



Cambridge City Council Planning

Date: Thursday, 10 September 2020

Time: 10.00 am

Venue: This a virtual meeting and therefore there is no physical location for this meeting.

Contact: 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: At conclusion of Part One
- **Part Three**
General and Enforcement Items
Start time: Not applicable

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.

2 Apologies

3 Declarations of Interest

Part 1: Major Planning Applications

4 20/01901/S73 - 157 Histon Road (Pages 7 - 18)

Part 2: Minor/Other Planning Applications

5 19/1141/FUL - 1 Fitzwilliam Road (Pages 19 - 48)

6 20/01568/HFUL - 23 North Street (Pages 49 - 62)

7 20/01033/FUL - 12 Gilmour Road (Pages 63 - 84)

8 19/1214/FUL - 56-58 Chesterton Road (Pages 85 - 102)

9 18/0887/FUL - 75 Newmarket Road (Pages 103 - 132)

10 20/02998/FUL - Land at Dundee Close (Pages 133 - 166)

Planning Members: Smart (Chair), Baigent (Vice-Chair), Green, Lord, McQueen, Porrer, Thornburrow and Tunnacliffe

Alternates: Bird, Page-Croft and Price

Information for the public

Details how to observe the Committee meeting will be published no later than 24 hours before the meeting.

Members of the public are welcome to view the live stream of this meeting, except during the consideration of exempt or confidential items, by following the link to be published on the Council's website.

Any person who participates in the meeting in accordance with the Council's public speaking time, is deemed to have consented to being recorded and to the use of those images (where participating via video conference) and/or sound recordings for webcast purposes. When speaking, members of the public should not disclose any personal information of any individual as this might infringe the rights of that individual and breach the Data Protection Act.

If members of the public wish to address the committee please contact Democratic Services by 12 noon two working days before the meeting.

For full information about committee meetings, committee reports, councillors and the democratic process:

- Website: <http://democracy.cambridge.gov.uk>
- Email: democratic.services@cambridge.gov.uk
- Phone: 01223 457000

Appendix 1 – Planning Policies and Guidance

(Updated September 2020)

1.0 Central Government Advice

1.1 National Planning Policy Framework (NPPF) February 2019 – 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 (NPPG)

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

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

Planning Obligations

1.4 Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

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.

The 2019 amendments to the regulations removed the previous restriction on pooling more than 5 planning obligations towards a single piece of infrastructure.

2.0 Development Plans

2.1 The Cambridgeshire and Peterborough Minerals and Waste Plan 2011

2.2 Cambridge Local Plan 2018

3.0 Supplementary Planning Documents

3.1 Sustainable Design and Construction 2020

3.2 Cambridge Flood and Water 2018

3.3 Affordable Housing 2008

3.4 Planning Obligations Strategy 2004

Development Frameworks and Briefs

3.5 The New Museums Site Development Framework (March 2016)

3.6 Ridgeons site Planning and Development Brief (July 2016)

3.7 Mitcham's Corner Development Framework (January 2017)

3.8 Mill Road Depot Planning and Development Brief (March 2017)

3.9 Land North of Cherry Hinton (February 2018)

3.10 Grafton Area of Major Change - Masterplan and Guidance (February 2018)

4.0 Use Classes

Use	Previous Use Class	New Use Class (Sept 2020)
Shops	A1	E
Financial and Professional Services	A2	E
Café and Restaurant	A3	E
Pub/drinking establishment	A4	Sui Generis
Take-away	A5	Sui Generis
Offices, Research, Light industry	B1	E
General Industry	B2	B2
Storage and Distribution	B8	B8
Hotels, Guest Houses	C1	C1
Residential Institutions	C2	C2
Gymnasiums	D2	E

Clinics, health centres	D1	E
Cinemas, concert halls, dance halls, bingo	D2	Sui Generis

Application Number	20/01901/S73	Agenda Item	
Date Received	30th March 2020	Officer	Lewis Tomlinson
Target Date	29th June 2020		
Ward	Arbury		
Site	ALDI Unit 1 157 Histon Road		
Proposal	S73 application to vary condition 14 of planning permission C/95/0110 (as amended 19/1047/S73) that delivery hours shall only take place between 07:00hrs and 22:00hrs Monday to Saturday and 09:00hrs and 19:00hrs on Sundays and Bank Holidays and to remove the limitation on the number of articulated vehicles deliveries per day (Amended description).		
Applicant	ALDI Stores Ltd. c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> The proposal to remove the restriction on deliveries by articulated vehicles would not result in a significant increase in noise and disturbance upon the residential amenity of neighbouring properties
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located within a District Centre, as identified in the Cambridge Local Plan 2018 and occupied by retailer 'Aldi'. Between the site and Histon Road to the east is a petrol filling station. Immediately adjacent to the north is another supermarket currently occupied by retailer 'Iceland'. There is an existing access to the south of the site from Histon Road which leads to the customer parking area and the service depot to the rear of the store (west). Further customer car parking is

located to the front of the store, immediately behind the petrol station.

- 1.2 To the north of the site there are 2-storey semi-detached properties with their gardens facing due south (Windsor Road). To the west are a small group of large detached 2-storey dwellings, with relatively small gardens arranged in an informal manner (Nursery Walk). No. 8 Nursery Walk is closest to the boundary with the Aldi store. To the south is a three storey block of student accommodation at Masters House.
- 1.3 The site is located within a Tree Preservation Order Area.

2.0 BACKGROUND

- 2.1 Planning application reference C/95/0110 (also known as C/0110/95) was granted permission on 26 April 1995 for the erection of an A1 retail building and associated car parking and landscaping to be occupied by operator 'Aldi'.
- 2.2 Condition 14 of this approval reads:

Deliveries to the development hereby approved shall only take place between 0730 hours and 2100 hours Monday to Saturday and deliveries by articulated vehicles shall be restricted to a maximum of two for each retail unit per day.

Reason: To protect the amenities of adjoining properties.

- 2.3 This condition was varied under subsequent application 11/0384/S73. Permission was granted to also allow deliveries to also take place between 0900 hours and 1700hours on Sundays and Bank Holidays.
- 2.4 Application 12/0996/S73 sought to vary condition 14 of planning permission reference C/95/0110 to permit deliveries between 06:30 and 23:00 hours Monday - Saturday, and 08:30 - 18:30 hours Sundays and bank holidays. This was refused on 1st November 2012.
- 2.5 In 2013 permission was sought to allow extended delivery hours to between 7.00 and 22.00 Monday to Saturday (13/0209/S73). Permission was granted at Planning Committee on 5 June 2013 to vary the delivery times for a temporary period of one year.

- 2.6 A subsequent application (14/0505/S73) proposed amending condition 14 to extend the delivery hours to between 7.00 and 21.00 Monday to Saturday and 9:00 and 17:00 on Sundays and Bank Holidays. This was approved at Planning Committee.
- 2.7 A further application (16/2236/S73) proposed to amend condition 14 of permission C/95/0110 to read: Deliveries to the existing retail unit at unit 1, 157 Histon Road, Cambridge shall only take place between the hours of 0600 and 2300 hours Monday to Saturday and 0800 hours and 2200 hours Sundays and Bank Holidays. This was refused under delegated powers on the 27th April 2017 for the following reason:
1. The application to vary condition 14 of planning permission C/95/0110 would harm the amenity of nearby residents in terms of noise pollution. The Noise Report and Technical Note accompanying the application demonstrates that the proposed delivery hours would be harmful to residential amenity particularly properties on Nursery Walk and at Masters House. The noise report does not justify that the proposed extended hours would be acceptable, as it fails to adequately assess the impact of noise on nearby residential properties to allow an alternative set of delivery times to be reasonably considered by the Council, in consultation with nearby residents. Given the location of the delivery bay adjacent to residential properties, the application has not adequately responded to its immediate context because it has failed to demonstrate that it would not lead to a significant adverse impact on the amenity of nearby residents or that mitigation measures available through the imposition of conditions could satisfactorily mitigate the potential harmful impact. The proposal is therefore contrary to policies 3/4 and 4/13 of the Cambridge Local Plan (2006) and the National Planning Policy Framework 2012.
- 2.8 Permission was subsequently granted on 23 January 2020 under application 19/1047/S73 to amend condition 14 of permission C/95/0110 (as amended 14/0505/S73) to allow

delivery hours to between 07:00hrs and 22:00hrs Monday to Saturday and 09:00hrs to 19:00hrs on Sundays and Bank Holidays. Under this application the applicant advised they also sought to remove the restriction on the number of deliveries by articulated vehicles. However, officers felt the application was unclear about also seeking the removal of the restriction on deliveries by articulated vehicles to a maximum of two a day and therefore reapplied this restriction within the amended condition.

3.0 PROPOSAL

- 3.1 This application seeks to keep the amended delivery hours as per the previous approved application but also seeks to remove the restriction on the amount of deliveries per day.
- 3.2 The reasons given for the proposed revision to the delivery hours is that Aldi has experienced significant growth in recent years and it will allow Aldi the flexibility to adapt to their future retail demands. The store has also recently undergone an extensive refurbishment. It is to be noted that previous consents did not include the restriction on the amount of deliveries allowed per day. This application is required in order to vary the condition to achieve the extended delivery hours as well as the removal of the amount of deliveries per day.

4.0 SITE HISTORY

Reference	Description	Outcome
11/0384/S73	S73 application to vary condition 14 of planning permission reference C/95/0110 to permit deliveries between 09:00 and 17:00 hours on Sundays and Bank Holidays.	Approved with condition
12/0996/S73	S73 application to vary condition 14 of planning permission reference C/95/0110 to permit deliveries between 06:30 and 23:00 hours Monday - Saturday, and 08:30 - 18:30 hours Sundays and bank holidays).	Refused
13/0209/S73	A S73 application to vary condition 14 of permission	Approved 11 th June

	C/95/0110 to allow extended delivery hours to between 7:00am and 10:00pm Monday to Saturday. (This granted temporary consent for 1 year)	2013 with conditions
14/0505/S73	S73 application to vary condition 14 of planning permission C/95/0110 to allow delivery hours to between 07:00hrs and 21:00hrs Monday to Saturday and 09:00hrs and 17:00hrs on Sundays and Bank Holidays (Amended description).	Approved 6 th August 2014 with condition
15/0914/FUL	Extension to foodstore	Approved 25 th August 2015 with conditions
16/2236/S73	Deliveries to the existing retail unit at unit 1, 157 Histon Road, Cambridge shall only take place between the hours of 0600 and 2300 hours Monday to Saturday and 0800 hours and 2200 hours Sundays and Bank Holidays.	Refused 27 th April 2017
19/1047/S73	S73 application to vary condition 14 of planning permission C/95/0110 (as amended 14/0505/S73) to allow delivery hours to between 07:00hrs and 22:00hrs Monday to Saturday and 09:00hrs and 19:00hrs on Sundays and Bank Holidays (Amended description).	Approved 23 rd January 2020

5.0 PUBLICITY

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

6.0 POLICY

6.1 Central Government Advice

National Planning Policy Framework 2019
Planning Practice Guidance

Circular 11/95 – The Use of Conditions in Planning Permissions
(Annex A)

6.2 Cambridge Local Plan 2018

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 35, 55

7.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 7.1 No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Environmental Health Team

- 7.2 Our primary concern with regards to deliveries to this Aldi store is with regards to noise and disturbance at the more sensitive times of day / night. In general, delivery vehicle movements and delivery activities are considered to be an acceptable during day-time hours, depending on time of day / day of the week and how well managed the activities are.

I previously reviewed and commented on application reference 19/1047/S73 (S73 application to vary condition 14 of planning permission C/95/0110 (as amended 14/0505/S73) to allow delivery hours between 07.00hrs and 22.00hrs Monday to Saturday and 09.00hrs and 21.00hrs on Sundays and Bank Holidays). The applicant submitted an Environmental Noise Report prepared by Sharps Redmore and dated 23rd July 2019 in support of that application. However, given that significant

adverse impacts were demonstrated within that report at more sensitive times of day / night, a compromise was sought and agreed for the following hours:

- 07:00hrs and 22:00hrs Monday to Saturday and
- 09:00hrs and 19:00hrs on Sundays and Bank Holidays

These hours were subsequently approved and included as Condition 1 of the Decision Notice for 19/1047/S73. It is noted that Condition 1 also includes a restriction on the number of articulated vehicles delivering to the site to a maximum of two daily.

