



## Cambridge City Council Planning

**Date:** Wednesday, 6 March 2019

**Time:** 10.00 am

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

**Contact:** [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk), tel:01223 457000

### Agenda

#### 1 Order of Agenda

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

- **Part One**  
Major Planning Applications  
Start time: 10am
- **Part Two**  
Minor/Other Planning Applications  
Start time: 12.30pm
- **Part Three**  
General and Enforcement Items  
Start time: At conclusion of Part Two

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

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

#### 2 Apologies

3	Declarations of Interest	
4	Minutes	(Pages 19 - 30)
<b>Part 1: Major Planning Applications (10am)</b>		
5	18/1329/FUL - 188-192 Mill Road And 2B Cockburn Street	(Pages 31 - 60)
6	18/1470/FUL - 9-10A Ventress Close	(Pages 61 - 96)
<b>Part 2: Minor/Other Planning Applications (12.30pm)</b>		
7	17/1748/FUL - 45 Cavendish Avenue	(Pages 97 - 118)
8	18/0830/FUL - St Andrews Street Entrance, Lion Yard	(Pages 119 - 168)
9	18/0829/FUL - Lion House And St George House, Lion Yard	(Pages 169 - 222)
10	18/0363/FUL - 393 Newmarket Road	(Pages 223 - 258)
11	18/1813/FUL - 12 Gilmour Road	(Pages 259 - 270)
12	18/0907/FUL - 50 St Stephens Place And 51 Canterbury Street	(Pages 271 - 296)
13	17/2030/FUL - Land Adjacent To 52 Victoria Road	(Pages 297 - 316)
14	18/0905/FUL - Land To The Rear Of 113 Chesterton Road	(Pages 317 - 340)
15	18/0543/FUL - 95 Alex Wood Road	(Pages 341 - 358)
16	18/0440/FUL - 134 Perne Road	(Pages 359 - 368)
17	18/1582/FUL - 36 Amwell Road	(Pages 369 - 386)
18	18/1578/FUL - 32 Brampton Road	(Pages 387 - 392)

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

**Alternates:** Gillespie, Green and Holt

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

(Updated October 2018)

## **1.0 Central Government Advice**

**1.1 National Planning Policy Framework (July 2018)** – sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

## **1.2 Planning Practice Guidance (March 2014)**

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

Guidance is provided in relation to the following:

- Advertisements (March 2014)
- Air quality (March 2014)
- Appeals (March 2014)
- Before submitting an application (February 2018)
- Brownfield land registers (July 2017)
- Climate change (June 2014)
- Community Infrastructure Levy (March 2018)
- Conserving and enhancing the historic environment (February 2018)
- Consultation and pre-decision matters (June 2018)
- Crown Development (July 2017)
- Design (March 2014)
- Determining a planning application (July 2017)
- Ensuring effective enforcement (February 2018)
- Ensuring the vitality of town centres (March 2014)
- Environmental Impact Assessment (July 2017)
- Flexible options for planning permissions (March 2014)
- Flood Risk and Coastal Change (March 2014)
- Hazardous Substances (July 2017)
- Health and wellbeing (July 2017)
- Housing and economic land availability assessment (September 2018)
- Housing need assessment (September 2018)
- Land affected by contamination (June 2014)
- Land stability (March 2014)
- Lawful development certificates (March 2014)

Light pollution (March 2014)  
 Local Plans (September 2018)  
 Making an application (June 2018)  
 Minerals (October 2014)  
 Natural Environment (January 2016)  
 Neighbourhood Planning (September 2018)  
 Noise (March 2014)  
 Open space, sports and recreational facilities, public rights of way and local green space (March 2014)  
 Permission in principle (June 2018)  
 Plan making (September 2018)  
 Planning obligations (May 2016)  
 Renewable and low carbon energy (June 2015)  
 Rural housing (May 2016)  
 Self-build and custom housebuilding (July 2017)  
 Starter homes (March 2015)  
 Strategic environmental assessment and sustainability appraisal (February 2015)  
 Transport evidence bases in plan-making and decision-taking (March 2015)  
 Travel plans, transport assessments and statements in decision-taking (March 2014)  
 Tree Preservation Orders and trees in conservation areas (March 2014)  
 Use of Planning Conditions (June 2018)  
 Viability (July 2018)  
 Water supply, wastewater and water quality (March 2015)  
 When is permission required? (June 2018)

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

### 1.4 **Community Infrastructure Levy Regulations 2010**

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

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

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

(a) obligation A provides for the funding or provision of an infrastructure project or provides for the funding or provision of a type of infrastructure; and

(b) five or more separate planning obligations that —

(i) relate to planning permissions granted for development within the area of the charging authority; and

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

have been entered on or after 6th April 2010.

#### **1.5 Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015**

Sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

#### **1.6 Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration).**

### **Development Plan policy**

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

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

**Minerals and Waste Site Specific Proposals Plan (2012)** : this sets out the Councils' allocations for site specific proposals for future development and management of minerals and waste within Cambridgeshire and Peterborough. It identifies site specific land allocations for future minerals and waste management development and other supporting site specific policies.

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

### 3.0 Cambridge Local Plan 2018

- Policy 1: The presumption in favour of sustainable development
- Policy 2: Spatial strategy for the location of employment development
- Policy 3: Spatial strategy for the location of residential development
- Policy 4: The Cambridge Green Belt
- Policy 5: Strategic transport infrastructure
- Policy 6: Hierarchy of centres and retail capacity
- Policy 7: The River Cam
- Policy 8: Setting of the city
- Policy 9: Review of the Local Plan
- Policy 10: The City Centre
- Policy 11: Development in the City Centre Primary Shopping Area
- Policy 12: Fitzroy/Burleigh Street/Grafton Area of Major Change
- Policy 13: Cambridge East
- Policy 14: Areas of major change and opportunity areas – general principles
- Policy 15: Cambridge Northern Fringe East and new railway Station Area of Major Change
- Policy 16: South of Coldham's Lane Area of Major Change
- Policy 17: Cambridge Biomedical Campus (including Addenbrooke's Hospital) Area of Major Change
- Policy 18: Southern Fringe Areas of Major Change
- Policy 19: West Cambridge Area of Major Change
- Policy 20: Land between Huntingdon Road and Histon Road Area of Major Change
- Policy 21: Station Areas West and Clifton Road Area of Major Change
- Policy 22: Mitcham's Corner Opportunity Area
- Policy 23: Eastern Gate Opportunity Area
- Policy 24: Mill Road Opportunity Area
- Policy 25: Cambridge Railway Station, Hills Road Corridor to the City Centre Opportunity Area
- Policy 26: Old Press/Mill Lane Opportunity Area
- Policy 27: Site specific development opportunities
- Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use
- Policy 29: Renewable and low carbon energy generation
- Policy 30: Energy-efficiency improvements in existing dwellings
- Policy 31: Integrated water management and the water cycle
- Policy 32: Flood risk

Policy 33: Contaminated land  
Policy 34: Light pollution control  
Policy 35: Protection of human health from noise and vibration  
Policy 36: Air quality, odour and dust  
Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding Zones  
Policy 38: Hazardous installations  
Policy 39: Mullard Radio Astronomy Observatory, Lord's Bridge  
Policy 40: Development and expansion of business space  
Policy 41: Protection of business space  
Policy 42: Connecting new developments to digital infrastructure  
Policy 43: University development  
Policy 44: Specialist colleges and language Schools  
Policy 45: Affordable housing and dwelling mix  
Policy 46: Development of student housing  
Policy 47: Specialist housing  
Policy 48: Housing in multiple occupation  
Policy 49: Provision for Gypsies and Travellers  
Policy 50: Residential space standards  
Policy 51: Accessible Homes  
Policy 52: Protecting garden land and the subdivision of existing dwelling plots  
Policy 53: Flat conversions  
Policy 54: Residential moorings  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 58: Altering and extending existing buildings  
Policy 59: Designing landscape and the public realm  
Policy 60: Tall buildings and the skyline in Cambridge  
Policy 61: Conservation and enhancement of Cambridge's historic environment  
Policy 62: Local heritage assets  
Policy 63: Works to a heritage asset to address climate change  
Policy 64: Shopfronts, signage and shop security measures  
Policy 65: Visual pollution  
Policy 66: Paving over front gardens  
Policy 67: Protection of open space  
Policy 68: Open space and recreation provision through new development  
Policy 69: Protection of sites of biodiversity and geodiversity importance  
Policy 70: Protection of priority species and habitats  
Policy 71: Trees

- Policy 72: Development and change of use in district, local and neighbourhood centres
- Policy 73: Community, sports and leisure facilities
- Policy 74: Education facilities
- Policy 75: Healthcare facilities
- Policy 76: Protection of public houses
- Policy 77: Development and expansion of visitor accommodation
- Policy 78: Redevelopment or loss of visitor accommodation
- Policy 79: Visitor attractions
- Policy 80: Supporting sustainable access to development
- Policy 81: Mitigating the transport impact of development
- Policy 82: Parking management
- Policy 83: Aviation development
- Policy 84: Telecommunications
- Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

#### **4.0 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. Significant weight can be attached to them; they were brought before Development Plan Scrutiny Sub-Committee for prior consideration and comment on the dates shown)

- 4.1 The New Museums Site Development Framework (March 2016)** – Sets out the joint aspirations of the council and the University of Cambridge regarding future changes to the site. These should improve the urban form with changes to the public realm, provide better access for all and adopt more sustainable forms of development while respecting the site's heritage and surroundings. Future development on the site offers an opportunity to create an improved, more coherent development and especially to improve the public realm on the site.
- 4.2 Ridgeons site Planning and Development Brief (July 2016)** – created to ensure that any future development on this site, allocated for residential development in the 2018 Local Plan as R12, is appropriate to its context and delivers the aspirations as set out in the Local Plan.
- 4.3 Cambridgeshire and Peterborough Flood and Water (December 2016)** - produced by Cambridgeshire County Council in its role as Lead Local Flood Authority, in partnership with the city and district council. It provides detailed guidance to support the implementation of flood and

water related policies in each of the Cambridgeshire local planning authorities' local plans.

- 4.4 **Mitcham's Corner Development Framework (January 2017)** - supports Local Plan Policy 22: Mitcham's Corner Opportunity Area and is designed to ensure that future development in the area is appropriate to its context and delivers the aspirations as set out in the Local Plan. It provides greater certainty and detail to support delivery of development in the coming years.
- 4.5 **Mill Road Depot Planning and Development Brief (March 2017)** - supports Local Plan Policy 24: Mill Road Opportunity Area and is designed to ensure that future development on this site, allocated for residential development in the 2018 Local Plan as R10, is appropriate to its context and delivers the aspirations as set out in the Local Plan. It provides greater certainty and detail to support delivery of development in the coming years.
- 4.6 **Land North of Cherry Hinton (February 2018)** - supports Local Plan Policy 13: Cambridge East, and is designed to ensure that future residential-led development on this site is delivered successfully. It provides greater certainty and detail to support delivery of development in the coming years. It outlines the aspirations for the area, as well as the key issues, constraints and opportunities that will influence how new development will take place.
- 4.7 **Grafton Area of Major Change - Masterplan and Guidance (February 2018)** - Prepared in partnership with local stakeholders to help guide the development of the area, supporting Policy 12 of the Local Plan. The area is designated in the Plan as the primary location for providing additional comparison retail in the City Centre along with other mixed uses including leisure uses, and the SPD promotes a number of key strategies for change. These aim to take advantage of the opportunities to provide an improved street environment including public realm enhancements as well as a positive and attractive destination to support the vitality and viability of the centre for retail and associated uses. The SPD envisages a phased approach to ensure the area continues to perform as a mainstream City Centre leisure and retail location while ensuring phased improvement will deliver the area's longer-term strategy.

## **5.0 Former Supplementary Planning Documents**

(These documents, prepared to support policies in the 2006 local plan, are no longer SPDs, but are still material considerations.)

- 5.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.
- 5.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 5.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 5.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.
- 5.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of

policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

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

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

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

## **6.0 Other Material Considerations**

### **6.1 City Wide Guidance**

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

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

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

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

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

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

**Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (November 2010)** - a tool for planning authorities to identify and evaluate the extent and nature of flood risk in their area and its implications for land use planning.

**Cambridge City Council Draft Air Quality Action Plan 2018-2023** - Sets out Cambridge City Council's priority actions for improving areas of poor air quality in the city and maintaining a good level of air quality in a growing city.

The plan responds to the evidence gathered from air quality monitoring across Cambridge and analysis of the sources of air pollution contributing to the problem. The Identified actions fall in to three main categories: reducing local traffic emissions as quickly as possible to meet national objectives, maintaining pollutant levels below national objectives, and improving public health by reducing population exposure to air pollutants.

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

The strategy:

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

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

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

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

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

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

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

**Cambridgeshire County Council Transport Assessment Guidelines (2017)** - Provides guidance to applicants, developers, their agents and local authority officers on when a Transport Assessment (TA) is required and what it should contain. It also gives guidance on what information may be required for smaller applications through a Transport Statement (TS).

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

**Cambridgeshire Green Infrastructure Strategy (2011)** - Designed to assist in shaping and co-ordinating the delivery of Green Infrastructure in the county, to provide social, environmental and economic benefits now and in the future. It demonstrates how Green Infrastructure can be used to help to achieve four objectives:

- 1) To reverse the decline in biodiversity
- 2) To mitigate and adapt to climate change
- 3) To promote sustainable growth and economic development
- 4) To support healthy living and well-being.

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

**Contaminated Land in Cambridge - Developers Guide (2009)** – Aims to ensure developers are aware of their responsibilities regarding contaminated land. Outlines the Council's requirements and the information needed in order to assess planning applications.

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

**Cycle Parking Guide for New Residential Developments (2010)** – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

**Indoor Sports Facility Strategy 2015-2031 (updated June 2016)** – With the Playing Pitch Strategy, forms a guide for the future provision and management of sports pitches, built facilities and community use services to serve existing and new communities in the City and South Cambridgeshire. In line with the NPPF, the strategies set out to evaluate existing built facilities, and assess the future need for sport and active recreation, as the region grows and develops, identifying opportunities for new provision, and the expansion of existing facilities.

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

**Playing Pitch Strategy 2015-2031 (updated June 2016)** – With the Indoor Sports Facilities Strategy, forms a guide for the future provision and management of sports pitches, built facilities and community use services to serve existing and new communities in the City and South Cambridgeshire. In line with the NPPF, the strategies set out to evaluate existing built facilities, and assess the future need for sport and active recreation, as the region grows and develops, identifying opportunities for new provision, and the expansion of existing facilities.

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

## 6.2 Area Guidelines

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

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

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

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

The purpose of the Plans is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

**Barrow Road Conservation Area Appraisal (2016)**

**Brooklands Avenue Conservation Area Appraisal (2013)**

**Cambridge Historic Core Conservation Area Appraisal (2015)**

**Castle and Victoria Road Conservation Area Appraisal (2012)**

**Chesterton and Ferry Lane Conservation Area Appraisal (2009)**

**Conduit Head Road Conservation Area Appraisal (2009)**

**De Freville Conservation Area Appraisal (2009)**

**Kite Area Conservation Area Appraisal (2014)**

**Mill Road Area Conservation Area Appraisal (2011)**

**Newnham Croft Conservation Area Appraisal (2013)**

**New Town and Glisson Road Conservation Area Appraisal (2012)**

**Riverside and Stourbridge Common Conservation Area Appraisal (2012)**

**Southacre Conservation Area Appraisal (2013)**

**Storeys Way Conservation Area Appraisal (2018)**

**Trumpington Conservation Area Appraisal (2010)**

**West Cambridge Conservation Area Appraisal (2011)**

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

**Jesus Green Conservation Plan (1998)**

**Parkers Piece Conservation Plan (2001)**

**Sheeps Green/Coe Fen Conservation Plan (2001)**

**Christs Pieces/New Square Conservation Plan (2001)**

Historic open space guidance.

**Hills Road Suburbs and Approaches Study (March 2012)**

**Long Road Suburbs and Approaches Study (March 2012)**

**Barton Road Suburbs and Approaches Study (March 2009)**

**Huntingdon Road Suburbs and Approaches Study (March 2009)**  
**Madingley Road Suburbs and Approaches Study (March 2009)**  
**Newmarket Road Suburbs and Approaches Study (October 2011)**

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

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

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

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

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**PLANNING**

6 February 2019

10.00 am - 3.50 pm

**Present:**

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

**Officers:**

Interim Planning Delivery Manager: Eileen Paterson

Principal Planner: Nigel Blazeby

Principal Planner: Lorraine Casey

Senior Planner: Lewis Tomlinson

Senior Planner: Mairead O'Sullivan

Planning Officer: David Spring

Planning Officer: Mary Collins

Legal Adviser: Keith Barber

Committee Managers: James Goddard and Claire Tunnicliffe

**FOR THE INFORMATION OF THE COUNCIL****19/13/Plan Apologies**

Apologies were received from Councillor Hart. Councillor Green was present as the alternate.

**19/14/Plan Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Baigent	19/16/Plan	Personal: Lives near the Ridgeons site.
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.

**19/15/Plan Minutes**

The minutes of the meeting held on 9 January 2019 were approved as a correct record and signed by the Chair.

**19/16/Plan 18-1432-FUL Ridgeons 75 Cromwell Road**

The Committee received an application for full planning permission.

The application sought approval for demolition of all buildings and hardstanding on the site and construction of a soil strip as part of the land contamination remediation strategy.

The Planning Officer updated her report by referring to text amendments and amended Condition 16 on the Amendment Sheet:

~~No works shall commence until~~*Prior to the removal of the concrete balancing pond, a demolition surface water management plan for the site has been* ~~shall be~~ 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).

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus revised wording of condition 16 (as above).

**19/17/Plan 18-1329-FUL 188 - 192 Mill Road And 2B Cockburn Street**

The Committee received an application for full planning permission.

The application sought approval for reconfiguration and extensions, incorporating dormer windows, and alterations to roof of building to provide 14 residential units (net increase of 9) along with bin and cycle storage

The Senior Planner updated her report to correct an error. The floor space in unit S6 was 32 metres squared not 44 metres squared.

The Committee received representations in objection to the application from residents of Cockburn Street.

The representations covered the following issues:

- i. Wanted an application that created a community spirit, improved the site, and had appropriate living conditions.
- ii. Expressed concern about:
  - a. Overcrowding in an already over populated area.
  - b. Transient residents in short term private lets would not foster a community spirit.
  - c. Not all units met space standards. They were small and had low ceilings.
  - d. Limited natural light and amenities for new residents.
  - e. Insufficient on-site parking.
- iii. Desired humane accommodation for people on different income levels. Generally landlords were charging high prices for rented accommodation.

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

Councillor Smart proposed, and Councillor Hipkin seconded, a motion to defer the planning application in order to seek further information prior to making a decision.

This motion was **lost by 6 votes to 4**.

The Committee then resolved **(by 6 votes to 4)** to not to accept the officer recommendation to approve the application. Due to confusion as to whether the major decision making protocol was in effect, Councillors unanimously resolved to annul the vote to reject the officer's recommendation to approve the application. The Committee then (again) voted on the officer's recommendation having clearly stated they were following the major decision making protocol.

#### The Committee:

**Resolved (by 5 votes to 4)** not to accept the officer recommendation of approval, as the committee were minded to refuse the application, a decision on whether to approve or refuse the application was subsequently deferred under the Adjourned Decision Protocol

Under the Council's agreed Adjourned Decisions Protocol this application will be brought back to a future meeting of the Committee to allow further

discussion of reasons for refusal. The following matters may form the basis for detailed reasons for refusal:

- i. Units S3, S5 and S6 fail to meet the minimum nationally described space standards required by Policy 50 and the development would therefore not provide an adequate level of amenity for future occupiers of these flats. The proposal is therefore contrary to Policy 50 of the Cambridge Local Plan 2018.
- ii. The proposed development fails to provide any off-street car parking. The car free nature of the development cannot be realistically enforced due to the lack of parking controls on street. The proposal would therefore add additional on street car parking demand contrary to Policies 82 and 52(d) of the Cambridge Local Plan 2018.
- iii. The applicant has failed to provide sufficient surface water drainage details to demonstrate the site can be appropriately drained. The proposal is therefore contrary to Policy 31 of the Cambridge Local Plan 2018.
- iv. The proposal for 9 additional units will result in an intensification of the use of the garden which will cause unacceptable levels of noise and disturbance to 186 Mill Road contrary to Policies 52 and 53 of the Cambridge Local Plan 2018.

### **19/18/Plan 18-1150-FUL 31 Barton Road**

The Committee received an application for full planning permission.

The application sought approval 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.

The Senior Planner updated his report to replace condition 15.

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

The representation covered the following issues:

- i. St Catherine College owned 29 Barton Road plus the lane between 29 and 31 Barton Road.
- ii. The lane was less than 2m wide at its narrowest point.
- iii. Expressed safety concerns for students and service traffic during construction work. Also noise and disturbance.

- iv. Had no opinion on the application design, just concerns about the impact on student amenity during construction work.
- v. Suggested the lane should not be used for construction worker access.

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

Councillors Nethsingha, Thornburrow and Blencowe proposed amendments to the Officer's recommendation to include:

- i. A construction method statement condition.
- ii. A condition to protect cyclists and pedestrians.
- iii. An informative on fire compliance with building regulations.

The amendments were **carried unanimously**.

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers plus additional conditions with delegated powers to remove condition 15 and to add the following three conditions and informative:

- i. No development shall take place (including any demolition, ground works or site clearance) until details regarding the specification and location of the tree mounted bat box as stated in paragraph 4.5 of the submitted Preliminary Ecological Appraisal & Bat Report prepared by Applied Ecology has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter, unless otherwise agreed in writing with the Local Planning Authority.

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

- ii. No building hereby permitted shall be occupied until a single enclosed bat box is built into the south facing elevation on the new building at a minimum height of 3m above the ground with the roost entrance unobscured by an obstruction below and free of artificial lighting, as stated in paragraph 4.9 of the submitted Preliminary Ecological Appraisal & Bat Report prepared by Applied Ecology. The development shall be retained as such thereafter.

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

- iii. No development shall take place (including any demolition, ground works or site clearance) until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline the management of the construction process and shall include the following:
- Construction hours
  - Delivery times for construction purposes
  - Access and protection arrangements around the site for pedestrians, cyclists and other road users (especially in regards to the management of the access way along the east of the site that is shared with No.29 Barton Road)
  - Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures
  - External safety and information signing and notices
  - Liaison, consultation and publicity arrangements including dedicated points of contact.
  - A plan showing the layout of the construction site (positions of temporary buildings & storage of materials etc)
  - The development shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers Policy 55 Cambridge Local Plan 2018

Informative: Fire Service vehicle access should be provided in accordance with Approved Document B Volume 1 of the Building Regulations. There should be vehicle access for a pump appliance within 45 metres of all points within the dwelling-house in accordance with paragraph 11.2 of Approved Document B Volume 1. Where the proposed new dwellings cannot meet access requirements for fire appliances, compensatory features must be provided.

**19/19/Plan 18-0858-FUL Cambridge Retail Park Unit 10 Newmarket Road**

The Committee received an application to vary the Section 106 Agreement (attached to approval C/99/1121/OP – the outline permission for the Retail Park) to remove restrictions on the type of goods sold and particularly those that prevent food sales.

The application also sought approval for external alterations and subdivision of the existing Homebase store (Unit 10) into two units.

The Committee received representations in objection to the application from a representative of ALDI.

The representation covered the following issues:

- i. Concerns expressing the application were not all in objection; believed there was the capacity to support both ALDI on Newmarket Road and the new unit on the retail park but the application should be deferred.
- ii. Currently there was no contractual agreement for Lidl to trade on site.
- iii. The application being considered was speculative in nature and delivery could not be guaranteed.
- iv. Uncertainty who would become the store operator.
- v. If permission was granted further works would be required in store as this was only the first stage of the application.
- vi. A further application on the retail park had been submitted for a gym; this would impact on the delivery of the scheme, parking and services arrangements.
- vii. The Cumulative Retail Impact Assessment (CRIA) presented to the Committee had been based on out of date survey information.
- viii. ALDI had commissioned a bespoke and updated CRIA which provided an accurate forecast on retail needs and the trade impact of the new ALDI on Newmarket and the new unit on the retail park.
- ix. It was premature for the Committee to make a decision the absence of a presentation of the full findings of the combined CRIA.

Amy Littlejohns (Applicant's Agent) addressed the Committee in support of the application.

The Committee noted the amendment sheet.

The Committee:

**Unanimously resolved** to grant delegated powers to officers to draft a Deed of Variation to the S106 to allow a suspension of existing sales restrictions within the S106 for the benefit of Lidl as occupiers only, to be reinstated should Lidl vacate the site, and to approve the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, as amended in the addendum sheet and subject to the conditions recommended by the officers.

### **19/20/Plan 18-1637-FUL 1 Grosvenor Court**

The Committee received an application for full planning permission.

The application sought approval for extensions and alterations to Grosvenor Court to provide 8 flats, car parking, covered cycle parking, bin store and new fencing.

Jon Jennings (Applicant's Agent) and a neighbouring resident addressed the Committee in support of the application.

#### The Committee:

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

### **19/21/Plan 18-0647-OUT 198 Perne Road**

The Committee received an application for outline permission.

The application sought approval 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

Iain Skinner (Applicant's Agent) addressed the Committee in support of the application.

The Committee noted the additional representation on the amendment sheet.

#### The Committee:

**Resolved (by 8 votes to 0)** to grant the application for outline permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **19/22/Plan 18-1545-FUL Adkins Corner Perne Road**

The Committee received an application for full planning permission.

The application sought approval 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.

The Planning Officer requested that delegated power be granted to officers to amend condition 10 to make this a compliance condition. The decision notice would only be published following the submission of a revised site plan showing a more appropriate location for the disabled parking bay.

It was **unanimously resolved** to grant the delegated power sought by officers.

#### The Committee:

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

### **19/23/Plan 18-1491-S73 50 Burleigh Street**

The Committee received a Section 73 application.

The application sought approval 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.

Dennis Pope (Applicant's Agent) addressed the Committee in support of the application.

The Committee noted the amendment sheet which showed the additional conditions no's 4 & 5.

Councillor Baigent proposed the following amendment to the officer's recommended condition 3 (additional text underlined):

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 for a temporary period of 24 months.

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

This amendment was **lost by 4 votes to 5.**

Councillor Thornburrow proposed the amendment to the officer's recommended condition 3 (deleted text struck through, additional text underlined)

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~~ 2000 on Sundays.

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

This amendment was **carried by 5 votes to 4.**

The Committee:

**Resolved (by 8 votes to 0)** to grant the Section 73 application in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers and subject to the amendment to condition 3 to require cessation of the use at 2000 on Sundays.

### **19/24/Plan 18-0960-FUL 160 Mill Road**

The Committee received an application for full planning permission.

The application sought approval for 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.

The Committee noted the amendment sheet which highlighted a late representation from a resident on Mill Road in support of the application.

The Committee:

**Resolved (by 8 votes to 1)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**19/25/Plan 18-1361-FUL 16 Brookside**

The Committee received an application for full planning permission.

The application sought approval 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.

The Committee:

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

**19/26/Plan Local Government Ombudsman (LGO) Complaint Ref 17 003 486**

The Committee received a report from the City Development Manager stating the LGO had upheld a complaint relating to the Council referencing the wrong plans on the decision notice to a planning permission.

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.

The Committee:

**Resolved unanimously** to accept the officer recommendation to note that:

- i. The LGO has upheld a complaint.
- ii. In these circumstances the Head of Legal Practice 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 Officer's report).

The meeting ended at 3.50 pm

**CHAIR**

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/1329/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th September 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	10th December 2018		
<b>Ward</b>	Romsey		
<b>Site</b>	188 - 192 Mill Road And 2B Cockburn Street		
<b>Proposal</b>	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.		
<b>Applicant</b>	Skymond Ltd		

### **A. Adjourned decision protocol**

A.1 At 6 February 2019 Planning Committee members triggered the adjourned decision protocol as they were minded to go against officer recommendation and refuse the application. I will set out the four minded to refuse reasons in full below:

1. Units S3, S5 and S6 fail to meet the minimum nationally described space standards required by policy 50 and the development would therefore not provide an adequate level of amenity for future occupiers of these flats. The proposal is therefore contrary to policy 50 of the Cambridge Local Plan 2018.

2. The proposed development fails to provide any off-street car parking. The car free nature of the development cannot be realistically enforced due to the lack of parking controls on street. The proposal would therefore add additional on street car parking demand contrary to policies 82 and 52(d) of the Cambridge Local Plan 2018.

3. The applicant has failed to provide sufficient surface water drainage details to demonstrate the site can be appropriately drained. The proposal is therefore contrary to policy 31 of the Cambridge Local Plan 2018.

4. The proposal for 9 additional units will result in an intensification of the use of the garden which will cause unacceptable levels of noise and disturbance to 186 Mill Road

contrary to policies 52 and 53 of the Cambridge Local Plan 2018.

### Reason 1

1. Units S3, S5 and S6 fail to meet the minimum nationally described space standards required by policy 50 and the development would therefore not provide an adequate level of amenity for future occupiers of these flats. The proposal is therefore contrary to policy 50 of the Cambridge Local Plan 2018.

- A.2 The first reason for refusal relates to amenity for future occupiers. This outlines that 3 of the 9 new units would not meet the internal space requirements of Policy 50 of the Cambridge Local Plan (2018). For clarity I have included a table with the internal floorspace of each unit from the 17/2093/FUL consent in comparison with the current proposal. The table has been updated from that in the main body of the report as there have been minor changes to the plans, these impact units S1 and S2, and as there was an error with the figure for unit S6.

<b>Floor</b>	<b>Unit</b>	<b>Approved (17/2093/FUL)</b>	<b>Proposed (18/1329/FUL)</b>
<b>Ground</b>	S1	47.2	37
	S2	41.8	39
<b>First</b>	S3	32.3	32.3
	S4	39	39
	S5	35.5	35.5
	S6	32.3	32.3
	S7	55.1	52
<b>Second</b>	S8	45.5	37
	S9	35.2	37
	S10	50.1	41
	S11	N/A	37
	S12	N/A	37

- A.3 Units S3, S5 and S6 were all included in the extant consent 17/2093/FUL. These units have been approved and are under construction and can currently be implemented. These units did

not meet the Nationally Described Space Standards(NDSS) when approved and were given consent prior to the adoption of the Cambridge Local Plan (2018) which set minimum internal space requirements. Although these units are small they are no smaller than already approved. As a result it would be unreasonable to refuse the application on the basis of 3 units not meeting the space standards when these units can currently be implemented at the size proposed.

- A.4 Units S1, S2, S7, S8 and S10 have been reduced in size as part of the current proposal but these units remain above the minimum requirements of the NDSS required by policy 50. Two additional units are proposed, units S11 and S12, both of which meet with the NDSS internal space requirements.
- A.5 The approved units did not provide any private external amenity space for any of the units. This continues to be the case as part of the current proposal. Given the constraints of the site I do not consider it would be possible to provide balconies for the flats without compromising the design and impacting on neighbour amenity. Given the proposal is for a flat conversion rather than a total new build I consider this to be acceptable. The increase to the courtyard space is a significant benefit of the proposal as the previous application did not provide any meaningful external space. The approved application allowed for 30sqm of external space but this was a constrained space directly adjacent to kitchen and bedroom windows. The committee report on the approved scheme acknowledged that the communal outdoor amenity space would not be meaningful and as a result would be unlikely to be used. This was considered acceptable given the nature of the units, being studios and 1 bedrooms, and their urban setting. The current proposal provides a 130sqm which is a substantially larger space and subject to conditions regarding details of landscape, I consider it would be a usable communal space for the flats and a significant improvement on the approved scheme.
- A.6 Members have raised the lack of car parking as a reason for refusal and there will be more on this matter at paragraph A.11 of the report. However, the applicant has suggested that it would be possible to provide one off-street car parking space on site. This would involve the relocation of the proposed bollard further into the site and a reduction in the size of the communal space. This would still leave approx. 100sqm of garden space

and the most private part of the garden would remain unaffected. This could be required to be provided through condition if members felt the provision of the car parking space would overcome concerns about the lack of car parking for the two new units.

## Reason 2

2. The proposed development fails to provide any off-street car parking. The car free nature of the development cannot be realistically enforced due to the lack of parking controls on street. The proposal would therefore add additional on street car parking demand contrary to policies 82 and 52(d) of the Cambridge Local Plan 2018.

- A.7 The site has permission for 7 new residential units without any car parking provision. The Committee report for the approved scheme states that the removal of two car parking space and provision of a car-free development was acceptable given the sustainable location of the site and the nature of the units, being studios or one beds likely to be occupied by individuals or a couple. The current proposal broadly replicates the approved scheme but incorporates 188 Mill Road into the site and proposes two additional units above the existing two units at 188 Mill Road. The existing flats at 188 do not have any off-street car parking provision.
- A.8 Since the previous permission was granted a residents parking scheme has been introduced in Coleridge West. This was not known at the time of writing the committee report and the site is referenced as being outside the Controlled Parking Zone in paragraph 1.2. As the site is within an area of controlled parking, the suggested reason for refusal is no longer relevant as the car free nature of the development can be enforced and is in full compliance with criterion (f) of policy 82 of the Cambridge Local Plan (2018).
- A.9 Appendix L of the Cambridge Local Plan (2018) details car and cycle parking requirements. This states that the standards are maximum and should not be exceeded but may be reduced where lower car use can reasonably be expected. The appendix details criteria for consideration when determining parking requirements. The location of the development, in terms of whether the site has convenient walkability and cyclability to the

City Centre and local/district centres, and whether or not it has high public transport accessibility is one criterion. The site is located within a district centre in close proximity to a range of shops and services. The site is well connected with good pedestrian and cycle links. There is a bus stop adjacent to 184 Mill Road which serves the city centre and another across the road which serves Addenbrookes. The site is within walking distance of the train station.

- A.10 Appendix L states that the type and style of development are also important in assessing the requirement for off-street car parking. It states that infill development is more likely to be located in areas with existing travel patterns, behaviours and existing controls, and may be less flexible. The site is a flat conversion in an area where living above the shop is a typical arrangement. People moving into these types of developments would not normally expect any off-street car parking provision. Appendix L states that there is evidence that houses have higher car ownership than flats even when they have the same number of habitable rooms. The two new flats are studios and are both likely to be single occupancy given their size. In my view, given the size and location of the flats, I consider the lack of off-street car parking to be acceptable.
- A.11 If members remain concerned about the lack of off-street car parking, the applicant has stated that they are willing to move the bollard further into the site to provide one off-street car parking space. There is an existing dropped kerb which could serve this space and the area of garden lost is the least usable space as it is directly adjacent to the street. Should members feel that car parking should be provided; details of this space could be provided by condition.

### Reason 3

3. The applicant has failed to provide sufficient surface water drainage details to demonstrate the site can be appropriately drained. The proposal is therefore contrary to policy 31 of the Cambridge Local Plan 2018.

- A.12 Since the application was last heard at planning committee, the drainage officer has recommended that the surface water drainage condition on the approved scheme can be discharged (17/2093/COND16). This therefore demonstrates the principle

of sustainably draining the site to be acceptable. I am satisfied that the final details can be dealt with by condition. I have asked that the drainage officer respond and will update her comments on the amendment sheet.

#### Reason 4

4. The proposal for 9 additional units will result in an intensification of the use of the garden which will cause unacceptable levels of noise and disturbance to 186 Mill Road contrary to policies 52 and 53 of the Cambridge Local Plan 2018.

- A.13 There is no evidence to suggest that the use of the garden by the flats would generate any significant increase in noise which could disturb nearby occupiers. At the time of committee I was unclear as to the use of 186 Mill Road. I can confirm that this is a bicycle shop so there would be no impact on residential amenity. The gardens of 2 and 2A Cockburn Street are set away from the development and as a result I do not consider there to be any impact on these occupiers.
- A.14 The original report is included as an appendix to this committee report.

## Appendix 1: February 2019 Committee report

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

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
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	<p>National Planning Policy Framework February 2019</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</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>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Roof Extensions Design Guide (2003)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</p>

## 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.

	<b>18/1329/FUL (current application – 9 additional units)</b>	<b>17/2093/FUL (previous approval – 7 additional units)</b>
<b>Ground</b>	S1 – 40.25 (1 bed unit)	S1 – 47.2 (1-bed unit)
	S2 – 41.3 (1 bed unit)	S2 – 41.8 (1-bed unit)
<b>First</b>	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)
<b>Second</b>	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 stores 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:

<b>Representation</b>	<b>Response</b>
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](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

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

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

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

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

**INFORMATIVE:** 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 shrubs 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 March 2019

<b>Application Number</b>	18/1470/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	17th September 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	17th December 2018		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	9-10A Ventress Close Cambridge CB1 8QX		
<b>Proposal</b>	Demolition of existing flats and erection of 12no affordable apartments and 3no affordable dwellings with associated access, car parking and landscaping.		
<b>Applicant</b>	CIP LLP The Gate House Mill Road Cambridge CB1 2AZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would make effective use of a previously developed site to create additional affordable housing units;</li> <li>- The design and scale of the proposed development would respond sympathetically to the surrounding built form;</li> <li>- The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li> </ul> <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

## **0.0 BACKGROUND**

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

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

- 1.1 9 – 10A Ventress Close is a two storey building that consists of four flats. It lies on the western side of Ventress Close, at the end of the cul-de-sac. There are a large number of trees on the site. There is a main drain running diagonally across the site with an easement above it. There are no site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the demolition of a block of 4 flats, and the erection of a block of 12 flats and 3 dwellings. This includes cycle parking, car parking and waste provision. In brief, the development includes:

Block of flats:

- 7 x 1 bed flats
- 5 x 2 bed flats

Dwellinghouses

- 3 x 3 bed houses

- 2.2 The proposal has been amended since submission to ensure compliance with the requirements of Part M4 (2) of the Building Regulations
- 2.3 It is to be noted that the scheme has been through an extensive pre-application process with officers.

## **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 Local Plan 2018	1, 3, 28, 29, 31, 32, 34, 35, 36, 41, 45, 50, 51, 55, 56, 57, 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 2019 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 should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the conditions and informatives requested below into any permission that the Planning Authority is minded to grant in regard to 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.

### **Developer Contributions Monitoring Officer**

- 6.3 Community Facilities:  
The Council does not propose to seek a specific Community Facility contribution under the councils Planning Obligation Strategy SPD 2010, as it does not seek S106 financial contributions from developments of total affordable housing schemes which are developed by Registered Social Landlords where it is demonstrated that future residents of the scheme are already living elsewhere in Cambridge.

#### **Indoor Sports:**

The proposed development is within 500m of Netherhall School sports facility.

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Councils Planning Obligations Strategy 2010, a specific S106 contribution of £6,052.50 (plus indexation) is requested towards the provision and/or improvement of new indoor gym and studio (including equipment) at Netherhall School, Queen Edith's Way, Cambridge.

Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same project. So far, the council has proposed one further specific contribution for this project so there is still scope for this contribution (and up to three others) to be requested.

#### Outdoor Sports:

This proposed development is within 500m of the Netherhall School sports pitches facility, which is on the Council's 2016/17 target list of outdoor sports facilities for which specific S106 contributions may be sought in order to mitigate the impact of development. This target list was agreed by the City Council's Executive Councillor for Communities in June 2016.

Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, a specific S106 contribution of £5,335 (plus indexation) is requested for the provision of and / or improvement to outdoor grass pitches, cricket wicket and nets, and tarmac tennis & netball courts at Netherhall School, Queen Edith's Way, Cambridge.

Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same project. So far, the council has not agreed any specific contributions for this project so there is still scope for this contribution (and up to four others) to be requested.

#### Informal Open Space:

This proposed development is within 800m of Limekiln Close (nature reserve). Based on the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the council requests £5,445 (plus indexation) towards the provision and/or improvement of Informal Open Space (for example to include path works and accessibility) at Limekiln Close, Cambridge.

Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same project. So far, the council has not agreed any specific contributions for this project so there is still scope for this contribution (and up to four others) to be requested.

Play provision for children and teenagers:

This proposed development is within 500m of Cherry Hinton Hall play area. The Outdoor Play Investment Strategy 2016-2021 rated this play area facility as 77% for the quality of its location as a Neighbourhood Play Space. Given the scale of the proposed development on this site, and in line with the funding formula set out in the councils Planning Obligations Strategy 2010, it is proposed that the council requests £2,844 (plus indexation) towards the provision and / or improvement of the play area equipment and facilities at Cherry Hinton Hall play area. Under the S106 pooling constraint regulations, no more than five specific S106 contributions can be agreed for the same project. So far, the council has not agreed any specific contributions for these projects so there is still scope for this contribution (and up to four others) to be requested.

### **Designing Out Crime Officer**

- 6.4 I confirm that I have viewed the application and paid particular attention to the details in relation to community safety and vulnerability to crime aspects of the proposal. I have also reviewed incidents and crimes since January 2018 for the Police ward code that this proposed development is situated. Accepting this is a large area there are fairly high reports of volume crime– the policing area is large but there are also a fairly high number of volume crimes (24 theft and criminal damage involving vehicles and 31 reports of theft of pedal cycles).

Having read the Design & Access Statement I am pleased to note that principles of secured by design will be adopted including the access control systems for the apartment block. Therefore I am happy to support the application and would expect to see that the proposed layout and design would provide good levels of natural surveillance with the pedestrian and vehicle route aligned together. Vehicle parking is in-curtilage to the fronts of properties, allowing owners to view their vehicles from active windows. Fronts of homes should be provided with natural surveillance from neighbours. This will help deter searching behaviour and distraction burglary, particularly targeting any vulnerable or elderly occupants. Homes should also be provided with the potential for some defensible space to their front.

Ideally I would like to see the road illuminated by column lighting to a similar standard to adopted roads. I would ask for consideration that a Condition be placed regarding external lighting should the application be approved.

My only additional comment would be for the Applicant to consider submitting a Secured by Design application in regards to this development. I am more than happy to support and work with the development team throughout this process.

### **Drainage Officer**

- 6.5 No objection subject to surface water drainage conditions.

### **Ecology Officer**

- 6.6 No objection subject to condition securing the recommendations from the Ecology report such as bird boxes, bat boxes, bat tubes, insect towers and also a green roof condition.

### **Environmental Health Officer**

- 6.7 No objection subject to the inclusion of conditions regarding construction hours, construction collections, piling, dust, materials management plan, charging point and an informative regarding dust and boilers.

### **Landscape Officer**

- 6.8 Recommends the inclusion of conditions regarding hard and soft landscaping, landscape maintenance and management plan & boundary treatment.

