

PLANNING COMMITTEE

6th February 2019

Application Number	18/1432/FUL	Agenda Item	
Date Received	10th September 2018	Officer	Mairead O'Sullivan
Target Date	10th December 2018		
Ward	Romsey		
Site	Ridgeons 75 Cromwell Road Cambridge Cambridgeshire CB1 3EB		
Proposal	Demolition of all buildings and hardstanding on the site and construction of a soil strip as part of the land contamination remediation strategy.		
Applicant	N/A C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal would not have an adverse impact on surrounding occupiers subject to conditions - The proposal would not harm trees on site.
RECOMMENDATION	APPROVAL

0.0 Addendum

0.1 The application was due to be heard at 5 December planning committee but was withdrawn from the agenda by the applicant as they wished to include the proposed soil strip in the application. The description of development has been amended to include the soil strip. Consultees and neighbours have been notified of the amendment.

0.2 The key statutory consultee is Environmental Health who have reviewed the addition of the soil strip and suggested additional conditions to deal with contaminated land. The principle of the soil strip and dealing with the details by conditions has been agreed but the condition wordings are currently being reviewed by the Environmental Health Team. The applicant wishes to

have conditions worded so that elements of the demolition can take place as soon as the permission is granted. Environmental Health are reviewing the condition wording to ensure that if any demolition is agreed to take place, the details required to deal with contamination on site are submitted at the right time and that any conditions are enforceable. Any changes to the conditions will be updated on the amendment sheet.

- 0.3 Further conditions have been recommended by the landscape and drainage officers. The landscape condition requires a method statement to cover how the removal of hardstanding and the balancing pond will be managed to ensure existing planting is retained and that the soil under the concrete balancing pond is adequately de-compacted. The drainage condition requires a surface management plan to deal with the removal of the concrete balancing pond.
- 0.4 The recommendation is for approval subject to the conditions listed in the updated conditions table at 10.0 of the report.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site comprises the Ridgeons site on the western side of Cromwell Road, measuring 3.31ha. The application site includes the main vehicle access onto Cromwell Road and the secondary access further to the south.
- 1.2 The last use of the site was as a builder's merchants. Following the grant of outline permission for the redevelopment for housing, the site was purchased by Cambridge City Council and Cambridge Investment Partnership. The largest building lies in the centre of the site and was the main Ridgeons store. Two further warehouse buildings are located to the south. The remainder of the site is predominantly laid out with hard surfacing and was used for storage, parking and deliveries. There is an attenuation pond in the northern corner.
- 1.3 The western boundary of the site adjoins the railway line. The surrounding area is predominantly residential, characterised by inter-war semi-detached properties on the eastern side of Cromwell Road and Victorian terraces to the south. To the north the site adjoins Winstanley Court which is a development of residential flats.

2.0 THE PROPOSAL

- 2.1 The application seeks full planning permission for the demolition of all buildings and hardstanding on site. Full planning permission is required for the demolition of the buildings on site, as there is an existing extant outline consent it is not possible to deal with the demolition through the prior approval process as would normally be the case.
- 2.2 Demolition plans have been provided as part of the application which outline the extent of demolition and areas of proposed vegetation clearance. Further information has also been provided in response to comments from the Environmental Health Officer.
- 2.3 Planning permission has already been granted for the demolition of all buildings on site under the extant outline consent so the principle of demolition has already been established. The proposal seeks permission for the detail of the demolition process including the demolition of the buildings on site, removal of hard standing and clearance of some vegetation.

3.0 SITE HISTORY

Reference	Description	Outcome
16/1904/OUT	Outline application for erection of up to 245 dwellings, including affordable housing, a nursery and/or community facility, open space, car parking, cycle parking and associated works following the demolition of all existing buildings on the site.	Permitted
18/5332/SCRE	Request for EIA Screening Opinion in respect of the proposed development of the former Ridgeons site, Cromwell Road, Cambridge for the development of up to 295 dwellings, a basement car park and approximately 272sqm nursery and community facility.	EIA screening not required

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 14 16 31 33 35 36 59 61 70 71 81

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 from 3 March 2014 onwards Circular 11/95 (Annex A)
Supplementary Planning Documents (These have been prepared in parallel with	Ridgeons site Planning and Development Brief Cambridgeshire and Peterborough Flood and Water

<p>the Local Plan preparation and will be shortly adopted by the Executive Councillor by an out of cycle decision.)</p>	
<p>Previous Supplementary Planning Documents</p> <p>(These documents, prepared to support policies in the 2006 local plan are no longer SPDs, but are still material considerations.)</p>	<p>Sustainable Design and Construction (May 2007)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Arboricultural Strategy (2004)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p>

	<p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridgeshire and Peterborough Biodiversity Action Plan - priority species</p> <p>Cambridgeshire County Council Transport Assessment Guidelines (2017)</p> <p>Contaminated Land in Cambridge - Developers Guide (2009)</p> <p>Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004)</p>
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection: The proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of a condition and informatives requiring a traffic management plan.

Environmental Health

First comment

- 6.2 No objection: The contaminated land information has been assessed for the demolition work only and the information will need to be re-submitted with a significant amount of further information as part of any subsequent application to redevelop the site. Further information is needed regarding noise and vibration but this can be dealt with by condition. Conditions are recommended regarding demolition/construction noise and vibration and hours, hours for deliveries and collections, contaminated land, and dust. Informative related to the noise assessment, use of a concrete crusher and asbestos are recommended.

Second comment

- 6.3 No objection: Further information has been provided regarding noise and vibration which is considered satisfactory. As a result, this condition can be amended to be a bespoke compliance condition rather than a pre-commencement condition. The other requested conditions and informatives are still relevant.

Refuse and Recycling

- 6.4 No comments received.

Policy

- 6.5 No comments received.

Access Officer

- 6.6 No comments received.

Head of Streets and Open Spaces (Tree Team)

First comment

- 6.7 A plan is missing and is needed before formal comment can be made

Second comment

- 6.8 No objection: No formal objection to the proposed demolition subject to the phased tree protection detailed in the Arboricultural Impact Assessment.

Head of Streets and Open Spaces (Landscape Team)

- 6.9 No comments received.

Cambridgeshire County Council (Lead Local Flood Authority)

- 6.10 There are no drainage implications to the demolition application. Information will be needed as part of any subsequent application to redevelop the site. An informative is requested.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

6.11 No comment.

Head of Streets and Open Spaces (Nature Conservation Officer)

6.12 No objection: The demolition method statement should be amended to reference the protection of hedgehogs during site clearance. The reports make recommendation with relation to enhancement of the site, including the provision of hedgehog holes in all boundary fences, integrated bird and bat box provision and sensitive lighting proposals, particularly along existing garden boundaries to aid foraging bats. I would seek to condition these at the appropriate time. I would request a development of this scale also seek to incorporate large areas of biodiverse green roofs. A nesting bird informative is requested.

Environment Agency

6.13 No comments received.

Anglian Water

6.14 No comments received.

Cambridgeshire Constabulary (Architectural Liaison Officer)

6.15 No objection.

Cadent Gas

6.16 No objection: Searches have identified apparatus within the site. The apparatus is Low or Medium pressure (below 2 bar) gas pipes and associated equipment. The applicant must ensure that the proposed works do not infringe on Cadent's legal rights.

Marshall Airport

6.17 No comments received.

Cambridge Water

6.18 No comments received.

Developer Contributions Monitoring Unit

6.19 No comments received.

6.20 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:

- 127 Cavendish Road
- 17 Cromwell Road x2
- 65 Cromwell Road
- 71 Cromwell Road
- 56 Winstanley Court

7.2 The representations can be summarised as follows:

- Request a shield is erected during demolition to protect health of neighbouring occupiers.
- Concerned about the redevelopment rather than the demolition
- Concerned about damage to property as a result of the development
- Request that boundary wall is retained
- Concerned about the number of houses proposed in terms of highway safety, traffic generation and pressure on the existing access.
- Concerned about amount of affordable housing as it may lead to further antisocial behaviour.
- Concerned about overshadowing from new development
- Impact on hedgehogs using neighbouring gardens.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces and impact on heritage assets
3. Water management and flood risk
4. Noise, vibration, dust and contaminated land
5. Residential amenity
6. Highway safety
7. Third party representations

Principle of Development

8.2 The demolition of the buildings on site has already been accepted as part of 16/1904/OUT. This application seeks permission for the details of the demolition process. The application will later be followed by a new application for the redevelopment of the site.

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

8.3 The site itself lies outside of the Conservation Area but lies adjacent to the boundary at Cavendish Place. As noted above, the demolition of the buildings on site has been accepted in principle as part of the extant outline consent. The Tree Officer is satisfied that subject to compliance with the Arboricultural information submitted the proposal would not harm trees on site.

8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 59, 61 and 71.

Integrated water management and flood risk

8.5 There are no drainage implications to the demolition works on site. Surface water drainage information will need to be provided as part of any future application for the redevelopment of the site

- 8.6 In my opinion the applicants have suitably addressed the issues of water management and flood risk, and the proposal is in accordance with Cambridge Local Plan (2018) policies 31 and 32.

Noise, vibration, dust and contaminated land

- 8.7 During the application further information was provided by the applicant regarding demolition noise and vibration. The Environmental Health Officer considered this to be acceptable and has recommended a compliance condition. The contaminated land information provided is acceptable for the demolition phases and a compliance condition is recommended. Further information regarding contaminated land will be needed as part of any subsequent application for redevelopment of the site. The dust information provided is acceptable and a condition is recommended to ensure compliance. Conditions are recommended regarding the hours of demolition and hours of collections and deliveries to and from the site.
- 8.8 In my opinion, subject to the conditions I have recommended, the applicants have suitably addressed the issues of noise, vibration, dust and contaminated land, subject to conditions, and the proposal is in accordance with Cambridge Local Plan (2018) policies 33, 35 and 36.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 The Environmental Health Officer is satisfied that subject to conditions the proposal will not harm the amenity of surrounding occupiers. I share this view and have recommended the conditions as outlined above.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policy 35.

Highway Safety

- 8.11 The Highway Authority has no objection to the proposed demolition works subject to a condition and related informative requiring a traffic management plan. I share the Highway Engineer's view and have recommended the condition and informative.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Biodiversity

- 8.13 The Nature Conservation Officer has requested that the demolition method statement is updated to reference protection of hedgehogs during site clearance. I have requested that the amendment is made ahead of committee and will provide an update on the amendment sheet. The other matters relate to any future application for redevelopment of the site and have been added as informatives so the applicant is aware.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 70.

Third Party Representations

- 8.15 I address the third party representations in the below table:

Representation	Response
Request a shield is erected during demolition to protect health of neighbouring occupiers.	The Environmental Health Officer has assessed the information submitted regarding dust management and mitigation and is satisfied that it is acceptable. A condition requiring compliance with the information provided is recommended.
Concerned about the redevelopment rather than the demolition	Noted but the current application relates only to demolition.
Concerned about damage	This is a civil matter and cannot be

to property as a result of the development	considered as part of the planning process.
Request that boundary wall is retained	The boundary wall adjacent to 71 Cromwell Road is proposed to be retained. This would be assessed further as part of any future planning application for redevelopment of the site/
Concerned about the number of houses proposed in terms of highway safety, traffic generation and pressure on the existing access.	This is not relevant to the current application which only relates to demolition of the existing buildings and removal of hard standing on site.
Concerned about amount of affordable housing as it may lead to further antisocial behaviour.	This is not relevant to the current application which only relates to demolition of the existing buildings and removal of hard standing on site
Concerned about overshadowing from new development	This is not relevant to the current application which only relates to demolition of the existing buildings and removal of hard standing on site
Impact on hedgehogs using neighbouring gardens.	The biodiversity officer has reviewed the plans and requested that details regarding the protection of hedgehogs are integrated into the demolition method statement. I have requested that the applicant update this document to explicitly reference hedgehog protection and will provide an update on the amendment sheet.

9.0 CONCLUSION

- 9.1 The application relates to demolition of the buildings on site, removal of hard standing and some vegetation clearance. The principle of demolition has been accepted as part of the outline

permission ref. 16/1904/OUT. The current application deals with the detail of demolition including noise, vibration and dust management. The Environmental Health Officer is satisfied with the information submitted and has recommended conditions. The Tree Officer has recommended a condition to ensure compliance with the arboricultural information provided. The Highway Authority is satisfied that the works would not have an adverse impact on Highway Safety subject to an adequate demolition traffic management plan being provided.

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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

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

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

4. There shall 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 2018 policy 35)

5. The proposed mitigation, management and monitoring of airborne dust from all site activities during demolition shall be implemented in accordance with the Dust Risk Assessment and Management Plan; Former Ridgeons, Cromwell Road, Cambridge, Revision A, ref DM/CC/P18-1536/01 Rev A (Create Consulting Engineers Ltd, August 2018). unless amendments to this document have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity at the existing adjoining / nearby residential premises in accordance with Cambridge Local Plan 2018 policy 36.

6. The demolition activities shall be carried out in accordance with the following documents: Method Statement: Demolition Works, Revision A, Ref 270718:0500 (David Humphrey & Sons Ltd, 27th July 2018) Remediation Strategy and Verification Plan; Cromwell Road, Cambridge, CB1 3YB, ref 724323-MLM-ZZ-XX-RP-J-0002 (MLM Group, 28/8/18) unless amendments to these documents have first been submitted to and agreed in writing by the Local Planning Authority .

Reason: To ensure that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 policy 33.

7. With the exception of the works detailed in the document "Method Statement: Demolition Works", Revision A, Ref 270718:0500 (David Humphrey & Sons Ltd, 27th July 2018), no movement / removal of soil, above or below groundwork (except for the removal of foundations) and/or remediation works shall commence until the following has been submitted and approved in writing by the local planning authority:

- An updated 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.

The remediation strategy shall be prepared in accordance with the following documents:

- Phase 1 Contamination Assessment; Cromwell Road, Cambridge, CB1 3YB, Revision 2, ref 773969-REP-ENV-001-REV2 (MLM Group, 5/9/18)
- Phase 2 Geoenvironmental Assessment; Cromwell Road, Cambridge, CB1 3YB, Revision 3, ref 773969-REP-ENV-002-REV3 (MLM Group, 5/9/18)
- Supplementary Phase 2 Contamination Assessment; Cromwell Road, Cambridge, CB1 3YB, Revision C01, ref 724323-MLM-ZZ-XX-RP-J-0001 (MLM Group, 28/8/18)

Reason: To ensure that appropriate remediation measures are agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan (2018) Policy 33.

8. If previously unidentified/unexpected contamination is encountered whilst undertaking the development, all site works shall immediately cease until the Local Planning Authority has been notified and the additional contamination has been fully assessed and the following has been submitted to and approved in writing by the Local Planning Authority:
- a) A site investigation strategy detailing the works required to assess the previously unidentified contamination
 - b) 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
 - c) 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 proposed remedial works setting out a timetable for all remediation measures that will be implemented.

Works shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with policy 33 of Cambridge Local Plan (2018)

9. Other than the works associated with the demolition of the buildings and with the exception of the works detailed in the document "Method Statement: Demolition Works", Revision A, Ref 270718:0500 (David Humphrey & Sons Ltd, 27th July 2018), no hardstanding shall be removed from the site or below ground works undertaken until the following has been submitted to and approved in writing by the local planning authority:
- A Materials Management Plan (MMP) to include :
- details of the volumes and types of material proposed for reuse on the site .
 - details of the chemical testing for all material to be undertaken before reuse on the site .
 - the provisions for the reporting and logging of results of the chemical testing to show that the material is suitable for reuse on the site .
 - confirmation of the chains of evidence to be kept during all soil the materials movement, reuse, placement and removal from and to the site .
 - provision for the testing, logging and reporting of any material imported onto the site as part of the approved phase of works
 - Be prepared in accordance with the CL:AIRE Definition of Waste: Development Industry Code of Practice.
- All works will be undertaken in accordance with the approved document.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with policy 33 of Cambridge Local Plan (2018)

10. The proposed mitigation, management and monitoring of noise and vibration from all site activities during demolition shall be implemented in accordance with the Demolition Noise and Vibration Assessment (Revision C) ref JDB/JEB/P18-1536/02 Rev C (Create Consulting Engineers Ltd, September 2018) shall be fully implemented unless amendments to this document have first been submitted to and agreed in writing by the Local Planning Authority..

Reason: To protect residential amenity at the existing adjoining / nearby residential premises in accordance with Cambridge Local Plan 2018 policy 35.

11. No movement / removal of soil, above or below groundwork (except for the removal of foundations) and/or remediation works shall commence until the following has been submitted and approved in writing by the local planning authority:

- An additional or updated Demolition Noise and Vibration Assessment to include details of monitoring, mitigation and management of noise and vibration during the soil movement, remediation and management phases of the development

Works shall be implemented in accordance with the approved details.

Reason: To protect residential amenity at the existing adjoining / nearby residential premises in accordance with policy 36 Cambridge Local Plan (2018)

12. No movement / removal of soil, above or below groundwork (except for the removal of foundations) and/or remediation works shall commence until the following has been submitted and approved in writing by the local planning authority:

- An additional or updated Dust Risk Assessment and Management Plan to include details of monitoring, mitigation and management of dust during the soil movement, remediation and management phases of the development..

Works shall be implemented in accordance with the approved details.

Reason: To protect residential amenity at the existing adjoining / nearby residential premises in accordance with policy 36 Cambridge Local Plan (2018)

13. The development shall accord with the submitted phased tree protection methods set out in the Arboricultural Impact Assessment (report dated 06/09/2018 and accompanying plan 6932-D-DEM REV A).

Reason: To ensure trees on site are adequately protected during construction in accordance with Cambridge Local Plan 2018 policy 71.

14. The demolition and construction works shall be carried out in accordance with the traffic management plan Rev D, dated 12th December 2018 unless amendments to this plan have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety (Cambridge Local Plan 2018 policy 81)

15. No works shall commence on the demolition of the concrete lined balancing pond (northernmost part of the site) until there has been submitted to and approved in writing by the LPA a method statement to cover the demolition of this structure. The statement should include in text, plan and sections, the extent of concrete to be broken out, how the broken out concrete will be dealt with and how much concrete will remain in order to maintain the structural integrity of the established planting around the pond. The method statement shall also include details of decompaction of the subsoil beneath the concrete to ensure good drainage and the back filling of the hole with layers of sub and topsoil to enable planting."

Reason: To protect the existing landscape and ensure the subsoil is treated suitably to enable successful future planting (Cambridge Local Plan 2018 policies 56 and 59)

16. No works shall commence until a demolition surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect groundwater from contamination (Cambridge Local Plan 2018 policy 36)

INFORMATIVE: The principle areas of concern that should be addressed by the traffic management plan are:

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

INFORMATIVE: 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 Tel: 0800 688 588

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 8389.

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

INFORMATIVE: Notification to the Environmental Growth and Quality team will be required under the Environmental Permitting Regulations if an on site concrete crusher will be used during the demolition stage.

INFORMATIVE: Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

INFORMATIVE: The 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. Buildings, trees and scrub 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: The reports provided relating to ecological matters make recommendation with relation to enhancement of the site, including the provision of hedgehog holes in all boundary fences, integrated bird and bat box provision and sensitive lighting proposals, particularly along existing garden boundaries to aid foraging bats. These matters will be conditioned as part of any subsequent application to redevelop the site.

Any future application should seek to incorporate large areas of biodiverse green roofs.

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PLANNING COMMITTEE

6th February 2019

Application Number	18/1329/FUL	Agenda Item	
Date Received	10th September 2018	Officer	Mairead O'Sullivan
Target Date	10th December 2018		
Ward	Romsey		
Site	188 - 192 Mill Road And 2B Cockburn Street Cambridge Cambridgeshire CB1 3LP		
Proposal	Reconfiguration and extensions, incorporating dormer windows, and alterations to roof of building to provide 14 residential units (net increase of 9) along with bin and cycle storage.		
Applicant	N/A C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal creates a larger shared outdoor amenity space which is more meaningful and usable space when compared with the approved scheme. - The new units would meet with the requirements of policy 50 in terms of internal space - The proposal would not harm the residential amenity of neighbouring occupiers.
RECOMMENDATION	APPROVAL

0.0 Addendum report

0.1 The application was withdrawn from January 2019 Planning Committee as it was found to have been incorrectly registered as a minor development. The application was withdrawn from the agenda to rectify the error and the application was

advertised and a site notice erected describing the proposal as a major development.