I have considered this application alongside the previous related applications and our complaints history and I have taken the following factors into account:

- The acoustic assessment provided for application 19/1047/S73 indicates that significant adverse impact is not likely to occur during the daytime hours due to delivery noise (this also considers the context of the local noise environment during those hours),
- Up until the recent application (19/1047/S73), the applicant has been operating under the remit of permission 14/0505/S73 (S73 application to vary condition 14 of planning permission C/95/0110 to allow delivery hours to be between 07:00hrs and 21:00hrs Monday to Saturday and 09:00hrs and 17:00hrs on Sundays and Bank Holidays) which does not restrict the number of articulated vehicle movements per day,
- Environmental Health have not received any complaints regarding noise from deliveries to the Aldi store during daytime hours.

On review of the planning and complaints history, I confirm that I am in a position to support this application to vary the wording of the relevant planning condition as requested.

- 7.3 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.

8.0 REPRESENTATIONS

8.1 The owners/occupiers of the following addresses have made representations in objection:

- 2 Hawkins Road (Cllr Cheney Payne)
- 8 Nursery Walk
- 15 Nursery Walk

8.2 The representations can be summarised as follows:

- This further application to remove the limitation on the number of articulated vehicle deliveries per day will have a detrimental impact on the quality of life of residents, by increasing the pollution, noise and vibrations they experience still further. This application conflicts with the city-wide clean air agenda, and will have a health impact on residents in the surrounding area.
- The present system is often breached: engines left running at 6 am, noisy refrigeration units buzzing, which is very disturbing
- Concerning that Aldi keep breaching different elements of their planning permission
- Instead of a total removal on the restriction on number of deliveries per day, it could be limited to 4 -5 deliveries per day?
-

8.3 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.

9.0 ASSESSMENT

9.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, it is considered that the main issues are:

1. Principle of variation

Principle of variation

9.2 Policy 35 (Protection of human health and quality of life from noise and vibration) of the Cambridge Local Plan 2018 states that: development will be permitted where it demonstrated that:

a. it will not lead to significant adverse effects and impacts, including cumulative effects and construction phase impacts wherever applicable, on health and quality of life/amenity from noise and vibration; and

b. adverse noise effects/impacts can be minimised by appropriate reduction and/or mitigation measures secured through the use of conditions or planning obligations, as appropriate (prevention through high quality acoustic design is preferable to mitigation).

9.3 Paragraph 180 of the National Planning Policy Framework 2019 states that: planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

9.4 Condition 14 of planning permission C/95/0110 has been varied on a number of occasions since permission for a retail store was approved in 1995. The current permanent delivery hours were approved under permission reference 19/1047/S73 which allowed delivery hours to be between 07:00hrs and 22:00hrs Monday to Saturday and 09:00hrs and 19:00hrs on Sundays and Bank Holidays.

9.5 As explained above, the application also seeks to remove the restriction on the amount of deliveries per day by articulated vehicles.

9.6 Objections have been received from a number of properties along Nursery Walk and Hawkins Road. Properties No. 8, 10 and 11 Nursery Walk are the closest properties to the delivery area and their rear gardens border the Aldi site. The property of No. 8 Nursery Walk is the closest to the delivery yard and is located 1m from the boundary with the Aldi site and is 7m from

the delivery area at Aldi. The garden is located 6m away from the delivery loading area but adjoins the Aldi site. Masters House is also located close to the delivery area and lorries pass by the front of this building to access the delivery yard. It is located 12m from the delivery bay.

- 9.7 The deliveries for the Aldi store take place at the rear of the site, towards the western site boundary. The closest properties are along Nursery Walk, Masters House and Windsor Road. Nursery Walk contains large family houses that are particularly close to where lorries reverse and unload.
- 9.8 The Environmental Health Team have been consulted and consider the removal of the restriction of the amount of deliveries per day by articulated vehicles to be acceptable. Neighbours have suggested instead of removing the restriction completely, it should be replaced with a restriction of 4-5 deliveries per day. No such request has been made by the Environmental Health Team in terms of mitigating impacts from deliveries on residents' amenity. Officers accept this advice in this instance.
- 9.9 It is to be noted that the properties of Nursery Walk will benefit from an acoustic screen as per the previous application. A condition is recommended requesting full details of this.
- 9.10 In consideration of all the submitted information, comments from the neighbouring properties and the advice from the Environmental Health Team, officers accept the advice from the Environmental Health Team and consider the proposed removal of the restriction on the amount of deliveries per day by articulated vehicles would not have significant adverse effects on health, the environment or amenity in accordance with Policy 35 of the Cambridge Local Plan 2018.

11.0 RECOMMENDATION

APPROVE variation of condition 14 on planning permission C/95/0110 as follows;

Deliveries to the development hereby approved shall only take place between 0700 hours and 2200 hours Monday to Saturday and 0900 hours to 1900 hours on Sundays and Bank Holidays

1. Deliveries to the existing retail unit at Unit 1, 157 Histon Road, as approved under local planning authority reference C/0110/95, shall only take place between 07:00hrs and 22:00hrs Monday to Saturday and 09:00hrs and 19:00hrs on Sundays and Bank Holidays.

Reason: To protect the residential amenity of nearby occupiers (Cambridge Local Plan 2018 policies 55 and 35).

2. No deliveries shall take place between 21:00hrs and 22:00hrs on Monday to Saturday or between 17:00hrs and 19:00hrs on Sunday and Bank Holidays, until full details of an acoustic barrier for the properties on Nursery Walk has been submitted to and approved in writing by the Local Planning Authority, and the acoustic barrier has been constructed in accordance with the approved details. The acoustic barrier shall be maintained in accordance with these details thereafter.

Reason: To protect/safeguard the health and quality of life (amenity) of residential premises in accordance with the National Planning Policy Framework 2019 and aims of Policy 35 of the Cambridge Local Plan 2018.

3. No deliveries shall take place between 21:00hrs and 22:00hrs on Monday to Saturday or between 17:00hrs and 19:00hrs on Sunday and Bank Holidays, until a delivery management plan has been submitted to and approved in writing by the Local Planning Authority. The delivery management plan shall be implemented in accordance with the approved details thereafter.

Reason: To protect/safeguard the health and quality of life (amenity) of residential premises in accordance with the National Planning Policy Framework 2019 and aims of Policy 35 of the Cambridge Local Plan 2018.

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Application Number	19/1141/FUL	Agenda Item	
Date Received	14th August 2019	Officer	Lewis Tomlinson
Target Date	9th October 2019		
Ward	Trumpington		
Site	1 Fitzwilliam Road		
Proposal	Demolition of existing building and construction of three dwellings.		
Applicant	Mr William Macdonald Compass House Vision Park, Histon		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> • The proposal will enhance the Conservation Area. • The proposed development would not have any adverse impact on the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers. • The proposal would have an acceptable impact upon the trees within and surrounding the site. • The proposal overcomes the previous reasons for refusal on 15/1855/FUL
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is situated on the northern side of the junction of Clarendon Road and Fitzwilliam Road and comprises a 2.5

storey brick building defined on its public edges by a low-rise brick wall and mature landscaping. In 1972, the former property on the site was acquired by Cambridgeshire & Isle of Ely County Council as a hostel for working-age boys, adapting the existing building. On the 14th September 1993, planning permission was granted to demolish the home and build a replacement hostel, which was implemented and the present building at 1 Fitzwilliam Road was constructed. The building is currently vacant and has been for the last few years.

- 1.2 The site lies in the very south eastern corner of the Brooklands Avenue Conservation Area, which was designated in 2002. The Appraisal defines Nos. 3-9 Fitzwilliam Road (which are immediately to the west of the site) as Buildings of Local Interest. It states that this group is an austere but imposing terrace that dominates the street. The impact that the subject property makes to the character of the area remains undefined, but it is fair to describe its contribution as neutral. Across the road from the site lies the substantial contemporary development of Kaleidoscope, which has been the subject of major redevelopment in recent years and is not located in a Conservation Area.
- 1.3 There are two mature sycamore trees with TPO status located at the front of the site facing the junction of Fitzwilliam Road and Clarendon Road. The site is also located within a controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The proposal is for the demolition of the existing building and the erection of a terrace of 3 dwellings. Unit 1 is 3 storey plus basement and unit's 2 & 3 are 4 storey plus basement. The properties would have rear gardens and associated parking. There is also additional parking from Clarendon Road from an existing access point.
- 2.2 Amended plans have recently been received which have sought to address the recent appeal decision on the site and neighbour concerns. Unit 4 has been removed from the scheme entirely. At the time of writing this report the amended plans are subject to further re-consultation and any further comments will be reported on the amendment sheet.

2.3 A previous application (15/1855/FUL) for six dwellings was refused for the following three reasons:

1. The scale, bulk and design of the proposal would result in an overly dominant built form that would appear too prominent, cramped (significantly diminishing the existing space) and too deep in footprint in views from Clarendon Road and which would poorly reflect and inadequately relate to the adjacent Buildings of Local Interest along Fitzwilliam Road with regard to the detailed design but also the form and shape of the roofing elements. The result is a scheme which would constitute an overdevelopment of the site, which would neither preserve or 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, 4/11 and 4/12 of the Cambridge Local Plan (2006) and guidance within paragraph 64 of the NPPF (2012).
2. The use of the rooms, position and substantial amount of glazing used on the upper floors (first to third) on the rear facade of the proposal and the increased massing and dominance of built form from that existing would all contribute to the unacceptable loss of privacy and sense of enclosure to the occupiers of No. 3 Fitzwilliam Road and No. 21 Clarendon Road which are in close proximity to the site. In addition and in the absence of information to demonstrate otherwise, the lack of adequate space for landscaping, particularly tree planting, along the boundaries with these properties due to the proposed basement structure underneath, would mean that views of the proposed building could not be adequately or partially mitigated. For these reasons, the proposal would be contrary to policies 3/4 and 3/12 of the Cambridge Local Plan 2006.
3. There is insufficient evidence to suggest that the proposed development would not endanger the health of two trees with TPO status on the front of the site. These trees positively 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).

2.4 The application was dismissed at appeal (APP/Q0505/W/18/3218079). The inspector upheld reason 1 (conservation area impact) and reason 2 (impact upon neighbouring properties). A copy of the appeal decision is attached to appendix 1.

3.0 SITE HISTORY

15/1855/FUL - Demolition of existing building and construction of six new dwellings and associated access and landscaping (refused, appeal dismissed)

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, 28, 29, 31, 32, 33, 34, 35, 36, 50, 51, 55, 56, 57, 59, 61, 62, 70, 71, 80, 81, 82

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)
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	<p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (2020)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge Landscape and Character Assessment (2003)</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge City Wildlife Sites Register (2005)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p>

	<p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p>
	<p><u>Area Guidelines</u></p> <p>Brooklands Avenue Conservation Area Appraisal (2013)</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection. Recommends the inclusion of conditions regarding visibility splays, falls and levels and bound material. Informative regarding works within the highway.

Conservation Officer

- 6.2 Supports. Recommends the inclusion of conditions regarding a sample panel, roofing materials and cladding materials (oriel window).

Environmental Health

- 6.4 No objection subject to conditions regarding construction hours, collection during construction, construction, demolition noise, vibration and piling, dust condition, electric vehicle charging points and associated informatives.

Tree Officer

- 6.5 No objection subject to conditions regarding implementation of energy statement, water efficiency, sustainable construction and green roofs.
- 6.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- 18 Brooklands Avenue
- 22 Brooklands Avenue
- 1 Clarendon Road
- 3 Clarendon Road
- 5 Clarendon Road
- 9 Clarendon Road
- 11 Clarendon Road
- 15-17 Clarendon Road
- 19 Clarendon Road
- 21 Clarendon Road
- 3 Fitzwilliam Road
- 5 Fitzwilliam Road
- 7 Fitzwilliam Road
- 11A Fitzwilliam Road
- 3 Shaftesbury Road
- 1 Glenalmond Avenue
- 4 Glenalmond Avenue
- 282 Glenalmond Avenue
- 34 Emery Street (Dr Linda Jones - County Councillor)
- Councillor Daniel Summerbell
- Camcycle
- The Brooklands Avenue Area Residents Association

- 7.2 The representations can be summarised as follows:

- The scale of the buildings is excessive and dominant
- Overdevelopment

- Result in the loss of 3 on street car parking spaces on an already congested road
- The level of parking provision is inadequate
- Loss of trees
- Materials are out of keeping
- Loss of privacy for neighbouring properties due to overlooking
- Overlooking of 21 Clarendon Road from the terrace properties
- Disturbance
- Potential high turnover of residents of the houses, could be used for rental apartments such as Airbnb
- Bikes on plot 4 being located in rear garden and access adjacent to No.21 Clarendon Road
- Insufficient space for cycle parking
- Too many bedrooms in the houses
- Impact upon the conservation area
- Common boundary wall of 3 Fitzwilliam Road should be rebuilt to existing standard
- Impact of noise and dust pollution during demolition/construction
- The building isn't vacant as it has been inhabited by property guardians on behalf of Cambridgeshire County Council
- The proposal seeks planning permission for three large houses in multiple occupation (HMO's)
- There is an issue with traffic congestion on Fitzwilliam Road, Clarendon Road and Shaftesbury Road. The proposal will result a significant impact in terms of traffic. The applicant should provide an updated traffic assessment.
- The coloured street elevations are misleading as it misrepresents trees.
- The updated Arboricultural Information is also misleading as the colour scheme is inconsistent on the site plan.
- The proposal does not comply with Policy 52 (Protecting garden land and the subdivision of existing dwelling plots)
- Various comments about a more suitable use for the site such as sheltered accommodation

7.3 Councillor Dan Summerbell called in the application due to the substantial change on the site. This pre-dates the removal of the 4th dwelling the scheme.

