.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit (m <sup>2</sup> )	Difference in size
1	1	2	1	50	56	+6

8.16 The size of the external amenity space in the previous application 17/1019/FUL was 7m in depth, it has been increased to 11m in depth in this scheme. The external amenity space for the existing property would remain unaltered from the existing situation as the proposed extensions are no longer proposed. This would comply with the external amenity section of Policy 50 of the Cambridge Local Plan (2014).

8.17 Whilst the access arrangements would remain the same as the previous scheme, there have been improvements to the amount of garden space that is proposed for the bungalow which I consider will ensure that the future occupants would enjoy a satisfactory level of amenity.

8.18 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 policy 3/7 of the Cambridge Local Plan (2006) and policy 50 of the Cambridge Local Plan (2014).

### **Refuse Arrangements**

8.19 Bin storage for the proposed bungalow would be situated at the rear of the site adjacent to the private lane. The planning statement states that waste would be collected from the private road of Cut Throat Lane to the west. The Waste Team previously raised no objection on application 17/1019/FUL to the proposed refuse arrangement as this is similar to that of no.10A Elfleda Road whereby bins are already collected from this lane. A condition is recommended requesting further details of this storage. In my opinion the proposal is compliant with policy 3/12 of the Cambridge Local Plan (2006) and policy 57 of the Cambridge Local Plan (2014).

### **Highway Safety**

8.20 The vehicular/pedestrian access remains the same for the proposed dwelling as it did in 17/1019/FUL. The Highway Authority has raised no objection to the proposal on the grounds of highway safety. Neighbours have raised issues with the lack of car parking which is addressed in the relevant section for car parking.

8.21 In my opinion the proposal is compliant with policy 8/2 of the Cambridge Local Plan (2006) and policy 81 of the Cambridge Local Plan (2014).

### **Car and Cycle Parking**

8.22 It is acknowledged that objections have been raised in relation to the pressure on on-street car parking the proposal would cause and the lack of car parking proposed. There are currently two car parking spaces at the rear of the site which serve the existing three-bedroom property. The proposal would reduce the level of car parking to one space at the rear of the site. The retained car parking space would be for the one-bedroom dwelling and the two-bedroom dwellings would be car-free.

- 8.23 The car parking space would only be accessible by the landowners who have access through a locked gate. There is a degree of informal car parking that takes place on the grass verges between the pavement and the road but this is not widespread in my view. There are some sections of Ditton Fields opposite that allow for on-street parking although much of the roadside nearest to the application site is double-yellow lined or has dropped kerbs. The majority of properties along Elfleda Road to the south of the site have off-street car parking. I consider, there is a degree of existing on-street car parking pressure on the surrounding streets but I do not consider this level could be argued to be at a critical state.
- 8.24 The site is in a sustainable location with good cycle and public transport links to the wider area and there are local shops and services along Barnwell Road and the adjacent retail parks within walking distance. Coldhams Common is also within walking distance of the site. In my opinion, the pressure on on-street car parking caused by the proposed development would be relatively minor in respect of the sustainable location of the site coupled with the fact that one car parking space would be retained. Overall, I do not consider the proposal would exacerbate on-street car parking to such an extent as to harm the amenity of the surrounding residential properties.
- 8.25 Secure cycle parking would be provided at the front of the bungalow within a store for bins and cycles. A condition is recommended requesting further details of this store. This level of cycle parking would comply with policy. A condition is also recommended to ensure that the proposed car parking space is associated with the proposed dwelling.
- 8.26 In my opinion the proposal is compliant with policies 8/6 and 8/10 of the Cambridge Local Plan (2006) and policy 82 of the Cambridge Local Plan (2014).

### **Drainage**

- 8.27 The Drainage Team has requested the submission of a surface water drainage strategy to be submitted prior to determination. On the previous application the Drainage Team raised no objection to the proposal subject to a pre-commencement condition. It is my view that it would be unreasonable to

requested such information prior to determination where previously it was acceptable to impose a condition.

8.28 In my opinion, subject to condition, the proposal is compliant with the paragraph 163 of the National Planning Policy Framework (2018) and policy 31 of the Cambridge Local Plan (2014).

### **Archaeology**

8.29 On the previous application the Historic Environment Team has recommended an archaeological condition which I have included on the application accordingly.

8.30 In my opinion, subject to condition, the proposal is compliant with policy 4/9 of the Cambridge Local Plan (2006) and policy 61 of the Cambridge Local Plan (2014).

### **Third Party Representations**

8.31 Some of the third party representations have been addressed in the main body of this report. Those outstanding have been addressed below:

<u>Comment</u>	<u>Response</u>
Increase in traffic pressures to the area.	The Highway Authority has raised no objection to the proposed development in terms of increased vehicle movements. The proposal is for one dwelling and I do not consider this increase would have a drastic impact on the existing transport network.
Disturbance/damage caused by construction	This is a civil/ legal matter between the owners of the private road as this does not form part of the adopted public highway.
This would set a precedent for future development.	In terms of precedent, each planning application is considered on its own merits. The proposal is considered to be compliant with policies



	which relates to the development of dwellings within existing residential plots.
Negative impact upon value of surrounding properties.	This is not a planning consideration.
Access to the dwelling for deliveries	The delivery of goods to the rear bungalow would be a matter for the future occupant of this dwelling to arrange. I do not anticipate any deliveries through the private access road would be harmful to neighbour amenity given that vehicle movements already take place along this lane.
Access by emergency vehicles.	The Cambridgeshire Fire and Rescue Service did not object to the principle of a residential development at the rear of the site on the previous application. They also confirmed that this would be covered by Building Regulations.

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

8.32 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.

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

## 9.0 CONCLUSION

- 9.1 Both reasons for refusal on the previous application 17/1019/FUL cite the cumulative impact of both the conversion of the existing property into two units and the erection of the bungalow. As this application seeks planning permission for solely the erection of a bungalow, the cumulative impact has been removed and I am of the view that the proposal has addressed the first reason for refusal and part of the second reason for refusal.
- 9.2 The second reason for refusal states:
2. The cumulative impact of the proposed ground floor extensions and bungalow would result in inadequate external amenity space for future residents and poor pedestrian and vehicular access arrangements for occupants of the bungalow by virtue of its backland location. For this reason the proposal would fail to provide a satisfactory quality of living environment and standard of amenity for future occupiers. As such it is contrary to policies 3/7, 3/10, 3/12 and 5/2 of the Cambridge Local Plan (2006).
- 9.3 The size of the external amenity space in the previous application 17/1019/FUL was 7m in depth, it has been increased to 11m in depth in this scheme. The external amenity space for the existing property would remain unaltered from the existing situation. The Highway Authority has raised no objection to vehicular or pedestrian access to the proposed bungalow on this application. In consideration of the above points, I am of the opinion that the proposal goes far enough to address the previous second reason for refusal.
- 9.4 Therefore in conclusion, it is my view that the proposal has sufficiently addressed the previous reasons for refusal and would not amount of overdevelopment, have an adverse impact upon the area, the neighbouring properties or the future occupants of the development.

## 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: 0800hours 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) and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014) (as amended by the Inspectors' Main Modifications, policy 35)

4. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 35)

5. In the event of the foundations for the proposed development requiring piling, no such piling shall take place until a report / method statement detailing the type of piling and mitigation measures to be taken to protect local residents in terms of noise and or vibration has been submitted to, and approved in writing by the local planning authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 35)

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

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

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. 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, and 3/11 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 55, and 59)

8. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 55, 57 and 59)

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

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 52, 55, and 57)

10. No development shall commence until details of facilities for the covered, secured parking of bicycles and facilities for the storage of bins at the front of the bungalow, 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 appropriate provision for the secure storage of bicycles and appropriate storage of bins. (Cambridge Local Plan 2006 policies 3/4, 3/7 and 8/6 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 55, 56, and 82)

11. The car parking space at the rear of the site adjacent to the proposed bungalow of the development hereby permitted shall be used solely by the future occupants of the bungalow. The car parking space shall be retained for use by the future occupants of the chalet bungalow unless otherwise agreed in writing by the local planning authority.

Reason: To provide a high quality living environment for future occupiers (Cambridge Local Plan policies 3/4 and 3/10 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 52, 55 and 82)

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses; additions etc to the roof of the dwellinghouses; and the provision within the curtilage of the dwellinghouses of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwellings, to protect the character of the area and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policies 52 and 57)

13. No development hereby permitted shall be commenced until surface water drainage works have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:
  - a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - b. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To minimise flood risk (Paragraph 163 of the National Planning Policy Framework (2018) and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 31)

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

Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate. (Local Plan 2006 Policy 4/9 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications, policy 61)

**INFORMATIVE:** The applicant should have regard to the responsibilities, obligations and requirements stated in the letter from Cadent Gas dated 19/07/2018.

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent's assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

**INFORMATIVE:** The residents of the site, whether in existing or the proposed residential units will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets



<b>Application Number</b>	18/0758/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th May 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	13th July 2018		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	57 Hartington Grove		
<b>Proposal</b>	Conversion of existing first floor and ground floor HMO (7 occupants) into 5 self-contained bedsits, a two storey rear extension and a side dormer.		
<b>Applicant</b>	Mrs Marukh Akhtar 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><input type="checkbox"/> The design and scale of the development would not have an adverse impact upon the surrounding area.</li> <li><input type="checkbox"/> The proposed development would not have any adverse impact on the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 No.57 Hartington Grove is on the northern side of Hartington Grove and is a detached two storey dwelling. There is a right of way to west of the property to provide access to a garage for a neighbouring property. To the east of the property is the access gate to the rear garden of No.57. The surrounding area is predominantly residential and characterised by two storey properties of different design and built form. The site falls within the controlled parking zone.

- 1.2 The existing building comprises of two HMO's:
- Ground floor: 4 bed HMO
  - First Floor: 3 bed HMO

## 2.0 THE PROPOSAL

- 2.1 The proposal is for a change of use of the two existing HMO's to five 1 bed studio flats, a two storey rear extension and a side dormer. The proposal would retain the existing 3 car parking spaces and provide 6 cycle parking spaces.
- 2.2 A similar scheme was refused under planning application 14/0848/FUL and dismissed at appeal under reference (APP/Q0505/W/16/3150434). This application is a re-submission following the appeal decision. The appeal was dismissed for the following reasons:
- Storage of cycles/bin to the front of the property caused harm to the character and appearance of the area
  - Impact upon privacy/outlook of unit 3 as all windows face west onto the right of way
  - Sense of enclosure to unit 2 due to the hedge being less than 2m in depth
- 2.3 The application is accompanied by the following supporting information:
- Planning Statement
  - Drawings
- 2.4 Amended plans have been received which show the following revisions:
- Bin storage moved from access way to the rear garden
  - Gate to the rear garden widened from 0.8m to 1m
  - Proposed dormer serving unit 4 obscure glazed
  - Reduction from six to five units, to increase the internal size of the two first floor units.
  - Guttering has been amended to be within the boundary of the site

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/1255/FUL	Conversion of existing property into 9 self-contained bedsits	Refused

14/0848/FUL Conversion of existing first floor and ground floor HMO (7 occupants) into 6 self-contained bedsits Refused/Appeal dismissed

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

##### 5.1 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/6 3/7 3/8 3/11 3/14 5/1 8/2 8/3 8/4 8/5 8/6 8/10
Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications). <i>Hereafter referred to as Cambridge Local Plan (2014).</i>	35, 50, 55, 56, 58, 82

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

Central Government Guidance	National Planning Policy Framework 2018 National Planning Policy Framework – Planning Practice Guidance March 2014
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	<p>Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

### 5.3 Local Plan Inspectors' reports

On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors' Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The South Cambridgeshire Local Plan, taking account of the Inspectors' conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 18 October 2018.

Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors have

concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.

The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.

Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the Local Plan add substantial weight in favour of the outcome which accords with the application of policies of the adopted development plans and those of the Local Plans.

## **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 that the Planning Authority is minded to issue with regard to this proposal.

### **Environmental Health**

- 6.2 No objection subject to a condition regarding construction hours.
- 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:

- 31 Rock Road
- 33 Rock Road
- 37 Rock Road
- 41 Rock Road
- 59 Hartington Grove
- 68 Hartington Grove

7.2 The representations can be summarised as follows:

- New first floor dormer window needs to be obscured glazed otherwise it would overlook Rock Road properties
- Local need for family accommodation not single units
- Insufficient parking and cycle parking – potential need for 7-12 car parking spaces
- Loss of green space
- Out of keeping with adjacent family Victorian and Edwardian homes
- No communal space
- The accommodation could be used for air B&B
- Loss of privacy even when obscured glazed windows could be opened.
- 1.7m planting insufficient height to protect privacy
- Noise and disturbance from occupants – day and night time from up to 12 occupants
- Noise and disturbance during construction, needs a construction management plan condition
- Overshadowing and overlooking of 59 Hartington Grove
- Inadequate and awkward cycle/bin storage
- Overdevelopment
- Poor level of amenity for future occupiers
- Occupancy rates – could be 12 occupants
- Object to extension to the north, ample space within current footprint for redevelopment
- Bedsits not suitable for students who require communal space for good health

7.3 A further representation has also been received from Camcycle:

- We object to application 18/0758/FUL under policy 8/6 of the 2006 Local Plan because the cycle parking area does not appear to meet the requirements laid out in Appendix D nor the Cycle Parking Guide for New Residential Developments.
- The indicated cycle shed measures only approximately 1.75m by 1.75m, which is insufficient to fit a single typical bicycle much less six. Furthermore the access door to the garden is only 0.8m wide, which is less than the needed 1.0m. In order to withdraw our objection the applicant must upload a revised version of the plans having a policy-compliant cycle parking area and an accessway that is at least 1.0m wide.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 While the proposal would result in the loss of two HMO's, it would result in the provision of 5 new residential units. In my opinion, the principle of the development is therefore acceptable and in accordance with the NPPF and policy 5/1 of the Cambridge Local Plan (2006) and policy 1 of the Cambridge Local Plan (2014) subject to other material planning considerations discussed below.

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

- 8.3 The proposed side dormer on the west facing elevation serving unit 4 would be visible from the street scene but given the variety of designs and built forms within the immediate vicinity, it would not have an adverse impact upon the street scene in my opinion. The proposed two rear extension would not be visible from the street. Notwithstanding this, the ridge height of the proposed extension would be lower than the ridge height of the existing building, and therefore would appear subservient to the host building. The proposal would also incorporate materials to match the existing which would result in a coherent development.
- 8.4 The proposed two storey rear extension would replace an existing single storey rear extension. There would be sufficient room in the rear garden to house a bin/cycle store, the proposed private amenity space and some communal garden space. In consideration of the above points, the proposed development in my view would not be an overdevelopment of the site. The proposal would also result in the loss of a tree, but given that the tree is located to the rear of the garden and is not protected, I do not consider its loss would justify refusal of the application.
- 8.5 In my opinion the proposal is compliant with policies 3/4, 3/7, 3/11 & 3/12 of the Cambridge Local Plan (2006) and policies 55, 56, 57 of the Cambridge Local Plan (2014).

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

#### *59 Hartington Grove*

- 8.6 The proposed two storey rear extension would not result in a significant overbearing impact in my opinion, as the extension would be set off the boundary with No.59 Hartington Grove and would have an eaves height of 2.9m. I acknowledge that the proposal would result in a degree of loss of afternoon light to the rear garden of No.59 but given the orientation of the properties, I do not consider it to be significant to warrant a refusal of the application. The plans indicate that the proposed dormer window on the east facing elevation of the proposed



extension would be obscured glazed. A condition is recommended to ensure this would be obscured glazed and non-opening up to a minimum of 1.7m above the finished floor level to ensure the proposed window would not overlook No.59.

□ *Rock Road properties*

8.7 Both of the proposed dormers on the west facing elevation are indicated to be obscure glazed on the plans. A condition is recommended to ensure these would be obscured glazed and non-opening up to a minimum of 1.7m above the finished floor level to ensure the proposed windows would not overlook the adjacent Rock Road properties. There is an existing small rooflight, and the proposal would result in an addition of another rooflight adjacent to it. However given the size of these and the roof slope, I do not consider it would be necessary to require it to be obscure glazed. Given the distance between the proposed extension and the neighbouring properties on Rock Road, I consider the proposed extension would not have an adverse impact on their residential amenity.

□ *Wider area*

8.8 The Environmental Health Team has recommended a condition to control construction hours in order to protect the residential amenity of occupiers of properties in the wider area during construction. I accept this advice and have recommended the condition accordingly. The Inspector concluded in the appeal decision (APP/Q0505/W/16/3150434) that the 'proposed use of the rear amenity area and side access would not significantly materially change the current situation nor result in an unacceptable level of noise, disturbance and activity to the occupiers of the neighbouring properties'. I have considered the impact of additional demand for car parking spaces on residential amenity in the 'car parking' section below.

8.9 For these reasons, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with policies 3/4, 3/7 and 4/13 of the Cambridge Local Plan (2006) and policies 35, 55 & 56 of the Cambridge Local Plan (2014).