### **Sustainability Officer**

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

### **Tree Officer**

- 6.10 On paper the tree losses look defensible due to tree condition and/or limited stature. It is the loss of T10 and T14 that is most concerning but according to the survey they are not of sufficiently good quality to be a reasonable constraints to

development. Notwithstanding the above, the scheme does not accommodate suitable space for replacement planting and is therefore not arboriculturally sustainable. It is for this reason that I do not support the proposal and would expect to see improved space to accommodate at least a couple of large/medium trees at maturity.

### **Urban Design Officer**

- 6.11 The Urban Design Team together with the case officer at the time have been involved in pre-application discussions with the applicant, Cambridge Investment Partnership (CIP) and their design team. We are pleased to see that the submitted application reflects these discussions and we support the overall design response to what is a very constrained site. The design and access statement clearly explains the design concept for the scheme and the rationale behind the appearance of the buildings. The materials palette identified in the DAS is supported and the brick patterning has the potential to add a degree of richness to facades. Detailing will be important to the final quality of the scheme and therefore all external materials should be conditioned, as well as a sample panel that should demonstrate the proposed brick patterning. Whilst we understand the necessity of providing screens on some balconies to limit overlooking into existing properties, it will be crucial that these screens are designed as an integral part of the balconies and overall elevations, so that they do not appear as an afterthought. The final detailing and appearance of these should also be conditioned.

### **Waste Officer**

- 6.12 No objection.
- 6.13 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 objections:
- 2 Ventress Close x2

- 3 Ventress Close
- 7 Ventress Close
- 56 Godwin Way
- 62 Godwin Way
- 80 Gunhild Way
- 82 Gunhild Way
- 90 Gunhild Way
- 32 Spalding Way
- 7 Tillyard Way

7.2 The representations can be summarised as follows:

- Out of keeping with the character of two storey housing within the area
- The availability of large family homes in Cambridge with sensible sized gardens is limited
- The effect of this development may well be to depress house prices
- Overdevelopment – too many dwellings proposed
- Increase in traffic and demand for parking
- Existing traffic problems in area especially around drop-off and pick-up times of children attending local schools
- Highway safety concerns – risks for children travelling to school on foot and by bike
- Not enough car parking is provided and no capacity on Ventress Close and surrounding streets
- Loss of 4 parking spaces in Ventress Close
- Loss of trees and impact upon local wildlife
- Unfortunate use of ends of gardens as parking area
- Increase of comings and goings
- Increase in anti-social behaviour and fear of crime
- Impact upon road surfaces during construction and from the cars of the proposed development
- Construction period would produce noise/traffic – how will noise and disruption be kept to a minimum? Some residents work night shifts
- Noise and light pollution affecting nearby residents

- Overlooking of all gardens and windows of properties surrounding the development
- Concerns about impact upon a child with autism and other health issues especially during the construction phase
- Poor proposed materials
- Poor design out of keeping with surroundings including introduction of higher built form
- Lack of suitable outside spaces for residents and visitors
- Flats will not provide affordable homes for families
- Increase flood risk

7.3 A further objection has also been received from Camcycle:

*Block A*

- The detached cycle parking area (8 spaces) has a substandard door width of less than 900mm (required: 1000mm).
- The integrated cycle parking area (9 spaces) has its door positioned poorly, such that the first cycle parking space will occlude over 300mm of the entry width. In addition, the aisle is only 900mm at the narrowest point (required: 1100mm).

*Dwellinghouses*

- The detached cycle parking area should have a door width that meets the requirements in section 3.8.2 of the Cycle Parking Guide (reproduced below).
- The integrated cycle parking area should also have a door width compliant with section 3.8.2 and the door should be shifted to the side such that it is not occluded by the first cycle parking space and instead more closely matches the position of the aisle.
- To be compliant with Cambridge Local Plan L.24 the cycle parking should be located in front of the houses, however if that is determined to be infeasible then all the doors to the rear gardens should be at least 1000mm in width as required by section 3.8.1. The access path to the rear gardens should comply with section 3.7.1.

- Layout of the garden sheds should comply with sections 4.1.9 and 4.2.0 for security and access purposes, and meet or exceed the minimum dimensions shown by Diagram 18 in the Cycle Parking Guide.

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. Planning obligations
11. 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.

#### Policy 52 Protecting garden land and the subdivision of existing dwelling plots

8.3 As the proposal is for the subdivision of an existing residential plot, policy 52 of Cambridge Local Plan (2018) is relevant in assessing the acceptability of the proposal.

- 8.4 Policy 52 of the Cambridge Local Plan (2018) 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.
- 8.5 I consider that the proposal complies with the above five criteria and the reasons for this are set out in the relevant sections of this report.

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

- 8.6 The site is located at the end of a cul-de-sac with the built form being situated close to the highway. The existing building is much larger than its neighbouring properties and is quite dominant within Ventress Close due to the projecting gables on the front elevation. While the block of flats would be three storey when viewed from Ventress Close, the proposed block of flats would be set 15m back from the highway in Ventress Close and therefore would appear a similar height to the existing block of flats. The block of flats then reduces to a two storey scale further into the site. While the design will vary from the surrounding properties, the proposed materials and detailing on the dwellings and block of flats will provide a high quality finish.
- 8.7 The proposed development of 3 no. two storey dwellings, 2 within a semi-detached arrangement would respond to the surrounding context in terms of built form and provide reasonably sized rear gardens. The proposed layout of the site

is clearly legible. The Landscape Officer and Urban Design Team were consulted as part of the application and support the design subject to the imposition of conditions regarding hard and soft landscaping, landscape maintenance and management plan, boundary treatment and external materials.

- 8.8 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 55, 56, 57 & 59.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.9 The site is surrounded by residential properties. To the north is Gunhild Way, to the west is Godwin Way, to the south is Spalding Way and to the east is Ventress Close.

#### *Properties on Gunhild Way*

- 8.10 The north facing elevation which faces towards the rear of the properties along Gunhild Way is part two storey and part three storey. The nearest point of the block of flats is at least 36 metres away from the rear elevations of properties along Gunhild Way and would be two storey. The nearest point of the three storey element is at least 43m away from the rear elevations of properties along Gunhild Way. There would only be one balcony on the north facing elevation and this would be on the two storey element. I consider this distance between the north facing elevation and rear elevations of the properties along Gunhild Way is acceptable as it would not have a significant overbearing impact or cause significant overlooking issues.

#### *Properties on Godwin Way*

- 8.11 The North West and south west facing elevations face partly towards the properties along Godwin Way. This element of the block of flats would be two storey in height. The corner between these two elevations is the nearest point of the block of flats to these properties on Godwin Way and would be circa 44m away.

There would only be one balcony on the North West facing elevation, and one inset balcony on the south west facing elevation. House 1 is two storey dwelling that would be set at least 34m away from the nearest house on Godwin Way. I consider this distance between the North West and south west facing elevations and rear elevations of the properties along Godwin Way is acceptable as it would not have a significant overbearing impact or cause significant overlooking issues.

#### *Properties on Spalding Way*

- 8.12 The proposed set of three dwellinghouses along the southern boundary would be two storey and set away from the properties of Spalding way by at least 35m. To avoid any overlooking of the these properties, all the first floor windows on the rear elevations are small high level windows set 1.7m from the finished floor level. Given the distance away and the high level windows, the proposed dwellings would not have a significant impact upon the properties on Spalding Way in my opinion. To ensure the residential amenity of the occupiers of the immediate properties along Spalding Way are protected in the future, I recommend removing permitted development rights Class B (loft conversions, rear dormers) and Class A (alterations including insertion of new windows) for the three proposed dwellinghouses.

#### *Properties on Ventress Close*

- 8.13 The element of the block of flats nearest Ventress Close would be three storey in height. The corner of the north east facing elevation and east facing elevation would only be 5m away from the boundary of No.8 Ventress Close and 15m away from the built form of No.8. It is to be noted that there is a significant amount of mature trees within the garden and along the boundary of No.8 and the proposed site. There are first floor windows on the west facing (side) elevation but these windows serve non-habitable rooms. There is also a door serving a kitchen on the ground floor but this room is also served by another window on the north facing elevation. The main rear amenity area is set to the rear of the property. For the reasons outlined above, the proposed block of flats would not have a significant overbearing impact upon No.8's main rear amenity area in my opinion. There would be two balconies on the east facing elevation, 1 serving Unit 9 and 1 serving unit 11. The

plans show that the proposed balconies for units 9 and 11 would have a 1.7m screen on the northern side of the balcony. A condition is recommended to secure this. I consider that none of the properties in Ventress Close would be significantly overlooked by the east facing elevation due to the siting of the block of flats and the oblique angles from the windows/balconies.

- 8.14 The existing block of flats is quite dominant within Ventress Close due to the projecting gables on the front elevation. The proposed block of flats would be set 15m back from the highway in Ventress Close and therefore would appear a similar height to the existing block of flats. In consideration of all the above points, the proposal would not have a significant impact upon the residential amenity of the properties in Ventress Close in my opinion.
- 8.15 I have assessed above 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 of the application.

#### *Wider area*

- 8.16 Neighbours 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. A Construction Method Statement condition is also recommended. 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

- 8.17 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units comply and the majority slightly 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:

#### *Block of flats*

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	2	1	50	55	+5
2	1	2	1	50	50	0
3	1	2	1	50	53	+3
4	1	2	1	50	50	0
5	1	2	1	50	53	+3
6	1	2	1	50	50	0
7	2	4	1	70	72	+2
8	1	2	1	50	51	+1
9	2	3	1	61	65	+4
10	2	4	1	70	74	+4
11	2	3	1	61	65	+4
12	2	4	1	70	74	+4

#### *Houses*

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	3	5	2	93	96	+3
2	3	5	2	93	96	+3
3	3	5	2	93	96	+3

- 8.18 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.

8.19 All the proposed Units will have direct access to an area of private amenity space. The three dwellinghouses will have gardens that are an acceptable size. Units 1 to 5 within the apartment block are on the ground floor and benefit from acceptable size terraces. Units 6 to 12 will have a balcony each. It is also to be noted, that the proposal will provide a high quality landscaped shared amenity area for all the occupants of the flats to enjoy. The details of the landscaping can be secured through condition.

8.20 To ensure that adequate private amenity space is retained for House units 1, 2 & 3, I recommend that permitted developments rights are removed for extensions and outbuildings. A further condition is recommended to ensure the amenity of the future occupiers is protected:

- Appropriate boundary treatment to provide privacy for the ground floor terraces on units 1 – 5 of the block of flats

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

8.21 The development has been assessed for compliance with Policy 51 in relation to the all the new units. The agent amended the internal layout of the block of flats 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.

#### **Refuse Arrangements**

8.22 The proposed refuse storage for the flats is within an integrated store in the block of flats. The waste Officer has raised no objection to this. There is adequate space for the bins to go in the rear gardens of the proposed dwellings.

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

## **Highway Safety**

- 8.24 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon highway safety. The Highway Authority has recommended various conditions which are considered necessary. Neighbours have raised concerns about construction traffic, therefore a traffic management plan condition is recommended which would address the logistics of construction.
- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

## **Car and Cycle Parking**

### Car Parking

- 8.26 Neighbours have raised concerns that there is no capacity in the surrounding streets and the proposal will increase demand for parking, adversely impacting their amenity. Having reviewed the Cambridge On-Street Residential Parking Study (Nov 2016), the study shows that the surrounding streets have capacity for parking. However, Ventress Close is not included in the study and I acknowledge the neighbours' concerns about parking capacity within Ventress Close. The proposal would provide 1 car parking space per unit. This complies with the maximum standards in the Cambridge Local Plan (2018) which seeks a maximum of 1 car parking space for dwellings with up to 2 bedrooms and 2 car parking spaces for dwellings with 3 or more bedrooms. The proposal would also include two visitor car parking spaces. I consider this level of provision to be acceptable particularly having regard to the identified available capacity in surrounding streets.
- 8.27 Some residents within Ventress Close have objected to the proposal on the basis that it will result in the loss of 4 existing car parking spaces in front of the existing building that is to be demolished. These car parking spaces are located within a turning head in the cul-de-sac and are not formally designated spaces within the highway, however, I recognize that they are used for the parking of cars by residents in Ventress Close and they will be lost as a result of the development. As stated above, I consider that the proposal includes an appropriate level of car parking that is policy compliant and I do not consider that

that the loss of these car parking spaces would result in unacceptable levels of additional parking stress in Ventress Close or surrounding streets. In my view, and in consideration of the above points, 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

8.28 The proposed 12 flats would have a total of 17 cycle spaces. This storage would be split with 7 spaces provided within the block of flats and a further 10 cycle spaces provided in a cycle store. The proposed 3 dwellings would have adequate space to provide cycle storage in the rear gardens. There are also two cycle hoops towards near the entrance of the site for visitor cycle parking. Camcycle has objected to the application. However, these objections can be addressed through a boundary treatment condition, and conditions requesting further details of cycle storage (cycle store for the flats and storage for the dwellings) to be submitted.

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

### **Integrated water management and flood risk**

8.30 A flood risk assessment was submitted with the application. The Drainage Team has advised that a surface water drainage strategy can be secured by condition in this case. This condition is therefore recommended. In my opinion, the proposal is compliant with the paragraph 163 of the National Planning Policy Framework (2019) and policy 31 of the Cambridge Local Plan (2018).

### **Trees & Ecology**

#### Trees

8.31 There are a large number of trees on the site and surrounding the site. The site does not fall within a conservation area and there are no Tree Preservation Orders on any trees on the site or on any of the trees surrounding the site. There is also a main water and drainage pipe running diagonally through the site,

this main pipe has an easement above it. There are trees located on top of this easement.

- 8.32 The proposal would result in all of the trees being removed from the site to accommodate the proposed development. The submitted tree information states that the majority of the trees that are proposed to be removed can be justified due to their condition and/or limited stature. The Tree Officer acknowledges this. However, the Tree Officer is concerned about the loss of T10 and T14 which are mature Ash and Elders. These two trees are the largest trees on the site and appear as one, due to their canopies being conjoined. It is to be noted that the canopies can be seen above the roofs from Ventress Close and Godwin Way. I consider that the trees have an amenity value in the surroundings. The Tree Officer does not support the proposal as it would not accommodate suitable space for replacement planting.
- 8.33 On balance, it would be regrettable to lose such a large quantity of trees, but I consider that the need for affordable housing in the city outweighs this loss in this instance. That being said, there is scope for some minor modifications to the hard landscaping that would not affect the overall layout of the proposal but would allow for some large growing replacement trees to be planted such as oak or alder. This can be achieved through the soft and hard landscaping condition that is recommended. The trees currently proposed in the landscape drawings, particularly around the edges are made up primarily of hornbeam and prunus avium which also are medium/large trees which can ultimately gain a stature that is visible over house rooftops in the way that the existing trees currently do. Notwithstanding the above, there is scope for a high quality landscape scheme which can be secured through a landscaping condition.

#### Ecology

- 8.34 While the proposal would result in a loss of wildlife habitat, the applicant has submitted a comprehensive ecology report. The Ecology officer has been consulted as part of the application and raised no objections subject to a condition securing the recommendations from the Ecology report such as bird boxes, bat boxes, bat tubes, insect towers and also condition regarding

the proposed green roof. The proposal would therefore be in accordance with Policy 70 of the Cambridge Local Plan (2018).

### **Affordable Housing**

- 8.35 The proposed development is 100% affordable housing. This complies and exceeds the requirements of policy 45 of the Cambridge Local Plan (2018).

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

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

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

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

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

### **City Council Infrastructure (Open spaces and Community facilities)**

- 8.39 I agree with the reasoning set out in paragraph 6.3 (DCMU comments paragraph) above that contributions towards these projects meet the requirements of the CIL regulations. Therefore, subject to the completion of a S106 planning obligation to secure these infrastructure provisions, I am satisfied that the proposal accords with Cambridge Local Plan

(2018) policy 85.

### Affordable Housing

8.40 The development is required to make provision for affordable housing and I have assessed the proposals for affordable housing in paragraphs 8.2 to 8.3 above. The detail of the Affordable Housing Scheme can be secured through a Section 106 Agreement.

8.41 Subject to the completion of a S106 planning obligation to secure the requirements of the Affordable Housing SPD (2008), I am satisfied that the proposal accords with Cambridge Local Plan (2018) policies 45 and 85 and the Affordable Housing SPD (2008).

### Planning Obligations Conclusion

8.42 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

### **Third Party Representations**

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

<b>Representation</b>	<b>Response</b>
The availability of large family homes in Cambridge with sensible sized gardens is limited	There is a need for a range of dwelling types across the City
This development may well depress house prices	This is not a planning issue
Overdevelopment – too many dwellings proposed	I do not consider the proposal will appear cramped and the site makes good use of the land in providing 100% affordable housing

Existing traffic problems in area especially around drop-off and pick-up times of children attending local schools	The Highway Authority has raised no objections in relation to highway safety for the proposed development. In relation to the period of construction a traffic management plan condition is recommended.
Highway safety concerns – risks for children travelling to school on foot and by bike	See above
Unfortunate use of ends of gardens as parking area	This is not considered to detrimentally impact on neighbour amenity
Increase in anti-social behaviour and fear of crime	The Designing Out Crime Officer has been consulted and supports the application. A condition is recommended as part of the hard and soft landscaping details required to ensure the area is well lit with the aim of deterring anti-social behavior/crime.
Impact upon road surfaces during construction and from the cars of the proposed development	This is a civil matter between the applicant and Cambridge County Council.
Construction period would produce noise/traffic – how will noise and disruption be kept to a minimum? Some residents work night shifts	Traffic management plan and construction method statement conditions to set parameters during the construction period are recommended.
Noise and light pollution affecting nearby residents	The Environmental Health team raised no objections to the proposal
Concerns about impact upon a child with autism and other health issues especially during the construction phase	This is acknowledged as a serious concern and the applicant will be contacted, made aware of this and will be encouraged to discuss this with the neighbour to explore options for accommodating the child's needs. Traffic Management Plans and Construction Method Statements conditions are recommended

	which will set out times, deliveries and general running of the construction site.
Flats will not provide affordable homes for families	There is a need for a range of affordable housing dwelling types across the City

## 9.0 CONCLUSION

- 9.1 The proposal would regrettably result in the loss of a large quantity of trees some with amenity value in the surroundings. However, the proposal will bring forward 100% affordable housing and given the significant need for affordable housing within the city, I consider that on balance this need outweighs the loss of trees in this instance. The proposal is of a high quality design and would not result in an adverse impact upon neighbouring properties and would also provide an acceptable level of amenity for future occupiers. I also consider that the proposal will provide an acceptable level of car parking that would not result in significant additional parking pressures on surrounding streets.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions and the prior completion of a S106 agreement to secure the affordable housing and infrastructure contributions:

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

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

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

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

3. The dwellings (Units 1, 2 & 3) 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).

4. Notwithstanding the approved plans, the block of flats 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 the dwellings are occupied and shall thereafter be retained.

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

5. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details including samples of the materials to be used in the construction of the external surfaces of buildings, which includes external features such as coping and banding, detailed finishes around entrances (eg. green ceramic tiles), entrance doors, windows, roof cladding, external metal work, balcony and balustrades, rain water goods, bike and bin stores, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the appearance of the external surfaces is appropriate (Cambridge Local Plan 2018 policies 52, 55, and 57).

6. Brick sample panels of the facing materials to be used shall be erected on site and shall be 1m x 1m to establish the detailing of bonding, coursing, colour and type of jointing and any special brick patterning/articulation detailing shall be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate (Cambridge Local Plan 2018 policies 52, 55, and 57).

7. 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 (Cambridge Local Plan 2018 Policy 28).

8. 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).

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

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

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

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

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

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

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

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

13. For the hereby approved dwellings (1,2 & 3), notwithstanding the provisions of Schedule 2, Part 1, Classes A, B 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, including insertion of new windows; loft conversion including rear dormers; 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).

14. Notwithstanding the approved plans, the dwellings, 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).

15. 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).

16. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

17. Prior to the first occupation or bringing into use of the development, hereby permitted, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of highway safety and to ensure satisfactory access into the site (Cambridge Local Plan 2018 policy 81).

18. 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).

19. Prior to the first occupation or bringing into use of the development, hereby permitted, the manoeuvring area shall be provided in accordance with the approved drawings. The manoeuvring area shall be retained free of obstruction thereafter.

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

20. 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. This should also include a scheme of lighting for the public areas within the site. 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).

21. 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.

This should include:

- Boundary treatment for the edges of the site
- Boundary treatment for the private amenity areas of the ground floor units 1 to 5 on the block of flats
- Boundary treatment for dwelling houses (plots 1 to 3)

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).

22. No development hereby permitted shall be commenced until surface water drainage works details have been submitted to and approved in writing by the local planning authority, in accordance with the submitted drainage strategy (MLM, 6th September 2018). Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:

- a) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

- b) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- c) The final drainage design should explore the incorporation of additional SuDS features to manage surface water more sustainably such as rain garden and above ground surface water features.
- d) Confirmation from the Environment Agency that infiltration is not suitable for site due to the principal aquifer should be submitted.

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).

23. No building hereby permitted shall be occupied until details including siting of bird boxes, bat boxes and insect towers as stated in section 10 of the submitted Ecological Appraisal prepared by Landscape Planning have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority.

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

24. Prior to occupation of the proposed development information demonstrating that one slow electric vehicle charge point has been installed in each of the allocated parking spaces and 50% in all unallocated parking spaces shall be submitted to and approved in writing by the Local Planning Authority.

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

25. 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).

26. No development shall take place (including any demolition, ground works or site clearance) until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline the management of the construction process and shall include the following:

- o Construction hours
- o Delivery times for construction purposes
- o Access and protection arrangements around the site for pedestrians, cyclists and other road users (especially in regards to the management of the access within Ventress Close)
- o Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures
- o External safety and information signing and notices
- o Liaison, consultation and publicity arrangements including dedicated points of contact
- o A plan showing the layout of the construction site (positions of temporary buildings & storage of materials etc)

The development shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Policy 55 Cambridge Local Plan 2018).

27. No development above ground level, other than demolition, shall commence until full details of green roofs have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include details of build-ups, make up of substrates, planting plans for biodiverse roofs, methodologies for translocation strategy and drainage details where applicable. The green roofs once installed shall be maintained in perpetuity.

Reason: In the interests of responding suitably to climate change and water management (Cambridge Local Plan 2018 Policy 31).

28. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details of the 1.7m solid privacy screens to be erected on the balconies on the northern (side) elevations of units 9 and 11 shall be submitted to and approved in writing by the local planning authority. The screens shall be erected prior to occupation of units 9 and 11 in accordance with the approved details and shall thereafter be retained and maintained.

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

29. Prior to the occupation of the development, hereby permitted, the curtilages of the ground floor approved units 1 to 5 of the block of flats and the 3 dwelling houses (plots 1,2 and 3) of the shall be fully laid out and finished in accordance with the approved plans. The curtilages 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).

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction:

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

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

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

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

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

## **INFORMATIVE:**

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

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.

**INFORMATIVE:** Wildlife access gaps within garden boundary treatments informative

The applicant is reminded that the National Planning Policy Framework (2018) seeks all developments to 'minimise impacts on and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures'. Residential gardens are increasingly important refuges for declining species such as hedgehogs and local enhancement can be achieved through provision of access gaps (minimum 130mm x 130mm) within boundary features to connect these habitats.

**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.

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	17/1748/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th October 2017	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	5th December 2017		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	45 Cavendish Avenue Cambridge CB1 7UR		
<b>Proposal</b>	Erection of a single storey 2 bedroom dwelling house to the rear of 45 Cavendish Avenue		
<b>Applicant</b>	Ms Muir 45 Cavendish Avenue Cambridge CB1 7UR		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The design and scale of the proposed development would not have an adverse on the character of the surrounding area;</li> <li>- The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li> <li>- The proposed development would not, subject to the provision of suitable mitigation to be secured by condition, have a significant adverse impact upon surface water flood risk either to the proposed property or to surrounding dwellings</li> </ul> <p>The proposed development would provide a high quality living environment for the future occupiers;</p>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site consists of a semi-detached two storey property on the north side of Cavendish Avenue. To the north (rear) of the property is Magnolia Close, a small cul-de-sac of six chalet-style dwellings.
- 1.2 There are no constraints relating to the rear garden. To the front of the property, our records indicate the presence of a Tree Preservation Order (TPO). It was not apparent from the site visit that there was a significant tree in the garden, and clarification is being sought from the Council's Trees Officer as to whether this has been plotted against the application site in error.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks planning permission for the erection of a 2 bedroom bungalow in the rear garden of No.45 Cavendish Avenue. It would be accessed via a shared driveway with the host dwelling. It would have one off street car parking space, and would also provide cycle and bin storage within the boundary of the proposed dwelling.
- 2.2 The scheme has been amended since submission to:
- Remove the turntable
  - Raise the ground floor level 300mm above surrounding gardens
  - Submission of Flood Risk Assessment and mitigation measures
  - Submission of tree report and protection measures

## **3.0 SITE HISTORY**

- 3.1 17/0806/FUL – Erection of two bedroom dwelling house (withdrawn).

## **4.0 PUBLICITY**

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

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 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, 51, 52, 55, 56, 57, 59 70, 71 80, 81, 82

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

Central Government Guidance	National Planning Policy Framework February 2019 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

## 6.0 CONSULTATIONS

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

6.1 Object in principle to the provision of a turntable. If this is resolved, no objection subject to conditions regarding unbound material, surface water run-off, construction of access, removal of permitted development rights in relation to gates, access free

of obstruction and an informative regarding works within the highway.

## **Drainage Officer**

### Original comments

- 6.2 The proposed development is identified at high risk of surface water flooding, and nearby properties have suffered from internal flooding. Sufficient surface water drainage details proving the principle of draining the site have not been submitted. A Flood Risk Assessment to assess the potential for disposing of surface water by means of a sustainable drainage system must be provided.

### Comments (dated 23/3/18) following submission of FRA

- 6.3 The FRA fails to demonstrate that acceptable mitigation measures can be delivered on the site. No details of the altered ground levels have been provided. Also, the building footprint will increase the runoff from the site. Infiltration is not an acceptable means of disposing of surface water in areas susceptible to surface water flooding, and the potential for disposing of surface water by other means must be explored.

### Comments (dated 21/5/18) following further flood risk information

- 6.4 There is insufficient space available to provide compensatory flood storage, and no information has been provided to date to prove this is possible. The topographic levels, building height restrictions and space available on site suggests it is not possible to deliver this. A pumped drainage system is not a sustainable form of drainage and will increase residual flood risk.

### Comments (dated 7/12/18) following further flood risk information

- 6.5 No objections subject to conditions requiring surface and foul water drainage, and flood resilient construction details.

The applicant has undertaken detailed site specific modelling to the site in question to determine the level of flood risk present.

This information has concluded that the site levels fall outside of the 1 in 100 year surface water flood event plus an allowance for climate change. The parameters used for flood compensation are usually where a building resides within the 1 in 100 year flood event outline. In considering the scale of the development along with the mitigation outlined, the proposals will have a negligible impact on the surrounding areas.

The FRA still refers to the possible use of a pumped surface water drainage system which we do not consider sustainable. We recommend the applicant consults with us at the earliest opportunity at the detailed design stage to ensure that this component can be designed out. Managing rainwater as close to the surface as possible will help to minimise this risk. The use of raingardens/depressed area within the garden and aco type drains could help form part of the solution. (13<sup>th</sup> December 2018)

Set out below is further explanation as to why the original concerns have now been resolved.

#### Objection point 1

Firstly in relation to the main objection that had been included in all responses until 07.12.18 when I removed it. This was as a result of the site residing within the 1 in 100 year probability flood event outline for surface water – these maps are high level and therefore make assumptions, they do not include the use of site specific information such as actual ground levels. This is our trigger, as national guidance (NPPF) asks that residential development should be considered in terms of flood risk for a minimum of 100 years.

The applicant decided to undertake site specific modelling to determine the level of flood risk present, this concluded that the site falls outside of the 1 in 100 year probability flood event and therefore it would not be reasonable in planning terms to maintain our objection in relation to existing flood risk and for the developer to provide mitigation in the form of level for level flood compensation or voided buildings.

I believe where some of the confusion has come in, is that my latest comments relate to the document dated March 2018 Final v3.0 report on the front page, it might however be best if you

refer to the document issue information on page 1 where it shows the audit trail to the document. To confirm my last response on 07.12.18 relates to the revisions which took place to the document on 26.11.18.

#### Objection point 2

The other objection previously raised on 21.05.18 was in relation to the potential that the site drainage may be pumped as this is not a sustainable solution. However on further discussion with the developers dated 07.06.18 they stated that with the lowest site levels being at 9.05m AOD and the recorded Anglian water sewer levels being in the region of 8.62m AOD a gravity connection may be possible (this was also confirmed by a check of Anglian Water records my end). Again it would be unreasonable to maintain an objection with this knowledge, hence why an informative is recommended for the detailed design stage - if the SuDS are designed as close to the surface as possible then a gravity connection should be achievable.

#### **Environmental Health**

- 6.6 No objection subject to the inclusion of conditions regarding construction hours and piling.

#### **Landscape Officer**

##### Original comments

- 6.7 It is not clear whether trees located along neighbouring boundaries will be affected by the proposals. A survey of the nearby trees and an impact assessment is needed to ensure the proposals do not cause harm to neighbouring trees or hedges.

##### Comments following submission of further details

- 6.8 No objection subject to the inclusion of conditions regarding further details on the green roof and boundary treatment.

## **Urban Design**

- 6.9 It is considered that there are no material urban design issues with the proposals.

## **Streets and Open Spaces (Tree Officer)**

- 6.10 Tree survey and impact assessment required.
- 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 objections:

- 2B Cavendish Avenue
- 6 Cavendish Avenue
- 42 Cavendish Avenue
- 43 Cavendish Avenue x2
- 46 Cavendish Avenue x2
- 47 Cavendish Avenue
- 49 Cavendish Avenue
- 51 Cavendish Avenue
- 53 Cavendish Avenue
- 59 Cavendish Avenue
- 66 Cavendish Avenue
- 67 Cavendish Avenue
- 70 Cavendish Avenue
- 75 Cavendish Avenue
- 77 Cavendish Avenue
- 83 Cavendish Avenue
- 3 Magnolia Close
- 4 Magnolia Close x2
- 5 Magnolia Close x3
- MTC Engineering (Flood risk consultants acting on behalf of owners of 5 Magnolia Close)
- 6 Magnolia Close x2
- 118 Blinco Grove
- 130 Blinco Grove

- 22 Hills Avenue
- 62 Hills Avenue
- 72 Hills Avenue x2
- 75 Hills Avenue
- 81 Hills Avenue
- 30a Hinton Avenue x2
- 59 Langham Road
- Magdalen, Brobury, Hereford

## 7.2 The objections can be summarised as follows:

- The backland and cramped nature of the development would be out of keeping with the character of the area
- Overdevelopment
- Contemporary design out of keeping with character of area
- Overly small gardens for existing dwelling and new dwelling
- Massing along boundaries of neighbouring properties
- Loss of green/wildlife corridor
- Overbearing impact on No.6 Magnolia Close, 43 Cavendish Avenue and 47 Cavendish Avenue
- Overshadowing of No.6 Magnolia Close's south facing living room and kitchen
- Increase noise and traffic movement to the rear of gardens
- Poor design as bedrooms 1 & 2 would receive limited day light
- Proposed dwelling would be overlooked by windows in the rear of 6 Magnolia Close.
- There are surface water flooding issues in the area – adjacent properties were recently inundated with surface water. By replacing a grassed area with development, the proposal would displace flooded surface water from the site, raising water levels and increasing the depth of flooding to adjacent properties (including those in Magnolia Close which sit in a low spot in the area). It has not been demonstrated that this can be adequately mitigated against and surface water drainage from the dwelling satisfactorily dealt with.
- The drainage solutions are inadequate.
- Concerns previously raised by the Council's Drainage Engineer to the suitability a pumped drainage system do not appear to have been resolved in the latest details
- Cars will have to reverse onto the highway
- Not enough car parking

- Not affordable housing
- Sets a precedent for future back land development
- Contrary to Policy 52 of the 2018 Local Plan

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

- 41 Cavendish Avenue
- 5 Edendale Close
- 63 Grantchester Street
- 11 Great Eastern Street
- 2 Gunhild Close
- 274 Hills Road
- 18 Hinton Avenue
- 26 Emmanuel House, Lilywhite Drive
- 223 Mill Road
- 86 Mowbray Road
- 62 Nuns Way
- 40 Rathmore Road
- 143 Ross Street
- 9 Sherlock Road
- 5 Violet Close
- 51 Manor Park, Histon, Cambridge

7.4 The letters of support can be summarised as follows:

- The proposal would provide new housing in a sustainable location
- The scheme would be of high quality design and would not harm the character of the area
- Sufficient flood risk information has been provided
- Accommodation for an ageing population

7.5 One neutral representation has been received from Camcycle:

- Following the submission of further information regarding cycle parking, pleased to see the provision of three Sheffield stands. Please ensure that the cycle parking is covered

7.6 Councillor Colin McGerty has called the application in to be considered at planning committee due to concerns about drainage and flood risk.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Surface water drainage and flood risk
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Trees

### **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.

#### Policy 52 Protecting garden land and the subdivision of existing dwelling plots

- 8.3 As the proposal is for the subdivision of an existing residential plot, policy 52 of Cambridge Local Plan (2018) is relevant in assessing the acceptability of the proposal.
- 8.4 Policy 52 of the Cambridge Local Plan (2018) 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.

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

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

- 8.6 The site is located within an area that is characterised by large two storey housing. Cavendish Avenue is located to the front of the site and Magnolia Close is located to the rear of the site. Significant concerns have been raised by local residents to the impact of the development upon the character of the area. Whilst there are not any other examples of backland development in the immediate vicinity, the scheme has been amended since the previously withdrawn application to ensure the development would not be prominent in the street scene. The proposed dwelling would be single storey and sited towards the western side of the garden. The built form of No.6 Magnolia Close is sited further back than the neighbouring properties at Magnolia Close. Backland developments and outbuildings are typically single-storey and of a more domestic scale. The proposed dwelling would be of a single storey scale. I have recommended a materials condition to ensure the proposed bungalow would be of an acceptable appearance. The proposal would also include a reasonable sized amenity area and gaps around the proposed dwelling for additional soft landscaped areas.

- 8.7 In one of the letters of objection, reference has been made to the fact that an appeal against a proposal to subdivide the plot at 83 Cavendish Avenue was dismissed on character grounds even though the Council did not refuse it for this reason. The resident considers the current proposal to be directly comparable and that it should therefore be refused on character

grounds. I have considered this decision and do not agree that it is directly comparable to this current proposal. The scheme at 83 proposed to extend the property to the side, with the garden extending towards the road. The Inspector specifically referred to the character of the area comprising spacious and open corners, and noted that the corner location of the plot would mean the building would be prominent and the small tightly enclosed garden incongruous. In my opinion, there are key differences between the two schemes, and the appeal decision referred to, does not establish a precedent for resisting the principle of subdividing gardens in this area. There has also been reference made to a dismissed appeal at 11 Golding Road. The scheme at 11 Golding Road was for two backland dwellings that were both two storey which is significantly different from the scheme proposed in this application.

- 8.8 The Urban Design Team has raised no objections to the application. The Landscape Team is supportive of the proposed works subject to conditions and I have recommended these accordingly. It is my opinion the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area and would not constitute an overdevelopment of the site.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56 & 57.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

##### *No.6 Magnolia Close*

- 8.10 No.6 Magnolia Close's rear elevation is 3.2m away from the boundary of No.45 Cavendish Avenue which is defined by a 2m high fence. Lounge french doors and a kitchen window look onto a patio area. The boundary between No.45 & No.43 runs directly down the middle between the lounge French doors and the kitchen window. It is to be noted that No.6's main rear garden is located at the west side of the dwelling. The rear elevation of No.6 Magnolia Close would be 6.3m away from the rear elevation of the proposed dwelling and the proposed dwelling would be 3.2m away from the boundary of No.6. While part of the proposed dwelling would be hard against the

boundary of No.6, this part would be adjacent to the existing garage at No.6, which is located in the south-eastern corner of their property and away from their main private amenity space..

- 8.11 The proposed dwelling would be of a single storey scale. The element nearest to the boundary of No.6 would be 2.6m in height and the highest points of the roof are located much deeper into the site and further away from the boundary of No.6. Given the distance of the built form away from the boundary of No.6 and the single storey scale of the proposed dwelling, the proposal is not considered to have a significant overbearing or overshadowing impact upon the lounge/kitchen windows or the patio area in spite of its location directly to the south of No.6.

#### *No.43 & No.47 Cavendish Avenue*

- 8.12 The proposed dwelling would be located to the rear of No.45 Cavendish Avenue. Therefore it is adjacent to the very rear of the gardens for No.43 and No.47 Cavendish Avenue and away from the main rear amenity areas of these properties. The dwelling would be of a single storey scale and would have gaps between the built form and the boundary of both these properties. Therefore it is considered that the proposal would not have a significant overbearing or overshadowing impact upon No.43 or No.47 Cavendish Avenue.
- 8.13 I have assessed above 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 dwelling due to its 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

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

- 8.15 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 35, 36, 52, 55 and 56.

Amenity for future occupiers of the site

- 8.16 Neighbours have raised concern about the quality of amenity for bedrooms 1 & 2 of the proposed dwelling. While these bedrooms are not south facing, they have adequate windows/french doors as well as roof lights and additional windows. Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. The proposed unit would comply and significantly exceed the standards. In this regard, the unit 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 <sup>2</sup> )	Proposed size of unit	Difference in size
1	2	4	1	70	99	+29

- 8.17 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. The proposed dwelling would have a south facing garden of an appropriate size for a 2 bed dwelling. It would also have an additional garden area to the rear of the site with 2 other areas of planting on the side boundaries of the proposed dwelling. The existing dwelling would also be left with an acceptable size garden. To ensure that adequate private amenity space is retained for the proposed dwelling, I recommended that permitted developments rights are removed for extensions and outbuildings.

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

### *Accessible homes*

- 8.19 The development has been assessed for compliance with Policy 51 and complies with the requirements of Part M4 (2) of the Building Regulations. I have recommended a condition to secure this requirement.

### **Surface water drainage and flood risk**

- 8.20 The site is identified as high risk of surface water flooding, and nearby properties have previously experienced flooding issues. The Drainage Officer requested the submission of a flood risk assessment that would which was in turn submitted to the council. This failed to address the concerns raised and the objection was maintained due to concerns about how the proposed development would take up a large amount of the site, thereby displacing the surface water storage capacity of the site. Questions were raised by the Drainage Officer about whether the principle of a dwelling could be supported due to the concerns about flood risk as it was unclear whether it would be possible to achieve a sustainable drainage feature within the site that could mitigate the impact of the development. During this process, 5 Magnolia Close appointed drainage consultants to assess the submitted flood risk assessment. This was because 5 Magnolia Close had previously experienced flooding on their property due to the ground level being lower than the surrounding area and were therefore concerned about the impact of development especially due its proposed large site area immediately adjacent to their common boundary. The drainage consultants acting on behalf of 5 Magnolia Close have disagreed with the findings of the reports submitted by the applicant and has argued that the original concerns raised by the Drainage Officer have still not been addressed.
- 8.21 Following an undertaking of a detailed site specific modelling to the site, and the exploration of other mitigation measures, it was concluded that the proposals would have a negligible impact on the surrounding areas. Following the submission of this additional information regarding flood risk and drainage, the Drainage Officer has removed the objection. The drainage consultants acting on behalf of 5 Magnolia Close maintain their concern that the original concerns have not been overcome. However, the Drainage Officer has advised that a surface water drainage strategy can be secured by condition in this case. A

surface water drainage scheme condition alongside a foul water drainage and flood resilient/resistant construction condition is recommended. In my opinion, the proposal is compliant with the National Planning Policy Framework (2019) and policy 31 of the Cambridge Local Plan (2018).

### **Refuse Arrangements**

- 8.22 A bin store is proposed within the site which would provide adequate waste storage. In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

### **Highway Safety**

- 8.23 Following the removal of the turntable, the Highway Authority does not consider there would be any adverse impact upon highway safety subject to the imposition of various conditions. I have not recommended conditions relating to the driveway given that this is an existing drive but I have recommended a condition to secure adequate space at the front of the site to allow a car to exit and enter the site in forward gear. A traffic management plan is also recommended given the backland nature of the development. In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

### **Car and Cycle Parking**

#### **Car Parking**

- 8.24 The proposal includes 1 car parking space each for the proposed and existing dwelling. This complies with the maximum standards in the Cambridge Local Plan (2018) which seek 1 car parking space for dwellings with up to 2 bedrooms and 2 car parking spaces for dwellings with 3 or more bedrooms. The car parking spaces have been laid out to ensure they are accessible and to enable a parked car to leave the site in forward gear. There was previously a garage to the rear of 45 Cavendish Avenue and a driveway leading to it. There is a driveway leading to a garage at the adjacent property No.47. The proposed car parking would not go further than this garage at No.47 and would only be for one car. Therefore the proposed car parking arrangements and additional noise would not have

a significant impact upon either the adjacent property at No.47 or the host dwelling at No.45.

#### Cycle Parking

- 8.25 The proposal includes cycle parking within the site. I have recommended a condition requesting further details of cycle storage to be submitted.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

#### Trees

- 8.27 To the front of the property, our records indicate the presence of a Tree Preservation Order (TPO). It was not apparent from the site visit that there was a significant tree in the garden, and clarification is being sought from the Council's Trees Officer as to whether this has been plotted against the application site in error. An update will be provided on the amendment sheet.

### 9.0 CONCLUSION

- 9.1 In my opinion, the proposed development would not amount to overdevelopment of the site nor would it have an adverse impact upon the area, the neighbouring properties or the future occupants of the development. The proposed development would also not, subject to the provision of suitable mitigation to be secured by condition, have a significant adverse impact upon surface water flood risk either to the proposed property or to surrounding dwellings

### 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

Reason: In accordance with the requirements of Section 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. 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).

5. 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).

6. The dwelling 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 the dwelling is occupied.

Reason: To ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2018 policies 52, 55, 56, and 82).

7. Notwithstanding the approved plans, the building, 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).

8. 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).

9. Prior to the occupation of the development, hereby permitted, the curtilages 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).

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

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

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

11. No development hereby permitted shall be commenced until foul water drainage works have been submitted to and approved in writing by the local planning authority. Before these details are submitted, they should also be submitted to Anglian Water and their written acceptance of the scheme submitted to the local planning authority.

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

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

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

13. 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. Development shall take place in accordance with the approved details.

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

14. Prior to occupation of the dwelling, hereby approved, the turning head at the front of 45 Cavendish as shown on drawing 168.160revP4 shall be fully laid out and installed. The development shall be retained as such thereafter.