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, 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
9. Affordable Housing
10. Third party representations

Principle of Development

8.2 The former use of the site was a hostel. The building has been vacant for a number of years. The site contains an existing building, it is classed as previously developed (brownfield) land. Policy 3 of the Cambridge Local Plan (2018) states that the majority of new development should be focused in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally. The principle of redeveloping the site for housing is acceptable subject to the material planning considerations discussed below.

Context of site, design and external spaces

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

8.3 The site falls within the Brooklands Avenue Conservation Area and is close to a number of Buildings of Local Interest. The application is accompanied by a Heritage Statement which provides an overview of the significance of nearby heritage assets and the relative impact of the scheme upon them. The

statutory considerations as set out in section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, are matters to which the determining authority must give great weight to when considering schemes which have the potential to impact on heritage assets.

- 8.4 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for a local planning authority, in the exercise of its planning powers with respect to any buildings or other land within a Conservation Area, to:

'Pay special attention to the desirability of preserving or enhancing the character or appearance of that area'

- 8.5 In respect of development proposed to be carried out within the setting of, or which may impact upon a listed building, or in a conservation area, a decision-maker must, in respect of a conservation area, give a high priority to the objective of 'preserving or enhancing the character or appearance of the area', when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status.

- 8.6 The respective national policy guidance is set out in paragraphs 193-196 of the NPPF. Para. 193 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation (meaning the more important the asset, the greater the weight should be). Para. 194 makes it clear that any harm to, or loss of significance of a heritage asset should require clear and convincing justification. Para. 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. Para. 200 makes it clear that local planning authorities need to look for opportunities for new development within Conservation Areas,

World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals which make a positive contribution to the asset or better reveals its significance should be treated favourably.

- 8.7 In respect of non-designated heritage assets para. 197 of the NPPF states that the effect that a proposal will have on such an asset should be taken into account in determining the application, and in considering such applications a balanced judgment is required having regards to the scale of any harm or loss and the significance of the heritage asset.
- 8.8 The proposal is for the erection of a terrace of 3 dwellings fronting Fitzwilliam Road. The terrace would be set to generally align with the building line of 3 Fitzwilliam Road to the west. Unit 1 would be 2 storey and units 2 and 3 would be 3 storey. There would be car parking to the front of each property and gardens to the rear.
- 8.9 The Inspector states in paragraph 9: *'The built-up end of the proposed east elevation would be too close to 21 Clarendon Road and would jar with the lower, hipped two-storey forms of this property and its neighbours. Closure of the gap between No 21 to the extent proposed would effectively preclude views into the CA.'*
- 8.10 As outlined above, the proposal has taken a different design approach to the previously refused and dismissed scheme. A key part of this has been to erect a set of terrace properties fronting Fitzwilliam Road. This would not only leave the existing gap on site between the building on 1 Fitzwilliam Road and 21 Clarendon Road but would expand it, retaining the important view through the site into the Conservation Area.
- 8.11 The Inspector states in paragraph 11: *the new fourth storey within the roof would contrast significantly with the rest of the building as well as with its neighbours. Despite the set-back its essentially flat roof form with balustrading, use of glazing and metal would have an overly dominant and incongruous effect,*

and be out of context in relation to properties on either side of the north and east elevations.

- 8.12 The proposed design of the terrace (plots 1 to 3) has been carefully designed to reflect more traditional aspects of the neighbouring properties along Fitzwilliam Road but in a contemporary design. It is very different to the refused scheme which incorporated a fourth storey set back, flat roof, with a heavy use of glazing and metal. The 4th storey element of plots 2 & 3 is set within a mansard roof form which would help keep the bulk of the proposal down as well ensuring the 4th storey would not appear top heavy in comparison to the rest of the building. This proposed roof form would not detract from the appearance of the adjacent BLI's.
- 8.13 The site has a number of trees on the site. The corner between Clarendon Road and Fitzwilliam Road is green in character and an important part of the Conservation Area character. The proposal retains this green corner and therefore preserves the Conservation Area. The impact of the scheme on the existing trees is discussed in further detail below. Standard conditions such as landscaping and boundary treatments are recommended to ensure the site is treated appropriately. A low wall with railing above and hedge behind will form the boundary onto Clarendon Road to help retain the green and open character of the corner. The Conservation Team support the application subject to a number of conditions requiring further details or materials and the oriel window to be submitted.
- 8.14 In officer's view, the proposal would enhance the Conservation Area and adequately respect the proximity of the adjacent BLI's. It is considered that the proposal overcomes the 1st reason for refusal on the previous scheme (15/1855/FUL). As such, the proposal is compliant with Cambridge Local Plan 2018 policies 55, 56, 59, 57, 61 and 62, NPPF guidance and meets the statutory tests as set out in paragraphs 8.2 - 8.4 above.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.15 The 2nd reason for refusal on the previous application concerned the impact upon the adjacent property No.3 Fitzwilliam Road and No.21 Clarendon Road. This reason for

refusal was upheld by the Inspector at appeal. It is to be noted that the dismissed appeal scheme was for a building that wrapped round the whole site fronting both Fitzwilliam Road and Clarendon Road in comparison to the current scheme which is a terrace of 3 dwellings fronting Fitzwilliam Road only.

- 8.16 The Inspector states in paragraph 16 of the appeal decision that: *Several upper floor windows to habitable rooms would face neighbouring rear gardens at 3 Fitzwilliam Road and 21 Clarendon Road, where no direct views over them exist. Some overlooking in a new building could be expected. Most windows would be bedrooms so they would not be as extensively used as main habitable space. Nevertheless, as I saw from the rear garden of No 3, the sense of privacy enjoyed within it would be significantly compromised by the sheer number of the new openings and their position at the increased height and depth into the plot over the existing building. No 21 would be similarly adversely affected. Obscure glazing might reduce overlooking but would be undesirable in bedrooms and not overcome the sense of loss of privacy.*

3 Fitzwilliam Road

- 8.17 3 Fitzwilliam Road is a three storey plus basement end of terrace dwelling located to the west of the site. The existing building and the refused building were both in an L shape form. The proposed terrace would be set in line with the rear elevation of 3 Fitzwilliam Road which would therefore remove any potential significant overlooking opportunities. A condition is recommended to remove permitted development rights for the insertion of new windows and dormers. For these reasons, the proposal would therefore not have any significant impact upon 3 Fitzwilliam Road in terms of overlooking, overbearing or overshadowing. Unit 1 steps down in height to ensure 'right to light' on the windows on the side elevation of 3 Fitzwilliam Road is protected.

21 Clarendon Road

- 8.18 No.21 Clarendon Road is a two storey detached dwelling to the north of the site. The existing building is 2.5 storey in height in an L shape. The proposal would include 5 windows at first floor and above on the rear (north facing) elevation not including the 5 small rooflights. The number of windows contained with the

current scheme is considerably less than the refused scheme. Unit 3 is set behind the rear elevation of 21 Clarendon Road so only unit 1 (1 first floor window and 1 second floor window) and unit 2 (1 first floor window) would be sited opposite No.21 Clarendon Road. Only 3 of the 5 windows would be opposite. All of these windows on the rear elevation are set within stepped in elements. It is to be noted that the previous scheme was for 6 dwellings, the current scheme is for 3 dwellings. The proposal is within an urban setting and a degree of overlooking of neighbouring properties is to be expected. Given the low number of windows proposed and their positioning, the proposal would not cause a significant level of overlooking of 21 Clarendon Road.

- 8.19 Unit 1 is only two storey in comparison to the neighbouring property No.3 Fitzwilliam Road and units 2 and 3. Unit 1 would also include low eaves at mid first floor level at the rear of the building. It is considered that this step down in height would provide a new view and relief for the garden of 21 Clarendon Road as unit 1's height would be lower than the existing 2.5 storey building. The proposed building would also be set in line with the rear elevation of 3 Fitzwilliam Road. The proposal would therefore be set further back than the existing building. The refused scheme concluded that the proposal would not significantly overshadow any of the neighboring properties. The current scheme would also not cause any significantly detrimental overshadowing impact.

Wider area

- 8.20 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. This advice is accepted and the conditions are recommended accordingly. The impact of additional demand for car parking spaces on residential amenity is assessed in the 'car parking' section below.
- 8.21 For the above reasons, it is considered that the proposal overcomes the 2nd reason for refusal on the previous scheme (15/1855/FUL) and the proposal adequately respects the residential amenity of its neighbours and the constraints of the site in accordance with Cambridge Local Plan 2018 policies 57 and 35.

Amenity for future occupiers of the site

8.22 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units comply and exceed the standards. All units have an acceptable level of outlook. In this regard, the units would provide a high quality internal living environment for the future occupants. The floor space of the proposed units is presented in the table below against the requirements of policy 50.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit (m ²)	Difference in size
1	4	6	4	112	208	+96
2	6	12	5	138	264	+126
3	6	12	5	138	271	+133

8.23 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. As stated above, all dwellings would have a generous rear garden area that would be appropriate for the proposed number of bedrooms. These private garden spaces have been significantly improved through the latest revisions to the scheme.

Accessible homes

8.24 The residential element of the development has been assessed for compliance with the requirements of Part M4 (2) of the Building Regulations and Policy 51. A condition is recommended to secure this requirement.

Refuse Arrangements

8.25 The bins would be located in a bin store within the rear garden of each dwelling. The proposal is therefore compliant with policy 57 of the Cambridge Local Plan (2018).

Highway Safety

8.26 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon

highway safety. The proposal would therefore be compliant with policies 81 and 82 of the Cambridge Local Plan (2018).

Car and Cycle Parking

Car Parking

- 8.27 The proposal would result in the loss of 3 parking bays on Fitzwilliam Road and 1 parking bay on Clarendon Road due to the creation of driveways for the proposed 3 units and the additional car parking accessed off Clarendon Road. The Highway Authority has not objected to the application or the removal of the car parking bays. The proposal would provide car parking spaces to the front of each dwelling: unit 1 would have 2 spaces, unit 2 would have 1 space and unit 3 would have 1 space. The scheme also includes 3 car parking spaces accessed from Clarendon Road. These 3 spaces would be shared, as supplemental parking for the residents/visitor car parking. The site and the streets in the immediate vicinity of the site fall within the controlled parking zone. The residents of the new dwellings would not qualify for Residents' Permits within the existing Residents' Parking Schemes operating on surrounding streets and an informative is recommended to this effect. The proposed level of car parking would exceed the maximum standards set out in Appendix L of the Cambridge Local Plan 2018 but in this case this over provision is considered to be acceptable to ensure an appropriate level of car parking is provided for the dwellings.
- 8.28 Officers acknowledge that the removal of on-street parking spaces would increase parking pressure in the nearby streets but conclude that the impact would be limited and not sufficient to form a reason for refusal. It is to be noted that the majority of properties along Fitzwilliam Road and Clarendon Road have off-street car parking spaces in the form of driveways. As the site is located within the controlled parking zone and the proposal includes an acceptable level of car parking, officers do not consider that the loss of the on-street car parking spaces would warrant a refusal of the application. The proposal would therefore meet the aims of Cambridge Local Plan 2018 policy 82.

Cycle Parking

- 8.29 Each dwelling will have its own cycle store placed in each rear garden. It is considered the level of cycle parking provision is policy compliant with appendix L of the Cambridge Local Plan 2018 and the cycle parking arrangements are convenient in accordance with policy 82 of the Cambridge Local Plan 2018.