- 0.2 Although the application is a major development the net increase in residential units would be 9. As a result the proposal does not hit the threshold for affordable housing and infrastructure provision, and no s106 contributions are being sought.
- 0.3 As a result of the application being a major development, the Senior Sustainability Officer was consulted. She has no objection to the proposal. As the development is a conversion of an existing building, the carbon reduction requirements of policy 28 do not apply as these can only be realistically achieved on a new building. A condition is recommended requiring details of water efficiency to be submitted prior to occupation to meet with the water requirements of policy 28.
- 0.4 The Environmental Health Officer reviewed the landscaping shown on the proposed site plan. He raised concern for the potential for contamination from the exposure of site soils and requested a condition to deal with the details. The applicant responded to the condition request and confirmed that the landscape would be provided in planters on top of the block paving. The Environmental Health Officer is willing to withdraw his objection subject to planters being used rather than landscaping being provided. A condition is recommended requiring details of the landscape to be provided and for an additional condition regarding maintenance and management of the landscape.
- 0.5 The application recommendation is for approval subject to the conditions in table 10.0 of the report; including the additional water efficiency condition.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is Nos. 188-192 Mill Road and No. 2B Cockburn Street. This comprises a tattoo studio, retail unit and five residential flats. The buildings fronting Mill Road are two-storeys with retail units at ground-floor level and a consistent rhythm of first-floor windows above. The Cockburn Street elevation is comprised of a small residential unit, set back from the road, and adjacent to the larger two-storey mass of No.2B

Cockburn Street which has residential floor space above ground-floor garages.

- 1.2 The surrounding area is comprises a range of commercial units along Mill Road and typically terraced residential properties along the side streets. The site falls within the Mill Road East District Centre and the Central Conservation Area. The site lies within the newly designated Mill Road Opportunity Area. The site is outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 A substantial part of the development proposed in this application has already been included in a previous application (ref. 17/2093/FUL). This application has been implemented and works are ongoing. The 2017 consent permitted works to 190-192 Mill Road and 2B Cockburn Street to provide 10 residential units (net increase of 7) The current proposal expands the red edged location plan to incorporate 188 Mill Road into the approved scheme (ref. 17/2093/FUL). It proposes two additional flats on the second floor bringing the total number to 14 flats with a net increase of 9, as there are 2 existing flats in the first floor of 188 Mill Road. These remain broadly the same as existing. The two new flats are proposed to be contained in the roof.
- 2.2 Whilst much of the proposal has been permitted through approval ref 17/2093/FUL, the applicant must apply for permission for the whole site as the works approved under 17/2093/FUL have not been completed. The application could not be dealt with as a section 73 application (minor material amendment) as it involves a change to the site edged red. As a result the works must be dealt with under a new FUL application. However, the approved scheme is a material consideration in the assessment of the current application.
- 2.3 The application proposes an additional dormer and rooflight to the Mill Road elevation above 188 Mill Road. A small extension is proposed at first floor and on the second floor to accommodate the new units. The Cockburn Street wing of the proposal is also amended to include a small increase to the footprint as the stairwell has been revised. A revised site plan has been provided showing a bollard adjacent to Cockburn Street to prevent vehicular access to the site. This plan also

shows additional planting including a new tree. The configuration of the second floor has been amended and head heights of the second floor clarified to ensure that units S8, S11 and S12 meet the space requirements of Policy 50 of the Cambridge Local Plan (2018)

3.0 SITE HISTORY

3.1 The planning history since 1995 consists of:

Reference	Description	Outcome
17/0493/FUL	Change of Use from Retail (Use Class A1) to Tattoo Parlour (Sui Generis Use)	Permitted.
17/0957/FUL	Reconfiguration and extensions, incorporating dormer windows, and alterations to roof of building to provide 12 residential units (net increase of 9 units) along with bin and cycle storage.	Refused Appeal dismissed
17/2093/FUL	Reconfiguration and extensions, incorporating dormer windows, and alterations to roof of building to provide 10 residential units (net increase of 7) along with bin and cycle storage.	Permitted

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 3 31, 32, 33, 35, 36 50, 53 55, 56, 58, 59, 61, 64, 69 81, 82

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) Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)

Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 Following implementation the residents of the site will not qualify for Residents' Permits (other than visitor permits) within the Residents' Parking Schemes. Informative required.

Environmental Health

First comment

6.2 Conditions required with respect to:

- Construction hours;
- Collection during construction;
- Dust;
- Noise insulation;
- Contaminated land

Second comment

6.3 No objection: The layout plan has been revised to include an element of soft landscaping. The exposure of site soils in such a manner creates a potential pollutant linkage between the proposed site users and potentially contaminated ground. The applicant will be required to quantify this risk and, if necessary, design and implement a suitable mitigation strategy. This can be conditioned using the site-specific condition.

Conservation team

- 6.4 No objection: No conservation issues. The shopfront is to be refurbished, and the proposed new dormer and roof light will match those previously approved. A condition is requested to control the dormer design.

Nature Conservation Officer

- 6.5 No objection: Request that green roofs are provided on the flat roofs. Request an informative about nesting birds and a condition requiring nest box provision for swifts.

Urban Design team

- 6.6 Objection: The proposal fails to meet floorspace standards. If approved should be subject to the same conditions as the previous application.

Head of Streets and Open Spaces (Landscape Team)

- 6.7 Objection: Concerned that the hard paved approach and wide access will lead to the communal space being used as informal parking. Parking should be designed out of the proposal. None of the units have access to private amenity space. This is contrary to 2018 Local Plan however, it is considered that it would be impractical to provide balconies or patios to this development. In this context it becomes more important to provide quality communal space where it is available to do so and therefore we require further development of the communal space design to ensure it would provide a usable space for residents.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.8 Objection: Considered to be a major application and therefore requires surface water drainage details to be submitted. The proposal is unacceptable without such a scheme.

Shared Waste Service

6.9 No objection: This development will need to allow space for the following bins:

Refuse: 1 x 1100 litre and 1 x 360 litre

Recycling: 1 x 1100 litre and 1 x 360 litre blue bins

Food waste: 1 x 360 litre green bin

The bin store must not have a code or a key except for a Fire Brigade FB2 key, and must have level access and a drop kerb onto the road. Waste arrangements for the existing commercial units should remain as at present.

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

7.0 REPRESENTATIONS

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

- 9 Cockburn Street
- 11 Cockburn Street x2

7.2 The issues raised in representations can be summarised as follows:

- Overdevelopment of the site
- Increased noise and disturbance
- Insufficient bin storage space
- Insufficient cycle storage space
- Increased pressure on on-street car parking
- Car parking will cause noise, pollution and dust
- Harm the character of the area by increasing short-term tenancies
- Development timeline for the whole site should not have been set in place before decision-making was complete.

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2018). Policy 3 supports proposals for housing development on previously-developed land within the urban area of Cambridge. The site currently includes residential uses above the existing commercial uses and future occupiers would have a wide range of services and facilities within a very close distance. For these reasons, I consider the principle of the development is acceptable in accordance with policies 1 and 3 of the Cambridge Local Plan (2018).

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

8.3 The extensions and alterations proposed are broadly similar to those already approved under 17/2093/FUL. The current proposal incorporates 188 Mill Road into the plans and includes an additional dormer and roof light on the front elevation, some minor changes to the extension adjacent to Cockburn Street and an extension to the rear of 188 Mill Road at second floor. The majority of the proposal is as approved. The additional dormer visible from the streetscene continues the approved rhythm of dormers and the Conservation Officer is satisfied that

this element is acceptable subject to a condition requiring details of the dormers. The alterations to the Cockburn Street Wing are minor and not visually significant. The extension to 188 is in keeping with the approved design and would be tucked away behind the existing building and shielded from view from the street from the Cockburn Street wing. The changes proposed to 188 are respectful of the existing building and the design previously approved on the rest of the site. Neither the urban design team nor the conservation team raises any objections to the additional element of the proposal. In my view the proposals are substantially similar to the previous scheme, and the impact on the character of the area and the conservation area is considered to be acceptable.

- 8.4 The Landscape Officer raised concerns about the original plans submitted as part of the application as there were concerns that the hard landscape shown would be used for informal parking. She requested that this was designed out and that, as it is not possible to provide private external space as part of the proposal due to the constraints of the site, further detail should be provided to show the space to the rear would be usable as garden space for future occupiers.
- 8.5 The applicant has provided a revised site plan showing a bollard adjacent to Cockburn Street to prevent vehicular access into the site. Further landscaping is shown which softens the environment so it reads as a courtyard garden space. The biodiversity officer requested some further green on site and the applicant has confirmed that a new native tree can be provided along with the shrubs shown. I am satisfied with the landscape details in principle and have recommended a hard and soft landscape condition to deal with the details. The condition and informative regarding swift nesting boxes recommended by the Biodiversity Officer has also been recommended.
- 8.6 In my opinion, the proposed works and alterations would preserve the character and appearance of the Conservation Area. As such, the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58, 59 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.7 The extensions and alterations to the built form proposed are substantially the same as the previous application. For the sake of completeness, I have reiterated much of the assessment from the last application here. The neighbouring properties are Nos. 2 and 2A Cockburn Street to the south and the residential uses above No. 194 to the east. The revised proposal incorporates 188 Mill Road into the site and includes some extensions to this property. I have included an assessment on the amenity of 186 Mill Road below.

- *No. 186 Mill Road*

8.8 It is unclear what the use of the nearest window to the rear of 186 serves. There are some minor alterations to the rear of 188 at first and second floor. The additions are modest in scale and would not have any significant impact on any residential use above 186 as the extensions would be set off the boundary with the property. Given the set away and minor scale I am satisfied that there would be no significant enclosure or overshadowing impact.

- *Nos.2 and 2A Cockburn Street*

8.9 There are no windows on the side (north) elevation of Nos.2 and 2A Cockburn Street that face towards the application site. The proposed development would not be prominent from the garden or windows of this neighbour and I am confident that this relationship would be acceptable. The revised plans extend the element adjacent to these properties further into the site at ground and first floor to accommodate a revised stairwell arrangement. As there are no windows adjacent to this I am satisfied that the addition would not harm the amenity of this occupier.

- *No. 194 Mill Road*

8.10 There is a comfortable separation distance from No.194 Mill Road to the east such that the increase in ridge height proposed would not result in any harmful visual enclosure or overshadowing being experienced. There are already views

across the street towards this neighbour and the proposal would not result in any harmful loss of privacy.

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 Cambridge Local Plan (2018) policies 55, 56 and 58.

Amenity for future occupiers of the site

8.12 A number of the approved units are below the internal space standard requirement of policy 50 of the new local plan. The proposal does reconfigure the units but all units which met the space standards as part of the approved 17/2093/FUL continue to meet with the space standards as part of the current application. Both of the new units (S11 and S12) meet with the space standards. The plans have been amended since submission as unit S8, which was above the space standards in the original approval, fell below the minimum of 37sqm. The amendment reconfigured the flat and clarified through a section plan how storage space is calculated. The revisions bring this unit back to 37sqm which meets with the minimum internal space standard for a studio unit. The below table provides a comparison of the internal floorspace for each flat under the current proposal and the approved application.

	18/1329/FUL (current application – 9 additional units)	17/2093/FUL (previous approval – 7 additional units)
Ground	S1 – 40.25 (1 bed unit)	S1 – 47.2 (1-bed unit)
	S2 – 41.3 (1 bed unit)	S2 – 41.8 (1-bed unit)
First	S3 – 32.3 (studio)	S3 – 32.3 (studio)
	S4 – 38.3 (studio)	S4 – 38.9 (studio)
	S5 – 34.3 (studio)	S5 – 35.5 (studio)
	S6 – 44.8 (studio)	S6 – 32.3 (studio)

	S7 – 50 (1 bed unit)	S7 – 55.1 (1-bed unit)
Second	S8 – 37.06 (studio)	S8 – 45.5 (studio)
	S9 – 37.9 (studio)	S9 – 35.2 (studio)
	S10 – 41 (studio)	S10 – 50.1 (studio)
	S11 – 37.04 (studio)	
	S12- 37.17 (studio)	

8.13 Unit S1 fell below the space standards for a 1 bed unit and has been reduced further but the internal space remains greater than the minimum of 37sqm for a one person unit with shower room. Unit S4 and S5 as approved fell below the space standards and have been reduced a marginal amount so continue to be under the space standards required by policy 50. Unit S6 increases in size from falling under the space standard to being 44.8sqm. Similarly unit S9 increases from being 35.2sqm, 2sqm below the standard, to meeting the minimum requirement of 37sqm.

8.14 The increase to the site area incorporating 188 Mill Road allows for the creation of a larger communal courtyard space. The applicant has provided a revised site plan showing a bollard to prevent car access to the courtyard. Further planting and a new tree are also shown. Final details of landscaping are recommended to be dealt with by condition. The increase to the courtyard space is a significant benefit of the proposal as the previous application did not provide any meaningful external space. In my view, subject to further details of landscape by condition, the communal garden space would provide a good quality shared external amenity space which is a significant improvement on the approved scheme.

8.15 For these reasons, I am satisfied that the proposal would provide an acceptable level of amenity for the future occupants that is appropriate for the urban context. I consider that in this respect the current proposal is compliant with Cambridge Local Plan (2018) policies 56 and 58

Drainage

8.16 The proposal does not significantly change the footprint of the buildings when compared with the approved scheme (17/2093/FUL). As a result I can see no reason to require drainage details up front as these were conditioned as part of the previous approval. The condition on the extant permission has been applied to be discharged but remains outstanding on the system. I am satisfied that a further condition requiring details of surface water drainage for the whole site would be an acceptable means of dealing with surface water drainage matters for the site.

Refuse Arrangements

8.17 The proposal includes a large internal bin store with a straightforward means of access onto Cockburn Street for collections. The bin store would be convenient to use so there would be no reason for users to leave bins on the highway beyond the collection day. The Waste Officer has commented on the application detailing the required number of bins for the development. The store appears to be adequately large to accommodate the required bins. A condition is recommended to ensure the bins provided meet with the Waste officer's comments and if not details are to be provided to the Local Planning Authority for approval prior to occupation of the new units. Subject to this condition I consider the proposed bin store to be adequate.

Highway Safety

8.18 The Highway Authority has raised no objection to the proposal on highway safety grounds. The informative regarding residents parking permits has been recommended.

Car and Cycle Parking

- *Car parking*

8.19 The previous approval removed the two existing car parking spaces from the site and proposed a car-free development which was considered to be acceptable. Whilst policy 82 of the Cambridge Local Plan seeks to prevent car-free developments

in areas which do not have any controls on parking on surrounding streets, the principle of car free development for much of the site has already been accepted and it would be unreasonable to require car parking for the two new units particularly given the sites location within the Mill Road East Local Centre within close proximity to public transport links and cycle and pedestrian infrastructure. The lack of car parking on site combined with the amalgamation of the sites also provides a larger courtyard space for future occupiers of the residential units. In my view the lack of off-street car parking is acceptable.

- *Cycle parking*

8.20 The proposal includes 20 no. covered cycle parking spaces. This exceeds the Council's adopted minimum standards.

8.21 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

8.22 I have addressed the majority of the concerns in the body of my report but will cover any outstanding matters in the below table:

Representation	Response
Overdevelopment of the site	The proposal is considered to respect the constraints of the site.
Increased noise and disturbance	The addition of two further flats is not considered to have any significant impact on noise disturbance to surrounding occupiers.
Insufficient bin storage space	The bins requested by the waste officer would fit within the store shown on the plans. A condition is recommended requiring the bins to be provided in accordance with the waste officers comments.
Insufficient cycle storage space	The proposed cycle parking exceeds the minimum policy standards.
Increased pressure on on-street car parking	The principle of car-free development has already been accepted. See paragraph 8.19

Car parking will cause noise, pollution and dust	No car parking proposed
Harm the character of the area by increasing short-term tenancies	There is no information to suggest the flats would be used for short term lets. This would require a change of use application.
Development timeline for the whole site should not have been set in place before decision-making was complete.	I can only assess the application as applied for. Whilst ideally the whole site would have been included in the original application I am satisfied that the addition of 188 into the site and the proposed alterations to facilitate this would be acceptable.

Planning Obligations (s106 Agreement)

8.23 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.

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

9.0 CONCLUSION

9.1 In conclusion, the proposed external works are minor and subject to condition would preserve and enhance the character and appearance of the Conservation Area. Whilst a number of the units fail to meet the space standards required by policy 50 of the Local Plan, these have already been approved as being under the standards and the benefit of the additional external amenity space to the rear is considered to be significant. The proposal would provide adequate bike and bin storage. The principle of a car-free development has been accepted under

the previous consent and given the sustainable location of the site and as only two further units are proposed, I consider the lack of car parking to be acceptable. The extensions would not harm the amenity of surrounding occupiers.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

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

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

4. There shall 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 2018 policy 35)

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

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2018 policy 36.

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

Reason: To provide an acceptable living environment for future occupants (Cambridge Local Plan 2018 policies 35 and 56).

7. Construction traffic to the site shall accord with the details approved under 17/2093/COND7

Reason: In the interest of highway safety (Cambridge Local Plan 2018 policy 81)

8. Materials shall be constructed in accordance with the details approved under 17/2093/COND8

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 2018 policies 55. 56 and 61)

9. Any non-masonry wall systems shall be constructed in accordance with the details approved under 17/2093/COND9

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2018 policies 55. 56 and 61)

10. The roof shall be constructed in accordance with the details approved as part of 17/2093/COND10

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2018 policies 55. 56 and 61)

11. No dormers shall be constructed until full details, at a scale of 1:10, showing the construction, materials, rainwater disposal and joinery of the dormers, including their cheeks, gables, glazing bars and mouldings, have been submitted to and approved in writing by the Local Planning Authority. Dormers shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

12. External joinery shall be constructed in accordance with the details approved under 17/2093/COND12

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2018 policies 55. 56 and 61)

13. Any railings shall be constructed in accordance of the details approved under condition ref 17/2093/COND13

Reason: In the interests of the visual amenity of the Conservation Area (Cambridge Local Plan 2018 policies 55. 56 and 61)

14. Prior to the occupation of the development, hereby permitted, the windows identified as having obscured glass on the approved plans shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55, 57/58).

15. Prior to the commencement of development, other than demolition, 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 2018 policies 31 and 32)

16. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018 policies 55, 57 and 59)

17. Prior to the occupation of the units, a plan shall be submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of internal and / or external swift boxes on the buildings. The installation shall be carried out prior to the occupation of the new units and shall be subsequently maintained in accordance with the approved plans.

Reason: To protect the local swift population (Cambridge Local Plan 2018 policy 70)

18. Prior to the occupation of the unit the following refuse bins will be provided for occupiers of the new units. The bins will be kept in the store shown on the approved store.

Refuse: 1 x 1100 litre and 1 x 360 litre

Recycling: 1 x 1100 litre and 1 x 360 litre blue bins

Food waste: 1 x 360 litre green bin

Refuse provision will be provided and retained in accordance with the above details unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure adequate refuse provision and in the interest of visual amenity (Cambridge Local Plan 2018 policies 56 and 58)

19. 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 2018 Policy 28).

20. Prior to first occupation or the bringing into use of the development, hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be managed in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is maintained as part of the development. (Cambridge Local Plan 2018 policies 55, 57 and 59)

21. The bollard shown on drawing PL-1-01 rev B shall be provided prior to the occupation of the flats and shall be retained thereafter.

Reason: To prevent the courtyard garden space being used as car parking and to ensure it provides outdoor amenity space for future occupiers (Cambridge Local Plan 2018 policies 50 and 55)

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

INFORMATIVE: 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 Residents' Parking Schemes to be implemented on surrounding streets.

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.

Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Buildings 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.

PLANNING COMMITTEE

6th February 2019

Application Number	18/1150/FUL	Agenda Item	
Date Received	1st August 2018	Officer	Lewis Tomlinson
Target Date	31st October 2018		
Ward	Newnham		
Site	31 Barton Road Cambridge CB3 9LB		
Proposal	Extensions and alterations to existing building to form 11 self contained flats, demolition of existing garage/store and erection of 2 residential units, and associated infrastructure and works.		
Applicant	N/A C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The design and scale of the proposed development would respond sympathetically to the surrounding built form; - The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers; <p>The proposed development is unlikely to give rise to any significant adverse impact upon on street car parking capacity on the surrounding streets.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No.31 Barton Road lies on the south side of Barton Road and comprises a semi-detached three storey building with a basement that currently consists of 4 flats. Vehicular access is along the eastern side of the building, with a gravel area to the rear providing car parking and a garage. To the south and west

are blocks of flats and to the east is a student hostel owned by St Catherine's College.

- 1.2 The site falls within the West Cambridge Conservation Area. There are a number of trees on the site, and a further six trees that lie on land outside the applicants' ownership immediately beyond the eastern boundary. These do not have TPO's but are all protected by virtue of their location within the Conservation Area. There are also a number of protected trees on land beyond the southern and western boundaries of the site.

2.0 THE PROPOSAL

- 2.1 The proposal is for extensions and alterations to the existing building to create 11 self-contained flats, the demolition of the existing garage/store to the rear of the site and the erection of 2 dwellings. In brief, the development includes:

- A three storey extension, with basement, to the rear of No.31.
- Alteration of the existing 'gablet' roof form to a dual-pitched form.
- Two 2-bedroom dwellings, with basement level, to the rear of the site.