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

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

Reason: To ensure that the appearance of the external surfaces is appropriate (Cambridge Local Plan 2018 policies 52, 55, and 57).

**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 March 2019

<b>Application Number</b>	18/0830/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	30th May 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	25th July 2018		
<b>Ward</b>	Market		
<b>Site</b>	St Andrews Street Entrance, Lion Yard, Cambridge		
<b>Proposal</b>	Demolition and redevelopment of the existing retail kiosk units (Class A1) to the south of St Andrews Church, to create a new food and beverage quarter (Class A3/A4); change of use of retail units (Class A1) facing onto St Andrews Church within Lion Yard to create a new food and beverage quarter (Class A3/A4); provision of new roof terrace looking over St Andrews Church, improvements to the public realm, provision of plant, cycle parking and associated alterations to the shopping centre facade		
<b>Applicant</b>	c/o Deloitte LLP		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal is considered to preserve and enhance the character and appearance of the Conservation Area and would not adversely impact the setting of the listed church</li> <li>- Subject to conditions, the proposal is considered to have an acceptable impact on nearby residential amenity.</li> </ul>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site forms part of the Lion Yard Shopping Centre. The site is subject to two separate planning applications. This application relates to the eastern part of the site; Church Walk and the area surrounding the Grade II Listed Church of St Andrew the Great. The site lies within the Historic Core of Cambridge. To the south of the site are the Grade II listed 4-7 St Andrew Street. The area is located within the designated city centre. The surrounding uses are predominantly retail (A1).
- 1.2 There are six existing retail units which are proposed to be removed as part of the demolition element of the application. These are single storey structures, although a number have small dormers, which are sited in a staggered building line running perpendicular to St Andrew Street and leading towards the Church Walk entrance to Lion Yard. All the units are all in retail use. The pavement at Church Walk and adjacent to the Church of St Andrew the Great is currently run down with signs of damage. The site also encompasses the Church Walk side entrance into Lion Yard.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the demolition of the exiting retail kiosks (use class A1) on St Andrew's Walk and redevelopment with a three storey extension with change of use to Class A3/A4. The new development will form the Food and Beverage Quarter (FBQ) and will include a feature stairs and a number of roof terraces. Improvements to the public realm, provision of plant, cycle parking and associated alterations to the shopping centre facade are also proposed. The Church Walk entrance is proposed to be reconfigured so that it would be double height which allows for increased views to the church and new extension.
- 2.2 The existing retail units are staggered with a mix of roof types. These will be replaced by a two storey extension which is narrower than the existing footprint of the kiosks. The mass will be set back from the street with a feature stairs proposed closest to St Andrews Street. The extension would be finished in brick with large windows and a large glazed element to the second floor unit. New public realm is proposed adjacent to the

extension and wrapping around the back of St Andrew the Great Church. This includes new paving, benches, and a small amount of planting. New external lighting would be incorporated through the public realm improvements.

- 2.3 The new FBQ comprises six A3/A4 units. Unit R3A and Unit R4 are contained wholly at ground floor. Unit R3A is accessed either from the feature stairs or from a lift accessed from Church Walk; this unit occupies the whole of the southern element of the first floor and will include the large terrace space accessed by the stairs. Units R1 and R2 are contained in the ground and first floor and are located to the north of the shopping centre entrance. Unit R5 is contained wholly on the second floor and is the largest unit with two external seating areas.
- 2.4 A new plant deck will be accommodated for the new increased need. This will be located above the existing second floor but will be tucked away and not be visible from the street. The existing 36 cycle parking spaces around St Andrew the Great Church are proposed to be re-provided with a further 22 spaces proposed. Dedicated secure staff parking will be provided at Heidelberg Gardens following works to the ramp to ensure the spaces are accessible. This facility will be shared with staff from the Hotel and Nightclub associated with the other planning application on site (18/0829/FUL).

### 3.0 SITE HISTORY

Reference	Description	Outcome
18/0829/FUL	Change of use of St George House and Lion House from office (Class B1) to hotel (Class C1); relocation of nightclub (Sui Generis) in St George House to basement service yard in Lion Yard shopping centre (Class A1); relocation of the substation within the basement; associated alterations to the buildings including new windows, new entrance to the nightclub from the shopping centre, new goods lift for the hotel and cycle parking.	Pending consideration

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	1 10, 11 55, 56, 58, 59 , 61 69, 71 82

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

Central Government Guidance	National Planning Policy Framework February 2019  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)  Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)  Strategic Flood Risk Assessment (2005)  Cambridge and Milton Surface Water Management Plan (2011)  Cycle Parking Guide for New Residential Developments (2010)  Air Quality in Cambridge – Developers Guide (2008)  The Cambridge Shopfront Design Guide (1997)
	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)

## 6.0 CONSULTATIONS

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

#### *First comment*

- 6.1 Objection: I will make a full comment after consultation with my colleagues in the Transport Planning Team. The applicant must provide plans showing the existing building footprint with the proposed building footprint superimposed so that it can be verified whether any of the structures, or their doors, encroach upon the public highway. From this it will be able to be determined whether, or not, the application can proceed without a stopping up order, or would breach the Highways Act, 1980. Until this is provided the Highway Authority considers that

inadequate information has been provided upon which to make a decision and so objects to the proposal.

- 6.2 The application proposes extensive changes to the adopted public highway. The Highway Authority cannot accept the additional burden on the Authority's budget that the maintenance of this landscaping will impose. The Highway Authority is no longer able to accept additional street trees or planting as it cannot undertake the on-going maintenance burden of these. If trees or planting are required as part of the proposal the future maintenance will need to be undertaken by others in a way acceptable to the Highway Authority. An informative is recommended.

*Second comment*

- 6.3 The suggested way of implementing the works within the existing adopted public highway is much simpler and cleaner, than that originally suggested by the applicant and is acceptable to the Highway Authority. The small areas proposed to be stopped up are minor and likely to be acceptable. Request amendments to the plans to ensure changes in pavement are clearer. Minor amendment to proposed materials requested.

*Third comment*

- 6.4 The plans show building on the highway and the Highway Authority draws the applicant's attention to the stopping up process. Steps, a wall and doors are also shown opening out onto the public highway; these would be a hazard and would be unacceptable.

**Environmental Health**

*First comment*

- 6.5 No objection: We have concerns about potential operational noise, disturbance and odour impacts associated with the proposals on several nearby residential premises. Notwithstanding these concerns, considering the character of the area and the fact that this is a busy City Centre location, on balance this service has no objection in principle to this full application. 5 conditions are recommended to protect residential amenity during construction. All 6 standard contaminated land

conditions are recommended. Conditions are recommended to control, restrict and manage noise and odour once the Food and Beverage Quarter becomes operational. An artificial lighting condition is recommended. A number of informatives are also requested.

#### *Second and third comments*

- 6.6 There has been some discussion between the applicant and the Environmental Health Team regarding proposed condition requirements and triggers. Both parties have clarified matters and some minor amendments to conditions have been agreed and are recommended.

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

#### *First comment*

- 6.7 No objection: The proposal to demolish the existing units is supported as they are of no particular historic or architectural interest. The proposed replacement for the single storey units takes a stepped approach from the ground and leading up to three storeys. The footprint of the building is smaller than the existing, although it will be of greater height. However the reduced footprint will allow the church to improve its setting by giving it greater space around it. In the same vein, the greater height for the restaurants, especially with the external seating areas, will allow different views of the church and a greater appreciation of its architecture. The alterations to the entrance to Lion Yard will be an improvement to that building and therefore that of the conservation area.
- 6.8 Section 4 of the submitted Transport Assessment (TA) sets out the number of additional cycle parking spaces required for staff and visitors based on the emerging local plan, providing an explanation of how this requirement is being met. With regards to dedicated staff cycle provision we support the proposals to utilise and improve access to the existing Heidelberg Gardens. The existing steps will be made shallower and a wheel gully installed to assist pushing bikes up and down the step. A possible layout cycle parking arrangement plan (dwg 31063/AC/013) is also included in the TA. Overall we consider that given the site constraints, that the proposed improved staff cycle provision represents a pragmatic approach. Details are

required by condition. The Transport Assessment also sets out (para 5.1.9-5.1.10) that by improving staff cycle provision and making it more attractive to use that this in turn benefits the on street visitor provision by freeing up space that would have been potentially occupied for longer periods by staff. We believe this is a reasonable assumption to make. Finalised details of visitor cycle parking should be approved through the public realm condition.

- 6.9 The proposed public realm improvements set out in the Public Realm Outline Design Document are supported as they have the potential to positively enhance the setting of the listed building and the conservation area as a whole. From this better provision within the public realm, there will be more opportunity to appreciate the heritage assets in the area, for example Christ's College, Lloyds Bank and St Andrew the Great. By improving the landscape around the church it will be a more welcoming area to spend time and to wander through.
- 6.10 Notwithstanding the proposed materials submitted (drawing no. 13041 P-B-500), the success of the development will hinge on the use of good quality materials, appropriate to this sensitive location adjacent the listed buildings and within the Historic Core. The materials will have to work well with the character of the area which may not mean being the exact same brick as is on the existing buildings. The new three storey extension will be the greatest change along with the landscaping. The character of those elevations is supported as it has a clearly defined rhythm with a good vertical emphasis that reflects the proportionality of the church windows.
- 6.11 The overall design and relationship with the conservation area is considered an enhancement to this part of the Historic Core and subject to suggested conditions is supported in conservation and urban design terms.

*Comments on amended public realm (second comment)*

- 6.12 No objection: The Urban Design and Conservation Officers are concerned that the revised materials should be appropriate to the site and that this can only be judged by seeing samples along with those for the new build elements. There needs to be a comprehensive materials scheme for the whole site to ensure that it makes a positive contribution to the character and

appearance of the conservation area. Conditions requiring samples of materials to be agreed prior to construction and for a sample panel to be constructed on site are recommended. There are concerns over the proposed bollards which have the potential to obstruct the free flow of pedestrian movements and will provide additional street clutter. The introduction of these bollards is not supported.

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

#### *First comment*

- 6.13 No objection: A sustainability statement has been submitted in accordance with policy. It is noted that for some elements of the scheme, fit-out is to be left to future tenants and as such, at this stage, it is not possible to commit to targets such as water efficiency. I would echo the concerns of landscape colleagues with regards to the use of green walls due to the long term sustainability implications of such features, particularly in relation to water use. I would also echo the response of my sustainable drainage and ecology colleagues with regards to the role of green roofs for the scheme. The Sustainability Statement does make reference to green roofs but as of yet there does not appear to be a firm commitment to utilise green roofs. A green roof could offer multiple benefits to the scheme from surface water attenuation, ecological enhancement and helping to reduce the internal cooling loads of the building. I would, therefore, strongly recommend their implementation. Three conditions are recommended.

#### *Second comment*

- 6.14 No objection to extending the timeframe for submission of details from 6 to 8 months.

### **Access Officer**

- 6.15 The streetscape will need seating of mixed height and with and without handrails. The nightclub will need a wheelchair accessible toilet and wheelchair access to all of nightclub. The hotel I've reservations because of the lack parking or drop off. Technically every wheelchair accessible room should have a parking space. I feel that the hotel should have some deal with a nearby car park for at least 5 blue badge spaces. Even with

this, drop off would be difficult. To mitigate this 2 rooms with fixed hoists would be something to meet BS8300. I would like to see detailed plans of all accessible rooms (7). Fire evacuation policy needs to be established.

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

- 6.16 No objection: No formal objection to the removal of the Birch. A tree protection condition is requested in relation to the trees in the Church. The London Plane especially could be impacted by construction works.

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

- 6.17 Further information is needed: The use of green wall installations is strongly discouraged. The maintenance and ongoing management of these installations is often misrepresented in the long term and Cambridge has experienced failures in nearly all installations to date. We would encourage the use of planters at ground level with climbing plants trained up a trellising framework of some form. These take longer to establish on the wall but overall are less vulnerable to failure and, in time, provide much the same effect. Planters themselves would require a very robust management regime to prevent failures and to prevent them becoming litter vessels. We would advise that the planters should be mechanically irrigated to ensure establishment and survival in the harsh urban conditions they will be exposed to. Benches should include choices with backs and arm rests to ensure inclusivity in the public realm. This is a very urban development with little landscape other than ambient features for the most part. We can support the scheme subject to condition.

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

#### *First comment*

- 6.18 Objection: All developments, including redevelopments, in Cambridge are required to provide a 20% reduction in surface water runoff rates. No information has been supplied to demonstrate the condition of the existing surface water drainage network, a replacement network may increase flood risk. Written confirmation is required from Anglian Water to

demonstrate that the foul water requirements for the site can be provided. The new flat roofs proposed must be installed as biodiverse green roofs, both in terms of providing drainage betterment as per City Council requirements but also to fulfil the biodiversity net gain requirements in NPPF.

*Second comment*

- 6.19 Objection: Both the green roofs and rainwater harvesting have been discarded on the boutique unit reconstruction area. If a flat roof cannot be installed on this area, then rainwater harvesting should be considered for the new pitched roof. The structural assessment of the plant deck roof has not compared the design loadings of the new plant deck area with those required for a green roof. Furthermore, this section of roof is to be rebuilt and the design could incorporate the additional loading.

*Third comment*

- 6.20 No objection: Details of proposed rainwater harvesting are required by condition.

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

- 6.21 No objection: The Sustainability report has a section on ecology that recommends installation of a biodiverse green roof. However, such provision does not appear within the submitted plans. It is recommended that the installation of a biodiverse living roof on existing flat roofs be explored to considerably enhance the biodiversity value of the site. Detailed construction and design could be conditioned. The recommended for ecological enhancements for nesting bird and breeding bats is supported and a condition is recommended to deal with the details.
- 6.22 No objection: Content with further bat survey which found no bat roosts at Lion Yard and recommends no mitigation for bats would be required.

**Historic England**

- 6.23 No comments.

## **Anglian Water**

- 6.24 No objection: A condition is recommended regarding a surface water management strategy.

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

- 6.25 No objection: This office has already been engaged in early consultation with the applicant and provided details on crime research and a security needs assessment for this application. The plans and documents suggest that this assessment has been considered to incorporate necessary and relevant security measures applicable to this location.

## **Transport Assessment Team**

- 6.26 Objection: Cambridgeshire County Council are placing a holding objection on this application as detailed plans of the extant and proposed land use are needed to ensure that proposals are not encroaching onto public highway; and as the County Council does not allow street trees or planting due to the maintenance cost. Once these issues have been addressed, the holding objection can be removed. A travel plan is recommended to be conditioned.

## **Planning Policy**

- 6.27 No objection: The proposed changes reflect a need for city centre locations to make better use of their retail offer and broaden their appeal. The Grafton Centre has had to upgrade and remodel its interior space; in particular a large clothing store space will soon be divided into smaller units. Some, if not all are expected to be occupied by restaurant operators which will broaden the appeal of the shopping centre with more evening/leisure options on offer. The proposed changes to Lion Yard will provide greater options for food and beverage retail and complement the remaining/reconfigured retail floorspaces. These changes will support the city centre's appeal as a city centre location and enhance its vitality and vibrancy, at a time when other retail centres are adapting their retail and leisure offer. The proposal therefore satisfies the applicable policy criteria in the Local Plan with regard to land use suitability.

## **Ministry of Defence - Defence Infrastructure Organisation**

- 6.28 No objection: a condition is recommended regarding a construction management strategy to ensure that construction work does not impede air traffic movement.

### **Disability Consultative Panel**

- 6.29 The conclusions of the Panel meeting were as follows:

#### *Extension of the public realm and street furniture.*

The Panel expressed concern as to the likelihood of tables, chairs and A-Boards encroaching on this new space, but were assured that restrictions would be in put in place. Refuse would be re-located to basement level and cycle provision would be increased to reduce clutter.

New benches are to be introduced to provide resting points outside the church but these would be designed in a way to inhibit cycles being chained to them. The entrance to the church is to be redesigned for the benefit of wheelchair users.

#### *Bollards.*

The Panel note these will be sufficiently wide apart to accommodate wheelchairs, but would stress the need for a robust management plan to avoid cycles being irresponsibly locked to them.

#### *A controlled crossing into Lion Yard across St Andrew's Street.*

Since the demolition of what was Bradwell's Court when the controlled crossing was removed, disabled and vulnerable people can no longer cross with safety at this point and have to travel further up St Andrew's Street towards Emmanuel College where traffic volumes can be intimidating. The Panel would therefore welcome any dialogue with the Highways Authority regarding the re-instatement of this crossing.

#### *Staircase to restaurant level.*

The Panel questioned whether the seemingly daunting gradient of the staircase would result in pedestrians queuing for the lift. There are also anti-social behaviour issues related to such a space where people would be tempted to linger but the Panel were informed that 24/7 security would be in place.

*Means of escape in an emergency.*

With one lift per unit, the Panel questioned whether wheelchair users would be able to escape safely from the restaurant area in the event of an emergency. It was felt however that if the units are linked at the service area level, then that would constitute an acceptable fire evacuation strategy.

*Hotel (currently St George House.)*

*Entrance.*

The Panel welcome the improvements proposed for the entrance and would stress the need for a double automated door.

*Bedrooms.*

The designers are reminded that DDA compliance is now Equalities Act, but both give no guidance. Standards that should be met are those of Part M Building Regs and BS8300, or industry standards such as Sport England when considering access features. The inclusion of a hoist in some accessible bedrooms would be a welcome addition. These are not currently provided by any Cambridge city centre hotel and as a disabled guest would therefore not need to provide their own portable hoist, this would go some way to mitigating the absence of any parking provision as there would less to unload on arrival. A significant selling point therefore.

*Means of escape (basement nightclub)*

The inclusion of robust fire evacuation procedures particularly for the more vulnerable is a key consideration for the Panel; particularly since the Grenfell disaster. The inclusion of various escape routes is welcomed but the designers are urged to consult with a fire evacuation expert on the specific issue of disabled egress in an emergency. The Panel note that as this will be a conversion from office use, the rooms will be non-standard. The opportunity to comment on the rooms once the tenant has been identified would be welcomed therefore.

*Bathrooms.*

The Panel would recommend the use of sliding bathroom doors for improved access when space is limited. For flexibility, ambulant features such as handrails in all showers would also be recommended and can be designed to be an attractive feature.

*Parking and drop-off arrangements.*

The Panel note that the two disabled parking bays will remain although in the experience of Panel members, these are often full and the narrow paving around Fisher House makes this area particularly difficult for wheelchair users to navigate. The Panel note that taxis will be able to pull in and drop off at the hotel entrance. The inclusion of parking is not expected for budget hotels but the designers are advised to refer to Building Regs. guidance on this issue. As disabled people often have to travel with more equipment, consideration should at least be given to the inclusion of a valet parking system.

*Hotel cycle parking provision.*

Concern was expressed as to whether additional cycle parking provision beneath the arcaded area would become cluttered. Additional provision proposed for the dockless 'Ofo' bikes was also a concern as their irresponsible use is becoming a city-wide problem. A controlled and formalised approach will be key to its success.

*Conclusion.*

The Panel welcome the public realm improvements although the absence of parking for the hotel is disappointing. As disabled people inevitably need to travel by car into the city centre, a solution perhaps reached in partnership with the Grand Arcade car park should be thoroughly explored.

**Design and Conservation Panel (meeting of 11 April 2018)**

6.30 Prior to the submission of the applications, the proposals for the Lion Yard to be considered under this application and 18/0829/FUL were presented to Design and Conservation Panel. The schemes remain largely the same although some changes were made in response to comments from the panel.

6.31 The panel's comments are as follows:

Although the proposals are largely a refurbishment of the existing Lion Yard Shopping Centre, they embody some new moves that would potentially greatly enhance the nature of the spaces around and within Lion Yard. The Panel would be keen to see these aspects of the project explicitly defined and realised. They include the following aspects:

*Public realm and the setting of the Church of St Andrew the Great.*

Although crucial to the success of this scheme, the Panel were disappointed by what they regarded as a particular lack of vision in terms of proposals for redefining the setting of the church, (Grade II Listed). It seemed to be regarded as an embarrassment rather than an asset. At its western entrance in particular, with its awkward steps, the church turns its back on the street. The proposed additional seating also faces away from the church.

The Panel are supportive of public realm improvements in this area. With the proposed re-paving of these spaces, this is an opportunity to consider the whole Yard entrance area as a precinct of the church. The church entrances and existing trees make a distinctive setting for the entrance to Lion's Yard. The paving at the east end, for example, could be pushed out to the kerb line on St Andrew's Street, allowing the church to relate more effectively to the street.

This is a major church that should feel like a unique and celebrated element in the streetscape. It was suggested that Michaelhouse church on Trinity Street is a good example of how an existing church can be integrated into the surrounding street scene.

*The new entrance to Lion Yard.*

The proposed double height space of the first bays into the arcade is to be applauded as a measure that would enhance this entrance by introducing more light and space.

*The new staircase to 1<sup>st</sup> floor restaurant.*

With only nominal external space at the top of the staircase and no through route into Lion Yard, the Panel felt this was a major urban gesture that should be revisited. The internal lift allows disabled access into the restaurant at the top, but questions were raised as to how these two uncontrolled entrances would work in practice. Also, the height of the screen wall to the upper floor external terraces would exert a major presence on the yard alleyway beyond, which happens to include the historic photographic studio of Ramsey and Muspratt.

#### *New entrance to nightclub.*

Creating a safe new entrance to the nightclub is crucial to the success of this scheme and its night time use. This is a critical component of the new urban routes and entrances around the entrance court for Lion's Yard on to St Andrew's Street.

#### *The hotel.*

The Panel note that the dialogue with the Highways Authority had not yet begun. The outcome of these discussions will be relevant to (among other issues) the current lack of vehicular drop-off outside the hotel entrance on Guildhall Street. The Panel felt that the constrained and understated nature of the proposed hotel entrance doorway could work, if handled competently.

#### *Refurbishment.*

The Panel were not convinced by the need to preserve the existing Petty Cury elevation as the reason to adhere solely to a refurbishment scheme. As this is not considered as a building of particular merit or described as positive in the Local Authority appraisal documents, the Panel would consider a fresh and thoughtful design approach to the definition of the street elevation.

#### *The new windows along Petty Cury.*

No information was provided on the quality of the spaces created behind these windows. The Panel would encourage the designers to work with the existing rhythm of structural bays, rather than trying to impose a standard hotel room dimension on top of the existing bay spacing. This could achieve a better fit for the rooms and improve their proportions.

#### *Heidelberg Gardens.*

This has the potential to be a landscaped space for the hotel guests to enjoy and not simply a cycle park. The Panel also questioned the practicality of the ramped entrance to this space that could be potentially made more attractive and usable.

#### *Conclusion.*

The Panel cannot overemphasise the importance of this Lion Yard scheme for the centre of Cambridge. It is also a complex refurbishment project involving many technical issues; not least the integration of new services, mechanical ventilation and the

scheme's impact on the existing retail units. These challenges were not explored as part of today's presentation.

The Panel can see the positive aspects of the scheme, but also the variety of presently unresolved urban issues that need extensive further examination. An early May application submission would be regarded as very premature, leaving little time to resolve many key issues.

The Panel look forward to seeing more of the detailed development of this important project.

## **VERDICT – RED (6) AMBER (2)**

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

## **7.0 REPRESENTATIONS**

- 7.1 UK Power Networks has made a representation in objection to the application:

- 7.2 The representation can be summarised as follows:

- The applicant has not served notice in accordance with the Party Wall Act

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

- The Flat, 29 Petty Cury
- 17 Romsey Road

- 7.4 These representations in objection can be summarised as follows:

- The area is already overcrowded and the space between buildings would be inadequate.
- Additional people in the area will have an adverse impact on the setting of the church
- The development will increase anti-social behaviour
- Pressure on sewer system
- Need for additional police
- Pressure on street cleaning services

- Additional food and drink businesses will put pressure on existing independent businesses
- Question whether there is a need for the development which offsets the harm to the historic environment
- The additional height and design of the new buildings will change the character of the space
- Concerned that units will become hot food takeaways and will result in littering
- Suggest that café units are located in the existing shopping centre
- Creating a public space is welcome but this does not need to include further retail
- Question the affordability of rents of the future units for independent businesses.
- The City Council should focus on Regent St or Mill Road.

7.5 St Andrew The Great, St Andrews Street have made a neutral comment requesting that they are consulted by the applicant on any changes to paving around the church.

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

## **8.0 ASSESSMENT**

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

## **Principle of Development**

- 8.2 Policy 10 of the Cambridge Local Plan 2018 relates to the City Centre. This states that the city centre will be the primary focus for developments for meeting retail, leisure, cultural and other needs appropriate to its role as a multi-functional regional centre. Any new development or redevelopment should add to the vitality and viability of the City Centre and achieve a suitable mix of uses. Development in the city centre should also preserve and enhance heritage assets, be of high quality design, deliver high quality public realm and promote sustainable transport.
- 8.3 Policy 11 of the Cambridge Local Plan 2018 relates to development in the City Centre in the Primary Shopping Area. This policy supports proposals for other centre uses, provided they complement the retail function and make a positive contribution to the vitality, viability and diversity of the City Centre. They need to provide active frontages and not have a detrimental effect on the character or amenity of the area through smell, litter, noise. Additionally, A1 uses should not fall below 70 per cent in any primary frontage unless the change would be beneficial to the vitality and viability of the frontage.
- 8.4 The Planning Policy Officer considers that the proposal reflects a need for city centres to diversify their offer to broaden appeal, noting that the Grafton Centre has begun to include a wider range of offer in its centre. In the Policy Officer's view the proposal would complement the existing retained retail floor space in Lion Yard and would enhance the vitality and vibrancy of the city centre. I share this view and consider the proposed Food and Beverage Quarter would benefit the vitality and viability of the area in accordance with policy 11.

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

- 8.5 The shopping centre currently wraps around the listed St Andrew the Great Church and compromises its setting by reducing breathing room around the building. The removal of the existing kiosks on Church Walk is supported as these are of no architectural merit. The extension which will replace these kiosks although greater in height, replacing single storey with 2 storeys, would have a reduced footprint allowing for increased

space between the built form of the shopping centre and the listed church. The mass of the replacement extension is lowest closes to St Andrew Street stepping up as it moves towards the main body of the shopping centre. Due to the reduced footprint and the stepping up of the height of the extension with roof terraces to break up the massing, I am satisfied that although the extension would be greater in height it would not dominate the church.

- 8.6 The application proposes works to the entrance to Lion Yard adjacent to the new extension. This is proposed to be double height and result in improved public views of the listed church. The works to the entrance are achieved through the loss of a small amount of retail floorspace but would create a more welcoming entrance. The new entrance will increase legibility and positively reinforce the entrance as a major secondary route into the shopping centre. The opening up of views of the church is considered to be a public benefit of this element of the proposal.
- 8.7 The proposed amendments to public realm include new paving around the church. The new paving, combined with the new building line and works to the entrance will all have a positive impact on the setting of the listed church. This land is owned by Cambridgeshire County Council. Talks have been on-going between the applicant and the County Council for a number of months to establish a solution as the proposal includes works to the public highway. Initially discussions centred on stopping up the highway so that the applicant could provide and maintain the new paving and public realm. This was found to not be the correct process to follow and the applicant has amended their proposal to include materials which the Highway Authority would find acceptable to maintain. The Urban Design and Conservation Officers have reviewed the revised proposed material palette and have no objection to the principle of the change of materials. A condition is recommended requiring details and samples of the proposed public realm materials to be approved prior to construction.
- 8.8 Design and Conservation Panel expressed concerns about the scheme. They felt the proposal would turn its back on the listed church. I do not share this view and consider that the revised building line and opening up of the entrance to the shopping centre would give the church more breathing room and better

reveal its significance. The proposed dining roof terraces would also allow for currently unseen views of the church. Design and Conservation panel also expressed concerns about the access arrangement to the unit with the feature stairs for wheelchair users. This would be served by a lift accessed from Church Walk. Panel questioned how the restaurant would manage having two access points. I have no concerns about this in planning terms. In my view the unit would be accessible to wheelchair users and it would be for the restaurant to manage customers access arrangements. I am mindful of the comments from Design and Conservation Panel and their aspiration for a more comprehensive redevelopment of the site. However the scheme in front of us has been carefully considered and is considered to preserve and enhance the character and appearance of the Conservation Area.

- 8.9 The Urban Design and Conservation team have raised concerns about the proposed bollards in the public realm. They consider these to be clutter and raise concerns that they would impede pedestrian movement. The applicant has responded to their concerns noting that the bollards are included for public safety reasons; for crime prevention and terror attack prevention purposes. The Urban Design and Conservation concerns are noted but the applicant's justification is considered adequate. Detail of the bollards can be agreed through the recommended hard landscaping condition to ensure they are as unobtrusive as possible.
- 8.10 The Tree Officer has reviewed the plans and has no objection to the proposal subject to conditions to protect the surrounding protected trees within the churchyard. The Landscape Officer has raised concerns about the proposed green wall as there have been issues with other installations in Cambridge which have been unsuccessful in the long term. A condition is recommended requiring details of the green wall to be submitted prior to construction and should the details be considered unacceptable or should the green wall fail, a revised proposal is recommended to be required. The Drainage Officer, Ecology Officer and Senior Sustainability Officer requested green roofs to be incorporated into the proposal. The applicant has provided a technical note on drainage as a justification of why this is not viable. This details that it would not be possible to retrofit the roofs around the hotel due to their size and limited structural capacity to accommodate the weight of the additional

green roofs. The Drainage Officer is satisfied with the justification but recommends a condition requiring details of rainwater harvesting. Given the Drainage Officer's position on the justification for why green roofs are not viable, the Senior Sustainability Officer and Ecology Officer are satisfied that there would be no requirement to provide green roofs in this instance.

- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58, 59, 61 and 71.

### **Public Art**

- 8.12 The application is classified as a minor application and as a result there is no policy requirement to provide public art. Given the prominent city centre location of the site, an element of public art could be a positive inclusion in the project. I have discussed this with the applicants but no further information has come forward. As there is no policy requirement for public art to be provided on an application of this type, the lack of public art is not considered harmful or to be a reason for refusal. An informative will be included to explain that public art would be viewed favourably on site.

- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56, 59 and 85 and the Public Art SPD 2010

### **Renewable energy and sustainability**

- 8.14 The Senior Sustainability Officer is satisfied that the information provided is acceptable subject to conditions. The applicant has requested that the timeframe for submitting information to discharge the conditions is increased from 6 to 8 months. The Senior Sustainability Officer has no objection to the minor increase to the timeframe for submission.
- 8.15 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 the Sustainable Design and Construction SPD 2007.

### **Drainage**

- 8.16 The Drainage Officer raised an objection to the original proposal and required amendment so that all flat roofs proposed would

be green or brown roofs. The applicant provided additional information to demonstrate that this would not be viable. The Drainage Officer is satisfied with the additional information and has requested that rainwater harvesting details are dealt with through condition. Anglia Water has requested a condition requiring a surface water management strategy. This has also been recommended.

- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 31.

### **Disabled access**

- 8.18 All of the proposed units within the F and B Quarter would be wheelchair accessible. The Access Officer has noted that any seating should be at variable heights. This could be dealt with through the hard landscape condition and is recommended to be included as an informative to ensure the applicant is aware of the requirement.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56 and 59.

### **Residential Amenity**

#### **Impact on amenity of neighbouring occupiers**

- 8.20 The Environmental Health Team note the proximity of the site to a number of residential dwellings which have the potential to experience some noise disturbance, the team have reviewed the submission and weighed the harm against the fact that the site is located in a city centre location where residents would expect a higher level of noise than in a predominantly residential area. Their view is that on balance the impact would be acceptable subject to the imposition of a number of operational conditions. These seek to control details of plant noise and operational noise from the FBQ use. This includes a condition requiring an operational noise management and monitoring plan for the use. Hours of use are proposed to be restricted as is the use of amplified music on the external terrace areas. In my view, subject to the proposed conditions, the development would not have a significant adverse impact on nearby occupiers in terms of noise and disturbance.

- 8.21 A number of conditions are also proposed to protect the amenity of nearby occupiers during construction. These require details of construction noise, vibration and dust to be agreed and restrict construction hours and delivery hours to the site during construction. All six contaminated land conditions are requested.
- 8.22 A number of the representations raise concerns about the proposed development and suggest it would result in an increase to littering and anti-social behaviour. I have no evidence before me to suggest this would be the case. As noted in paragraph 8.4, the proposed use is considered to add to the existing mix of city centre uses. One representation raises concerns that the proposal will result in overcrowding of the area adjacent to the church. The proposal would result in the built form being pulled away from the church, creating more space between the buildings.
- 8.23 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 and 56.

### **Refuse Arrangements**

- 8.24 Refuse arrangements remain broadly the same as existing for the shopping centre. The units will all have a basement area where refuse can be stored and will be collected. There is no objection to this system being retained for the new units.
- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 11 and 59.

### **Highway Safety**

- 8.26 The Transport Assessment Team has assessed the proposal and has no objection subject to a travel plan being dealt with through condition. As noted in paragraph 8.7, the Highways Development Management Team from the County Council originally objected to the application as it involved works to the public highway. The County Council Transport Assessment Team also placed a holding objection on the application for the same reason as the mechanism to deliver the proposed public realm had not been agreed when the application was submitted.

The Applicant and the County Council have had lengthy discussions on how to come to a solution which works for both parties. The applicant had originally proposed to stop up the highway to facilitate the new paving and public realm improvements. The Highway Authority did not consider this to be appropriate. The applicant has as a result amended their proposed public realm to ensure that it complies with the Highway Authorities approved materials. The current proposal does still involve some minor stopping up of the public highway but this is two small areas which relate to a difference between the County Council and applicant's deeds. It is understood that the Highway Authority is agreeable to this minor stopping up but the process cannot commence until planning permission has been granted. The Highway Authority have raised concerns about some steps and a door opening on to the public highway. These are both in an area which is proposed to be stopped up and will need to be agreed between both parties as part of the stopping up order.

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

### **Car and Cycle Parking**

- 8.28 The Transport Assessment details that improvements are proposed to make the existing cycle parking at Heidelberg Gardens more accessible. Details of these changes are recommended to be dealt with by condition to ensure the cycle stands are laid out and adequately accessible. These stands will be solely for the use of Lion yard staff. A total of 54 staff cycle parking spaces are proposed. These spaces would be secure and covered. The provision of dedicated secure staff cycle parking is considered to be beneficial for staff but also beneficial in that it will free up on-street cycle parking for visitors to the shopping centre.
- 8.29 There are currently 36 visitor cycle parking spaces around Church Walk. An additional 22 spaces are proposed to be accommodated through the public realm improvements. The additional stands combined with the reduced pressure on visitor stands though the provision of a dedicated staff cycle parking area is considered to be beneficial.

- 8.30 It is not possible to provide any off-street car parking as part of the proposal. The site is located within the designated City centre and is well served by public transport, pedestrian and cycle infrastructure. As a result there is no objection to the lack of off-street car parking.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

### **Third Party Representations**

- 8.32 I have addressed the majority of the third party representations in the body of my report but I will consider any outstanding matters in the below table.

<b>Representation</b>	<b>Response</b>
The applicant has not served notice in accordance with the Party Wall Act	This is a civil matter rather than a material planning consideration.
The area is already overcrowded and the space between buildings would be inadequate.	See paragraph 8.22
Additional people in the area will have an adverse impact on the setting of the church	See paragraph 8.22
The development will increase anti-social behaviour	See paragraph 8.22
Pressure on sewer system	This is not a material planning consideration
Need for additional police	There is no evidence to suggest the proposal would result in the need for greater policing. See paragraph 8.22
Pressure on street cleaning services	See paragraph 8.22
Additional food and drink businesses will put pressure on existing independent businesses	There is no evidence to suggest that the proposed new food and beverage units would harm independent businesses. The Planning Policy Officer considers the proposal to be acceptable and

	compliant with policies 10 and 11 of the Cambridge Local Plan. I share this view. See paragraphs 8.2 – 8.5
Question whether there is a need for the development which offsets the harm to the historic environment	The proposal is considered to preserve and enhance the character and appearance of the conservation area.
The additional height and design of the new buildings will change the character of the space	The proposal will change the character of the street but the existing kiosks are of no architectural merit and the existing public realm is in a poor state of repair.
Concerned that units will become hot food takeaways and will result in littering	See paragraph 8.22
Suggest that café units are located in the existing shopping centre	The proposed uses are considered acceptable and compatible with policy.
Creating a public space is welcome but this does not need to include further retail	The site is currently in commercial use and the proposal would retain this whilst improving public realm.
Question the affordability of rents of the future units for independent businesses.	This is not a material planning consideration.
The City Council should focus on Regent St or Mill Road.	The City Council is not the applicant. The proposal is considered to comply with policy as outlined above.

## Planning Obligations

- 8.33 The proposal does not attract any requirement for financial contributions. The Highway Authority is agreeable to the principle of the development subject to the use of approved materials and rectifying the plans showing doors opening onto the highway. These materials will need to be viewed and agreed by the City Council's Urban Design and Conservation Team prior to commencement of any public realm works to ensure that these respect the character and appearance of the Conservation Area and the setting of the listed church. An element of stopping up is required. It is understood that this

relates to a boundary dispute between the applicant and the highway authority. The principle of stopping up the two minor areas shown on the map which has been provided by the applicant has been accepted by the highway authority. This is a separate process outside of the planning process which will need to be resolved between the applicant and the Highway Authority. I am satisfied that the principle of the proposed works is acceptable to the Highway Authority and that conditions to deal with details of materials can be imposed to ensure that they are appropriate.

## **9.0 CONCLUSION**

- 9.1 The proposed works, subject to conditions regarding details and materials, are considered to preserve and enhance the character and appearance of the Conservation Area. The new building line, improvements to the public realms and works to open up the entrance to the shopping centre would better reveal the significance of the listed church. The Environmental Health Team are satisfied that given the city centre location of the site, subject to conditions, the proposal would not have a significant adverse impact on the amenity of nearby residential properties. The proposal would provide dedicated staff cycle parking as well as additional on-street visitor cycle parking. The applicant has been in discussions with Cambridge County Council about proposed works to the public highway. The principle of the works has been agreed but final detail, including agreeing the stopping up of minor elements of the highway, will need to be agreed.

## **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. Submission of Preliminary Contamination Assessment:

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

- (a) Desk study to include:
  - Detailed history of the site uses and surrounding area (including any use of radioactive materials)
  - General environmental setting.
  - Site investigation strategy based on the information identified in the desk study.
- (b) A report setting out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

4. Submission of site investigation report and remediation strategy:

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

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

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

5. Implementation of remediation.

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

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

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the Local Planning Authority.

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

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

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

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

## 7. Material Management Plan:

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

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

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

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

8. Unexpected Contamination:

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

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

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

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

10. 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 unless otherwise approved in writing by the Local Planning Authority

Reason: To protect the amenity of the adjoining properties and also to ensure that one off deliveries are approved (e.g road closures for cranes and oversized steels) (Cambridge Local Plan 2018 policy 35).

11. Prior to commencement of the development, hereby permitted, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- i) contractors access arrangements for vehicles, plant and personnel,
- ii) contractors site storage area/compound,

- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

The development shall be undertaken only in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period .(Cambridge Local Plan 2018 policies 35 and 36)

12. No development shall commence (including any pre-construction, demolition, enabling works or piling), until a written report, regarding the demolition / construction noise and vibration impact associated with this development, has been submitted to and approved in writing by the Local Planning Authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. The development shall be carried out in accordance with the approved details only.

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

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

13. 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).

14. Prior to the first occupation of each unit, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such.

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

15. Prior to commencement of each of the food and beverage quarter (Class A3/A4) units hereby approved and on a phased unit by unit approach if necessary / required, a Food and Beverage Quarter (Class A3/A4), Noise Management and Monitoring Plan (ONMMP) to minimise and reduce the noise impact of sources associated with these uses (internally and externally) shall be submitted to and approved in writing by the Local Planning Authority. The approved ONMMP shall be implemented in full thereafter and shall be reviewed and updated, as necessary and at the request of the Local Planning Authority.

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

16. Prior to the installation of any plant and equipment associated with each unit, a noise impact assessment of and a noise insulation scheme as appropriate for plant and equipment (including all mechanical and electrical services such as combustion appliances / flues and ventilation systems / louvres, plant rooms and electricity substations), in order to minimise the level of noise emanating from the said plant and equipment shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

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

17. Prior to commencement of the Food and Beverage Quarter use hereby approved, and on a phased unit by unit approach if required, a noise insulation scheme post construction completion, commissioning and testing report to include scheme sound performance testing and monitoring, shall be submitted to and approved in writing by the local planning authority.

The post construction completion, commissioning and testing report shall demonstrate compliance with the Food and Beverage Quarter (Class A3/A4) Use Noise Assessment / Insulation Scheme and Plant / Equipment Noise Assessment and Insulation Scheme (as required by conditions 16 and 21 respectively) and shall include airborne acoustic / sound insulation and attenuation performance standard certification / reports for scheme elements, the consideration and checking of the standard and quality control of workmanship and detailing of the sound insulation scheme and any other noise control measures as approved. Full noise insulation scheme sound performance testing and monitoring will be required.

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

18. Amplified music shall not be piped into / played in external terraces.

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

19. External terraces shall only be occupied between the hours of 0700 to 2300hrs.

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

20. Operational service collections and deliveries / dispatches associated with the approved uses shall be undertaken fully in accordance with the submitted Transport Planning Practice (TPP) Lion Yard - food and beverage quarter (Class A3/A4) Delivery and Servicing Management Plan, May 2018.

Any collections / deliveries and servicing including the emptying of waste / recycling receptacles directly on or from the public highway / on-street shall only be permitted between the hours of 0700 to 2300hrs.

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

21. Before the development hereby permitted is commenced, a noise impact assessment of the Food and Beverage Quarter (Class A3/A4) uses on neighbouring premises and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said uses (having regard to internal noise generation - sound system setup with consideration of in-system noise limiting devices, noise egress via building structure - fabric, glazing, openings and ventilation systems, premises entrances and associated external patron noise) shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully constructed and implemented before the use hereby permitted is commenced and shall be retained thereafter.

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

22. Prior to the installation of any artificial lighting an internal and external artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed hotel and existing properties shall be undertaken (horizontal / vertical isolux contour light levels and calculated glare levels at receptors) . Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals - Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded). External lighting should be designed in accordance with the submitted Hoare Lea 'Lions Yard. Cambridge. ENVIRONMENTAL LIGHTING - OBTRUSIVE LIGHTING ASSESSMENT 18 MAY 2018' and 'Lighting Planning Report 25 April 2018'

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

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 34).

23. Prior to the commencement of above ground works, full details including samples of the materials to be used for the public realm shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 55 and 57).

24. 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)).