## Amenity for future occupiers of the site

8.10 Policy 50 of Cambridge Local Plan (2014) sets out internal residential space standards. All the proposed units comply with the standards and two of the units exceed them. In comparison to application 14/0848/FUL, the internal size of the units has increased. In my opinion, the units would provide a high quality internal living environment for the future occupants. The floor space of the proposed units is presented in the table below against the requirements of policy 50.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	1	1	37	37	0
2	1	1	1	37	37	0
3	1	1	1	37	38	+1
4	1	1	1	37	53	+16
5	1	1	1	37	58	+21

8.11 Unit 2 and Unit 3 both have a window on the rear elevation and direct access via door to the rear garden. However, as these units would face the communal space and cycle/bin storage, the application provides private rear amenity areas for each unit. Previously the private rear amenity area had a depth of less than 2m on 14/0848/FUL and the Inspector considered that it would result in a sense of enclosure for the future occupants. As the depth of the private amenity area has been increased to 3m with a height of 1.7m, I consider it would not result in a sense of enclosure and would protect the privacy of the occupiers of Units 2 & 3. Previously under 14/0848/FUL, unit 3 only had outlook onto the right of way but as unit 3 would now have outlook to the rear and access to a private amenity area, I consider that unit 3 would enjoy an acceptable level of amenity.

8.12 To protect the amenity of the future occupiers of unit 1, unit 2 and unit 3, a condition is recommended to ensure that the ground floor windows on both the west facing elevation and east facing elevation are obscure glazed. I consider this to be a reasonable approach as unit 1 would enjoy outlook from a window on the front elevation (this mimics the existing layout of the property), unit 2 and unit 3 would enjoy outlook from windows on the rear elevation.

- 8.13 The proposal would provide a shared amenity space to the rear of the site. However, units 2 & 3 are the only units that would have private amenity areas. Policy 50 of Cambridge Local Plan (2014) states that all new residential units will be expected to have direct access to an area of private amenity space. Within the supporting text of Policy 50 of Cambridge Local Plan (2014) it also states that new homes created through residential conversions should seek to meet or exceed the standards as far as it is practicable to do so.
- 8.14 It is to be noted that all the units are 1b studios. These 1b studios are likely to be occupied by individuals and not family units. The proposal is for the conversion of an existing building into 1 bed studios. The existing building is enclosed by residential properties and gardens. The introduction of balconies to the rear or side of the building would result in potential overlooking issues, and balconies to the front of the property would be out of keeping with the character of the surrounding properties. For the above reasons, it is my opinion that in this particular case it is not practicable to provide private amenity space for all 5 units.
- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant policy 3/7 of the Cambridge Local Plan (2006) and policy 50 of the Cambridge Local Plan (2014).

### **Refuse Arrangements**

- 8.16 The bins would be located in the rear garden within a store. A condition is recommended requesting further details of this storage. In my opinion the proposal is compliant with policy 3/12 of the Cambridge Local Plan (2006) and policy 56 of the Cambridge Local Plan (2014).

### **Highway Safety**

- 8.17 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon highway safety but has informed that future occupants would not qualify for parking permits. This is dealt with in the below car parking section.

- 8.18 A neighbour has requested the submission of a construction management plan. The Highway Authority has not recommended the inclusion of a condition to secure this. As the application is of a small scale, with limited external changes such as alterations to windows and an extension to the rear, I do not consider it reasonable or necessary to impose a Construction Management Plan in this instance.
- 8.19 In my opinion the proposal is compliant with policy 8/2 of the Cambridge Local Plan (2006) and policy 82 of the Cambridge Local Plan (2014).

### **Car and Cycle Parking**

- 8.20 The Highway Authority has advised that the future residents of the proposed development will not qualify for Resident's Permits (other visit permits) within the existing Residents Parking Scheme operating on surrounding streets. I have recommended an informative to advise the applicant of this.
- 8.21 There is a driveway area to the front of the property which has enough room to accommodate parking for 3 cars. The Council has maximum parking standards outlined in Appendix C of the Cambridge Local Plan (2006) and Appendix L of the Cambridge Local Plan (2014). Cambridge City Council promotes lower levels of private parking particularly where good transport accessibility exists. This site is located in a particularly sustainable location just off Cherry Hinton Road Road. The site is also located within the Controlled Parking Zone. Cherry Hinton Road has many shops and services, and the city centre is within walking/cycling distance. For the reasons stated above, I therefore consider that a refusal based upon the lack of car parking would not be justified. The level of provision accords with our adopted standards.
- 8.22 6 cycle parking spaces are proposed for the flats. The cycle parking would be located to the rear of the development within a secure cycle store and has been indicated on the plans. This level of cycle parking would comply with policy. Camcycle objected to the application on the basis of the inadequate size of the cycle store and the access being only 0.8m instead of 1m. As there is enough room in the rear garden to accommodate the cycle storage, a condition is recommended to secure further details of the cycle parking. The applicant

amended the proposed block plan to widen the rear garden gate access to 1m to comply with the above.

8.23 In my opinion the proposal is compliant with policies 8/6 and 8/10 of the Cambridge Local Plan (2006) and policy 82 of the Cambridge Local Plan (2014).

### Third Party Representations

8.24 I have dealt with the substantive third party representations in the preceding paragraphs and those remaining issues are dealt with in the table below.

<b>Concern</b>	<b>Response</b>
Local need for family accommodation, not single units	There is no policy requirement for this.
The accommodation could be used for air B&B	This proposal is for residential units and not short term lets. It should be considered on this basis.
Student accommodation	This proposal is for residential units and not student accommodation. It should be considered on this basis.
Occupancy levels could be between 6 -12 people.	No limit can be placed on this type of proposed development. However, I do not consider the proposal would result in a significant intensification of the site that would result in harm to the neighbouring properties. The Inspector concluded on (APP/Q0505/W/16/3150434) that the additional noise and disturbance arising from the proposed use would not be significantly greater than the existing HMO.

## 9.0 CONCLUSION

- 9.1 I consider that the proposal has addressed the points raised in the appeal decision (APP/Q0505/W/16/3150434) as the bin/cycle store would be located in the rear garden, and the ground floor units have been re-configured. Therefore in conclusion the proposal as amended would have an acceptable impact on the amenity of the occupiers of adjoining properties and future occupants and no detrimental impacts are envisaged to the streetscene by the proposal.

## 10.0 RECOMMENDATION

**APPROVE** subject to 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 following windows shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be non-opening unless the part of the window, door or opening is more than 1.7m above the finished floor level of the room in which it is installed. For the avoidance of doubt, these windows are:
  - The ground floor windows on the west facing elevation serving unit 3
  - The ground floor windows on the east facing elevation serving unit 1 and unit 2
  - The dormer window on the west facing elevation of the approved extension serving unit 6
  - The dormer window on the east facing elevation of the approved extension serving unit 6

- The proposed dormer on the west facing elevation serving unit 4

The development shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4, 3/14 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55 and 58)

4. No development shall commence until details of facilities for the covered, secured parking of bicycles and facilities for the storage of bins in the rear garden of the site, 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 appropriate provision for the secure storage of bicycles and appropriate storage of bins. (Cambridge Local Plan 2006 policies 3/4, 3/7 and 8/6 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55, 56 and 82)

5. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800hours 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

**INFORMATIVE:** The residents of the approved development will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

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<b>Application Number</b>	18/1050/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	28th June 2018	<b>Officer</b>	Mary Collins
<b>Target Date</b>	23rd August 2018		
<b>Ward</b>	Arbury		
<b>Site</b>	107 Hazelwood Close		
<b>Proposal</b>	Part two storey, part single storey rear extension. Single storey front extension with alterations to convert existing garage to habitable space and incorporate into main dwelling.		
<b>Applicant</b>	Mr Fokrat Jamal 107, Hazelwood Close		

SUMMARY	The development accords with the Development Plan for the following reasons: The proposal would not unreasonably overlook, overshadow or visually dominate neighbouring properties. The proposal would not be detrimental to the character and appearance of the surrounding area.
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is a two storey terraced dwelling house with a single garage to the front and is situated on the southern side of Hazelwood Close. The surrounding area is residential predominantly made up of terraced dwellinghouses. There are no relevant site constraints.

## 2.0 THE PROPOSAL

2.1 The application seeks full planning permission for a part two storey, part single storey rear extension, and a single storey front extension with alterations to convert the existing garage to habitable space and incorporate it into the main dwelling.

2.2 Planning permission was previously refused, reference 18/0579/FUL, for a part two storey, part single storey rear extension and a single storey front extension with alterations to convert the existing garage into a habitable space incorporated into the main dwelling.

2.3 This application differs from the original application in the following ways:

- The depth of the first floor rear extension has been reduced from 3.1 metres to 2.6 metres and reduced in width from 3.7 metres to 3.2 metres and would be set in further from each side boundary. The ridge height has been reduced from 6 metres to 5.6 metres whilst the eaves height remains the same at 4.6 metres.
- The single storey rear extension would project 4 metres from the rear wall of the host dwelling and would span the full width of the property. The eaves would be 2.5 metres high and the ridge, which would abut the first floor extension, would be 3.4 metres high

2.4 The application is accompanied by the following supporting information:

1. Plans

2.5 The application has been called into Committee by Councillor Todd-Jones.

### **3.0 SITE HISTORY**

18/0579/FUL: part two storey, part single storey rear extension and a single storey front extension with alterations to convert the existing garage into a habitable space incorporated into the main dwelling. Refused.

### **4.0 PUBLICITY**

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

## 5.0 POLICY

### 5.1 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1, 3/4, 3/7, 3/14 8/10

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

Central Government Guidance	National Planning Policy Framework 2018 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A 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)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)

### 5.3 Local Plan Inspectors' reports

On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The South Cambridgeshire Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors conclusions, will be

recommended for adoption at a meeting of full Council on 18 October 2018.

Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors' have concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.

The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.

Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the Local Plan add substantial weight in favour of the outcome which accords with the application of policies of the adopted development plans and those of the Local Plans.

- 5.4 For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

Policy 1: The presumption in favour of sustainable development

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 82: Parking management

## **6.0 CONSULTATIONS**

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

- 6.1 The Highway Authority has no comment to make upon this application.
- 6.2 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Todd-Jones requests that the application be referred to Planning Committee unless Officers are minded to refuse the application. Notwithstanding the slight reduction in the width, depth and height of the first floor rear extension compared to the previously refused scheme, the reasons for refusing that application apply to the current proposal. These reasons are:

- The size of the first floor rear extension and its proximity to the boundary would cause an unreasonable sense of enclosure to Nos. 106 & 108 particularly when viewed from the ground floor windows.
- The first floor rear extension would also cause unacceptable overshadowing of No.108's ground floor kitchen window and outdoor patio space.

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

- 69 Hazelwood Close
- 106 Hazelwood Close
- 108 Hazelwood Close

- 7.3 The representations can be summarised as follows:

- The development will lead to an increase in noise and disturbance in the area as it will be rented to a large number of separate individuals. Family homes are turning into small flats affecting safety and crime in the area.
- The development will lead to an increased demand for on-street parking.

- The proposal will change the character of the whole terrace of houses and is an overdevelopment of the site.
- There would be a view of a brick wall from the bedroom windows and lack of direct sunlight into the rear garden of No.108 as a result of the development.
- The construction process would be disruptive for residents especially contractor's parking.
- The development would impact the sunlight enjoyed by No.108 – the morning light would be affected in the first floor bedroom and ground floor living room. The light to both neighbouring gardens will also be affected. The impact on No.108 would be particularly harmful in the winter months.
- The size and appearance would be overbearing on the immediate neighbours.
- This would set a negative precedent and would encourage others to build extensions of a similar size.

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**

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

- 8.1 The front extension would be visible from Hazelwood Close; the rear extensions would be visible from the public footpath and playground to the rear of the property.
- 8.2 The front extension would project 1m from the front building line, this would connect the existing single garage to the host property. The garage is proposed to be converted into a bedroom. The extension would have a lean to roof with eaves height of 2.4m and ridge height of 3.3m. It would be constructed from materials to match the host dwelling. The design of the proposed front extension is considered to be acceptable. Although no other houses on the terrace have extended to the front in this way it would not have a significant visual impact from the street as the garage blocks most of the view. The change from a garage door to windows would have no significant impact on the character. It is therefore considered that the front extension and garage conversion would preserve the character of the terrace.

- 8.3 The first floor rear extension is centrally located and the ridge would sit below the ridge of the host dwelling. It is considered that the extension would read as subservient to the host dwelling and is acceptable in terms of design. The materials are proposed to match the host dwelling. The ground floor element relates well to the central two-storey element with the roof wrapping around this section. The extension is considered to be in proportion with the rear elevation of the dwelling.
- 8.4 In my opinion the design of the extension is acceptable and the proposal is compliant with adopted policies 3/4, 3/7 and 3/14 and Policies 55, 56 and 58 the Cambridge Local Plan 2014: Proposed Submission (as amended by the Inspector's main modifications) which carries substantial weight.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.5 Earlier this year, an application to extend to the rear of the property was refused as a combination of the size of the first floor extension and its proximity to the side boundaries was considered to have an unduly enclosing impact upon both neighbouring properties and to cause an unacceptable degree of overshadowing of No.108's ground floor rear windows and patio. In the current proposal, the first floor element of the extension has been amended so that it is set in from each side boundary by at least 2m and approximately 0.25m further away from each side than the refused scheme. Additionally, the depth and ridge height of the first floor have been reduced by 0.5m and 0.4m respectively.
- 8.6 In the previous scheme, the first floor extension failed the BRE 45 degree test, when assessing the impact upon the No.108's ground floor French doors serving the kitchen, on both the horizontal and vertical planes. The revised first floor extension now only fails the BRE 45 degree test on the vertical plane. This property (No.108) lies to the west of the proposed extension and there would be a degree of overshadowing impact to these windows and the terraced area of the garden directly outside particularly in the early morning in the spring and summer months. However I am of the opinion that, whilst there would be some impact upon No.108, the proposal would be compliant with the BRE guidance (without the requirement for a Daylight

and Sunlight Assessment to be carried out) and would not have a seriously detrimental impact upon the occupiers of this property.

- 8.7 No.106 lies to the east of the proposed extension and has a lean to structure that already shades their ground floor windows, therefore the overshadowing impact on this neighbour is less significant.
- 8.8 The ground floor rear extension would be 4m deep and have a hipped roof that would slope away from the boundaries and from the rear of the extension. Due to the low height of this extension and the fact the roof slopes away from both side boundaries, I consider it would not have a seriously harmful impact upon No.108. Notwithstanding this, I am mindful that a single storey extension could be constructed on the boundary with an eaves height of 3 metres and a projection of 3 metres as permitted development and without the requirement for planning permission, and that the single-storey element would have a lesser impact than the permitted development fallback position..
- 8.9 When assessed as a whole, it is my opinion that given the inset of the two storey element by at least two metres from the side boundaries and with the ground floor element with its low eaves height, roof sloping away from the boundary with its hipped end and compared to the fall- back position that on balance the combination of ground and two storey extension would not have a detrimental impact on neighbouring properties.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with adopted policies 3/4 and 3/14 and Policies 55 and 58 the Cambridge Local Plan 2014: Proposed Submission (as amended by the Inspector's main modifications) which carries substantial weight.

### **Car Parking**

- 8.11 While the car parking space in the garage would be lost as part of this development the existing provision for up to three cars on the front driveway of the property would remain. This is higher than the maximum standard outside the Controlled Parking Zone (2 cars) but as it is the existing situation it is acceptable



that this is retained. Third party representations have been received raising concerns about the level of parking provision. It is considered that this site is in a sustainable location within cycling distance of the city centre and with good public transport links on nearby Histon Road. The parking provision is therefore considered more than adequate for a three-bedroom dwelling.

- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/10 and Policy 82 the Cambridge Local Plan 2014: Proposed Submission (as amended by the Inspector's main modifications) which carries substantial weight.

### **Third party representations**

- 8.13 Third party representations have been received concerning parking provision during construction works. As mentioned above there is a large amount of off-street parking as well as on-street parking in the vicinity. It is not expected that there would be significant amounts of contractors requiring parking at the same time. Therefore the impact on the amenity of neighbouring occupiers in terms of parking during construction is not considered major enough to be a reason to refuse this application.
- 8.14 With regard to the use of the property as a House of Multiple Occupancy, planning permission would not be required for up to six unrelated persons living as a single household and sharing communal facilities.

## **9.0 CONCLUSION**

I consider that the proposal has addressed the reasons for refusal of previous application ref: 18/0579/FUL. Therefore in conclusion the proposal as amended would have an acceptable impact on the amenity of the occupiers of adjoining properties and would not have a detrimental visual impact to the surrounding area.