- 2.2 The proposal has been amended since submission to increase the size of the amenity areas for the two new build units to the rear and an internal reconfiguration.

- 2.3 It is to be noted that the scheme has been through an extensive pre-application process with officers.

- 2.4 The application is accompanied by the following supporting information:

- Planning Statement
- Drawings
- Transport Statement
- Sunlight and daylight assessment
- Tree survey
- Ecological Appraisal

3.0 SITE HISTORY

- 3.1 None relevant

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2018	Local	1, 3, 27, 29, 31, 32, 35, 36, 45, 50, 51, 52, 55, 56, 57, 58, 59, 61, 70, 71, 80, 81, 82, 85

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)
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> Newnham Croft Conservation Area Appraisal (2013)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The proposal makes no off-street parking provision for residents. Recent guidance contained within the National Planning Policy Framework and the IHT guidance on best practice in car parking provision 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, a more accurate description of the proposal would be “dedicated parking provision-free” rather than “car-free”. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.
- 6.2 Recommends the inclusion of conditions regarding unbound material, surface water run-off, traffic management plan and an informative regarding works within the highway.

Conservation Officer

- 6.3 Proposed – main house:
 Front elevation – no objections to the reinstatement of the second floor projecting bay “loggia” subject to detailed design,

and to reforming the main house roof to a gabled form that is very typical of the area subject to materials.

Rear elevation – the reordering and extension to the rear of the house has now assumed a more suitable scale and form, compared to the pre-application scheme. It continues the gabled form of the rest of the house but does not try to emulate the more decorative aspects of the historic parts. However, this plainness will require very good materials and appropriate detailing to look acceptable.

Proposed – garden units: The revised and more outbuilding-like form of the rear units is a great improvement over the pre-application scheme. Although of a fair-sized footprint, this should be relatively low-key in this setting. The ‘upside-down’ layout gains an increase in volume without great visual impact from within or outwith the site. The proposed materials maintain the outbuilding feel which is welcome.

Overall, no objections subject to conditions relating to materials and joinery.

Developer Contributions Monitoring Officer

- 6.4 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 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.

Drainage Officer

- 6.5 No objection subject to surface water drainage and foul drainage conditions.

Ecology Officer

- 6.6 No objection subject to a bat mitigation method statement condition and a bird box condition.

Environmental Health Officer

- 6.7 No objection subject to the inclusion of conditions regarding construction hours, construction collections, piling, dust, an informative regarding dust.

Landscape Officer

- 6.8 No objection subject to the inclusion of conditions regarding hard and soft landscaping, landscape maintenance and management plan, boundary treatment and tree pits.

Sustainability Officer

- 6.9 No objection subject to renewable energy and water efficiency conditions.

Tree Officer

- 6.10 I confirm that there are no formal objections to the tree removals proposed at number 31 to accommodate the development, as the removals will not have a significant impact on the character or appearance of the area. I am concerned that the submitted arboricultural support lacked a tree survey schedule and did not consider the impact of development on adjacent trees to the south and west. There is a large, mature Monterey Cypress in the grounds of Ashworth Park. The tree's root protection area (RPA) is estimated to extend into the site, which means roots within the RPA will be lost to the development. However given that the loss will occur within a small section of the RPA only, I am satisfied that the shape of the RPA can be adjusted to exclude the site without reducing the area protected. It is not clear how the proposal will be constructed and from where access will be required. It will be necessary to ensure that access for construction does not conflict with any nearby trees to be retained. For this reason the conditions requiring the submission and implementation of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) are recommended

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:

- 2 Grange Road
- 29 Barton Road (owned by St Catherine's College)
- South Newnham Neighbourhood Forum

7.2 The representations can be summarised as follows:

- Lack of car parking will increase traffic, pollution, noise and parking issues.
- Disturbance during construction would result in 29 Barton Road having to remain vacant during the period due to noise, dust and reverberation.
- The narrow nature of the access between 29 & 31* Barton Road would result in access to 29 being practically impossible during the construction phase.
- The proposed development would present a significant increase in demand on the underground services in this area. Any interruption to the underground drainage in this area would further render occupation of 29 Barton Road problematic and would prejudice the use of the property.
- 29 Barton Road requests a party wall survey to the west flank of 29 Barton Road.
- The alterations will improve the front façade, and will make it an imposing and good-looking building once again.
- Concerned about the mass and scale of the rear dominating next door Ashworth House.
- Increase of 4 to 11 units is a significant increase resulting in overdevelopment of the site.
- The proposal should be redesigned to reduce the number of units, therefore increasing the potential size of units. To provide accommodation for young people upgrading and/or current older local residents wishing to down-size but still remain in the neighbourhood. This would support policy 51.
- Development of 2 units in the current garden space would result in the loss of amenity for residents, a natural habitat and animal life, and green open space. However, it is

currently underused garden behind a very large property, a building divided into flats already and unlikely ever again to be a family home with garden amenity. Another factor is that this garden runs alongside the car park for the block of flats next door, whose end elevation abuts the end of the garden, making it less usable as an amenity at present.

7.3 * The representation from 29 Barton Road quotes 27 Barton Road but it is clear that this is a mistake, and that the correct number is 31.

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. Trees and ecology
9. Affordable housing
10. Third party representations

Principle of Development

8.2 Policy 3 of the Cambridge Local Plan (2018) states that the majority of new development should be focused 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. The proposal is for the conversion of an existing residential property.

8.3 As the proposal also includes two additional units to the rear, which is subdividing the plot, policy 52 of the Cambridge Local Plan (2018) applies. Policy 52 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.

8.4 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. Therefore the principle of development is acceptable subject to material considerations discussed below.

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

8.5 The site is located within the West Cambridge Conservation Area. The existing building is three storeys high with a basement. The proposal would involve a three storey extension with further accommodation in the roof and extending the existing basement. The proposed alterations to the front façade and the roof are considered to be acceptable, and contribute positively to the surrounding character of the Conservation Area. The Conservation Officer has raised no objection to the proposal on conservation grounds subject to the imposition of conditions requiring further details.

8.6 The proposed rear additional units are of a single storey scale with basement accommodation with materials that reflect an outbuilding. This ensures that the visual impact would be minimal. The proposal would provide a high quality landscaped shared amenity area. The Landscape Officer was consulted as part of the application and supports the design subject to the

imposition of conditions regarding hard and soft landscaping, landscape maintenance and management plan, boundary treatment and tree pits.

- 8.7 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 overdevelopment. In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57, 58, 59 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 The proposed extensions would not project further than the existing rear elevation of the adjacent property, Ashworth House and therefore would not have a significant impact upon their residential amenity. The proposed three storey gable projection would be located to the west side of the rear elevation, and away from the other adjacent property, No.29 Barton Road to the east. Therefore the proposal would also not have a significant impact upon their residential amenity. The proposed new dwellings to the rear of the site are single storey and would be located an acceptable distance away from the neighbouring block of flats.
- 8.9 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 units to the rear 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.

Wider area

- 8.10 Neighbors have raised concerns regarding the impact of noise, dust and reverberation during the construction phase. 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. 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 (2018) policies 35, 55 and 56.

Amenity for future occupiers of the site

8.11 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units comply and the majority exceed the standards. In this regard, the units would provide a high quality internal living environment for the future occupants in my opinion. The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	1	1	39	42	+3
2	1	1	1	37	42	+5
3	1	1	1	37	42	+5
4	1	2	1	50	52	+2
5	1	2	1	50	55	+5
6	1	2	1	50	50	0
7	1	1	1	39	41	+2
8	1	2	2	58	58	0
9	1	2	1	50	50	0
10	1	1	1	39	40	+1
11	1	1	1	37	51	+14
12	2	3	2	70	76	+6
13	2	3	2	70	76	+6

8.12 Policy 50 of Cambridge Local Plan (2018) 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, 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.

8.13 Units 12 & 13 are new builds, and therefore both these units have a private amenity area. Where it is practicable, the

proposal has provided private amenity areas for units created within the existing building. Both unit 1 & 3, which are two of the basement units, have direct access to a private amenity area. The proposal is for the conversion/extension of an existing building into flats. 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 Conservation Area. Therefore, it is my opinion that in this particular case it is not practicable to provide private amenity space for all the units. It is also to be noted, that the proposal will provide a high quality landscaped shared amenity area for all the occupants to enjoy.

- 8.14 To ensure that adequate private amenity space is retained for units 12 & 13, I recommended that permitted developments rights are removed for extensions and outbuildings. 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 (2018) policy 50.

Accessible homes

- 8.15 The development has been assessed for compliance with Policy 51 in relation to the new build units, 12 & 13. The agent has submitted a minor revision to the internal layout to ensure the proposal complies with the requirements of Part M4 (2) of the Building Regulations. I have recommended a condition to secure this requirement. Part M4 (2) of the Building Regulations generally does not apply to dwellings resulting from a conversion or a change of use. Therefore units 1 to 11 are not required to comply with Policy 51 given that they would be created as a result of a conversion.

Refuse Arrangements

- 8.16 The proposed refuse storage would be built into the eastern side elevation of the main building for ease of access. This would provide screening and storage for up to 3220 litres (2x 1280 litre bins and 1 x 660 litre bin). Drag distance would be circa 10m. This would comply with the RECAP Waste Design Guide (2012).

- 8.17 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

Highway Safety

- 8.18 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. Neighbours have raised concern about the use of the accessway between No's 29 & 31 Barton Road. The Highway Authority has recommended a traffic management plan condition which would address the logistics of construction and various other conditions which are all considered to be necessary.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

Car Parking

- 8.20 The proposal does not include any car parking on the site. The existing car parking for the site would be lost as a result of the development. Notwithstanding this, the site is located in a very sustainable location on Barton Road which is within Newnham and is very accessible. Newnham has a variety of shops and services, and the city centre is within walking/cycling distance. There are also multiple bus stops in close proximity to the site.
- 8.21 At present there are some on-street parking restrictions on the immediate section of Barton Road and also some unrestricted car parking spaces. However, plans to implement a controlled parking zone in Newnham which would include the adjacent streets and also Barton Road have been approved and will be implemented in the near future. It is standard practice for the residents of new developments that fall within controlled parking zones to not qualify for resident parking permits. In my view, the proposal would not increase parking pressures on nearby streets to an unacceptable degree and would not therefore be detrimental to the amenity of nearby residents.

Cycle Parking

- 8.22 The proposal includes 20 cycle parking spaces. However, the proposal provides bed spaces for 22 people. As there is adequate space within the site to accommodate further cycle parking, I have recommended a condition requesting further details of cycle storage to be submitted.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Integrated water management and flood risk

- 8.24 A flood risk assessment was submitted with the application. The Drainage Team has advised that a surface water drainage strategy and foul drainage details can be secured by condition in this case. These conditions are therefore recommended. In my opinion, the proposal is compliant with the paragraph 163 of the National Planning Policy Framework (2018) and policy 31 of the Cambridge Local Plan (2018).

Trees & Ecology

Trees

- 8.25 There a number of trees on the site and surrounding the site. The Tree Officer has been consulted as part of the proposal and has raised no objections to the proposed removal of trees on the site as it will not have a significant impact on the character or appearance of the area. However, the submitted arboricultural report did not consider the impact of the development on the adjacent trees to the south and west of the site.
- 8.26 There is a large, mature Monterey Cypress in the grounds of Ashworth Park. The tree's root protection area (RPA) is estimated to extend into the site, which means roots within the RPA will be lost to the development. However given that the loss will occur within a small section of the RPA only, the Tree Officer is satisfied that the shape of the RPA can be adjusted to exclude the site without reducing the area protected. It is not clear how the proposal will be constructed and whether access will be required from the south west of the site. It will be necessary to ensure that access for construction does not

conflict with any nearby trees to be retained. For these reasons, the Tree Officer has recommended conditions regarding the submission of a Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) and a compliance condition. In my opinion, subject to these conditions, the proposal is compliant with Cambridge Local Plan (2018) policy 71.

Ecology

8.27 The Ecology officer has been consulted as part of the application and raised no objections subject to a bat mitigation method statement condition and a bird box condition. The proposal would therefore be in accordance with Policy 70 of the Cambridge Local Plan (2018).

Affordable Housing

8.28 The proposed development is for a scheme of 13 units. As there are currently 4 dwellings on the site, the proposal would result in a net increase of 9 dwellings. Policy 45 of the Cambridge Local Plan (2018) 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.

8.29 In my opinion the proposal is compliant with policy 45 of the Cambridge Local Plan (2018).

Third Party Representations

8.30 No.29 Barton Road have requested a party wall survey, this is not something that can be requested as part of a planning application as it is covered by other legislation. I have dealt with the rest of the third party representations in the preceding paragraphs.

9.0 CONCLUSION

9.1 The proposed alterations and extensions to the existing property to form 11 dwellings and the erection of 2 new dwellings are not considered to have an adverse impact upon the Conservation Area. The proposal would not result in an

adverse impact upon neighbouring properties and would provide an acceptable level of amenity for future occupiers.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by 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 brickwork is to be erected until the choice of brick, bond, mortar mix design and pointing technique have been submitted to and approved in writing by the local planning authority by means of sample panels prepared on site. The approved panels are to be retained on site for the duration of the works for comparative purposes, and development must take place only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

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

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

5. Prior to the installation of rooflights on the existing building, full details of proprietary rooflights to be submitted to and approved in writing by the LPA [types which stand proud of the plane of the roof ("velux") are unlikely to be approved; "conservation" types may be appropriate]. Rooflights shall be installed thereafter only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

6. Prior to any external works on the existing main building, large scale drawings of details of new / altered sills, lintels, jambs, transoms, mullions, thresholds, etc. to be submitted to and approved in writing by the LPA. Sills, lintels, jambs, transoms, mullions, thresholds, etc. shall be installed thereafter only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

7. Prior to the installation of new joinery within the existing main building, the means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details .All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

8. No new, replacement or altered external joinery shall be installed, nor existing historic joinery removed on the existing main building, until drawings at a scale of 1:20 of all such joinery (doors and surrounds, windows and frames, etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

9. Prior to any external works on the existing main building, full details, including visible surface finishes, copings, etc., of all retaining walls to underground ramps, lightwells and the like are to be submitted to and approved in writing by the LPA. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

10. Prior to the construction of Second Floor front bay ["the loggia"] on the front elevation, full details of the construction and external finishes to the extension to the Second Floor front bay ["the loggia"] are to be submitted to and approved in writing by the LPA. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

11. Prior to any external works to existing main building, Full details of all external non-masonry wall materials and finishes are to be submitted to and approved in writing by the LPA. Non-masonry walls, etc. shall be created thereafter only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

12. A full photographic record is to be made depicting the existing building and a copy of the record deposited with each of the following organisations : the Cambridgeshire Collection of the Central Library, Lion Yard, Cambridge; the County Archive, Shire Hall, Castle Hill, Cambridge and the Local Planning Authority. The precise nature and number of the photographs to be taken is to be agreed in advance with the LPA and the format in which they are to be displayed, titled, etc. is to be agreed with the LPA before the deposit is made.

Reason: To record the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

13. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied and maintained thereafter in accordance with the approved details. The scheme shall be based upon the principles within the agreed Surface Water Drainage Strategy prepared by MTC Engineering (ref: MJB/2149) dated 12 November 2018 and shall also include:
- a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
 - c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - d) A plan of the drained site area and which part of the proposed drainage system these will drain to;
 - e) Full details of the proposed attenuation and flow control measures;
 - f) The site Investigation and test results for the infiltration rates as outlined in the A F Howland report ref. JAH/18.404 7 November 2018;
 - g) Temporary storage facilities if the development is to be phased;
 - h) A timetable for implementation if the development is to be phased;
 - i) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - j) Full details of the maintenance of the surface water drainage system;
 - k) Measures taken to prevent pollution of the receiving groundwater and/or surface water

l) Formal agreement from a third party if discharging into their system is proposed, including confirmation (and evidence where appropriate) that sufficient capacity is available.

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

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2018 policies 31 and 32)

14. No building hereby permitted shall be occupied until foul water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure appropriate foul drainage. (Cambridge Local Plan 2018 policies 31 and 32)

15. No development shall take place (including any demolition, ground works or site clearance) until a bat mitigation method statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) Extent and location of proposed works shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works;
- The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect local wildlife (Policy 70 of the Cambridge Local Plan (2018).)

16. Prior to occupation, a plan 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.

Reason: to provide ecological enhancements for protected species on the site. (Policy 70 of the Cambridge Local Plan 2018)

17. 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 2018 policy 35)

18. There shall 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 2018 policy 35)

19. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 2018 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 2018 policy 36.

21. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018 policies 55, 57 and 59)

22. Prior to first occupation or the bringing into use of the development, hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be managed in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is maintained as part of the development. (Cambridge Local Plan 2018 policies 55, 57 and 59)

23. No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59)

24. No development other than demolition works shall take place until full details of all tree pits, including those in planters, hard paving and soft landscaped areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018 policies 55, 57, 59 & 70)

25. The approved renewable energy technologies 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 2018 policy 29).

26. 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 2018 policy 31 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

27. Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology in the form of an 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.

Reason: To satisfy the Local Planning Authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

28. The approved tree protection methodology 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 approved tree protection plans, 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.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

29. If any tree shown to be retained on the approved tree protection methodology is removed, uprooted, destroyed or dies within five years of project completion, 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: To satisfy the Local Planning Authority that arboricultural amenity will be preserved in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

30. For units 12 & 13, notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the 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 dwelling, to protect the character of the area and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 52 and 57)

31. The dwellings hereby approved shall not be occupied until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before dwellings are occupied.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policies 55, 56, and 82)

32. Notwithstanding the approved plans, units 12 & 13, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51)

33. 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. (Cambridge Local Plan 2018 policy 81)

34. 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: To prevent surface water discharging to the highway, in the interests of highway safety (Cambridge Local Plan 2018 policy 81).

35. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety (Cambridge Local Plan 2018 Policy 81)

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

INFORMATIVE:

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

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

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

PLANNING COMMITTEE

6th February 2019

Application Number	18/0858/FUL	Agenda Item	
Date Received	5th June 2018	Officer	Patricia Coyle
Target Date	31st July 2018		
Ward	Abbey		
Site	Cambridge Retail Park, Unit 10 Newmarket Road Cambridge CB5 8WR		
Proposal	External alterations and subdivision of the existing Homebase store (Unit 10) into two units and a deed of variation (a change to the Section 106 Agreement attached to approval C/99/1121/OP) to allow for food retail		
Applicant	C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed external alterations are in character with the existing retail park development and would not result in any harm to highway safety.</p> <p>The proposed change to the legal agreement (Deed of Variation) to enable use of part of the existing Homebase store as a supermarket is not considered to result in any adverse impact on the vitality and viability of the retail function of Cambridge Town Centre or on the rest of the existing the retail hierarchy.</p>
RECOMMENDATION	APPROVAL subject to the signing of a deed of variation

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site comprises the northern part of the existing Homebase retail warehouse known as Unit 10 in the Cambridge Retail Park which lies to the south of Newmarket Road. There is a single loading bay to the western side of the Unit 10 building accessed off the access road, Henley Road.
- 1.2 The surrounding area is retail warehousing with some restaurants to the west, all within the Retail Park. To the south, across Coldhams Lane are other commercial uses of the Beehive Centre, including ASDA. To the east across Henley Road is a commercial area, Coral Park Trading Estate. The nearest residential properties are to the south-west on Coldhams Lane/Silverwood Close and to the northern side of Newmarket Road. There are also residential properties to the south-east in Pym Court.
- 1.3 The site is not allocated in the Cambridge Local Plan (2018).

2.0 THE PROPOSAL

- 2.1 The proposal is primarily to vary the Section 106 legal agreement (attached to approval C/99/1121/OP) to allow convenience (food) products to be sold, however it also includes external alterations to provide an additional entrance and loading bay door to the rear of the unit.
- 2.2 The applicants indicate that this is a stage one change and that a further application will be submitted to alter the external appearance of the unit to the user's "house" style. From the details submitted, the user would be the supermarket Lidl.
- 2.3 It should be noted that while this is in connection with the subdivision of the Homebase unit, the subdivision does not of itself result in any change of use (both uses are within Use Class A1) and no conditions were attached to the original consent to prevent other uses within Use Class A1 of the retail warehouses, therefore the use as a supermarket does not require planning permission. However, the use of part of Unit 10 as a convenience store/supermarket is prevented currently by the legal agreement (Section 106) attached to the original consent for the retail park (planning ref: C/99/1121/OP).