Integrated water management and flood risk

- 8.30 A surface water drainage strategy can be secured by condition. 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

- 8.31 There are two mature sycamore trees with TPO status located at the front of the site facing the junction of Fitzwilliam Street and Clarendon Street. The smaller sycamore tree is proposed to be felled to allow the lime tree to flourish. The sycamore tree is beginning to decline and is having a detrimental impact upon the growth and form of the lime tree fronting Fitzwilliam Road. The Tree Officer has confirmed that the removal of the TPO'd corner sycamore tree is considered to be acceptable and appropriate given the above reason. 8 smaller trees are also proposed to be removed. The application provides 4 new trees, 3 of the 4 would be larger in size to help replace the canopy cover. The retained larger TPO'd sycamore would be sited within unit 3's plot to the side of the dwelling. It is considered that there is ample space to the rear of unit 3 to ensure there would not be pressure in the future to significantly prune or remove the tree. Officers recommend the removal of permitted development rights in relation to side extensions and outbuildings for unit 3 to ensure any future proposals will be assessed against the impact upon trees on the site.
- 8.32 Following the amendments to the scheme, the Tree Officer now supports the application subject to conditions regarding a tree method statement, tree protection plan, pre-commencement site meeting, compliance with method statement and 5-year guarantee. Suitable replacement planting could be provided by way of the landscaping condition. Subject to the above

conditions, the proposal complies with Cambridge Local Plan 2018 policy 71.

Biodiversity

- 8.33 The application is accompanied by a pre-liminary Ecological Appraisal. This concludes that there is an opportunity to enhance the biodiversity on the site. The applicant is proposing a greater number of bird and bat boxes than the ecology report recommends. An informative is recommended to encourage the inclusion of hedgehog gaps within the fencing. A condition is recommended to secure the scheme for bat and bird boxes. Subject to the above conditions, the proposal complies with Cambridge Local Plan 2018 policy 70.

Renewables and Water Use

- 8.34 Policy 28 requires ...carbon reduction and water efficiency standards for all new homes. The application is accompanied by an Energy and Water Sustainability Statement which states that a reduction in carbon dioxide emissions will be achieved through energy efficiency measures and the provision of renewable technology. Officers recommend conditions regarding a carbon reduction statement and a water efficiency scheme to ensure these policy requirements are met. The proposal therefore complies with Cambridge Local Plan 2018 policy 28.

Affordable Housing

- 8.35 The proposed development is for a scheme of 3 units. Policy 45 of the Cambridge Local Plan (2018) states that affordable housing provision should be calculated on the basis that the thresholds are to be considered against the net increase in the number of units on the site. As the proposed net increase of units on the site would be below the threshold, there is no policy basis to require affordable housing provision as part of this application. The proposal is compliant with policy 45 of the Cambridge Local Plan (2018).

Third Party Representations

- 8.36 The third-party representations have been mainly dealt with in the preceding paragraphs. An AirBnB type use would require

planning permission in its own right. The existing state of the adjoining brick wall between 3 Fitzwilliam Road is a civil matter and falls under the party wall act.

- 8.37 Neighbours have commented that the building isn't vacant as it has been inhabited by property guardians on behalf of Cambridgeshire County Council. It is to be noted that the building has not been used for the intended hostel use for a number of years. The property guardians are to ensure the building remains safe and secure during this transition period.
- 8.38 Neighbours have raised concerns that the proposal seeks planning permission for three large houses in multiple occupation (HMO's). The application is seeking planning permission for dwellings (use class C3) and is therefore being assessed against the relevant housing policies. Any future change of use to a large HMO (use class sui generis) would require planning permission which would be assessed against the relevant policies for HMO's.
- 8.39 Neighbours have raised concerns that the coloured street elevations are misleading as it misrepresents trees. The main aim of the coloured street elevations is to see the proposed building in the context of the neighbouring buildings and these plans would not form part of the approved plans, they have been produced to help make a decision on the application. Officer's have noted the comments about the trees not accurately shown and this will be made clear to members in the presentation. Neighbours also raised concerns that the updated Arboricultural Information is also misleading as the colour scheme is inconsistent on the site plan. The arboricultural information is prepared by an arboriculturist who generally use a standard colour key/scheme. It is normal for architects to use their own key/style and this does normally differ from the arboriculturist. The national guidelines for the submission and validation of such documents/plans only ask for very basic information. Officers consider that there are clear keys on both plans. This information has also been accepted by our Tree Officer.
- 8.40 Neighbours have commented that the proposal does not comply with Policy 52 (Protecting garden land and the subdivision of existing dwelling plots). However, the proposal is not for the subdivision of garden land or the subdivision of an existing dwelling plot. The current lawful use of the site is as a hostel not

a residential dwelling. This policy is not considered to relevant for this proposal. This notwithstanding, if members considered this policy as engaged officers do not consider the scheme would be contrary to the criteria listed. Various comments about a more suitable use for the site such as sheltered accommodation have also been made. Officers and members must assess the proposal in front of them not an alternative.

9.0 CONCLUSION

- 9.1 The proposal comprehensively overcomes the previous reasons for refusal on 15/1855/FUL that were subsequently upheld at appeal 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 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 (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)

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. Electric Vehicle (EV) Charge Points - Residential Developments

Prior to the installation of any electrical services, a dedicated electric vehicle charge point scheme demonstrating that at least one active electric vehicle charge point will be designed and installed on site in accordance with BS EN 61851 with a minimum power rating output of 7kW for each dwelling shall be submitted to and approved in writing by the Local Planning Authority.

The active electric vehicle charge point scheme as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF, 2019) paragraphs 105, 110, 170 and 181, Policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

8. Before starting any brick or stonework, a sample panel of the facing materials to be used, which shall include details of the bonding, coursing and colour and type of jointing, shall be erected on site and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity 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, 57 (for new buildings) and/or 58 (for extensions))

9. Before starting the installation of the roof, a samples of the roof materials shall be agreed in writing with the Local Planning Authority via a site visit or the provision of material samples. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity 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, 57 (for new buildings) and/or 58 (for extensions)) and 61.

10. Before starting the installation of the oriel window on unit 3, full details in the form of drawings shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity within the conservation amenity (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)) and 61.

11. No development shall take place above ground level, other than demolition, until details at a minimum scale of 1:20 (including plans, elevations and sections of IN) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of development are acceptable. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

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

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

13. Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS. A record of this meeting shall be provided to the Council for approval.

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

14. The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

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

15. If any tree shown to be retained on the approved tree protection methodology is removed, uprooted, destroyed or dies within five years of project completion, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

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

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. 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)

18. 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)

19. 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)

20. No development shall take place (apart from demolition and below ground enabling works) until details regarding the specification and locations of the bird and bat boxes 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.

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

21. 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).

22. 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)

23. No development above slab level, apart from demolition and ground enabling works, shall commence until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning. This shall demonstrate that all new residential units shall achieve reductions in CO2 emissions of 19 per cent below the Target Emission Rate of the 2013 edition of Part L of the Building Regulations, and shall include the following details:
- a) Levels of carbon reduction achieved at each stage of the energy hierarchy; and
 - b) A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit.

Where on-site renewable or low carbon technologies are proposed, the Statement shall also include:

- c) schedule of proposed on site renewable energy technologies, their location, design, and a maintenance schedule; and
- d) Details of any mitigation measures required to maintain amenity and prevent nuisance

There shall be no occupation of the development until the carbon reduction measures have been implemented in accordance with the approved details. Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28, 35 and 36 and Greater Cambridge Sustainable Design and Construction SPD 2020).

24. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by 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 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 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

25. For the hereby approved dwellings units 1, 2 and 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses in regards to the insertion of new windows , loft conversion including rear dormers shall not be allowed without the granting of specific planning permission.

For the hereby approved dwellings unit 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses in regards to side extensions 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/trees and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 50, 55, 61 and 71)

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Application Number	20/01568/HFUL	Agenda Item	
Date Received	6th March 2020	Officer	Rebecca Claydon
Target Date	1st May 2020		
Ward	Arbury		
Site	23 North Street		
Proposal	First floor roof extension to create 2no. bedrooms and en-suite along with associated works.		
Applicant	A Bailey and K Smith 23 North Street		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The site falls within the Castle and Victoria Road Conservation Area. 23 North Street forms one of a set of three identical dwellings approved under application 10/0404/FUL. It is considered that the proposed extension would disrupt the sense of openness and alter the existing architectural balance of these dwellings and would therefore have an adverse impact to the character of the surrounding area, and would not preserve or enhance the character of the conservation area. Therefore, the proposals would be contradictory to Policies 55, 56, 58 and 61 of the Cambridge Local Plan (2018).
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is 23 North Street. It is a terraced house which has two floors, although this consists of a concealed basement when viewed from the public realm on North Street, and a ground floor level. No. 23 forms the middle property of a set of dwellings that were given approval at planning committee under application 10/0404/FUL.
- 1.2 The site falls within the Castle and Victoria Road Conservation Area. It sits within the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The proposal is for a first-floor roof extension and associated works, to create an additional 2no. bedrooms and an en-suite.
- 2.2 The proposal would add 1m to the eaves height and 3.5m to ridge height. This would give an eaves height of 3.95m from ground floor level and a maximum height of 6.5m from ground floor level. The proposed extension would cover the majority of the existing roof, including the front porch, although would be set back slightly from the eaves of the rear by approximately 1m.
- 2.3 The extension would use new timber cladding, replacing the existing timber cladding to ground floor level. There would also be zinc cladding and a roof covering to the proposed extension. A large window would be installed to the right-hand side of the roof, when viewed from North Street. A smaller 0.8m x 2.9m window would be installed at the rear elevation of the proposed extension.
- 2.4 Two velux windows and four solar panels would be installed on the roof on the east elevation, and one velux window to the west.

3.0 SITE HISTORY

Reference	Description	Outcome
10/0404/FUL	Erection of 5 two-bed dwelling with associated car/cycle parking and landscaping (following demolition of existing garage serving 59 Histon Road)	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 Plan 2018	Local	1, 55, 56, 58, 61

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

Central Government Guidance	National Planning Policy Framework July 2018 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Previous Supplementary Planning Documents (These documents, prepared to support policies in the 2006 local plan are no longer	Sustainable Design and Construction (May 2007)

SPDs, but are still material considerations.)	
	<u>Area Guidelines</u> Castle and Victoria Road Conservation Area Appraisal (2012)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comment on behalf of the Highway Authority.

Urban Design and Conservation Team

6.2 The site is within the Castle and Victoria Road conservation area.

No 23 is one of three houses which were designed to appear as single storey buildings behind a walled patio garden. They were approved in 2010 and were one of the first dwellings to be built along North Street. They were considered acceptable as they were subservient and unobtrusive and would preserve the character of the area.

Since 2010 North Street has seen a number of changes with the building of small dwellings on a number of plots that were former garages or parking areas. These have followed a similar design of a pitched roof and gable end to the road and an outbuilding/workshop approach to the design.

As a result of these buildings the character of North Street has changed however there are still a variety of single storey garages, houses and workshops of various designs which give the road its different character within the conservation area as can be seen from the photo of the road provided with the application.

These three contemporary single storey dwellings still perform their function as an interesting and subservient addition to the road and their scale provides a sense of openness in views along the road. Whilst the design of the new floor would be similar in architectural treatment to the recently built and approved dwellings this proposal to add a first floor to the middle of the three will significantly alter the current architectural balance of these houses.

Taking the above into account, I consider that the proposal will not preserve or enhance the character of the conservation area.

The proposals will not comply with Local Plan policies 55 or 61.

With reference to the NPPF and the effect on the significance of the heritage asset, paragraph 196 would apply.

Within the broad category “less than substantial harm”, the extent of the harm is considered to be moderate.