25. A sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 55, 58 and 61).

26. No external windows or doors shall be installed until drawings at a scale of 1:20 of details of sills, lintels, transoms, mullions and spandrel panels have been submitted and full details of all glass to be installed in doors/windows shall be submitted to and approved in writing by the local planning authority.

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, 58 and 61).

27. A sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 55, 58 and 61).

28. No external windows or doors shall be installed until drawings at a scale of 1:20 of details of sills, lintels, transoms, mullions and spandrel panels have been submitted and full details of all glass to be installed in doors/windows shall be submitted to and approved in writing by the local planning authority.

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, 58 and 61).

29. All new window frames shall be recessed at least 50 back from the face of the wall / façade. The means of finishing of the 'reveal' is to be submitted to and approved in writing by the local planning authority prior to installation. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 55, 58 and 61).

30. Prior to the commencement of installation of glass/glazing, full details of all glass to be installed in doors / windows / screens, etc., shall be submitted to and approved in writing by the local planning authority. Mirrored, reflective non-transparent glass types are unlikely to be approved. The development shall 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, 58 and 61).

31. Prior to the occupation of the development, detailed drawings of the final layout of the staff cycle provision (including specification of lockers, lighting, maintenance area, cycle gully etc) shall be submitted to and agreed in writing by the Local Planning Authority. Staff Cycle parking shall be thereafter constructed in accordance with the agreed details, installed prior to occupation of the development and retained thereafter.

Reason: To ensure adequate and accessible cycle parking provision for staff (Cambridge Local Plan 2018 policies 81 and 82).

32. Prior to the commencement of above ground works, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

Reason: To ensure the provision of high quality landscape which respects the character of the area (Cambridge Local Plan 2018 policies 55, 56 and 59).

33. Within 8 months of commencement of the new build elements of the scheme, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that BREEAM 'very good' as a minimum will be met. Where the interim certificate shows a shortfall in credits for BREEAM 'very good', a statement shall be submitted identifying how the shortfall will be addressed. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 policy 28 and Supplementary Planning Document Sustainable Design & Construction 2007).

34. Within 8 months of occupation, a certificate following a post-construction review, shall be issued by an approved BREEAM Assessor to the Local Planning Authority, indicating that the approved BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 policy 28 and Supplementary Planning Document Sustainable Design & Construction 2007).

35. 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 (Cambridge Local Plan 2018 policy 28).

36. Prior to the installation of any green wall details shall be submitted to and agreed in writing by the Local Planning Authority. On review, should the submission be deemed unacceptable and alternative to the green wall (for example climbing plants on a trellised frame) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be installed in accordance with the approved details prior to occupation of the site and shall be retained thereafter. Should the Green wall or any alternative agreed with the Local Planning Authority fail within 5 years of the completion of the development, an alternative or replacement scheme shall be submitted to and agreed in writing by the Local Authority and shall be installed in accordance with the approved details.

Reason: To ensure a high quality landscape is provided as part of the development (Cambridge Local Plan 2018 policies 59 and 61).

37. 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).

38. Prior to commencement of development, a construction management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall cover the application site and any adjoining land which shall be used during the construction period. The strategy shall include details of cranes and other tall construction equipment (including details of obstacle lighting). The approved strategy shall be implemented for the duration of the construction period.

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

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

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

40. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding (Cambridge Local Plan 2018, policy 32).

41. Prior to the occupation of the development details of the proposed rain water harvesting system shall be submitted to and approved in writing by the Local Planning Authority. Rain water harvesting details shall be installed in accordance with the approved details prior to occupation of the development and shall be retained thereafter.

Reason: To provide adequate surface water drainage for the site (Cambridge Local Plan 2018 policy 31).

42. Prior to occupation of the development, a plan detailing the proposed specification, number and locations of internal and / or external bird boxes on the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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 (Cambridge Local Plan 2018 policy 70).

**INFORMATIVE:** The ONMMP shall consider (but not exclusively / limited to) the following:

- Control of noise from customers / patrons (voices/shouting both onsite including in association with any external smoking areas /shelters, external terrace seating area, when and in particular dispersal at closing time);
- Limiting the egress of internal amplified music;
- Prohibition of the playing of amplified music externally including in external terrace seating areas;
- Closing of doors and windows when the premises is in use;
- Opening / closing and drinking up times;
- Hours of use of any external areas;
- Details of appropriate signage to be placed around the premises reminding customers of the residential nature of the location and need to be mindful about causing a noise disturbance;
- Collections and delivery servicing activities and times;
- Mechanical & Electrical services operational noise - plant and equipment e.g. chillers, air con, extractors, air source heat pumps, combustion plant;
- Complaints procedure - receipt, investigation, outcome and review / actions whether complaints received directly from a member of the public, local premises or local authority;

- Management / staff duties, roles and responsibilities / authority including monitoring and record keeping;
- Regular review and update of ONMMP, as necessary.
- How all the above will be controlled/managed/enforced

**INFORMATIVE:** There is no policy requirement for the provision of public art on site as the application is a minor development. However, given the nature of the development and the central location of the site, the provision of public art as part of the redevelopment would be viewed favourably.

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

The noise and vibration report should include:

- 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.
- 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:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction:

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

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

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

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

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

**INFORMATIVE:** 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:** To satisfy the odour/fume filtration/extraction condition, details should be provided in accordance with Annex B and C of the "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69280/pb10527-kitchen-exhaust-0105.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf)

**INFORMATIVE:** It is a requirement of the Clean Air Act 1993 that no relevant furnace shall be installed in a building or in any fixed boiler or industrial plant unless notice of the proposal to install it has been given to the local authority. Details of any furnaces, boilers or plant to be installed should be provided using the Chimney Height Calculation form (available here: <https://www.cambridge.gov.uk/chimney-height-approval>).

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

Hard copies can also be provided upon request

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

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

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

**INFORMATIVE:** As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to be registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food storage areas comply with food hygiene legislation, before construction starts. Contact the Commercial Team at Cambridge City Council on telephone number (01223) 457890 for further information.

**INFORMATIVE:** A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email [Licensing@cambridge.gov.uk](mailto:Licensing@cambridge.gov.uk) for further information.

**INFORMATIVE:** Cambridge City Council recommends the use of low Nitrogen Oxide (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.

The reason is 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 (NPPF 2019), Policy 36 of the Cambridge Local Plan (2018) and in accordance with Cambridge City Councils adopted Air Quality Action Plan (2018)

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/0829/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd May 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	17th July 2018		
<b>Ward</b>	Market		
<b>Site</b>	Lion House And St George House, Lion Yard, Petty Cury		
<b>Proposal</b>	Change of use of St George House and Lion House from office (Class B1) to hotel (Class C1); relocation of nightclub (Sui Generis) in St George House to basement service yard in Lion Yard shopping centre (Class A1); relocation of the substation within the basement; associated alterations to the buildings including new windows, new entrance to the nightclub from the shopping centre, new goods lift for the hotel and cycle parking.		
<b>Applicant</b>	c/o Deloitte LLP		

### 0.0 Addendum

- 0.1 At 5 December 2018 Planning Committee, Members resolved to defer the application for the further submission of a Travel Plan detailing how vehicular movements to and from the site, in connection with the proposed development would be minimised and managed. Members raised additional concerns in relation to the impact of the proposal on the character and appearance of the conservation area and disabled access. Since the application was deferred, the applicant has provided additional visuals to better illustrate the design implications of the proposed scheme and a Travel Plan has also been provided which includes an assessment of how guests will arrive to the hotel.
- 0.2 The new visuals illustrate the proposed hotel window boxes in comparison to existing. The new boxes would replicate existing and as a result the appearance of the Petty Cury elevation would be broadly unchanged.
- 0.3 A visual from Guildhall Street looking towards George House has been provided. A closer up view of the proposed hotel

entrance has also been provided. The existing canopy at the entrance is proposed to be removed. This is of no architectural merit and I have no concerns about its loss. Some additional glazing is proposed above where the canopy used to sit. This is a minor intervention that I consider acceptable in design terms. The visuals illustrate the impact of the additional plant to the roof. This appears minimal in the further back view from Guildhall Street and is barely perceptible in the closer view.

- 0.4 Two CGIs have been provided showing the visual impact of the proposed lift core; one from Heidelberg Gardens and another from the library stair. The new lift core would be visible from both of these places as well as from some rooms in the proposed hotel. I do not consider the lift core to appear obtrusive. This area is tucked away from view from the street. All of the views of the lift core are back of building areas and The Urban Design and Conservation Team have not expressed any concerns about this structure.
- 0.5 A further visual has been provided of the proposed nightclub entrance. This would be a modest single storey structure. It would have a simple rectangular form and would be finished in brick to match the rest of the surrounding proposed development which forms part of the Food and Beverage Quarter (application ref 18/0830/FUL). Final details of materials would be dealt with by condition.
- 0.6 I have addressed disabled access in paragraph 8.16 of my previous report (attached as an appendix below). Both the hotel and nightclub would have lift access for visitors and can accommodate wheelchair users. It is understood that the existing nightclub does have lift access but that this is through a service lift away from the main entrance. The current proposal integrates a lift into the main nightclub entrance and would improve wheelchair access to the venue. The final fit out will be done by the hotel tenant but the applicant has confirmed that between 6 and 10% of the rooms will be provided for disabled users. An informative is recommended to be included to suggest that a hoist be included in one or more of the accessible rooms.
- 0.7 The Transport Assessment Team from Cambridgeshire County Council have assessed the submitted Framework Hotel Travel Plan which has been revised since submission to respond to

their comments. The Transport Assessment Team are satisfied with the measures set out to manage the impact on taxi drop-offs associated with the hotel use set out within the revised Travel Plan. The Travel Plan outlines that no staff are expected to commute to work by taxi. The hotel will have a protocol for taxi whereby staff are briefed at induction that taxis should not be taken to Guildhall Street and should be from the existing taxi rank within market square. Staff will be given information packs to encourage cycling and public transport use. The website will detail sustainable modes of arriving at the site and will indicate that if guests are getting a taxi that this should be to the drop off in Market Square. Guests will be provided with public transport information as part of their booking confirmation to encourage the use of sustainable transport options rather than taxis. I share the Transport Assessment Team's view and consider that the revised Framework Travel Plan is acceptable and provides sufficient detail about mitigation of taxi drop-offs to the hotel.

- 0.8 Since the application was last heard at committee, Officers have given further consideration to the phasing of the proposal. Whilst the works are taking place for the hotel use, construction vehicles and materials will be kept in the basement and will utilise the area which will later be occupied by the nightclub. As a result the hotel use will need to be completed before any meaningful work can begin on the nightclub. I understand from the applicant that it will take 2 years for the nightclub to be completed following the opening of the hotel. This timeframe is required as a substation needs to be relocated and the works are also tied to the stopping up order which is discussed in more detail in the report for the accompanying Food and Beverage Quarter application. Given the long timeline before the nightclub will be provided, officers feel that a legal agreement will be required to ensure the nightclub use comes forward following the completion of the hotel.
- 0.9 As discussed in paragraph 8.2 of the previous report (attached below), the retention of the nightclub use is important and is required to ensure compliance with policy 73 of the Cambridge Local Plan 2018. As a result a S106 agreement is suggested requiring the nightclub to be fitted out within 2 years of the opening of the hotel use. The applicants have queried the need for this and I do agree that the risk of the nightclub not coming forward is relatively low but given the policy position, I consider

it necessary to require a protection on the re-provision of the nightclub use.

- 0.10 I have instructed the legal team to draft a S106 agreement where the City Council, as freeholders, will also be party to the agreement, to ensure the nightclub use is re-provided. I seek delegated powers to deal with this matter.
- 0.11 I remain of the opinion that the external changes proposed are minor and would be sympathetic to the surrounding area. I am satisfied that the framework travel plan provided is acceptable and that there would be no significant impact on highway safety from any taxi drop-offs as the measures suggested to prevent drop offs on Guildhall Street appear adequate. The recommendation is for approval subject to conditions as set out in the December committee report and to the prior completion of a S106 agreement to ensure the nightclub is re-provided.

## Appendix 1: December 2018 Planning Committee Report

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>- Only minor modifications are proposed and all are considered to respect the character and appearance of the Conservation Area</li><li>- The proposal retains a nightclub on site and the proposal is not considered to harm residential amenity subject to conditions</li></ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site forms part of the Lion Yard Shopping Centre. The site is subject to two separate planning applications. This application relates to St George House, Lion House and part of the basement. Lion House and St George House are in B1 use as offices. BPP University occupies part of the third floor of Lion House. Their office falls outside of the application site. The remainder of the office space in both buildings is vacant. Lion House has a ground floor entrance by EAT and George House has a ground floor access adjacent to Fisher House and opposite the Guildhall. The site is located within the designated City centre and the surrounding uses are predominantly retail (A1).
- 1.2 The site lies within the Historic Core of Cambridge. The entrance to the nightclub will be opposite the Grade II listed St Andrew the Great Church. The entrance to the hotel will be opposite the Grade II listed Guildhall and adjacent to Grade II Listed Fisher House. The main elevation of the hotel will also be in close proximity to the Grade II\* listed Lloyds Bank.

## **2.0 THE PROPOSAL**

- 2.1 The application includes two elements; the provision of a hotel and relocation of the existing nightclub at Lion Yard. The hotel is proposed through change of use of St George House and Lion House from office (Class B1). The nightclub is to be relocated from the first floor of St George House to the basement and this requires a change of use from servicing yard to the retail units (Class A1) to a Sui Generis use as a nightclub. As part of these works the substation within the basement is to be relocated. Alterations are proposed to the windows at Petty Curry Street but this will not read as different. A new nightclub entrance is proposed and ground floor and will be a small single storey extension which includes acoustic treatment. Cycle parking is proposed for staff; this would be located in Heidelberg Gardens. A dockless bike station is proposed adjacent to the hotel entrance to serve visitors.
- 2.2 The proposed hotel would provide 125 rooms and accommodate approx. 288 guests. It would be accessed from the entrance to George House, adjacent to Fisher House. A large amount of brickwork will be removed and replaced with a glazed wall to demarcate the entrance. The existing window boxes on Petty Cury Street would be retained but refurbished to ensure they include the relevant air handling and noise insulation required. Plant will be included on top of the stair core but will be screened by louvres.
- 2.3 A new single storey structure is proposed to accommodate the nightclub entrance. The entrance is proposed adjacent to the ground floor entrance to Lion House and would include acoustic treatments to minimise any noise spillage.
- 2.4 Another application has been submitted for the Lion Yard which will be considered separately. The other application relates to the demolition of existing retail kiosks and provision of a new extension to provide a food and beverage quarter. This application also includes works to the public realm including new paving, benches and cycle stands and the opening up of the eastern entrance to the shopping centre. Details of this application can be found in the table below. The two applications would complement one another; particularly the proposed public realm improvements which will be considered under the other application will have a positive impact on the

area surrounding the nightclub. However, they are separate applications and could each be implemented without the other going ahead.

### 3.0 SITE HISTORY

Reference	Description	Outcome
18/0830/F UL	Demolition and redevelopment of the existing retail kiosk units (Class A1) to the south of St Andrews Church, to create a new food and beverage quarter (Class A3/A4); change of use of retail units (Class A1) facing onto St Andrews Church within Lion Yard to create a new food and beverage quarter (Class A3/A4); provision of new roof terrace looking over St Andrews Church, improvements to the public realm, provision of plant, cycle parking and associated alterations to the shopping centre facade	Pending consideration

### 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 10 11 34 35 36

	41
	55 56 58 59 61 69 71
	73 77
	82

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

Central Government Guidance	<p>National Planning Policy Framework February 2019</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95 (Annex A)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p> <p>Old Press/Mill Lane Supplementary Planning Document (January 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p>

	<p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p>
	<p><u>Area Guidelines</u></p> <p>Cambridge Historic Core Conservation Area Appraisal (2006)</p>

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways Development Management)

#### *First comment*

- 6.1 Objection: I will make a full comment after consultation with my colleagues in the Transport Planning Team. The applicant must provide plans showing the existing building footprint with the proposed building footprint superimposed so that it can be verified whether any of the structures, or their doors, encroach upon the public highway. From this it will be able to be determined whether, or not, the application can proceed without a stopping up order, or would breach the Highways Act, 1980. Until this is provided the Highway Authority considers that inadequate information has been provided upon which to make a decision and so objects to the proposal.
- 6.2 The application proposes extensive changes to the adopted public highway. The Highway Authority cannot accept the additional burden on the Authority's budget that the maintenance of this landscaping will impose. The Highway Authority is no longer able to accept additional street trees or planting as it cannot undertake the ongoing maintenance

burden of these. If trees or planting are required as part of the proposal the future maintenance will need to be undertaken by others in a way acceptable to the Highway Authority. A condition and an informative are recommended.

*Second comment*

- 6.3 The applicant is currently in discussions with my colleagues in asset Management regarding the stopping up of public highway and rededication of land as a public footpath maintained by others. A satisfactory conclusion to these discussions and imposition of Conditions previously requested would address the issues that I have raised previously.

*Third comment*

- 6.4 The information provided by the applicant does not change the last set of comments made by the Highway Authority (second comment). Colleagues in Major Developments will respond to the Transport related matters.

**Transport Assessment Team**

- 6.5 Objection: The Transport Assessment Team has reviewed the application and place a holding objection as further information is needed. Detailed plans of the proposed uses and how they are sited in related to the public highway are required. TRICS results and trip generation information is needed. Street trees are not accepted by the county council due to maintenance costs.
- 6.6 Objection: The Transport Assessment Team has reviewed the additional information and maintains a holding objection. The TRICS analysis needs to be amended. Need trip distribution to be included. Extant and proposed land uses have not been included within the Transport Assessment.
- 6.7 No objection: The Transport Assessment Team has reviewed the additional information and is satisfied that the proposal is acceptable subject to conditioning a travel plan. There are still ongoing matters with other colleagues regarding the public highway.

## **Environmental Health**

### *First comment*

- 6.8 No objection: We have concerns about potential operational noise, disturbance and odour impacts associated with the proposals on several nearby residential premises. Notwithstanding these concerns, considering the character of the area and the fact that this is a busy City Centre location, on balance this service has no objection in principle to this full application. 5 conditions are recommended to protect residential amenity during construction. All 6 standard contaminated land conditions are recommended. Conditions are recommended to control, restrict and manage noise from the nightclub and hotel uses once they become operational. Conditions are recommended to protect the amenity of the hotel users from noise. Details of plant noise insulation are required by condition. An artificial lighting condition and an air quality management condition are recommended. A number of informatives are also requested.

### *Second comment*

- 6.9 No objection: The applicant/agent has provided a response to Environmental Health Comments. Clarification is provided regarding condition wording. Willing to accept re-wording of triggers for a number of conditions. Some limited amplified noise may be acceptable within the hotel lobby and reception but details of this and a management plan are required to ensure that this doesn't harm residential amenity. As the works are limited, only one contaminated land condition, the one which relates to unexpected contamination, is needed.

### *Third comment*

- 6.10 The applicant has provided a response to the Environmental Health Officer's most recent comments. The Environmental Health officer intends to respond to the most recent comments. Any response will be updated on the amendment sheet.

## **Urban Design and Conservation Team**

- 6.11 No objection: A number of conditions are recommended.

### *Hotel use*

- 6.12 The hotel entrance will be in the same location as the existing entrance to St George House, but with additional glazing above

the new doors replacing some of the brickwork. The proposals for the entrance to the new hotel are acceptable in terms of their impact on the listed buildings close by, and the character and appearance of the conservation area as this will only be minimally altered. The greatest alteration will be the new plant on the roof of the existing stairwell, but this is proposed to be confined within a screen and at a level where it will not be fully visible from the street. These alterations can be supported as they will have minimal impact on the heritage assets in the area. It is understood that there will be a separate application for signage, however it should be noted that the areas shown on drawing no. 13041/P-A-323 would not all be supported as being appropriate for this location and should be reconsidered. The proposal to provide a designated area for dockless bikes outside the hotel entrance to meet the need for hotel residents is considered a reasonable solution. Details of how this will be treated are required by condition.

#### *Nightclub use*

- 6.13 The proposed location for the new nightclub entrance is supported. The proposed structure will have no greater impact on the setting of the grade II St Andrew the Great Church and the other listed buildings close by than the existing built form in this area. In addition, the proposed new entrance will not affect the character or appearance of the conservation area. These comments are caveated by the necessity for the materials, workmanship and signage to be appropriate for this location. Notwithstanding the materials proposals that have already been submitted for this application, and the other that is running alongside it (drawing no. 13041 P-B-500), the Urban Design and Conservation Team would ask for a condition to be attached to any approval for the submission of materials so that an appropriate pallet can be agreed for all of the proposed development at Lion Yard. The materials will have to work well with the character of the area which may not mean being the exact same brick as is on the existing buildings.

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

#### *First comment*

- 6.14 No objection: A sustainability statement has been submitted in accordance with policy. It is noted that for some elements of the scheme, fit-out is to be left to future tenants and as such, at this stage, it is not possible to commit to targets such as water

efficiency. I would echo the concerns of landscape colleagues with regards to the use of green walls due to the long term sustainability implications of such features, particularly in relation to water use. I would also echo the response of my sustainable drainage and ecology colleagues with regards to the role of green roofs for the scheme. The Sustainability Statement does make reference to green roofs but as of yet there does not appear to be a firm commitment to utilise green roofs. A green roof could offer multiple benefits to the scheme from surface water attenuation, ecological enhancement and helping to reduce the internal cooling loads of the building. I would, therefore, strongly recommend their implementation. Three conditions are recommended.

*Second comment*

- 6.15 No objection to extending the timeframe for submission of details from 6 to 8 months.

**Access Officer**

- 6.16 The streetscape will need seating of mixed height and with and without handrails. The nightclub will need a wheelchair accessible toilet and wheelchair access to all of nightclub. The hotel I've reservations because of the lack parking or drop off. Technically every wheelchair accessible room should have a parking space. I feel that the hotel should have some deal with a nearby car park for at least 5 blue badge spaces. Even with this, drop off would be difficult. To mitigate this 2 rooms with fixed hoists would be something to meet BS8300. I would like to see detailed plans of all accessible rooms (7). Fire evacuation policy needs to be established.

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

- 6.17 No objection: No formal objection to the removal of the Birch. A tree protection condition is requested in relation to the trees in the Church. The London Plane especially could be impacted by construction works. (comments relate to other application - 18/0830/FUL)

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

- 6.18 Further information is needed: In general, cycle parking requirements will not conform to standard cycle parking policies within the Local Plan due to its change of use status and typology as well as the existing public realm provision around the site. This approach was accepted by the cycling officer. The existing retail uses have been in part accommodated within the remaining portion of Heidelberg Gardens. The use of high density stands was acceptable pending a design which included locker and maintenance area allocation in close proximity. The Travel Plan, para 6.1.9 states that shower and changing facilities will be provided for staff, but it is unclear from the drawings where this area would be located. The hotel, with approximately 125 rooms, generates a requirement for 25 spaces for guest accommodation according to the Policy requirements. The travel plan identifies the transport requirements for a city centre hotel and recommends that the alternative of utilising dockless bike hire for the use of the hotel guests to be the best option for this change of use development. This is an acceptable alternative to the policy requirements and supportable. Please also include a statement which identifies the chance inclusion of guests who arrive with their own bicycles. Granted this is likely to be of very low incidence. It is expected the hotel could provide access on an ad hoc basis to the cycle parking area in Heidelberg Gardens for those guests who may require suitable secure cycle parking during their stay. It is considered that the nightclub guests use can utilise the public stands in the area and as illustrated in the proposals for that associated retail and restaurant development adjacent. Will staff at the nightclub also share the 54 cycle stands in Heidelberg Gardens? A hard landscape condition is recommended.

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

### *First comment*

- 6.19 Objection: Whilst we recognise there will be no fundamental changes to the drainage infrastructure there are still opportunities for betterment. All developments including redevelopments in Cambridge are required to provide a 20% reduction in runoff rates, whilst we recognise this may be impractical in this particular circumstance and location there are

still other opportunities for betterment which will need to be explored. There are several areas of flat roof which could provide a retrofit green roof solution; further detail is required to demonstrate what options are available.

*Second comment*

- 6.20 No objection: A surface water drainage condition is recommended.

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

- 6.21 Further information needed: The Breeam report prepared by The Ecology Consultancy identifies the existing buildings as having moderate potential for roosting bats and recommends two emergence surveys to comply with best practice. The results of these surveys do not appear with the submitted documents. The D&A statement has a section on ecology that refers to the Breeam report and also recommends installation of a biodiverse green roof. However, such provision does not appear within the submitted plans. I would recommend that installation of a biodiverse living roof on existing flat roofs be explored to considerably enhance the biodiversity value of the site. Detailed construction and design could be conditioned. I support the recommended ecological enhancements for nesting bird and breeding bats. If minded to approve the development I would propose the conditions to deal with bat and bird box details
- 6.22 No objection: Content with additional bat survey information which has been provided by the applicant.

**Historic England**

- 6.23 No comments.

**Anglian Water**

- 6.24 No objection: A condition is recommended regarding a surface water management strategy.

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

### *First comment*

- 6.25 No objection: This office has already been engaged in early consultation with the applicant and provided details on crime research and a security needs assessment for this application. The plans and documents suggest that this assessment has been considered to incorporate necessary and relevant security measures applicable to this location.

### *Second comment*

- 6.26 This office has already been engaged in early consultation with the applicant and provided details on crime research and a security needs assessment (SNA) for their Bream application. I did not however provide the planning authority with any details regarding this assessment, suggested or recommended security measures. I have since noted comments from other consultees, visited the site again and had further discussions with local officers and the Cambridge City police licensing officer.
- 6.27 My main concerns at present are in relation to the proposed move of the nightclub to the basement and ensuring the safety of staff, visitors to the club and the general public going about their normal business in this area, should the application be successful. There is of course room for conditions to be imposed via the licensing authority after the premises is built and a client secured but it is at this early stage of design that the layout can be planned and the public realm security surrounding the venue confirmed. While this office is happy to discuss measures such as door and window security, alarms, lighting and CCTV, accredited security staff, management and evacuation plans with any future owner, there are two issues in relation to nightclubs which cause concern to the security staff and emergency services in relation to safety and conflict: a) controlling the entrance and queue for people waiting to enter the club and b) the smoking area.
- 6.28 Recommend removing/re-locating the cycle stands in the walkway leading to the entrance of Lion House to avoid conflict between cycle stand users and those queueing for the nightclub and to reduce obstruction in this area. Monitored CCTV should be increased around nightclub entrance.

- 6.29 Suggest that the Smoking Area is located in Post Office Terrace as it should be away from the queue and public thoroughfares. This could be accessed through the fire exit way if this complies with the relevant regulations. Increased CCTV in the proposed smoking area with lighting to compliment it is also recommended.
- 6.30 While this application is still in the early stages, if it is determined and granted any future owner must consider installing a welfare room. It is important for all such premises to have a room where people who are taken ill or feel threatened for any other reason, can be taken for safety or to await a friend or relevant authority/emergency service to arrive. If granted, such plans should be submitted along with a security plan and evacuation plan prior to development.

### **Planning Policy**

- 6.31 No objection: The NPPF's definition of main town centre uses includes Office, Hotel & Night-club uses. The NPPF also prioritises the location of main town centre uses in such centres before other locations are considered. Office use is not protected and thus its loss would not raise any policy objections. Policy 73 of the emerging plan supports new or enhanced leisure facilities if the range, quality and accessibility of facilities are improved; there is a local need for the facilities; and the facility is in close proximity to the people it serves. The proposed replacement nightclub use will provide two separate performance areas within the venue allowing for a wider variety of music on the same night. The new venue would also block out any noise and vibrations generated by the music. This means it can be used throughout the day as well as night for different music performances, including band practice which can raise noise concerns in a venue that is not sound proofed. The new venue will have improved access included disabled access. At the moment, this is provided by the shared access with the office uses.
- 6.32 Cambridge Retail and Leisure Update Study 2013 noted the main nightclub venue existing capacity in Cambridge. Using these figures, it can be determined the proportion of nightclub capacity the current at Lion Yard provides is 35% of the city's total capacity. Cambridge has a large student population and is a sub-regional destination for leisure activities. It is therefore

critical that Cambridge continues to provide a vibrant centre to attract and retain students and young people who may want to use these types of facilities.

- 6.33 Policy 77: 'Development and expansion of visitor accommodation' supports new visitor accommodation in any large windfall site that comes forward in the City Centre during the plan period. New visitor accommodation should also be located in areas of mixed-use or within walking distance of bus route corridors with good public transport accessibility. Lion Yard satisfies all of these criteria and therefore the hotel proposal is compatible with this proposal area. The proposal therefore satisfies the applicable policy criteria in the emerging Local Plan with regard to land use suitability.

### **Disability Consultative Panel (Meeting of)**

- 6.34 The conclusions of the Panel meeting were as follows:

#### *Extension of the public realm and street furniture.*

The Panel expressed concern as to the likelihood of tables, chairs and A-Boards encroaching on this new space, but were assured that restrictions would be in place. Refuse would be re-located to basement level and cycle provision would be increased to reduce clutter.

New benches are to be introduced to provide resting points outside the church but these would be designed in a way to inhibit cycles being chained to them. The entrance to the church is to be redesigned for the benefit of wheelchair users.

#### *Bollards.*

The Panel note these will be sufficiently wide apart to accommodate wheelchairs, but would stress the need for a robust management plan to avoid cycles being irresponsibly locked to them.

#### *A controlled crossing into Lion Yard across St Andrew's Street.*

Since the demolition of what was Bradwell's Court when the controlled crossing was removed, disabled and vulnerable people can no longer cross with safety at this point and have to travel further up St Andrew's Street towards Emmanuel College where traffic volumes can be intimidating. The Panel would therefore welcome any dialogue with the Highways Authority regarding the re-instatement of this crossing.

#### *Staircase to restaurant level.*

The Panel questioned whether the seemingly daunting gradient of the staircase would result in pedestrians queuing for the lift. There are also anti-social behaviour issues related to such a space where people would be tempted to linger but the Panel were informed that 24/7 security would be in place.

#### *Means of escape in an emergency.*

With one lift per unit, the Panel questioned whether wheelchair users would be able to escape safely from the restaurant area in the event of an emergency. It was felt however that if the units are linked at the service area level, then that would constitute an acceptable fire evacuation strategy.

#### *Hotel (currently St George House.)*

#### *Entrance.*

The Panel welcome the improvements proposed for the entrance and would stress the need for a double automated door.

#### *Bedrooms.*

The designers are reminded that DDA compliance is now Equalities Act, but both give no guidance. Standards that should be met are those of Part M Building Regs and BS8300, or industry standards such as Sport England when considering access features. The inclusion of a hoist in some accessible bedrooms would be a welcome addition. These are not currently provided by any Cambridge city centre hotel and as a disabled guest would therefore not need to provide their own portable hoist, this would go some way to mitigating the absence of any parking provision as there would be less equipment to unload on arrival. A significant selling point therefore.

#### *Means of escape (basement nightclub)*

The inclusion of robust fire evacuation procedures particularly for the more vulnerable is a key consideration for the Panel; particularly since the Grenfell disaster. The inclusion of various escape routes is welcomed but the designers are urged to consult with a fire evacuation expert on the specific issue of disabled egress in an emergency. The Panel note that as this will be a conversion from office use, the rooms will be non-

standard. The opportunity to comment on the rooms once the tenant has been identified would be welcomed therefore.

#### *Bathrooms.*

The Panel would recommend the use of sliding bathroom doors for improved access when space is limited. For flexibility, ambulant features such as handrails in all showers would also be recommended and can be designed to be an attractive feature.

#### *Parking and drop-off arrangements.*

The Panel note that the two disabled parking bays will remain although in the experience of Panel members, these are often full and the narrow paving around Fisher House makes this area particularly difficult for wheelchair users to navigate. The Panel note that taxis will be able to pull in and drop off at the hotel entrance. The inclusion of parking is not expected for budget hotels but the designers are advised to refer to Building Regs guidance on this issue. As disabled people often have to travel with more equipment, consideration should at least be given to the inclusion of a valet parking system.

#### *Hotel cycle parking provision.*

Concern was expressed as to whether additional cycle parking provision beneath the arcaded area would become cluttered. Additional provision proposed for the dockless 'Ofo' bikes was also a concern as their irresponsible use is becoming a city-wide problem. A controlled and formalised approach will be key to its success.

#### *Conclusion.*

The Panel welcome the public realm improvements although the absence of parking for the hotel is disappointing. As disabled people inevitably need to travel by car into the city centre, a solution perhaps reached in partnership with the Grand Arcade car park should be thoroughly explored.

### **Design and Conservation Panel (meeting of)**

- 6.35 Prior to the submission of the applications, the proposals for the Lion Yard to be considered under this application and 18/0829/FUL were presented to Design and Conservation Panel. The scheme remains largely the same although some changes were made in response to comments from the panel.

6.36 The panel's comments are as follows:

Although the proposals are largely a refurbishment of the existing Lion Yard Shopping Centre, they embody some new moves that would potentially greatly enhance the nature of the spaces around and within Lion Yard. The Panel would be keen to see these aspects of the project explicitly defined and realised. They include the following aspects:

*Public realm and the setting of the Church of St Andrew the Great.*

Although crucial to the success of this scheme, the Panel were disappointed by what they regarded as a particular lack of vision in terms of proposals for redefining the setting of the church, (Grade II Listed). It seemed to be regarded as an embarrassment rather than an asset. At its western entrance in particular, with its awkward steps, the church turns its back on the street. The proposed additional seating also faces away from the church.

The Panel are supportive of public realm improvements in this area. With the proposed re-paving of these spaces, this is an opportunity to consider the whole Yard entrance area as a precinct of the church. The church entrances and existing trees make a distinctive setting for the entrance to Lion's Yard. The paving at the east end, for example, could be pushed out to the kerb line on St Andrew's Street, allowing the church to relate more effectively to the street.

This is a major church that should feel like a unique and celebrated element in the streetscape. It was suggested that Michaelhouse church on Trinity Street is a good example of how an existing church can be integrated into the surrounding street scene.

*The new entrance to Lion Yard.*

The proposed double height space of the first bays into the arcade is to be applauded as a measure that would enhance this entrance by introducing more light and space.

*The new staircase to 1<sup>st</sup> floor restaurant.*

With only nominal external space at the top of the staircase and no through route into Lion Yard, the Panel felt this was a major urban gesture that should be revisited. The internal lift allows

disabled access into the restaurant at the top, but questions were raised as to how these two uncontrolled entrances would work in practice. Also, the height of the screen wall to the upper floor external terraces would exert a major presence on the yard alleyway beyond, which happens to include the historic photographic studio of Ramsey and Muspratt.

*New entrance to nightclub.*

Creating a safe new entrance to the nightclub is crucial to the success of this scheme and its night time use. This is a critical component of the new urban routes and entrances around the entrance court for Lion's Yard on to St Andrew's Street.

*The hotel.*

The Panel note that the dialogue with the Highways Authority had not yet begun. The outcome of these discussions will be relevant to (among other issues) the current lack of vehicular drop-off outside the hotel entrance on Guildhall Street. The Panel felt that the constrained and understated nature of the proposed hotel entrance doorway could work, if handled competently.

*Refurbishment.*

The Panel were not convinced by the need to preserve the existing Petty Cury elevation as the reason to adhere solely to a refurbishment scheme. As this is not considered as a building of particular merit or described as positive in the Local Authority appraisal documents, the Panel would consider a fresh and thoughtful design approach to the definition of the street elevation.

*The new windows along Petty Cury.*

No information was provided on the quality of the spaces created behind these windows. The Panel would encourage the designers to work with the existing rhythm of structural bays, rather than trying to impose a standard hotel room dimension on top of the existing bay spacing. This could achieve a better fit for the rooms and improve their proportions.

*Heidelberg Gardens.*

This has the potential to be a landscaped space for the hotel guests to enjoy and not simply a cycle park. The Panel also questioned the practicality of the ramped entrance to this space that could be potentially made more attractive and usable.

### *Conclusion.*

The Panel cannot overemphasise the importance of this Lion Yard scheme for the centre of Cambridge. It is also a complex refurbishment project involving many technical issues; not least the integration of new services, mechanical ventilation and the scheme's impact on the existing retail units. These challenges were not explored as part of today's presentation.

The Panel can see the positive aspects of the scheme, but also the variety of presently unresolved urban issues that need extensive further examination. An early May application submission would be regarded as very premature, leaving little time to resolve many key issues.

The Panel look forward to seeing more of the detailed development of this important project.

### **VERDICT – RED (6) AMBER (2)**

- 6.37 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 Representatives from the following organisations have made representations:

- Cambridge Past Present and Future
- Fisher House
- 29 Petty Cury,
- UK Power Networks

- 7.2 The representations can be summarised as follows:

- The applicant has not served notice in accordance with the Party Wall Act
- Do not object to the redevelopment but feel that more could be done to enhance the conservation area and adjacent heritage assets
- There is an opportunity to enhance the elevations to the hotel which is being missed
- Where will guests park cycles when visiting the hotel and nightclub
- The third floor of the hotel appears to lead directly into the offices

- Location of plant and odour ventilation equipment is critical visually
- There are a number of vacant retail units under the hotel
- New paving should be appropriate; this is not the place for tarmac
- Heidelberg Gardens is not mentioned
- Signage and lighting arrangements for the hotel and nightclub not detailed
- Concerned that volume of users of the nightclub and antisocial behaviour from its use will harm the heritage asset
- There is inadequate space for the development and it will lead to people congregating in an already overcrowded area
- The terrace outside the stairwell is next to a bedroom and sitting room in the rear of Fisher House. If permission is granted, this should not be used as a recreation and smoking area.
- Will harm the setting of the listed St Andrew Church
- Concerned about sewage
- Will increase traffic
- Will increase the pressure on street cleaning
- There has been too great an increase in food offer in the city centre which may negatively impact on the local economy

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

### **Principle of Development**

- 8.2 Policy 73 of Cambridge Local Plan 2018 classifies a nightclub use as 'Leisure entertainment'. New or enhanced facilities are supported if the range, quality and accessibility of the facilities are improved, there is a local need and if the facility is in close proximity to those it serves. The replacement nightclub will have lift access so will improve access to those less able. The nightclub will have two performance areas allowing for separate performances and a greater variety of music. The new nightclub would be subject to acoustic treatment to reduce noise spillage. The Cambridge Retail and Leisure Update Study 2013 found that the existing nightclub at the Lion Yard, Ballare, caters for 35% of the total nightclub capacity in Cambridge. Cambridge serves as a sub-regional destination for leisure activities so it is important that it continues to provide a vibrant centre. The retention of the nightclub use and provision of improved facilities would therefore comply with policy 73.
- 8.3 The application replaces office floorspace with a hotel. Policy 41 of the Cambridge Local Plan seeks to protect B uses and prevent the loss of business floorspace unless a marketing exercise has demonstrated that the space is no longer needed. No details of marketing information was provided as part of the application but the applicant has confirmed that the site has been vacant since 2014 and that they have been unable to find a long term occupier due to the small floorplates which make it unfit for modern office requirements. Policy 77 of the Cambridge Local Plan (2018) relates to development and expansion of visitor accommodation. This states that new visitor accommodation will be supported in any large windfall sites within the city centre during the new plan period. New visitor accommodation should be in mixed use areas within walking distance of good public transport links. The proposal meets all of these criteria and is considered to be a more appropriate town centre use for the central location. The proposal will bring back into use a currently vacant space in the city centre and will diversify the offer within the shopping centre in line with the NPPF.

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

- 8.4 There are minimal physical alterations proposed as part of this application. The hotel entrance will remain in the same location as the entrance to St George House but with additional glazing proposed above the new doors. The Urban Design and Conservation Officer are satisfied that this element would preserve and enhance the character of the conservation area and would not harm the setting of the surrounding listed buildings. Plant is proposed behind a screen to the roof of the stair core. Given the tight angle between buildings, this would not be prominent in any public views. Details of the plant screen are required by condition. Given the limited visibility of this element the Urban Design and Conservation Officers are satisfied that this would not be harmful to the Conservation Area or the setting of the surrounding listed buildings. I share this view.
- 8.5 Signage for the proposed hotel use does not form part of this application and will need to be considered as part of an advert consent. The Urban Design and Conservation Officers have noted that some of the signage shown on the proposed plans would not be supported as it is inappropriate for the sensitive location. A dockless bike station is proposed outside the hotel entrance rather than the provision of cycle parking for hotel visitors. This is considered in more detail under the car and cycle parking heading below. Details of how this docking station will be treated are recommended to be dealt with by condition.
- 8.6 The proposed nightclub entrance would be adjacent to the existing entrance to Lion House. It is a simple rectangular form and set back from the street. The Conservation officer has confirmed that the new structure would not have any greater impact on the setting of the adjacent St Andrew the Great Church than any of the other existing built form in the area. Details of materials to be used are recommended to be required by condition to ensure these would be appropriate.
- 8.7 The Petty Curry Street elevation would remain unchanged with the existing upper floor windows proposed to be retained and refurbished to ensure adequate ventilation can be provided. Design and Conservation Panel raised concerns about the window arrangement as the windows would not reflect the

bedroom layout with some hotel rooms sharing a window. This is not an uncommon arrangement and given the constraints of the site, I am satisfied that this would be acceptable.

- 8.8 I note the comments from Design and Conservation Panel were not supportive of the application. The Panel did not support the refurbishment approach and suggest a reworking of the Petty Cury elevation. This does not form part of the application which aims to refurbish the existing space and bring a vacant building back into use. They expressed concerns about the layout of the windows with the hotel rooms as the rhythm of the windows does not reflect the room layout and some rooms may share windows and others may be windowless. This is not uncommon in city centre hotels and I do not consider this problematic. Whilst Heidelberg Gardens would have the potential to be landscaped and used by the hotel guests, the proposed use for staff cycle parking is in my view a better use of this part of the site. The users of the hotel are in close proximity to public open space at Christ Pieces and the retail, food and drink uses whereas cycle parking is a significant demand in the area and is difficult to accommodate in the city centre location. Therefore I am satisfied that the use of this cycle parking is acceptable. The remainder of the Panel's comments relate to the other planning application for the Food and Beverage Quarter.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 61.

### **Public Art**

- 8.10 The application is classified as a minor application and as a result there is no policy requirement to provide public art. Given the prominent city centre location of the site, an element of public art could have a positive inclusion in the project. I have discussed this with the applicants but no further information has come forward. As there is no policy requirement for public art to be provided on an application of this type, the lack of public art is not considered harmful or to be a reason for refusal. An informative will be included to explain that public art would be viewed favourably on site.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 56 and the Public Art SPD 2010

## **Renewable energy and sustainability**

- 8.12 The Senior Sustainability Officer is satisfied that the information provided is acceptable subject to conditions. The applicant has requested that the timeframe for submitting information to discharge the conditions is increased from 6 to 8 months. The Senior Sustainability Officer has no objection to the minor increase to the timeframe for submission.
- 8.13 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) policies 28 and 29 and the Sustainable Design and Construction SPD 2007.