2.4 The current requirements of the Section 106 prevent the sale of non-bulky goods and Section 7, entitled “Bulky Goods Restriction”, indicates what can presently be sold and what cannot. Paragraph 7.1 indicates that only those goods within the following list can be sold from units within the retail park including Unit 10:

- a) *DIY goods including wallpaper and paints*
- b) *materials for building*
- c) *garden products*
- d) *furniture and carpets*
- e) *electrical goods (which for the avoidance of doubt includes video recorders, computers and computer software and accessories)*
- f) *motoring and motorcycle accessories*
- g) *office equipment and supplies*
- h) *pets, pet products and pet supplies*
- i) *textiles*
- j) *video hire*
- k) *bicycles and bicycle accessories*
- l) *catalogue showrooms if operated by Argos Limited or where not less than 70% of the turnover of each such showroom relates to the sale of goods falling within this Clause 7.1”*

2.5 In addition, paragraph 7.4 of the legal agreement specifically excludes some items as follows:

“....shall not sell or display for sale any food, beers, wines or spirits....”

2.6 The proposal is to delete paragraphs 7.1 and 7.4 of the agreement and the application is supported by various documents which support the proposal for a Limited Availability Discounter (LAD) or “deep discounter” type supermarket, in this case, Lidl. The applicants have confirmed that they would accept a clause requiring reversion of the unit to a bulky goods non-food retail unit, should they no longer require the application site.

2.7 The supporting documents submitted are:

- Planning and Retail Statement
- Design and Access Statement
- Transport Assessment and draft Travel Plan
- Sustainability Report

- Air Quality Assessment

2.8 In response to a request from officers, further information relating to transport/traffic and a revised Travel Plan have been submitted. Also, a Retail Impact Assessment was submitted with additional information relating to the joint impact of this scheme together with the proposed Aldi store - another LAD/deep discounter- (planning reference 18/0363/FUL) which is also currently under consideration.

3.0 SITE HISTORY

3.1 There is a substantial planning history for this site, however, the most relevant applications are as follows:

Reference	Description	Outcome
C/99/1122	Outline application for the erection of nine non-food retail units (12689 square metres gross floor space), one drive-thru restaurant (511 square metres gross floor space) with associated servicing, car parking, landscaping, new accesses and relocation of existing car parking	APC dated 27.11.2001
C/99/1121	Outline application for the erection of three non-food retail units (13916 sqm gross floor space), together with a garden centre (2787sqm gross) and one drive-thru restaurant (511 sqm gross floor space) with associated servicing, car parking, landscaping, new accesses and relocation of existing car parking	APC dated 27.11.2001
C/02/0136	Reserved matters application for Demolition of existing buildings and erection of non food retail units and garden centre, Drive thru restaurant with associated servicing, Car Parking,	APC dated 02.07.2002

Landscaping, new access and relocation of existing car parking

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 6 8 28 29 32 34 35 36 55 56 57 58 64 65 72 81 82

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 from 3 March 2014 onwards Circular 11/95 (Annex A)
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<p>Supplementary Planning Documents (These have been prepared in parallel with the Local Plan preparation and will be shortly adopted by the Executive Councillor by an out of cycle decision.)</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridgeshire County Council Transport Assessment Guidelines (2017)</p> <p>Contaminated Land in Cambridge - Developers Guide (2009)</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection The additional information provided by the applicant responds to all of CCC's previous comments. It is considered the development will not have a material impact on the future capacity of the local junctions. I have no objections to this change of use subject to a travel plan that includes incentives including Public Transport Discounts for staff being secured with any permission.
- 6.2 Following receipt of the additional information, the Highway Authority responded that it is considered the development will not have a material impact on the future capacity of the local junctions.

Policy

- 6.3 No objection Following the submission of additional information, including an assessment of the cumulative impact of this store together with that included in application (Ref.18/0363/FUL) for an Aldi store nearby, Planning Policy confirm that the sequential test has been met. As such, the proposal for convenience shopping of this size would not result in any adverse impact on the vitality and viability of Cambridge Town Centre or on the remainder of the retail hierarchy and that a supermarket of this nature and size is considered to be acceptable in terms of Policy 6 of the Cambridge Local Plan (2018) such that the deed of variation can be supported.

Environmental Health

- 6.4 Air Quality Comments

No objection, subject to a condition and informative being attached, as follows:

No development shall commence until details of a scheme for the provision of a single operational rapid electric vehicle (EV) charge point with / to a dedicated car parking space for exclusive use by electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed / provided in accordance with the approved details prior to the first

occupation of the development and shall be maintained and retained thereafter.

Reason: In the interests of encouraging more sustainable forms of travel/transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF) and Policy 4/14 of the Cambridge Local Plan (2006).

The informative:

The development site is located within the Air Quality Management Area (AQMA) and the Transport Assessment produced by TTP Consulting and dated May 2018 predicts an additional 426 AADT vehicle movement when compared with current use.

The Air Quality Assessment (AQA) produced by RSK Environment Ltd and dated May 2018 submitted with the application demonstrates that the development will not be introducing new receptors, however the application will lead to a worsening of air quality within the AQMA contrary to policy 4/14 of the Local Plan. The AQA recommends mitigation of transport emission impacts in line with best practice. We support this conclusion. Further to the implementation of the Travel Plan submitted with the application we will be seeking the installation of a single operational rapid electric vehicle (EV) secured by condition. This is also in line with National Planning Policy Framework paragraph 35

Disability Panel

- 6.5 Some concern was raised as to whether the reduction in the size of the Homebase store would make it more difficult to navigate. Whether WC facilities would be provided in the new store was also unclear. The Panel note there would be no change in the numbers of car parking spaces.

Utilities

- 6.6 Cadent Gas Ltd, National Grid Electricity Transmission plc and National Grid Gas plc have written to indicate that searches have identified that there is apparatus in the vicinity of the application site and Cadent Gas has asked if an informative could be added to

any approval to cover the need to contact Cadent prior to beginning works.

7.0 REPRESENTATIONS

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

- Dunelm (Unit 9)
- ASDA (Jigsaw Planning)
- 27 Silverwood Close
- Camcycle, The Bike Depot 140 Cowley Road

7.2 The representations can be summarised as follows:

- The new service yard will interfere with other servicing of units
- The proposed service yard will block off an existing emergency escape path
- The new service yard is unclear and will detrimentally impact on other users due to the increase in vehicles entering the servicing space
- The information provided underplays the impact on existing stores
- There is no Retail Impact Assessment and one should be provided for review
- There would be an unacceptable increase in traffic and congestion and air pollution
- There would be an unacceptable loss of residential amenities
- The proposal is contrary to Council policies to reduce vehicle movements and their pollution in the City
- The transport assessment is inaccurate
- development will have an unacceptable transport impact with insufficient mitigation
- cycle parking provision is currently unsuitable for the discount food shop use
- The Transport Assessment does not mention the proposed Aldi
- The travel plan's targets are too high in terms of reductions in staff car usage

7.3 Representations in support of the scheme have been made from the following addresses:

- 6 Wyndborne Close

7.4 The support is that a Lidl would be a welcome addition

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 relating to the planning application and Deed of Variation are:

1. Principle of development
2. Context of site, design and external spaces
3. Light pollution, noise, vibration, air quality, odour and dust
4. Inclusive access
5. Residential amenity
6. Refuse arrangements
7. Highway safety
8. Third party representations
9. Planning Obligations (s106 Agreement)

Principle of Development

8.2 The proposal is not for a change of use and the subdivision of the unit does not require planning permission. The deed of variation change proposed would result in the loss of non-food/bulky goods retail warehouse floorspace which the legal agreement currently prevents.

8.3 Policy 6 of the Cambridge Local Plan (2018) identifies the hierarchy of retail centres and retail capacity where retail should be focused. The Cambridge Retail and Leisure Study Update 2013 indicates that there is currently sufficient space within the Town Centre and the hierarchy (as existing or as already approved or in pipeline) to provide for convenience goods although there is a need for just over 14,000 sq.m net of comparison goods floorspace. The Plan, at paragraph 2.69 indicates that new retail development should in the first instance be directed to the centres and then located according to the sequential test set out in the NPPF, however the site is already in retail use (Use Class A1), even if this is restricted by the legal agreement.

8.4 The NPPF indicates that

“86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

87. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

And at para. 89. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

90. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.”

8.5 There is no policy in the Local Plan which protects the non-food/bulky goods retail warehouses from loss to other A1 (retail) Uses and the proposed supermarket selling convenience and a limited comparison offer must therefore be considered on its planning merits. The submitted Retail Impact Assessment (RIA) is the starting point for this consideration.

- 8.6 The planning merits of the scheme are that the supermarket proposed provides an alternative to the “big 4” supermarkets – Asda, Sainsburys, Tesco and ...or other “high end” supermarkets such as Waitrose and M&S Food. The applicants indicate that they are a LAD or Limited Availability Discounter and therefore provide a “top up” service at deeply discounted prices which require high prominence and easy access (usually by car). Retail parks with their extensive car-parking areas, assured customers and large warehouse-type facilities meet the requirements of such LAD operators.
- 8.7 The change to the Section 106 agreement will only be acceptable if the proposal would not have an impact on the vitality and viability of other centres identified as part of the retail hierarchy. This will be considered through the sequential and exceptions tests highlighted in the NPPF and Policy 6 of the Cambridge Local Plan (2018). While the applicant does not agree that such testing is required, the retail warehousing was only allowed on the basis that it was to enable bulky non-food goods sale which could not be accommodated within stores in town centre locations hence that a legal agreement was attached to the original consent.
- 8.8 The applicant has indicated that since the original approval, the retail market and retail sector has seen a fundamental change in how goods are sold, one of these being the rise of the LADs or heavy discounters in the food sector, such as Lidl and Aldi and the use of the internet for home deliveries which is affecting the retail sector and high streets in a way previously not envisaged. They nonetheless have provided information. The information indicates that with their need for a high profile, visible location, Duncton Green which is a new town centre, would not meet their marketing model and, as such, even if the site could accommodate a store of the size envisaged, it would put them at a competitive disadvantage for a “top-up” shop discounter.
- 8.9 The applicants also indicate that Homebase cannot justify using the whole of its existing space and that there are few takers for a unit of less than 2,000 sq.m from bulky goods operators, such that if the Homebase contracts there would be a vacant unit or under-utilised space.
- 8.10 The Cambridge Retail Park contains bulky goods operators which could result in linked trips. People coming to purchase a garden

shed, sofa or a washing machine could also then undertake a food shop saving them having to either visit a town centre food store or having to make a stop at an out of centre mega-store at one of their competitors.

8.11 A s106 obligation (or deed of variation) can:

- a. restrict the development or use of the land in any specified way
- b. require specified operations or activities to be carried out in, on, under or over the land
- c. require the land to be used in any specified way; or
- d. require a sum or sums to be paid to the authority (or, to the Greater London Authority) on a specified date or dates or periodically.

A planning obligation can be subject to conditions, it can specify restrictions definitely or indefinitely, and in terms of payments the timing of these can be specified in the obligation.

8.12 In respect of the proposal's current change from bulky goods to convenience and non-bulky good sales, the existing legal agreement Section 7 would need to be varied to enable the LAD/deep discounter supermarket to operate. Paragraph 7.1 of the agreement currently lists the goods which can be sold from the retail warehouses (Phase 2) in the Cambridge Retail Park. Paragraph 7.1 and paragraph 7.4 of the legal agreement specifically excludes some items.

8.13 The Planning Policy Team requested the applicants provide further information in the form of a Retail Impact Assessment (RIA) which covers both this application and a separate application for an Aldi (also a LAD/deep discounter supermarket) currently under consideration at The Bell, near the application site. As a result of the additional information, I consider that there is no sequentially more appropriate site and that the proposed location would be acceptable and suitable for a LAD retailer. However, the Retail Impact Assessment specifically addressed the impact of a Lidl of this size/scale rather than any other foodstore's impact and it cannot be concluded that other stores would have the same impact. Therefore, I recommend that the agreement is subject to a "personal" restriction in the deed of variation due to the Retail

Impact Assessment specifically relating to the proposed Lidl's impact.

- 8.14 On the basis of the information submitted it is expected that the majority of trade for the Lidl will be diverted from the three main food stores nearby and will not have a significant impact on the areas shopping patterns. With regard to Cambridge City Centre, I do not consider that there would be any significant trade draw from key convenience stores along Sidney Street or Fitzroy Street because LAD-type stores act as a top-up convenience facilities and these uses in the Town Centre are convenient for people who live, study, work in or are visiting the town centre. The proposal is therefore considered to be acceptable.
- 8.15 On the basis of the above, I conclude that amending the legal agreement would not result in a loss of vitality and viability of Cambridge Town Centre, nor to the retail hierarchy as a whole.
- 8.16 The external works associated with the use as a supermarket are the only physical matters for consideration in the planning application. Alterations and extensions of existing buildings are acceptable in principle, subject to them not resulting in harm to issues of acknowledged planning importance. The proposed external alterations are acceptable in principle in accordance with policy 6 of the Cambridge Local Plan 2018. Please see section below in relation to the proposed Deed of Variation.

Context of site, design and external spaces

Response to context

- 8.17 The context is that the property already lies within the existing Retail Park which comprises large retail units together with servicing access, extensive parking areas and a couple of restaurants.
- 8.18 The proposal is for alterations to the external appearance of the existing A1 unit to provide an additional entrance and a servicing access door to the rear. This would accompany internal division to provide the LAD/deep discounter convenience store.
- 8.19 The proposed changes to the external appearance to provide an additional entrance and rear servicing access are considered to be

characteristic in retail parks and I therefore consider them to be acceptable.

- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55 and 58.

Carbon reduction and sustainable design

- 8.21 The applicants have submitted a Sustainability Report. This is a general company review of its sustainability credentials from 2016/7. Nonetheless it does indicate that the company look to make carbon reductions, provide low energy lighting and undertake other sustainable measures.
- 8.22 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2018) policy 28 and 29 and the Sustainable Design and Construction SPD 2007.

Light pollution, air quality, noise, vibration and odour

- 8.23 Due to the limited nature of the proposal, there would be minimal changes to the overall character of the building. There would be some increase in noise associated with the new service bay to the rear, however, this is to an existing service yard where noises related to unloading and reversing vehicles are characteristic of the retail park. There would be some additional light and noise and, particularly in association with the proposed “bakery”, some odour and possible vibration associated with any extract ducting and additional plant. Details of any plant have not been provided at this stage, nonetheless, a condition can be attached to require that such details are provided and approved prior to first use of the new entrance and servicing bay. While lighting should not result in any significant harm, given the distance away of any residential properties, it would be appropriate that the shop is suitably controlled to ensure that any external lighting relating to the new entrance and servicing yard is appropriate.
- 8.24 In my opinion, subject to the conditions I have recommended, the applicants have suitably addressed the issues, and the proposal is in accordance with Cambridge Local Plan (2018) policies 34, 35, 36.

Inclusive access

- 8.25 The proposal would provide level access. Buildings which provide access for members of the public are required to meet Part M of the Building Regulations which require that they provide suitable facilities for people who have disabilities. Given the works proposed are minimal and that there is no change of use, I do not consider that planning conditions requiring the provision of such facilities could reasonably be attached; nevertheless, I consider that the development should provide suitable disabled facilities for their staff and customers.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56 and 57.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.27 The proposal is for minor changes to the exterior of the building which is already in use for A1 – retail. While there would be an increase in the level of activity over that of a bulky retail unit, there is no increase in parking provision within the retail park and, while there would be a new service access to the rear, this is from the existing servicing yard. Given that the existing residential properties are some distance away and beyond other commercial development, I do not consider that, providing suitable conditions are attached to control external lighting, external machinery and any ducting, there would be any adverse impact on existing residential amenities from the proposed external changes to the unit.
- 8.28 The applicants propose to be open between 7am and 11pm Mondays to Saturdays and from 11am until 5pm on Sundays. There are currently no restrictions to the opening hours for other retail units within the retail warehouse park and the use itself does not require planning permission. I therefore consider that hours should not be controlled for the supermarket. However, a new delivery bay is proposed to the rear of the unit and it is appropriate that deliveries are controlled by a suitably-worded condition to limit HGV traffic during quieter late evening/night hours.

8.29 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 (2018) policies 35, 55 and 56.

Refuse Arrangements

8.30 Details have been provided. The applicants indicate that lorries delivering to the store will also take away any waste. A suitable condition requiring that the scheme of managing waste is adhered to will be required.

8.31 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

Highway Safety

8.32 The proposed works are for an additional external delivery door and a customer entrance. There is no change of use proposed. There would nonetheless be a change to the current delivery arrangements and some additional staff (under a different occupier). The proposed external alterations would result in a new pedestrian access from the existing car parking area within the retail park with the new servicing bay being provided from the existing servicing bay/rear access off Henley Road.

8.33 The applicants submitted a Transport Assessment and a draft Travel Plan by TTP consulting dated May 2018 with the application. Following a request, further information was provided which indicates that there would be an increase in deliveries to Unit 10 (as expected). The Highway Authority consider that the information submitted means that there would be an increase in trips but that this can be accommodated on the current highway network, nonetheless this is subject to the proposed Travel Plan being implemented and a suitable condition can be attached to the planning permission.

8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

- 8.35 There is a communal parking area and cycle parking associated with the Retail Park. There is no proposal to increase the floor area of Unit 10. While the parking requirement is higher for food retail/supermarkets rather than for bulk comparison type uses, there is no change of use proposed and the existing extensive car and cycle parking bays are provided for all occupiers and their customers. The Highway Authority raise no objections to the proposal subject to the provision of a Travel Plan.
- 8.36 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

- 8.37 Two of the third parties are retail outlets; one a retail warehouse neighbouring Unit 10 and the other a large supermarket chain. In relation to the attached retail warehouse, the proposed new loading bay would access onto the shared loading area and it is likely that some rearrangement will be needed to accommodate this, however, of itself, this is not a planning matter as this relates to an existing servicing yard off an existing access road and it is for retail park's management company to ensure that this works for all occupiers. This may include re-routing existing emergency access routes and this will need to form part of any building regulations application or management company plan, as necessary, in discussion with Fire and Emergency services as appropriate.
- 8.38 In relation to the supermarket chain, the Planning Policy team has assessed that there is no impact on the vitality and viability of Cambridge Town Centre and the retail hierarchy as identified in the Cambridge Local Plan (2018). It is recognized that there would be some likely loss of custom from existing supermarkets, however, this is a matter of competition which is not of itself a planning matter. In any event, the type of supermarket proposed is not in direct competition with the "big 4" supermarkets as it has a limited offer with "no frills" which limits its attractiveness. The new store would undoubtedly benefit from passing trade given its proposed position within the existing retail park.

8.39 Matters such as air quality, congestion increase in traffic and cycle parking are addressed in other sections and have been considered to be acceptable subject to conditions.

Planning Obligations (s106 Agreement)

8.40 As stated above, the proposal requests a change to the legal agreement to enable the sale of food and other items. This requires a deed of variation of the legal agreement and, as such, requires consideration of the impact of the proposed change.

8.41 The applicants have requested that paragraphs 7.1 and 7.4 are deleted. It is recommended that the deed includes a clause which means that the deed is “personal” to Lidl and that if the unit is no longer required, that it reverts to a unit selling bulky or non-food items as currently worded in paragraphs 7.1 and 7.4; however, in terms of the exact wording of the deed of variation it is recommended that this is delegated to officers to negotiate and complete.

9.0 CONCLUSION

9.1 The proposed non-food/non-bulky use is acceptable specifically due to the details submitted in the RAI and in respect of the transport assessment submitted such that the change to the legal agreement (The deed of Variation) is acceptable. The proposed external changes are in character with the existing buildings in the retail park and, in my view the deed of variation is necessary, directly related to the development and fairly and reasonable in scale and kind to the development proposed.

10.0 RECOMMENDATION

APPROVE subject to powers delegated to officers to negotiate and finalise the wording of the deed of variation and its signing, and the following conditions:

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

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by 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 scheme shall be implemented in accordance with submitted Transport Assessment (Updated report) (dated July 2018) and additional information/comments submitted on 12.09.18 & 26.10.18 and by email on 16.11.18

Reason: In the interests of highway safety and in accordance with Policy 81 of the Cambridge Local Plan.

4. A final version of the Travel Plan should be submitted and approved in writing prior to the first use of the works hereby approved and implemented in accordance with the approved Travel Plan.

Reason: To ensure that the new occupier makes best use of the public transport options available to staff and to comply with Policy 80 of the Cambridge Local Plan.

5. Details of any plant (including ducting), external machinery and external lighting shall be submitted to the local planning authority and approved in writing before the approved works are first in use.

Reason: To ensure that there are no polluting effects of the proposal in accordance with Policies 35 and 36 of the Cambridge Local Plan.

6. No deliveries or waste collection shall take place except between 08:00-22:00 on Mondays to Saturdays and between 11:00 and 17:00 on Sundays.

Reason: In the interests of residential amenity and light and air quality control in accordance with Policies 34, 35 and 36 of the Cambridge Local Plan.

INFORMATIVE: The proposal is subject to a deed of variation.

INFORMATIVE: 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.