## 10.0 RECOMMENDATION

**APPROVE**, subject to the following conditions:

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

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

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

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

3. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800hours 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

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

Reason: To ensure that the extensions are in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14; and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55 and 58)

<b>Application Number</b>	18/0745/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th May 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	4th July 2018		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Cantabrigian RUFC Sedley Taylor Road		
<b>Proposal</b>	Installation of 4 x 15 meter galv masts complete with 12 x 2kw floodlights to achieve 100lux training lighting for rugby pitch.		
<b>Applicant</b>	Mr Nigel Faben Cantabrigian Rufc Sedley Taylor Road		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed development would not have an adverse impact upon the surrounding area.</li> <li><input type="checkbox"/> The proposed development would not have any adverse impact on the residential amenity of adjoining neighbours.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The site forms part of the playing field that is located to the rear of the properties in Sedley Taylor Road. The site is the training pitch used by Cantabrigian Rugby Club. The site is located north of Long Road and is screened partially from Long Road by a belt of trees. The site is also located east of the railway line, and is screened from the railway line by a thin belt of trees and metal fence. The site is also located west of Long Road and Sedley Taylor Road. To the north of the site is a sports pavilion and beyond this is a cricket field.

1.2 The site forms part of an area of Protected Open Space. There are no Listed Buildings or Buildings of Local Interest within

close proximity. The tree belt along the southern boundary of the site adjacent to Long Road is designated as a Tree Preservation Order Area.

## 2.0 THE PROPOSAL

2.1 The proposal is for the installation of four 15 metre tall floodlight masts each with no.3 2kw floodlights on top. The floodlights would be pointed down towards the pitch. The masts are proposed to be located in each corner of the pitch and provide 100lux over the pitch.

## 3.0 SITE HISTORY

Reference	Description	Outcome
12/0956/CLUED	Application for a certificate of lawfulness under Section 191 for use of land (excluding the footprint of the Cantabrigian's clubhouse) ancillary to the playing fields as a car park	Granted.

## 4.0 PUBLICITY

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

## 5.0 POLICY

5.1 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/8 3/11 8/2 8/3 8/4 8/5 8/6 8/10
Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as	34, 55, 56, 82

amended by the Inspectors' Main Modifications). <i>Thereafter referred to as Cambridge Local Plan (2014).</i>	
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## 5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2018 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

## 5.3 Local Plan Inspectors' reports

On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors' have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The South Cambridgeshire Local Plan, taking account of the Inspectors' conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors' conclusions, will be recommended for adoption at a meeting of full Council on 18 October 2018.

Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors have concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As

such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.

The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.

Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the Local Plan add substantial weight in favour of the outcome which accords with the application of policies of the adopted development plans and those of the Local Plans.

## **6.0 CONSULTATIONS**

### **Cambridgeshire International Airport**

- 6.1 No objection. Requests that the Airport be informed of any construction plan for the use of cranes so that they can be assessed to ensure they do not penetrate our safeguarded surfaces.

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

- 6.2 No objection subject to a condition regarding lighting being directly visible to users of the highway.

### **Defence Infrastructure Organisation**

- 6.3 No objection subject to a condition regarding a construction Management Strategy to ensure the erection of cranes/temporary structures does not affect the performance of the Precision Approach Radar (PAR).

### **Ecology Officer**

- 6.4 Supports the Landscape Officer position.

## **Environmental Health**

- 6.5 No objection subject to conditions regarding construction hours, lighting assessment and hours of operation of the floodlighting.

## **Landscape Officer**

- 6.6 It is considered that the boundaries to the south and west of the rugby pitch to be lit need to be improved and made more dense to aid in limiting the intrusion of the lights and visibility to the neighbouring areas. Along the western boundary with the railway, a tree and shrub boundary can be introduced but would require the relocation of advertising boards placed in this area. Along the south boundary, lower growing shrubs and small trees should be utilised to infill the gap between where the trees come into leaf and the level of the road. Because this is an embankment, small trees and understory planting would be adequate to achieve this aim. No objection subject to a condition regarding boundary planting improvements.
- 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:

- 23 Sedley Taylor Road (objection)

- 7.2 The representations can be summarised as follows:

- Impact upon approved dwelling adjacent to the site
- The club already has a lighting system, application form does not state this.
- Flooding on site is a fire hazard for the lighting
- Proposal would result in intensification of the site and have wider implications

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

- 24A Sedley Taylor Road (support)
- 23A Sedley Taylor Road (support)

7.4 The representations can be summarised as follows:

- In principle, happy with the lighting.
- Provide S106 money to enable road access from Long Road to create a better access situation
- approved access to the rugby club from Long Road be completed to improve road safety and traffic nuisance in Sedley Taylor Road

7.5 A further representation has been received from Cllr George Pippas requesting that the application is considered at planning committee for the following reasons:

- Negative impact upon the amenity of the neighbouring properties.

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

## **8.0 ASSESSMENT**

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

8.1 The proposed design and siting of the floodlighting masts would be appropriate for a sports pitch. The Landscape Officer has recommended a condition to ensure that adequate planting is provided on the boundary to help provide sufficient screening.

8.2 In my opinion the proposal is compliant with policies 3/4, 3/7 & 3/11 of the Cambridge Local Plan (2006) and policies 55, 56 of the Cambridge Local Plan (2014).

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

8.3 The application is for the installation of floodlighting. Therefore the main consideration in regards to the impact on residential amenity of neighbouring properties is lighting. Environmental Health were consulted as part of the application and have



assessed such impacts. The Environmental Health Officer has recommended that the proposed development is acceptable subject to the imposition of a construction hours condition, a lighting assessment condition and an hours of operation condition. While the application is accompanied by supporting information, the Environmental Health Officer requires further information but recommends such information can be sought via condition.

- 8.4 In my opinion, subject to the imposition of the above recommended conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with policies 3/4 and 3/7 of the Cambridge Local Plan (2014).

### **Highway Safety**

- 8.5 The Highway Authority has raised no objection to the proposal subject to a condition stating that no part of the source of floodlighting or the illumination of signs shall be directly visible to users of the adjacent public highway. The site is visible from Long Road. It is my view that such wording could be included within the recommended lighting assessment condition.
- 8.6 In my opinion the proposal is compliant with policy 8/2 of the Cambridge Local Plan (2006) and policy 82 of the Cambridge Local Plan (2014).

### **Third Party Representations**

- 8.7 I have dealt with the substantive third party representations in the preceding paragraphs and those remaining issues are dealt with in the table below.

<b>Concern</b>	<b>Response</b>
S106 money to enable access from Long Road	There is no policy requirement for the development to provide this.
Proposal would result in an intensification of the site and have wider implications.	As the site already has existing lighting and the hours of use of lighting are to be restricted via condition, I do not consider that the modest

	intensification would result in an adverse impact.
Impact upon the approved dwelling.	The approved dwelling has not yet been built. The proposed lighting assessment condition would ensure the impact upon any of the surrounding residential properties is acceptable.
The club already has a lighting system, application form does not state this.	While this is correct, it has not affected my assessment of the proposal.
Flooding on site is a fire hazard for the lighting.	This is a building control matter.
Approved access to the rugby club from Long Road be completed to improve road safety and traffic nuisance in Sedley Taylor Road	This is not part of the proposal.

## 9.0 CONCLUSION

9.1 I consider that the proposal would have an acceptable impact on the amenity of the occupiers of adjoining properties or the surrounding area.

## 10.0 RECOMMENDATION

**APPROVE** subject to conditions

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

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

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

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

3. No development shall commence until details of buffer planting to the south and west boundaries of the site have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 & 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications) policies 55, 57 & 59)

4. Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting).  
The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

5. Prior to the commencement of use, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include an artificial lighting impact assessment which shall horizontal and vertical isolux contour plans, light levels into windows and predicted source intensity / luminaire intensity at receptors to demonstrate levels of glare. No part of the source of floodlighting or the illumination of signs shall be directly visible to users of the adjacent public highway. The development should be carried out in accordance with the approved details. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

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

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 & 4/15 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications) policies 34 & 59).

6. The floodlighting hereby approved shall not be used outside the following hours:

Monday-Friday: 1200 hrs - 2130 hrs

Saturdays and Sundays: 1200 hrs - 1900 hrs

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 and 4/15 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications) policies 34 & 59).

7. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800hours 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35).

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**PLANNING COMMITTEE**

**DATE: 3<sup>RD</sup> OCTOBER 2018**

<b>Application Number</b>	18/0765/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th May 2018	<b>Officer</b>	Sav Patel
<b>Target Date</b>	13th July 2018		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	Garage Block Markham Close		
<b>Proposal</b>	Demolition of existing garages and erection of 5 no. affordable apartments with associated car parking.		
<b>Applicant</b>	Cambridge Investment Partnership LLP CIP Offices Mill Road Depot Mill Road Cambridge CB1 2AZ		

<b>SUMMARY</b>	<p>The development accords with the Development Plan, and the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, for the following reasons:</p> <ul style="list-style-type: none"> <li>- The development proposal make efficient use of a brownfield site to accommodate new affordable housing;</li> <li>- The design and scale of the proposed development is of high quality which responds to its context without appearing out of character, and</li> <li>- The development would not have any significant detrimental impact on the amenity of neighbouring residents.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVE</b>

**A.0 UPDATE**

A.1 On 29<sup>th</sup> August 2018 this planning application was presented to Planning Committee with a recommendation for approval. Planning Committee resolved to accept the officer

recommendation and conditions. However, prior to issuing the decision, the Inspectors' report confirming the new Local Plan (2104) as being sound was received which gave the policies contained within it material weight. It is therefore necessary to refer the application back to Planning Committee in order to reassess the proposal in light of the new policies and, in particular, Policy 50 (Residential space standards).

- A.2 On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The South Cambridgeshire Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 18 October 2018.
- A.3 Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors' have concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.
- A.4 The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.
- A.5 Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the Local Plan add substantial weight in favour of the outcome



which accords with the application of policies of the adopted development plans and those of the Local Plans.

A.6 For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

- Policy 1: The presumption in favour of sustainable development
- Policy 3: Spatial strategy for the location of residential development
- Policy 31: Integrated water management and the water cycle
- Policy 32: Flood risk
- Policy 33: Contaminated land
- Policy 34: Light pollution control
- Policy 35: Protection of human health from noise and vibration
- Policy 36: Air quality, odour and dust
- Policy 50: Residential space standards
- Policy 55: Responding to context
- Policy 56: Creating successful places
- Policy 57: Designing new buildings
- Policy 59: Designing landscape and the public realm
- Policy 69: Protection of sites of biodiversity and geodiversity importance
- Policy 71: Trees
- Policy 80: Supporting sustainable access to development
- Policy 81: Mitigating the transport impact of development
- Policy 82: Parking management

A.7 Policy 50 listed above is of particular relevance. Whilst each flat is compliant with the internal space standards in policy 50, the flats on the first and second floors do not contain private external amenity space. Policy 50 states all new residential units will be expected to have direct access to an area of private amenity space depending on the form of housing. This could include private garden, roof garden, balcony, winter garden or ground-level patio with defensible space from any shared amenity areas. Having reviewed the proposed plans, there is the potential to accommodate balconies for the flats that do not have access to a private area. Therefore, the applicant was requested to amend the scheme to address this issue.

- A.8 Amended plans were submitted showing balconies on the northern elevation of the three storey building serving the first and second floor flat, and a balcony on the west elevation serving the first floor flat. Screenings have also been installed to the side of the balconies serving the flats in the three storey block in order to mitigate any overlooking issue on the adjacent flats. A screen has also been installed on the first floor flat in the two storey element. This is to provide some additional privacy to the future occupier of the flat from the other balconies. In terms of any wider impacts, the balconies would not be visible from Markham Close as they are positioned overlooking the shared amenity space. The balconies would also not appear out of character as the adjacent block of flats contains balcony features.
- A.9 The second floor balcony would peer-over the two storey element and enable views towards the rear gardens of the dwellings in Kings Hedges Road. However, the nearest point of the balcony would be over 15 metres from the rear boundaries of the existing dwellings and approx. 28 metres from the rear elevations. The level of separation and location of the balconies would mitigate any adverse impact on local residents. Therefore the balconies are acceptable in this context and would not cause unacceptable levels of overlooking or loss of privacy from the balcony.
- A.10 In terms of sunlight, the location of the balconies, particularly the ones on the northern elevation, would not be in the optimum location. However, the balconies are located on elevations that would avoid harming the residential amenity of existing residents. I am therefore satisfied that the location of balconies in terms of sunlight is acceptable as the benefit of having a private space would outweigh the harm of not being in the optimum location for sunlight.
- A.11 The neighbours that would be impacted by the proposed balconies have been consulted and the notification period expires on 28<sup>th</sup> September 2018. To date, no representations have been received. However, I will update the amendment sheet if any are received.

A.12 Each balcony would be 3.8sqm (circa 1.5 metres deep and 2.5 metres wide). Policy 50 does not contain any minimum standards for the size of outdoor space. However, paragraph 6.30 does state that external amenity space should be sufficient to accommodate a table and chair suitable for the size of the dwelling; where relevant a garden shed, space for refuse and recycling bins; area to dry washing; circulation space; and an area for children to play in. The balconies would provide sufficient space to accommodate a table and chairs.

A.13 In light of the above, I am satisfied that the proposed balconies are an acceptable addition to the proposal scheme which would comply with the requirements of Policy 50 (Residential space standards) of the new Local Plan 2014.

## **0.0 BACKGROUND**

0.1 This planning application has been submitted by Cambridge Investment Partnership (CIP) which is a joint venture company set up by Cambridge City Council and Hill Investment Partnership. The purpose of the partnership is to help increase the amount of affordable housing within Cambridge. The target is to provide 500 new dwellings across the City using mainly council owned sites/assets. The City Council has received £70million grant funding from central government, as part of the Devolution Deal, to help achieve this target.

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

1.1 The application site is located within King's Hedges ward. The site consists of a block of 12 single storey garages including a hardstanding turning area. The garage site is located adjacent (south-east) to an existing three storey block of flats (Nos. 11-23 Markham Close) and accessed via a narrow side road off Markham Close. The site is also located to the rear of the two storey dwellings at 143 to 155 King's Hedges Road which are to the south-east of the site. To the north-east of the site is a footpath and just beyond this is a large two storey warehouse building located within Kings Court Business Park. To the south-west of the site is the two storey terraced row of dwellings consisting of nos. 5 to 10 Markham Close (no.10 being the nearest to the site).

1.2 The site is not allocated for any particular use in the adopted Local Plan (2006) and according to the adopted Proposals Map is not located within an area of development constraint such as a Conservation Area. There are also no Listed Buildings or Buildings of Local Interest or protected trees within close proximity to the site.

## **2.0 THE PROPOSAL**

2.1 The proposal is to demolish the existing garage block and redevelop the site with a part three, part two and part single storey building consisting of 5no. 1bed apartments including cycle and bin storage and communal outdoor space. The proposal also includes five car parking spaces. Provision has also been made to ensure the occupiers of nos.145 to 155 King's Hedges Road retain access to the rear gardens from within the site.

2.2 The application is accompanied by the following supporting information:

1. Cover letter from agent
2. Plans
3. Design and Access Statement
4. Planning Statement
5. Phase 1 Contamination Assessment Report
6. Flood Risk Assessment & Drainage Strategy
7. Arboricultural Impact Assessment
8. Noise Assessment
9. Preliminary Ecology Appraisal

2.3 The proposal has been amended to address concerns raised by the Landscape Officer and Urban Design Officer. The following amendments have been made:

- Space for four visitor cycle parking spaces have been provided next to the main entrance of the building;
- The south-east footpath has been widened to improve access to the rear gardens of the dwellings in King's Hedges Road;
- The footpath to the west of the apartment building has been reduced to 1.5 metres in width and the green areas on both sides widened;

2.4 The Landscape Officer and Urban Design Officer have been reconsulted on the proposed amendments.

### 3.0 SITE HISTORY

No relevant planning history.

### 4.0 PUBLICITY

4.1 Advertisement: No  
 Adjoining Owners: Yes  
 Site Notice Displayed (Wider concern): Yes

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/11 3/12 4/3 4/4 4/13 4/15 5/1 8/2 8/6 8/10 8/18

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

Central Government Guidance	National Planning Policy Framework July 2018 National Planning Policy Framework – Planning Practice Guidance March 2014
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

## 5.4 Status of Proposed Submission – Cambridge Local Plan

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

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

## 6.0 CONSULTATIONS

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

- 6.1 The application removes existing off street parking provision which may well be displaced on streets which provide uncontrolled parking. The proposed development may therefore impose additional demand upon on street parking. Whilst this is unlikely to result in any significant adverse impact upon highway safety there is a potential impact on residential amenity that the Local Planning Authority may wish to consider.

#### **Urban Design**

1<sup>st</sup> comments:

- 6.2 Overall the proposal responds well to the site context and constraints. The form and massing is sympathetic to the surrounding area and elements such as the angled windows add another level of modelling to the facades. Bike storage is well catered for and given the size and constraints of the site, it is considered acceptable to have a small number of bike spaces in a separate, covered lockable store. However, the scheme could benefit from the following refinement:

- The corner is a bit of a 'non-space' that cuts across a natural desire line;
- The potential for a tree close to the entrance to the 'lane' that maintains access to the rear gardens of the existing properties;
- The threshold to Flat 5 could be designed differently to emphasise the presence of a residential unit at the end of the lane;
- No visitor cycle parking is proposed;
- The shared surface paving is good and should be permeable;
- There is an opportunity to use the flat roof areas as green/brown roofs;
- Full height windows in the ground floor flat is likely to reduce privacy and result in future occupiers keeping curtains closed – suggest keeping full height glazing for the patio door and reducing the height of the other windows;

2<sup>nd</sup> comments following submission of amended plans

6.3 The landscape strategy has been refined to better respond to pedestrian desire lines and visitor cycle parking introduced. The application is considered acceptable, subject to conditions regarding external materials.