## **Integrated water management and flood risk**

- 8.14 The Drainage officer requested further information of betterment and requested that details of green roof which are mentioned in some of the documentation to be provided. The applicant has provided further information and the drainage officer is satisfied that a surface water drainage condition can deal with the details. A technical note has been provided which finds that green roofs are not feasible on site. The Drainage Officer is satisfied that adequate information has been provided to demonstrate that green roofs cannot be provided.
- 8.15 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.

## **Disabled access**

- 8.16 The Access Officer notes that all of the nightclub must be wheelchair accessible and an accessible toilet is also required. An informative including his comments will be included so the applicant is aware. The Access Officer and disability panel express some reservations about the car parking for the hotel. The Access Officer requests that car parking be provided for blue badge holders visiting the hotel within the Grand Arcade. It is not possible to require that the applicants purchase additional car parking spaces as these would fall outside of their site ownership. Whilst I accept that disabled users may be more likely to arrive by car as some may require equipment, such as

hoists, and the lack of specific parking for the site could make this difficult. However, I do not consider this to be a reason for refusal. There are two public blue badge holders parking bays on Guildhall Street and disabled users could also utilise 3 hours of free parking in the Grand Arcade. Both Panel and the Access Officer have suggested that a hoist could be included in some of the accessible rooms as this would reduce the amount of luggage required by a wheelchair user visiting the hotel and could mitigate for the lack of parking. An informative will be included to suggest that a hoist be included in one or more of the accessible rooms. The final fit out will be done by the tenant and the applicant has confirmed that between 6 and 10% of the rooms will be provided for disabled users.

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

### **Safety**

- 8.18 The Architectural Liaison Officer raises concerns regarding artificial lighting, CCTV, security alarms and queue management. The nightclub is an existing use and is simply relocating as part of the application so I do not consider there to be any significant safety concerns. The issues raised relating to security are not material planning considerations and would be covered by licensing and building regulations. I have asked the applicant to comment and will provide an update on the amendment sheet.
- 8.19 The Access Officer and Disability Panel raise the matter of fire evacuation. This is a building regulations consideration but I have asked the applicant to provide comment ahead of committee. I will also provide an update on this matter on the amendment sheet.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.20 The primary concern in terms of residential amenity arising from the proposed development is noise and disturbance from the proposed uses. The Environmental Health Officer notes that there are a number of residential units, which are listed in full in their response, which have the potential to be impacted by the

uses. However, the Environmental Health Officer ultimately concludes that due to the busy city centre location of the site and as there is an existing nightclub which has operated on site for a number of years that subject to conditions the impact would on balance be acceptable. Conditions are recommended to deal with operational noise from both uses. A condition is recommended requiring nightclub noise insulation, and a noise management and monitoring plan to be agreed, in place and tested prior to the opening of the opening of the nightclub. The applicant has also requested that some limited amplified music be allowed in the hotel lobby and reception. The Environmental Health Officer is satisfied that this could be accommodated subject to conditions regarding details and requiring an operation management plan for the hotel use.

- 8.21 A number of conditions are recommended to protect the amenity of surrounding residents during construction including conditions to restrict hours of construction work, and deal with construction noise, vibration and dust.
- 8.22 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 56.

### **Refuse Arrangements**

- 8.23 The Hotel does not include a kitchen so refuse would be limited. There are linen stores marked in the floorplans and the hotel includes basement access where any refuse could be stored. The Nightclub has a store and servicing area within the basement.
- 8.24 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

### **Highway Safety**

- 8.25 The comments regarding the stopping up order relate to the other Lion Yard Planning application (18/0830/FUL) which proposes public realm improvements. Discussions are ongoing between the applicant, City Council and the County Council as to how this can be implemented. The Transport Assessment Team initially requested further details of the TRICS analysis

and Trip generation. Satisfactory information has now been provided and they are happy to remove their objection subject to conditioning a travel plan.

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

### **Car and Cycle Parking**

- 8.27 Given the City Centre location of the site, it is not possible to provide any off-street car parking provision for either of the uses. The site is located adjacent to a number of bus stops and a taxi rank. I have noted the proximity of the site to two blue badge car parking spaces under the disabled access chapter above.

- 8.28 No visitor cycle parking is proposed for the hotel visitors. Instead a dockless bike point is proposed by the hotel entrance. There is an existing designated OFO bike area in Lion Yard to the rear of St Andrew The Great Church. The area by the hotel entrance would be contained under the existing projecting façade. Secure cycle parking for hotel and nightclub staff as well as staff from the Food and Beverage Quarter would be provided in Heidelberg Gardens. In my view, the reliance on dockless bikes is a pragmatic approach and given the constraints of the site and its proximity to public transport links, I consider it to be an acceptable alternative to providing the 25 visitor spaces required by the policy.

- 8.29 Policy 82 of the Cambridge Local Plan (2018) relates to parking management. This states that car free developments will be accepted where they have easy access by walking or cycling to the city centre or a district centre, there is high public transport accessibility and where the car-free status can be realistically enforced for example through on-street car parking controls. In my view, the proposal meets with these criteria and would satisfy policy 82.

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

## Ecology

- 8.31 The Biodiversity Officer has requested a condition requiring details of proposed bat and bird boxes. He also requests further details of green roofs. As noted above, the green roofs have been demonstrated to be unfeasible.

## Third Party Representations

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

Representation	Response
The applicant has not served notice in accordance with the Party Wall Act	This is not a planning matter.
Do not object to the redevelopment but feel that more could be done to enhance the conservation area and adjacent heritage assets	The proposal is for refurbishment works and the Conservation Officer is satisfied that the proposal would preserve and enhance the character and appearance of the Conservation Area.
There is an opportunity to enhance the elevations to the hotel which is being missed	The applicant is not obliged to make changes to the façade. The proposal is for refurbishment works and there is no objection to this approach.
Where will guests park cycles when visiting the hotel and nightclub	There is no allocated visitor cycle parking for hotel guests. A dockless bike hub is instead proposed to serve hotel guests. Given the constraints of the city centre site, this approach is considered to be acceptable.
The third floor of the hotel appears to lead directly into the offices	I note that the corridor leads to the college. This is more than likely for fire escape and is not material to

	the consideration of the application.
Location of plant and odour ventilation equipment is critical visually	I share this view. Final detail of plant will be dealt with by condition.
There are a number of vacant retail units under the hotel	This is noted but not relevant to the consideration of the application.
New paving should be appropriate; this is not the place for tarmac	The new paving forms part of application ref 18/0830/FUL
Heidelberg Gardens is not mentioned	Heidelberg Gardens is proposed to be used as staff cycle parking for the hotel and nightclub use.
Signage and lighting arrangements for the hotel and nightclub not detailed	I am satisfied that the lighting details can be dealt with by condition. Signage will need to be part of a separate advert consent application.
Concerned that volume of users of the nightclub and antisocial behaviour from its use will harm the heritage asset	The nightclub use is existing on site but is proposed to be relocated from the upper floors to the basement.
There is inadequate space for the development and it will lead to people congregating in an already overcrowded area	The only additional mass proposed as part of this application is a single storey flat roof extension to provide an entrance to the nightclub. This is not considered to enclose the space significantly.
Will harm the setting of the listed St Andrew Church	The Conservation Officer does not consider the proposal harmful to the setting of the listed church.
Concerned about sewage	The Drainage officer is satisfied with the proposal subject to a surface water condition.

Will increase traffic	The Transport Assessment Team are satisfied with the transport information submitted subject to a travel plan condition
Will increase the pressure on street cleaning	This is not a material planning consideration
There has been too great an increase in food offer in the city centre which may negatively impact on the local economy	This relates to the other planning application on site which proposes the creation of a food and beverage quarter (18/0830/FUL)

## 9.0 CONCLUSION

- 9.1 The application retains a nightclub on site and relocates it to a new location which improves access as a lift is proposed to be provided. The external changes to the building are minor. The greatest changes will be the small extension for the nightclub entrance, the works to create an entrance to the hotel and the screens for proposed plant. All of these elements are considered to be acceptable in Urban Design and Conservation terms subject to conditions. Whilst the proposal does result in the loss of some office space, the proposed hotel use would bring a currently vacant element of the building back in to use and is considered to be a more appropriate and viable use for the site.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

Reason: In accordance with the requirements of Section 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. Unexpected Contamination:

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

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

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. 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)

6. Prior to commencement of the development, hereby permitted, details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:

i) contractors access arrangements for vehicles, plant and personnel,

- ii) contractors site storage area/compound,
- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

The development shall be undertaken only in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2018 policies 35 and 36)

7. No development shall commence (including any pre-construction, demolition, enabling works or piling), until a written report, regarding the demolition / construction noise and vibration impact associated with this development, has been submitted to and approved in writing by the Local Planning Authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. The development shall be carried out in accordance with the approved details only.

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

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

8. 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)

9. 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.

10. Prior to the first occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such.

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

11. Prior to occupation of the nightclub hereby approved a Nightclub Operational Noise Management and Monitoring Plan (ONMMP) to minimise and reduce the noise impact of sources associated with the premises use (internally and externally) shall be submitted to and approved in writing by the Local Planning Authority.

The approved ONMMP shall be implemented in full thereafter and shall be reviewed and updated, as necessary and at the request of the Local Planning Authority.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

12. Before the development hereby permitted is commenced, a noise impact assessment of the nightclub use on neighbouring premises (to include existing residential premises in the area and the proposed hotel bedrooms on the upper floors of St George House and Lion House) and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said use (having regard to internal noise generation - sound system setup with consideration of in-system noise limiting devices, noise egress via building structure - fabric, glazing, openings and ventilation systems, premises entrances and associated external patron noise) shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully constructed and implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

13. Before the nightclub use hereby permitted is commenced a nightclub noise insulation scheme post construction completion, commissioning and testing report to include scheme sound performance testing and monitoring, shall be submitted to and approved in writing by the local planning authority.

The post construction completion, commissioning and testing report shall demonstrate compliance with the Nightclub Use Noise Assessment / Insulation Scheme and Plant / Equipment Noise Assessment and Insulation Scheme (as required by conditions 17 and 23 respectively) and shall include airborne acoustic / sound insulation and attenuation performance standard certification / reports for scheme elements, the consideration and checking of the standard and quality control of workmanship and detailing of the sound insulation scheme and any other noise control measures as approved. Full noise insulation scheme sound performance testing and monitoring will be required.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

14. With the exception of the need to open windows for cleaning and maintenance, under a building management regime, all windows are to be fixed units. as shown on plan Ref LYC-LSH-A-ZZ-DR-A-28-302-P2. The windows shall be fixed prior to the occupation of the hotel and retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

15. Amplified music / voice shall not be played externally at or in the vicinity of the main hotel entrance of Guildhall Place.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

16. The Reception and Lounge Area on the first floor of the Hotel shall not be used for functions / activities, entertainment, conference, party, wedding or other social receptions and events incorporating amplified music / voice or other amplification. Should the end user wish to use amplified music in these areas, before the hotel use is commenced a noise impact assessment for the use of amplified music in the reception and first floor area of the hotel on neighbouring premises and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said use shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully constructed and implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

17. Should the end user of the hotel use wish to use amplified music in the reception and first floor lobby, prior to the commencement of the hotel use hereby approved aHotel Operational Noise Management and Monitoring Plan (ONMMP) to minimise and reduce the noise impact of the use of amplified music in the reception and first floor lobby shall be submitted to and approved in writing by the Local Planning Authority.

The approved ONMMP shall be implemented in full thereafter and shall be reviewed and updated, as necessary and at the request of the Local Planning Authority.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

18. Operational service collections and deliveries / dispatches associated with the approved uses shall be undertaken fully in accordance with the submitted Transport Planning Practice (TPP) Lion Yard - Hotel and Nightclub Delivery and Servicing Management Plan, May 2018. All collections / deliveries and servicing, including refuse / recycling collections for the proposed hotel and nightclub shall be undertaken from the existing Lion Yard basement service yard area with vehicular access from Downing Street via St Tibb's Row. No collections / deliveries and servicing directly on or from the public highway / on-street is permitted.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

19. Before the development/use hereby permitted is commenced, a noise impact assessment of plant and equipment (including all mechanical and electrical services such as combustion appliances/flues and ventilation systems/louvres, plant rooms and electricity substations) and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said plant and equipment shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

20. Combustion Appliances - Low Emissions

i) The development hereby approved shall utilise low NO<sub>x</sub> boilers, i.e. Boilers that meet a dry NO<sub>x</sub> emission rating of 40mg/kWh. If the proposals include any gas fired Combined Heat and Power System, that system shall meet an emissions standard of:

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

ii) Details of all combustion appliances shall be submitted to and approved in writing by the Local Planning Authority for approval prior to installation demonstrating compliance with the agreed emissions limits.

iii) All combustion appliances shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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 and accords with the requirements of the National Planning Policy Framework (2018), policy 36 and of the Cambridge Local Plan 2018 and in accordance with Cambridge City Councils Air Quality Action Plan (2018)

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

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

Reason: In the interests of amenity. (Cambridge Local Plan 2018 policies 34 and 59)

22. Before the use hereby permitted is commenced, a noise impact assessment of plant and equipment (including all mechanical and electrical services such as combustion appliances / flues and ventilation systems / louvres, plant rooms and electricity substations) and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said plant and equipment shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

23. No development shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority detailing the proposed specification, number and locations of internal and / or external bird and bat boxes on the new buildings. The bird and bat boxes shall be installed prior to the commencement of the proposed uses and subsequently maintained in accordance with the approved plans.

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

24. The approved renewable energy technologies, as set out in the submitted Energy Strategy (TFT, Energy Statement Lion Yard - Hotel and Nightclub, May 2018) 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. (Cambridge Local Plan 2018 policy 29).

25. Within 8 months of commencement of the hotel, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that BREEAM 'very good' as a minimum will be met. Where the interim certificate shows a shortfall in credits for BREEAM 'very good', a statement shall be submitted identifying how the shortfall will be addressed. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 policy 29 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

26. Prior to the occupation of the hotel, or within 8 months of occupation, a certificate following a post construction review, shall be issued by an approved BREEAM Assessor to the Local Planning Authority, indicating that the approved BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 policy 29 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

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

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

28. 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)

29. Prior to installation of any facing or roofing materials a sample panel of the facing and roofing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2018 policies 57, 58 and 61)

30. Prior to the commencement of installation of glass/glazing, full details of all glass to be installed in doors / windows / screens, etc., shall be submitted to and approved in writing by the local planning authority. Mirrored, reflective, metallic coated or other non-transparent glass types are unlikely to be approved. 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)

31. Prior to the installation of any plant, large scale, full details of the rooftop plant screening system are to be submitted to and approved in writing by the Local Planning Authority. This may include the submission of samples of mesh/louvre types and the colour or colours of the components. Colour samples should be identified by the RAL or BS systems. Rooftop plant screening systems, 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)

32. Prior to the pre-occupation of the hotel full details of the area designated for dockless bikes by the hotel entrance should be submitted and approved in writing by the Local Planning Authority. This should be in the form of large scale drawings. 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)

33. Prior to the commencement of development, a noise insulation scheme detailing the acoustic / noise insulation performance specification of the external building envelope of the hotel bedrooms (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the hotel as a result of the proximity of the habitable rooms to the high external ambient noise levels in the area, shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

34. Operational service collections and deliveries / dispatches associated with the approved uses shall be undertaken fully in accordance with the submitted Transport Planning Practice (TPP) Lion Yard - Hotel and Nightclub Delivery and Servicing Management Plan, May 2018. All collections / deliveries and servicing, including refuse / recycling collections for the proposed hotel and nightclub shall be undertaken from the existing Lion Yard basement service yard area with vehicular access from Downing Street via St Tibb's Row. No collections / deliveries and servicing directly on or from the public highway / on-street is permitted.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

35. Before the uses hereby permitted are commenced, a noise impact assessment of plant and equipment (including all mechanical and electrical services such as combustion appliances / flues and ventilation systems / louvres, plant rooms and electricity substations) and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said plant and equipment shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the uses hereby permitted are commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

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

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

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

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

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

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

### **INFORMATIVE:** Dust condition informative

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

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

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

- Guidance on the assessment of dust from demolition and construction

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

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

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

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

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

**INFORMATIVE:** To satisfy the odour/fume filtration/extraction condition, details should be provided in accordance with Annex B and C of the "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69280/pb10527-kitchen-exhaust-0105.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf)

**INFORMATIVE:** The ONMMP shall consider (but not exclusively or limited to) the following:

Control of noise from customers / patrons (voices/shouting both onsite including in association with any external smoking areas /shelters, external seating, when queuing at entrance / arriving / departing and in particular dispersal at closing time);  
Entrance queue management;  
Limiting the egress of internal amplified music;  
Prohibition of the playing of amplified music externally including at entrances;  
Closing of doors and windows when the premises are in use;  
Opening and closing and drinking up times;  
Hours of use of any external areas;  
Details of appropriate signage to be placed around the premises reminding customers of the residential nature of the location and need to be mindful about causing a noise disturbance;  
Collections and delivery servicing activities and times;  
Mechanical & Electrical services operational noise - plant and equipment e.g. chillers, air con, extractors, air source heat pumps, combustion plant;  
Complaints procedure - receipt, investigation, outcome and review / actions whether complaints received directly from a member of the public, local premises or local authority;  
Management / staff duties, roles and responsibilities / authority including monitoring and record keeping;  
Regular review and update of ONMMP, as necessary.  
How all the above will be controlled/managed/enforced

**INFORMATIVE:** It is a requirement of the Clean Air Act 1993 that no relevant furnace shall be installed in a building or in any fixed boiler or industrial plant unless notice of the proposal to install it has been given to the local authority. Details of any furnaces, boilers or plant to be installed should be provided using the Chimney Height Calculation form (available here: <https://www.cambridge.gov.uk/chimney-height-approval>).

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

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

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

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

**INFORMATIVE:** As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to be registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food storage areas comply with food hygiene legislation, before construction starts. Contact the Commercial Team at Cambridge City Council on telephone number (01223) 457890 for further information.

**INFORMATIVE:** A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email [Licensing@cambridge.gov.uk](mailto:Licensing@cambridge.gov.uk) for further information.

**INFORMATIVE:** An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

**INFORMATIVE:** There is no policy requirement for the provision of public art on site as the application is a minor development. However, given the nature of the development and the central location of the site, the provision of public art as part of the redevelopment would be viewed favourably.

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/0363/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	12th March 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	7th May 2018		
<b>Ward</b>	Abbey		
<b>Site</b>	393 Newmarket Road Cambridge CB5 8JL		
<b>Proposal</b>	Alteration to building and extension to provide loading bay. Reconfiguration of car park and associated landscaping. New S106 agreement to allow food retail.		
<b>Applicant</b>	ALDI Stores Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would not impact the vitality and viability of the city centre or other local/district centres within the city</li> <li>- The proposal would not harm the amenity of surrounding occupiers</li> <li>- The proposal is not considered to give rise to any significant adverse impact to highway safety</li> <li>- The external changes to the building are considered acceptable in design terms</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site lies on the north side of Newmarket Road. This part of Newmarket Road is characterised by commercial uses with Cambridge Retail Park being located to the south of the site on the other side of Newmarket Road and Tesco on Cheddars Lane being to the west of the site. There are also a

number of residential properties in close proximity to the site, in particular the dwellings on Stanley Road to the east of the site.

- 1.2 The existing building is in retail use and was last used as Wickes. The unit has a S106 attached which limits the potential uses of the site. Food retail is not included on the list and is therefore excluded from the potential uses of the site under the current S106 agreement.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for alterations to building and an extension to provide a loading bay. Works are proposed to reconfigure the car park with associated landscaping. Although the building is currently in A1 use, and the proposal does not require change of use, a revised S106 agreement is required to allow food retail as the existing S106 restricts the potential use of the site.

- 2.2 The existing S106 agreement which relates to application ref. C/93/0321 at 2(1) states that the user shall not sell or display for sale in the development any good other than:

- (a) DIY goods (including wallpaper and paint)
- (b) Materials for building
- (c) Garden products (deemed to include pet food)
- (d) Furniture and carpets
- (e) Electrical goods (including videos)
- (f) Motoring and motor-cycle accessories

- 2.3 In February 1995, a deed of variation to the S106 was agreed to allow the sales of the following goods:

- The bulk sale of office products, office stationery and equipment.

- 2.4 The applicants seek a revised S106 agreement which would require the above restrictions and allow for a LAD or Limited Availability Discounter to use the building.

- 2.5 The application does not propose to significantly change the footprint of the building; the existing entrance lobby to the front is proposed to be demolished and a loading bay is proposed to the rear. The internal division of the units is proposed to change

with Aldi proposing to occupy a larger footprint than the existing Wickes unit. Much of the existing brickwork is proposed to be replaced by glazing and an aluminium canopy is proposed to run around part of the building. Internally much of the existing mezzanine floor is proposed to be removed.

- 2.6 Alterations are proposed to the car park to reconfigure and reduce the number of spaces for 124 to 114. 4 disabled bays are proposed as well as 7 parent and child spaces. Proposed cycle parking on site has been increased since submission. A total of 35 Sheffield Stands are proposed (including 4 retained stands). These would be predominantly sited adjacent to Newmarket Road near the entrance to the unit. 20 secure staff cycle parking spaces are proposed to the rear of the site behind a gate away from the car park. The existing trees within the car park are proposed to be protected and retained.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/93/0321	Erection of a building (2352 sqm) for retail use (class a1) with associated new access, car parking and landscaping. (amended by letters dated 03.11.93,	Permitted
12/1614/S73	Vary Condition 18 of C/0321/93 to allow longer trading hours on Monday to Saturdays (excluding Bank Holidays).	Permitted
12/1615/FUL	External alterations to existing building and site layout including new entrance lobby, revised parking arrangements and creation of Secure Compound to rear (south west) elevation; and installation of mezzanine floorspace (Class A1)	Permitted
14/1151/FUL	Modification to left turn ingress of existing access	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 6
		35 36
		55 56 58 59 71
		81 82

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

Central Government Guidance	National Planning Policy Framework February 2019
	National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards
	Circular 11/95 (Annex A)

<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>Planning Obligation Strategy (March 2010)</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>Cycle Parking Guide for New Residential Developments (2010)</p>

## 6.0 CONSULTATIONS

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

#### *Preliminary comment*

- 6.1 Objection: I will make a full comment after consultation with my colleagues in the Transport Planning, Traffic Signals and Safety Teams. Of particular interest is the impact upon u-turning movements engendered at the traffic signal control junctions either side of the site on Newmarket Road, both in terms of safety and capacity. No assessment of this has taken place and so the Highway Authority wishes to place a holding objection upon this application until such time as sufficient information is supplied to make an informed comment.

*Second comment*

- 6.2 Objection: A swept path for a large car doing a u-turn at the junctions to the east and west is required.

*Third comment*

- 6.3 I will make a full comment after consultation with my colleagues in the Transport Planning, Traffic Signals and Safety Teams.

*Fourth comment*

- 6.4 Transport planning colleagues will comment directly on the additional information.

**Transport Assessment Team**

*Preliminary comment*

- 6.5 Objection: The applicant has not provided a Transport Assessment. This is essential in order that proper consideration can be given to the likely transport impacts resulting from the development. An Aldi Supermarket will have significantly different trip patterns than the current use and it is important that these are properly assessed.

*Second comment*

- 6.6 Objection: Evidence that the site access junction and Stanley Road/Newmarket Road junction will not operate over-capacity as a result of the proposed development is required. The existing data provided is not enough to make a fully informed assessment of the transport impacts of the proposed development. Issues with methodology and data means that Cambridgeshire County Council cannot draw informed conclusions. The developers are required to revisit the TA with our comments and provide a revised assessment.

*Third comment*

- 6.7 Objection: The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development.

#### *Fourth comment*

- 6.8 No objection: Having reviewed the relative impacts of the development, a mitigation package is considered to be essential to mitigate development. A condition is requested requiring the existing bus stop adjacent to 433 Newmarket Road be replaced and the bus stop westbound in the vicinity of B & Q be updated to include the provision of a Real Time Passenger Information display unit.

#### **Environmental Health**

##### *First comment*

- 6.9 Objection: Clarification is required on delivery vehicle manoeuvring and frequency.

##### *Second comment*

- 6.10 Objection: A letter has been submitted by Planning Potential dated 25th April 2018. The letter advises that deliveries are required 2 hours before opening and therefore require deliveries from 06:00hrs (Monday to Saturday). The letter advises that the ability to receive goods at 06:00hrs Monday-Saturday is crucial for Aldi to have a fresh delivery in the morning to be unloaded and stocked in time for opening at 08:00hrs. These differ from the hours of the existing Aldi on Histon Road.
- 6.11 As stated within my previous memo, I had concerns regarding the Sharps Redmore (SR) Environmental Noise Report dated 16<sup>th</sup> January 2018 (project no: 1717546) regarding deliveries during the night hours. It is our opinion that BS4142:2014 “methods for rating and assessing industrial and commercial sound” is the most relevant standard for delivery noise. It is possible that the arrival position / location of the delivery vehicles could be much closer to the existing residential properties than the 10m demonstrated within the SR report and therefore result in more significant noise impacts than is reported. 31 Stanley Road is approximately 6m from the car park boundary. These details require clarification. The noise levels suggested in the noise report would likely wake residents from sleep. This regular disturbance from a specific site and activity during night hours would likely trigger complex emotional reactions from residents resulting in harm to quality of

life which would be unacceptable. As previously stated, it is recommended to protect local amenity and quality of life of local receptors that delivery hours are conditioned to reasonable daytime hours ; Monday to Saturday = 07:00hrs – 23:00hrs and Sunday = 09:00hrs – 17:00hrs.

*Third comment*

- 6.12 Objection: I have assessed application 15/0398/FUL which was granted permission for 316 student rooms located on the North-West site boundary with Wickes & Staples. Block A of permission 15/0398/FUL has 33 habitable rooms (studio rooms) with openable windows on ground, first and second floors located on the site boundary with the proposed Aldi and would be impacted by noise from early deliveries. An assessment has not been provided of the noise impact upon the student development from the banjo manoeuvre, delivery movements or service yard activities. As previously stated, it is recommended that, in order to protect local amenity and quality of life of local receptors, delivery hours are conditioned to reasonable daytime hours.

*Fourth comment*

- 6.13 Objection: It was our previous recommendation that there was insufficient assessment of noise impacts from early morning deliveries and inadequate acoustic mitigation proposals to address said impacts. The proposed mitigation afforded by the acoustic fence is reasonable considering the short noise exposure of the vehicle travelling behind the properties to the service delivery yard. However, details have not been provided of the existing fence which will remain in place (approximately half the length of the north-east boundary treatment starting at Newmarket Road) along the boundary shared with the residential properties before reaching the new acoustic fence's proposed location (which starts at approximately halfway into the car park adjacent to the gardens serving 19 / 21 Stanley Road). If the remaining boundary fence is in a similar poor condition to the proposed replaced fencing, as stated within section 1.4 of the SR technical note, residents will be afforded little noise protection from the fencing / barrier until the delivery vehicle engine area reaches approximately halfway into the car park where the new acoustic barrier is proposed. It is possible that the proposed acoustic fence will need to be constructed

along the entire north-east boundary shared with the residential gardens. Justification is required on the proposed acoustic fence location and the remaining fence's condition to protect local residents from delivery vehicle noise.

*Fifth comment*

- 6.14 No objection: A pre-commencement condition is requested requiring details of the acoustic fence. A suite of standard conditions are recommended regarding plant noise insulation, construction hours, collections during construction, piling and dust. Bespoke conditions are requested regarding artificial lighting, a Servicing and Operational Noise Minimisation Management Plan, delivery hours, trading hours, unexpected contamination and the provision of 2 electric vehicle (EV) charging points. Three informatives are also recommended.

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

- 6.15 No objection: There are no arboricultural objections to the proposal subject to the retention and protection of the sites' trees. Two conditions are requested, one requiring tree protection details and another requiring replacement planting if any tree to be retained fails within 5 years of completion of the development.

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

- 6.16 No objection: Landscape supports the application overall. Consideration for repair of dilapidated fencing or complete replacement of the boundary bordering residential properties may be required for the purposes of both aesthetics and/or noise attenuation. Three conditions are recommended regarding hard and soft landscape details, boundary treatment and landscape maintenance.

**Planning Policy**

*First comment*

- 6.17 Objection: The sequential test provided is inadequate as it has not considered the foodstore at Darwin Green. Any loss of retail warehousing needs to be carefully considered to ensure their remains adequate provision to meet local need. The retail

statement provided by Aldi suggests the new store would complement rather than compete with the existing stores. Aldi is not considered a one-stop shop unlike Tesco, Sainsbury's and ASDA. It would therefore be reasonable to consider the possibility that the Aldi store will simply cherry pick the more profitable convenience items. This would lead to a cannibalisation of existing volumes for all supermarket operators rather than meeting an unmet demand/need for convenience shopping in the area. An independent assessment is needed to assess the impact of the loss of the existing retail warehousing unit and a separate assessment that ensures there is sufficient demand for a new convenience retailer in the area that will not affect the provision of new supermarkets in other areas of the city where new growth is planned. A statement is also needed explaining why the planned local centre in Darwin Green is not a suitable location for the proposed Aldi.

#### *Second comment*

- 6.18 Objection: The applicant has stated that the Darwin Green site is not within the catchment area that the new store would serve – South of the City - and would fall within the catchment area of its existing store on Histon Road. Furthermore, the Darwin Green site is not immediately available to ALDI. Further information has been provided regarding the impact of the loss of the retail warehousing and the rise in demand for additional discount convenience retail. Wickes is vacating the site regardless of the outcome of the proposed site application. Aldi is currently the only discount convenience provider in Cambridge. A new store will add to this unique offer. The Council still considers the sequential test should focus on centre locations before considering out-of-centre locations. Given the limited number of convenience shopping sites in Cambridge, every site should be carefully considered.

#### *Third comment*

- 6.19 No objection: The Council adopted the Cambridge Local Plan in October 2018. Since the submission of this planning application (ref. 18/0363/FUL) at 393 Newmarket Road (former Wickes store) for an ALDI food store comprising of 1,824 sqm gross floor space, a proposed Lidl store comprising of 1,856 sq m gross floor space, has been received on part of the existing

Homebase store, Unit 10 Newmarket Road. Together, these proposals could potentially add an additional 3,680 sqm of gross floor space for A1 convenience/ limited assortment discounter shopping in and around Newmarket Road. The Council subsequently requested a cumulative Retail Impact Assessment of these proposed applications.

- 6.20 As part of Planning Policy's comments dated 16 May, further consideration of the new foodstore at the local centre at NIAB/Darwin Green (2,000 sqm net) was requested. In response, the applicant has outlined the reasons for its not being a suitable location.
- 6.21 Both the Aldi and Lidl proposals fall with the foodstore category of a 'limited assortment discounter' (LAD) or deep discounter, they both provide a different food offer to the established main food retailers such as Asda, Tesco and Sainsburys. There is currently only one LAD/deep discounter in Cambridge, ALDI on Histon Road. Evidence confirms that it is over trading. It is expected that the proposed store will draw its trade from both a 5-minute drive-time catchment area and a portion of those who currently travel to the existing store on Histon Road. Assuming the Lidl application is approved, the proposed ALDI, if approved would also compete with Lidl's proposed LAD/deep discounter format.
- 6.22 The applicant has explained they are not a 'one stop shop'; their format has a limited number of product lines and does not provide specialist stalls such as kiosks, specialist concessions such as in-store butcher, fishmonger or pharmacy. They expect ALDI customers to have to shop elsewhere to complete their shop at a foodstore with a much broader range of store sizes, format and products. ALDI foodstores are standardised and therefore consistent amongst the property portfolio.
- 6.23 Given the close proximity between the proposed ALDI food store and proposed Lidl and the other main foodstore operators Asda, Tesco and Sainsbury's, it is expected that a majority of the trade for ALDI will be diverted from the three main food stores nearby and the proposed Lidl store, if approved. The proposed ALDI store is not expected to have a significant change on the area's shopping patterns within Cambridge. It is anticipated that there will be no significant trade draw from the city centre.

- 6.24 It is noted that one objection from ASDA has been received. Their concerns include the assumed rate of trading for both ALDI and Lidl has been under estimated. The applicant has acknowledged that some trade from the three main food stores may be diverted to both proposed stores at ALDI and Lidl the impact will not be sufficient to lead to a store closure. The establishment of a Lidl or an ALDI may also attract business to the other main foodstores with consumers choosing to complete their food shop where a broader range of products is available.

### **Cadent Gas**

- 6.25 There is apparatus in the vicinity of the application site. This comprises High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment and Low or Medium pressure (below 2 bar) gas pipes and associated equipment.
- 6.26 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- Asda Stores Ltd.
- Camcycle
- 5 Cheddars Lane
- CHS Group, Endurance House, Chivers Way, Impington
- 3 Langham Road
- 401 & 413 Newmarket Road
- 43 Priory Road
- 47 Riverside
- 73 Plantation Road, Sawston
- 83 St Andrews Road
- 54 St Bartholomew's Court
- 31& 63 Stanley Road
- 147 Stanley Road
- 80B York Street

## 7.2 The representations in objection can be summarised as follows:

- The permission is for a general A1 food retail use and could be occupied by another retail not just Aldi. Request sensitivity testing using other retailers densities or an average to assess the potential impact of another operator occupying the site.
- The Retail Impact Assessment provided assumes that Aldi and Lidl would operate at 20% below average trade which underestimates the potential impact.
- There is existing parking pressure on surrounding streets which would be made worse by the proposal.
- Reduction in number of car parking spaces is absurd and will impact residential amenity as there is no controlled parking on surrounding streets
- Will add to existing congestion on Newmarket Road
- Aldi on Histon Road causes congestion
- No Traffic Impact Assessment provided. Need further traffic data to be provided to assess
- The junction would become dangerous for cyclists
- Inadequate cycle parking
- Existing cycle access is constrained. The barrier on Cheddars Lane blocks larger cycles. This should be removed as part of the application
- Concerned that drivers will queue in the cycle lane
- The Travel plan overestimates the number of cyclists. Few cyclists use Newmarket Road.
- Lorries reversing at Tesco are loud and can be heard at nearby residential properties.
- 31 Stanley Road is closer to the boundary with the site than estimated in the noise report. Concerned about the impact on lorries manoeuvring near the boundary causing noise disturbance.
- Concerned about noise from additional deliveries
- Request that delivery vehicles are not allowed to wait in the car park as this causes noise disturbance.
- Concerned about nuisance from additional external lighting
- The longer opening hours will cause disturbance to nearby residents.
- Should be required to contribute to S106 fund for Eastern Gate SPD
- No meaningful consultation prior to submission
- Air Quality has not been addressed.
- Has Aldi considered the Toys R Us site.
- The address for the application was unclear.

- Wickes was a low intensity use. Aldi will intensify use of the site and cause disturbance to nearby occupiers.
- Will cause littering, abandoned trolleys and vermin.
- Request that the Norway Maple by the entrance is removed as it impacts light to 401 Newmarket Road.
- No mention of replacement fencing. The existing boundary fence is in a state of disrepair.

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

- 21 Abbey Street
- 32 Abbey Road
- 14 Almond Grove, Bar Hill
- 27 Arbury Court
- 229 Arbury Road
- 65 Beacon Rise
- 1 Beche Court
- 24 Beche Road
- Unit 8, Brickyard Industrial Estate, Coldhams Lane
- Unit 7, Cambridge Retail Park
- 87 Castle Street
- 18A Church Street, Fen Ditton
- 1 Field Row
- 22 & 115 Fitzgerald Place
- 8 & 56 Hampden Gardens
- 59 High Barns, Ely
- 1 & 43 Hinton Avenue
- 24 Hobson Avenue
- 27 Longworth Avenue
- 27 Luard Road
- 101 & 168 New Street
- 212, 289, 461, 475 & 493 Newmarket Road
- Flat 3, Nidus House
- No Address given
- Flat 6, 29 Occupation Road
- 28 Ox Meadow
- 39 Oyster Row
- 37 Periman Close
- 30 & 37 Priory Road
- 2 & 70 Pym Court
- 32 Pepperslade
- 54 Pepys Court
- 52 Queen Edith's Way

- 13 & 22 Regatta Court
- 79 River Lane
- 14, 22, 64, 74 & 78 Riverside Place
- 35, 37 & 96 Riverside
- 3 Rowlinson Way
- 10 & 20 Saxon Road
- 7 Scholars Walk
- 5 Signet Court
- 4, 15, 23, 29 & 35 Silverwood Close
- St Andrews House
- 54 & 73 St Andrews Road
- 17, 37, 48, 50 & 63 St Bartholomews Court
- 67, 97, 157 & 213 St Matthews Gardens
- 34 Stanley Court
- 63, 68, 85, 87 & 158 Stanley Road
- 2 Stevenson Court
- Unit 2, The Arches, Coldhams Lane
- 30 The Lane, Hauxton
- 160 & 176 York Street
- 1 Water View, Riverside
- Whitwell, George Street
- 6, 20, 27 & 32 Willowbank, Logans Way

7.4 The representations in support can be summarised as follows:

- Cambridge needs more stores which provide affordable and quality goods
- Would provide competition for Tesco and other nearby stores.
- The Histon Road Aldi is very busy at times. The additional store would alleviate pressure
- Already shop at the Histon Road store but the proposal would be closer to home and would shop here instead.
- Would reduce congestion on Histon Road
- Easily accessible by bike from Riverside. Would serve cyclists from Chesterton.
- Convenient location near the city centre, retail park and the beehive.
- Other smaller towns and cities have more than 1 Aldi
- Staff are likely to be locally hired.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The site is currently in retail use (Class A1) but with restrictions on the type of goods that can be sold from the building. The proposal seeks to revised the s106 to remove the current restrictions and allow for food retail sales from the building. The Planning Policy Officer raised concerns about the original submission as the sequential test provided was considered to be inadequate, there was no assessment of the impact of the proposal on nearby centres and the city centre and as the proposal would result in the loss of a bulky retail use.

8.3 Policy 6 of the Cambridge Local Plan (2018) which 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.

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 2,500m<sup>2</sup> 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 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).

- 8.6 The applicants have provided details of why Darwin Green was discounted from their sequential test. This outlines that the site falls outside of the catchment area proposed given its proximity to the existing Aldi on Histon Road, that the site is not currently available there were nevertheless detailed concerns that made the site unsuitable for Aldi's occupation. This case is accepted by the Planning Policy Officer.
- 8.7 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. They are not a one-stop shop but rather they offer a limited range of goods at a deeply discounted price and provide a "top up" service. The supermarket does offer some comparison goods but these are primarily weekly specials which are sold on a 'when they're gone they're gone' basis and this means they do not compete with other comparison retail.
- 8.8 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. Although the site falls under the 2,500sqm outlined in the NPPF as the threshold for requiring a Retail Impact Assessment, Policy 6 of the Cambridge Local Plan 2018 makes provisions for a Retail Impact Assessment to be required where a proposal could have a cumulative impact or an impact on the role or health of nearby centres within the catchment of the proposal. Following the submission of the Lidl planning application on the adjacent site at Cambridge Retail Park (18/0858/FUL), a Retail Impact Assessment was required due to concerns regarding the potential cumulative impact of both stores on surrounding centres and the city centre.
- 8.9 The applicant's Retail Impact Assessment (RIA) has assumed that amongst the total spend within the Primary Catchment Area (PCA) there will be an 80:20 ratio between the amount spent on main food and top-up shopping. This proportion equates to £112m of main food expenditure and £28m of top-up shopping in the PCA. On the basis of the information submitted it is

expected that the majority of trade for the Proposed Aldi and approved Lidl (18/0858/FUL) will be diverted from the three main food stores nearby (Asda, Tesco and Sainsbury's) and from each other and will not have a significant impact on the areas shopping patterns. The proposed Aldi supermarket would also divert some trade from its existing store on Histon Road. This store is in a Local Centre but is significantly over performing and this impact is not considered harmful to its viability.

8.10 The Planning Policy Officer has noted a representation from Asda. Their concerns include the assumed rate of trading for both ALDI and Lidl has been under estimated. The applicant has acknowledged that some trade from the three main food stores may be diverted to both proposed stores at ALDI and Lidl but the impact will not be sufficient to lead to a store closure. These nearby stores are not within local centres so are not protected retail uses. The establishment of a Lidl or an ALDI may also attract business to the other main foodstores with consumers choosing to complete their food shop where a broader range of products is available.

8.11 With regard to Cambridge City Centre it is not considered 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.

8.12 A S106 obligation (or deed of variation) can:

- restrict the development or use of the land in any specified way
- require specified operations or activities to be carried out in, on, under or over the land
- require the land to be used in any specified way; or
- 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.

- 8.13 On the basis of the above, it is concluded 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.
- 8.14 Having regard to the conclusions of the Retail Impact Assessment (RIA) and Transport Assessment (TA), in relation to the specific nature of the impact of the Aldi retail offer, that it will not have any material impact on the vitality and viability of existing centres, it is proposed that the revised S106 should suspend the restrictive list of goods that can be sold but introduce a limitation on the occupation of the building to Aldi alone. I consider that it cannot be inferred from the conclusions of the RIA and TA that any other food retail store would not have an adverse impact on the vitality and viability of existing centres. Should Aldi cease to use the building, the existing restrictions would automatically come back into force. This would allow Aldi to operate from the site and to sell its range of convenience and comparison goods for as long as it wishes but would restrict any other user from doing so without first demonstrating, as Aldi has, that it will not have an adverse impact on the vitality and viability of existing centres though any further application for a Deed of Variation to the S106. The precise wording of this revised S106 is requested to be dealt with under delegated powers.

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

- 8.15 The proposed external changes are minor and do not alter the height or footprint of the building. A loading bay is proposed to the rear of the building. The existing entrance lobby to the front (45sqm) is proposed to be demolished. The main changes to the building are the replacement of much of the solid brick façade with double height glazing at ground floor with ribbon windows above. An aluminum canopy is proposed to run along the Newmarket Road elevation and along onto the north eastern elevation adjacent to the car park. The CGIs included with the application show signage but this will need to be dealt with through an advert consent. In my view the proposal would

refresh the building and is considered acceptable in terms of design.

- 8.16 The Landscape officer has no objection to the proposal subject to conditions requiring further details of the hard and soft landscape, boundary treatment and a landscape maintenance plan. The Tree Officer also has no objection to the proposal subject to details of tree protection and a condition requiring any tree which fails within 5 years of the development being completed to be replaced.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58, 59 and 71.