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

7.0 REPRESENTATIONS

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

- 2 Canterbury Street (objection)
- 4 Canterbury Street (objection)
- 6 Canterbury Street (objection)
- 8 Canterbury Street (objection)
- 59 Histon Road (objection)
- 65 Histon Road (objection)
- North Street resident, address unknown (objection)
- 20 Benson Street (objection)
- 49 Histon Road (support)
- 69A Histon Road (support)

- 127 Histon Road (support)
- Business Owner, address unknown (support)
- 65 Searle Street (support)
- 40 Linden Close (support)
- Flat 8, 49 Alpha Road (support)
- 33 North Street (support)
- 1 Hive Cottages, North Street (support)
- 18 Windsor Road (support)

7.2 The representations can be summarised as follows:

Objections:

- Plots on North Street are small, catering to small families
- Proposal would be large and overbearing to neighbouring properties
- Permitted Development Rights removed in original application to prevent over development of the site and protect amenity of adjoining properties
- Original properties were designed with basements and one floor at ground level to avoid significant adverse impact on amenity of neighbouring occupiers – extension contradicts this
- New master bedroom will be visible through proposed large window from gardens of Canterbury Street residents; first floor habitable rooms at rear of Canterbury Street will have line of site into it; window at front elevation would leave residents of No. 23 open to being easily seen; New build at No. 49 has a large window into the bedroom which residents find perturbing
- Car parking pressure - increased residents will result in increase of cars, made worse by removal of resident parking spaces on Histon Road
- Proposal could create significant glare into properties opposite
- Proposal could set a precedent to Nos. 21 and 25; cumulative impact should be considered
- Overdevelopment on North Street

- Overlooking, overbearing, and overshadowing impact to 59 Histon Road
- Discrepancy with drawing no. PL(21)02 Proposed Floor Plans and Elevations
- Extension is intended to reflect the 'church-style' gable outline of other recently built houses, however there are significant difference to the design of the proposed extension
- Loss of wildlife

Support:

- Proposed extension is in keeping with existing building and ties in well with neighbouring buildings; would contribute to the street scene
- Family have lived in house for 8 years with connections dating back to the 1980s; likely the family will have to move away if extension refused; families should be encouraged and enabled to maintain their roots in community neighbourhoods
- North Street has transformed over the years from being a back street, to having multiple bespoke individual homes with its own identity that is more than a back street
- Parking pressure not an issue due to the fact that present occupants are a young family
- Mature trees provide privacy for both the occupants and neighbours

7.3 Councillor Payne requested that the application be considered in the event of an officer recommendation for approval.

7.4 Councillor Todd-Jones has requested that the application be considered at planning committee in the event of officer recommendation for refusal for the following reasons:

- Number of approved back-land dwellings approved since original 2010 approval along the rear of Histon Road which has altered the street scene at second-storey level
- Mix of modern development in traditional 'gable-end' style fronting North Street
- Overall street scene not compromised by proposal, as shown by drawing PL(21)03

- Application satisfied Policies 58, 55, and 61 of Cambridge Local Plan (2018)

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 the main issues are as follows:

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

Context of site, design and external spaces (and impact to the Conservation Area)

8.2 The site lies within the Castle and Victoria Road area of the Central Conservation Area. The statutory considerations as set out in section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, are matters to which the determining authority must give great weight to when considering schemes which have the potential to impact on heritage assets.

8.3 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for a local planning authority, in the exercise of its planning powers with respect to any buildings or other land within a Conservation Area, to:

'Pay special attention to the desirability of preserving or enhancing the character or appearance of that area'

- 8.4 In respect of development proposed to be carried out within the setting of, or which may impact upon a listed building, or in a conservation area, a decision-maker must, in respect of a conservation area, give a high priority to the objective of 'preserving or enhancing the character or appearance of the area', when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status.
- 8.5 The respective national policy guidance is set out in paragraphs 193-196 of the NPPF. Para. 193 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation (meaning the more important the asset, the greater the weight should be). Para. 194 makes it clear that any harm to, or loss of significance of a heritage asset should require clear and convincing justification. Para. 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. Para. 200 makes it clear that local planning authorities need to look for opportunities for new development within Conservation Areas, World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals which make a positive contribution to the asset or better reveals its significance should be treated favourably.
- 8.6 In respect of non-designated heritage assets para. 197 of the NPPF states that the effect that a proposal will have on such an asset should be taken into account in determining the application, and in considering such applications a balanced judgment is required having regards to the scale of any harm or loss and the significance of the heritage asset.
- 8.7 Policy 55 states that development will be supported where it is demonstrated that it responds positively to its context, where the proposal: a) Identifies and responds positively to existing

features of natural, historic or local importance on and close to the proposed development site; b) Is well connected to, and integrated with, the immediate locality and wider city; and c) uses appropriate local characteristics to help inform the use, siting, massing, scale, form, materials and landscape design of new development.

- 8.8 Policy 58 states that extensions should create altered roof profiles that are sympathetic to the existing building and surrounding area and are in keeping with the requirements of Appendix E of the Cambridge Local Plan (2018). It also states that proposals should not unacceptably overlook, overshadow or visually dominate neighbouring properties.
- 8.9 North Street is located parallel to Histon Road and is a quiet back street. In the past decade or so there have been numerous developments approved and constructed which has altered the nature of the street. No. 23 was approved in 2010 as part of a set of three two-storey (one storey at ground floor level, one storey at basement level) residential dwellings that played a subservient role in the surrounding area. At present, the three dwellings help to retain a sense of openness along North Street and contribute to the character of the conservation area.
- 8.10 The proposal seeks to add a large extension to the roof, effectively creating an additional floor level to the property. This would create a two-storey dwelling above ground. Whilst the materials and the pitched roof design would be sympathetic to the existing and neighbouring dwellings, including recently approved dwellings, the proposed extension itself is large in scale and massing and would create an overall height to the dwelling that would be significantly higher than Nos. 21 and 25. Officers agree with the comments made by the Conservation Officer and consider that the additional floor would significantly alter the current architectural balance of the three dwellings, and would result the dwelling becoming a dominant feature within the surrounding area. Therefore, it is considered that the proposal would not respond positively to its context and would adversely impact on the character and appearance of the conservation area. Therefore, the proposals would be contradictory to Policies 55, 56, 58 and 61 of the Cambridge Local Plan (2018).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 As stated above, the application site is the middle property of a set of three. The gardens of these properties are east-facing and therefore it is not considered that there would be an adverse impact in terms of overshadowing to the occupiers of the neighbouring dwellings. It is acknowledged that the occupiers of Nos. 21 and 25, as well as 59 Histon Road, would experience a degree of overbearing and overlooking resulting from the additional floor level and the large scale and massing of the proposal. However, this is not considered significant enough to form a reason for refusal of the application.
- 8.12 Concerns have been raised regarding the impact of the proposal on the residential amenity of the occupiers of Canterbury Street. Whilst these concerns are acknowledged, there are currently several mature trees and hedging that sits along the boundary of the corner property of Canterbury Street and North Street. In addition, the application site is separated from the rear gardens and rear elevations of the Canterbury Street properties by a road, with No. 23 being set back from the public highway. Therefore, it is considered that there would be enough distance to prevent harm arising to the residential amenity of the occupiers of Canterbury Street in terms of overlooking, overshadowing, and overbearing. It is also considered to be unlikely that significant glare would result from the window of the proposed extension.
- 8.13 In the opinion of officers, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 56.

Amenity for future occupiers of the site

Highway Safety

- 8.14 The Highways Officer has raised no objection, and therefore officers are satisfied that there would be no adverse impact to highway safety as a result of this proposal.

- 8.15 The proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

- 8.16 North Street and the surrounding roads currently sit within the Controlled Parking Zone. Whilst officers acknowledge concerns raised around car parking, the Council operates maximum car parking standards, with dwellings of three bedrooms or more capped at no more than 1 space per dwelling. In addition, due to the nature of the application which is for a householder extension, additional parking spaces would not be sought.
- 8.17 The proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

- 8.18 Officers note that third party objections have sought the refusal of the application due to the fact that permitted development rights were removed through conditions 6 and 7 of the initial planning permission of the dwelling. Whilst the original permission did remove these rights on the basis of protecting residential amenity, this does not form a reason to refuse an application such as this. The condition instead requires the applicant to submit a planning application in order for officers to assess the impact of such a proposal on residential amenity. In addition, it must be noted that the proposal as part of this application would not be covered by permitted development rights and would require a planning application if conditions 6 and 7 had not been imposed to permission 10/0404/FUL.
- 8.19 Concerns have been raised that the proposal would set a precedent for Nos. 21 and 25 and that a cumulative impact should be considered. However, in the absence of applications from Nos. 21 and 25, officers are only able to consider the impact of the proposals in this application.
- 8.20 Concerns have been raised by third parties regarding a potential discrepancy in drawing PL(21)02 which is believed to show that No. 59 Histon Road can be seen through the front and rear window. However, this is not the case as the drawing shows the reflection from a tree to the front of 23 North Street, rather than a tree at 59 Histon Road.

9.0 CONCLUSION

RECOMMENDATION

REFUSE for the following reasons:

1. The site falls within the Castle and Victoria Road Conservation Area. 23 North Street forms one of a set of three identical dwellings approved under application 10/0404/FUL. It is considered that the proposed extension would disrupt the sense of openness and alter the existing architectural balance of these dwellings and would therefore have an adverse impact to the character of the surrounding area, and would not preserve or enhance the character of the conservation area. Therefore, the proposals would be contradictory to Policies 55, 56, 58 and 61 of the Cambridge Local Plan (2018).

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Application Number	20/01033/FUL	Agenda Item	
Date Received	29th January 2020	Officer	Charlotte Spencer
Target Date	20th April 2020		
Ward	Trumpington		
Site	12 Gilmour Road		
Proposal	Ground floor extension and access gate alterations within the building curtilage and projection of first floor sitting room window onto the existing terrace		
Applicant	Mr & Mrs Roca 12, Gilmour Road		

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.</p> <p>The proposal is considered to address the reason for the previously refused application being dismissed at appeal.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application relates to a three storey, mid-terrace dwelling house located to the South of Gilmour Road. The brick dwelling is built up to the road and it benefits from private terraces and has access to a communal garden area at the rear. The application property is attached to Nos.10 and 14 Gilmour Road to the West and East respectively.

- 1.2 The property is located within the Accordia Development which is covered by an Article 4 Direction and it lies within the Brooklands Avenue Conservation Area.
- 1.3 The row of properties in which the application forms part of is 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 and projection of first floor sitting room window onto the existing 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.

3.0 SITE HISTORY

Reference	Description	Outcome
18/1813/FUL	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.	Refused 15.08.2019 Appeal dismissed 20.12.2019
C/02/0999	Approval of siting design and external appearance, and landscaping relating to the	APC dated 03.06.2003

	redevelopment of 9.45 hectares of land for residential development pursuant to condition 3 of the outline planning permission	
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

- 3.1 This application is a revised scheme further to the previously refused application 18/1813/FUL. This previous application was refused at Committee, contrary to Officer recommendation, for the following reasons: The second floor garden studio would harm the cohesive architectural uniformity of the wider terrace and Accordia development as a whole; the ground floor infill element of the proposal would enclose the existing open area and harm the cohesive architectural uniformity of the wider terrace and the Accordia development as a whole. This application subsequently went to Appeal. The Planning Inspector concluded that the second floor studio would significantly diminish the openness of the terrace and would appear as a visual intrusion disrupting the visual harmony and rhythm of the streetscape. However, it was considered that the ground and first floor alterations would not detract from the architectural uniformity of the dwellings. In response to this decision, the current application has removed the second floor garden studio.

3.2 Full copies of the previous decision notice and appeal decision are attached as an appendix to this report.

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 55 56 58 61

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 from 3 March 2014 onwards Circular 11/95 (Annex A)
Material Considerations	<u>City Wide Guidance</u> Buildings of Local Interest (2005)

	Cambridgeshire Design Guide For Streets and Public Realm (2007)
	<u>Area Guidelines</u> Brooklands Avenue Conservation Area Appraisal (2013)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comment on behalf of the Highway Authority.

Urban Design and Conservation Team

6.2 The site lies within the Brooklands Avenue Conservation Area. The Accordia development is significant for its high quality design including the consistent and regular layout and style of the buildings and the spaces between them, and the contemporary architectural form and treatments of buildings.

6.3 An appeal was dismissed for a similar application which included a garden studio within the second floor terrace. The proposals do not now include the second floor studio which in the Inspectors decision was noted as being out of step with the prevailing regular pattern and layout of the development on the street, to the detriment of the character and appearance of the area and Conservation Area.

6.4 The ground floor extension would not be significantly visible from the surrounding area. The proposed first floor extension would also be largely hidden and unobtrusive in the street and from the communal garden space to the rear. Neither of these elements would detract from the architectural uniformity of the dwellings in the area.

6.5 For these reasons, the proposal is not considered contrary to Policies 58 or 61 of the Cambridge Local Plan 2018 or the NPPF.

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

7.0 REPRESENTATIONS

7.1 Councillor Thornburrow has called the application to committee due to the number of concerns raised with them. The concerns relate to Policies 55, 56, 58 and 61 of the Cambridge Local Plan 2018 and paragraph 196 of the NPPF 2019.