### **Environmental Health**

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

- Contaminated land (x6);
- Construction hours;
- Collection during construction;
- Construction/demolition noise/vibration and piling and informative;
- Dust and informative;
- External/artificial lighting assessment;
- Site investigation informative;
- Remediation works informative;
- Materials chemical testing informative;

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

1<sup>st</sup> comments:

6.5 No objections to the proposal but there are opportunities to refine the indicative landscape plan. The following amendments are recommended:

- Width of pedestrian access - The access footway is remarkably wide at 3 metre for a simple footway access path and we feel it can be reduced to as little as 1.5 metres. This would allow for additional tree planting and buffering between the development and the adjacent back gardens. It would also allow for additional soft landscape thresholds to differentiate the residential main access from the access to the bike and bin stores on the western elevation by way of railings, hedges, different planting types etc.
- Visitor cycle parking - The inclusion of visitor cycle parking stands on an under-performing and extraneous piece of landscape to the frontage.
- Access to back gardens - Gates for the existing houses on the south-east side by the car parking bays is inadequate. Use of the gates would be compromised by the presence of cars so close by and potentially overhanging the kerb. We recommend that the parking bays are shifted westerly as close to the boundary as possible allowing the access path to widen by that same increment.
- All pavement should be permeable paving;

6.6 Notwithstanding the above, the following conditions are recommended:

- Hard and soft landscaping;
- Boundary treatment;

2<sup>nd</sup> comments following submission of revised plans.

6.7 The amended plans address the previous concerns with the proposed landscape layout. The application can now be supported subject to the conditions below.

- Hard and soft landscaping;



- Boundary treatment;
- Landscape Maintenance and Management Plan;

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

1<sup>st</sup> comments

6.8 The Flood Risk Assessment and Drainage Strategy and design are inadequate. The following information is requested:

- AW should be contacted regarding connecting to the surface water sewer.
- Topographical survey should be undertaken.
- More details/design of the proposed drainage system is required.
- Full drainage design calculations should be submitted to demonstrate that the system is designed such that there will be no surcharge in the 30 year storm and no flooding of property both on site and off site in the 100 year flood event with 40% climate change allowance.
- Maintenance plan and responsibilities for the proposed drainage system and exceedance flow paths are required.

2<sup>nd</sup> comments following submission of Site Specific Flood Risk Assessment

6.9 The assessment confirms that there is a method for draining the site however there is limited information on the design of the drainage strategy and its management and maintenance. However, this information can be provided as part of a surface water drainage condition.

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

6.10 Content with the submitted survey subject to a bird and bat box condition and informative for nesting birds.

## **Environment Agency**

6.11 No objections in principle to the proposed development. However the following recommendations and informatives are made:

- Further intrusive investigation should be undertaken to determine the extent of any contamination;
- All surface water from the roofs shall be piped direct to an approved surface water system;
- Only clean uncontaminated surface water should be discharged to any soakaway, watercourse or sewer;
- All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels;
- Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies;
- Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- Foul water drainage should be discharged to the public foul sewer;
- Anglian Water should be consulted and requested to demonstrate there is sufficient capacity to accommodate additional flows;

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

6.12 Not a 'major development' and as such do not wish to make any comments.

## **Cadent Gas**

6.13 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

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

## **7.0 REPRESENTATIONS**

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

- Letter from 18 Markham Close signed by 13 individual local residents (11, 12x2, 14, 15x2, 16, 17x2, 20, 21 and 23 Markham Close);

7.2 The representations can be summarised as follows:

- Concerns with the potential daily disturbance to routines and lifestyle caused by construction vehicles movements;
- Concerns with the potential impact from air and noise pollution;
- Concerns with the potential affects and inconvenience on day to day access to homes/entrances, opening windows, sleep disturbance for night shift workers, and lack of privacy;
- Concerns that children within the existing flat block will not have access to outdoor play;
- Will the existing sheds/storage units be removed to accommodate the proposed development, if so will there be suitable replacement?
- Concerns with the potential impact on parking in this area from the loss of the garages and garage site which is also used by visitors – residents will need to park further away from their houses;
- Concerns with the potential impact on turning in this location;
- What is the timescale of the project?
- There are issues with the condition of some of the existing flats re mould/damp etc... which has been raised with the Council but nothing is being done about it.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

- 8.2 Policy 5/1 of the Local Plan (2006) supports the development of windfall sites for housing subject to land use compatibility. The surrounding properties to the east, south and west are residential and therefore the use is acceptable in principle in accordance with policy 5/1.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

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

- 8.4 The site is located north-east of the existing three storey block of flats and at the end of a cul-de-sac making it mainly visible to the immediate neighbouring properties. The site is not visible from wider distances or angles and only visible from the public realm by standing in the access road to the site. Part of the site is also visible from a gap between no.147 and no.149 King's Hedges Road. To the rear of the site (north-east) is a large two storey commercial building and so the only dwellings that directly face onto the site are those in Kings Hedges Road. Therefore, in terms of visibility the site is largely hidden from view and not within a prominent location.
- 8.5 In terms of context, the surrounding built form is characterised mainly by two storey pitched roof terraced housing which is intermittently punctuated by three storey pitched roof blocks of flats.
- 8.6 The proposed flat roof multi-level building has been designed with an 'L' shape footprint. The main three storey element would be located at the front of the site and set over part of the existing garage block. The depth of the building would be contained within the width of the gable end of the existing apartment block. The height would be 8.8 metres which would

be 300mm below the ridge height of the existing apartment block. The existing 1.8 metre wide side access would be retained. The two storey and single storey elements would be set 5.8 metres back from the front of the three storey element and 6.2 metres away from the north-eastern (side) boundary and be located centrally within the site. The three storey element would drop down to 5.9 metres for the two storey element and 3.1 metres for the single storey element. This transition down in heights helps to reduce the mass and bulk of the building.

- 8.7 The design of the proposed building would introduce a contemporary addition to the area which would enhance the appearance of the site. The site is currently in an unsightly condition and, due to its hidden location perceived as being unsafe. The proposed building would be of a scale that would enable it to sympathetically integrate into the site without appearing out of keeping with the locality. The space around the building, particularly the space adjacent to the south-east boundary has been designed to give it purpose and place to the benefit of future occupiers and also those residents in King's Hedges Road that have access to it. The proposal would also create a better and safer living environment.
- 8.8 Therefore, in terms of design and scale the proposed development is acceptable and would make a positive contribution to the site and this location.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.9 Concerns have been raised by local residents regarding the potential noise and disturbance caused by construction work to the existing living conditions and local environment. The representations also raise concerns with the potential impact from loss of privacy. I set out below my response to the concerns raised.

#### Noise and disturbance during construction work

- 8.10 Demolition/construction work and associated traffic movements are an inevitable and temporary part of the development process. This therefore cannot be used as a reason to refuse a

planning application, as the works are temporary and there are means to mitigate the impact on local residents. In order to mitigate the impact of any development work, particularly where it is located adjacent to other dwellings/residents, construction management conditions are generally applied such as restricting hours of work, hours of deliveries/collections, dust mitigation and submission of noise and vibration assessments. The Environmental Services team has recommended all of these conditions if the application is approved. The hours of work condition would prevent any Sunday or Bank Holiday working; the delivery/collection condition would limit when material is delivered and removed from the site; the dust condition would require the applicant to submit information to demonstrate how they will mitigate dust pollution, particularly from the demolition of the garages; and the noise and vibration assessment will require technical information to be submitted to demonstrate the equipment and plant to be used on site will not exceed noise and vibration levels set within British Standards. In addition to this, I have also recommended a contractor management plan condition (21) which will require details of contractor access arrangements, location of the storage area/compound, means of moving, storing and stacking all building materials, plant and equipment, and details of contractor parking arrangements. In view of this, I am satisfied that subject to these recommended conditions, there would be sufficient safeguards in place to reasonably mitigate any significant impact from building works on existing residents.

### Loss of Privacy

- 8.11 The concerns raised regarding loss of privacy relate to children playing on the communal outdoor space and not being able to open windows during building works. The proposed construction work would not restrict access to the existing communal outdoor space to the rear of the existing block of flats. There may need to be a temporary closure of the area at the front of the block of flats for safety purposes. However, at this stage, the precise details of the demolition and construction phases are unknown. However, if there were to be any restriction of access to outdoor space it would be temporary and would not justify refusal of this application. The hours of work condition would ensure that outside the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays there would not be any demolition or construction activity. I am therefore

satisfied that the harm caused by demolition and construction work would not have a significant detrimental impact on the residential amenity of local residents.

#### Overlooking, overbearing and overshadowing

- 8.12 In terms of other potential impacts, I do not consider the proposed development would cause any direct overlooking or loss of privacy issues. The front elevation of the three storey block, which faces towards no.10 Markham Close, has been designed with angled windows at first and second floor level, which would direct views away from the rear garden area. The east elevation of the two storey element contains one bedroom window at first floor level which would be circa 4.9 metres from the eastern (site) boundary of the site and 17.4 metres from the rear elevation of the dwellings in King's Hedges Road. The bedroom window would also be high level. The bedroom would also be served by a secondary window which faces south west. The south-west facing window would be located circa 17.8 metres from the side boundary of no.10 Markham Close. At this level of separation I am satisfied that the window would not cause any additional overlooking over and above that which already exists.
- 8.13 With regards to the windows serving the communal stair-core, whilst this is not a habitable space, I have nevertheless recommended a condition to require the first and second floor windows in the south-east and south-west elevations to be obscure glazed up to a height of 1.7 metres from internal finished floor level. This would enable sufficient daylight to enter the stair-core whilst mitigating any overlooking impact. Overall I am satisfied that there are no habitable room windows at first and second floor that would cause an unreasonable and direct overlooking and loss of privacy issue to existing residents.
- 8.14 In terms of overbearing, the main three storey element has been designed to appear similar in scale to the existing three storey block of flats and would be located within the width of the side gable. The two and single storey elements would not have any adverse overbearing impact on the surrounding residents due to the scale of these elements and distance from the surrounding dwellings. The three storey element would not appear in direct views of the occupiers in the existing flats or from the rear elevation of no.10 Markham Close. The three

storey element would also not conflict with the 25 and 45 degree rules from no.10 Markham Close or from the rear elevation of the dwellings in King's Hedges Road. Therefore, the scale of the development would not cause any adverse enclosure issues such that it would have a significant detrimental impact on the residential amenity of the surrounding occupiers.

8.15 In terms of overshadowing, the proposed development would not cause any significant levels of overshadowing to the surrounding properties such that it would have a significant adverse impact on the residential amenity of the surrounding occupiers. The proposed development would be located north of no.10 Markham Close so would not cause any overshadowing issue. The proposed development would not cause any adverse overshadowing impact on the occupiers in King Hedges Road due to the scale of the development and distance from the rear elevations (17.4 metres). The proposal would also not conflict with the 25 and 45 degree rules in the BRE guide.

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

Amenity for future occupiers of the site

8.17 The proposed development would provide the following size flats:

<b>Unit</b>	<b>Size</b>	<b>Area (M<sup>2</sup>)</b>
1	1 bed flat	50.8
2	1 bed flat	50.8
3	1 bed flat	54.3
4	1 bed flat	50.8
5	1 bed flat	51.3

8.18 The size of the proposed flats would comply with the national minimum space standard which is 50m<sup>2</sup> for a 1bed 2 person flat. However, these standards are not adopted by the City Council as the Local Plan (2006) does not contain any similar standards. In my view, therefore, the proposed flats would



provide generous living accommodation for future occupiers. All the flats would have access to the communal outdoor space. Each of the ground floor flats would have access to a small terrace area. Each occupier would also have access to a secure cycle store. I am therefore satisfied that the proposed development would provide high quality living accommodation for future occupiers.

### **Refuse Arrangements**

- 8.19 The proposal includes an internal bin store which can be accessed from the lobby area and externally from the eastern elevation. The bin store would also provide 5 receptacles for three waste streams and located within 30 metres drag distance of the pavement for collection.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.21 The County Highway Authority has not raised any highway safety issues with the proposed development. The proposal includes the widening of a section of the access to the site from just over 3 metres to 4.8 metres to enable better vehicle access to the five car parking spaces for the future occupiers. The widening will enable a car leaving the site to pull over and let an oncoming vehicle pass to enter the site.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

#### Car parking

- 8.23 The proposal includes five car parking spaces; 1 for each flat. This is compliant with the maximum standards in the Local Plan (2006). The car parking spaces have been laid out to ensure they are accessible and there is sufficient turning space to enable vehicles to leave the site in forward gear.
- 8.24 Concerns have been raised about the potential displacement of cars from the loss of the garages onto the surrounding streets

and adding to the existing pressure of on street parking in this area. I understand from housing colleagues that only 6 of the 12 garages are let and the rest are empty. It is unclear as to whether the 6 garages are being used for car parking or for storage but they are clearly under-utilised in any case. In these terms, therefore, I do not consider the loss of the garages would result in any significant displacement of cars onto surrounding streets such that it would put increased pressure on existing on street car parking capacity. I also understand from the housing team that other garages are available on Crowland Way which is half a mile from the site. On this basis, I do not consider the loss of the garage block and displacement of cars would have a detrimental impact on the residential amenity of the surrounding residents. It should also be noted that the proposal includes off street car parking for future occupiers of the development.

### Cycle parking

8.25 The proposal includes four cycle spaces within a cycle store contained in the footprint of the proposed building. A separate cycle shed is proposed adjacent to the rear boundary for two cycles. Four external visitor cycle spaces are located adjacent to the stair-core. Therefore, in total the proposal consists of 10 cycle parking spaces (6 private and 4 visitors). This is compliant with the Cycle Parking Standards in the Local Plan (2006).

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

### Third Party Representations

8.27 I set out below my response to the issues raised in the third party representations:

<b>Representation</b>	<b>Response</b>
Concerns with the potential daily disturbance to routines and lifestyle caused by construction vehicles movements;	I have addressed this point in paras 8.10-8.11
Concerns with the potential impact from air and noise	See para 8.10 – I have recommended a dust

pollution;	mitigation condition.
Concerns with the potential affects and inconvenience on day to day access to homes/entrances, opening windows, sleep disturbance for night shift workers, and lack of privacy;	See paras 8.10-8.11.
Concerns that children within the existing flat block will not have access to outdoor play;	See paras 8.10-8.11
Will the existing sheds/storage units be removed to accommodate the proposed development, if so will there is suitable replacement?	The proposal does not involve the removal of the existing storage units to the rear of the existing block of flats.
Concerns with the potential impact on parking in this area from the loss of the garages and garage site which is also used by visitors – residents will need to park further away from their houses;	See para 8.24
Concerns with the potential impact on turning in this location;	The proposed development would meet its own car parking and turning needs and so is unlikely to impact the existing car parking situation/constraints.
What are the timescale of the project?	It is anticipated that this project will take 65 weeks to complete.
Will the existing outdoor storage sheds be demolished? If so will they be replaced?	At this stage the existing storage sheds are not proposed to be removed/demolished. However, if this changes in the future then the applicant has advised me that they will be replaced.
There are issues with the condition of some of the existing flats re mould/damp etc... which has been raised	This is not a material planning consideration but the applicant has been made aware of this and the issues have been

with the Council but nothing is being done about it.	reported to the Council's management and maintenance team.
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## 9.0 CONCLUSION

- 9.1 The proposed redevelopment of the existing garage block site to provide 5 1bed flats with 5 car parking spaces, cycle and bin storage and communal space would improve the appearance of the site.
- 9.2 The proposed design and scale of the apartment building would respond to the site context and surrounding built form. The design is of a contemporary style which would improve the setting of the site and the scale would be sympathetic to the character of the surrounding built form.
- 9.3 The proposal has been designed to mitigate the impact on the residential amenity of the local residents. I am satisfied that the proposed development would not cause any adverse direct overlooking issues such that it would result in loss of privacy, appear overbearing or cause a sense of enclosure to the surrounding occupiers, or of a scale/height to cause unreasonable levels of overshadowing.
- 9.4 The proposed development would make a positive contribution to the area in terms of its visual appearance and make use of a brownfield site for additional housing within the City.
- 9.5 I am therefore satisfied that the proposal is acceptable in all regards and should be approved subject to the recommended conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33)

4. Submission of site investigation report and remediation strategy:

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

- (a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors
- (b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

- 5. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

- 6. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

7. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

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 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

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) and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 35).



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 the adjoining properties. (Cambridge Local Plan 2006 policy 4/13) and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 35).

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 the adjoining properties. (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 36).

13. Prior to the installation of any external lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include an artificial lighting impact assessment which shall horizontal AND vertical isolux contour plans, light levels into windows and predicted source intensity / luminaire intensity at receptors to demonstrate levels of glare. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

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

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 and 4/15 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 34).