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PLANNING COMMITTEE

6th February 2019

Application Number	18/1637/FUL	Agenda Item	
Date Received	30th October 2018	Officer	Mary Collins
Target Date	25th December 2018		
Ward	Castle		
Site	1 Grosvenor Court Cambridge CB3 0HU		
Proposal	Extensions and alterations to Grosvenor Court to provide 8 flats, car parking, covered cycle parking, bin store and new fencing.		
Applicant	Mr J Wilson c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would respect the existing building and the surrounding area. - The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers. - The proposed development would provide accessible living accommodation and a good level of indoor and outdoor amenity for future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 Grosvenor Court is situated on the northern western side of Woodlark Road. It is a detached two storey building in red brick with a hipped roof which comprises two flats on the ground floor and two flats on the first floor.

- 1.2 Woodlark Road is characterised by pairs of dwellings of a similar age and style
- 1.3 Grosvenor Court is set back behind the pavement edge and the established residential building line behind a gravelled front garden with a bungalow and a detached two storey dwelling immediately adjacent to the application site.
- 1.4 To the side there is a driveway accessing the single garage serving 11 Woodlark Road.
- 1.5 To the rear is the Darwin Green development.
- 1.6 There are no relevant site constraints.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for extensions and alterations to provide 8 flats, car parking, covered cycle parking, bin store and new fencing.
- 2.2 The extensions comprise the existing hipped roof being extended to create a gable and the erection of a two storey extension to each side of the existing building, with two storey flat roofed extensions to the rear.
- 2.3 The two storey side extension would be approximately 13.8 metres wide and 9 metres deep. The extension would have a red brown tile roof and would be clad in red brown vertical clay tiles.
- 2.4 The extensions to the rear would incorporate balconies at first floor level.
- 2.5 The existing garage to No. 11 Woodlark Road would be retained and a bike store for 10 cycles and covered area for parking of three cars would be constructed in line with this garage.
- 2.6 To the front of the application site a bike store for 10 cycles and bin store is proposed. It would be approximately 12 metres wide by 3.2 metres.

2.7 During the course of the application the parking layout was revised to provide parking space for 7 cars including two accessible parking spaces.

2.8 Revised plans have also been received and amendments have been made showing lift access to Flat 5 and Flat 6 on the first floor and changes to the bike/bin store. Flat 7 has been reduced in size to one bedroom and a storage space has been provided on the 2nd floor with a communal stair so that the storage space can be accessed.

2.9 The application is accompanied by the following supporting information:

1. Detailed planning application drawings, including landscaping scheme
2. Planning Statement
3. Arboricultural Assessment
4. Design and Access Statement
5. Daylight/Sunlight Assessment
6. Transport Statement
7. Contamination Survey
8. Sustainable Drainage Strategy

3.0 SITE HISTORY

None

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 28 31 32 35 36 50 51 53 55 56 57 58 59 81 82

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)
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 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 any additional demand is likely to appear on-street in competition with existing residential uses. If there is any additional parking demand upon the on-street parking on the surrounding streets, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application

Environmental Health

- 6.2 Environmental Health have no objections subject to the following conditions being attached if approval is given:

- Construction hours
- Collection during construction
- Piling
- Dust
- Contaminated land – Previously Unidentified Contamination
- Electric Vehicle Charge Points

Sustainable Drainage Engineer

- 6.3 Recommend a condition is attached requiring that no development shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

Objection

- 4 Woodlark Road
- 6 Woodlark Road
- 8 Woodlark Road
- 10 Woodlark Road
- Camcycle

Support

- 29 Woodlark Road
- 11 Woodlark Road

Neutral

- 10 Woodlark Road

7.2 The representations can be summarised as follows:

Objection

- The density of the proposed development seems out of character and excessive for what is a small and narrow set of streets with already limited parking. The proposal represents overdevelopment of the site. Eight flats is too many for this location and excessive density
- Repositioning of bin and bike storage closer to the dwelling and adequate noise insulation.
- Unsuitability of extensive cladding of roof and walls with hand-made red tiles on proposed extension. This is not in keeping with any of the 1930's residential architecture in this area it would draw the eye to this new build and not be sympathetic to any other nearby residences.
- Cycle/bin store is poorly sited, visually intrusive and inappropriate to the open space on which it is sited.
- The height of the buildings is significantly higher than the existing streetscape and will detract from the visual identity of a classic 1930s suburban development.
- Level of traffic generated by the development will be significant and excessive for narrow residential streets
- Density of proposed possible number of residents in the space allowed
issues with traffic created by this number of residents - movement and stationary
8 parking spaces for 8-34 people (one space being designated for a disabled vehicle)
- Unsuitability of gravel for driveway
- The external lighting plans need to minimise light pollution into nearby houses.
- Cycle provision not in accordance with standards.
- Request for Traffic Management Plan

Support

- Protects the privacy of 29 Woodlark Road.
- Development sympathetic to the road.
- Welcome as much green landscaping as possible to encourage bird and wildlife.

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. Cycle and car parking
6. Third party representations

Principle of Development

8.2 The principle of development is acceptable and in accordance with the Cambridge Local Plan 2018 policies 1 and 3.

Context of site, design and external spaces

8.3 Woodlark Road is characterised by pairs of dwellings constructed in the 1930s which are situated facing the street and set behind a front garden. Grosvenor Court is a detached building which is higher and larger than the prevailing form of development and by residential properties to either side of it. It is also set back behind the rear elevations of the dwellings on the north western side of Woodlark Road.

8.4 The proposed two storey extension to the north-east side of the existing building has a lower subservient link and this creates a break with and reads as a later contemporary addition to the existing building and as such it is considered to respect the appearance of the existing building.

8.5 The proposed two storey extension to the side and catslide roof would be visible from the street but would be set back behind the detached bungalow and would have a recessive appearance with the bungalow screening much from view from the street. The catslide roof would minimise the visual impact of

the extension on the boundary and would allow some visual spacing to this side of the building.

- 8.6 The change from hip to gable roof and the extensions would reduce the visual spacing to the side of the existing building however given the building is set back from the pavement edge this is not considered to be detrimental to the street scene.
- 8.7 The siting of the bike and bin store to the front of the property is acceptable. It would be constructed in line with the existing building line of dwellings and would be single storey and screened by planting. It would give some enclosure to the development and the street. Subject to conditions requiring the submission and implementation of a landscaping scheme, I consider the siting of this structure to be acceptable.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 57.

Residential Amenity

Amenity for future occupiers of the site

- 8.9 The gross internal floor space measurements for the unit in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m²)	Proposed size of unit	Difference in size
1	2	4	1	70	90	20
2	1	1	1	39	40	1
3	3	6	1	95	100	5
4	3	6	1	95	100	5
5	2	4	1	70	90	20
6	2	4	1	70	75	5
7	1	1	1	39	40	1
8	3	6	1	95	105	10

Internal residential space standards

- 8.10 Policy 50 relates to residential space standards and states that new residential units will be permitted where their gross internal

floor areas meet or exceed the residential space standards set out in the Government's Technical housing standards – nationally described space standard (2015) or successor document.

The Internal design standard requires that:

- a. the dwelling provides at least the gross internal floor area and built-in storage area set out in Table 6.2 below
- b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom
- c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide

All the proposed units exceed the gross internal floor areas.

External amenity space

8.11 Policy 50 states that:

External amenity space should be sufficient to accommodate:

- a table and chairs suitable for the size of dwelling;
- where relevant, provision of a garden shed for general storage (including bicycles where no garage provision or cycle storage to the frontage of the dwelling is possible);
- space for refuse and recycling bins;
- an area to dry washing;
- circulation space; and
- an area for children to play in.

8.12 There are three family sized units on the ground floor and these all have direct access to outdoor amenity space immediately adjacent to their dwellings. Beyond the private gardens are communal gardens which would be accessed by and available to all.

8.13 The private gardens would have planters to provide a barrier and a degree of enclosure and would protect the ground floor windows of the flats from loss of privacy through direct looking into these windows from the communal gardens.

8.14 The private gardens are relatively small for a family garden however given these properties would also have access to the communal garden area and the lawn to the front of the building,

I am satisfied that the level of outdoor amenity space is adequate.

- 8.15 The three extensions to the rear of the building would not impact detrimentally on the rear facing windows or the quality of the private garden space in my opinion.
- 8.16 The first floor flats would all have balconies which would provide some outdoor amenity space. These balconies would be above the rear gardens to the ground floor and there would be potential for a loss of privacy through overlooking. However given the amenity space to the ground floor would not be fully enclosed or private, I consider that the balconies above are acceptable.
- 8.17 The second floor flats are single person occupancy and would not have any personal outdoor space but would benefit from use of the communal garden areas. It is not practical in this instance to provide personal outdoor space as these properties are within the existing roofspace and part of a conversion. The first and second floor flats would not have direct access to the communal garden from the rear of the property and would need to access this from the sides of the property, however this is still conveniently located.
- 8.18 The proposal includes the provision of family sized dwellings with access to a rear garden at ground floor level and this is considered to be in accordance with Cambridge Local Plan (2018) Policy 53 (Flat conversions).

Accessibility for future occupiers

- 8.19 Policy 51 requires that in order to create accessible homes:
- a. all housing development should be of a size, configuration and internal layout to enable Building Regulations requirement M4 (2) 'accessible and adaptable dwellings' to be met; and
 - b. 5 per cent¹⁶ of the affordable housing component of every housing development providing or capable of acceptably providing 20 or more self-contained affordable homes¹⁷, should meet Building Regulations requirement M4 (3) 'wheelchair user dwellings' to be wheelchair accessible, or be easily adapted for residents who are wheelchair users.

- 8.20 The existing building has two flats at ground floor and two at first floor level. The proposal entails the part conversion and extension of the building to form 8 flats. The existing footprint of the dwelling would be reconfigured but would still provide four flats with one of the flats on first floor now having lift access. A new stair is required to access the remaining flat in the existing section of the building and this would be added to the south western side of the building.
- 8.21 There are two additional flats in the extended roofspace. These are not provided by lift access. It is argued that these are within the converted part of the building and that they do not fall within the scope of policy 51.
- 8.22 5 out of the 8 flats proposed would be accessible and would meet the requirements of policy 51. An accessible home supports changing needs of residents from raising children through to mobility issues faced in old age or through disability. This essentially allows people to live in their home for as much of their life as possible. Such homes have design features that have been tailored to foster accessible living, helping to accommodate old age, injury, disability, pregnancy and pushchairs or enable future adaptation to accommodate this diversity of use. Flat 8 on the ground floor would be wheelchair adaptable. There is no requirement for this to be provided on a minor scheme such as this of only 8 dwellings and this is welcomed.
- 8.23 The car parking space allocated for Flat 8 is directly outside the bathroom and bedroom window to Flat 8 itself and as such there would not be a conflict with the users of this parking space and this residential unit. This ground floor flat and Flat 6 above are both accessible flats and would require an accessible parking space both of which would be conveniently sited in close proximity to the entrance to the building.
- 8.24 In my opinion, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2018) policies 50, 51 and 56.

Residential Amenity

Impact on amenity of neighbouring occupiers

11 Woodlark Road

- 8.25 This property lies to the south of the existing building. It has a side facing lounge window overlooking the application site and the access to its garage. The change from hip to gable and the two storey extension to the end would not detrimentally affect this property due to the intervening distance and the alignment of the buildings in relation to one another.

No. 27 Woodlark Road

- 8.26 This detached bungalow is within the ownership of the applicant and lies to the east. It has rear facing windows which would directly face the proposed two storey extension. There is a distance of 11 metres between the rear of this bungalow and the front wall of the extension. The proposal is not considered to result in a detrimental loss of amenities to this bungalow in relation to loss of light or loss of privacy through overlooking, in my opinion.
- 8.27 A parking space is proposed alongside the rear boundary. Although in close proximity to the rear of this property, there is intervening fencing and the occupier of this property would not in my opinion be unduly disturbed by car noise or glare from headlights.

No. 29 Woodlark Road

- 8.28 The extension to the north eastern end has a cat slide roof which slopes downwards towards the boundary and there is a gap of approximately 2 metres to the shared boundary with No. 29 Woodlark Road. The front elevation of this extension would be approximately 13 metres away from the rear of this property. There are no habitable rooms at first or second floor level which would face the rear of the property with the bedroom window at first floor inset from the boundary and at an oblique angle to the rear of No. 29 Woodlark Road so reducing the potential for any inter-looking between habitable windows to an acceptable degree.

- 8.29 There is currently a high hedge on the boundary and this would be protected by the development. A boundary fence would be erected in this location.

Darwin Green Development

- 8.30 To the rear of the application site is the Darwin Green development. The first floor balconies to the rear of Grosvenor Court would face the Darwin Green development and there would be an intervening distance of 4 metres to the rear boundary of the application site. Outline permission 07/0003/OUT relates to the development of this area for mixed use development comprising up to 1593 dwellings, primary school, community facilities, retail units (use classes A1, A2, A3, A4 and A5) and associated infrastructure including vehicular, pedestrian and cycleway accesses, open space and drainage works.
- 8.31 The development along the boundary with the application site has been designated for residential properties of two storeys in height. Reserved matters have been granted for access roads, pedestrian and cycle paths, public open space, services across the site and one allotment site, reference 14/0086/REM. No applications for reserved matters have come forward for consideration of the exact siting, layout and design of these dwellings and no assessment of back to back distances can therefore be made at this stage.
- 8.32 As such I am of the opinion that the balconies to the rear elevations at first floor level of Grosvenor Court would not impact detrimentally on the future residential development of Darwin Green along the shared boundary with the application site.
- 8.33 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 58.

Refuse Arrangements

- 8.34 The refuse arrangements are conveniently located to the front of the building and in close proximity to the kerbside and are acceptable.

8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56 and 57 in relation to refuse provision.

Cycle and Car parking

8.36 Concern has been raised regarding the impact of the application on levels of on-street parking. The car parking standards are a maximum of two spaces per dwelling and there is no requirement to provide any parking. Two accessible car parking spaces would be provided for Flat 6 and Flat 8 with 5 parking spaces for the remaining 6 units. This is in my opinion would provide an acceptable level of on-site parking and although not all the flats would have a parking space, it is preferable to achieving two accessible spaces instead.

8.37 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 81 and 82.

Third Party Representations

Inappropriate for the sewerage from the site to drain into the shared drain in the drive of 29 Woodlark Road.	This is a matter for separate legislation and would be an issue for Anglian Water.
A repair is required in a storm drain on the site.	This would be a matter of maintenance for the applicant to address.
The density of the proposed development seems out of character and excessive for what is a small and narrow set of streets with already limited parking. The proposal represents overdevelopment of the site.	The units all meet internal space standards and there is adequate outdoor amenity space and provision for bins and cycle. The proposal is a two storey extension to an existing building and would not impact detrimentally on the character and appearance of the street scene.
Cycle/bin store is poorly sited, visually intrusive and inappropriate to the open space on which it is sited.	This has been addressed previously in the report.

<p>Unsuitability of extensive cladding of roof and walls with hand-made red tiles on proposed extension. This is not in keeping with any of the 1930's residential architecture in this area.</p>	<p>The building is situated behind the established building line. The external finish is to be agreed by condition however the use of different materials would help the extension read as a later addition.</p>
<p>The height of the buildings is significantly higher than the existing streetscape and will detract from the visual identity of a classic 1930s suburban development</p>	<p>This has been addressed previously in the report.</p>
<p>Level of traffic generated by the development will be significant and excessive for narrow residential streets.</p>	<p>The flats are existing and there is unrestricted parking on site. The addition of four flats would not lead to additional pressure on the surrounding road network or highway safety.</p>
<p>Unsuitability of gravel for driveway</p>	<p>The driveway is existing and is a permeable surface. No issue has been raised by Highways in this regard.</p>
<p>Cycle provision not in accordance with standards.</p>	<p>Amended drawings have been received and are in my opinion acceptable</p>
<p>The external lighting need to minimise light pollution into nearby houses.</p>	<p>It is not considered necessary to condition external lighting in this instance as this would not require permission.</p>
<p>Request for Traffic Management Plan</p>	<p>There is sufficient space on the application site to accommodate the vehicles and compound.</p>

9.0 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 91 of the Town and Country Planning Act 1990 (as amended by 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 hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy prepared by MTC Engineering (ref: 2214-FRA & DS - Nov 2018-Rev A) dated November 2018 and shall also include:

- a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;

- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;

c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;

d) A plan of the drained site area and which part of the proposed drainage system these will drain to;

e) Full details of the proposed attenuation and flow control measures;

h) A timetable for implementation if the development is to be phased;

f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

g) Full details of the maintenance/adoption of the surface water drainage system;

h) Measures taken to prevent pollution of the receiving groundwater and/or surface water

i) Formal agreement from a third party if discharging into their system is proposed, including confirmation (and evidence where appropriate) that sufficient capacity is available.

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

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 2018 policies 31 and 32)

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

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 2018 policy 35)

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

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

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

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2018 policy 36.

8. There shall 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 2018 policy 35)

9. The electric vehicle charge point as shown on drawing number 412-PL-23A (proposed bike store) shall be installed prior to use of the development hereby permitted and maintained thereafter.

Reason: In the interests of encouraging more sustainable forms of travel/transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF), Policies 36 and 82 of the Cambridge Local Plan 2018 and in accordance with Cambridge City Councils adopted Air Quality Action Plan (2018)

10. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018 policies 55, 57 and 59)

11. Before the first occupation of the development hereby permitted, the cycle parking facilities and bin store shall be provided in accordance with the approved details and shall be retained in accordance with the approved details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and provision for refuse. (Cambridge Local Plan 2018 policies 82 and 57).

12. No development shall take place above ground level, other than demolition, until samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

13. Notwithstanding the approved plans, units 6 & 8, hereby permitted, shall be constructed to meet the requirements of Part M4(2) or M4(3) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51)

14. Prior to the first occupation of the development, hereby permitted, the car parking spaces shall be provided in accordance with the approved drawings and shall be retained thereafter.

Reason: To ensure that provision is made for disabled and inclusive parking. (Cambridge Local Plan 2018 policy 82)

INFORMATIVE: Cambridge City Council recommends the use of low NOx boilers i.e. appliances that meet a dry NOx emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality.

Reason: To protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the lifetime of the development, to contribute toward National Air Quality Objectives in accordance with the National Planning Policy Framework

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

PLANNING COMMITTEE

6th February 2019

Application Number	18/0647/OUT	Agenda Item	
Date Received	25th April 2018	Officer	Mairead O'Sullivan
Target Date	20th June 2018		
Ward	Coleridge		
Site	198 Perne Road Cambridge CB1 3NX		
Proposal	A new, 2 storey dwelling accessed off the private access track between 198 and 200 Perne Road. To be constructed in part of the rear garden of 198 Perne Road, Cambridge.		
Applicant	Messrs K & I Twinn C/o Skinner Holden Property Advisor 3 School Lane Stedham MIDHURST GU29 0NT		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed layout, scale and access arrangements would not harm the amenity of surrounding occupiers - The proposal would provide a high quality living environment
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site lies on land to the rear of 198 Perne Road. The land is currently in use as garden which serves the property on Perne Road. Directly to the north of the site is a strip of land owned by the city council which is tarmacked and provides pedestrian and cycle access from Perne Road to Tiverton Way. Vehicular access is possible from Perne Road but bollards at the Tiverton Way end prevent vehicles using the strip of land as a through route.

1.2 This is a predominantly residential area. Perne Road is a classified road and this part of the street is characterised by semi-detached dwellings. Almost all of the properties on this strip of Perne Road have been subdivided with new dwelling fronting onto Tiverton Way. The back land properties on Tiverton Way are all subservient to the host dwelling on Perne Road. The southern end of Tiverton Way is characterised by bungalows but the northern end adjacent to the application site has several 1.5 storey dwellings. These buildings have pitched and lean-to roofs with low eaves heights. To the north of the site a new dwelling has been constructed on land to the rear of 200 Perne Road which does not front onto Tiverton Way but onto the strip of land owned by the city council.

1.3 The site does not fall within a Conservation Area.

2.0 THE PROPOSAL

2.1 The application seeks outline permission for the construction of a 2 storey dwelling on land to the rear of 198 Perne Road. Matters for consideration are layout, scale and access. Appearance and landscaping matters are reserved.

2.2 The proposal would sit roughly in line with the property to the south at 62 Tiverton Way. It would be accessed along the tarmacked accessway running between Perne Road and Tiverton Way. Vehicular access would be from Perne Road and two car parking spaces are proposed. The dwelling shown would accommodate 4 bedrooms.

3.0 SITE HISTORY

3.1 There is no site history.

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	1, 3 32, 35, 36 50, 51, 52 55, 56, 57, 59 81, 82

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)

Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The Highway Authority does not consider that this application will have any significant adverse impact upon the operation of the highway network

Environmental Health

- 6.2 No objection: Four conditions are recommended regarding construction hours, hours of collections, piling and dust. An informative regarding dust is requested. Traffic noise from Perne Road was considered but given the orientation of the dwelling and distance from the road, the impact is considered to be acceptable without additional mitigation.