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

- 1 Aberdeen Square
- 7 Aberdeen Square
- 11 Aberdeen Avenue
- 3 Henslow Mews
- 7 Henslow Mews
- 22 Henslow Mews
- 3 Morland Terrace

7.3 The representations can be summarised as follows:

- The proposal materially degrades the character of the conservation area;
- This street is one of the jewels in the design of the Accordia neighbourhood and its outstanding design appearance derives from the cadence of fenestration alternating with small courtyards;
- The proposed scheme fills out these courtyards which would be out of keeping;
- There clearly is not room for a car if the occupiers are to have anywhere to put bins, bikes etc. This will add pressure to the road space;
- Proposal severely reduces the amenity space and alters the balance between types of space in the home;
- Ground floor infill will detract from views into, within and out of the conservation area;

- Loss of outdoor space will have a negative impact on the character of the estate;
- Will set precedents to the rest of the estate, specifically the other 37 similar properties;
- Proposed changes are visible from the shared garden (shared by 18 properties) and terraces of neighbouring houses breaking homogeneity;
- The proposed ground floor enclosure is not in style with the original design and would go against the award-winning design of the home
- The alleged previous alterations mentioned in the Design and Access Statement have not been done;
- Although the most harmful elements of the original application have been abandoned, still continue to have concerns about is immediate impact and the precedent;
- Design interferes with the open view through the building to the communal gardens;
- There will be little separation space between the extension and existing railings resulting in a poor outlook for the occupiers and wider community;
- The design puts at risk the retention of the existing railings

7.4 The owners/occupiers of the following addresses have made representations supporting or neutral to the proposal:

- 21 The Steel Building, Kingfisher Way
- 8 Gilmour Road
- 10 Gilmour Road
- 14 Gilmour Road
- 16 Gilmour Road
- 24 Meridian Close
- 11 Gilpin Place
- 4 Henslow Mews
- 23 Brook End Close
- 17 Copse Way

7.5 The representations can be summarised as follows:

- No homeowner should be restricted from developing and improving property to evolve to meet the changing needs of families;
- The outward appearance would not be affected;
- Extension will not make any harm to the Accordia Development;

- Appropriately sensitive extension that respects the conservation Area and the character of the estate;
- No further impediment on the views through the undercroft and courtyard areas than is already caused by parking of cars and storage;
- Clear from Appeal Decision Notice that the elements in this application would not be detrimental to the Conservation Area;
- Better use of space;

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

8.0 ASSESSMENT

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

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, and as the front section is used as a garage and a parked car would obscure the view it is considered that views would not change dramatically and views through to the rear section of the building would be maintained. It is also noted that, although this element of the proposal was previously refused, the Inspector also concluded that it would be hidden and unobtrusive in the street and from the communal garden space.
- 8.5 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. Subsequently, it is considered 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.
- 8.6 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, it is considered that this would not impact detrimentally on the usability or the visual openness of this terraced element. This element was considered acceptable within the previously refused scheme, and also by the Inspector when considering the appeal against the previous decision.
- 8.7 The previous application also included a 2nd floor garden studio and this was the sole reason for the scheme being dismissed at

appeal. This element has now been removed within the current proposal.

- 8.8 Subsequently, it is considered that the proposed works would not have a detrimental impact on the existing property, street scene and surrounding area and would preserve the character and appearance of the conservation area. As such, the proposal is compliant with Policies 55, 56, 58 and 61 of the Cambridge Local Plan (2018).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 The first floor terrace is already outdoor amenity space with the ability to afford the occupiers unrestricted views from them outside the application site. Subsequently, the addition of an extension would not alter this situation and there would therefore not be any additional overlooking issues as a result of this proposal.
- 8.10 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.
- 8.11 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, it is considered that the loss of this space would not impact detrimentally on the amenity space provision for this property.
- 8.12 Subsequently, it is considered that the proposal would not have a detrimental impact on the residential amenities of the neighbouring properties in terms of loss of light, loss of outlook, sense of dominance or loss of privacy or an impact on the amenities of the occupiers of the application property. As such, it is considered that the proposal is compliant with Policy 58 of the Cambridge Local Plan (2018).

9.0 CONCLUSION

- 9.1 In conclusion, it is considered that the current proposal, in removing the previously proposed 2nd floor garden studio, addresses the reason behind the dismissal of the previous scheme at appeal, and now results in a form of development that preserves the character and appearance of the Conservation Area.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

Reason: In accordance with the requirements of Section 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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REFUSAL OF PLANNING PERMISSION

Ref:18/1813/FUL

Mr Mark Richards
studio 24 architects LLP
24 Aberdeen Ave
Cambridge
CB2 8DP

The Council hereby refuse permission for

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.

at

12 Gilmour Road Cambridge CB2 8DX

in accordance with your application received 21st November 2018 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The proposed second floor garden studio by virtue of its design, form, materials and its projection above the existing roofline of the dwelling would harm the cohesive architectural uniformity of the wider terrace and the Accordia development as a whole. The development would neither preserve nor enhance the character and appearance of the conservation area and this less than substantial harm is not outweighed by any public benefit. The proposal is therefore contrary to policies 55, 56, 58 and 61 of the Cambridge Local Plan 2018 and paragraph 196 of the NPPF 2019.
2. The proposed ground floor infill element of the proposal would enclose an existing open area and thereby harm the cohesive architectural uniformity of the wider terrace and the Accordia development as a whole. The development would therefore neither preserve nor enhance the character and appearance of the conservation area and this less than substantial harm is not outweighed by any public benefit. The proposal is therefore contrary to policies 55, 56, 58 and 61 of the Cambridge Local Plan 2018 and paragraph 196 of the NPPF 2019.

This decision notice relates to the following drawings: **P-016, location plan, P-010, P-015, P-020, P-021,**

A copy of the refused plan(s) is/are kept in the planning application file.

Informative: Compliance with the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended) Part 6 Paragraph 35.

In reaching this decision the City Council has worked in a positive and proactive manner with the applicant and sought to find solutions to problems arising in relation to dealing with the planning application. In general the Council will seek to approve applications for sustainable development and work proactively with applicants that will improve the economic, social and environmental conditions of the area. The Council provides a pre- application advice service, the details of which are set out on our website. When an application is received the Council will add such planning conditions as are necessary to allow the application to be approved or will provide detailed reasons for refusal where planning issues are not capable of resolution.

For further information please go to www.cambridge.gov.uk/planning.

We value your feedback and would like to know your views about the planning process you experienced, including the service you received from us. Your views are important to us and they will help us improve the experience we can offer you. The link below takes you to a survey which will take a couple of minutes to complete. <https://tinyurl.com/CCCplanningsurvey>

Dated: 15 August 2019



Director of Planning and Economic Development

SEE NOTES ATTACHED

Planning Applications

Appeals (refusal of planning permission or grant subject to condition)

-If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

-If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

-If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeal] of the date of this notice, whichever period expires earlier.

-If this is a decision to refuse planning permission for a householder application or minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

-Other than householder appeals or enforcement notice appeals, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

-Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at: <https://www.gov.uk/planning-inspectorate>

-The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

-The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

-In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

-If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

-In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

Listed Building Consent Applications

Appeals (refusal of listed building consent or grant subject to condition)

-If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the [Secretary of State for Communities and Local Government] [Secretary of State for Wales] in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 six months

from the date of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Purchase Notices

-If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the [Secretary of State for Communities and Local Government] [Secretary of State for Wales], and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the (a) district, or London borough in which the land is situated (or, where appropriate, on the Common Council of the City of London) a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Compensation

-In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeals (Refusal to vary or discharge conditions)

If the applicant is aggrieved by the decision of the local planning authority—

- (a) to refuse to vary or discharge the conditions attached to a listed building consent; or
- (b) to add new conditions consequential upon any such variation or discharge,

They may appeal to the [Secretary of State for the Communities and Local Government] [Secretary of State for Wales] in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the [Department of the Environment] [Welsh Office]). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Advertisement Consent Applications

Appeals (refusal of an application for express consent or grant it subject to conditions)

If you are aggrieved by the decision of the local planning authority to refuse advertisement consent or to grant subject to conditions then you may appeal to the Secretary of State for the Communities and Local Government. Notice of appeal to the Secretary of State should be made within 8 weeks from the date of receipt of the local planning authority's decision or such longer period as the Secretary of State may, at any time, allow (see notes under section 1 above).

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Appeal Decision

Site visit made on 3 December 2019

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/Q0505/D/19/3237315

12 Gilmour Road, Cambridge CB2 8DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Miquel Roca against the decision of Cambridge City Council.
 - The application Ref 18/1813/FUL, dated 19 November 2018, was refused by notice dated 15 August 2019.
 - The development proposed is described as 'ground floor extension and access gate alterations within the building curtilage, projection of first floor sitting room window onto the existing terrace, together with a new garden studio within the second floor terrace, all to create improved living space'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Brooklands Avenue Conservation Area.

Reasons

3. The appeal property comprises a three storey terraced dwelling. It lies on Gilmour Road, a residential cul-de-sac within the 'Accordia estate' (the estate), which is within the Brooklands Avenue Conservation Area (CA).
4. In order to assess the effect of the development on the significance of the CA, I have used the evidence before me, which includes a copy of the Brooklands Avenue Conservation Area Appraisal, along with the observations I made on my site visit.
5. The estate comprises a relatively modern suburban residential development. At street level the layout of the estate is predominantly open, and the front of properties are devoid of notable boundary treatments. The urban form is softened by street planting and other areas of landscaping, green spaces and communal garden areas. Each block has a generally well-defined building line and a consistent architectural style and fenestration pattern, with a homogeneous palette of materials present throughout the estate.
6. As with many of the properties on the estate, dwellings on Gilmour Road have a distinctive contemporary style, and contain upper floors with partially open terraces. It is the way in which all these different elements coalesce which gives the area a distinguished 'modern living' feel of high quality, characterised

- by the consistent and regular layout and style of the buildings and the spaces between them, and the contemporary architectural form and treatments of buildings. It is these elements which contribute to the significance of the CA.
7. In keeping with the contemporary design of the appeal property, the existing second floor terrace has been designed as an open space, partially enclosed by the walls that surround it. This allows clear views of the sky through the open terrace space, as I could see from my site visit when I viewed the appeal site from parts of Gilmour Road and the communal garden space to the rear.
 8. In respect of the proposed studio on the second floor, the submitted plans show that it would be set back from the front and rear of the existing terrace, and project no more than 0.6m above the existing roof of the appeal dwelling. However, the studio would occupy a large proportion of the width of the terrace which, when coupled with its overall scale, would significantly diminish the openness of the terrace. Whilst the studio would not be significantly visible above the roofline of the appeal dwelling, it would nevertheless appear as a visual intrusion into the open space associated with the existing terrace. From the public realm and the communal garden area, the extension would appear incongruous and out of kilter with the other elevated open terraced spaces on the street, disrupting the visual harmony and rhythm of the streetscape.
 9. Turning to the alterations proposed at ground floor and first floor. The height of the walls associated with the appeal property, and the presence of gates to the front and rear, reduces the visibility of the existing space where the ground floor extension is proposed. It is not as light and open as the external amenity spaces above it, nor is it as visible from the street or surrounding area. The ground floor extension would be set well within the confines of the existing building footprint. For this reason, and due to its height and overall scale, it would not be significantly visible from the surrounding area. Moreover, the proposed first floor living room extension would result in a relatively small projection from the rear elevation of the dwelling. This would also be largely hidden and unobtrusive in the street and from the communal garden space to the rear. I find that neither of these elements of the proposal would detract from the architectural uniformity of the dwellings in the area.
 10. However, whilst I find that the ground floor and first floor extensions would preserve the character and appearance of the CA, this does not detract from the harm I have identified in relation to the second floor studio extension, which I conclude would be out of step with the prevailing regular pattern and layout of development on the street, to the detriment of the character and appearance of the area and the CA.
 11. Heritage assets are an irreplaceable resource, and therefore any harm requires clear and convincing justification. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, which I have done in reaching my decision. In accordance with the National Planning Policy Framework (the Framework), the harm I have identified to the significance of the CA would be less than substantial.
 12. I appreciate that the appellant has carefully designed the appeal scheme and, in doing so, the proposal would be seen as a bespoke and innovative design solution, which would utilise high quality materials. Moreover, the proposal

would increase and enhance the living space within the dwelling, reducing the likelihood of the occupants requiring a larger house elsewhere. However, having considered these as public benefits, having regard to paragraph 196 of the Framework, I am not satisfied that collectively they would be sufficient to outweigh the less than substantial harm I have identified.