14. Prior to the commencement of works above ground full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policies 55, 57 and 59).

15. Prior to the commencement of works above ground, a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policies 55, 57 and 59).

16. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policies 55, 57 and 59).

17. No building hereby permitted shall be occupied until drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan for the lifetime of the development. The submitted details shall:
- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - b. Calculations to show the performance of the system (including all pipes and attenuation features) for a range of summer and winter storm durations for all durations up to the seven day storm event.
  - c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
  - d. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 31).

18. No development hereby permitted shall be commenced until details of proposed foul water drainage have been submitted to and approved in writing by the local planning authority. The works shall thereafter be implemented in accordance with the approved details.

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2006 policy 4/16 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 31).

19. Prior to the commencement of works above ground the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policies 55 and 57).

20. Prior to the commencement of works above ground, full details of the proposed specification, number and locations of internal and/or external bird and bat boxes on the new buildings shall be submitted to and approved in writing by the Local Planning Authority. The installation shall be carried out prior to first occupation and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancements for protected species on the site. (Cambridge Local Plan 2006 policy 4/3 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 69).

21. Prior to the occupation of the dwellings hereby approved, the windows on the south-east and south-west elevations at first and second floor level of the stair-core block shall be obscure glazed up to a height of 1.7 metres from internal finished floor level and to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall be retained and maintained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55 and 57)

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

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

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13) and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 35).

**INFORMATIVE:** The applicant is requested to take into consideration the informatives contained in the letter by the Environment Agency dated 24 May 2018. If you require further clarification on any of the comments in the letter or other ground water issues then please contact the Environment Agency: The Environment Agency, Brampton Environment District, Bromholme Lane, Brampton, Huntingdon, Cambs, PE28 4NE, Tel no: 01480414581. The waste produced on the site during demolition / construction will be subject to the general Duty Of Care under the Environmental Protection Act 1990 and is likely to be subject to control under the Waste Management Licensing Regulations 2011 and the Hazardous Waste Regulations 2005.

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

The noise and vibration report should include:

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

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

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

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

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

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

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

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

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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



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

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

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

**INFORMATIVE:** The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**INFORMATIVE:** Before these details are submitted in relation to condition 17, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change.

**PLANNING COMMITTEE**

**DATE: 3<sup>RD</sup> OCTOBER 2018**

<b>Application Number</b>	18/1104/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th July 2018	<b>Officer</b>	Sav Patel
<b>Target Date</b>	10th September 2018		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Garages Gunhild Way		
<b>Proposal</b>	Demolition of garages and erection of 2no. affordable dwellings, widening of access and associated works.		
<b>Applicant</b>	Cambridge Investment Partnership LLP The Gate House Mill Road Cambridge CB1 2AZ		

<b>SUMMARY</b>	<p>The development accords with the Development Plan, and the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would make effective use of a previously developed site to create additional affordable housing units;</li> <li>- The design and scale of the proposed development would respond sympathetically to the surrounding built form;</li> <li>- The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li> <li>- The proposed development is unlikely to give rise to any significant adverse impact upon on street car parking capacity on the surrounding streets.</li> </ul>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

- 1.1 The application site consists of an area of hardstanding and block of 12 single storey flat roof garages which are accessed via a narrow side road off Gunhild Way. To the south of the site are the rear gardens of the properties at 61 to 67 Gunhild Road, which are two storey semi-detached dwellings set back from the road. To the north of the site is a drain/culvert which separates the site from the two storey dwellings in Bullen Close.
- 1.2 The site is not located within a Conservation Area or located within close proximity to Listed Buildings or Buildings of Local Interest. There are no trees within the site but there are trees outside the site which overhang the site. However, none of these trees are protected by a Tree Preservation Order.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is to demolish the existing garages and replace them with 2no. 2bed, two storey pitched roof semi-detached dwellings. The dwellings have been laid out so they face east to west with the side gables facing north and south. The proposal includes the provision of four car parking spaces (two for each dwelling) and bin and cycle storage. The proposed dwellings would be located 2.5 metres away from the northern boundary of the site.
- 2.2 The proposal also includes the widening of the existing access driveway from 3.6 metres to 4.5 metres in order to allow vehicles to pass.
- 2.3 Provision in the form of a 1.2 metre wide shared access has been made to ensure the occupiers of the dwellings to the south retain a pedestrian access from the rear garden. However, the proposal would prevent access to the garage at no.65 and the area of hardstanding used for car parking to the rear of no.67.
- 2.4 The proposal also makes provision for an access to the culvert to the north of the site.
- 2.5 The application is accompanied by the following supporting information:
  1. Planning Statement

2. Phase 1 Contamination Assessment Report
3. Preliminary Ecological Appraisal
4. Flood Risk Assessment and Drainage Strategy
5. Arboricultural Impact Assessment

### 3.0 SITE HISTORY

No relevant planning history

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 4/3/ 4/4 4/13 5/1 8/2 8/6 8/10 8/18

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

Central Government Guidance	National Planning Policy Framework March 2018 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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## Local Plan Inspectors' Reports.

- 5.4 On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The South Cambridgeshire Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 18 October 2018.
- 5.5 Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors' have concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.
- 5.6 The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.
- 5.7 Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the Local Plan add substantial weight in favour of the outcome which accords with the application of policies of the adopted development plans and those of the Local Plans.

5.8 For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

- Policy 1: The presumption in favour of sustainable development
- Policy 3: Spatial strategy for the location of residential development
- Policy 31: Integrated water management and the water cycle
- Policy 32: Flood risk
- Policy 33: Contaminated Land
- Policy 35: Protection of human health from noise and vibration
- Policy 36: Air Quality
- Policy 50: Residential space standards
- Policy 55: Responding to context
- Policy 56: Creating successful places
- Policy 57: Designing new buildings
- Policy 59: Designing landscape and the public realm
- Policy 69: Protection of sites of biodiversity and geodiversity importance
- Policy 80: Supporting sustainable access to development
- Policy 81: Mitigating the transport impact of development
- Policy 82: Parking management

## 6.0 CONSULTATIONS

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

6.1 No information has been provided on the existing use of the garages. The proposal could displace vehicles onto the surrounding highway network and impose additional parking demands which whilst unlikely to result in any significant adverse impact upon highway safety, has the potential to impact the residential amenity of the surrounding occupiers.

6.2 If the Planning Authority is minded to approve then the following conditions and informatives are recommended:

- No unbound material to the driveway
- Remove PD rights for gates
- Access to be constructed in accordance with the plans and County Highway specifications
- Drainage measure to access
- Protection and retention of manoeuvring area

- Offense to carry out unapproved works to highway informative
- No part of structure to overhang the highway informative
- Public utilities informative

### **Environmental Health**

6.3 The proposed development is acceptable subject to the following conditions and informative:

- Contaminated land conditions (x6)
- Construction hours
- Collection during construction
- Piling
- Dust
- Dust informative

### **Urban Design and Conservation team**

6.4 No material urban design issues with this proposal.

### **Sustainable Drainage Engineer**

6.5 The proposed development is acceptable subject to the following condition:

- Surface Water Drainage works;
- Compliance with the measures in the Flood Risk Assessment & Drainage Strategy;

### **Nature Conservation Officer**

6.6 Satisfied with the submitted Ecology Appraisal. Support the installation of bird boxes which could be secured by condition or details of the specification and location could be provided up front before determination. There is a population of Common Swifts in Gunhild Way using externally mounted boxes. 4 bird boxes are recommended. This would provide appropriate enhancement to the site. Also, the standard bird nesting informative is requested.



## **Tree Officer**

6.7 No comments received to date. I will therefore either update the amendment sheet or report the comments orally at the committee.

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

## **7.0 REPRESENTATIONS**

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

- 59 Gunhild Way;
- 63 Gunhild Way;
- 69 Gunhild Way;
- Camcycle;

7.2 The representations can be summarised as follows:

- The refurbishment of the garages was a waste of money;
- Concerns with the loss of the garages and potential displacement of cars onto the surrounding streets which will increase demand for on street parking;
- Concerned with the offer to drop kerbs for some neighbours but not others;
- Concerned with the potential for future occupiers to buy the houses;
- The road is heavily congested due to being close to 3 schools and staff at the schools park on Gunhild Way;
- Garage essential to an elderly neighbour who uses their mobility scooter to access his car which is parked in a garage;
- People are forced to park on the green due to lack of on street parking;
- Object to the application as no details are provided about how the cycle sheds meet the requirements of the Cycle Parking Guide – internal layout details need to be provided;
- The cycle shed for plot 2 is located in a highly inconvenient location;
- Object to the overprovision of car parking spaces for both plots – reduce the car parking provision;

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 3 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, states that the majority of new development should be focussed in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally. Additional residential units on this site are entirely consistent with this strategy; the site is already developed (it is not garden land).

8.3 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing developments on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. This is a predominantly residential area and it is therefore my opinion that additional dwellings here would be compatible with the existing land use and adjoining land uses.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 3 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March

2014), as amended by the Inspectors' Main Modifications, and policy 5/1 of the Cambridge Local Plan (2006).

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

- 8.5 The site is located within an area that is characterised by two storey housing. The houses in Gunhild Way are set back from the road with gardens and driveways in front and deep rear gardens (circa 23 metres) many of which contain ancillary structures/outbuildings. The two storey housing to the north is a relatively recent development compared to the housing in Gunhild Way and is arranged in a less spacious layout with much smaller front and rear gardens (circa 7 metres rear gardens).
- 8.6 The proposed development of 2 no. two storey dwellings in a semi-detached arrangement would respond to the surrounding context in terms of built form and provide reasonably sized rear gardens (circa 12 metres in depth). The dwellings are of simple design which would be in keeping with the prevailing character of the area. Therefore, in terms of design and scale the proposed development is an acceptable response to the site context. The layout of the dwellings – east to west – would ensure the shallowest flank of the development faces towards the neighbouring properties. This arrangement also enables the dwellings to benefit from decent size rear gardens and car parking space at the front.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and with policies 1, 55, 56 and 58 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 I have assessed below the potential impact on the residential amenity of the surrounding occupiers in terms of overlooking, overbearing sense of enclosure and overshadowing. I am satisfied that the proposed dwellings due to their orientation, layout and distance from existing dwellings and boundaries, would not have a significant adverse impact on the residential

amenity of the neighbouring occupiers such that it would warrant refusal.

#### Loss of privacy

- 8.9 In terms of overlooking, each of the proposed dwellings contain two bedroom windows in the east and west elevations at first floor level. These windows would face towards the side boundaries of no.59 and no.69 Gunhild Way. The windows in the east (front) elevation would be a distance of 12.6 metres to the side boundary of no.69 and face the rear part of the garden area. Similarly, the windows in the rear elevation would be a distance of 12.2 metres from the rear part of the garden of no.59. Also, there would be no direct views towards the rear elevation of the dwellings, only oblique views. In view of the surrounding context where there is a sense of mutual overlooking between neighbouring dwellings, I do not consider the proposal would cause significant loss of privacy from overlooking over and above that which already exists. The side elevations (north and south) contain one window each serving a bathroom. I have recommended a condition to ensure these bathroom windows are obscure glazed and are vertically hung with 45 degree restrictors.

#### Overbearing

- 8.10 In terms of enclosure, the proposed dwellings would be located far enough away from the existing surrounding dwellings so as not to have an adverse impact in terms of enclosure. The proposed dwellings would be circa 15.8 metres from the rear elevation of no.62 Bullen Close and 8.4 metres from the rear boundary. The proposal would also be circa 24.4 metres from the rear elevations of no.63 and no.65 Gunhild Way. At these separation distances, the proposal would not appear dominant or overbearing such that it would cause an adverse sense of enclosure impact on the residential amenity of the surrounding occupiers.

#### Overshadowing

- 8.11 In terms of overshadowing, the proposed dwellings would be located north of the dwellings in Gunhild Way and so would not cause any overshadowing impact. The dwellings in Bullen Close, particularly no.62 would be located north of the proposed

development. The side gable of plot 1 would cover the width of the rear boundary of no.62 and so the impact of the proposed development is likely to be more noticeable than to the neighbouring properties in Gunhild Way to the south. However, in my view, due to the level of separation, the proposed development would not conflict with the BRE 25 degree rule which is a guide to determine whether or not daylighting is likely to be significantly affected. I therefore do not consider the proposal would cause any adverse levels of overshadowing due to its distance from the boundary and rear elevation.

- 8.12 In my opinion the proposal adequately respects the residential amenity of its neighbours and I consider that it is compliant in this respect with Cambridge Local Plan (2006) policies 3/4 and 3/7, and with policies 55 and 58 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. I have recommended the conditions suggested by the Environmental Health Officer relating to the construction phase of the development.

#### Amenity for future occupiers of the site

- 8.13 The proposed dwellings would provide good quality living space for future occupiers. Each dwelling would provide 81sqm of internal floor space which is compliant with the Technical Housing Standards (March 2015).
- 8.14 The size of the proposed dwellings comply with the criteria of residential space standards set out in the government's *Technical housing standards – nationally described space standard (2015)*, as required by Policy 50 (Residential space standards) in the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. The proposed dwellings would provide generous living accommodation for future occupiers and decent size outdoor space with enough space to accommodate bin and cycle storage. I am therefore satisfied that the proposed development would provide high quality living accommodation for future occupiers.
- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is

compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14, and policy 50 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications.

### **Refuse Arrangements**

8.16 The proposed refuse storage arrangement consists of a dedicated bin storage point in the rear gardens of each plot adjacent to the side access for ease of movement to the collection point. The drag distance for the bins to the collection point (pavement on Gunhild Way) would be circa 50 metres. This is double the recommended travel distance of 25 metres as set out in the RECAP Waste Design Guide (2012). As the County Highway Authority will not adopt the access road, the refuse vehicles are unlikely to use the access road to collect the bins. Therefore the onus will be on the future occupiers to ensure the bins are taken to the collection point and returned. As there is no alternative solution and the proposal is for two affordable dwellings, I do not consider the issue with the drag distance is significant enough to warrant refusal of this application.

8.17 In my opinion, the proposal is compliant in terms of waste storage with Cambridge Local Plan (2006) policy 3/12, and policy 58 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications.

### **Highway Safety**

8.18 The County Highway Authority has not raised any highway safety issues with the proposed development. The proposal includes the widening of a section of the access to the site from 3.6 metres to 4.5 metres to enable better access to the site and to allow two vehicles to pass along the access driveway.

8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2 and policy 81 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. .

## **Car and Cycle Parking**

### Car parking

- 8.20 The proposal includes four car parking spaces; 2 for each dwelling. This is above the maximum standards in the Local Plan (2006) which would seek 1 car parking space for dwellings with up to 2 bedrooms. The car parking spaces have been laid out to ensure they are accessible and enable a parked car to leave the site in forward gear.
- 8.21 Concerns have been raised by local residents about the potential displacement of cars from the loss of the garages onto the surrounding streets and adding to the existing pressure of on street parking in this area. I understand from housing colleagues that only 5 of the 12 garages are let and the rest are empty. It is unclear as to whether all the let garages are being used for car parking or for storage or both but they are clearly under-utilised in any case.
- 8.22 Gunhild Way is an adopted highway with uncontrolled on street parking. Also many of the surrounding dwellings benefit from on plot parking. The applicant is also proposing to drop the kerb in front of no.67 Gunhild Way to enable the creation of a front drive which would compensate the loss of the car parking at the rear of the site.
- 8.23 In these terms, therefore, I do not consider the loss of the garages would result in any significant displacement of cars onto surrounding streets such that it would put increased pressure on existing on street car parking capacity. I also understand from the housing team that other garages are available in Gunhild Court Crowland Way which is 0.2 miles from the site. On this basis, I do not consider the loss of the garage block and displacement of cars would have a detrimental impact on the residential amenity of the surrounding residents. It should also be noted that the proposal includes off street car parking for future occupiers of the development.

### Cycle parking

- 8.24 The proposal includes detached sheds (1.9 metres by 2 metres) in the rear gardens of both plots. No elevational details have been provided. The proposal would need to provide 1 cycle

parking space per bedroom for up to 3 bed dwellings. Therefore, the proposal would need to provide 2 cycle parking spaces each (4 in total).

8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10, and with policy 82 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications.