### **Light pollution, air quality, noise, vibration and dust**

- 8.18 I deal with noise from deliveries under the residential amenity heading below. The Environmental Health Officer has recommended a number of conditions regarding construction hours, collections during construction, piling and dust to protect the amenity of nearby occupiers during construction. A condition is recommended to ensure that any unexpected contamination which could be found on site is correctly managed. The site is in an Air Quality Management Area (AQMA) and no Air Quality Assessment (AQA) has been included with the application. In the absence of an AQA, the Environmental Health Team have requested a condition requiring 2 EV charging points be provided on site. I consider this to be acceptable. Details of artificial lighting and plant noise insulation are required by condition to protect residential amenity once the store becomes operational. The plant noise condition requirement relates to the change of use, and need for refrigeration/additional plant due to the change in the nature of the goods being sold, and is suggested to be added as a control on the S106 rather than as a condition on the decision notice.
- 8.19 In my opinion, subject to the conditions and controls I have recommended to be incorporated into the revised S106, the applicants have suitably addressed the issues of light pollution, air quality, noise, vibration and dust, and the proposal is in accordance with Cambridge Local Plan (2018) policies 33, 34, 35 and 36.

## **Inclusive access**

- 8.20 The site would provide level access, a disabled toilet internally and 4 disabled parking bays within the car park.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56 and 57.

## **Residential Amenity**

### **Impact on amenity of neighbouring occupiers**

- 8.22 The Environmental Health Officer expressed some concerns at the proposal for delivery hours beginning 2 hours ahead of the store opening at 06.00. The Environmental Health officer raised concerns about the methodology used to assess noise in the original documents submitted. His concern was the impact of early deliveries on 31 Stanley Road. He considered that the information provided suggested levels of noise which would wake the occupier from their sleep. These deliveries would be regular and the sleep interruptions resulting from the noise would have the potential to impact on the health of the occupier. Concerns were also raised regarding the impact on the approved student rooms (15/0398/FUL) adjacent to the site however I can confirm that the windows adjacent to the application site serve corridors and as a result the proposal would not harm the amenity of any future occupiers of this development.
- 8.23 The applicant has provided details of a fence which would act as an acoustic barrier. The Environmental Health Officer considers this to be a reasonable solution but has suggested that the acoustic fence may need to be extended further around the site than is currently proposed. The applicant is happy to provide additional fencing if required and it is recommended that an appropriate control be included within the revised S106 to deal with the details to ensure the boundary treatment would be adequate for the site as a whole. A Servicing and Operational Noise Minimisation Management Plan / Scheme is also requested to be included within the revised S106. The noise management plan would detail how noisy activities would be managed to mitigate any disturbance to neighbouring properties. It would need to cover areas such as how unloading and reloading would be managed, confirmation that drivers

would not idle park on site at any time and how potential noise complaints would be managed.

- 8.24 Controls within the revised S106 are recommended restricting the hours of deliveries to 06:00hrs – 23:00hrs Monday to Saturday and 08:00 – 17:00hrs on Sundays or public holidays. Hours of trading are also recommended to be controlled in the revised S106 to 08:00hrs – 22:00hrs Monday to Saturday and 10:00 – 16:00hrs on Sundays or public holidays only.
- 8.25 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 56.

### **Refuse Arrangements**

- 8.26 The Design and Access Statement details that every Aldi store has a cardboard and paper bailer which compacts and bins material which is then returned to the depot for recycling or anaerobic digestion. For general refuse, Aldi has a contract with a private waste disposal company.
- 8.27 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

### **Highway Safety**

- 8.28 The County Council's Transport Assessment Team raised concerns about the application as a Transport Assessment was not initially provided so there was inadequate information to assess the impact of the proposal on highway safety. A Transport Assessment was provided by the applicant but there were a number of omissions, further cycle parking was required and there were concerns about the impact of the use of the site access and the junction of Stanley Road and Newmarket Road during peak hours. Further information was required to assess. Following further consultation and an additional submission of information the Transport Assessment Team were satisfied that subject to a mitigation project, their objection could be withdrawn. The mitigation package requires works to the two nearest bus stops (eastbound and westbound). This is recommended to be included in the revised S106.

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

### **Car and Cycle Parking**

- 8.30 The application involves amendments to the car park which results in a reduction in the number of car parking space on site from 124 to 114 spaces (including 4 disabled spaces and 7 parent and child spaces). The policy requirement for the site is 89 spaces so the proposal would exceed the standard. Although the number of space proposed is greater than the maximum standards, having regard to the neighbour representations, I understand that there is demand for on-street parking in the area, and in this instance, I consider that although the number of spaces would be in excess of the policy standard, given the lack of objection from the highway Authority, this would be acceptable.
- 8.31 The site plan has been revised since submission. As part of the revision additional cycle parking has been accommodated adjacent to Newmarket Road. A total of 31 new Sheffield Stands (providing 62 cycle parking spaces) are proposed and 4 existing hoops are to be retained. The policy requirement is for a total of 40 spaces so the proposal would exceed the minimum standard. In addition to this, a total of 20 covered cycle space for staff in two separate stores behind a gated area in the service yard part of the site.
- 8.32 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

### Third Party Representations

8.33 I will address any outstanding matters raised by the third party representations in the below table:

Representation	Response
The permission is for a general A1 food retail use and could be occupied by another retail not just Aldi. Request sensitivity testing using other retailers densities or an average to assess the potential impact of another operator occupying the site.	See paragraph 8.14
The Retail Impact Assessment provided assumes that Aldi and Lidl would operate at 20% below average trade which underestimates the potential impact.	The Planning Policy Officer is satisfied with the information provided in the Retail impact Assessment. Although there would be some impact on nearby food retail, these units are out of centre and not protected, and the impact is not considered to be significant enough to result in closure of any of the stores. See paragraph 8.10
There is existing parking pressure on surrounding streets which would be made worse by the proposal.	Noted. The proposal would provide a number of parking spaces in excess of the policy standard. The proposal is not considered to result in any significant impact to parking on surrounding streets. See paragraph 8.30
Reduction in number of car parking spaces is absurd and will impact residential amenity as there is no controlled parking on surrounding streets	The number of parking space although reduced by 10 is still well in excess of the policy maximum standard.
Will add to existing congestion on Newmarket Road	The Transport Assessment Team has reviewed the application and are satisfied that the proposal would be acceptable subject to controls.

Aldi on Histon Road causes congestion	Noted.
No Traffic Impact Assessment provided. Need further traffic data to be provided to assess	This was not provided as part of the original submission but has been provided at the request of the Transport Assessment Team and revised to satisfy their comments. See paragraph 8.28.
The junction would become dangerous for cyclists	The Transport Assessment Team has not raised any concerns about the impact of the proposal on cyclist safety.
Inadequate cycle parking	Additional visitor and staff cycle parking have been provided and now comply with policy requirements.
Existing cycle access is constrained. The barrier on Cheddars Lane blocks larger cycles. This should be removed as part of the application	Noted but this is not necessary to make the application acceptable.
Concerned that drivers will queue in the cycle lane	This has not been raised as a concern by the Transport Assessment Team.
The Travel plan overestimates the number of cyclists. Few cyclists use Newmarket Road.	The Transport Assessment Team has not raised concerns about cyclist calculations
Lorries reversing at Tesco are loud and can be heard at nearby residential properties.	Noted. The noise impact on surrounding occupiers has been carefully considered by the Environmental Health Officer and is considered acceptable subject to controls.
31 Stanley Road is closer to the boundary with the site than estimated in the noise report. Concerned about the impact on lorries manoeuvring near the boundary causing noise disturbance.	The Environmental Health Officer has reviewed the impact on no 31 Stanley Road and is satisfied that subject to the acoustic fence, controlling delivery hours and the noise management plan controls the impact on this occupier would be acceptable. See paragraphs 8.22- 8.24

Concerned about noise from additional deliveries	The Environmental Health Officer is satisfied that this impact would be acceptable subject to controls. See paragraphs 8.22- 8.24
Request that delivery vehicles are not allowed to wait in the car park as this causes noise disturbance.	This will be required to be included as part of the Servicing and Operational Noise Minimisation Management Plan. See paragraphs 8.22 – 8.24
Concerned about nuisance from additional external lighting	Details of external lighting can be required by condition. See paragraph 8.18
The longer opening hours will cause disturbance to nearby residents.	The Environmental Health Officer is satisfied that the impact to nearby residents would be acceptable subject to controls. See paragraphs 8.22 - 8.24
Should be required to contribute to S106 fund for Eastern Gate SPD	This is not required to make the application acceptable.
No meaningful consultation prior to submission	I note the concerns with the pre-application consultation undertaken.
Air Quality has not been addressed.	The Environmental Health Officer has requested 2 EV charging points be included as part of the scheme in lieu of an Air Quality Assessment. See paragraph 8.18
Has Aldi considered the Toys R Us site?	This site is also out of centre and the applicant is not obliged to include it in their sequential test.
The address for the application was unclear.	Noted but the address is accurate.
Wickes was a low intensity use. Aldi will intensify use of the site and cause disturbance to nearby occupiers.	The impact has been assessed and is considered acceptable.
Will cause littering, abandoned trolleys and vermin.	There is no evidence that this would be the case
Request that the Norway Maple by the entrance is removed as it impacts light to 401 Newmarket Road.	The Tree Officer has not requested the removal of this tree and it is not required to make the application acceptable.

No mention of replacement fencing. The existing boundary fence is in a state of disrepair.	Noted. An acoustic fence may be required to a larger area of the site than is currently shown. The applicant and Environmental Health Officer are both satisfied that this can be dealt with through controls in the revised S106. I share this view. See paragraphs 8.22 – 8.24
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### **Planning Obligations (s106 Agreement)**

- 8.34 The proposal requires a revised S106 agreement to allow for Aldi to occupy the building. As the retail impact assessment and transport assessment provided are specific to Aldi this will need to be limited to allow Aldi to occupy the building but not allow for broader food retail as this has not been assessed as part of the application. 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 occupation by Aldi is considered acceptable specifically due to the details submitted in the Retail Impact Assessment and in respect of the Transport Assessment submitted such that the change the new legal agreement to allow Aldi to occupy the building is acceptable. The impact on nearby residents is considered acceptable subject to a number of conditions and controls, in particular requiring a new acoustic fence and a Servicing and Operational Noise Minimisation Management Plan. The external changes to the building and surrounding landscape are considered acceptable subject to further details about landscape/landscape maintenance and tree protection.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the below conditions and prior completion of a deed of variation to the S106 Agreement securing:

- Use by Aldi
- Plant noise insulation
- Servicing noise plan

- Acoustic fence
- Delivery hours
- Operational hours
- Cycle parking spaces
- Works to nearby bus stops

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. 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. 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).

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

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

Reason: In the interest of residential amenity (Cambridge Local Plan 2018 policy 34).

8. 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 Local Planning Authority. Remedial actions shall then be implemented in line with the agreed remediation scheme and a validation report will be provided to the Local Planning Authority 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 Policy33.

9. No development shall commence until details of a scheme for the provision of two 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), Policy 36 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. 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).

12. No development shall commence until 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, has been 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).

13. Prior to any equipment, machinery or materials being brought onto the site for the purpose of development, including demolition, details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to development commencing and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site (Cambridge Local Plan 2018 policies 55, 57, 59 and 71).

14. In this condition retained tree means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of two years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with BS 5837:2012 and the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect the visual amenity of the area and to ensure the retention of trees on site (Cambridge Local Plan 2018 policies 55, 57, 59 and 71).

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

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

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

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

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

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

#### **INFORMATIVE: Dust condition informative**

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

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

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

-Guidance on the assessment of dust from demolition and construction:

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

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

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

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

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

**INFORMATIVE:** The Servicing and Operational Noise Minimisation Management Plan / Scheme should include consideration of but not exhaustively the following operations and activities within:

- The Journey to and from the service yard area
- Within the Service Yard
- Unloading/Re-loading
- The Return Journey to and from the service yard area
- Advice and policy for drivers of service vehicles to minimise noise during collections and deliveries
- Vehicles delivering to/from site
- No idling parked delivery vehicles permitted within the site at any time. Only one delivery vehicle permitted on site at any time
- No use of fork-lift trucks
- Alarm systems
- All goods are delivered on pallets. There is no use of delivery cages
- A complaints procedure for verifying and responding to complaints about noise / vibration

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/1813/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st November 2018	<b>Officer</b>	Mary Collins
<b>Target Date</b>	16th January 2019		
<b>Ward</b>	Trumpington		
<b>Site</b>	12 Gilmour Road Cambridge CB2 8DX		
<b>Proposal</b>	Ground floor extension and access gate alterations within the building curtilage; projection of first floor sitting room window onto the existing terrace and erection of garden studio within the second floor terrace.		
<b>Applicant</b>	Mr & Mrs Roca 12 Gilmour Road Cambridge CB2 8DX		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal does not adversely impact on the setting, character or appearance of the Brooklands Avenue Conservation Area</p> <p>The proposal respects the character and proportions of the original building and surrounding context and the altered roofline is sympathetic to the existing building</p>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 12 Gilmour Road is a mid-terrace three storey terraced dwelling in a row of 8 dwellings which run parallel to Brooklands Avenue to the north.
- 1.2 The property is situated on the northern side of the street within the Accordia Development which is covered by an Article 4 Direction and is within the Brooklands Avenue Conservation Area.
- 1.3 The existing roofline of the terrace is flat and uniform in appearance. The dwellings each have a terrace at second floor

level to the side and a terrace to the rear of the dwelling at first floor level. There is also a ground floor terrace.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for a ground floor extension and access gate alterations within the building curtilage; projection of first floor sitting room window onto the existing terrace and erection of garden studio within the second floor terrace.
- 2.2 To the rear lower section, the existing decked area is to be changed into habitable space and a square skylight would be added over this area to fully enclose it. Full height sliding glazed doors would be fitted behind the existing rear gate and railings which are to be retained with the gate swing being adjusted so it would swing outwards rather than inwards.
- 2.3 At first floor level, the existing opening to the lounge is to be enlarged to form a projecting window. This would project 0.8 metres and would be 4.4 metres wide. It would have a copper clad flat roof.
- 2.4 At second floor level, a studio is proposed. This would be 2.5 metres wide by 3.6 metres deep and would be linked to the main dwelling by a glazed link.
- 2.5 It would have a monopitch roof which would slope upwards from front to back having a pitch of approximately 22 degrees. The front eaves level would be 2.2 metres and the rear 3.7 metres in height. Hinged sections to the rear elevation would open to provide a seat with a sunshade above.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/02/0999	Approval of siting design and external appearance, and landscaping relating to the redevelopment of 9.45 hectares of land for residential development pursuant to condition 3 of the outline planning permission	APC dated 03.06.2003

C/00/1175	Outline Application for 9.45ha of Residential Development (Class C3) comprising not more than 382 dwellings; together with 1.92ha office development (Class B1) comprising a total maximum floorspace of 16500 sq metres (gross); alterations to the public highway, access, car parking and ancillary.	Approved 10.10.2001
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#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 35 58, 61

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

Central Government Guidance	National Planning Policy Framework February 2019  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
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## **5.4 City Wide Guidance**

- Buildings of Local Interest (2005)
- Cambridge City Council (May 2007) – Sustainable Design and Construction
- Cambridgeshire Design Guide For Streets and Public Realm (2007)
- Roof Extensions Design Guide (2003)

### **Area Guidelines**

- Brooklands Avenue Conservation Area Appraisal (2013)

## **6.0 CONSULTATIONS**

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

- 6.1 No significant adverse effect on the adopted public highway should result if this application gains the benefit of planning permission

#### **Conservation team**

- 6.2 The gates of these dwellings and their open terrace spaces are important characteristics as are the continuous outlines/profiles of the buildings.  
The proposals retain the gates (with adjustment) and the terrace space – though with an insertion into such space.  
In terms of visibility from street level, the proposals would be unobtrusive. From open areas within the neighbouring terraces of buildings, the apex of the upper floor addition would be likely to be apparent above the parapet level.  
Generally the proposals would have very limited impact on the conservation area. This might be further reduced by modifying the proposal to reduce the height of the apex element.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Thornburrow has called the application to committee due to the architectural importance of the setting and the award of the Stirling Prize to the Accordia development.

The proposal itself is to one dwelling, but these are proposals that affect a Stirling Prize winning scheme. This prize is the highest accolade for architecture in this country and for the first time ever, the award for given for the whole housing scheme. The scheme may be small but it is important as of this award winning housing scheme and requires rigorous and transparent assessment.

Gilmour Road was designed by Feilden Clegg Bradley who state, generally about Accordia, that “The design replaces traditional gardens with a variety of private open spaces such as courtyards, roof terraces and large balconies. A mixture of house and apartment types weaves into the fabric of these spaces in the form of terraces, courtyard houses and set-piece apartment buildings. The scheme also adopts a holistic approach to environmental design, creating a well-rounded and sustainable complex.”

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

- Accordia Community and Residents Association (ACRA)
- 7 Aberdeen Square
- 11 Aberdeen Avenue
- 7 Henslow Mews
- 3 Morland Terrace
- 6 Richard Foster Road

- 7.3 The representations can be summarised as follows:

- The proposed development goes against intent of the existing Article 4 Direction and Conservation Area Designation "that all future works must 'preserve or improve' the district's character."
- This application is inconsistent with the architectural cohesiveness such as open terrace elements and a

framework of layout, forms and materials that make up the design of Accordia.

- Risk of a precedent being set for allowing varied alterations across the Accordia Development in properties of similar design.
- Impact on the immediate neighbours, the proposed addition to the top floor will be very prominent and will compromise one of the most important design features of the estate - the uniform treatment of the terrace areas. The proposed change to the ground floor, even if the existing openings are glazed, will obstruct the view through to the adjacent garden, interfering with the "private but visible spaces" which the conservation area appraisal identified as a positive feature of the estate.
- The full height glazed sliding doors would be too close and relates poorly to the retained rear gate and railings. The change to the gate swing would visually encroach into the shared garden area and interrupt the rhythm of the rear elevation of the terrace.
- The protrusion of the dining room roof light and the addition of the projection to the existing window would be out of character with and interrupt the coherence and symmetry of the appearance of the rear elevation of the terrace.
- The addition of an independent structure with glazed link on the top floor terrace would be an alien form, visually intrusive at high level and upset the integral balance between solid built form and open amenity space.
- The structure would directly overlook the main living area of 3 Morland Terrace and would block light to an intolerable and unacceptable degree.
- An independent terrace structure of this kind will detract from the special character of the architecture of the Accordia Estate.
- Article 4 Direction ensures that their architectural cohesiveness is preserved. Basic forms are punctuated with framed, open terrace elements and in some cases, prominent chimney stacks. Its strong character is achieved via a consistent framework of layout, forms and materials."
- The properties on Accordia were designed to work together as a whole rather than simply as a collection of independent properties. A key element of this quality is

the harmony and uniformity of building styles. The proposed development will prejudice these, and is therefore not in keeping with the design of the estate as a whole.

- Consistency and regularity are key features of the development, and ad hoc individual designs such as this greatly detract from it.

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

## **8.0 ASSESSMENT**

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

8.1 On the 21st February 2014, the Council published an Article 4 Direction on the Accordia Estate. This means that certain works to dwellinghouses which are generally permitted development would now require a planning application. These works are:

- The infill or enclosure of a recessed entrance or an open terrace area
- Insertion of a new window opening
- Removal of a projecting part of a dwelling house
- The recladding of any part of a building in a material of a different type or appearance to the original
- The provision within the curtilage of a dwellinghouse of a hard surface
- The alteration or removal of a chimney
- The erection or construction of a gate, fence, wall or other means of enclosure
- The painting of the exterior of any building or work

This came into force on the 23rd February 2015.

8.2 The Article 4 direction restricts certain types of development where the exercise of permitted development rights would harm local amenity, the historic environment or the proper planning of the area. This does not mean that the building cannot be changed in any way however proposed changes to the building as a whole would need to be carefully assessed to ensure that their architectural cohesiveness is preserved and that the

proposal does not detract from the appearance of the conservation area.

- 8.3 To the rear ground floor lower section, the existing decked area is proposed to be changed into habitable space and a square skylight would be added over this area to fully enclose it.
- 8.4 Given this section is recessed from the front elevation of the dwelling by approximately 7 metres and views would still be available through the glazing to this section, I am of the opinion that views would not change dramatically. The front section is used as a garage and a parked car would obscure the proposed area from view, I am of the opinion that views through to the rear section of the building would still be maintained and the visual importance of the views through the building would not be compromised.
- 8.5 I do not therefore consider the proposed use of the infilled area as a dining room to be detrimental to the appearance of the dwelling or the conservation area.
- 8.6 The top of the rooflight with seating to the first floor terrace would be set down from the parapet level and this wall would screen the skylight from view from outside the curtilage of the dwelling. I am therefore satisfied that there would not be wider views of this element and as such it would not impact detrimentally on the character and appearance of the conservation area.
- 8.7 At first floor level, the existing opening to the sitting area in the rear elevation is to be enlarged to form a projecting window. This again would be set back from the parapet edge of the first floor terrace and views of this would be minimal and against the backdrop of the existing rear elevation. This would take up a small amount of outdoor amenity space however this would not in my opinion impact detrimentally on the usability or the visual openness of this terraced element.
- 8.8 The extension to the second floor terrace would be set back by 1.2 metres from the front elevation of the dwelling behind an existing balustrade. Given the width of the intervening street, I am of the opinion that views of the extension from street level would be recessive and partly screened by the balustrade.

- 8.9 When viewed from the rear, the extension would be set in by 2.6 metres and again partially screened by existing balustrades to the edge of the terrace. In my view the extension would not be unduly prominent with visual spacing to either side and to the front and rear. The extension would read as subordinate and would not encroach detrimentally into the open space of the terrace.
- 8.10 At second floor level, the apex of the roof of this extension would project above the flat roof of the existing dwelling and the terrace by approximately 0.6 metres. The apex of the roof breaks the existing roof level however this section is set in by 2.5 metres from the rear of building and by 3.4 metres from the front edge of the property. There would be limited views of this section and sight lines indicate that this would not be visible from the public realm at ground floor level.
- 8.11 There would be views from the properties to the front and rear however given the separation between the buildings, any views of this small section of projecting roof would be recessive and would not be visually detrimental.
- 8.12 The proposal would create an altered roof profile by breaking the roofline however in my opinion this is sympathetic to the existing building and surrounding area and in keeping with the requirements of Appendix E (Roof extensions design guide). It is of an appropriate scale, form, height, massing, alignment and detailed design which will contribute to local distinctiveness, complement the built form and scale of heritage assets and respect the character and appearance of the Accordia development and the character and appearance of the conservation area.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 50, 55, 56, 58, 59 and 61.

**Residential amenity**

- 8.14 The first and second floor terraces are already outdoor amenity space with the ability to afford the occupiers unrestricted views from them outside the application site. In my opinion the addition of an extension would not alter this situation and therefore in my opinion there would not be any additional overlooking issues as a result of this proposal.

- 8.15 The proposed window would project above the wall separating the first floor terrace from the adjoining terrace at No. 14 Gilmour Road. Given the minimal projection above the wall, this projection would not be detrimental to the amenities of this property.
- 8.16 Owing to the separation of the terraces of Gilmour Road and Morland Terrace, I am of the opinion that the extension to the second floor terrace would not block light or detrimentally impact on views from the rear of these properties.
- 8.17 The proposal would result in a loss of amenity space to the ground floor of the dwelling but given that this area is currently enclosed to a certain degree already, I am of the opinion that the loss of this space would not impact detrimentally on the amenity space provision for this property.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 35 and 58.

## **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 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 conservation area (Cambridge Local Plan 2018 policies 55, 58 and 61).

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## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/0907/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	6th June 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	5th September 2018		
<b>Ward</b>	Castle		
<b>Site</b>	50 St Stephens Place And 51 Canterbury Street Cambridge CB3 0JE		
<b>Proposal</b>	The demolition of an office building and the erection of a development of nine flats.		
<b>Applicant</b>	Mr Jonathan Woods 92 High Street Barton CB23 7BG		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The design and scale of the proposed development would respond sympathetically to the surrounding built form;</li> <li>- The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li> <li>- The proposed development is unlikely to give rise to any significant adverse impact upon on street car parking capacity on the surrounding streets.</li> <li>- The proposal would result in an acceptable level of amenity for future occupiers</li> <li>- The proposal overcomes the previous reasons for refusal on 17/2243/FUL</li> </ul>
RECOMMENDATION	APPROVAL

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

- 1.1 The site comprises No. 50 St Stephen's Place and No. 51 Canterbury Street. This is a single building with frontages onto both streets. The frontage onto Canterbury Street is two storeys with space for parking in front accessed from the informal lane which runs to Westfield Lane. The building has been extended at the rear with a one-and-a-half storey building with an asymmetric pitched roof. There is a parking court in front with access via St Stephen's Place.
- 1.2 To the east is No. 55 which is a semi-detached two storey dwelling with the main entrance on the side elevation via a passageway alongside the application site. The property has a long narrow rear garden which extends the length of the application site. To the south-east is No. 53 Canterbury Street, which is a two storey detached property with a rear garden. To the south and west is St Stephen's Place which is a three storey flatted development of residential units with communal landscaped areas.
- 1.3 The site is within the Castle and Victoria Road Area of the Central Conservation Area. The buildings are not identified as important to the character of the conservation area within the adopted Castle and Victoria Road Conservation Area Appraisal (2012). Trees are protected by virtue of the conservation area and there is a tree preservation order covering a tree within St Stephen's Court to the west of the site.
- 1.4 The site is outside the controlled parking zone but the streets surrounding it are inside the controlled parking zone. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks planning permission for the demolition of the building and the erection of 9 residential units.
- 2.2 Following discussions, the applicant has amended the proposal:
  - To decrease number of units from 10 to 9
  - To provide amenity areas for all units
  - Ensure compliance with the requirements of Part M4 (2) of the Building Regulations

2.3 A previous scheme for 11 units (under reference 17/2243/FUL) was refused under delegated powers for the following 7 reasons:

1. The proposal, by virtue of the height and length of the building and the proximity to the north-eastern boundary, would have a significant overbearing and enclosing impact on the rear garden of No. 55 Canterbury Street which would result in unacceptable harm to the residential amenity of the occupants of this property. As such, the proposal would be contrary to policies 3/4, 3/7, 3/12 and 5/1 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).
2. The proposal fails to provide an acceptable amount and quality of external amenity space for the future occupants. The proposed balconies, by virtue of their size and/or shape, would fail to provide adequate useable private amenity space to meet the requirements of the future occupants which could include families. As such, the proposal would be contrary to policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).
3. The bedrooms 1 and 2 of Flat 1, Flat 5 and Flat 9 would be served by one window which would be enclosed either within a 'niche' in the building or in close proximity to the protected Cherry Tree, which would limit the amount of natural light reaching these north-west or north facing windows. The future occupants would be dependent on artificial lighting which would provide a poor quality living environment and level of residential amenity. As such, the proposal would be contrary to policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).
4. The access from St Stephen's Place to the main entrance to the building via a passageway between the cycle store and the bin store or car parking space, would provide a poorly legible, unappealing and inconvenient access to the units which would provide a poor level of residential amenity for the future occupants of those units. The access could be blocked by gates to the cycle store being left open. As such, the proposal would be contrary to

policies 3/4, 3/7, 3/11 and 3/12 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).

5. The proposal fails to provide convenient cycle parking for the occupants of Flat 4. The occupants would have to access the communal store at the rear of the site via Westfield Lane and St Stephen's Place which would be an inconvenient arrangement and fails to comply with the Cycle Parking Guide for New Residential Developments SPD (February 2010). As such, the proposal would be contrary to policies 3/4, 3/7, 3/11, 3/12 and 8/6 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).
6. The proposal, by virtue of the over-development of the site, represents poor design which fails to preserve or enhance the character and appearance of the Conservation Area. In particular, the contrived angular form of the building, the relatively blank north eastern elevation, and reliance on louvered windows and balcony screens, which all arise from the need to mitigate the impact of the proposed development on the residential amenity of neighbouring properties; the cramped arrangements with the bin and bike stores in front of the main entrance creating a poor frontage to the scheme onto St Stephen's Place; the limited amount space for soft landscaping around the building; and the potential impact on trees within the site and offsite during construction and the pressure to prune from future occupants of the units. As such, the proposal would be contrary to policies 3/4, 3/7, 3/11, 3/12, 4/4 and 4/11 of the Cambridge Local Plan (2006) and paragraph 56 of the National Planning Policy Framework (2012).
7. The application fails to secure planning obligations towards infrastructure provision and improvements to mitigate the adverse impacts of the new development on local and community infrastructure of the City and the Cambridge sub-region. As such, the proposal would be contrary to policies 3/8, 5/14 and 10/1 of the Cambridge Local Plan (2006) and the Planning Obligation Strategy 2010.

### 3.0 SITE HISTORY

- 3.1 17/2243/FUL - The demolition of an office building and the erection of a development of eleven dwelling flats. (refused)

### 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 Local Plan 2018		1, 3, 28, 29, 31, 32, 34, 35, 36, 41, 45, 50, 51, 55, 56, 57, 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)
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Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	<p><u>Area Guidelines</u></p> <p>Castle and Victoria Road Conservation Area Appraisal (2012)</p>

## 6.0 CONSULTATIONS

### Cambridgeshire Airport

6.1 No objection.

### Cambridgeshire County Council (Highways Development Management)

6.2 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling 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.

6.3 Recommends the inclusion of a condition regarding a traffic management plan and an informative regarding residents not qualifying for parking permits.

### Conservation Officer

6.4 It is considered that there are no material Conservation issues with this proposal

### **Developer Contributions Monitoring Officer**

- 6.5 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

### **Drainage Officer**

- 6.6 No objection subject to surface water drainage condition.

### **Environmental Health Officer**

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

### **Historic Environment Team**

- 6.8 Our records indicate that the site is located in an area of high archaeological potential in the historic Castle area of the city. We have commented on this site recently. We would recommend that the same archaeological standard condition is placed on the development as was recommended for prior application 17/2243/FUL within the same bounds

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

- 6.9 Following the submission of further information, no objection subject to surface water drainage condition.

## **Landscape Officer**

- 6.10 No objection subject to a hard and soft landscaping condition, green roof condition and boundary treatment condition.

## **Sustainability Officer**

- 6.11 No objection subject to renewable energy and water efficiency conditions.
- 6.12 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 objections:

- 1 St Stephens Place
- 5 St Stephens Place
- 12 St Stephens Place
- 16 St Stephens Place
- 30 St Stephens Place
- 47 St Stephens Place
- Poolheath Residents Association

- 7.2 The representations can be summarised as follows:

- The 7 previous reasons for refusal still apply
- Lack of car parking would impact upon local traffic network
- Noise and disturbance
- Construction traffic through St. Stephens Place
- Inadequate solutions to surface water drainage

- 7.3 Camcycle have made neutral comments:

- Sliding door or an outward door for the cycle store for ease of access
- Appreciate that the proposal provides the correct amount of cycle parking but is there scope to provide a cargo cycle parking? Replace one of the Sheffield stands with a low-profile ground anchor.

- 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. Integrated water management and flood risk
8. Trees
9. Archaeology
10. Affordable Housing/Planning Obligations
11. Third party representations

### **Principle of Development**

- 8.2 The proposal is for the demolition of a building that is in use as offices (use class B1(a)). Policy 41 of the Cambridge Local Plan (2018) sets out how applications for the loss of floorspace or land within use class B will be resisted unless realistic marketing for a period of 12 months indicates that no future occupiers can be found. 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.
- 8.3 The building could potentially be converted from office to residential under permitted development through a prior notification application. This is effectively a fall-back position for the applicant. Development under a prior notification application could result in a poor scheme as it would not be required to meet internal space standards, provide private amenity areas or meet Part M4 (2) of the Building Regulations. This application would meet and provide all three of the above and is therefore

considered to be a high quality development. It is to be noted that the site sits within a predominantly residential area and would make effective use of previously developed land to provide 9 new dwellings to help meet the strategic housing aims of the Local Plan.

- 8.4 I recognise that the marketing has not been undertaken but in consideration of all the above points and on balance, I consider the principle of the development is acceptable in this case subject to material considerations discussed below.

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

- 8.5 The site is within the conservation area and has two frontages with different characters. The Canterbury Road frontage sits on a corner characterized by traditional dwellings, but is accessed from the green lane that runs between Canterbury Street and Westfield Lane. Thus, while visible from Canterbury Street, it has a recessed position relating to the green lane, rather than to the frontage onto the street. The existing building is set back from the frontage of No.55 so that it does not dominate the corner. This creates a relatively open corner, albeit dominated by informal car parking. However this allows views towards the greenery along the lane, and the taller development at St Stephen's Court is only glimpsed through the trees.
- 8.6 While the previous scheme and this scheme do share similarities, the design has evolved to address previous officer concerns. The previous proposal has a more angled form in an attempt to deal with residential amenity constraints of the site. This proposal has significantly reduced the angled form while ensuring that the residential amenity of neighbors is protected. The built form has been pulled away from the boundary abutting St Stephens Place. The bin and cycle store are more suitably placed and therefore more accessible for the future occupants. The site is also more legible with the main entrance facing onto St Stephens Place. As the built form has been pulled off the boundary with St Stephens Place, there is an acceptable amount of landscaping towards St Stephens Place. There is also a large amount of landscaping towards Canterbury Street and also a shared amenity area. Boundary treatment, landscaping and materials conditions are recommended to ensure a high quality development. When viewed from the

south east, the proposed building would act as a buffer between Canterbury Street and St Stephens Place given the proposed height. Through the use of different materials and glazing, the massing has been broken up.

- 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 for the reasons outlined above. The proposal therefore overcomes the 4<sup>th</sup> and 6<sup>th</sup> reasons for refusal of 17/2243/FUL. In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 59 and 61.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.8 The neighbouring properties are the St Stephen's Place flats to the west, No. 55 Canterbury Street to the north-east and No.53 Canterbury Street to the south-east.

#### *St Stephen's Place*

- 8.9 St Stephen's Place to the south-west presents a 'T' shaped block facing towards the application site. There are no windows on the end elevation closest to the site. There are windows on the elevations of the wings, some of which have direct views towards the site approximately 8m from the boundary, and others that look out perpendicular to the site with oblique views. The areas around the blocks are communal open space.
- 8.10 The building has been angled so that it does not cut the 45 degree lines taken from the nearest windows, as shown on the applicant's plans. As such, I am not concerned about loss of light or enclosure to these windows. The angling of the building also relieves any overbearing impact on the windows that face towards the proposed building. There would be direct views from the balconies serving units 4 and 7 towards the opposite windows on St Stephen's Court approximately 10m apart. However, a condition regarding a 1.7m screen is recommended which would mitigate this.

### *55 Canterbury Street*

- 8.11 The previous scheme (17/2243/FUL) was refused due to the overbearing impact upon No.55 Canterbury Street rear garden. Under the previous scheme, the entire built form including the balconies was right up to the edge of the North West boundary and the built form without the balconies was set 5m off the North West boundary. This proposal brings the entire built form including the balconies 3.5m off the North West boundary and brings the built form without the balconies 8.5m off the boundary. The proposal has also angled the north facing elevation to further mitigate the impact upon No.55. These reductions are considered to mitigate the impact upon the main rear amenity area of No.55 and therefore overcome the 1st reason for refusal on 17/2243/FUL. The proposal would also not significantly overlook or overshadow No.55.

### *53 Canterbury Street*

- 8.12 This is a two storey property fronting onto Canterbury Street with a small ground floor window on the side elevation facing towards the application site, windows on the rear elevation and a small rear garden. Due to the orientation and separation distance, I consider the proposal would be acceptable in terms of overbearing and overshadowing. In order to ensure the proposal would not overlook No.53's rear garden, a condition obscure glazing the following windows is recommended:

- The first floor windows on the South East facing elevation of Unit 5 serving the bedroom.
- The southern first floor window on the South East facing elevation of Unit 6 serving bedroom 1.

### Wider area

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

8.14 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units comply and some even 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 <sup>2</sup> )	Proposed size of unit	Difference in size
1	3	6	1	95	105	+10
2	3	5	1	86	110	+24
3	1	2	1	50	59	+9
4	1	2	1	50	50	0
5	1	2	1	50	55	+5
6	2	3	1	61	61	0
7	2	4	1	70	97	+27
8	1	1	1	37	37	0
9	1	1	1	37	37	0

8.15 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.

8.16 The proposal includes private amenity areas for all units. The two 3 bed units (units 1 & 2) which are located on the ground floor have private gardens as well as a patio terrace. Units 3 – 6 would all have an adequate size balcony. Unit 7, which is one of the larger units, would have two balconies. Units 8 & 9 would have smaller balconies but in this case it is considered to be acceptable given that these two units are studio flats. Various conditions are recommended to ensure the amenity of the future occupiers is protected:

- Boundary treatment for Unit's 1 & 2 gardens

- The ground and first floor windows on the South West facing elevation of the stair core are obscure glazing.
- Bedroom 1 window obscure glazing 1.7m due to the large window

8.17 The proposal also includes an area of shared amenity space which would provide a garden area with seating. In my opinion, the proposal provides an acceptable amount of external amenity space for all units and provides an acceptable level of amenity for all bedrooms which overcomes the 2<sup>nd</sup> and 3<sup>rd</sup> reasons for refusal of 17/2243/FUL. 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

8.18 The development has been assessed for compliance with Policy 51. The applicant has amended the scheme to comply with the requirements of Part M4 (2) of the Building Regulations. I have recommended a condition to secure this requirement.

#### **Refuse Arrangements**

8.19 The proposed refuse storage would be within a bin store attached to the cycle store. This would provide screening and storage for the required amount of waste.

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

#### **Highway Safety**

8.21 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon highway safety. A traffic management plan condition is recommended which would address the logistics of construction especially in regards to the use of St Stephens car park.

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

## **Car and Cycle Parking**

### Car Parking

- 8.23 The proposal includes 1 disabled car parking space and 1 visitor car parking space. The site is located in a very sustainable location just off Huntingdon Road with the city centre being within walking/cycling distance. There are also multiple bus stops and services in close proximity to the site.
- 8.24 The streets surrounding the site fall within the Controlled Parking Zone. The Highway Authority has advised that the residents of new developments that fall within controlled parking zones do not qualify for resident parking permits and an informative regarding this shall be added. Neighbours have raised concerns about the use of the right of way across St Stephens car park during construction and the issue of the new residents of the development using the private land to park their cars. The Local Planning Authority cannot get involved in civil matters during the planning process. It falls upon the applicant to enter into legal agreements with neighbouring properties in relation to a right of way and the upkeep of it. 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

- 8.25 The proposal includes 26 cycle parking spaces, 1 per resident which is policy compliant. A secure and convenient cycle store is provided next to the bin store. This would overcome the 5<sup>th</sup> reason for refusal of 17/2243/FUL. No elevations of the cycle store are provided, therefore further details of the cycle store are requested by condition.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

## **Integrated water management and flood risk**

- 8.27 Following the submission of supporting drainage information, The Drainage Team alongside the Lead Local Flood Authority has advised that a surface water drainage strategy can be secured by condition in this case. This condition is 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**

- 8.28 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 not raised any objections subject to the imposition of conditions requiring further tree information to be submitted. The proposal would therefore be in accordance with policy 71 of the Cambridge Local Plan (2018).

### **Archaeology**

- 8.29 The site is in an area of high archaeological potential and the County Historic Environment Team has recommended a condition for a programme of investigative work. I accept this advice. The proposal would therefore be in accordance with policy 61 of the Cambridge Local Plan (2018).

### **Affordable Housing/Planning Obligations**

- 8.30 The proposed development is for a scheme of 9 units. As the proposed amount of units on the site would be below the threshold of 10, there is no policy basis to require affordable housing provision as part of this application. This also applies to planning obligations. Therefore the proposed scheme would overcome the 7<sup>th</sup> reason for refusal on 17/2243/FUL.
- 8.31 In my opinion the proposal is compliant with policies 45 & 85 of the Cambridge Local Plan (2018).

### **Third Party Representations**

- 8.32 The third party representations have been addressed in the preceding paragraphs.

## **9.0 CONCLUSION**

- 9.1 The proposal overcomes the previous reasons for refusal on 17/2243/FUL and would provide a high quality development that respects the character of the area, would not have an adverse impact upon the occupiers of 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 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 prepared by AFP (ref: PLS/18/0410) dated 03/08/18 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).

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. 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).

6. 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).

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. 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).

9. 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).

10. 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).

11. 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).

12. 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).

13. The dwellings hereby approved shall not be occupied until details of facilities for the covered, secured parking of bicycles and the storage of bins 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).

14. Notwithstanding the approved plans, the building, 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).

15. 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).

16. The following windows shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be non-opening unless the part of the window, door or opening is more than 1.7m above the finished floor level of the room in which it is installed. For the avoidance of doubt, these windows are:
- The first floor windows on the South East facing elevation of Unit 5 serving the bedroom.
  - The southern first floor window on the South East facing elevation of Unit 6 serving bedroom 1.
  - The ground and first floor windows on the South West facing elevation of the stair core.
  - The ground floor window on the South West facing elevation of Unit 2 serving bedroom 1.

The development shall be retained as such thereafter.

Reason: In the interests of residential amenity and for the amenity of future occupiers (Cambridge Local Plan 2018 policies 55 and 58).

17. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details of the 1.7m solid privacy screens to be erected on the balconies on the south west facing elevations of units 4 and 7 shall be submitted to and approved in writing by the local planning authority. The screens shall be erected prior to occupation of units 4 and 7 in accordance with the approved details and shall thereafter be retained and maintained.

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

18. Prior to the occupation of the development, hereby permitted, the curtilages of the approved units 1 and 2 shall be fully laid out and finished in accordance with the approved plans. The curtilages 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).

19. No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- a) The statement of significance and research objectives;
  - b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - c) The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

Reason: To ensure that the significance of historic environment assets is conserved in line with NPPF section 12.

20. No development above ground level, other than demolition, shall commence until full details of green roofs have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include details of build-ups, make up of substrates, planting plans for biodiverse roofs, methodologies for translocation strategy and drainage details where applicable. The green roofs shall be installed in accordance with the approved details and shall be maintained thereafter.

Reason: In the interests of responding suitably to climate change and water management (Cambridge Local Plan 2018; Policy 31).

21. Prior to the commencement of the development hereby approved, with the exception of below ground works, full details including samples of the materials to be used in the construction of the external surfaces of buildings, which includes external features such as entrance doors, porch and canopies, projecting windows, recessed brick panels, roof cladding, external metal work, balconies, balconies screens and balustrades, rain water goods, coping, bike and bin stores shall be submitted to and approved in writing by the local planning authority.