13. For the foregoing reasons I conclude that the development would harm the character and appearance of the CA. It would be contrary to Policies 55, 56 and 58 of the Cambridge Local Plan 2018 (Local Plan) which require, amongst other matters, that development contributes to local distinctiveness and is not inappropriate in scale, form or height and does not adversely impact on the character or appearance of a conservation area. Furthermore, the proposal fails to provide clear justification for the less than substantial harm to the CA, contrary to Policy 61 of the Local Plan and the Framework.
14. The appellant has drawn my attention to Council guidance which encourages attractive and interesting design solutions, and I have had regard to the Cambridge City Council Roof Extensions Design Guide 2003 Supplementary Planning Guidance. However, for the reasons given above, I find that the second floor extension would overwhelm its immediate setting, thus it would be contrary to this guidance, as well as the aforementioned policies I have referred to.

Other Matters

15. Whilst several third parties have raised concerns regarding the impact of the proposal on their living conditions, based on my site visit and the evidence before me, I have no reason to disagree with the Council that the proposal would not cause harm to the living conditions of the occupiers of surrounding properties in respect of outlook, privacy and light.
16. The planning application was presented to the Council's planning committee for determination. The planning committee refused planning permission against the advice of the Council's officers. I have been provided with a copy of the Council's officer report, along with consultation responses to the planning application, and I have had regard to them in reaching my decision.
17. The fact that the appeal site lies within a housing development which has won awards for its design, is within a CA, and is also covered by an Article 4 Direction¹, does not necessarily mean that other alterations or extensions would be unacceptable. However, I have assessed this appeal on its own planning merits and, for the reasons given, I find that the development proposed in this case would be unacceptably harmful.

Conclusion

18. For the reasons given above, I conclude that the appeal is dismissed.

Matthew Woodward

INSPECTOR

¹ Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015

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Application Number	19/1214/FUL	Agenda Item	
Date Received	2nd September 2019	Officer	Mary Collins
Target Date	28th October 2019		
Ward	West Chesterton		
Site	Former 56 - 58 Chesterton Road		
Proposal	Amendments to planning permission reference 17/2157/FUL for redevelopment of site to provide 2no. ground floor commercial units comprising Use Class A1 (shop), A2 (financial and professional) - in the alternative, with 8no. apartments, cycle parking and associated infrastructure - to allow A4 use (drinking establishments) at ground floor and basement with associated B2 use (microbrewery).		
Applicant	Calverley's Brewery C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers. - The use of the ground and basement of the premises for A4 (Drinking Establishment) and B2 (Microbrewery) is in accordance with policy 72 of the Cambridge Local Plan 2018.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated on the southern side of Chesterton Road and is located on the western side of the junction with Trafalgar Road.

- 1.2 The majority of the site was previously occupied by the HSBC bank. To the rear of the site is a small car parking area. The application site has permission to redevelop the site.
- 1.3 The proposed retail units fronting Chesterton Road form part of a parade of commercial units that are within the area designated as the Mitcham's Corner District Centre. The southern boundary of the site abuts the edge of the Conservation Area (De Freville no.11). The site is also located within a Controlled Parking Zone and within Mitcham's Corner Opportunity Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for amendments to planning permission reference 17/2157/FUL (which granted consent for redevelopment of the site to provide 2no. ground floor commercial units comprising Use Class A1 (shop), A2 (financial and professional) - in the alternative, with 8no. apartments, cycle parking and associated infrastructure) to allow A4 use (drinking establishments) at ground floor and basement with associated B2 use (microbrewery).
- 2.2 Conditions 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 18 and 19 attached to planning permission 17/2157/FUL have been discharged. The development is currently under construction. The approved basement has been increased in size by approximately 22sqm through a Non-Material Amendment.
- 2.3 The proposed A4 use would occupy the approved commercial units at both ground floor and basement level.
- 2.4 A small kitchen is proposed to be located in the basement as well as the proposed B2 use which would be situated to the rear section of the basement.
- 2.5 During the course of the application the description of the proposal has been amended to accurately reflect that the description cannot strictly refer to any change of use of the ground floor and the basement given that the approved use has not been implemented.
- 2.6 The application is accompanied by the following supporting information:

1. Design Statement
2. Drawings
3. Noise assessment

3.0 SITE HISTORY

Reference	Description	Outcome
17/2157/FUL	Demolition of former HSBC bank building and redevelopment of site to provide 2no. ground floor commercial units comprising Use Class A1 (shop), A2 (financial and professional) - in the alternative, with 8no. apartments cycle parking, and associated infrastructure	Approved 10.07.2018
17/2157/NMA1	Non-material amendment on application 17/2157/FUL for an increased basement to commercial units to provide an additional 22sq metres of basement floor area	Approved 30.07.2020

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, 22

	35 36
	55 56 61
	72, 79
	80 81 82

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) Mitcham’s Corner Development Framework
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

6.1 In the interests of Highway Safety request a condition requiring that prior to the operation of the micro-brewery commencing that a Servicing Plan, detailing how and when deliveries to the microbrewery will be managed in relationship to the intense traffic movements (all modes) that this area of Cambridge experiences.

Environmental Health

Original submission

6.2 The original development as approved by Planning Consent 17/2157/FUL, has been designed based on A1 (retail) and A2 (financial / professional) class uses for the ground floor commercial units which will adjoin 8 x residential units. This change of use application seeks to add A4 planning Class Use to the ground floor and basement. It should be noted that the potential for noise and disturbance from A4 use is significant and substantial when compared with A1 / A2 uses and therefore

it is essential that noise and disturbance is considered in detail in this application, especially given that residential units will adjoin the proposed A4 use and a detailed Acoustic Assessment is required giving full consideration of all potential impacts that the proposed change of use could have on the amenity of the neighbouring residential community when compared with the current A1/A2 class use.

Revised comments following submission of Noise Assessment and other additional information

The development proposed is acceptable subject to the imposition of the following conditions:

- Noise Management Plan
- Restrictions on A4 Use
- Noise Insulation Scheme: Separating Partitions between the Class A4 Use and Residential Units
- Class A4 Use Noise Insulation Scheme Post Completion Assessment
- Plant Room – Break Out Noise
- External Plant Noise Condition
- External Plant – Hours of Operation
- Hours of Opening of the Class A4 Use
- Hours of Use of the External Seating Area
- Operational Collection and Delivery Hours
- Use of Commercial Waste Receptacles
- Amplified Music / Voice Prohibited within Public House (Class A4 Use) - Restriction
- Odour Control: Cooking of Food on Site

Drainage

- 6.3 There are no flood risk or drainage issues associated with this application.

Access Officer

- 6.4 The counter needs a dropped height section. The till needs a hearing loop.

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:

Object

- 82 Chesterton Road
- 1 Trafalgar Road
- 32 Trafalgar Road
- 48 Denny End Road, Waterbeach

Support

- Camra
- 9 Albert Street
- 20 Alpha Terrace
- 17 Beche Road
- 145 Fitzgerald Place
- 110 Gwydir Street
- 14 Hooper Street
- 41 Humberstone Road
- 13 Kimberley Road
- 5 Long Reach Road
- 16 Manhattan Drive
- 9 Orchard Avenue
- 43 Oyster Row
- 5 Pretoria Road
- 13 Pretoria Road
- Restaurant 22
- 12 Springfield Road
- 12 Walpole Road
- 7 Woodvale Lodge, Midsummer Meadows, Manhattan Drive
- 204 The Rowans, Milton
- Flat 88 Weavers Quay, 51 Old Mill Street, Manchester

Neutral

- 5 Trafalgar Road

7.2 The representations can be summarised as follows:

Objections

Trafalgar Road is a residential street which already suffers from significant noise, drunkenness, littering associated with drinking (leftover cans, etc.), using lane as a latrine.

Police called on the basis of alcohol-related antisocial behaviour. Noise disturbances at night from the back of Thirsty wine bar, which can be particularly difficult in the Summer when it is too hot to close the windows. Adding a new establishment that serves alcohol in the mid-to-late evening will only exacerbate the existing problems with anti-social behaviour.

There are frequent incidents on the street right outside bedroom window.

There are already enough drinking establishments serving this neighbourhood.

Diversification from more of the same would be welcome.

Impact on health from disturbance.

Support

They are a small family business who make craft beer. Community brewery tap room would enhance the Mitcham's Corner community rather than detract from it. This area could easily accommodate another quality drinking establishment catering to the Craft beer market rather than another chain pub.

Given there are a number of empty commercial premises along Chesterton Road supportive of any business that is prepared to invest in the area.

As a patron and close neighbour of Calverley's Hooper Street taproom, thoroughly recommend the organisation and support this application which, if approved, will enhance the Mitcham's Corner area of Cambridge. The company has a highly responsible management team and operates ethically and morally, having consideration for both the environment and local residents.

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, Officers consider that the main issues are:

1. Principle of development
2. Residential amenity
3. Inclusive access
4. Refuse arrangements
5. Highway safety
6. Third party representations

Principle of development

8.2 The application site is situated in the Mitcham's Corner District Centre as defined by Policy 6 of the Cambridge Local Plan 2018.

8.3 Planning permission has been granted for the redevelopment of site to provide 2no. ground floor commercial units comprising Use Class A1 (shop), A2 (financial and professional) - in the alternative, with 8no. apartments, cycle parking, and associated infrastructure.

8.4 Permission is sought to amend the use of ground and basement. In this instance as the building has not been completed and the use of the units has not been implemented, the application cannot technically be described as a change of use. However, the assessment of the issues is considered to be similar. The application is for a revision to the original permission to substitute the A1 and A2 uses with A4 use and B2 (use as microbrewery).

8.5 Policy 72 of the Cambridge Local Plan 2018 states:

Within the boundary of district, local and neighbourhood centres, as defined on the Policies Map, new A1 (shop) uses will be permitted if they are in proportion to the scale and function of the centre.

Proposals for other centre uses, as defined in Table 8.1 within this policy will be permitted provided:

- a. they complement the retail function and maintain or add to the vitality, viability and diversity of the centre;*
- b. provision is made for an active frontage, such as a window display, which is in keeping with the character of the shopping area;*
- and c. they would not give rise to a detrimental effect, individually or cumulatively, on the character or amenity of the area through smell, litter, noise or traffic problems.*

Changes of use from A1 to another centre use (as set out in Table 8.1) will be permitted where the development would satisfy the above criteria and additionally: d. in district centres – the number of properties in A1 use would not fall below 55 per cent (measured as a proportion of the total number of units within the ‘A’ use classes in the district centre.

- 8.6 The proposal would in effect result in the loss of two approved retail units (A1) at ground floor level. The A4 use proposed at ground floor and basement level is considered an appropriate use on these floors in a District Centre (Table 8.1 of the Local Plan).
- 8.7 The use as a drinking establishment would complement the retail function adding to the vitality of the Mitcham’s Corner centre. The ground floor of the premises would retain an active frontage to both the Chesterton Road elevation, with interest provided by the views into the bar and the seating areas, as well as Trafalgar Road with views into the bar through a large window.
- 8.8 To ensure compliance with Policy 72 of the local plan, the applicant has carried out a review of the existing uses across the district centre and as a result of the proposal, the percentage of A1 use units would fall to 58% should the application be granted. Officers are therefore satisfied that the proposal would maintain a predominant shopping focus in the district centre, whilst maintaining vitality and viability.
- 8.9 With respect to the proposed B2 use, Table 8.1 of the Local Plan indicates this is not considered to be a suitable use in the centres.

- 8.10 Policy 72 states the loss of centre uses at ground floor level to non-centre uses will not be permitted, unless it is demonstrated that the use is no longer viable, by evidence of active marketing for at least 12 months, showing that the premises are not reasonably capable of being used or redeveloped for a centre use.
- 8.11 In this instance the proposed B2 use (as a microbrewery) would be in association with the proposed A4 use and as a tap room. It would not result in the loss of a centre use.
- 8.12 This use would be confined to an area to the rear of the basement separated from the bar area by a screen with the brewing process visible. A condition would be attached to ensure that this use is only acceptable in association with the use of the premises as A4 use.
- 8.13 In the opinion of officers the proposal is compliant with Cambridge Local Plan (2018) policies 6, 55, 56, and 72.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.14 There are residential properties on the opposite side of Trafalgar Road as well as an adjoining property in Chesterton Road.
- 8.15 Residential dwellings will also be located at first floor directly above the proposed A4 use, flats numbered 6 and 7. Flat 3 (ground floor) adjoins the proposed A4 use via both the basement (to the full extent of the flat) and via the ground floor party wall. The kitchen will be located directly below Flat 3.
- 8.16 Environmental Health Officers are satisfied that the amenities of adjoining residential properties can be protected through conditions attached to any approval. In particular conditions are considered necessary to minimise operational noise from the site through a Noise Management Plan, restrictions on the operating hours of the premises and plant, operational collection and delivery hours, and a separating partition between the proposed A4 class use on the ground floor and the adjoining residential dwellings (Flats 3 and 7) to provide adequate sound

insulation between the commercial and residential uses and odour control.