### **Third Party Representations**

8.26 I set out below my response to the issues/concerns raised in the third party representations:

Representations	Response
The refurbishment of the garages was a waste of money;	This proposal is part a project to increase affordable housing within the City using Council owned sites.
Concerns with the loss of the garages and potential displacement of cars onto the surrounding streets which will increase demand for on street parking;	See para 8.20 to 8.23
Concerned with the offer to drop kerbs for some neighbours but not others;	This is proposed for those residents that would lose the rear access and be directly affected by the proposal.
Concerned with the potential to future occupiers to buy the houses;	The proposed dwellings will be made available on social rent and retained by the Council.
The road is heavily congested due to being close to 3 schools and staff at the schools park on Gunhild Way;	I do not consider the introduction of two additional dwellings which have their own off street car parking and displacement of cars from the existing garages – of which only 5 are used – would materially impact congestion in this area.
Garage essential to an elderly neighbour who uses their	See paras 8.20-8.23.



mobility scooter to access his car which is parked in a garage;	
People are forced to park on the green due to lack of on street parking;	I do not consider the loss of the garage and proposed dwellings would have a significant detrimental impact on the capacity and demand for on street parking.
Object to the application as no details are provided about how the cycle sheds meet the requirements of the Cycle Parking Guide – internal layout details need to be provided;	There is enough space within the site to accommodate cycle parking that is safe, convenient and enclosed.
The cycle shed for plot 2 is located in a highly inconvenient location;	The cycle shed is located in a convenient location.
Object to the overprovision of car parking spaces for both plots – reduce the car parking provision;	The proposal is above the maximum car parking levels. However, there is enough space within the site to accommodate additional spaces if required.

## 9.0 Conclusion

- 9.1 The proposed demolition of the existing garages and development of 2 no. two storey 2bed dwellings including cycle and bin storage and car parking would make efficient use of brownfield land to provide new affordable housing.
- 9.2 The proposed design and scale of the dwellings would respond to the site context and surrounding built form.
- 9.3 Due to the level of separation and layout of the dwellings relative to the surrounding dwellings, I am satisfied that the proposed development would not cause any adverse direct overlooking issues such that it would result in loss of privacy, appear overbearing or cause a sense of enclosure to the surrounding occupiers, or of a scale/height to cause unreasonable levels of overshadowing.

- 9.4 I do not consider the proposal would add any significant additional pressure upon on street parking within the surrounding streets such that it would have a material impact on the character of the area.
- 9.5 I am therefore satisfied that the proposal is acceptable in all regards and should be approved subject to the recommended conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

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

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

3. Submission of Preliminary Contamination Assessment:

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

(a) Desk study to include:

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

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

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33)

4. Submission of site investigation report and remediation strategy:

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

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

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

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

5. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

6. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

7. 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

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 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 33).

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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

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) and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 35).

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

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

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35).

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 the adjoining properties. (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 36).

13. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: In the interests of highway safety in accordance with Policy 8/2 of the Cambridge Local Plan 2006 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 81).

14. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: for the safe and effective operation of the highway in accordance with Policy 8/2 of the Cambridge Local Plan 2006 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 81).

15. Prior to first occupation of the dwellings, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of highway safety and to ensure satisfactory access into the site and in accordance with Policy 8/2 of the Cambridge Local Plan 2006 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 81).

16. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction thereafter.

Reason: In the interests of highway safety and to ensure satisfactory access into the site and in accordance with Policy 8/2 of the Cambridge Local Plan 2006 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 81).

17. 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) and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 31).



18. Prior to the commencement of works above ground, plans shall be submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of internal and / or external bird boxes on the new buildings. The installation shall be carried out and subsequently maintained in accordance with the approved plans and timescale.

Reason: to provide ecological enhancements for protected species on the site. (Cambridge Local Plan 2006 policy 4/3 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policy 69).

19. Prior to the commencement of works above ground samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, Policies 55 and 57).

20. Prior to occupation of the dwellings hereby approved, the window in the north elevation of Plot 1 and window in the south elevation of Plot 2, which serve bathrooms at first floor level, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The windows shall be retained in this configuration thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55 and 57)

**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:** 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.

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<b>Application Number</b>	18/0768/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	14th May 2018	<b>Officer</b>	Tony Collins
<b>Target Date</b>	9th July 2018		
<b>Ward</b>	Trumpington		
<b>Site</b>	21-25 Fitzwilliam Road		
<b>Proposal</b>	Fourth storey extension to create 1 no 3bedroom flat, and 4no 1no bedroom flats and 1no 1bed mews style flat to incorporate bin and bike store.		
<b>Applicant</b>	Mr G Wieland Pynes House 8 Chapel Street Duxford Cambs		

<p><b>SUMMARY</b></p>	<p>The development accords with the Development Plan, and the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, for the following reasons:</p> <p style="padding-left: 40px;">The proposal provides additional residential accommodation within the existing urban area, making effective use of previously developed land, and enabling future residents to access services and facilities locally.</p> <p style="padding-left: 40px;">The proposal is compatible with surrounding residential, educational and religious uses, and avoids harm to the amenity of neighbouring occupiers.</p> <p style="padding-left: 40px;">The proposal would not cause harm to the conservation area.</p> <p>The development does not accord with the residential space standards expected by the</p>
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	Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, but the existing permission on the site, which will remain extant until 2020, is a material consideration of considerable weight which would make it unreasonable to refuse planning permission on these grounds
RECOMMENDATION	APPROVAL

## 0.0 INTRODUCTION

- 0.1 A substantial part of the development proposed in this application has also been included in two previous applications.
- 0.2 On 5<sup>th</sup> November 2014, Planning Committee resolved to approve an application under reference 14/1123/FUL subject to the completion of a Section 106 agreement, and approval was granted on 22<sup>nd</sup> January 2015. That approval encompassed four one-bedroom flats to the rear of the existing building and an additional three-bedroom flat above the existing building, all identical to the development in the same locations sought in the present application.
- 0.3 That permission was not implemented, and consequently lapsed on 21<sup>st</sup> January 2018. Before that date however, on 25<sup>th</sup> September 2017, an identical application (17/1365/FUL) was approved under delegated powers. That application remains extant, but as yet unimplemented, and will consequently expire on 24<sup>th</sup> September 2020. The extant status of 17/1365/FUL will be unaffected by any decision made on the present application.
- 0.4 The present application is submitted to secure permission for an additional element of development – a further one-bedroom dwelling to the rear of those already permitted, which is detailed below. If approved, it would also have the effect of extending the time available to implement the development previously permitted under 17/1365/FUL.

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

- 1.1 21-25 Fitzwilliam Road is a three storey, flat-roofed block of flats situated on the northern side of Fitzwilliam Road. The surrounding area is predominantly residential, consisting of flats, and two- and three-storey houses, but there are also educational buildings.
- 1.2 The site is within City of Cambridge Conservation Area No.10 (Brooklands Avenue). The Lutheran Church at 4 Shaftesbury Road, whose curtilage has a common boundary with the rear of the application site, is a Building of Local Interest, as are the nearby houses at 3-9 Fitzwilliam Road, but there are no statutorily listed buildings nearby. A Tree Preservation Order (TPO), 05/1999, protects six trees on the adjacent Stephen Perse Sixth Form site at 5 Shaftesbury Road although some of these trees have been replaced since the order was confirmed. A further TPO (09/2007) protected a walnut on the application site, but this tree died some time before the 2017 growing season. It has now been felled and the stump cleared. There is a large and apparently robust walnut immediately outside the north-west corner of the site in the garden of the Lutheran Church at 4 Shaftesbury Road. The canopy of this tree overhangs the application site to a considerable extent, covering the whole footprint of the single-storey cycle store, and part of the footprint of the additional two-storey extension proposed in the present application.
- 1.3 The site is within the Controlled Parking Zone (CPZ). All of Fitzwilliam Road lies within the CPZ, together with the adjacent streets of Shaftesbury Road and Clarendon Road.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for a fourth-storey extension to the existing building, creating an additional three-bedroom flat, a four-storey rear extension which would contain four additional one-bedroom flats, and a further two-storey extension which would create a fifth one-bedroom flat above waste bin and cycle storage.
- 2.2 The roof extension and four-storey rear extension elements of the application are identical to those approved under 14/1123/FUL and 17/1365/FUL. The additional two-storey

extension proposed for the first time in this application would be 11.5m long and 5m wide. It would have a pitched roof clad in slate, with the eaves at 5.3m above ground and the ridge at 6.9m. The extension, faced in brick, would have no windows on either the west side facing the Stephen Perse buildings, or the north side facing the Lutheran Church. On the east side, there would be four first-floor windows serving the kitchen/living room, the bathroom and the bedroom of the flat. On the ground floor there would be double timber doors leading to the cycle and bin store, a small window serving the study, and a single front door.

- 2.3 Beyond the extension would be a timber-framed additional cycle store, also with a pitched, slate roof, extending a further 4.8m northwards to the common boundary with the Lutheran Church curtilage.
- 2.4 The application is accompanied by a Design and Access Statement.

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/1542/FUL	Demolition of a flat roofed garage block in order to improve car parking	Approved with conditions
13/1541/FUL	Third floor extension to existing building and three storey rear extension to create a further 1x 3 bed flats and 4x 1 bed flats	Refused
14/1123/FUL	Fourth floor extension to the existing building and a four storey rear extension to create one three bedroom flat and four one bedroom flats.	Approved with conditions
17/1365/FUL	Fourth floor extension to the existing building and a four storey rear extension to create one three bedroom flat and four one bedroom flats.	Approved with conditions



#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

Central Government Guidance	National Planning Policy Framework July 2018 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

<p>Planning Guidance</p>	<p>2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Roof Extensions Design Guide (2003)</p> <p>Buildings of Local Interest (2005)</p>
	<p><u>Area Guidelines</u></p> <p>Brooklands Avenue Conservation Area Appraisal (2013)</p>

**Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications**

- 5.4 On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The

South Cambridgeshire Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 18 October 2018.

- 5.5 Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors' have concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.
- 5.6 The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.
- 5.7 Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the Local Plan add substantial weight in favour of the outcome which accords with the application of policies of the adopted development plans and those of the Local Plans.
- 5.8 For the application considered in this report, the following policies in the emerging Local Plan are of relevance:
- Policy 1: The presumption in favour of sustainable development
  - Policy 3: Spatial strategy for the location of residential development
  - Policy 31: Integrated water management and the water cycle
  - Policy 32: Flood risk
  - Policy 50: Residential space standards

- Policy 52: Protecting garden land and the subdivision of existing plots
- Policy 55: Responding to context
- Policy 56: Creating successful places
- Policy 58: Altering and extending existing buildings
- Policy 61: Conservation and enhancement of Cambridge's historic environment
- Policy 71: Trees
- Policy 80: Supporting sustainable access to development
- Policy 82: Parking management

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

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

### **Environmental Health**

- 6.2 No objection, subject to conditions relating to construction hours, construction delivery hours, and piling.

### **Urban Design**

- 6.3 Refuse storage and cycle parking should be stored separately to create better quality cycle storage for the occupants. As shown only part of the cycle parking is secured - cycle parking should be provided in a secure lockable structure to comply with Policy 3/12 The Design of New Buildings(c) and to meet the standards in the Council's Cycle Parking Guide for New Residential Developments.

### **Conservation team**

#### Advice with respect to the earlier application 17/1365/FUL

- 6.4 The previous identical application, 14/1123/FUL was supported by the Conservation Team subject to conditions. The principle of the additions is supported. The concern is the materials that will be used to update and extend the building.

- 6.5 The existing colour palette for the building contrasts negatively with other buildings within the conservation area. In order to enable this building to fit within the local context, the materials for the cladding and the new extension need to be determined before the works commence. In this way, all the materials and the colour palette will be established and there should be a general improvement to the building as a whole. For example the use of white UPVC doors on the fourth floor to access the proposed terrace may not work well with the proposed zinc cladding to the roof. It will also be important to get a brick that works well with the existing orange/yellow building for the extensions.
- 6.6 Provided that an appropriate palette of materials can be agreed for the extensions to this property and its refurbishment, the proposals will not be detrimental to the character or appearance of the conservation area. The application conforms to policy 4/11 of the Cambridge Local Plan 2006.

#### Advice with respect to the present application

- 6.7 The works to the existing block approved under 17/1365/FUL were supported by the conservation team. Advice with respect to these elements remains the same. The proposed additional two-storey extension has been the subject of pre-application discussions, and the design has been amended in response to conservation team advice to the applicant. The revised design is appropriate to this location within the conservation area.
- 6.8 It will be important to get the right materials for the whole development. The brick on the existing flats is not of any great interest and does not preserve or enhance the character or appearance of the conservation area. Therefore the materials for the new developments will need to ensure that they make a more positive contribution.
- 6.9 Conditions required on materials, roof details, window reveals and non-timber joinery.

#### **Sustainable Drainage**

- 6.10 Acceptable subject to a condition requiring a surface water drainage scheme.

## **Gas Supply Provider (Cadent)**

6.11 Informative requested.

## **Streets and Open Spaces (Trees)**

6.12 Without a tree survey it is not possible to assess the potential impact on the walnut tree on the adjacent site. While the construction of the bin/cycle store seems acceptable, I have concerns about the requirement to prune the walnut to allow the development. The tree should be given suitable space to ensure that it does not conflict with the development in the future and suitable space to grow. Not only is pruning required to fit the building in, it will also be required to accommodate scaffolding.

6.13 If the application is to be approved, a tree protection condition would be necessary.

## **Shared Waste Service**

6.14 50 litres per person for each stream (refuse and recycling) are required. On the basis that there could be 6 people in a 3-bed flat (= 24 people max), and 2 people in a one-bed flat (= 10 people max), a total of 34 people x 50 litres per person = 1700 litres for refuse, and 1700 for recycling.

6.15 This would require 1x 1100 litre bin + 1 x 660 litre bin for refuse, and the same for recycling blue bin. The application doesn't mention green waste bins at all, so it is a bit under capacity, especially if they are not having green bins.

6.16 The 30m pull distance to the kerbside is much too far; 10m is the maximum acceptable.

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

## **7.0 REPRESENTATIONS**

7.1 Representations objecting to the proposal have been received from the occupiers of 3 Fitzwilliam Road.

7.2 The issues raised in the representation are:

#### Design in context

- Too large
- Extends beyond the rear building line of the adjacent terrace
- Harm to the conservation area – no development in back gardens should be permitted
- Any permission to develop in this back garden should have conditions requiring landscaping

#### Neighbour amenity

- Overlooking of rear gardens and rear windows
- Overbearing and dominant, creating a sense of enclosure

#### Car parking

- Additional pressure on on-street car parking

#### Procedural issues

- Insufficiently wide notification
- Previous permission should not have been granted

7.3 Representations were also received from Camcycle stating that the cycle parking area was of insufficient width according to Appendix D of the Cambridge Local Plan 2006 and the Cycle Parking Guide for New Residential Developments.

7.4 This representation was withdrawn after a revised plan of cycle storage was submitted.

## **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. Changes in planning circumstances
2. Principle of development
3. Context of site, design and external spaces
4. Residential amenity

5. Refuse arrangements
6. Car and cycle parking
7. Trees
8. Third party representations

## **Changes in planning circumstances**

### Changes in the site context

- 8.2 There are no significant changes to the site context since the grant of the previous permission, but the TPO walnut on the site, which had already died at the time of the application under 17/1365/FUL, has now been felled.

### Changes in the planning policy background

- 8.3 There are two very significant changes in planning policy which have occurred since the approval of the previous permission 17/1365/FUL. An updated National Planning Policy Framework has been issued, in July 2018, and the Inspector's report on the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, has been published, which means that substantial weight may now be attached to the policies of that document when making planning decisions.

## **Principle of Development**

- 8.4 Policy 3 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, states that the majority of new development should be focussed in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally. Additional residential units on this site are entirely consistent with this strategy; the site is already developed (it is not garden land), and the site is close to services and facilities around Cambridge Station.
- 8.5 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing developments on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. This is a predominantly residential area and it is therefore my opinion that additional dwellings here



would be compatible with the existing land use and adjoining land uses.

- 8.6 In my opinion, the principle of the development is acceptable and in accordance with policy 3 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, and policy 5/1 of the Cambridge Local Plan (2006).

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

- 8.7 The existing block of flats dates from the fifth or sixth decade of the last century and is constructed in a yellow/brown brick and has a flat, felt roof. The windows are casement and there are some large fixed panes in the building. To the rear of the building there is a graveled open space. This is a car parking area for the residents of 21-25 Fitzwilliam Road and the residents of 15 Fitzwilliam Road. This application, like the two previously-approved schemes (14/1123/FUL and 17/1365/FUL) proposes that the building is increased in height by one storey; that a four storey extension is added to the rear; and that the front elevation is altered by replacement windows and aluminum cladding. Additionally, this application proposes a further extension at the rear, incorporating an additional residential unit and cycle and waste bin storage.
- 8.8 The principle of an additional floor is acceptable as there are a number of taller buildings close to the application site. However, the acceptability of an additional floor is wholly dependent on the design of the additional floor. The existing building is something of an anomaly in the street scene and is surrounded by Victorian villas on Shaftesbury Road, Victorian townhouses on Fitzwilliam Road and the contemporary flat roofed development, Kaleidoscope, opposite the site on Fitzwilliam Road. The surrounding area is mixed in terms of design, and it is my view that the straight-sided roof extension now proposed would improve the appearance of the building and would enhance the conservation area. The conservation officer shares this view.
- 8.9 The conservation officer has stated that she adheres to her view at the time of the previous application that, subject to detailed conditions, the aluminium cladding to the front elevation would

enhance the character of the Conservation Area. I also remain of that view.