Urban Design and Conservation Team

- 6.3 There are no material urban design issues.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.4 Objection: Sufficient surface water drainage details proving the principle of draining the site have not been submitted to the local planning authority. An assessment shall be carried out of

the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority.

- 6.5 Objection: Sufficient surface water drainage details proving the principle of draining the site have not been submitted to the local planning authority. Evidence that infiltration is feasible onsite or written confirmation that Anglian Water is satisfied with the surface water drainage proposal must be provided. The current proposed floor level is 300mm above the expected flood depth for the 1% AEP flood event, an allowance for climate change has not been included.
- 6.6 No objection: The drainage information provided by the applicant is adequate to remove the objection. Three conditions and an informative are requested. The conditions relate to the need for further surface water drainage details, details of flood resilient construction and heights for internal finished floor levels.

Waste

- 6.7 No comments received.
- 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:
- 196 Perne Road
 - 200B Perne Road
 - 1 Trefoil Terrace
- 7.2 The representations can be summarised as follows:
- Concerned that first floor windows would overlook garden of 196 Perne Road
 - Request that construction hours are conditioned.

- Unclear whether permission for access over the private road has been obtained
- Hardstanding should be relocated away from the junction with Tiverton Way to avoid conflict with cyclists
- Concerned about congestion of lane during construction
- If permission is granted request that owners are required to enter into same legal agreement as 200b Perne Road in relation to insurance and maintenance of the strip of land used to access

7.3 The legal group acting on behalf of the owner of 200b Perne Road has also provided past correspondence with the council and a copy of the legal agreement regarding the use of the accessway.

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. Flood risk
4. Residential amenity
5. Inclusive access
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking
9. Third party representations
10. Planning Obligations (s106 Agreement)

Principle of Development

8.2 The proposal includes subdivision of the plot and constructing a dwelling on garden land to the rear of 198 Perne Road. As a result policy 52 is relevant. This states that proposals on garden land will only be permitted where a) the form/height/layout respects the surrounding character, b) there is sufficient space retained to the existing dwelling and any worth trees are

retained, c) adequate amenity and privacy to neighbours is protected, d) adequate provision of amenity space, vehicular access and car parking for proposed and existing properties and, e) the proposal does not compromise development of the wider area. Criterion e) is not relevant. I will assess the application against the remaining criteria below.

Context of site, design and external spaces

- 8.3 Matter of appearance and landscape are not for consideration as part of this application. This information will be considered in a subsequent reserved matters application. Matters for consideration in this application are layout, scale and access.
- 8.4 The proposed access is from an existing lane which is owned by the city council. Access to the site could be created under permitted development. The adjacent property at 200b Perne Road is already accessed off of this lane so the additional access is not considered harmful to the character of the area.
- 8.5 The proposed new building is shown to sit broadly in line with the property to the south at 62 Tiverton Way. A garden is shown to the west side adjacent to the retained garden at 198 Perne Road. Car parking bays and bike and bin storage are shown on the eastern end of the plot. Details of landscaping and boundary treatment will be dealt with by reserved matters but I am satisfied that the layout shown would be acceptable.
- 8.6 The scale proposed is similar to the neighbouring property at no. 62. The eaves height is shown to be the same with this proposal being marginally higher than the neighbouring dwelling. The property lies at the end of the road and is on a wider plot than no. 62 so I am satisfied that the marginal additional height proposed would not be harmful to the character of the area.
- 8.7 The appearance of the proposal is for approval in a subsequent reserved matters application so the proposed plans are illustrative only. The design shown is not considered acceptable as it would appear out of character. The dormer windows, formal front porch, decorative brick and gable finials are all incongruous features. The properties on Tiverton Way take a much simpler design form which helps them to read as subservient. The appearance proposals for consideration in the

future should be unfussy and take cues from the properties to the south on Tiverton Way.

- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57 and 59.

Flood Risk

- 8.9 The Drainage Officer raised an objection to the proposal as insufficient drainage information was provided with the original submission. The applicant provided further information as part of the application. The Drainage Officer has reviewed the further submission and considers it adequate to remove their objection subject to conditions.
- 8.10 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2018) policy 32.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The proposal would sit broadly in line with the dwelling to the south on Tiverton Way. There are no primary windows on this side elevation which would be impacted in terms of restricted outlook. No. 62 Tiverton Way is to the south of the site so there would be no loss of light. The proposal is likely to have first floor windows which would look towards the rear garden of no. 62 but this is typical of a row of houses in the city and the garden of 62 is already overlooked by no. 60. Bike and bin storage is shown on the boundary with this neighbour but I am satisfied that any store could be low rise so as not to impact on no 62. Details of landscape and boundary treatment are not up for consideration and would need to be dealt with as part of a future reserved matters application.
- 8.12 The other nearest neighbouring property is 200b Perne Road. This property is set away from the site with the accessway providing a significant separation. As a result I am satisfied there would be no enclosure impacts. The proposal is also unlikely to have any impact in terms of overshadowing given the distance between the properties. The proposal does have windows at first floor which would look towards the garden of

200b but I do not consider these would not cause any significant loss of privacy to 200b due to the presence of an outbuilding on the boundary with the access which is likely to screen most views into the garden.

- 8.13 The proposal would be significantly set away from the host dwelling at 198 Perne Road given the back to back garden arrangement. As a result I am satisfied there would be no significant impact in terms of enclosure or overshadowing. The proposal would have first floor windows looking towards no 198 but this relationship is no different to that found elsewhere on the road. I am satisfied that the garden shown as retained by 198 would be adequate and is in line with other gardens on this part of the street. A curtilage condition is recommended requiring that the plots are laid out as shown on the red edged plan to ensure adequate amenity space for both the existing and proposed new dwelling.
- 8.14 The Environmental Health Officer has considered the impact of traffic noise from Perne Road and is satisfied that, given the distance from the highway, the impact would not require mitigation. A number of conditions are recommended to protect the amenity of surrounding occupiers during construction.
- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 52, 55 and 56.

Amenity for future occupiers of the site

- 8.16 Whilst the proposed design is not for consideration, I am satisfied that a building of this scale with a garden provision as shown providing a 4 bedroom dwelling would provide a high standard of amenity for future occupiers. Three of the bedrooms shown would be adequately large to provide a single bed space. Bedroom 1 could be a double room. The building shown exceeds the space standards as shown in the below table and would comply with policy 50 of the Cambridge Local Plan (2018). The garden provision is considered to be acceptable; as mentioned above, a curtilage condition is recommended to ensure the gardens are provided as shown. Details of landscape will be dealt with in a future reserved matters application.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	4	5	2	124	97	+27

8.17 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2018) policies 50, 52, 56 and 59.

Inclusive access

8.18 The proposal would have level access with off-street car parking adjacent to the entrance and a ground floor WC. I am satisfied that a condition could be imposed to ensure that the proposal would meet with part M4(2) of building regulations to ensure the property would be adequately accessible to meet with the requirements of policy 51.

8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 51.

Refuse Arrangements

8.20 Bins are shown on the western end of the site. The provision shown appears adequate but full details including details of a store are required by condition.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56 and 57.

Highway Safety

8.22 The Highway Authority considers that the proposal would not have any significant adverse impact on highway safety. I share this view.

8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

- 8.24 Two off street car parking space are shown. This is considered acceptable.
- 8.25 Four cycle parking space are proposed adjacent to the bin store. The provision and location are considered acceptable. As with the bins, full details including details of a store are required by condition.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52 and 82

Other

- 8.27 The representations raise concerns regarding land ownership and permission to use the access. These are civil matters and cannot be considered as part of the planning application. The city council's property services are aware that an application has been submitted. Any legal agreement to allow access from the strip of city council owned land would not be material to the consideration of the planning application.

Third Party Representations

- 8.28 I have addressed the majority of the third party representations in the body of my report but I will address any outstanding matters below:

Third party representation	Response
Concerned that first floor windows would overlook garden of 196 Perne Road	There would be a significant distance between the proposal and the garden of 196 Perne Road and as a result the proposal is not considered to give rise to any significant overlooking of their garden.
Request that construction hours are conditioned.	A condition is recommended to control construction hours

Unclear whether permission for access over the private road has been obtained	This is a civil matter. See paragraph 8.27.
Hardstanding should be relocated away from the junction with Tiverton Way to avoid conflict with cyclists	I do not consider that the two car parking space will impact on cyclist safety given the low speeds which cars will travel down the access lane
Concerned about congestion of lane during construction	The Environmental Health Officer has requested conditions regarding construction hours and collection/delivery hours during construction. These would help minimise disruptions during construction.
If permission is granted request that owners are required to enter into same legal agreement as 200b Perne Road in relation to insurance and maintenance of the strip of land used to access	This is a civil matter. See paragraph 8.27.

9.0 CONCLUSION

- 9.1 The scale of the proposed dwelling is considered to respect the surrounding character. The layout and scale of what is proposed is not considered to give rise to any unacceptable neighbour amenity impacts. The proposal would provide a high quality living environment for future occupiers. The access arrangement is not considered to give rise to any adverse neighbour amenity or highway safety issues.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. All applications for approval of the reserved matters shall be submitted to the local planning authority before the expiration of 3 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 begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

3. Prior to the commencement of any development, details of the appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: This is an Outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority (Cambridge Local Plan 2018 policies 55, 56, 57 and 59)

4. 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.

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

Reason: To protect the amenity of the adjoining properties.
(Cambridge Local Plan 2018 policy 35)

6. There shall 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 2018 policy 35)

7. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 2018 policy 35)

8. 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 2018 policy 36.

9. Prior to the commencement of development, other than demolition, 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 2018 policies 31 and 32)

10. No development shall commence until a scheme for flood resilient /resistant construction has been submitted to and approved in writing with the Local Planning Authority, in accordance with [FRA, FRA-2018-001032, Date 02/11/2018]. Development shall take place in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and future occupants (Cambridge Local Plan 2018 policies 31 and 32).

11. Prior to occupation of the dwelling, finished ground floor levels shall be set and retained no lower than 450 mm above existing ground level.

Reason: To reduce the risk of flooding to the proposed development and future occupant (Cambridge Local Plan 2018 policies 31 and 32).

12. Prior to the occupation of the development, hereby permitted, the curtilage of the approved dwelling shall be fully laid out and finished in accordance with the approved plans. The curtilage shall remain as such thereafter.

Reason: To ensure an appropriate level of amenity for future occupiers and to avoid the property being built and occupied without its garden land (Cambridge Local Plan 2018 policies 50, 52, 55 and 56)

13. Prior to occupation of the dwelling, details of facilities for the covered, secure cycle parking of 4 number bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure satisfactory provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policy 82)

14. Prior to occupation of the dwelling, details of facilities for the covered, refuse storage for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure satisfactory provision for the bin storage (Cambridge Local Plan 2018 policy 52 and 57)

15. The dwelling, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51)

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PLANNING COMMITTEE

6th February 2019

Application Number	18/1545/FUL	Agenda Item	
Date Received	11th October 2018	Officer	Mairead O'Sullivan
Target Date	6th December 2018		
Ward	Coleridge		
Site	Adkins Corner Perne Road Cambridge CB1 3RU		
Proposal	New residential block to the rear containing three 3 x bed units (use classes c3 and c4 in the alternative) following demolition of existing retail storage space at first floor and changes to the external appearance of the existing elevations along with revised access arrangements from Perne Road, courtyard at first floor level, car and cycle parking and associated landscaping.		
Applicant	N/A C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed flexible use is considered acceptable in principle given the permitted development fall back - The proposed C3/C4 flexible use is not considered to give rise to any adverse impacts on neighbour amenity or highway safety
RECOMMENDATION	APPROVAL

1.1 The application site lies on the corner of Perne Road and Cherry Hinton Road. The ground floor is comprised of a number of retail units with car parking to the front. Most of the upper floors are in residential use. A number of units were recently granted prior approval for change of use from B1(c) office use to C3 residential use. Most of these units are accessed from the

rear of the building. Permission was subsequently granted for an extension to provide three 3bed units with amendments to the building and the provision of a private car park courtyard area to the rear of the commercial building.

- 1.2 The remaining space to the rear is used for storage and servicing for the retail units. Car parking for customers of the retail units is to the frontage.
- 1.3 The façade of the building currently looks run down and in need of upgrade. The building is finished in brick with a railing and balcony running along the whole of the first floor. There are four existing retail units at ground floor. Budgens occupy the largest unit and have covered most of the shopfront in vinyl decals. A bookmakers, pharmacy and carpet shop occupy the remaining smaller units which front onto Perne Road.
- 1.4 Outside of the application site, but still within the same applicant ownership, is a Kwik-Fit garage with residential units above. This has not been included within the application as the garage has a long term lease of the unit.
- 1.5 The site lies within the Adkins Corner local centre.

2.0 THE PROPOSAL

- 2.1 The proposal seeks full planning permission for a new residential block to the rear containing three x 3 bedroom units (in use classes C3 and C4 in the alternative) with works to the external envelope of the building, revised servicing for the commercial unit, and a courtyard with car and cycle parking to the rear.
- 2.2 The proposal, although for full planning permission, is a variation on the recent approval 17/1297/FUL. The applicant seeks to have a flexible C3/C4 use rather than the solely C3 use of the recent approval. C3 use is as a dwellinghouse for a single household. C4 use allows the building to be used as a small HMO by up to six people.
- 2.3 The applicant has provided a covering letter which identifies that the site would be eligible to change between C3 and C4 uses under Permitted Development. However, for this to happen, the approved C3 use would need to first be

implemented. The application seeks to give flexibility about how the units would be occupied in the first instance.

- 2.4 The application is solely to consider the change to the flexible C3/C4 use. Changes to the physical appearance of the building are being considered through an application for a non-material amendment (NMA) to the original scheme. These changes are also shown on the plans for consideration as part of this full application. The changes are minor hence are suitable to be considered as a non-material amendment which will be approved prior to the committee date following the end of a consultation period.

3.0 SITE HISTORY

Reference	Description	Outcome
17/1297/NMA1	Non material amendment on application 17/1297/FUL for minor changes to layout of rear courtyard, relocation of platform lift, amendments to access to first floor podium area and minor fenestration changes to the appearance of the elevations.	Pending consideration
17/1297/FUL	New block to rear containing three 3xbed residential units with roof terraces following demolition of existing retail storage space at first floor and changes to the external appearance of the existing elevations along with revised access arrangements from Perne Road, courtyard at first floor level, car and cycle parking and associated landscaping.	Permitted
17/1315/B1C3	Prior Approval notification of proposed change of use of the corner office on first and second floors from B1(a) (offices) to Class C3	Prior approval granted

11/0337/FUL	(dwellinghouses) Proposed change of use of Class B1(a) offices and surplus storage/welfare accommodation into 6no residential units.	Permitted
09/0829/FUL	Replacement of existing public telephone kiosk combining public payphone service and ATM service. The proposal involves shifting the kiosk back by 0.5m. The proposal requires the provision of 4 protective bollards at the request of the Crime Prevention Officer.	Permitted

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 28 31 32 35 36 50 51 55 56 57 58 59 64 81 82

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework July 2018</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <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>
<p>Previous Supplementary Planning Documents</p> <p>(These documents, prepared to support policies in the 2006 local plan are no longer SPDs, but are still material considerations.)</p>	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire</p>

	<p>Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection: Given the site history, no objection is raised to the proposal as it will have a very similar impact to the extant permission.

Environmental Health

- 6.2 No objection: Planning permission has already been granted under permission reference 17/1297/FUL for a similar scheme. Given that this is an entirely new application without any adequate / satisfactory supporting information regarding Environmental Health considerations, it will need to be covered by the same conditions as were applied to 17/1297/FUL.

Urban Design and Conservation Team

- 6.3 No comments received.

Head of Streets and Open Spaces (Landscape Team)

- 6.4 No comments received.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.5 No objection.

Refuse and Recycling

- 6.6 No comments received.

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 owner/occupier of the 348 Cherry Hinton Road has made a representation.

7.2 The representations can be summarised as follows:

- Cycle and car parking is already inadequate for the site. Changing 3 units into HMOs rather than family dwellings will exacerbate an already unacceptable situation.
- Concerned that the one way access is unacceptable and this would be worse if the units are used as HMOs.

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. Noise, vibration and dust
4. Inclusive access
5. Residential amenity
6. Highway safety
7. Car and cycle parking
8. Third party representations

Principle of Development

8.2 The application is a resubmission of an approved scheme for three 3bed residential units. The only difference between this

and the previously approved application is the change of use from C3 use to a flexible C3/C4 use. A C3 use is a dwelling house occupied by a single household of no more than 6 people. A C4 HMO, often referred to as a small HMO, is a dwellinghouse occupied by no more than 6 unrelated people.

- 8.3 The applicant has identified correctly within their covering letter that the units can move from the approved C3 to a C4 use under Permitted Development without the need for a planning application. However, for this to happen the C3 use of the units would need to be implemented. The application, if approved, would give the applicant the flexibility to, if required, occupy the units as C4 small HMOs without the need for them to be first used as C3 family units. The extant permission has to be afforded significant weight and the Local Planning Authority can therefore only consider material differences between the approved and current schemes.
- 8.4 Given the permitted development fall-back position, I have no objection to the principle of the proposed change of use.

Context of site, design and external spaces

- 8.5 All of the proposed changes are currently being considered under an application for a non-material amendment but are also shown on the proposed plans for the current application. At the time of writing, the non-material amendment application was within a consultation period, but is due to be determined prior to the committee meeting. The external changes from the approved scheme include amendments to car parking and cycle parking layouts with additional soft landscaping in the rear courtyard area, some amendments to the fenestration and revisions to the front balcony balustrade and amendments to the eastern stairs with the platform lift being relocated from adjacent to the west stair to by the east stair. All of the changes are minor and are not considered visually significant.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59.

Noise, vibration and dust

- 8.7 As with the extant consent, the Environmental Health Officer has recommended a number of conditions to protect the

amenity of nearby occupiers. The recommended conditions are as follows:

- demolition/construction hours
- collection and delivery during demolition/construction
- dust condition
- plant noise insulation
- noise insulation scheme
- delivery hours restriction to the commercial units

8.8 In my opinion, subject to the conditions I have recommended, the applicants have suitably addressed the issues of noise, vibration and dust, and the proposal is in accordance with Cambridge Local Plan (2018) policies 35 and 36.

Inclusive access

8.9 The proposed units would have level access and a platform lift would provide access to the first floor. Whilst the platform lift would not meet with the requirements of policy 51, it was deemed acceptable at the time the previous decision was made and as this consent remains extant, and therefore afforded significant weight, it would be unreasonable to require this to be changed.

8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56 and 57.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.11 The proposed flexible use incorporating a potential C4 use on site is not considered to give rise to any adverse impacts to residential amenity.

8.12 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 56.

Amenity for future occupiers of the site

8.13 The three proposed units were considered to provide an adequate level of amenity to future occupiers. I consider that the units would also provide an acceptable level of amenity were the units to be used as C4 small HMOs.

8.14 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 (2018) policy 50.

Highway Safety

8.15 The Highway Authority has confirmed that due to the similarity with the approved extant scheme they have no highway safety concerns.

8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

8.17 The proposed use as a small HMO would not give rise to a policy requirement for any additional cycle or car parking provision.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

8.19 I address the points raised by the third party representation in the below table:

Representation	Response
Cycle and car parking is already inadequate for the site. Changing 3 units into HMOs rather than family dwellings will exacerbate an already unacceptable situation.	The use of the residential units as C4 units could be made under permitted development and the application only gives the applicant more flexibility as to how the building is first used. Car and cycle parking provision was considered acceptable as part of the

	previous application. The use of any of the units of the building as a small HMO is not considered to give rise to a policy need for any further car or cycle parking on site.
Concerned that the one way access is unacceptable and this would be worse if the units are used as HMOs.	I do not consider that the use of the three units as small HMOs rather than C3 apartments would impact on the access arrangement to the site.

9.0 CONCLUSION

9.1 The proposed flexible use could be implemented under permitted development but the application gives the flexibility for the building to be used as either a C3 or C4 use in the first instance. The proposed flexible use, given the permitted development fall-back position, is not considered to give rise to any adverse impacts on highway safety or neighbour amenity and is considered to continue to provide an adequate level of amenity for future occupiers.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

3. No development shall take place above ground level, other than demolition, until samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

4. Full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing are to be submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2018 policies 55 and 58).

5. Prior to the occupation of the residential units, large scale plans of the cycle parking for the residential units shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be installed in accordance with the approved details prior to the occupation of the residential units and shall be retained thereafter.

Reason: To ensure adequate cycle parking is provided to the residential units (Cambridge Local Plan 2018 policy 82)

6. Prior to the commencement of development, the amendment to the Traffic Regulation Order, controlling on street parking which is required to facilitate the revised servicing arrangement, must be approved. The revised servicing arrangement shall be in place prior to the occupation of the new residential units.