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)).

22. Brick sample panels of the facing materials to be used shall be erected on site and shall be 1m x 1m to establish the detailing of bonding, coursing, colour and type of jointing and any special brick patterning/articulation detailing (e.g. soldier coursing, hit and miss detail) shall be agreed in writing with the local planning authority. Development shall 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)).

**INFORMATIVE:** Dust condition informative

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

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":  
<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

-Guidance on the assessment of dust from demolition and construction:

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

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

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

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

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

### **INFORMATIVE:**

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

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.

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

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	17/2030/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th November 2017	<b>Officer</b>	Mr David Spring
<b>Target Date</b>	19th January 2018		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Land Adjacent To 52 Victoria Road Cambridge CB4 3DU		
<b>Proposal</b>	Erection of a single building accommodating 3 no. apartments		
<b>Applicant</b>	Mr Andy Brand Nene Lodge Funthams Lane Whittlesey PE7 2PB		

<b>SUMMARY</b>	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>• The design of the development would fail to preserve or enhance the character of the Conservation Area.</li> <li>• The proposal would harm trees that make a positive contribution to the character of the Conservation Area.</li> <li>• The proposal fails to comply with the requirements of Policies 50 and 51 of the Local Plan 2018.</li> </ul>
<b>RECOMMENDATION</b>	REFUSAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located to the west of No. 52 Victoria Road on the corner of Victoria Road and Green's Road. Currently it is surfaced in gravel and used for parking. Six mature pear trees and some shrubbery mark the outer boundary of the site. To the north is a recently constructed block of flats (Albert Mews).
- 1.2 The site is located within the Castle and Victoria Road Conservation Area, and also within the Mitcham's Corner Opportunity Area.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for the erection of a single building accommodating 3 no. one bedroom apartments.
- 2.2 The part of the building facing the junction with Victoria Road and Green Road would be two storeys in height. This two storey element turns the corner and has a two storey bay window facing the corner. To the rear of this two storey element is a single storey pitched roof extension. Two apartments are located in the two storey element, one on the ground floor and one on the first floor. The third proposed apartment is located within the single storey element. A shared amenity space, and bin/cycle storage is proposed to the north side/ rear of the building. The scheme would not include any off-street car parking.
- 2.3 The proposal has been amended since submission. The building was originally proposed to be set back 2.3m from the front elevation of No.52, but is now proposed to be set 5m back from the footpath. The depth of the two storey element has been decreased to allow for this further indentation. This amended scheme proposes to retain 3 trees facing Victoria Road, but to remove the 3 trees on Greens Road.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/0847/FUL	Erection of six bedsits	Refused*

This application was refused for the following reasons:

1. The scale, bulk and design of the proposal would result in an overly dominant built form that would appear too prominent and poorly reflect and inadequately relate to surrounding buildings. The result is a scheme that would constitute an overdevelopment of the site, which would neither preserve nor enhance the character or appearance of the Conservation Area. The proposal has not demonstrated that it has responded to its context or drawn upon key characteristics of the surroundings. For these reasons, the proposal conflicts with policies 3/4, 3/7, 3/12 and 4/11 of the Cambridge Local Plan (2006) and guidance within paragraph 64 of the NPPF (2012).

2. The proposed loss of all six trees is unacceptable as they are considered to contribute towards the character and appearance of the Conservation Area. For these reasons, the proposal would be contrary to policies 4/3, 4/4 and 4/11 of the Cambridge Local Plan (2006).
3. The proposed open space provision for the units would fail to provide an appropriate standard of amenity for the future residents due to the limited amount of space available and the presence of bin and bike stores in this area. As such the proposal fails to provide a high-quality living environment and does not accord with Cambridge Local Plan (2006) policies 3/7 and 3/12.

#### **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 Plan 2018	Local	1 3
		22
		35
		50 51 52 55 56 57 59
		61
		71
		81 82

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

Central Government Guidance	<p>National Planning Policy Framework February 2019</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</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>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p>Castle and Victoria Road Conservation Area Appraisal (2012)</p> <p>Arboricultural Strategy (2004)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways Development Management)

#### First comments

- 6.1 No off-street car parking provision is made for the proposed residential accommodation. Some streets in the vicinity provide uncontrolled parking, and 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.

- 6.2 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwellings will not qualify for Residents' Permits of any kind within the existing Residents' Parking Schemes operating on nearby 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.
- 6.3 It is unclear whether the new footway will be dedicated as public highway. If this is the intent, please provide a dimensioned drawing showing widths of the proposed footway for comment by the Highway Authority prior to determination of this application.
- 6.4 If, despite the above, the Planning Authority is minded to grant consent, a traffic management plan condition is recommended.

#### Comments following submission of further footpath details

- 6.5 The footway as shown is not acceptable to the Highway Authority for adoption, as the widths are insufficient to permit two wheelchair users to pass each other while both remain on the footway. The minimum width for this is 1.5m, which the footway achieves only at its starting point.

#### **Environmental Health**

- 6.6 The proposal is acceptable subject to conditions controlling construction hours, construction collections and deliveries, piling, dust and noise insulation.

## **Conservation Team**

### Comments on original proposal

- 6.7 Additional information required showing the proposal in its Conservation Area context. The existing townscape suggests that a modest, terraced form of housing could be suitable here but the main design feature should be to 'turn-the-corner' satisfactorily from the gable end of No. 52 Victoria Road into Greens Road. It will also be important to use appropriate materials, and design details to maintain the consistency of the house types throughout the Conservation Area. Whilst the scheme is generally now acceptable in conservation and townscape terms, it is not clear why it is set back, leaving more of the gable end of No. 52 exposed than proposed in pre-application discussions. It was understood that the layout would largely conceal that 'unfinished' feature from view from looking west down Victoria Road, but it is now some 2.3m back from the front façade line of the existing building. The stepping down of the northernmost flat to a single storey element did not feature in the earlier designs; however, in conservation terms, provided that the detailing and materials take account of this change from two storeys to one, this should be acceptable.

Any approval should be subject to conditions requiring further details of the materials, joinery, detailing, outbuildings, boundary treatments and hard landscaping.

### Comments on first amendment (with 4.2m set-back from footpath)

- 6.8 By moving the building further north, it fails to obscure the gable end of No.52 Victoria Road as well as it might. The Conservation Team question whether these trees are special enough to be retained as the townscape will not benefit from this revision.

### Comments on second amendment (with 5m set back from footpath)

- 6.9 No comments received to date. Any further comments will be reported on the Amendment sheet.

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

### First comments

- 6.10 Do not agree with the assessment in the submitted Arboricultural Impact Assessment and consider that all the trees make a valuable contribution to the verdant character of Victoria Road, as they are all easily viewed from the east along Victoria Road. It is however the loss of G1 that will be most detrimental to public amenity. In its current form, the proposal should be refused.

### Comments on first amendment (with 4.2m set-back from footpath)

- 6.11 While the plan shows the retention of one of the trees in the front group it is not realistic. The tree would have to be pruned to allow construction, and then continued management would be required to maintain a reasonable clearance. In addition, given the existing levels, a no-dig path is not realistic either. Any scheme on this site should allow the retention of all three trees in G1 without the need for crown reduction works.

### Comments on second amendment (with 5m set back from footpath)

- 6.12 Maintain objection to the impact of the development upon the three trees on Victoria Road.

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

- 6.13 No objection subject to a standard surface water drainage condition.
- 6.14 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

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

- 10 Greens Road
- 12 Greens Road
- 14 Greens Road
- 20 Greens Road
- 28 Greens Road x2
- 30 Greens Road
- 32 Greens Road
- 33 Greens Road
- 47 Greens Road
- Flat 5, Albert Mews

7.2 Their representations can be summarised as follows:

### Character

- The front façade of the new building is intimidating in so far as it visually creates a narrow entrance which is entirely unacceptable from a conservation point of view.
- While the façade of the building facing Victoria Road is satisfactory in a mock Victorian way, the parts of the building facing Green's Road are ill-conceived and clumsy, especially the transition from 1 to 2 storeys.
- The frontage facing Victoria Road is set back too far, leaving an unattractive view of the side of No. 52 Victoria Road.
- The rear of the building (bins/bike store) is badly designed and untidy.
- The proposed 1.8m high brick wall and railings adjoining the proposed amenity space will look out of keeping and overbearing when viewed from Greens Road. It should be half the height proposed or another low solution should be sought.
- The type of accommodation in the development is very small, short term accommodation of which there is already much in the area and risks changing the nature of the area.

### Parking

- Currently there are proposals to cut the parking provision down to 4/5 spaces only for the whole of Greens Road, and yet three more flats are proposed with no parking.
- Parking is already a huge problem on Green's Road and in the area generally. With no onsite parking, this development will potentially add to an already difficult problem and reduce the amenity of local residents.

### Loss of trees

- There are six mature trees on the site that would all have to be removed. These trees provide an amenity to local residents and wildlife and are a beautiful part of Greens Road. The proposal to plant 3 smaller trees at the back of the site is inadequate.
- The removal of the trees would be a significant loss to the Conservation Area. There are now very few trees along Victoria Road and Mitcham's Corner, and those remaining punctuate the urban scene, and are highly valued by residents.
- A previous application for a development on this site was rejected due to the removal of 6 established trees from the site. This development also requires the removal of the same trees, and should be rejected for the same reason as before.

### Construction

- Access along Greens Road is limited and narrow. Construction traffic and materials delivery and storage would put an unreasonable strain on traffic using this road.
- Builders have consistently blocked Greens Road with vehicles when working on other schemes, and no highway enforcement has taken place to prevent this. This has resulted in access to properties along Greens Road being obstructed and severe disruption to local residents.
- Local residents would be negatively impacted by noise and dust during the construction period.

### Miscellaneous

- If this development for affordable housing it may be more tolerable.

- The proposed shared amenity space will be used for random storage and become an eye sore.

7.3 The owners/occupiers of the following addresses have made representations that support the proposal:

- 102 Huntingdon Road
- 220 Milton Road
- 52 Thornton Way, Girton

7.4 Their representations can be summarised as follows:

- The proximity of the site to the City Centre is ideal for people whom wish to walk/cycle into work.
- This type of housing would be ideal for younger people, key workers and first time buyers.
- The traditional design is in keeping with the properties along Victoria Road.
- The communal area is welcomed and the scheme is not considered an overdevelopment of the site.

7.5 County Councillor Richards objects to the proposal for the following reasons:

- There is limited parking in the area currently and the proposed new three units will put even further pressure on parking in the area.
- This proposal would be very difficult to construct and cause major disruption to residents as Green Road is a very narrow road which has little parking. A standard construction plan condition is far from sufficient.
- It is understood that further objections are being raised by local residents regarding the loss of trees.

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

## **8.0 ASSESSMENT**

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, including impact on the Conservation Area
3. Trees
4. Residential amenity
5. Inclusive access
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking

### **Principle of Development**

8.2 Policy 3 of the Cambridge Local Plan (2018) generally supports the provision of new housing within the city.

8.3 Policy 52 of the 2018 Local Plan relates to development on garden land and the subdivision of plots. This states that such proposals will only be permitted where a) the form/height/layout respects the surrounding character, b) there is sufficient space retained for the existing dwelling and any worthy trees are retained, c) adequate amenity and privacy to neighbours is protected, d) adequate amenity space, vehicular access and car parking for proposed and existing properties is provided and, e) the proposal does not compromise development of the wider area. Criterion e) is not relevant. The remaining criteria are assessed below in the body of the report.

### **Context of site, design and external spaces, including impact on the Conservation Area**

8.4 Currently this site is one of the few openings free of development in this part of the Conservation Area. The Castle and Victoria Road Area Appraisal states:

*'Green's Road has a tatty appearance when viewed from Victoria Road. A gravel car park on the east with a view to derelict pantiled workshop buildings is not inviting nor is the building occupied by Art Space, but around the corner are*

*pleasant terraces such as Salmon Terrace (1896) on the west.'*

Since this was written in 2012 much development has taken place in this area. The Art space has since been redecorated and a new development of dwellings directly north of this site has been built. There is still a glimpsed view of Salmon Terrace through this site from Victoria Road that will be lost with this proposal.

- 8.5 The previous refused scheme (planning reference 16/0847/FUL) was much more substantial in bulk as it involved two 2-storey blocks. The building facing Victoria Road was traditional and subservient in form but its detailing was not considered of a high enough quality to complement its adjoining neighbour at No. 52 (which is identified in the Conservation Area Appraisal as a building of importance to the character of the area).
- 8.6 This scheme has gone some way towards addressing concerns regarding the bulk and massing of the previous scheme. The Conservation Team recommended approval of the originally proposed scheme, which was set back 2.3m from the footpath/Victoria Road frontage, although expressed reservations regarding the awkward relationship with No.52 and the extent of the gable of the adjacent building that would be exposed. In an attempt to address concerns raised by the Trees Officer, the scheme has been amended to set the building back even further (by a total of 5m), thereby resulting in an even more awkward relationship with No. 52, and also truncating and weakening the design of the bay window element that 'turns the corner'. As a result, I consider the scheme creates an awkward relationship between these two buildings on this prominent corner, which would not preserve or enhance the conservation area.
- 8.7 I consider the single-storey element to the rear would have an acceptable impact on the street scene of Greens Road subject, as advised by the Conservation Officer, to the use of appropriate materials. A 1.8 metre high brick wall with railings is proposed along this boundary, details of which could be secured by condition if the application were approved.

- 8.8 In my opinion the proposal is not compliant with Cambridge Local Plan: 2018 Policies 52, 56, 57, 59 and 61.

### **Trees**

- 8.9 There are six mature trees on the site, three fronting Victoria Road and three along Green's Road. Whilst they do not have Tree Preservation Orders, they are protected by virtue of their location within the Conservation Area. The trees are planted along the boundary of the site in a prominent position on the junction of one of the main arteries of the Conservation Area, Victoria Road. It is considered that these mature trees contribute greatly to the setting of this neighbourhood and help soften the urban landscape.
- 8.10 The previously refused application on this site (for six flats) proposed to remove all six trees and was partly refused on this basis (reason no.2). The current application proposes to remove the three trees along Green's Road but to retain the three trees on Victoria Road, with the building being set back 5m from the Victoria Road frontage in an effort to secure the retention of these trees.
- 8.11 The Tree Officer has conceded that the trees along Green's Road are of lesser significance and has not therefore raised any specific objection to their removal. Whilst the scheme shows the retention of the other trees in the front group, this is not realistic as they would need to be pruned to allow construction, and continued management to maintain a reasonable clearance to the development. In addition, the levels would make no-dig construction unfeasible.
- 8.12 The scheme would not afford these trees sufficient clearance to realistically secure their retention and, in doing so, would compound the negative impact the development would have upon the character and appearance of the Conservation Area. The proposal is not therefore compliant with Policies 61 and 71 of the Cambridge Local Plan 2018.
- 8.13 The applicant's agent has advised that the landowner agreed in the 1980's to the Council planting trees on his land, and that it was made clear at the time the trees were not intended to prevent development, and that landscaping conditions could be used to secure replacement planting. The landowner considers

this to be a binding agreement and is taking legal advice on this. Whilst I appreciate that, at the time, the trees were not considered to constitute a constraint to development, the area has in the meantime been designated as a Conservation Area (thereby affording the trees protected status) and the trees have grown to an extent where they are considered to be important to the character of this part of the Conservation Area.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.14 No. 52 Victoria Road is used as a commercial business at ground floor with a flat above and its rear yard is used for parking for this business. While the rear portion of the proposed building is indented 1 metre off the boundary it extends 2 metres past the first floor rear elevation and 5 metres past the ground floor rear elevation of No. 52. A Daylight and Sunlight Assessment was undertaken to assess the impact on this property, especially the two rear first floor windows. I consider the scope of this assessment is acceptable. It indicates in both the Vertical Skyline Component (VSC) test and the No Sky Line (NSL) test that the impact would still allow a level of light that surpasses recommended BRE levels into these habitable rooms. I therefore consider the impact to the amenities of this property in terms of daylight is acceptable.
- 8.15 I also consider outlook from the rear bedroom window of No. 52 nearest to the boundary of the site will not be unduly impacted. This is because the bulk of the first floor is minor in scale as it only extends past this window by 2 metres and is indented 1 metre off the shared boundary.
- 8.16 The proposed building at ground floor level will extend beyond the rear elevation of No. 52 Victoria Road by 5 metres. This single storey element is indented off the shared boundary between 1 and 1.2 metres and has an eaves height of 2.9 metres. No. 52's rear garden is currently entirely finished in gravel and used for parking. I therefore consider this impact to be acceptable.
- 8.17 There would be 21 metres between the first floor of the proposal and the side elevation of the Albert Mews development to the north, and 13.4 metres at ground floor. I consider this sufficient

to ensure the development would not result in a material loss of light to or overlooking of these properties.

- 8.18 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, 56 and 57.

#### Amenity for future occupiers of the site

- 8.19 The proposed dwellings are all one-bedroom, one-person properties with shower rooms. The gross internal floor space measurements for the units are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	1	1	37	32.2	-4.8
2	1	1	1	37	37.6	+0.6
3	1	1	1	37	32.2	-4.8

- 8.20 Two of the proposed flats (nos. 1 and 3) fail to meet the space standards required by Policy 50 of the Local Plan. In addition, whilst an area of communal amenity space is shown on the north side of the building (which would be accessed via Green's Road), none of the units have direct access to an area of private external amenity space (in the form of balconies/patios etc), also required by Policy 50. The combination of the overly small size of the units and lack of private outdoor space means that future occupiers would not enjoy a satisfactory level of amenity.

- 8.21 In my opinion the proposal would not provide an adequate quality living environment or an appropriate standard of residential amenity for future occupiers, and I consider that it fails to comply with Cambridge Local Plan: 2018 Policies 50 and 52.

#### **Inclusive Access**

- 8.22 Policy 51 of the Local Plan 2018 requires all new housing development to be of a size, configuration and internal layout to enable Building Regulations requirement M4 (2) 'accessible and

adaptable dwellings' to be met. The proposal includes an upper floor flat without lift (ie – step-free) access and therefore fails to meet the requirements of Policy 51. The applicant's agent has advised that providing a lift would render the scheme unviable but, in the absence of any detailed viability information to demonstrate this, insufficient information has been put forward to set aside the requirements of this policy in this instance.

### **Refuse Arrangements**

- 8.23 An enclosed bin store is proposed to be provided within the communal garden area on the north side of the building. This is considered sufficient for the amount of residential units proposed, and could be secured by condition in the event the application were approved.
- 8.24 In my opinion the proposal is compliant in this regard with Cambridge Local Plan 2018 Policies 52 and 57.

### **Highway Safety**

- 8.25 The Highway Authority has not raised any highway safety concerns to the proposal although, following the receipt of further footpath details, has commented that the footpath would not be sufficiently wide to enable it to be adopted by the County Council. This would not render the application unacceptable on highways grounds but would mean that the owner would need to make arrangements for the private management and maintenance of this area.
- 8.26 Local residents in Green's Road have raised significant concerns on the grounds of congestion and disturbance likely to arise during the construction period, based on experience with other nearby development projects. This would be likely to result in congestion, obstruction of Green's Road and consequent disruption to residents in Green's Road. The Highways Authority has recommended a traffic management plan condition be added to any consent, and I concur with their views that this would be sufficient to address concerns regarding the impact of construction vehicles on the highway network.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52 and 82

## **Cycle and Car Parking**

### Cycle parking

- 8.28 The proposed cycle store provision within the amenity area to the rear of the building is considered sufficient for the amount of residential units proposed. If this application were to be approved, this could be secured through a planning condition.

### Car parking

- 8.29 The Highway Authority has raised concern regarding the potential for the application to increase on-street parking given that the application proposes no off-street parking provision. A number of local residents have also raised concern that the development would have an adverse impact on the limited on street parking situation on Greens Road.
- 8.30 The Cambridge On-Street Residential Parking Study (2017) shows that Greens Road experiences significant on-street residential parking pressure, with demand at all times of day exceeding the available capacity. The proposed development would therefore compound this pressure. However, an extension to the Controlled Parking Zone to cover this area has been agreed by the County Council and my understanding is that this is due to be implemented later this year. Suitable on-street parking controls would therefore exist in the future. In addition, this is a location where access to and ownership of a car would not be a necessity given that the site lies within easy walking and cycling distance of the City Centre and is also very well served by public transport. Given these factors together with the small number of units and occupiers, I do not consider the effect of the proposal upon on-street parking pressure in the area could be argued to be so significant as to warrant a refusal of the application on this basis.
- 8.31 In my opinion the proposal would not unduly compromise highway safety and is compliant with Cambridge Local Plan 2018 Policy 82.

## **9.0 CONCLUSION**

- 9.1 It is considered that the combination of the impact on trees to the front of the site and the proposed building's relationship with

No. 52 Victoria Road give this proposal an unacceptable appearance which is incongruous to the street scene and out of character with the Conservation Area. In addition, the proposal fails to comply with Policies 50 and 51 of the Local Plan.

- 9.2 The applicant's agent has commented that the proposal would be consistent with the aims of the NPPF, in terms of bringing forward additional housing on a brownfield site, and that there should be a more balanced consideration of these benefits against the harm considered to be caused by the removal of the trees. Whilst I concur that the scheme would bring forward these benefits, I consider that, as commented upon by the Tree Officer, this could be secured in a manner that could also retain the most important group of trees on Victoria Road, thereby ensuring that the Conservation Area would not be unduly compromised by the development.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. The three trees on the corner of Victoria Road and Green's Road make a valuable contribution to the character of the Conservation Area. Whilst the application proposes to retain these trees, this is not considered to be realistic as the trees would need to be pruned to enable construction to take place, and then continually managed to maintain a reasonable clearance to the dwellings. As a consequence, the development would threaten the future health of the retained trees, which would result in harm to the visual amenity of the area and the character and appearance of the Conservation Area. For these reasons, the proposal would be contrary to Policies 52, 61 and 71 of the Cambridge Local Plan (2018).
2. The proposed development would be set back 5 metres from the Victoria Road frontage of the site and, as a result, the building would have an awkward relationship with the adjacent building at No. 52 Victoria Street, and result in a scheme that poorly reflects and inadequately relates to surrounding buildings. The resultant scheme would therefore neither preserve nor enhance the character and appearance of the Conservation Area, contrary to Policies 52, 55, 57 and 61 of the Cambridge Local Plan 2018.

3. Two of the proposed flats would fail to meet the internal space standards required by Policy 50 of the 2018 Local Plan, whilst none of the flats would have access to an area of private external amenity space. The proposal therefore fails to provide a satisfactory standard of amenity for future occupiers, contrary to Policies 50 and 52 of the Cambridge Local Plan (2018).
4. The proposal fails to comply with Policy 51 of the Cambridge Local Plan 2018, which requires all housing development to be of a size, configuration and internal layout to enable Building Regulations requirement M4 (2) 'accessible and adaptable dwellings' to be met.

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## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/0905/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	11th June 2018	<b>Officer</b>	Mr David Spring
<b>Target Date</b>	6th August 2018		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Land To The Rear Of 113 Chesterton Road Cambridge CB4 3AR		
<b>Proposal</b>	Erection of a new building adjoining 113 Chesterton Road containing three 1 x bed flats, along with associated landscaping and car and cycle parking.		
<b>Applicant</b>	Mr Edward Walker Fords Farm Winston Stowmarket IP14 6BD Suffolk		

<b>SUMMARY</b>	The development accords with the Development Plan, and the Cambridge Local Plan 2018: for the following reasons: - The design and scale of the proposed development is of high quality which responds to its context without appearing out of character, and - The development would not have any significant detrimental impact on the amenity of neighbouring residents.
<b>RECOMMENDATION</b>	APPROVE

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site comprises the rear of No. 113 Chesterton Road with a side vehicular access from Croft Holme Lane. No. 113 is a three-storey mid-terrace property which has been sub-divided into one and two bed flats. There is an existing area of amenity space at the rear of the property and a parking area which is informally laid out. There is some soft landscaping along the walled boundaries.
- 1.2 To the west is No. 111 which has a two-storey outrigger and a single storey rear extension, with a rear garden which extends alongside the application site. To the east is No. 115 and the

two-storey property that was recently constructed at the rear fronting Croft Holme Lane. To the north is No. 2 Croft Holme Lane which is an end-of-terrace property with a small rear garden.

- 1.3 The site falls within the Central Cambridge Conservation Area and is assessed by the Castle and Victoria Road Conservation Area Appraisal (2012). The site is within the controlled parking zone and within the air quality management area. There are no other relevant site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the erection of a new building forming an extension to No. 113 Chesterton Road, containing three 1 x bed flats, along with associated landscaping and car and cycle parking.
- 2.2 The building would be orientated along the western boundary and be part two storey and part single storey. The two storey element would measure 7.3m long and have a pitched roof. This roof would have a ridge and eaves height of 6.2m and 4.9m respectively and would be set back from the garden wall with No 111 by 0.6m. On the single storey element a short mono-pitch corrugated roof section is proposed, 2.8m from the 3m high boundary wall with No. 111. This mono-pitched roof would have an eaves height of 3.2m, nearest the boundary wall, and a ridge height of 4.4m at its furthest point from the boundary. The single storey flat roofed element would be 300mm lower than the 3m high western boundary wall. This single storey element would measure 7.9m in width. The materials would be Cambridge stock brickwork and vertical & horizontal stained timber cladding.
- 2.3 In comparison to the previous scheme, which was refused and dismissed at appeal, the two-storey element has been reduced in depth from 12.1m, whilst the majority of the development proposed along the western boundary is now single storey and below the boundary wall height.
- 2.4 The proposed is to be constructed of stock brickwork with a slate roof. Parking spaces would be informally laid out and bin storage would be against the northern site boundary close to the existing vehicular access. The indicative landscaping

scheme shows soft landscaping in front of the northern elevation.

2.5 The application has been amended since submission to:

- Widen the access and recess the gates
- Provide private external amenity space for the ground floor flats
- Ensure the ground floor flats would be Policy 51 compliant and, in lieu of providing an accessible unit on the upper floor, converting the existing attached flat on the south side to be accessible and compliant with art M4(2) of the Building Regulations.

2.6 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Shadow Study

### **3.0 SITE HISTORY**

16/0684/FUL for Erection of a new building containing three flats, comprising two 2xbed units and one 1xbed unit along with a linkage to the existing rear elevation of 113 Chesterton Road to provide additional accommodation in the form of bedrooms to Flats F2 and F4 – Withdrawn

16/2235/FUL for Erection of a new building adjoining 113 Chesterton Road containing three 1 x bed flats and the introduction of a terrace to one of the existing flats within 113, along with associated landscaping and car and cycle parking – Refused for the following reason:

“The proposal, by virtue of the length and height of the extension and its proximity to the western and northern boundaries, as well as the proposed zinc cladding, would have an unacceptable overbearing and enclosing impact on the rear gardens of No. 111 Chesterton Road and No. 2 Croft Holme Lane, which would have a significant adverse impact on the residential amenity of the occupants of these properties...”.”

This application was subsequently dismissed at appeal, with the Inspector stating the development would create a significant sense of enclosure to the majority of the rear garden of No.111 and harm the outlook from that property. He also considered that the width and height of the extension, together with its location 6.6m from the rear boundary would dominate No.2 Croft Holme Lane's outdoor space.

#### 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 Plan 2018	Local	1 3
		22
		31 32 35
		50 51 52 55 56 57 58 59
		61
		71
		81 82

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

Central Government Guidance	<p>National Planning Policy Framework February 2019</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</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>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p>Castle and Victoria Road Conservation Area Appraisal (2012)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

## 6.0 CONSULTATIONS

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

- 6.1 The Highways Officer objects to the proposal in regards to the width of the entrance and the location of the gate, both of which would be detrimental to highway safety. Amended plans were received to widen this entrance and change the position of the gate so that it would be able to accommodate 2 cars side by side and allow vehicles to pull in off the highway. The Highway Authority has confirmed that this resolves its objection. Any consent should be subject to conditions requiring no unbound material, removal of permitted development rights for gates,

access provision before occupation, access drainage, provision of manoeuvring area, and traffic management plan.

### **Environmental Health**

- 6.2 Environmental Health has no objections to the proposal subject to conditions regarding construction/delivery hours, piling, and details of an alternative ventilation scheme.

### **Refuse and Recycling**

- 6.3 The Waste Officer has no objections to the proposal.

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

- 6.4 The Conservation Officer has no objections to the proposal, advising that the scale and mass of the building is appropriate for this constrained site, and that the proposed materials are a contemporary reflection on the colours and textures of the surrounding brick and slate palette.

### **Drainage**

- 6.5 No objections to the proposal subject to a surface water drainage condition.

### **Landscape**

#### Comments on original plans

- 6.6 The revisions requested by Highways could have implications on the arrangement of space designated for car movements. It is considered that a more efficient layout for cars, bins, bikes and amenity could be achieved, wherein some space could be given over to private or communal amenity on site.

#### Comments on amended scheme

- 6.7 The proposal is acceptable subject to landscaping and boundary treatment conditions.

## **Access Officer**

- 6.8 Pleased to see that the ground floor flats would be accessible. To comply with M4(2), the layout should be capable of being converted to provide a ground floor wet room.
- 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 to the proposal:

- 2 Croft Holme Lane (objection)
- 115 Chesterton Road (neutral)
- Hookham House, Croft Holme Lane (neutral)
- Camcycle (support)

- 7.2 The representations can be summarised as follows:

- The distance indicated between the proposal and 2 Croft Holme Lane is deceptive as the proposed is at an angle to this neighbours property. Therefore in reality the proposed building will be much closer to the boundary with No. 2.
- The proposed will be visible from the garden of No. 2
- The roof of the single storey element should be lowered so that it doesn't overshadow No. 2 in the winter months.
- A shadow projection should be provided for the winter months.
- The location of the proposed bin storage is problematic as bins will be only 2m from No. 2's windows.
- The increased number of tenants will surely lead to even more anti-social behaviour.
- Windows facing towards No.'s 113 & 115 should be opaque.
- The climbing plants soften the wall facing No. 115 and should be maintained by condition.
- Any planting close to the border with Hookham Close should avoid damage to the integrity of this neighbours basement & waterproofing systems.

- 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**

### **Principle of Development**

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

- Principle of Development
- Context of site, design and external spaces, including impact on the Conservation Area
- Residential Amenity
- Refuse Arrangements
- Highway safety
- Car and cycle parking

### **Principle of Development**

- 8.2 Policy 3 of the Cambridge Local Plan (2018) generally supports the provision of new housing within the city.
- 8.3 Policy 52 of the 2018 Local Plan relates to development on garden land and the subdivision of plots. This states that such proposals will only be permitted where a) the form/height/layout respects the surrounding character, b) there is sufficient space retained for the existing dwelling and any worthy trees are retained, c) adequate amenity and privacy to neighbours is protected, d) adequate amenity space, vehicular access and car parking for proposed and existing properties is provided and, e) the proposal does not compromise development of the wider area. Criterion e) is not relevant. The remaining criteria are assessed below in the body of the report.

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

- 8.4 No. 113 is a substantial mid-terrace property which has a two storey original (or early) element at the rear. The property is characteristic of this part of the Conservation Area. There have been recent developments within the immediate vicinity, namely

at the rear of Nos. 109 and 115. The building would be partially visible from Croft Holme Lane through the access.

- 8.5 The extension would consist of a two storey & single storey element and would extend to the rear of No. 113's existing rear element. The revised scheme would have a ridge and eaves that would be lower than the existing rear element, so in my opinion, the extension would appear as a subservient element. The Conservation Team is satisfied that this scale and form of development would continue a similar pattern of subservient linear extensions at the rear of these properties, which would not harm the character of the Conservation Area.
- 8.6 The proposed would have a pitched roof for the 2 storey element and a flat roof for the remainder, apart from a small section set back from the western boundary with a mono pitched roof. Proposed materials would be Cambridge stock brickwork and vertical & horizontal stained timber cladding. A slate roof to match the existing is proposed for the 2 storey element. The mono pitched roof would have a corrugated painted metal roof. The Conservation Team has commented that the materials would be a contemporary reflection on the colours and textures of the surrounding brick and slate palette. In my opinion, in design and conservation terms, the proposal would be a high quality addition to the Conservation Area.
- 8.7 The site is currently laid out with an informal gravel parking area, with some soft landscaping along the boundaries. The indicative landscaping scheme shows soft planting in the western corner of the site and at the front of the proposed single and two storey elements. The northern & western part of the site would be retained for car parking, which is similar to the existing site. I would recommend a condition for a detailed hard and soft landscaping scheme, planting scheme and maintenance plan to be submitted for approval.
- 8.8 For these reasons, subject to the recommended conditions, in my opinion, the proposal would not harm the character and appearance of the Conservation Area and is compliant with Cambridge Local Plan 2018 Policies 1, 52, 55, 56, 57, 58 and 61.

## **Residential Amenity**

### **Impact on amenity of neighbouring occupiers**

- 8.9 The nearest residential properties are No. 111 to the west, No. 115 to the east, the property at the rear of No. 115 fronting Croft Holme Lane, and No. 2 Croft Holme Lane to the north. The impact on the existing units within No. 113 is considered in the following section.

#### *No. 111 Chesterton Road*

- 8.10 No. 111 is a mid-terrace property which is currently used as a single dwelling. The property has a two storey outrigger and a single storey extension along the eastern boundary with the application site. The property has a long rear garden which runs alongside the application site.
- 8.11 The eastern boundary is formed of a 3m high brick wall, as shown on the proposed plans. There is a relatively open outlook from the garden to the east across the application site and to the rear of the Croft Holme Lane properties. By contrast, the outlook from the garden towards the west is enclosed to some extent by the two storey building at the rear of No. 109 known as 'Hookham House'. This means that the outlook towards the application site makes an important contribution to the environmental quality of the garden and to the residential amenity of the occupants of No. 111.
- 8.12 The proposed building would extend approximately 16.1m from the existing rear elevation of No. 113 along the boundary with No. 111. The two storey element would be 7.3m long (a reduction of 4.8m from the previous proposal that was refused and dismissed at appeal). The ridge and eaves height of the two storey element would be 6.2m and 4.9m respectively. Approximately 5.1m of this upper floor would be seen from this neighbours perspective. This upper floor would consist of Cambridge stock brickwork and a slate roof. None of the single storey element would be seen from No. 111 apart from the small section of the mono pitched roof set back from the common boundary.
- 8.13 Although the 2 storey element would have an impact on the open outlook from the garden towards the east, in my opinion

the much reduced scale of this 2 storey element and design of the remaining single storey element reduce this impact to an acceptable level. The proposal would not result in a significant level of enclosing and overbearing on the garden or significantly harm the amenity of No. 111. No windows are proposed for this western elevation and therefore no overlooking would occur.

- 8.14 Due to the orientation of the proposed extension to the north east of No. 111, I am satisfied that the proposal would not have an unacceptable overshadowing impact.

*No. 2 Croft Holme Lane*

- 8.15 No. 2 is an end-of-terrace property which is currently used as a single dwelling. The property has ground and first floor windows on the side and rear elevations. It has a small rear garden and the area to the side of the house is used as a narrow courtyard garden. The garden is enclosed by brick walls, and has a relatively open outlook to the south towards the application site and the rear of the Chesterton Road properties.
- 8.16 The northern elevation of the proposed single storey element would be approximately 5.4m, at its closest, from the southern boundary of this neighbour's garden. The flat roof single storey element would be 2.7m high. The mono pitched roof element would be 7.4m from this boundary and have a max height of 4.4m. The orientation of this mono pitched element and its distance from the northern boundary is such that it will not result in overlooking or loss of privacy for this neighbouring dwelling. Neither will it have an enclosing or overbearing impact on the garden which will continue to have a relatively open outlook towards the south.
- 8.17 The orientation of the two storey element would be immediately to the south-east of the garden of No. 2 and approx. 14m from it, at its nearest point. I am satisfied that the applicant's shadow study demonstrates the proposal would not have an unacceptable overshadowing impact on the rear garden or windows compared to the existing situation. Third parties have commented that the shadow study does not include the winter solstice, however in my opinion, it is likely that the garden is already overshadowed by the existing boundary wall and the proposal is unlikely to have a significant additional adverse impact. I also consider that the two-storey element, which has

been set significantly further away from the northern boundary of the site, would no longer have an unduly overbearing and enclosing impact on No.2's small outdoor amenity space and would therefore address this element of the reason behind the appeal being dismissed.

- 8.18 The proposed staircase leading to the 1<sup>st</sup> floor area would be screened on its northern side by a perforated brick screen. There would be one first floor window on the northern elevation. The distance between this window and No. 2 and the mono pitched roof between them would not allow significant overlooking to take place from this window towards No. 2.
- 8.19 There would be oblique views from the first floor window of the mono pitched roof element but as this window is high above floor level and at such an angle it would not result in overlooking of No. 2. The ground floor windows on the northern and western elevation will also not result in overlooking of No. 2. The two windows of this single storey closest to No.2 would serve a bedroom and bathroom, and would face the boundary wall with No. 2.
- 8.20 Third parties have raised concern about the location of the bin store against the boundary with No. 2 in terms of odour and flies impacting on residential amenity. Currently, separate bins for each unit within No. 113 are stored against the boundary. The proposal would replace this with communal bins closer to the front of the site. I have recommended a condition for the bin store to be installed prior to first occupation of the development.

*No. 115 Chesterton Road and property at the rear*

- 8.21 No. 115 is a two storey property at the end of the terrace. It is understood to be occupied as a single dwelling. The property has a small rear garden following development at the rear, and has ground and first floor windows on the rear elevation. The property at the rear is two storeys. On the western elevation there is a fixed louvre at first floor and a dormer window and 2 roof lights at second floor. These three windows serve a bathroom, stairwell and bedroom.
- 8.22 Due to the orientation and siting of the extension on the western side of the site, in my opinion, the proposal would not have an overbearing or overshadowing impact on these properties. A 1<sup>st</sup>

floor window is proposed for the eastern elevation. To prevent overlooking of No.115, I have recommended a condition requiring this to be obscure glazed.

- 8.23 The impact of noise and disturbance during construction on the residential amenity of nearby properties could be satisfactorily addressed through a condition to restrict construction hours.
- 8.24 For these reasons, in my opinion the proposal would respect 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, 52, 55 and 58.

Amenity for future occupiers of the site

- 8.25 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units 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 <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	1	1	39	44.5	+5.5
2	1	1	1	39	42.6	+3.6
3	1	1	1	39	41.9	+2.9

- 8.26 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. The application has been amended since submission to include a small amount of private amenity space on the eastern side of the ground floor flats. The upper floor flat does not include a private outdoor space – the only way this could be achieved is through the provision of a balcony and I am concerned that, in this tight-knit location, this would give rise to harmful overlooking issues. Given that the flat would have access to the communal amenity areas as well as the proximity of the site to substantial areas of public open space at Jesus Green and Midsummer Common, I consider future occupiers of the upper flat would benefit from a satisfactory level of amenity. I am therefore satisfied that the

scheme as a whole would provide an acceptable amount of external amenity space, as well as a buffer to the ground floor flats from noise and disturbance from car movements.

8.27 In terms of Policy 51: Accessible Homes the 2018 local plan requires that 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. The plans have been amended to ensure the two ground floor apartments would be M4(2) compliant. The proposal does not include a lift to serve the upper floor flat, although the revised plans do denote a possible location for the lift to ensure M4(2) compliance.

8.28 I have concerns regarding the suitability of a lift in this location as it would increase the extent of two-storey building along the boundary with No.111 (this being part of the reason behind the appeal being dismissed). The applicant also owns the adjacent flats to the south and the attached 2-bedroom ground floor apartment is in the process of being refurbished. Due to the constraints upon making the upper floor flat fully compliant with Policy 51, the applicant has offered to adapt and make the attached ground floor apartment compliant as part of the current refurbishment works. This suggestion was discussed at a meeting, at which the Council's Access Officer welcomed the approach, commenting that a two-bed ground floor flat (which could provide additional accommodation for a carer) is likely to be far more beneficial than a small upper floor flat. I concur with these views and, whilst the scheme technically doesn't comply with Policy 51 in its own right, I would recommend that the Council support the scheme on this basis.

8.29 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, 52, 55 and 58.

### **Refuse Arrangements**

8.30 The proposal includes communal bins in a storage area against the northern boundary close to the vehicle access. The capacity and location of the store is acceptable, and the Refuse Team has confirmed they will collect these bins which would be less

than 10m from the kerb. I have recommended a condition requiring the bin storage to be provided before first occupation of the development.

### **Highway Safety**

- 8.31 The Highways Authority initially recommended refusal on the grounds that the existing access is not wide enough to allow two vehicles to pass and that there are gates across the access, which leads to vehicles waiting on the public highway, resulting in highway safety concerns. The scheme has since been amended to address these concerns.
- 8.32 In my opinion the proposal is compliant with Cambridge Local Plan 2018 policy 81.

### **Car and Cycle Parking**

#### *Car parking*

- 8.33 The site is currently used for parking associated with the units within No. 113 and is informally laid out. The revised proposal reduces the area available for parking compared to the current situation. The Highways Authority has queried how the car parking spaces would be allocated, and the Planning Statement confirms the proposed units will be promoted as car free. As such, there would be no displacement of car parking from within the site to on-street Residents Permits parking areas and the future residents would not be eligible for permits.
- 8.34 The proposed car-free development is in accordance with the adopted maximum standards. The units would be one-bedroom and the occupants are less likely to be car-dependent. The site is in a highly sustainable location close to the city centre, and to walking, cycling and public transport links. For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan 2018 policy 82.

#### *Cycle parking*

- 8.35 The revised proposal includes a cycle store on the eastern boundary with space for 6 no. parking spaces. This is in accordance with the adopted standards and would be in a convenient location. I have recommended a condition requiring

the cycle parking facility to be installed prior to first occupation of the units. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan 2018 policy 82.

## **9.0 CONCLUSION**

- 9.1 In conclusion, I consider that the proposed scheme has satisfactorily addressed the reasons for the previous scheme being refused and subsequently dismissed at appeal. By reducing the extent of the two-storey element, the previous concerns regarding the overbearing impact upon No.111 Chesterton Road to the west and No.2 Croft Holme Lane to the north.
- 9.2 The proposal has also been amended since submission to ensure the ground floor flats would have access to private external amenity space and be compliant with Policy 51, whilst also proposing to convert the attached ground floor apartment under the same ownership to an accessible unit (in lieu of such provision at first floor level).

## **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. 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. Prior to the commencement of development, details of an alternative ventilation scheme for the habitable rooms on the Croft Holme Lane façade to negate / replace the need to open windows, in order to protect future occupiers from external traffic noise shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall source air from the rear of the development away from Croft Holme Lane. The ventilation scheme shall achieve at least 2 air changes per hour. Full details are also required of the operating noise level of the alternative ventilation system. The scheme shall be installed before the use hereby permitted is commenced and shall be retained in accordance with the approved details thereafter.