- 8.10 The principle of a rear extension is acceptable. The extension previously approved is substantial, but in my view, although it will be clearly visible from more than one viewpoint, it will not have an adverse impact on the character of the conservation area. The conservation officer shares this view.
- 8.11 The additional two-storey extension proposed in this application emulates a small-scale nineteenth-century storage building in its scale, massing, fenestration, materials and detailing. It would contrast with the existing frontage building and the previously-approved extension, but it would have the appearance of a 'retained' garden outbuilding, and in my view, it would enhance, and not erode, the character of the conservation area. This element is supported by the conservation team.
- 8.12 The graveled area to the rear of 21-25 Fitzwilliam Road is not used for amenity or recreation purposes, and has no plants in it. It cannot be described as a garden. The conservation area appraisal identifies this space as a key negative element of the Fitzwilliam Street part of the conservation area, and I concur with this view. In this context, and given the qualities of the proposed additional extension I have described above, the diminution of the open area resulting from the construction of the additional extension now proposed would not cause any harm to the conservation area. I note the view expressed in representations that the present buildings at 1-15 Fitzwilliam Street have a broadly common rear building line, and that to break this pattern would be harmful to the character of the conservation area. I do not agree with this view; the position of the proposed additional extension, hard up against the bulky building on the Stephen Perse site at 5 Shaftesbury Road, puts it in a different context, and in my view a building here would not diminish the rhythm of the rear elevations in Fitzwilliam Road, or interrupt the sense of openness created by their gardens.
- 8.13 In my opinion the proposal is compliant in design terms with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 4/11 and 4/12, and with policies 1, 52, 55, 56, 58 and 61 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main

Modifications. I have recommended the conditions suggested by the conservation officer.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.14 The impact of the proposed development on the amenity of neighbouring properties needs to be examined with respect to No. 5 Shaftesbury Road to the west, No.15 Fitzwilliam Road to the east, and also Nos.1-11 Fitzwilliam Road, which lie further east beyond No.15.

#### *Impact on 5 Shaftesbury Road*

- 8.15 5 Shaftesbury Road is a large detached villa, which is in education use (Stephen Perse Sixth Form). This building has a substantial modern extension on its southern side, the southern part of which is adjacent to 21-25 Fitzwilliam Road, 5m from the common boundary. This extension has windows in the rear (eastern) elevation, facing the application site. Those in the main southern section of the extension, which is classroom or study space, are obscure glazed. Those in the smaller northern section, which connects the extension to the original villa, and serve landings and stairwells, are clear-glazed.
- 8.16 The common boundary between 5 Shaftesbury Avenue and the application site is angled, and the previously-approved section of the rear extension to the building would stand between 0.7m and 2m from the common boundary adjacent to the extension to 5 Shaftesbury Road. The additional two-storey extension proposed in this application would be closely adjacent (300mm) from the common boundary with 5 Shaftesbury Road throughout its length.
- 8.17 The previously-approved four-storey rear extension and additional storey on the existing building would cast shadow towards 5 Shaftesbury Road in the morning. However, since this building is in educational use, the main windows are heavily obscure-glazed, and the study space is also lit by windows in the western and southern elevations, it is my opinion that any overshadowing from the previously-approved sections would have little if any significant impact on the amenity of staff or students within 5 Shaftesbury Road. Because of its scale and

position, and the position of the large existing walnut tree, I do not consider that the additional two-storey extension now proposed would have any significant overshadowing impact. For the same reasons, I do not consider that either the previously-approved, or the newly-proposed extensions would create any significant sense of enclosure in this direction.

8.18 The previously-approved additional storey above the existing building would have a single window facing west towards the Stephen Perse Sixth Form building. Also previously-approved is a new window below this in each floor of the existing building. These windows, which would serve bedrooms, would have an outlook towards the south-west corner of the Stephen Perse building and the landscaped area to the south of that building on the Fitzwilliam Road frontage. The windows of the educational building which face towards these proposed new windows are obscure glazed. I do not consider that any issue of overlooking would be created.

8.19 The previously-approved four-storey rear extension to the application building would have two west-facing windows on each floor. The first, at the southern edge of the extension, would light the stairwell; the second, approximately at the mid-point of the west elevation of the extension, would serve a bathroom. The stairwell windows, like the new bedroom windows proposed in the existing building, would face towards the modern south extension of 5 Shaftesbury Road, where all the east elevation windows are obscure glazed. I do not consider that any overlooking issue would arise with respect to these windows.

8.20 The proposed bathroom windows in the extension would also face towards the Stephen Perse south extension, but they would also have an oblique outlook towards the link section of the Stephen Perse site, where the landings and stairwells have clear-glazed east-facing windows. I concur with the case officer for 14/1123/FUL that in order to protect the privacy of both future occupiers of the proposed extension, and staff and students using the Stephen Perse building, a condition should be imposed to ensure these bathroom windows are obscure-glazed and have restricted opening.

8.21 The additional rear extension now proposed would have no windows on the west side, and so no issues of privacy in this direction arise.

*Impact on 15 Fitzwilliam Road*

8.22 21-25 Fitzwilliam Road and 15 Fitzwilliam Road stand 4.6m apart, on either side of a driveway which leads to what is currently a shared parking area between the two buildings. It was accepted at the time of the two previous applications that the limited overshadowing the extensions then proposed would cause in this direction was not unacceptable. The additional extension proposed in this application would cast shadow over the car park area to the rear of 15 Shaftesbury Road in the afternoon, but I do not consider that this would cause any significant harm.

8.23 There are existing windows on the eastern elevation of 21-25 Fitzwilliam Road. The windows in the eastern elevation of the proposed rear extension, serving bedrooms, kitchens and living rooms would have views into the communal parking area. It was accepted at the time of the previous applications that these windows would not have any negative impacts in terms of privacy. The windows proposed in the additional extension would overlook the car parking area at 15 Fitzwilliam Road. They would not impact privacy at that address.

8.24 The previous approval 17/1365/FUL has established that the extensions permitted at that time would not create any unacceptable sense of enclosure. The additional extension now proposed is of a modest scale; it would create only a very limited sense of enclosure in the rear car park area. I do not consider that this would cause harm.

*1-11 Fitzwilliam Road*

8.25 The proposed additional extension is too modest in scale and too distant to have any significant impact on sunlight reaching any of these gardens. (The garden of No.11, the nearest, is 17m from the building now proposed). For the same reason, I do not consider that any sense of enclosure would be created in these gardens.

8.26 Because the windows proposed in the additional rear extension are further north than those in the previously approved extension, and angled slightly more towards the rear elevations of 1-11 Fitzwilliam Road, they offer a slightly different opportunity for overlooking than those in the extensions previously approved. However, the nearest windows which face towards the additional extension now proposed are at No.9, which are 38m distant. The first-floor windows now proposed in the additional extension would offer some opportunities for overlooking the gardens of 1-11 Fitzwilliam Road, but there is already mutual overlooking between these houses from closer distances and higher angles than the new extension windows would offer, and with more limited screening by plants. I do not consider that the windows of the proposed additional extension would lead to any significant loss of privacy for the occupiers of 1-11 Fitzwilliam Road.

8.27 In my opinion the proposal adequately respects the residential amenity of its neighbours and I consider that it is compliant in this respect with Cambridge Local Plan (2006) policies 3/4 and 3/7, and with policies 55 and 58 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. I have recommended the conditions suggested by the Environmental Health Officer relating to the construction phase of the development.

Amenity for future occupiers of the site

8.28 Table A below sets out the key dimensions of the five previously-approved units in this scheme, and in the final column, those for the 'mews flat' proposed in the additional rear extension also included in the current application.

Table A

	Rear extension, ground floor	Rear extension, first floor	Rear extension, second floor	Rear extension, third floor	Third floor flat above existing building	Mews flat
	1 bedroom 2 bedspaces 1 storey	1 bedroom 2 bedspaces 1 storey	1 bedroom 2 bedspaces 1 storey	1 bedroom 2 bedspaces 1 storey	3 bedrooms 6 bedspaces 1 storey	1 bedroom 2 bedspaces 2 storeys

Area of principal bedroom (m <sup>2</sup> )	12.8	12.8	12.8	12	12.9	11.5
policy requirement	11.5	11.5	11.5	11.5	11.5	11.5
Gross internal floor area(m <sup>2</sup> )	54	54	54	49.3	74	68.1
policy requirement	50	50	50	50	95	58
Built-in storage (m <sup>2</sup> )	0.28	0.28	0.28	0.18	1.18	2
policy requirement	1.0	1.0	1.0	1.0	2.5	1.5
Width of principal bedroom (m)	2.8	2.8	2.8	2.7	3.7	3.4
policy requirement	2.75	2.75	2.75	2.75	2.75	2.75
Width of other bedrooms (m)	n/a	n/a	n/a	n/a	2.5, 2.4	n/a
policy requirement	n/a	n/a	n/a	n/a	2.55	n/a

8.29 The flat now proposed at the rear of the site meets all the criteria of residential space standards set out in the government's *Technical housing standards – nationally described space standard (2015)*, as required by the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. The flats proposed (and previously approved), on the ground, first and second floors of the main rear extension in the scheme fall short of the requirement for built-in storage space in that national standard, but meet all the other criteria.

8.30 The flat proposed (and previously approved) on the third floor of the main rear extension to the building, which is marginally smaller than the three flats below it, also fails the built-in storage requirement, but, additionally, it falls marginally short of the requirements for gross internal floor area (49.3m<sup>2</sup>, against a

requirement of 50m<sup>2</sup>), and width of the bedroom (2.7m against 2.75m). The flat proposed (and previously approved) within a new storey above the existing building also fails the built-in storage requirement, but, additionally, it falls significantly short of the requirements for gross internal floor area (74m<sup>2</sup>, against a requirement of 86m<sup>2</sup>), and marginally short of the requirement for width of the second and third bedrooms (2.4m and 2.5m against the standard of 2.55m). The marginal shortfalls in these two units are so small they may be partially or wholly accounted for by the difficulty of measuring at this level of accuracy from electronically-stored plans, but the shortfall of gross internal floor area in the proposed three-bedroom flat, and of built-in storage in all five previously-proposed flats is well beyond this margin of error.

8.31 The five flats in this proposal which were previously approved, in rear and upward extensions to the existing building do not meet the criteria set out in the government's *Technical housing standards – nationally described space standard (2015)*, and their design is consequently in conflict with policy 50 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. In the case of the rear flats, the shortfall is relatively minor, but in the case of the three-bedroom flat above the existing building, it is significant. However, the extant permission which these five units enjoy under 17/1365/FUL is a material consideration of very considerable weight in this case. That permission will remain extant for almost two years from the date of this Committee meeting, and while such opportunity exists for the five units to be constructed as approved, it would be unreasonable, in my view, to refuse permission for the present scheme on the grounds of residential space standards in the previously-approved flats.

8.32 The five previously-approved flats do not have any external amenity space. Although Policy 50 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications expects direct access to external private amenity space for all new units, the extant permission is a material consideration of very considerable weight, and in my view it would be unreasonable to refuse permission on the basis that the previously-approved units do not have external amenity space.



- 8.33 In response to concerns raised by officers, the applicant has submitted revised drawings showing a small area of external amenity space outside the front door of the additional flat now proposed, in what is currently the gravelled area. It is unclear from these drawings how this area would be surfaced, demarcated or planted. In principle, this amenity area meets the expectations of the second part of Policy 50 in the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, that all new dwellings should have direct access to external amenity space. However, a condition is necessary to clarify the details of this space.
- 8.34 In my view, the proposed 'mews flat' included in the present scheme will provide good quality, and sufficiently spacious, accommodation in an accessible location and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14, and policy 50 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. The remaining five flats in the proposal are compliant with policies 3/7 and 3/14 of the Cambridge Local Plan 2006, but fall short, to varying degrees, of the internal and external residential space standards expected by policy 50 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. However, given the extant permission 17/1365/FUL, which would allow commencement of these units up to September 2020, it would not be reasonable to refuse permission on the grounds of residential space standards.

### **Refuse Arrangements**

- 8.35 The submitted plans indicate that two 1100 litre bins and two 240 litre bins would be provided in the integral bin store on the ground floor of the additional rear extension giving a total volume of 2680 litres for recyclable and residual waste. The application asserts that this is an acceptable total, as it provides more than the total volume provided by two 125 litre bins for each one-bedroom flat and two 175 litre bins for each three-bedroom flat.
- 8.36 The fact that the present proposal provides covered waste bin space, out of public view is a clear benefit over the present

situation. However, advice from the Shared Waste Service states that the proposed provision is not adequate. The drawings make no provision for compostable waste, and the Shared Waste team suggest that one 1100 litre bin and one 660 litre bin for each of recyclables and residual waste would be necessary, as opposed to the 1 x 1100 litre and 1 x 240 litre bins proposed. In addition, the 30m pull distance to the kerbside from the bin store exceeds the maximum acceptable distance by a factor of three. I do not consider these shortcomings to be a reason to refuse the application, because the proposal includes above-minimum cycle storage provision, and larger bins could be accommodated on the site, either partly or wholly by reducing cycle storage spaces. A condition is necessary, however, in order to ensure both that a larger volume of waste storage is provided, and that a management plan is in place to ensure bins are moved to and from the kerbside at the appropriate times.

- 8.37 In my opinion, subject to such a condition, the proposal is compliant in terms of waste storage with Cambridge Local Plan (2006) policy 3/12, and policy 58 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications.

## **Car and Cycle Parking**

### Car Parking

- 8.38 As a result of the proposed rear extension, all of the eight car parking spaces currently available within the car park at the rear would be lost. No on-site car parking spaces would be available for the occupants of the building, which would contain nine flats in total. The site is within the Controlled Parking Zone (CPZ), and as a result of the development, residents' parking permits would cease to be available for residents of both the existing and the proposed new units.
- 8.39 Policy 82 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications states that car-free development is acceptable where there is:

- good, easily walkable and cyclable access to a district centre or the City Centre;

- high public transport accessibility, and
- the car-free status of the development can realistically be enforced by on-street parking controls.

8.40 This site has good, easily cyclable routes to the City Centre and the Mill Road district centre (1350m). It also has a good easily walkable route to the Hills Road/ Cherry Hinton local centre (780m) and Cambridge Leisure. The nearest convenience store is 430m distant, the station area bus interchange 630m and the railway station itself 820m. On-street parking space is regulated by the CPZ in Fitzwilliam Road, Shaftesbury Road and Clarendon Road. Considering the site's proximity to the City Centre, public transport routes and the railway station it is my opinion that the proposed number of car parking spaces is justified and would not put pressure on the demand for on-street parking spaces. I have recommended the informative requested by the highway engineer.

#### Cycle Parking

8.41 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) and Appendix L (Car and cycle parking requirements) of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, state that at least one secure covered cycle parking space must be provided for each bedroom. This equates to seventeen spaces for the building. Twenty-one spaces are proposed, which is acceptable. I acknowledge that some of the cycle parking is not in a lockable store, but in my view the visual harm caused by changing this storage area into an enclosed store (either with mesh or solid walls) would outweigh the benefits of greater security. The store is covered and would contain hoops for storage.

8.42 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10, and with policy 82 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications.

#### **Trees**

8.43 The proposed development would extend within the root protection area of a large walnut tree on the neighbouring site to

the north. No tree survey or arboricultural impact has been submitted, and the arboricultural officer is consequently not able to make a full assessment of the proposal. In my view, given that the proposed cycle store section at the north end of the proposal would be constructed on the existing concrete floor slab of the garages, it seems unlikely to have an impact on the tree roots. However, I share the view of the arboricultural officer that the pruning necessary to carry out the development is a significant issue. My judgement is that, subject to conditions, the required pruning is not likely to have a seriously damaging impact on the welfare of the tree, but that a detailed tree protection condition is necessary to ensure the proposal accord with policy 4/4 of the Cambridge Local Plan 2006, and policy 71 of the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. I also note the comments of the arboricultural officer that interventions below the surface of the ground within the tree's root protection area will be unacceptable. I have recommended an informative to highlight this point to the applicant.

### **Third party representations**

8.44 I have addressed the principal issues raised in representations in the paragraphs indicated in the table below.

Too large	8.8
Extends beyond the rear building line of the adjacent terrace	8.11, 8.12
No development in back gardens should be permitted	8.11
Any permission to develop in this back garden should have conditions requiring landscaping	8.11, 8.33
Overlooking of rear gardens and rear windows	8.18-8.21, 8.23, 8.26
Overbearing and dominant, creating a sense of enclosure	8.17, 8.24, 8.25
Additional pressure on on-street car parking	8.38-8.40

8.45 The remaining issues raised in representations are the assertions that there was insufficiently wide notification, and

that the previous permission should not have been granted. These are matters of opinion (the statutory requirements for notification were met, and the previous grants of permission on the site have not been subject to legal challenge). Neither issue affects the question of whether the application is in accordance with planning policy.