Reason: To ensure the revised servicing arrangement can be achieved and to protect the amenity of future occupiers (Cambridge Local Plan 2018 policies 55 and 81)

7. Following the approval of the Traffic Regulation Order and prior to the occupation of the residential units, all servicing of the retail units to the rear (other than the collection of refuse) shall cease. All servicing shall be carried out to the front of the retail units in accordance with the Traffic Regulation Order.

Reason: To Protect the amenity of future occupiers of the residential units (Cambridge Local Plan 2018 policies 35, 55 and 56)

8. 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 2018 policy 35)

9. There shall 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 2018 policy 35)

10. 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 2018 policy 36.

11. Prior to the occupation of the development or the commencement of the use, a noise assessment detailing noise levels emanating from all plant, equipment and vents, relative to background levels, shall be submitted to, and approved in writing by, the Local Planning Authority.

If the assessment demonstrates that noise levels exceed the background level at the boundary of the premises, having regard to adjacent noise sensitive premises, a mitigation scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35)

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

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area (Cambridge Local Plan 2018 policies 35, 55 and 56)

13. Deliveries to the commercial units shall only take place between the following hours:

Monday to Saturday: 07:00 - 21:00

Sundays and Bank Holidays: 09:00-19:00

Reason: To protect the amenity of the existing occupiers of the site (Cambridge Local Plan 2018 policies 35 and 55)

14. Prior to the commencement of development, other than demolition, 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 2018 policies 31 and 32)

15. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2018 policies 55, 57 and 59)

16. Notwithstanding the approved plans, prior to commencement of development, details of screens to the north facing first floor roof terraces and the south facing second floor roof terraces shall be submitted to and approved in writing by the Local Planning Authority. Details shall include cross-sections to show the height of the screens.

Reason: To protect the amenity of surrounding occupiers (Cambridge Local Plan 2018 policies 55 and 58)

17. The balconies to the front of the building shall be implemented in full prior to the occupation of the residential units.

Reason: To ensure there is adequate amenity space for future occupiers (Cambridge Local Plan 2018 policies 55 and 58)

18. The platform lift shall be installed prior to the occupation of the residential units.

Reason: To ensure the residential units are accessible to wheelchair users (Cambridge Local Plan 2018 policies 56 and 58)

19. All storage for the retail units shall be internal and within the allocated retail space. No storage shall take place in the external space surrounding the residential car parking to the rear.

Reason: To protect the amenity of future occupiers of the residential flats (Cambridge Local Plan 2018 policies 56 and 65)

20. Prior to the occupation of the residential units, details of the proposed gates and associated access arrangements from Perne Road, and details of low level lighting to the path, shall be submitted to and approved in writing by the Local Planning Authority. The gates and lighting shall be installed in accordance with the approved details prior to the occupation of the residential units and shall be retained thereafter.

Reason: To ensure the space to the rear is secure (Cambridge Local Plan 2018 policies 34, 56 and 58)

INFORMATIVE: Should the C4 use be implemented, the units shall only be occupied by no more than 6 people. Otherwise a further planning application will be needed for sui generis use as a large HMO

INFORMATIVE: Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVE: Before drainage 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 to achieve a 20% reduction in peak flows 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.
- c. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

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

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

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

Application Number	18/1491/S73	Agenda Item	
Date Received	21st September 2018	Officer	Mr David Spring
Target Date	16th November 2018		
Ward	Market		
Site	50 Burleigh Street Cambridge CB1 1DJ		
Proposal	Section 73 application to vary condition 4 of permission APP/Q0505/A/07/2052528 (Change of use from retail to Adult Amusement Centre) to extend the opening hours until 11pm Monday to Sunday.		
Applicant	C/O Agent		

SUMMARY	<p>The development accords with the Development Plan, and the Cambridge Local Plan 2018: for the following reason:</p> <p>-The proposed development would not have any significant adverse impact on the residential amenity of neighbouring occupiers;</p>
RECOMMENDATION	Approve

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site comprises of an adult amusement centre situated on the south side of Burleigh Street with a flat on the upper-floor. The site is situated along a pedestrianised road that has a variety of retail and restaurant uses and the surrounding context is predominantly commercial in nature with residential flats typically situated on the upper-floor. To the south –west of the site is Paradise Street which includes several flats and other residential forms. To the north of the site is the Grafton Centre.
- 1.2 The site falls within the City Centre, a Controlled Parking Zone, a Primary Shopping Frontage and the Air Quality Management Area.

2.0 THE PROPOSAL

- 2.1 The proposal is a Section 73 application to vary condition 4 of permission 07/0517/FUL (Change of use from retail to Adult Amusement Centre) to extend the opening hours until 11pm Monday to Sunday.
- 2.2 Condition 4 currently restricts the trading hours of the premises as follows:
“The use hereby permitted shall not be open for business other than during the following hours: Monday to Saturday 09:00-20:00, Sunday 11:00- 17:00”
- 2.3 The application is accompanied by the following supporting information:
1. Covering letter
 2. Drawings
 3. Noise Assessment

3.0 SITE HISTORY

05/1101/CL2PD for Application for a Certificate of Lawfulness (S192) – proposed use of first floor from ancillary use to ground floor shop to a single flat. CG dated 08.11.2005

05/1244/FUL for New windows to first floor flat above retail premises. PERM dated 10.01.2006.

07/0517/FUL for Change of use from retail to Adult Amusement Centre. REFU dated 18.07.2007. Allowed at appeal.

09/0726/ADV for Installation of one externally illuminated fascia sign and one externally illuminated projecting sign. PERM dated 28.09.2009.

17/1564/S73 for Retrospective application under Section 73 to remove condition 4 (Opening Hours) of planning permission 07/0517/FUL, decided by appeal APP/Q0505/A/07/2052528, to operate on a 24 hour basis. REFU dated 31.10.2017.

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

Plan	Policy Number
Cambridge Local Plan 2018	Policy 35: Protection of human health from noise and vibration Policy 55: Responding to context Policy 56: Creating successful places Policy 81: Mitigating the transport impact of development

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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 The Highway Authority has no comment to make upon this application.

Environmental Health Team

Original response

- 6.2 In response to previous application ref 17/1564/S73, which requested 24hr operation, an acoustic assessment was requested in order to ensure the shared partition with the application site and residential above was of a sufficient acoustic standard to ensure the amenity and quality of life of residents in the locality are protected.
- 6.3 The current application seeks to extend the opening hours from 8pm Monday-Saturday and 5pm on Sundays to 11pm on all days. In response to the above request on the previous application, the current proposal includes a noise assessment. This advises that the rear area is no longer used as access or egress for the premises, and that smoking is no longer allowed in this area after 20:00hrs.
- 6.4 There are 41 individual gaming machines on site. The calculations are based on 6 patrons being present at any one time which is not likely to be representative of the potential noise generated on site.
- 6.5 BS8233:2014 recommended internal ambient noise levels have been compared within the report, but this only covers noise without character such as traffic noise. Noise sources such as loud voices, music and TV require further investigation and likely lower limits than those recommended within BS8233:2014.
- 6.6 Further details and justification are required on the internal measuring procedure and duration. Further calculations and possibly on-site measurements were required to represent the noise potential of the site when a representative number of patrons were present.

6.7 The raw data for the internal measurements are also required.

2nd response following submission of further information

6.8 In response to the previous comments, a level vs time graph has been submitted, and the agent has also confirmed the following points:

- The estimated number of patrons focusses on the period from 8pm – 11pm (rather than during the day) and is based on customer counts from others sites under the same operator, where there was an average of 5 customers per hour.
- A 5dB penalty has been applied to account for the character of the noise.

6.9 This is considered to overcome the initial concerns, and approval is recommended subject to the use of the rear smoking area being controlled by condition as set out in the information accompanying the application.

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

7.0 REPRESENTATIONS

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

- Marc Jason Hairdressers, 49 Burleigh Street
- Vacuum Cleaner Centre, 51 Burleigh Street
- Flat 3, Appleyard House, 87 Paradise Street

7.2 The representations can be summarised as follows:

- The premises are in a residential area with 4 flats above No. 50, 4 above No. 49 and 1 above No. 51.
- Extended opening hours will affect the amenities of nearby residents due to noise, loitering etc
- The proposal would result in more anti-social behaviour.
- Burleigh Street is predominantly retail with shops open from 9a.m. to 5p.m. The extended hours by introducing late night

gambling would be out of keeping with the nature of the street.

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

8.0 ASSESSMENT

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

1. Context of site
2. Residential amenity
3. Refuse arrangements
4. Highway safety
5. Car and cycle parking
6. Third party representations

Context of site

8.2 Application 07/0517/FUL for a change of use to amusement centre was refused by the Council and then allowed at appeal with restrictions on hours of use to: Monday to Saturday 09:00-20:00, and Sunday 11:00- 17:00. Application ref 17/1564/S73 sought to remove this condition to enable the business to operate on a 24 hour basis. This was refused for the following reasons:

- Insufficient information has been submitted to demonstrate that the noise generated from internal use of the building during the sensitive hours of the day would be acceptable. In the absence of this information it cannot be confirmed that the living environment for neighbouring properties adjoining the premises would be adequate as a result of the removal of the hours of use condition. Therefore, due to the potential harm to the amenity of neighbours I consider the proposal to be contrary to policies 3/4 and 4/13 of the Cambridge Local Plan (2006) and paragraph 123 of the National Planning Policy Framework (2012).

- The removal of the opening hours condition would allow for the unrestricted 24 hour operation of the premises which would adversely impact on the amenity of nearby residential properties. The public house and snooker hall further to the east are situated adjacent to the busy East Road which has higher background and ambient noise levels. The application site is over 50m away from these nearby late night premises and in a more tranquil section of Burleigh Street, closer to residential flats. The removal of the opening hours condition would allow for large groups of people to enter, leave and congregate outside the premises on Burleigh Street and Paradise Street, introducing a high level of noise during sensitive hours of the day when residents are typically attempting to sleep. As such, I consider the proposal to be contrary to policies 3/4 and 4/13 of the Cambridge Local Plan (2006) and paragraph 123 of the National Planning Policy Framework (2012).

8.3 The current application seeks to overcome this by seeking to extend opening hours from 20:00hrs to 23:00hrs only and by ensuring the smoking area at the rear of the premises would not be used after 8pm.

8.4 In my opinion, and as the remainder of the report will elaborate on, the previous reasons for refusal have been overcome and the proposal is compliant with policies 1, 35, 55, and 56 of the Cambridge Local Plan 2018.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.5 The main consideration of the application is whether the variation of the opening hours condition would have a harmful impact on the amenity of adjoining residential flats from the internal transmission of noise, as well as the associated comings and goings that may affect nearby residential flats.

8.6 Impact from noise transmission

I have visited the premises. The main sources of noise internally in terms of electronic equipment were in the form of amplified speakers playing music and noise emitted from the machines when they were in use. This noise was not audible

outside the premises when doors were fully closed. There may also be potential for noise to be transmitted if large groups of people visit the premises during the more sensitive noise hours beyond 20:00hrs and before 23:00hrs.

- 8.7 An acoustic assessment has been provided. Following additional clarification from the acoustic consultant and the submission of a level vs time graph requested by the Environmental Health Officer, it has been demonstrated that the shared partition with the application site and residential above will be of a sufficient acoustic standard to ensure the amenity and quality of life of residents in the locality will be protected. The Environmental Health Officer has advised that the proposed extended opening hours would be acceptable subject to the imposition of a condition restricting the use of the rear area, as stated within the Lichfields covering letter dated 20th September 2018, to protect local amenity.
- 8.8 Based on the above, I consider that extending the operating until 11pm would not have a harmful impact on the amenity of nearby flats from internal noise transmission.

Impact from comings & goings

- 8.9 Concerns have been raised by neighbouring residential properties concerning the noise and disturbance the proposed additional opening hours would cause in terms of comings and goings.
- 8.10 The applicant has explained in his response to Environmental Health that the average number of customers on-site from 20:00hrs to 23:00hrs based on usage at other sites run by the same operator is estimated to be 5 per hour.
- 8.11 At the rear of the site there is a small smoking enclosure for customers and staff. There are a few basic seats in this smoking area, as well as three large extractor units which are audible within this space. The smoking area is accessed internally through a set of large double doors. There is also a set of gates at the rear which are openable and serve as a fire exit onto Paradise Street through the undercroft area. There is an ash tray box on one of the pillar walls within the open undercroft area which suggests that this space is used as a spill out space when the premises is busy with customers. The

assessment submitted advises this rear area is no longer used as access or egress for the premise and smoking is no longer allowed in this area after 20:00hrs.

- 8.12 At present, the 20:00hrs Monday – Saturday and 17:00hrs Sunday closing times mean that the residential flats are not subject to any noise during the late evening hours. As a result of the restricted access to the rear which will be secured by condition, the relatively small anticipated usage and the satisfaction of Environmental Health with the proposal it is my opinion the additional opening hours from 20:00hrs to 23:00hrs would not result in significant effects on neighbouring amenity.
- 8.13 The proposal to extend the permissible opening hours would not in my view have a harmful impact on the amenity of nearby residential flats. 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 (2018) policies 55 (58) and 35.

Third Party Representations

- 8.14 I have considered anti-social behaviour in terms of groups of people talking loudly outside the premises and the harmful impact that this would have on neighbours. Other anti-social behavior is a police matter. The site is a City centre location and the proposed opening times would be consistent with other businesses in the area such as The Tram Depot and The Free Press pubs.

9.0 RECOMMENDATION

APPROVE, subject to the following conditions:

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

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

2. The external area to the rear of the premises shall not be used by patrons of the premises between the hours of 8p.m. and 11p.m. Monday to Sundays.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55, 57/58).

3. The use hereby permitted shall only be operated from the premises during the hours of 0900 to 2300 Monday to Saturday and 1100 to 2300 on Sundays.

Reason: To protect the amenities of the occupiers of adjacent properties. (Cambridge Local Plan policy 35)

Application Number	18/0960/FUL	Agenda Item	
Date Received	21st June 2018	Officer	Patricia Coyle
Target Date	16th August 2018		
Ward	Romsey		
Site	160 Mill Road Cambridge CB1 3LP		
Proposal	Proposed two storey rear extension, roof extension and internal alterations, to provide 2 additional 1 bedroom flats to include retaining a smaller retail unit(A1/A2) at ground floor.		
Applicant	Mr D Patel 160 Mill Road Cambridge CB1 3LP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed extensions would not have an adverse impact on the character of the area or on existing residential amenities of neighbouring occupiers</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a mid-terraced property located on the south side of Mill Road. The ground floor of the site is used as a commercial unit with the upper floor for a residential flat. It has a rear garden which is accessed from the back passageway running at the bottom of the terrace unit leading to Argyle Street.
- 1.2 The surrounding area comprises Victorian/Edwardian terraced properties. Most original buildings keep the homogeneity of building characters with uniform front building line and building height with a bay window within the front garden. However, in the later transition to a more commercial-dominated area, most buildings lost the bay window and front garden and added a single storey front extension for the ground floor commercial

unit. The building of the site has a later single storey lean-to front extension as most commercial units on the adjacent side of Mill Road, whilst the attached neighbour No.158 has implemented an exceptional two storey flat-roofed front extension.

- 1.3 The building is not listed /Building of Local Interest. The site falls within the Mill Road Area of the Historic Core Conservation Area.

2.0 THE PROPOSAL

- 2.1 Full planning consent was originally sought for a first floor front extension, two storey rear extension and internal alterations to retain the ground floor commercial unit and provide two additional 1-bed residential flats, 1 on the ground floor and 1 at first floor level.
- 2.2 During the course of the application, the proposal has been amended to omit the first floor front extension and to add two small dormers to the rear.
- 2.3 The proposed two storey rear extension would replace the existing two storey rear element with a mono pitched roofed extension finishing in line with the two storey rear element of no.158. Traditional-designed timber fenestrations would be applied and two setback fake windows would be installed in the end of the extension to avoid overlooking to no.162.
- 2.4 The proposed roof extension would incorporate two separate flat-roofed dormers projecting slightly lower than the main ridge line and siting away from the main eaves line approx. 0.8m, and finished in artificial slate.
- 2.5 The existing lean-to single storey front extension would be replaced with a flat-roofed element with a new traditional shopfront. Internally the building would comprise a commercial unit (in A1/A2 use) whilst the rear extension would comprise 1-bed flats at ground and first floor levels. A communal access to the rear garden would be provided for all units of the development.
- 2.6 The application is accompanied by the following supporting information:

1. Supporting document
2. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
C/72/0519	Change of use from residential to shopping	Permitted
C/83/0563	Change of use from residential to retail shop (part ground floor) with residential accommodation	Permitted
C/87/1079	CONVERSION & EXTENSION OF EXISTING TERRACED HOUSE TO FORM GROUND FLOOR SHOP & 2 BED MAISONETTE.	Permitted
C/91/1069	CHANGE OF USE OF PART OF GROUND FLOOR FROM RETAIL (CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2).	Permitted
14/1278/FUL	Retrospective change of use from wig shop to ice cream and dessert parlour (class A3)	Permitted
15/1135/S73	Section 73 application to vary condition 1(hours of use) of 14/1278/FUL to amend the opening hours to 08:00hrs - 23:00hrs Monday to Saturday and 09:00hrs to 22:00hrs on Sundays and bank holidays.	Permitted

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	3: 31, 32, 35: 50, 55, 56, 58: 61 : 72: 81, 82

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 Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning

	Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) The Cambridge Shopfront Design Guide (1997) Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No additional off-street car parking provision is made for the additional residential units.

Recent guidance contained within the National Planning Policy Framework and the IHT guidance on best practice in car parking provision has moved 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. This demand is likely to appear on-street in competition with existing residential uses.

The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets

and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Environmental Health

6.2 It is not possible to comment on the proposed development, additional information would be required:

- Clarification on existing plant adjacent to the development site which could impact on the amenity of the proposed residential dwellings
- Clarification on the intention for future A3 class use in relation to potential location of plant and impact on the amenity of future residential occupants
- Details are required on how odour will be discharged from the A3 use prior to determination.
- Concern regarding traffic noise to the first floor flat in the existing building.

Refuse and Recycling

6.3 No comments received

Urban Design and Conservation team

Original proposal

6.4 Refusal for the following reasons:

- The proposed first floor extension to the front elevation would be detrimental to the character and appearance of the conservation area
- The proposed rendering of the front elevation would be detrimental to the character and appearance of the conservation area
- The proposed new shopfront does not comply with the Shopfronts Design Guide and as such would be detrimental to the character and appearance of the conservation area

First revised scheme- with altered shopfront

- 6.5 The shopfront is an improvement on the design originally proposed, but the central transom does not look right. To give better proportions, the agent should look to the Limoncello and Antique Centre shopfronts further down Mill Road where the transom is towards the top of the glazing creating a clerestorey. The revised windows at the rear are better proportioned on the first floor. Sandblasting the paint from the front of the building should be done with caution as over cleaned bricks do not make a positive contribution to the conservation area.

Despite the improved shopfront, the first floor extension is still not supported as per the original Conservation comments. There are similar ground floor shop extensions further along the road and if this extension were to be approved it would set a precedent for other locations within the conservation area. It is considered that such extensions do not preserve or enhance the character or appearance of the conservation area.

Final revised scheme- with additional two roof dormers and removal of front extension

- 6.6 The revised plans are supported as being appropriate for this location within the conservation area.

Landscape architect

- 6.7 Cycle storage for the two upstairs flats is not acceptable. Storage in the rear garden is accessed via an existing access ginnel but then a user would be required to return back to the front of the property on Mill Road to access the flat. Likewise with access to the bins. A direct access from the rear of the property to all the flats is required.

It is considered that the principle of the development is acceptable as long as all the flats have convenient access to shared spaces and facilities.

Drainage

- 6.8 No objections subject to conditions

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

7.0 REPRESENTATIONS

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

- 162 Mill Road (objection)

7.2 The representations can be summarised as follows:

- Overshadowing/loss of sunlight
- Overlooking
- Construction noise and disturbance

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

8.0 ASSESSMENT

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

1. Principle of development
2. Residential space standards
3. Context of site, design and external spaces (and impact on heritage assets)
4. Residential amenity
5. Refuse and cycle parking arrangements
6. Highway safety and car parking
7. Third party representations

Principle of development

8.2 The proposal includes providing 2 additional 1-bed flats and 1 commercial (A1/A2 use) unit, which is a change of use from the existing A3 use unit.

- 8.3 Given the high demands of housing within Cambridge, the principle of development for new housing is supported within Policy 3.
- 8.4 The site falls within Mill Road District Centre. Policy 72 supports new A1 and A2 uses on the ground floor of buildings.
- 8.5 There are no policies in the Local Plan to control the loss of A3 use. The replacement of the existing A3 use unit with an A1/A2 use unit would accord with policy 72. Therefore, I consider the principle of the proposal is acceptable.