Reason: To protect the amenities of future occupiers of the development (Cambridge Local Plan 2018, Policy 35).

7. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the Local Planning Authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development (Cambridge Local Plan 2018 policies 57 and 61).

8. Prior to the installation of any non-masonry walling systems, cladding panels or other external screens full details including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing shall be submitted to and approved in writing by the Local Planning Authority. This may consist of large-scale drawings and/or samples. 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. 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).

10. 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).

11. 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).

12. 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).

13. 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).

14. Prior to first occupation of the development, hereby permitted, the cycle parking facilities shall be provided in accordance with the approved details and shall be retained in accordance with these details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2018 policies 52 and 82).

15. Prior to first occupation of the development, hereby permitted, the refuse storage facilities shall be provided in accordance with the approved details and shall be retained in accordance with these details thereafter.

Reason: To ensure appropriate provision for the storage of waste receptacles (Cambridge Local Plan 2018 policy 52).

16. Notwithstanding the approved plans, the proposed ground floor dwellings, 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). Additionally, prior to the occupation of the first floor flat, the existing attached ground floor flat to the south shall be refurbished 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).

17. 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).

18. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

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

19. Prior to the first occupation or bringing into use of the development, hereby permitted, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of highway safety and to ensure satisfactory access into the site (Cambridge Local Plan 2018 policy 81).

20. 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).

21. Prior to the first occupation or bringing into use of the development, hereby permitted, the manoeuvring area shall be provided in accordance with the approved drawings. The manoeuvring area shall be retained free of obstruction thereafter.

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

22. 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).

23. 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).

24. Prior to the occupation of the first floor apartment, hereby permitted, the lounge window in the east elevation shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and non-opening up to a minimum of 1.7m above the internal finished first floor level. 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 and 57).

**INFORMATIVE:** The principle areas of concern that should be addressed in 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.

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/0543/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	25th April 2018	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	20th June 2018		
<b>Ward</b>	Arbury		
<b>Site</b>	95 Alex Wood Road		
<b>Proposal</b>	Erection of a detached 1.5 storey two bedroom dwellinghouse on the land to the rear of 95 Alex Wood Road accessed from Montgomery Road (following demolition of existing garage).		
<b>Applicant</b>	Mr N Cainzos-Sola		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The design and scale of the development would respond sympathetically to the character of the area.</li> <li>- The proposal would not harm the residential amenity of neighbouring occupiers.</li> <li>- The development is unlikely to have a significant adverse impact upon on-street parking on surrounding streets and highway safety</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site comprises the southern part of the rear garden of No.95 Alex Wood Road. No.95 is a two-storey end-terrace dwelling with a large rear garden that contains several trees and a garage that is accessed from Montgomery Road. The side boundary of the garden is defined by a 1.8 metre high

fence. The rear garden abuts the side boundary of No.24 Montgomery Road which is a two storey semi-detached house.

- 1.2 There are no relevant site constraints. None of the trees within the rear garden or within the grass verge on Montgomery Road are protected by Tree Preservation Orders.

## **2.0 THE PROPOSAL**

- 2.1 The application proposes the erection of a detached 2-bedroom 1½ storey (6.4 metre high) dwelling within the southern part of the rear garden, following the demolition of the existing garage. The dwelling would be accessed from Montgomery Road and set back approximately in line with the front elevation of No.24 Montgomery Road. A single parking space and bin/bike store would be provided to the front of the property, with the principal garden area sited on the north side of the dwelling.

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

1. Design and Access Statement
2. Arboricultural Impact Assessment
3. Flood Risk Assessment
4. Plans

## **3.0 SITE HISTORY**

- 3.1 No relevant planning history.

## **4.0 PUBLICITY**

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

## **5.0 POLICY**

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

## 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2018	Local	1 3 31 32 35 50 51 52 55 56 57 59 71 81 82

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

Central Government Guidance	<p>National Planning Policy Framework February 2019</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</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>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

## **6.0 CONSULTATIONS**

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

6.1 The application removes the existing garage and parking serving the existing dwelling. The development may therefore impose additional parking demands upon the on-street parking on surrounding streets, albeit this is not considered to have an adverse impact on highway safety. If minded to approve, the following conditions are recommended:

- No unbound material;
- Remove permitted development rights for gates;
- Access constructed in accordance with County Highway specification;
- Access with adequate drainage measures;
- 2m x 2m visibility splays;
- Redundant crossover returned to footway and kerb.

### **Environmental Health**

6.2 The proposed development is acceptable subject to the following conditions:

- Construction hours
- Piling

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

6.3 No material urban design issues.

### **Tree Officer**

#### 1<sup>st</sup> comments

6.4 In order to fully assess the impact of the proposal on trees in the property's rear garden the applicant is required to provide an arboricultural impact assessment in accordance with BS5837 2012.

## 2<sup>nd</sup> comments in response to arboricultural impact assessment

- 6.5 No objection to the tree removals proposed and retained trees can be protected adequately through construction subject to tree protection methodology. The following conditions are recommended:

- Arboricultural Method Statement and Tree Protection Plan;
- Implementation of the AMS and TPP

### **Drainage**

#### 1<sup>st</sup> comments

- 6.6 The proposed dwelling lies in an area identified as having a high risk of surface water flooding. An assessment of the impact of surface water flooding on the proposed dwelling and of the off-site flood risk implications of the development needs to be undertaken prior to determination of the application.

#### 2<sup>nd</sup> and 3<sup>rd</sup> comments in response to first Flood Risk Assessment (FRA) and subsequent update

- 6.7 The submitted Flood Risk Assessment shows finished floor levels 300mm above surrounding ground levels. However, the FFL should be 300mm above expected flood levels for the 1 in 100 year plus an allowance for a climate change event. If lower than this, flood resistance and resilience measures would be required. The FRA also needs to consider the implications of reducing the available storage of surface water flooding.

#### 3rd comments following submission of updated FRA

- 6.8 No objections subject to the following conditions:

Detailed surface water drainage scheme based upon the principles within the FRA dated 3/12/18

Maintenance details

Minimum finished floor levels of 12.87m AOD

Flood resilient construction details

- 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:

- 93 Alex Wood Road;
- 24 Montgomery Road;
- 11 Redfern Close;

7.2 The representations can be summarised as follows:

- The dwelling would result in a loss of light to No 93 Alex Wood Road's garden. This would compound the situation already caused by tall trees that overhang the boundary;
- Loss of existing off-street car parking for the host dwelling will result in them parking on street. The new dwelling would therefore exacerbate existing on-street parking issues;
- The proposed car parking space would not be big enough to accommodate a larger car which would then overhang the highway;
- The development may result in damage to No.24's boundary wall;
- The dwelling overhangs No.24's boundary;
- Any loss of trees and damage to the grass verge would detract from the character of the area
- The proposed development would set a precedent for similar development in the locality.

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

## **8.0 ASSESSMENT**

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

- Principle of Development
- Context of site, design and external spaces
- Residential Amenity
- Refuse Arrangements

- Highway safety
- Car and cycle parking
- Flood Risk
- Third Party Representations

### **Principle of Development**

- 8.2 Policy 3 of the Cambridge Local Plan (2018) generally supports the provision of new housing within the city.
- 8.3 Policy 52 of the 2018 Local Plan relates to development on garden land and the subdivision of plots. This states that such proposals will only be permitted where a) the form/height/layout respects the surrounding character, b) there is sufficient space retained for the existing dwelling and any worthy trees are retained, c) adequate amenity and privacy to neighbours is protected, d) adequate amenity space, vehicular access and car parking for proposed and existing properties is provided and, e) the proposal does not compromise development of the wider area. Criterion e) is not relevant. The remaining criteria are assessed below in the body of the report.

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

- 8.4 The site forms the rear part of the residential curtilage of 95 Alex Wood Road and contains a single-storey flat roof garage which is accessed via Montgomery Road. There are several mature trees in the rear garden which are visible within the public realm.
- 8.5 The proposed dwelling faces onto Montgomery Road and has been laid out so that it is in line with the front of the front elevation of the existing dwellings to the south. In common with the houses to the south, the proposed dwelling would be designed with its ridge running parallel to the road, although at 6.4m high, would be lower than surrounding properties and appear as a modest chalet style addition to the established two-storey housing. In this location, I am satisfied that the design and scale of the proposed dwelling would sympathetically integrate into the site and surrounding context without appearing out of character.

- 8.6 A tree survey has been carried out following concerns raised by the Tree Officer. The survey concludes that 12 individual trees and 1 group of trees were recorded. Five of the trees were assessed as being either Category A (two) or B (three). The rest of the trees and group of trees were assessed as either Category C (four and one group) and Category U (three) and will be removed from the site. None of the Category A or B trees are proposed to be removed. However, the survey acknowledges that one Category B tree (T2) which is located along the front boundary of the site may be susceptible to stem and root compaction during construction. The loss of T2 could be mitigated through the installation of temporary tree protective fencing and ground protection boards.
- 8.7 The tree officer is satisfied with the tree survey information subject to conditions regarding tree protection and arboricultural impact assessment. I have recommended both conditions.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 56, 57, 59 and 71.

### **Residential Amenity**

#### **Impact on amenity of neighbouring occupiers**

- 8.9 The proposed dwelling would be sited 21 metres away from the rear elevation of the host property (No.95 Alex Wood Road). Due to this separation, together with the modest height and proportions of the dwelling, I consider that it would not appear unduly overbearing or dominant from the rear elevation of No.95. The proposed dwelling, in view of these dimensions, would also not cause any adverse significant overshadowing of the rear garden of the host property. There are no windows in the side elevation (north) at first floor level that would give rise to overlooking of the rear garden of No.95. The proposal would also retain an approximately 16 metre deep garden for the existing property. I am therefore satisfied that the proposed dwelling would not have any adverse impact on the host property.
- 8.10 Concerns have been raised by the owners of No.93 Alex Wood Road to the east of the site on the grounds that the dwelling would result in a loss of light to their garden and compound issues caused by existing trees. I concur that the proposed

dwelling, which would be sited in close proximity to the eastern boundary of the site, would result in some light loss to No.93's garden. However, this impact would be confined the end/southern part of their garden in the late afternoon/early evening. It would not have an adverse impact upon light reaching windows in the house or upon the main sitting-out area, and the amount of light reaching the garden would comply with BRE guidelines. I therefore consider the development would not have an unacceptable enclosing or overshadowing impact to this property. There are no first floor windows (other than high level rooflights) in the rear/east elevation of the proposed dwelling. Given that first floor rear windows could normally be added without planning permission, I have recommended a condition removing permitted development rights for the insertion of first floor and roof windows in this elevation.

- 8.11 The proposed dwelling would be sited in line with the gable end of No.24 Montgomery Road. No.24 does not contain any main habitable room windows in the side (north) elevation and there are no first floor windows in the side or rear elevation of the proposed dwelling. Therefore, the proposed dwelling would not appear overbearing or cause any overlooking issues. The proposed dwelling would also be located north of No.24 so would not cause any overshadowing issues.
- 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 52, 55, 56 and 57.

Amenity for future occupiers of the site

- 8.13 The proposed development would provide a modest two-bed dwelling house with off street car parking, bin and cycle storage and outdoor amenity. The private garden to the side of the dwelling would be approximately 5 metres wide and 15 metres in depth. The garden would be set behind a 1.8 metre high boundary fence which would mitigate views from Montgomery Road and from the first floor windows in the host dwelling. I am satisfied that the occupiers of the proposed dwelling would benefit from a good quality living environment and an acceptable degree of privacy.

8.14 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 (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	2	4	2	79	84	+5

8.15 The size of the dwelling complies with the requirements of Policy 50. The scheme would also provide level access and off-street car parking in close proximity to the entrance to the house. The agent has made a minor internal modification to the drawings to ensure compliance with part M4(2) of the Building Regulations and the requirements of Policy 51. I have recommended a condition to secure this.

8.16 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2018) policies 50, 51 and 52.

### **Refuse Arrangements**

8.17 The proposal includes a bin storage area, for three bins, in the front garden. I have recommended a condition requiring this to be provided prior to occupation of the dwelling.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 52.

### **Highway Safety**

8.19 The site has an existing dropped kerb which provides access to the garage. This is proposed to be used and widened to access and provide off street parking for the proposed dwelling. This would remove the off street car parking provision for the host dwelling which would consequently be displaced onto surrounding streets. Montgomery Road is unrestricted and so there is provision for on street parking. The Highways Authority has raised no highway safety objections to the proposal. As this is an existing access and parking area, I do not consider it necessary to apply all the conditions recommended by the Highways Authority, although I have recommended that the

2m x 2m visibility splays denoted within the drawings be provided and thereafter retained.

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

### **Car and Cycle Parking**

#### **Car parking**

- 8.21 The proposed development would provide one car parking space for the future occupants of the dwelling. The existing 2 no. car parking spaces serving No.95 Alex Wood Road would be lost. However, I do not consider the loss of off street parking provision for the host dwelling would have a significant material impact upon on street car parking. The site is outside the controlled parking zone and the area is not identified as suffering from on-street overnight parking stress and the loss of parking for the existing property would not therefore result in demonstrable harm to highway safety. Notwithstanding this, there is space at the front of the host dwelling to accommodate an off-street car parking space should the occupier wish to provide this in the future..

#### **Cycle parking**

- 8.22 The proposal includes a cycle store for two cycles which would be located at the front of the site and accessed via a gated access. This complies with the policy requirements and I have recommended a condition requiring the storage to be provided prior to occupation of the dwelling.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52 and 82.

### **Flood Risk**

- 8.24 The site lies in an area identified as having a high risk of surface water flooding. In response to concerns raised by the Drainage Officer, an FRA has been submitted and subsequently amended. The design of the dwelling has been revised to raise the floor levels by 300mm and to allow surface water to enter and leave the void below the block and beam flooring.

- 8.25 The Drainage Engineer has advised that this overcomes initial concerns about the proposal and that subject to agreement of further details that can now be secured by condition, the development is acceptable.

### **Third Party Representations**

- 8.26 I set out below my response to the third party representations received in the below table:

<b>Representations</b>	<b>Response</b>
Concerns with the potential damage to the trees and boundary fence;	The applicant has submitted a tree survey which has been assessed by the City Council's Tree Officer. The Officer is satisfied with the survey subject to conditions which I have recommended to mitigate the impact on the retained trees during construction.
Concerns with the potential loss of daylight in the garden;	The dwelling would not cause any significant loss of daylight or sunlight to the rear garden of the adjacent gardens. The host dwelling would be more than 20 metres away and the garden area is covered with trees. No.24 Montgomery Road is located south of the application site and so the rear garden would not be impacted.
Concerns with loss of off street car parking for the host dwelling and the potential impact this would have upon on street parking;	See paragraphs 8.19 and 8.21
Concerns the proposed car parking space would not be big enough to accommodate a larger car which would then overhang the highway;	The car parking space would comply with County Highway standards of 5 metres by 2.5 metres.

Damage caused by cars parking on the grass verge would detract from the character of the area	This is not a material planning consideration.
Damage to adjacent property	Damage to the neighbour's fence/property is a civil matter and not an issue that can be considered as part of the planning application
The proposed development would set a precedent	Each planning application is considered on its own merits.

## 9.0 CONCLUSION

- 9.1 The proposal is for the demolition of the existing single-storey flat roof garage in the rear garden of No.95 Alex Wood Road, and the erection of a 1½ storey pitched roof detached dwellinghouse with off street car parking, bin and cycle storage and outdoor private amenity space.
- 9.2 The design and scale of the proposed dwelling would respect the built form of the area and setting of the site. The proposed design is of a chalet style, with the first floor in the roofspace, and in line with the front elevation of no.24, which would give it a subservient appearance adjacent to the established two storey housing. The proposal would make effective use of ancillary garden space to provide an additional dwelling.
- 9.3 The proposed dwelling would not have any adverse impact on the residential amenity of the neighbouring dwellings, including the host dwelling, in terms of overlooking, overshadowing and overbearing sense of enclosure. The occupiers of the proposed dwelling would benefit from adequate levels of privacy and private outdoor space.

## 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. 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).

5. Prior to the first occupation of the dwelling, hereby permitted, 2m x 2m pedestrian visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted drawing no. PL(90)01 Rev C. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

6. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no further windows shall be installed in the rear elevation of the dwelling at first floor level, including in the roofspace, unless non-opening and obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent up to a minimum height of 1.7 metres above the internal finished first floor level.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 52, 55, and 57).

7. 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).

8. Prior to first occupation of the dwelling, hereby permitted, the cycle parking facilities shall be provided in accordance with the approved details and shall be retained in accordance with these details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2018 policies 52 and 82).

9. Prior to first occupation of the dwelling, hereby permitted, the refuse storage facilities shall be provided in accordance with the approved details and shall be retained in accordance with these details thereafter.

Reason: To ensure appropriate provision for the storage of waste receptacles (Cambridge Local Plan 2018 policy 52).

10. Prior to any equipment, machinery or materials being brought onto the site for the purpose of development, including demolition, details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to development commencing and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site (Cambridge Local Plan 2018 policies 55, 57, 59 and 71).

11. Notwithstanding the approved plans, the dwellings, 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).

12. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall be based upon the principles within the agreed Assessment of Flood Risk prepared by Martin Andrews Consulting Ltd (ref: 117-FRA-01-C) dated 03/12/2018 and shall also include:
- a) Details of the existing surface water drainage arrangements including runoff rates for the 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) 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 long-term maintenance arrangements and 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

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development (Cambridge Local Plan 2018 Policies 31 and 32).

13. Finished ground floor levels of the dwelling, hereby permitted, shall be set no lower than 12.87m AOD above existing ground level.

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

14. No development shall commence until a scheme for flood resilient/resistant construction has been submitted to and approved in writing by the Local Planning Authority. 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).

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/0440/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st March 2018	<b>Officer</b>	Mary Collins
<b>Target Date</b>	16th May 2018		
<b>Ward</b>	Coleridge		
<b>Site</b>	134 Perne Road		
<b>Proposal</b>	Single storey rear extension and new bike store and conversion of existing dwelling into two flats.		
<b>Applicant</b>	Mrs T. Arzulu 134 Perne Road		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would not have a negative impact on the amenity or character of the area or on highway safety in streets already experiencing parking stress.</li> <li>- The proposal would result in a good standard of amenity for its occupiers and is designed to avoid cumulative and negative impacts on neighbouring residential properties.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 134 Perne Road is a semi-detached dwelling situated on the north-eastern side of the roundabout at the junction of Perne Road with Birdwood Road.
- 1.2 To the rear the property has a single storey lean to projection which provides a ground floor kitchen.
- 1.3 Perne Road is a classified road A1134 and there is no on street parking.

## **2.0 THE PROPOSAL**

- 2.1 The application proposes to extend and convert the property to form two flats. A single storey rear extension is proposed which would be an L shape form and measure 6.5 metres in depth, 2.9 metres high and 7.55 metres wide. It would project to the side of existing dwelling by 1.26 metres.
- 2.2 The proposed extension is single storey with a flat roof and is to the rear and to the side. The longest part of the extension would be set off the northern boundary by 2.925m and the part adjacent to No. 136 Perne Road would project 3.5 metres along the common boundary.
- 2.3 The first floor of the existing dwelling would be converted into a one bedroom flat. On the ground floor, a two bedroom family dwelling with direct access to a rear garden is proposed. To the rear of this garden is a further amenity space for the upper floor flat.
- 2.4 Bike and bin storage would be provided to the rear of the property.
- 2.5 The application is accompanied by the following supporting information:
1. Drawings
- 2.6 During the course of this application, amendments were made to reduce the number of proposed flats from three to two. Also, the size of the rear extension has been reduced and the ground floor of the property altered to provide a family dwelling with direct access to rear amenity space instead of two flats at ground floor level. Amendments have also been made to the cycle provision.

## **3.0 SITE HISTORY**

None

## 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 2018	1 3 35 50 52 53 55 56 57 58 81 82

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

Central Government Guidance	National Planning Policy Framework February 2019 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 parking spaces are significantly less than the minimum space required to park a car without it overhanging the public highway. The layout shown cannot be accessed from the existing dropped kerb indicated without overhanging the public

highway, further the manoeuvring to access the parking appears problematic, given the location of the site on the gyratory carriageway of a roundabout which is also associated with cycling infrastructure and significant levels of cycle movement. The Highway Authority therefore recommends that this application be refused.

*Additional comment*

- 6.2 The layout has been amended to provide only a single parking space however this is, without rigorous enforcement, unlikely to be adhered to and likely to result in a significant enforcement issue.

The proposal seeks a level of car parking provision within the site significantly less than one space per dwelling unit.

It is likely that car parking demand will exceed provision within the site and residents will attempt to keep a car on-street.

Cars already abuse the access, parking and obstructing the footway cycleway and the access is directly onto a busy roundabout and is also associated with cycling infrastructure and significant levels of cycle movement.

The Highway Authority therefore maintains the view that this application be refused planning permission.

**Environmental Health**

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

**Waste**

- 6.4 The bin provision for the development is acceptable although the pulling distance is at the maximum recommended limit.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- CamCycle
- 132 Perne Road

7.2 The representations can be summarised as follows:

- Capacity of cycle sheds not sufficient – for 3 Sheffield stands although would be large enough for 2 stands.
- Could result in blockages or collapse of foul sewer that runs to the rear of this property.
- It is dangerous to have car access to the property onto the circulatory carriageway of a roundabout and that is sufficient grounds for refusal. It has always been dangerous and irresponsible for properties to have accesses onto a roundabout, especially with strong levels of cycle traffic, unfortunately these accesses were allowed in the past but should not be permitted any longer, on the grounds of highway safety.

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**

### **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 53 supports the conversion of an existing single family dwelling house into self-contained flats providing:

- the proposed development (the original building including acceptable extensions) has an internal gross floor area of at least 120 sq m and proposed room sizes meet minimum room sizes under policy 50;
- the ground floor includes a family unit (two bedroom plus) with garden access; it would not have a negative impact

on the amenity or character of the area or on highway safety in streets already experiencing parking stress;

- it would result in a good standard of amenity for its occupiers and is designed to avoid cumulative and negative impacts on neighbouring residential properties; and the proposal
- It includes appropriate refuse, recycling and cycle storage to serve the development.

8.3 These issues are considered in further detail below.

#### Internal residential space standards

8.4 The gross internal floor space measurements for the 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 <sup>2</sup> )	Proposed size of unit	Difference in size
1	2	4	1	70	77.2	7.72
2	1	1	1	39	40.48	1.48

8.5 The first floor flat meets the space standards for a one person, one bedroom dwelling. The ground floor flat has two bedrooms which meets the space standards and provides a family unit on the ground floor in accordance with policy 53.

8.6 The floor area of the original building plus the extension proposed has an internal gross area of less than 120sqm however given the flats would meet the space standards in their own right, I am of the opinion that the proposal is acceptable.

#### External space for future occupiers

8.7 The ground floor unit would have direct access to private outdoor amenity space and the size of this garden is in my opinion appropriate in size for a family dwelling.

8.8 The occupier of the first floor flat would also benefit from private outdoor amenity space. This would be to the rear of the ground floor flat's garden and accessed via a 1.2 metre wide passage to the side.

- 8.9 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 and policy 53.

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

- 8.10 The extension is to the rear and has a flat roof and would be subservient and read as a later addition to the original property. There would be some views from the street of the extension where it projects to the side however given the set back from the street, the extension would have a recessive appearance and given its subservient nature would not be detrimental to the street scene.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 58.

### **Residential Amenity**

#### **Impact on amenity of neighbouring occupiers**

##### 132 Perne Road

- 8.12 This property lies to the south east of the application site and I am of the opinion that it would not be detrimentally affected by the proposal as a result of loss of light, overshadowing or overbearing impact. This is because of its separation from the single storey extension and intervening outbuilding on the boundary between the two properties.

##### 136 Perne Road

- 8.13 136 Perne Road is attached and forms the other half of this pair of dwellings. It lies to the north west of the application site. It has a similar single storey lean to extension to the rear and rear facing windows.
- 8.14 The 3.5 metre extent of brick wall at a height of 2.9 metres is not considered to have the potential to create a detrimental loss of light to ground floor windows or to have an overbearing or overshadowing impact on the boundary given the orientation of the buildings in relation to one another.

- 8.15 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**

- 8.16 The household bin store is situated to the rear and houses three bins for residual waste (360L), dry recycling (360L) and organic food waste (240L). These capacities are considered an acceptable provision for the two flats.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 53 and 57 in relation to refuse provision.

### **Car and Cycle Parking**

- 8.18 I note the comments of the Highways Officer and Camcycle regarding the location of the access and highway safety implications. Given there is an existing dropped kerb and there are no current restrictions on parking of cars to the front garden, I am of the opinion that the continued use of the front garden for parking is acceptable. Also the scheme has been reduced from three to two flats and the parking demands of the development would not be significantly different to the single family dwelling.
- 8.19 With respect to the impact of parking demand of the development on surrounding streets, in this instance future residents would have the possibility of parking on the site in front of the property. There are double yellow lines on the highway in front of the property. Within a 200m walking distance around the application site, where residents may opt to park, there is no identified overnight parking stress. Therefore in my opinion the proposal would not have a negative impact on the amenity or character of the area or on highway safety in this respect.
- 8.20 Cycle sheds would be provided for both units and would be sited in the private amenity space to these properties. These would be capable of providing secure and covered parking with two Sheffield Stands providing two spaces.

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

### **Third Party Representations**

- 8.22 Concern has been raised that there is an existing foul sewer run at the back of the property and that building work could make the sewer collapse as it is old and fragile. There have also been blockages to this shared foul sewer and the proposal might cause blockages. This is a matter that would need to be resolved as part of any building regulation application.

## **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. 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).

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. Prior to first occupation of the development, hereby permitted, the cycle parking facilities 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 (Cambridge Local Plan 2018 policies 53 and 82).

8. Prior to first occupation of the development, hereby permitted, the refuse storage facilities 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 refuse (Cambridge Local Plan 2018 policy 53).

## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/1582/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th October 2018	<b>Officer</b>	Patricia Coyle
<b>Target Date</b>	4th December 2018		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	36 Amwell Road Cambridge CB4 2UH		
<b>Proposal</b>	Demolition of existing bungalow and erection of three terraced houses.		
<b>Applicant</b>	Mr Sebastian Macmillan 17 Lynfield Lane Cambridge CB4 1DR		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed dwellings would be in character in the locality, would be of a suitable size and would not result in any harm to existing or proposed residential amenity or highway safety.</p>
RECOMMENDATION	APPROVAL subject to conditions

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site comprises 36 Amwell Road which currently contains a single-storey dwelling. The bungalow is set back behind the semi-detached pair Nos. 32 and 34 Amwell Road due mainly to the set in of the road at this point. There is a vehicle access to the south-west of the house with a single garage attached to the garage of No.34 Amwell Road. The application site has a shared boundary with a parking area to the north-east and another parking area to the rear (north-west) in Armitage Way.
- 1.2 The surrounding area is residential in character with short terraces and semi-detached properties predominating although there are also back-to-back two-storey duplex houses. Nearby to the north is King Hedges Road, beyond which is the Science Park Campus and to the south/east lies the commercial area in Kilmaine Close.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the demolition of the existing bungalow and the erection of a short terrace of three, 2-storey houses.
- 2.2 Each house would have 2 bedrooms and be on three storeys with bedrooms on the first and roof levels (served by a dormer window) with a kitchen and living room on the ground floor and two bathrooms at first floor level (one en-suite).
- 2.3 Each house would have access to a rear garden with the southern plot (House 1) also benefiting from the existing single garage. There would be no parking provision on site for Houses 2 and 3.
- 2.4 There would be a rear access to allow access to the gardens to bin stores and cycle stores.
- 2.5 In response to requests for additional information, the applicants emailed to indicate that they had separately contacted Anglian Water regarding soakaways and that this was not considered to be feasible. Amended plans were also proposed to exclude a second space at House 1 and to correct an internal stair direction. No additional plans have been provided.
- 2.6 The application has been supported by the following documents:
- Covering letter

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
18/0823/FUL	Demolition of existing dwelling and erection of 6 houses	Refused
3.1	The reasons for refusal relating to application 18/0823/FUL are in summary that:	
	1) The proposal would be unduly dominant due to bulk and height and as the block would occupy the majority of the site	

together with the proposed dormers being out of keeping resulting in perceived bulk

2) The proposal would result in an overbearing and enclosing impact on the rear garden of No.34 Amwell Road and with 4 windows in the SW elevation facing this property would also result in overlooking

3) Unacceptably limited amount and low quality of the internal space due to their size and single outlook and no private or communal amenity space

4) Lack of cycle parking and inadequate refuse and recycling provision

5) Insufficient information regarding surface water run off to prove that there would be no surface water flooding.

#### 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 29 31
		32 35 36
		50 51 52 55 56 57
		81 82

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

Central Government Guidance	National Planning Policy Framework February 2019  National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards  Circular 11/95 (Annex A)
Supplementary Planning Documents	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Cycle parking guide for new residential SPD (Feb 2010)

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways Development Management)

- 6.1 One of the proposed parking spaces is too small to accommodate a standard car without it overhanging the footway, forcing vulnerable road users into the carriageway.

Unless and until this parking space is removed from the proposal it is recommended that this application be **REFUSED** planning permission.

There is thus only one car parking space provided and two of the dwellings will have no off-street parking provision.

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.

### **Urban Design**

- 6.2 The principle of three terraced homes is acceptable in Urban Design terms. However, given that the proposed parking arrangement shown on Armitage Way falls outside the application boundary it is unclear how this provision will be controlled to avoid parking displacement. In addition, the retained garage to the front compromises house 1. Rear garden boundaries should be of brick to ensure a robust edge - this can be secured by way of condition. External materials should also be conditioned, should permission be granted.

### **Environmental Health**

- 6.3 The development proposed is acceptable subject to conditions regarding construction/ demolition/delivery hours, piling and dust.

### **Landscape**

- 6.4 The development proposed is acceptable subject to the imposition of landscaping and boundary treatment conditions.

## **Drainage**

- 6.5 It is not possible to comment on the proposed development and additional information regarding surface water drainage and soakaway provision will be required.

## **7.0 REPRESENTATIONS**

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

- 32 Amwell Road

- 7.2 The representations can be summarised as follows:

- Existing drainage problems need to be addressed
- All existing properties have on site or allocated parking; the proposed on-street parking would be out of character in the locality
- The height of the new dwellings could look out of place
- Overlooking/loss of privacy
- Unacceptable noise associated with the use of bin and cycle stores

- 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 relating to the planning application are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity for existing and proposed occupiers (including internal space)
4. Inclusive access
5. Drainage/Flood Risk
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking

- 9. Light pollution, noise, vibration, air quality, odour and dust
- 10. Third party representations

### **Principle of Development**

- 8.2 The proposal is for the redevelopment of existing residential land to provide an additional 2 dwellings. Spatial Policy 3 supports the provision of additional dwellings in and around the urban area of Cambridge. Policy 52 seeks to protect garden land and the subdivision of dwelling plots and indicates that some forms of redevelopment will continue to be a valuable additional source of housing supply and need not be inappropriate. The proposal is for complete redevelopment which would be acceptable in principle, subject to meeting the criteria of Policy 52.
- 8.3 The criteria of Policy 52 are that the proposal to subdivide the existing residential plot will only be permitted where it is of a form, height and layout which is appropriate to the area, that sufficient garden space is retained and any existing trees are retained, amenity and privacy of existing and new properties is protected, provision is made for adequate amenity space, vehicle access and parking spaces for new and existing properties, and that there is no detrimental effect on the potential comprehensive development of the wider area.
- 8.4 The proposal is acceptable in principle in accordance with policy 3 of the Cambridge Local Plan 2018.

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

#### Response to context

- 8.5 The context is that the property already lies within an existing residential area where there are a variety of two-storey properties including semi-detached, short terraces and small back-to-back blocks in a wholly residential estate.
- 8.6 The proposal is for the demolition of the existing one-storey dwelling and its replacement with three terraced houses. The terrace would each have a rear garden where bin and cycle stores would be contained.

- 8.7 The proposed 3 properties would be set back from the rear edge of the public highway and would be slightly taller than existing dwellings, nonetheless, of itself, this would not be out of character in this area which is neither a Conservation Area or other designated area nor has a regulated streetscene pattern of development.
- 8.8 The proposal would include three rear dormer windows (to each of the properties). These would be relatively large and a specific feature of each new house. The dormers would be located well within the proposed eaves and outer edge and shared boundaries of the properties. While the rear dormers would be visible from Armitage Way to the rear and there are no other visible dormers in the locality, their integrated nature and, providing suitable materials are chosen, would mean that the dormers would not be out of character with the proposed properties. They would not be unduly overbearing or obtrusive. I consider they are therefore acceptable in this location.
- 8.9 Some properties have parking within their boundaries and others rely on the parking court areas or park on street (there are no local parking restrictions). Therefore the proposed garage and lack of parking for two of the properties is not out of character and is therefore considered to be acceptable in terms of the proposal's impact on visual amenities.
- 8.10 Policy 50 requires that external space is of a reasonable size to provide for day-to-day living and for children's play space. Gardens are provided to each of the properties, the smallest being 4.8m deep and 4.2m wide (20.16 sq.m) which is considered to generally provide for the occupiers' likely use.
- 8.11 In my opinion the proposal has overcome the previous refusal reasons mainly due to the reduction in the number of dwellings from 6 to 3 and because the houses will not extend across the full width or depth of the site. I therefore consider that the scheme is compliant with Cambridge Local Plan (2018) policies 50 (external amenity space only), 55 and 58.

### **Residential amenity for existing and proposed occupiers**

#### Existing Occupiers' amenities

- 8.12 The proposal has been amended from the earlier refusal in

2018 to reduce the number of dwellings proposed and particularly, the depth of the building. There would be no windows in the elevation facing the adjoining occupier, No.34 Amwell Road.

- 8.13 While the proposed building would remain deeper into the plot than the adjoining semi-detached pair this reflects the line of the adjoining highway. Given this and the reduced depth into the plot than the existing bungalow and that the proposed building would be to the north of this neighbour, I consider that there would be no undue loss of amenities as a result of overshadowing/loss of sunlight/visual intrusion or enclosure. As there would be no windows at first floor level, there would be no loss of privacy or overlooking resulting from the proposal.
- 8.14 Other properties in the locality are sufficiently distant from the application site or are across public areas such that I consider there would be no harmful loss of residential amenities to the other nearest properties.

#### Future Occupiers' amenities

- 8.15 The proposed dwellings would (on the basis of floorspace only where there is a floor to ceiling height of at least 1.5m) have the following internal floorspace provision:

<b>House</b>	<b>Internal Floorspace (GIA) sq.m</b>	<b>Internal Floorspace standard (GIA) sq.m</b>	<b>Difference (sq.m)</b>
House 1	75	70 (2-bed; 3 person)	+5 sq.m
House 2	75	70	+5 sq.m
House 3	75	70	+5 sq.m

- 8.16 All three dwellings would therefore comply with the minimum floorspace standards.
- 8.17 The Technical Housing Standard (THS) also requires that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m<sup>2</sup> and is at least 2.15m wide. Proposed Bedroom 2, at 9.85 sq.m and 2.35m wide would exceed these requirements for a single person. The THS requires for two

bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m<sup>2</sup> or one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide. Proposed Bedroom 1 is nearly 16 sq.m and has a width of 3.9m which would exceed the minimums.

8.18 The proposals would have reasonable outlook, light into rooms and a suitably sized, usable outdoor space (minimum garden size 20.2 sq.m) which is not overshadowed or unreasonably overlooked. The proposed dwellings would have an acceptable level of privacy.

8.19 In my opinion, the scheme would provide dwellings with acceptable levels of amenities, in accordance with Cambridge Local Plan (2018) policies 50 and 52.

### **Inclusive access**

8.20 Policy 51 (accessible homes) requires that all dwellings are of a size, configuration and internal layout to enable Building Regulations requirement M4(2) “accessible and adaptable dwellings” to be met. The applicants have confirmed that the proposal would meet this requirement and a suitable condition will be attached.

### **Drainage**

8.21 The proposal originally indicated that soakaways could be used nonetheless this was not considered to be acceptable (see Drainage engineers comments above). Following a later enquiry with both Anglian Water and the Council’s Sustainable Drainage Engineer, it has been established that there is an existing surface water drainage system serving the site and, given that the ground conditions are not suitable for soakaways, it is proposed to connect to the existing system instead. Anglian Water confirm this is acceptable.

### **Refuse Arrangements**

8.22 It has been indicated that refuse and recycling bins are to be provided in the rear garden areas. A suitable condition requiring details will need to be attached to any planning permission.

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

### **Highway Safety**

- 8.24 The proposal involves the demolition of an existing bungalow and the erection of a terrace of three dwellinghouses. As the two additional dwellings would not have any vehicle accesses, there would be no highway safety issues arising.
- 8.25 A shared rear pedestrian access would be formed to the back of the Armitage Way parking area. This access would lead directly onto the existing footpath and is considered to be acceptable in highway safety terms.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

### **Car and Cycle Parking**

- 8.27 Only one of the three properties (House 1) would be provided with a parking space within the existing garage. This would mean that any vehicles associated with the other two properties together with their visitors and any additional vehicles associated with House 1 would park on-street. There are no parking restrictions on street and the Highway Authority raise no objections to the proposal subject to their being no noise or disturbance issues resulting.
- 8.28 Cycle parking is proposed in the rear gardens of each of the three properties. There is space for a covered, secure facility for cycle parking with access to the public highway via a rear gate. Details of the cycle store would need to be provided which can be effected through a suitably worded condition.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

### **Light pollution, noise, vibration, odour and dust**

- 8.30 The proposal will increase the number of residential units at the application site. However, noises, lights, children playing, putting out the bins or collecting or storing a bicycle etc. which are associated with normal residential living from the two

additional units are not considered to be so significant as to refuse permission in an existing residential area where such noise and activity is normal.

- 8.31 There will be some noise and disturbance etc. caused during the construction process which is expected and will be controlled through the attachment of suitable conditions.

### **Third Party Representations**

- 8.32 The issues raised by the neighbouring occupiers have been addressed above.

## **9.0 CONCLUSION**

- 9.1 The proposal would result in three additional houses which would help to meet the needs identified in the Local Plan. There would be no significant adverse impacts from the proposal in respect of residential amenity or highway safety and I consider that the proposal would be in character with the locality.

## **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. Unless otherwise agreed in writing by the Local Planning Authority, the development, hereby permitted, shall be constructed in accordance with the materials specified within the planning application 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)).

4. 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).

5. 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).

6. Prior to first occupation, details of facilities for the covered, secure parking of 3 number bicycles and bin stores for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure satisfactory provision for the secure storage of bicycles and storage of bins (Cambridge Local Plan 2018 policies 52 and 82).

7. 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).

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. 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).

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, 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).

12. The details for surface water drainage, hereby approved, 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).

13. The dwellings, 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).

14. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse(s), and the construction of outbuildings (other than any bin/bike stores approved by condition 6) shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of occupiers of adjoining properties and to secure the provision of an acceptable amount of private external amenity space for future occupiers of the dwellings (Cambridge Local Plan 2018 policies 50, 52, 55, and 57).

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction:

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

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

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

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

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

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## PLANNING COMMITTEE

6th March 2019

<b>Application Number</b>	18/1578/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th October 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	11th December 2018		
<b>Ward</b>	Romsey		
<b>Site</b>	32 Brampton Road Cambridge CB1 3HL		
<b>Proposal</b>	Two storey side extension, first floor rear extension and replacement of single storey rear flat roof with pitched roof. Roof extension incorporating rear dormer.		
<b>Applicant</b>	Mr J Adams 32 Brampton Road Cambridge CB1 3HL		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The design and scale of the proposed development would be in keeping with the character of the surrounding built form and make a positive contribution to the area;</li> <li>- The proposed development would not have any significant adverse impact on the residential amenity of the surrounding neighbours;</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, no.32 Brampton Road, comprises a two-storey semi-detached property situated on the west side of Brampton Road. The building is designed in brick and render with a hipped tiled roof and has been extended to the rear. The surrounding area is residential in character and is formed of similar sized terraced and semi-detached properties. There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The application seeks planning permission for a single storey, part single and part two storey rear extensions, and a rear box dormer.

2.2 The application is accompanied by the following supporting information:

1. Drawings

2.3 This application is being considered at planning committee as the application has been submitted by an officer of the City Council.

## **3.0 SITE HISTORY**

3.1 14/1847/FUL - External wall insulation to the side and the back of the house, rendered in white. With the existing extension, this will be rendered in white only. No works will be undertaken on the front elevation and will remain as is. (approved)

16/0615/FUL - First floor rear extension and roof extension incorporating rear Dormer. (approved)

## **4.0 PUBLICITY**

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

## **5.0 POLICY**

### **5.1 Central Government Advice**

National Planning Policy Framework 2019  
Planning Practice Guidance 2014  
Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)

### **5.2 Cambridge Local Plan 2018**

Policy 28: Carbon reduction, community energy networks, sustainable design and managing resources

Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 58: Altering and extending existing buildings

### **5.3 Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

## **6.0 CONSULTATIONS**

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

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

## **7.0 REPRESENTATIONS**

- 7.1 No representations received.

## **8.0 ASSESSMENT**

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

- 8.1 The proposed two storey side extension and hip to gable conversion would be visible from Brampton Road. However, 32 Brampton Road is set behind a curve within the road where multiple trees sit in front. Therefore the property is less prominent than its neighbouring dwellings. Given the size and scale of the proposed extension and the proposed matching materials, I consider it would not have an adverse impact upon the character of the area.
- 8.2 Both the extensions and the rear dormer would be partially visible from the private track that is located to the rear of the property. There are multiple other full width box dormers within the area. The proposed rear dormer would be similar size and scale to what could be achieved under permitted development and the proposed extensions would appear subservient to the

main house. Therefore it is considered that the proposal would be acceptable in terms of design.

- 8.3 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 58.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.4 The proposed first floor extension would only project 1.6m from the existing rear elevation and therefore would not protrude significantly into the 45 degree rule when measured from the nearest first floor window at No.30 Brampton Road. I do not consider the proposed alteration of the roof of the existing single storey flat roof rear extension to a dual pitched roof would have an adverse impact upon the neighboring property No.30 Brampton Road. The proposed two storey side extension would only project 1.2m to the side. There is a window on the side elevation of No.34 Brampton Road but this window is obscure glazed and serves a bathroom. Therefore in consideration of the above points, and given the scale of the extensions/alterations, I do not consider the proposal would have an adverse impact upon the residential amenity of the neighbouring properties.
- 8.5 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2018) policies 55 and 58.

## **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.

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