## **9.0 CONCLUSION**

- 9.1 The previous grant of permission for a scheme on this site (17/1365/FUL), which will remain extant for the next two years, is a significant material consideration in the determination of this application.
- 9.2 The additional unit sought for the first time in this application is in my view fully in accordance with both the adopted local plan and the Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications. The five units previously approved under 17/1365/FUL fall short of the requirements of policy 50 of the emerging plan, in terms of external amenity space, storage space and internal gross floor space, although only one of those five units falls significantly short on this last criterion. Were there no existing approval for these five units, I would recommend refusal of this scheme on the basis of residential space standards, but all five of these units could be lawfully constructed under the existing permission, provided the development is commenced on or before 24<sup>th</sup> September 2020. In this situation, refusal of permission for the units previously approved would in my view be unreasonable, and accordingly I recommend approval of the scheme now sought.
- 9.3 However, the situation would be different in the future if this scheme were to be approved now, but not implemented, leading to a further application for the same proposal. Were such an application to be made, for example, in the autumn of 2020, it is my view that the then-extant status of an approval for the present application would be very much reduced compared to the weight of an adopted local plan then likely to be of two years standing.

## 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: 0800hours 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

4. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

5. In the event of the foundations for the proposed development requiring piling, no such piling shall take place until a report / method statement detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration has been submitted to, and approved in writing by, the local planning authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

6. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure appropriate waste storage, and to protect the amenity of the residents of the development. (Cambridge Local Plan 2006 policies 3/14 and 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 58)

7. Before any finished surfaces are constructed, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing of the bricks and the cladding for the walls. These shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/14 and 4/11 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55, 58 and 61)

8. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: In the interests of the visual amenity of the conservation area (Cambridge Local Plan 2006 policies 3/14 and 4/11 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55, 58 and 61)

9. All new joinery shall be recessed at least 75mm back from the face of the wall. The means of finishing of the reveal shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the conservation area (Cambridge Local Plan 2006 policies 3/14 and 4/11 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55, 58 and 61)



10. Prior to the installation of any non-timber windows and doors, full details including samples of materials showing profiles, cross-sections, surface finishes, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the conservation area (Cambridge Local Plan 2006 policies 3/14 and 4/11 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55, 58 and 61)

11. Prior to occupation of the extension hereby approved, the windows midway along the west elevation of the extension, which serve bathrooms at ground, first, second and third floor levels, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, shall be hinged only at the top or on the north side, and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The windows shall be retained in this configuration thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55 and 58)

12. No development hereby permitted shall be commenced until a surface water drainage scheme based on sustainable drainage principles and following the drainage hierarchy has been submitted to and approved in writing by the local planning authority. 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. identify the existing and proposed method of surface water disposal;

- b. provide information about the design storm period and intensity, the existing and proposed drained 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 and achieve an overall reduction where possible;
- c. provide information on the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- d. provide a management and maintenance plan for the proposed SuDS features.

Reason: To ensure appropriate drainage of surface water and avoid the risk of flooding. (Cambridge Local Plan 2006 policy 4/16 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 31 and 32)

13. No building hereby permitted shall be occupied until drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan for the lifetime of the development.

Reason: To ensure appropriate drainage of surface water and avoid the risk of flooding. (Cambridge Local Plan 2006 policy 4/16 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 31 and 32)

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

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and local planning authority Tree Officer to discuss details of the approved AMS.

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with the TPP, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out. If any tree shown to be retained is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policies 4/3 and 4/4, and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 71)

15. Before the commencement of the additional 'mews' residential unit, a detailed landscape plan for the outdoor amenity space, showing hard surfaces, boundary demarcation and planting, shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented prior to occupation, and maintained in that condition thereafter.

Reason: To ensure appropriate outdoor amenity space for this unit. (Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications policy 55)

**INFORMATIVE:** The residents of the site, whether in existing or the proposed residential units will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers-by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).

**INFORMATIVE:** The applicant is advised of the following considerations in relation to gas pipeline/s identified on site.

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

**INFORMATIVE:** The applicant is advised, in connection with the arboricultural works which will be necessary, that within the root protection area of the walnut tree to the north of the site, the location of services, the lowering of levels, strip footings or excavation to accommodate a ground beam or similar will not be accepted. An acceptable foundation design may result in a raise in internal floor levels and ridge heights, which could require a further planning application.

**INFORMATIVE:** The applicant is advised that surface water runoff rates from the site must be reduced by at least 20% of the current runoff rate in line with existing policy, and that all new or altered external surfaces within the site boundary should be of permeable construction.

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CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 3<sup>rd</sup> October 2018  
WARDS: NEW

## **OBJECTION TO CITY OF CAMBRIDGE TREE PRESERVATION ORDER (TPO) NO. 21/2018**

---

### **1.0 INTRODUCTION**

- 1.1 A TPO has been served to protect trees at 5A and 7 Herschel Road.
- 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 following.
  - T1: Horse Chestnut - remove stem (size 8m) and all overhanging branches over property.
  - T2: Oak - cut back stem by 6m which overhangs the property.
  - T3: Lime - reduce height by 10m and rebalance crown.Following a site visit, officers concluded that the work, in the manner proposed, was excessive and contrary to best practice, that there were no arboricultural or overbearing practical reasons to allow the works and that such work would have a material impact on the tree health and appearance. As the Council cannot refuse or permit works detailed in a s.211 Notice, a TPO was served to protect the trees.

### **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 boundary between 5A and 7 Herschel Road and are a significant feature of the 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

With less severe works the tree could be retained without conflicting with the reasonable use of the property, without causing direct damage to property or 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 and objection was received to the TPO from residents 5A Herschel.

### **6.0 CONSIDERATIONS**

- 6.1 The objection to the TPO is made on the grounds that the Oak, in the garden of 7 Herschel Road, overhangs both the garden and house of 5A Herschel Road, and swings close to its roof and that even a cursory inspection shows that its removal would not detract from the appearance or symmetry of the tree. The limb is a genuine hazard.
- 6.2 Officer's response to the objection.  
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 is required to address a Hazard. However the length of the limb and the fact that its overhangs an adjacent property is not sufficient to constitute a hazard without there being a defect. No evidence has been presented to support the claim that the limb is a hazard. The extent of reduction in contrary to best practice and will effect the trees' appearance and symmetry.
- 6.3 In conclusion, the applicant has not provided the arboricultural or practical reasons to justify the reductions proposed and the works will have a detrimental impact on the tree health and appearance. Because the tree works were proposed in a s.211 Notice, it was necessary to the serve TPO 21/2018 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 trees have on their surroundings 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 recommended to confirm City of Cambridge Tree Preservation Order 21/2018.

## **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 18/203/TTCA

City of Cambridge Tree Preservation Order 21/2018.

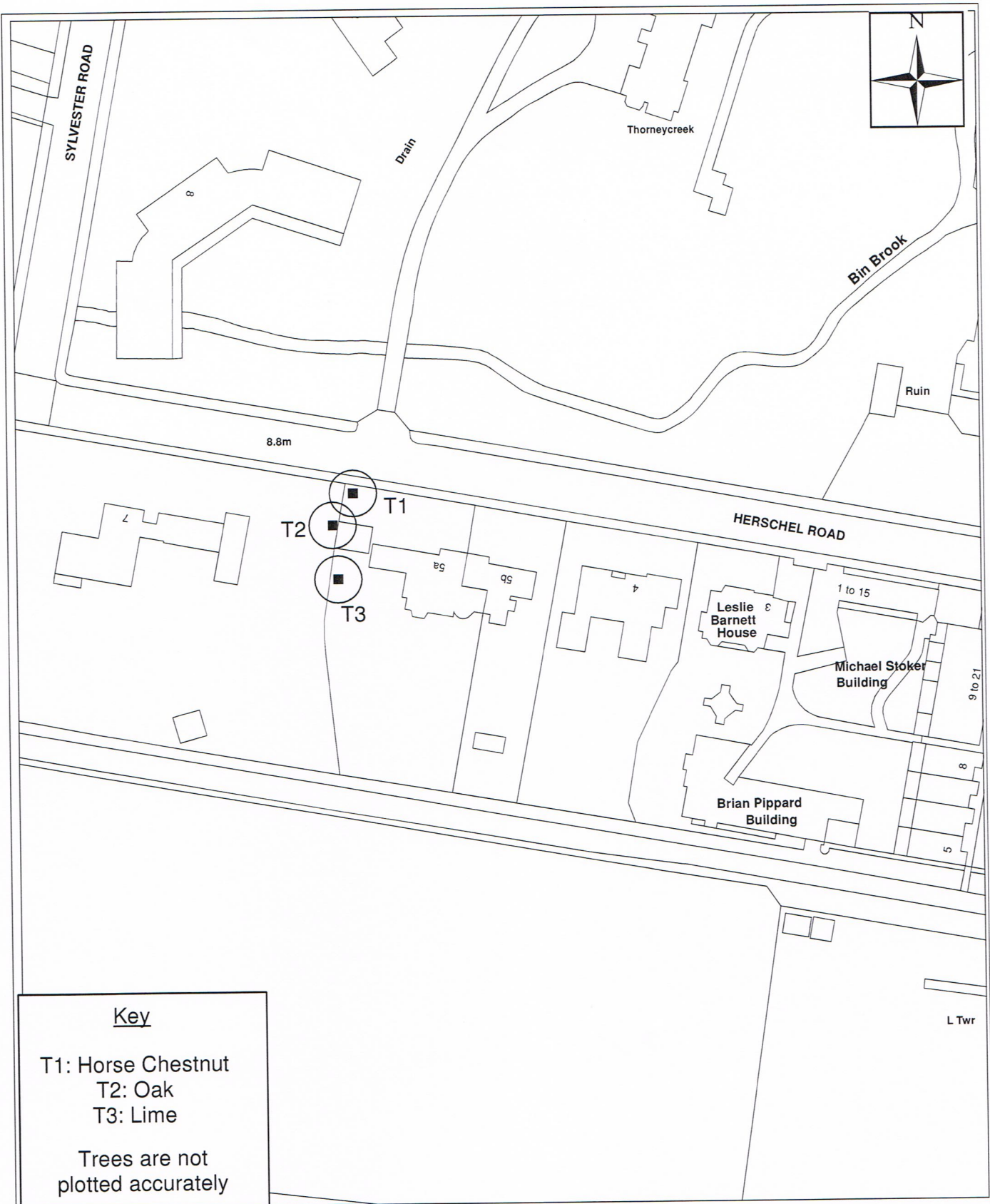
Emailed objection to TPO 21/2018

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: 15/09/2018

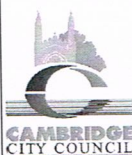
Date of last revision: 18/09/2018



**Key**

T1: Horse Chestnut  
 T2: Oak  
 T3: Lime

Trees are not plotted accurately



City of Cambridge  
 (5A & 7 Herschel Road)  
 Tree Preservation Order No. 21/2018

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Date:	29 June 2018
Prepared by:	Rebecca Cooke
Section/Department:	Policy & Projects, Environment & Planning
Scale:	1:1,000

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CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee 3<sup>rd</sup> October 2018  
WARDS: TRU

## **OBJECTION TO CITY OF CAMBRIDGE TREE PRESERVATION ORDER (TPO) NO. 10/2018**

---

### **1.0 INTRODUCTION**

- 1.1 A TPO has been served to protect a Pine tree at 2 Southacre Drive.
- 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 was received proposing the felling of a Pine tree. Following a site visit, officers concluded that there were no arboricultural or overbearing practical reasons to allow the tree's removal and that such work would have a detrimental impact on the verdant character of the area. 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 that 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's removal and because the removal would have a detrimental impact on amenity.

#### 4.2.2 Amenity

Visual. The tree is located to the front of 2 Southacre Drive and is clearly visible from same and Chaucer Road.

Wider Impact. The tree contributes positively to the character and appearance of the conservation area.

Climate Change. Larger trees and evergreen trees have a greater impact with regard to climate change adaptation and pollution mitigation.

#### 4.2.3 Suitability



There are considered to be no overbearing practical or arboricultural reasons why the tree is not currently suited to its location.

## **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 an objection has been received to the TPO from the resident of 2 Southacre Drive.

## **6.0 CONSIDERATIONS**

- 6.1 The objection to the TPO is made on the grounds that numerous cones fall on the pavement and drive, which could lead to someone falling over. One of the residents has recently had knee and hip surgery. The tree was planted as part of the landscaping scheme associated with the development and has now grown very tall.
- 6.2 Officer's response to the objection.  
When officers consider the suitability of TPO, the balance between amenity value and nuisance is considered. Falling needles and cones would generally be considered an inconvenience but not a sufficient nuisance to justify tree removal. The tree has grown since the development was completed but the tree is not considered to have outgrown the location and there is ample space for the canopy to develop over the adjacent building, with occasional pruning.
- 6.3 In conclusion, the applicant has not provided sufficient arboricultural or practical reason to justify the tree's removal and such removal would be contrary to the adopted tree strategy and have a detrimental impact on the character of the area. Because the tree works were proposed in a s.211 Notice, it was necessary to serve TPO 10/2018 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 trees have on their surroundings.

## **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 recommended to confirm City of Cambridge Tree Preservation Order 10/2018.

## 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 18/088/TTCA

City of Cambridge Tree Preservation Order 10/2018.

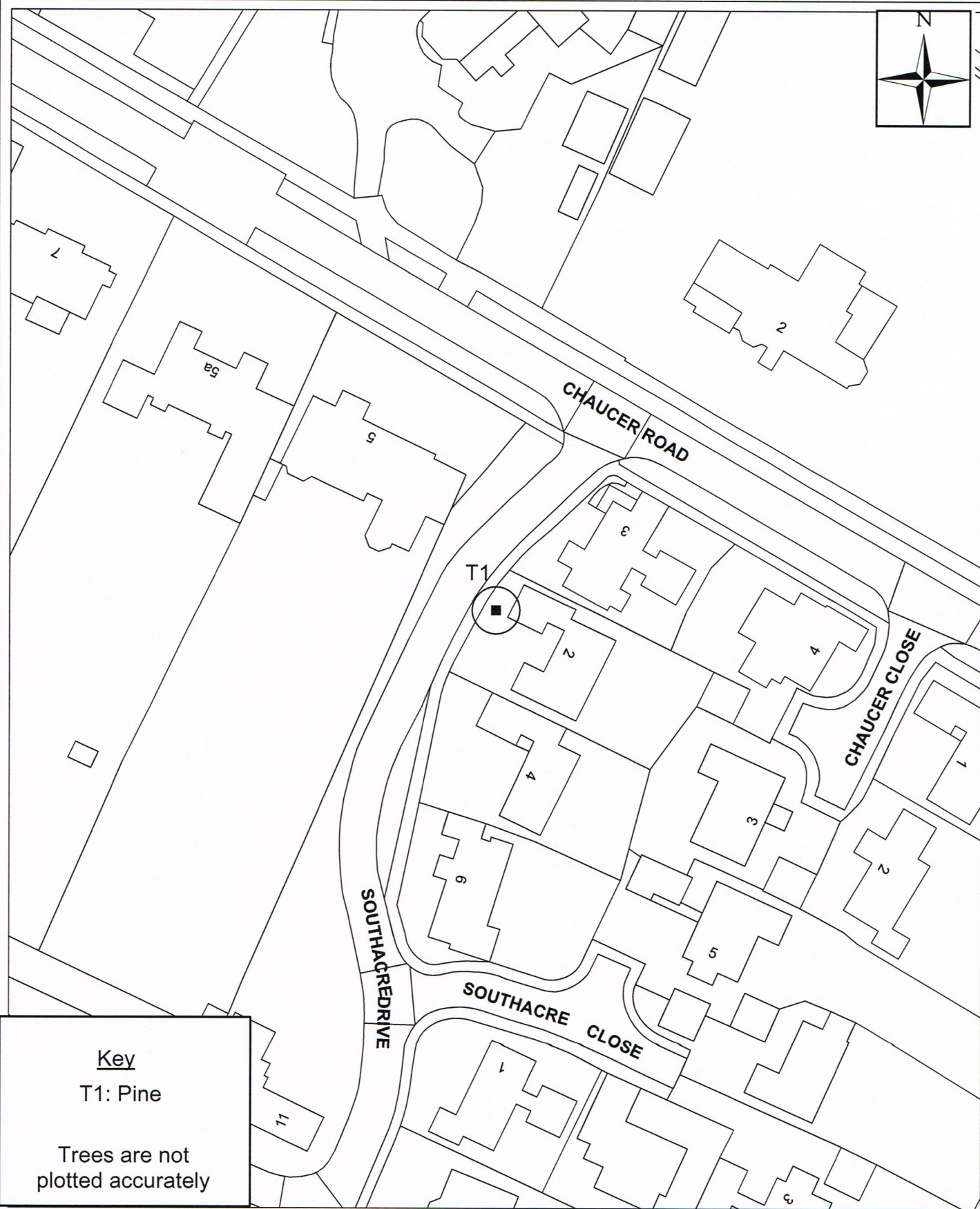
Written objection to TPO 10/2018

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: 15/09/2018

Date of last revision: 18/09/2018



Key  
T1: Pine  
  
Trees are not plotted accurately



City of Cambridge  
(2 Southacre Drive)  
Tree Preservation Order No. 10/2018

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Date:	04 April 2018
Prepared by:	Kelly Menezes
Section/Department:	Policy & Projects, Environment & Planning
Scale:	1:750

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