Residential space standards

Internal residential space standards

- 8.6 The 2 flats proposed within the rear extension are both single level 1-bedroom, 1-person flats with shower room. Flat 1 on the ground floor measures 38.6sqm and Flat 2 on the upper floor is 37.1sqm. Both therefore comply with the 37sqm standard within Policy 50 of the Local Plan.

External residential space standards

- 8.7 A shared amenity area would be provided within the small rear garden for the existing and proposed flats. Only the ground floor flat would have direct access to the amenity space, whilst the other two flats would go through the communal lobby area to the garden. I consider the arrangement of access to the amenity space is acceptable.
- 8.8 In my opinion, the proposal would provide a satisfactory level of amenity for existing and future occupiers and is compliant with Cambridge Local Plan (2018) policy 50.

Context of site, design and external spaces

- 8.9 The new shopfront which would apply traditional timber fenestrations; would improve the appearance of the existing shopfront and is supported by the Conservation team.
- 8.10 The proposed two-storey rear extension would continue with a mono-pitched roof and finish in line with the attached neighbour

no.158's two storey rear element to form symmetry of extensions. The proposed extension would be of traditional design and be constructed from matching materials. I consider the proposed extension would appear subordinate to the existing building and in keeping with the character of the Conservation Area.

- 8.11 The two small separate roof dormers would appear subservient to the existing roof form.
- 8.12 The Conservation Officer now supports the revised proposal and considers it would be appropriate for the location within the Conservation Area.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.14 Given the location of the proposed extensions, the attached neighbours, no.158 and no.162 are the properties that would be most affected by the proposal.

Overshadowing/overbearing and loss of sunlight

- 8.15 As the proposed two storey rear extension would finish in line with the two storey rear element of no.158; I do not consider the proposed this element would give rise to significant overshadowing/ overbearing to no.158.
- 8.16 The proposed two-storey rear extension would be situated approx. 1.4m from the boundary shared with no.162 and it would project further back than the single storey rear element of no.162 approx. 3.6m. The neighbouring property has been visited by a Council Officer. There are two rear single-aspect bedroom windows in the rear elements of no.162 which would be impacted by the two storey rear extension. Given the proposed extension would be located some distance from the shared boundary with no.162, and the extension would be under a mono-pitched roof with a relatively low eaves line closest to no.162, I do not consider the extension would fail the 45 degree test as per BRE guidance in relation to the

neighbour's first floor bedroom window. The proposed extension would marginally breach the 45 degree drawn vertically and horizontally from the ground floor rear bedroom window. However, I do not consider the breach would be significant enough to warrant a refusal for the application. Given that the proposed extension would be located to the north of this neighbour, there would be no loss of sunlight to no.162 from the proposal.

Overlooking

- 8.17 There would be two new first floor side windows in the proposed two storey extension looking towards no.162. Both windows would be located less deep into the application site than the single rear extension/element of no.162. While the window would give rise to some overlooking to the rear garden of no.162, given that this is within the tight urban townscape and given the arrangement of properties within the vicinity, most properties' garden spaces are overlooked by each other. Therefore, I do not consider the marginal overlooking to the garden would exacerbate the existing situation of no.162 to the extent that this would give rise to significant harm to this occupiers' existing residential amenities.

Noise disturbance

- 8.18 Compared to the existing use of the site, where the garden space is used as an open seating area of the Dim Sum restaurant, I do not consider the change to an A1/A2 unit and providing two additional 1-bed flats would give rise to more noise disturbance to neighbouring properties than the existing arrangement.
- 8.19 The EHO has requested clarification of plant arrangement and odour discharge for any future A3 unit in order to assess the amenity impact on the neighbouring properties. The proposal is for an A1/A2 use on the ground floor, instead of A3 use, for which plant would not be required. Additionally, there is no existing A3 use within the adjacent property at No.158 Mill Road. Environmental Health have also expressed concern regarding traffic noise disturbance to occupiers of the upper floor flat within the existing building. As this is an existing situation, retrospective improvements to this flat could not reasonably be justified.

8.20 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 35 and 55.

Refuse and Cycle Storage Arrangements

8.21 The submitted block plan shows bin and cycle storage would be arranged within the garden area. I consider such an arrangement to be acceptable in principle but have recommended a condition to require the submission of further details prior to occupation.

8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 58 and 82.

Highway Safety and Car Parking

8.23 Policy 82 states car-free development would be supported in the following circumstances:

- where there is good, easily walkable and cyclable access to a district centre or the City Centre;
- where there is high public transport accessibility; and
- where the car-free status of the development can realistically be enforced by planning obligations and/or on-street parking controls.

8.24 The site is located within a sustainable location within the district centre with a walkable distance from the city centre. It also has good access to the public transport. Although the site falls within an uncontrolled parking zone, I consider an additional 2 1-bed flats would not give rise to a significant increase of pressure on the surrounding on-street parking.

8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 81 and 82.

Third Party Representations

8.26 The concern raised by no.162 with regards to overshadowing/loss of light and overlooking has been

addressed in the above section. A condition restricting construction hours would be recommended to avoid the noise and disturbance.

9.0 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 91 of the Town and Country Planning Act 1990 (as amended by 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. Unless otherwise agreed in writing by the Local Planning Authority, the extension(s) hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension(s) is(are) in keeping with the existing building. (Cambridge Local Plan 2018 policies 55 and 58)

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

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

5. Prior to the first occupation of Flat 1, hereby approved, the planting outside the bedroom window shall be implemented in accordance with the drawing 1946/02 REVD, and it shall be retained as such thereafter.

Reasons: To protect the amenity of the future occupiers of Flat 1. (Cambridge Local Plan 2018 policies 35 and 56)

6. Prior to first occupation of the development, hereby permitted, or commencement of the use, full details of facilities for the covered, secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or the use commences and shall be retained in accordance with the approved details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policy 82)

7. Prior to first occupation of the development, hereby permitted, or commencement of the use, full details of the bin stores, including their location, elevations and details of materials, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the location and external appearance of the bin stores is appropriate (Cambridge Local Plan 2018 policy 55)

8. Prior to the commencement of development, other than demolition, 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 2018 policies 31 and 32)

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PLANNING COMMITTEE

6th February 2019

Application Number	18/1361/FUL	Agenda Item	
Date Received	6th September 2018	Officer	Mary Collins
Target Date	1st November 2018		
Ward	Trumpington		
Site	16 Brookside Cambridge CB2 1JE		
Proposal	<ul style="list-style-type: none"> • Subdivision of existing basement flat from main townhouse, widen existing steps to the garden, install French doors to rear, form new opening for door to rear elevation of basement, replacement of existing car port and replacement garden fence and gates. 		
Applicant	Mr Henry Goodwin 20 Shepherdess Walk Old St London N1 7LB		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers. - The proposed development would not detrimentally impact on the character and appearance of the conservation area, and would respect the existing Building of Local Interest.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 16 Brookside is situated on the eastern side of Brookside and faces a green with the Hobson's Conduit with Trumpington Road beyond. To the rear the property is accessed via Brookside Lane.

- 1.2 No 16 is a large four storey 19th century gault brick house which forms part of a terrace of 13 dwellings. Nos 15-16 are Buildings of Local Interest.
- 1.3 The attached property to the north at Nos 17-19 Brookside is currently in use as a school.
- 1.4 It is within the New Town and Glisson Road part of the Central Conservation Area.
- 1.5 There is a Tree Preservation Order covering a Red Horse Chestnut in the rear garden.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the subdivision of the existing townhouse to form a separate basement flat (one bed), to widen the existing steps to the garden, install French doors to the rear, form new door within rear elevation of basement, replacement of existing car port and replacement garden fence and gates.
- 2.2 The proposed garage would be 5.15 metres wide by 5.5 metres deep and would have a pitched roof and would present a gable to Brookside Lane. It would be 2.5 metres high to eaves level and approximately 5 metres to ridge height and would have a roof pitch of 44 degrees
- 2.3 The roof would have a Kingspan Trapezoidal roofing system which would be RAL 716 Anthracite Grey in colour. The walls would be in vertical timbers which would be stained black.
- 2.4 The gates would be 2 metres high and would open inwards and would comprise vertical timber boarding stained black.
- 2.5 The basement flat and main house would both have separate accesses from the front and rear.
- 2.5 The application is accompanied by the following supporting information:
 - Design and Access Statement
 - Drawings

3.0 SITE HISTORY

None

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3
	35
	50 52 53 55 56 57 58 61 62 71
	81 82

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)
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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 (whether existing or new) 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.

Urban Design and Conservation Team

- 6.2 This house lies within the New Town and Glisson Road part of the Central Conservation Area. No 16 is a large four storey 19th century gault brick house whose rear elevation and garden fronts onto Brookside Lane.

There are no objections to the changes to the rear of the property to create an independent basement flat.

The rear of these properties has a variety of outbuildings, walls and garages facing onto Brookside Lane although the majority of them are in brick. This proposal is to build a new timber carport on the site of the existing one. Unlike the majority of the garages along the lane this proposal is set back from the lane with a proposed brick wall and fence leaving a small area for the parking of cars.

This back garden has a large tree within it and another tree in the neighbouring property both of which have TPOs. The proposed carport building has a steeply pitched roof and is over 5 metres tall. There is no objection in conservation terms to this height as there are similar height garages further down the lane. Presumably the height of this building will not impact upon the surrounding trees.

The use of stained timber is acceptable as a solid brick building to the proposed height would look out of character set back from the lane into the garden.

Sustainable Drainage Engineer

- 6.3 No objection providing the proposed parking area would be of permeable construction.

Environmental Health

- 6.4 No objection subject to the standard construction hours condition.

Tree Officer

- 6.5 The short life expectancy of the tree means that rather than protecting it during construction, recommends that the tree be removed and replaced. Recommend conditions are attached to require details are submitted and implemented.

Landscape

- 6.6 Scope to access the back of the flat from the rear for the benefit of providing bike and bin storage. Basement flat is a generous size and has easy access to Brookside open space therefore consider lack of private external space as reasonable.
- 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 owner/occupier of the following address has made a representation:

22 Brookside

- 7.2 The representation can be summarised as follows:

- Object. Height of proposed car port at over 5 metres, it would be higher than the other garages in Brookside Lane and the height seems excessive for a car port. The pitch roof would be very noticeable from neighbouring properties and from the lane, as would the blackened timber, a material that seems more suited to a rural rather than urban environment.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

8.0 ASSESSMENT

Principle of Development

8.1 The proposal represents an addition of a housing unit and is therefore compliant with policy 3 of the adopted Cambridge Local Plan (2018).

8.2 Local Plan Policy 52 supports the subdivision of existing residential providing: the form and layout would be appropriate to the character of the area; sufficient garden space is retained; and there would be an acceptable level of amenity and privacy for occupiers of neighbouring and new properties. These issues are considered in further detail below.

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

8.3 The changes proposed to the rear elevation of the building to insert French doors to the townhouse and to create a door to the proposed basement flat would not have a detrimental impact on the appearance or the interest of this building nor the character and appearance of the conservation area.

8.4 With regard to the replacement carport, there are a number of existing garages and outbuildings to the rear of this terrace of properties which are accessed from Brookside Lane. The proposed garage has a traditional steep pitched roof and would read as a subservient garden building. The proposal is not considered to be an incongruous feature in this setting and as such would not have a detrimental impact on the character and appearance of the conservation area. The Conservation Officer supports the proposal.

8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 57, 58, 61 and 62

Amenity for future occupiers of the site

- 8.6 The gross internal floor space measurements for the unit in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m²)	Proposed size of unit
1	1	2	1	50	73m ²

- 8.7 The proposed basement flat would be single storey and, in terms of space standards, compliant with policy 50.
- 8.8 There would be some outdoor amenity space to the front of the dwelling at lower ground level which would be large enough for a small table and chairs although this would not be private. This flat would also benefit from the use of the Brookside open space opposite. An existing window to the rear elevation of the basement is to be altered to form a door and create a pedestrian access to Brookside Lane to the rear. This would enable the occupant to access the rear garden and the back lane to the rear of Brookside and to access the refuse bin storage area.
- 8.9 A section of close boarded fence would separate the two properties at basement (lower ground floor) level to the rear. A large brick built planter would be sited in front of the bedroom window and glazed door. The planter would be 0.47 metres high and would be approximately 2 metres wide by 2.4 metres. The planter would be low enough not to detrimentally impact on the light levels reaching the bedroom and would provide a barrier to prevent the users of the main garden from gaining a view into this window and minimising loss of privacy to the basement level dwelling.
- 8.10 Planting beds are also proposed to screen the gravel path pedestrian access to the basement flat from private garden of the main dwelling. I am satisfied that this would protect the amenities of the proposed basement flat and maintain the private rear garden.

- 8.11 The existing property has a large garden which I consider is appropriate in size for a family dwelling.
- 8.12 To ensure that this is in place prior to the first occupation of the basement flat, I recommend that a condition is attached if permission is granted to ensure that the curtilage of each property is laid out and the planters are constructed and planted prior to the first occupation of the basement flat.
- 8.13 In my opinion, the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2018) policy 50.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.14 The proposed creation of the basement flat would not have a detrimental impact on the adjoining properties or on the existing dwelling.
- 8.15 The proposed garage would be sited towards the bottom of the garden. It is inset from the shared boundary with the property adjoining to the south at 15 Brookside and inset from the shared boundary with the school ground to the north. It has a steep pitched roof however this slopes away from the boundary and I am satisfied that it would not detrimentally impact on the enjoyment of outdoor amenity space of these adjoining properties.
- 8.16 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 58.

Highway Safety

- 8.17 The Highway Authority has raised no objection to the proposal. The proposed gates would open inwards and would not therefore obstruct the highway.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

- 8.19 Cycle parking for two cycles for the existing dwelling would be in the proposed garage.
- 8.20 Cycle parking for one cycle for the basement flat would be sited to the rear of the property in close proximity to the bin storage area. No details of this have been provided however I am of the opinion that the provision of one covered cycle space can be accommodated on the application site in the proposed curtilage of the proposed basement flat. A condition is recommended requiring elevational details.
- 8.21 Subject to this condition, the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Refuse arrangements

- 8.22 The proposal makes adequate arrangements for household refuse bins for both the existing dwelling and the proposed basement flat. These are conveniently located for each property and with access to Brookside Lane where the bins are collected and emptied.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 56.

Trees

- 8.24 There is a Tree Preservation Order covering a Red Horse Chestnut in the rear garden. The short life expectancy of the tree means that rather than protecting it during construction, recommends that the tree be removed and replaced. Recommend conditions are attached to require details are submitted and implemented.
- 8.25 In my opinion subject to conditions the proposal is compliant with Cambridge Local Plan (2018) policy 71.

9.0 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 91 of the Town and Country Planning Act 1990 (as amended by 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 works to any trees shall be carried out until the Local Planning Authority has received and approved in writing the full details of replacement planting. Details are to include number of replacements, species, size, location and approximate date of planting.

Reason: To satisfy the Local Planning Authority that arboricultural amenity will be preserved in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan (2018) policy 71.

4. Trees will be planted in accordance with the approved planting proposal. If, within a period of 5 years from the date of planting, replacement trees are removed, uprooted, destroyed or die another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.

Reason: To satisfy the Local Planning Authority that arboricultural amenity will be preserved in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan (2018) policy 71.

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

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

6. Prior to the occupation of the development, hereby permitted, the curtilage(s) of the approved dwelling(s) shall be fully laid out and finished in accordance with the approved plans. The curtilage(s) shall remain as such thereafter.

Reason: To ensure an appropriate level of amenity for future occupiers and to avoid the property being built and occupied without its garden land (Cambridge Local Plan 2018 policies 50, 52, 55 and 56)

7. No new windows shall be constructed in the existing building, nor existing windows altered until drawings at a scale of 1:10 of details of new or altered sills, lintels, jambs, transoms, and mullions have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area (Cambridge Local Plan 2018, policy 61)

8. No new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:10 of all such joinery (doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades, etc.) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area (Cambridge Local Plan 2018, policy 61)

9. Prior to first occupation of the development, hereby permitted, or commencement of the use, full details of facilities for the covered, secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or the use commences and shall be retained in accordance with the approved details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policy 82)

CAMBRIDGE CITY COUNCIL

REPORT OF: Director of Planning and Environment

TO: Planning Committee
WARDS:All

06/02/2019

LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINT REFERENCE 17 003 486

1 INTRODUCTION

1.1 The LGO has upheld a complaint relating to the Council referencing the wrong plans on the decision notice to a planning permission. A copy of the LGO decision is attached (Appendix A).

1.2 In summary the Ombudsman's final decision was as follows:

The Council should have referenced revised plans submitted in association with a planning application. These plans indicated a transfer of land from the application site to the complainant, for the purpose of enlarging their existing garden. The Ombudsman recognised the complainant's strong feeling of injustice due to the Council's actions and that referencing the wrong plans was a significant administrative fault. The Ombudsman accordingly found injustice in the time and trouble taken by the complainant in pursuing their complaint.

2. RECOMMENDATIONS

2.1 To note that the LGO has upheld a complaint relating to a private property.

2.2 To note that in these circumstances the Head of Legal Services as the Council's Monitoring Officer has an obligation to report the findings to Council and that Committee is satisfied with the action that has been taken (set out in Section 4 of the report).

3. THE COMPLAINT AND THE LGO INVESTIGATION

3.1 The complainant lives in a terraced house with a small courtyard to the rear. A business previously ran from the property next door within a range of outbuildings in the rear garden. The neighbour had previously made an application to develop that property including a block of flats to replace the outbuildings.

In 2014 the Council received an application for development of the neighbouring property following refusal of an earlier application. This proposal comprised building a block of four flats in the garden of that house. The applicant offered to engage with the immediate neighbours to see if they could achieve a compromise about the overshadowing issues that had been a concern in the earlier application.

The Planning Committee considered the application in September 2014 and January 2015. The plans considered by the Committee showed the enlargement of the complainant's garden through a suggested transfer of land from the applicant to the complainant. The officer's Committee report commented that the increase in the size of the complainant's garden would help to overcome the sense of enclosure – one of the complainant's concerns. The Committee approved the application. By 2016 the developer had not commenced building works. A non material amendment was sought to the approved plans. This application included plans which did not show the land transfer. The application was approved by the Council.

In March 2017 the developer need to amend the application to include a meter cupboard and because of an "alteration of boundary to facilitate the transfer of land to (the complainant's house). The complainant objected to the application as the wrong plans were attached to the planning permission and the developer was only seeking to transfer 1.5 m of land. The complainant lodged a complaint with the Council which was investigated.

In July 2017 the Council's Planning Committee considered the new application. The officer's report noted the errors with the referencing of the plans; a Councillor objected to the application as the meter cupboard took up some of the land which the developer had earlier agreed to transfer; and there were no reasonable grounds for linking the development to the provision of the extra land. The Committee approved the new application.

The complainant then lodged a complaint with the LGO.

The findings of the LGO are attached and can be summarised as follows: The referencing of the wrong plans is a significant administrative error

3.2 The LGO noted that the Council had accepted fault in the way that the wrong plans were referenced in its decision notices for the development next door to the complainant.

The LGO agreed with the complainant that it was likely the Committee granted planning permission with reference to the amended plans showing the two metres of land to be transferred to the complainant. However the LGO also stated that, it does not mean that without the transfer of land, the Committee would not have granted permission. It has to be taken into account that ownership of land is not a material planning consideration and should have played little part in the decision making process.

The LGO noted that any possibility of enforcement action if the correct plans had been referenced would have to be proportionate to the breach. On the basis that the ownership of land is not a material consideration, the LGO considered that the Council would not have concluded it expedient to take enforcement action.

The Complainant suffered injustice in terms of time and trouble.

3.3 The LGO recognised the complainant's strong sense of injustice and recognised that the Council's previous offer of a £500 remedy was in line with the Ombudsman's remedies guidance. This amount addressed the time and trouble that the complainant had taken in making the complainant.

4 LGO AGREED ACTION AND FINAL DECISION

4.1 The LGO recommends the following action:

The Council pays the complainant £500 to acknowledge the faults causing injustice identified above.

4.2 The LGO final decision:

There was fault by the Council, which caused injustice in terms of time and trouble to the complainant. The LGO considers the complaint resolved and the investigation is complete.

5 IMPLICATIONS

- (a) **Financial Implications** The LGO has recommended the payment of compensation. In July 2018 the Planning Service paid the complainant £500 and this has been met from the Planning Services budget
- (b) **Staffing Implications** Officers have been briefed about the outcome of the investigations by the ICI and LGO.
- (c) **Equality and Poverty Implications** An equality impact assessment has not been carried out in respect of this report.
- (d) **Environmental Implications** This report has no climate change impact.
- (e) **Procurement** There are no procurement implications.
- (f) **Consultation and communication** No consultations were necessary to prepare this report.
- (g) **Community Safety** No direct or indirect community safety implications.

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

LGO final decision (20th July 2018)

Report file:

Date originated: 22 January 2019

Date of last revision: 22 January 2019