8.17 Given B2 uses are ones which are not generally compatible with residential use, a condition will be attached restricting the B2 use to use as a microbrewery only.

8.18 As such in the opinion of officers the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 56, 35 and 36.

Inclusive access

8.19 With regard to the Cambridge Local Plan 2018, Policy 56 (Creating successful places), this policy requires development that is designed to be attractive, high quality, accessible, inclusive and safe and proposals should create clearly defined public and private amenity spaces that are designed to be inclusive, usable, safe and enjoyable.

8.20 In the opinion of Officers, the proposal is compliant with Cambridge Local Plan (2018) policy 56.

Refuse arrangements

8.21 The commercial bin storage area for proposed use would be unchanged and would comprise two, 360 litre bins which would be provided within the separate rear access to these units off Trafalgar Road.

8.22 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policy 56 in relation to refuse provision.

Highway Safety

8.23 Due to the intense traffic movements (all modes) that this area of Cambridge experiences, the Highway Officer request that a condition requiring a Servicing Plan detailing how and when deliveries to the microbrewery will be managed before the operation of the micro-brewery commences is attached. Subject to compliance with the approved servicing plan, Officers

consider that the proposal would not be detrimental to highway safety.

- 8.24 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policies 80 and 81.

Cycle Parking

- 8.25 Cycle parking is unchanged from the original approval. This would be for two cycles and this would be in the combined bin and bike store which is accessed from Trafalgar Road. This level of provision is considered acceptable for the proposed A4 use.

- 8.26 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policy 82.

9.0 CONCLUSION

- 9.1 In conclusion the proposal as amended would have an acceptable impact on the amenity of the occupiers of adjoining properties and future occupants and no detrimental impacts are envisaged to the streetscene by the proposal.

10.0 RECOMMENDATION

APPROVE, subject to 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. Prior to the operation of the micro-brewery commencing a Servicing Plan, detailing how and when deliveries to the microbrewery will be managed in relationship to the intense traffic movements (all modes) that this area of Cambridge experiences, shall be submitted to and approved in writing by the Local Planning Authority.

The Servicing Plan shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of Highway Safety (Cambridge Local Plan 2018 Policy 81)

4. Prior to the operation of the premises as approved, the applicant shall provide a detailed Noise Management Plan (NMP) for approval by the Local Planning Authority. The NMP shall include details on (but not be limited to);
 - o confirmation on opening hours,
 - o confirmation that there will be no amplified music / voice on the premises,
 - o management and control of patron access to external areas, including any external area where people may congregate for any reason,
 - o management and control of noise from internal areas,
 - o management and control of people accessing / egressing the premises,
 - o collection and delivery hours (including waste and recycling),
 - o complaints procedures and details on reviewing and updating the NMP when necessary.

The NMP shall be implemented and retained as approved thereafter.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

5. Prior to the installation of plant, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the principles of and demonstrate compliance with the external plant noise assessment provided in Sections 4.6-4.14 of the Noise Assessment (Ref: RP01-19438) produced by Cass Allen Acoustic Consultants (dated January 2020).

The scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

6. Before the use hereby permitted is commenced, a scheme of noise insulation for the plant room, as required to minimise impacts of break-out noise from the plant room onto Trafalgar Road, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved before the use is commenced or the development is occupied and shall be retained as such.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

7. The separating partitions between the proposed Class A4 use (ground floor and basement) and the residential units on the ground and first floor shall be constructed in accordance with the details outlined in Sections 5.21 to 5.26 of the Noise Assessment (Ref: RP01-19438) produced by Cass Allen Acoustic Consultants dated January 2020.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

8. The A4 use hereby approved shall not commence until a post completion acoustic assessment has been carried to confirm compliance with the noise insulation scheme for the separating partition approved under condition (insert condition number for the Public House Noise Insulation Scheme detailed above) above. A post completion acoustic assessment shall be submitted in writing for approval by the LPA. If the post completion assessment identifies requirements for any additional noise insulation scheme measures these shall be submitted for approval by the LPA. The scheme of additional measures shall be carried out as approved and retained as such.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

9. The use hereby permitted shall not commence until a scheme detailing plant, equipment or machinery for the purposes of extraction and filtration of odours has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is commenced and shall be retained as such.

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

10. The air source heat pumps as approved shall not be operated outside the hours of 11.00 to 23.00 Monday to Saturday and 11.00 to 21.00 Sunday

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

11. The Class A4 Use hereby permitted shall not be open to customers outside the hours of 11.00 to 23.00 Monday to Saturday and 11.00 to 22.30 Sundays and Bank/Public Holidays

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

12. External areas serving the Class A4 Use shall be vacated by 21.00 hrs daily.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

13. The parts of the premises identified for A4 use shall be operated and used for the purposes as detailed / defined within the "Planning Statement; Change of Use Planning Application - Commercial Unit, 54-58 Chesterton Road (Ref:1736-SBA-51-XX-RP-Z-0301 Rev P2) prepared by Saunders Boston Architects and dated August 2019 and for no other purpose (including any other purpose in Class A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

14. The B2 use hereby approved shall be used for microbrewery only and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

15. Collections from and deliveries to the Class A4 Use shall not be made outside the hours of 07.00-21.00 Monday-Saturday and 09.00-17.00 on Sundays and Bank/Public Holidays.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

16. No bottles or other commercial refuse / waste or recycling material shall be emptied into external receptacles (including those located in the refuse store), taken out or moved around the external area of the site, between the hours of 21.00 and 07.00.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

17. The use of amplified music and/or voice, unamplified / acoustic musical equipment and independent amplification is prohibited inside the Class A4 Use at all times.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

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 for further information.

To satisfy the odour/fume filtration/extraction condition, the applicant will need to submit details of the type of hot food preparation and cooking anticipated on the premises, details of the canopy and any smoke and odour control measures required (including manufacturers specifications) and if appropriate, shall provide a risk assessment in accordance with Appendix 2 and 3 of EMAQ's "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (update to the 2004 report prepared by NETCEN for DEFRA)" dated September 2018 to demonstrate the adequacy of the proposals in terms of odour and smoke control.

As the premises is intended to be run as a business The applicant is reminded of their duty under the Construction (Design and Management) Regulations 2007 to ensure that the that all significant risks related to the design and operation of the premises are minimised. Contact the Commercial Team at Cambridge City Council on telephone number (01223) 457890 for further information.

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 registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and foods 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.

Application Number	18/0887/FUL	Agenda Item	
Date Received	15th June 2018	Officer	Aaron Coe
Target Date	14th September 2018		
Ward	Market		
Site	73 Newmarket Road		
Proposal	Proposed mixed Use Development, comprising part demolition of the existing building (with the retention of the front and side elevations and erection of 9no. 1 Bed Apartments and Commercial/Restaurant/Public House (A1, A2, A3, A4, A5 and B1 in the alternative) flexible Use, with associated works.		
Applicant	Mr Aldo Marino c/o Swann Edwards Architecture		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The design and scale of the proposed development would not have an adverse impact on the character of the surrounding area; - The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers; - The proposed development would provide a high quality living environment for the future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the northern side of Newmarket Road and is occupied by a two storey building that is currently used as an Indian restaurant which fronts the back edge of the pavement. To the rear of the building is an area of

hardstanding. The rear boundary is defined by a 2.5metre high brick wall which also extends along the western boundary and part of the eastern boundary. The western boundary wall is hidden behind a piece of public art which extends along the entire length of the boundary.

- 1.2 The site is located within an area of mixed uses such as residential apartments, offices and other commercial uses. To the west of the site is the main entrance/access into Kingsley Walk which contains blocks of apartments with car parking at ground level. On the other side of the main entrance is Brooke Court which is an apartment block. Newton Court which is an apartment block is located adjacent to the northern boundary of the site. To the east is a three storey office building which is set back from the front elevation of no.73. Opposite the site; south of Newmarket Road, are office buildings and other commercial uses with car parking within the frontage
- 1.3 The site is located within the Riverside and Stourbridge Common Conservation Area (2012) and a Controlled Parking Zone. There is a tree which is subject to a Tree Preservation Order close to the eastern boundary of the site. There are no listed buildings or other heritage assets within close proximity of the application site.

2.0 THE PROPOSAL

- 2.1 The proposed development involves the part demolition of No.73 Newmarket Road with the retention of the front and side elevations of the existing building. The proposal also involves the creation of an attached block of studio apartments at the rear of the restaurant. The apartment block would consist of 9 apartments over three storeys. The ground floor would consist of the main entrance which would be accessed from the west of the site with bin and cycle storage, and two ground floor studio apartments with private external amenity spaces. On the first floor, the proposal includes two new studios, a two bedroom unit, each with an outdoor balcony and two studio units on the first floor of within the footprint the existing building. On the second floor the proposal would include one studio and one two bedroom unit each with an outdoor balcony.
- 2.2 This planning application as originally submitted proposed the demolition of the entire existing building (No. 73 Newmarket

Road) and erection of 10 units and the demolition. However, during the course of the application a number of amendments have been made to the proposal.

2.3 The amendments to the proposed development include:

- Retention of the front and side elevations of No.73 Newmarket road.
- Reduced height and massing and a reduction in the number of proposed residential units from 10 units to 9 units.
- The addition of a lift to the proposed development in order to comply with Cambridge Local Plan 2018 Policy 51.

2.4 There is an extant permission on the site for an extension to the existing restaurant and construction of 6 studio apartments (approved under application reference 16/0720/FUL).

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement;
2. Heritage statement
3. Topographical survey;
4. Drainage strategy
5. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
05/0182/ADV	Installation of 2 externally illuminated signs of individual letters and one externally illuminated hanging sign.	PERMITTED
08/1142/FUL	Erection of timber framed shelter.	PERMITTED
10/0547/ADV	Installation of three non-illuminated fascia signs and one externally illuminated hanging sign.	PERMITTED
11/0240/FUL	Installation of acoustic baffle to boundary wall and smoking shelter.	PERMITTED
12/0933/FUL	External works including the installation and modification to	PERMITTED

16/0720/FUL doors and windows (following demolition of existing out-buildings)

Proposed development of 6 studio flats and extension to the restaurant. **PERMITTED**

4.0 PUBLICITY

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

5.0 POLICY

5.1 Cambridge Local Plan 2018

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 28 31 32 33 34 35 36 50 51 52 55 56 57 59 61 70 71 81 82

5.2 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 from 3 March 2014 onwards Circular 11/95 (Annex A) Technical housing standards – nationally described space standard – published by
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	Department of Communities and Local Government March 2015 (material consideration)
<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>Greater Cambridge Sustainable Design and Construction (Jan 2020)</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>Arboricultural Strategy (2004)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	Riverside and Stourbridge Conservation Area Appraisal (2012)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

As submitted

- 6.1 The forecourt is accessed by an existing vehicular crossing of the footway, leaving a short length that is too short to accommodate a car without it overhanging and obstructing the footway. This parking opportunity must be designed out to remove the temptation to park in the space. This issue could be resolved by reducing the width of the dropped kerb.
- 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 Officer comments: The scheme has been amended and the originally proposed forecourt has been removed. The following conditions are recommended: Traffic Management Plan, reinstatement of kerb, retention of access.

Environmental Health

- 6.4 Acceptable subject to conditions covering construction hours, collection during construction, piling, dust, plant noise, noise insulation, hours of opening, use of commercial waste receptacles, odour and smoke control, protection of external spaces and lighting.

City Council Sustainable Drainage Engineer

As submitted

- 6.5 Unacceptable due to lack of a surface water drainage strategy.

As amended

- 6.6 The proposals have indicated that a suitable surface water drainage scheme can be delivered. However further refinement

of the design including infiltration tests are required to ensure that the design follows the drainage hierarchy and can be maintained for the lifetime of the development. The development is acceptable subject to a surface water drainage and maintenance plan condition.

Lead Local Flood Authority

As submitted

- 6.7 Object due to lack of surface water drainage strategy.

Anglia Water

- 6.8 Surface water drainage condition required.

City Council Conservation team

As submitted

- 6.9 Objects to the demolition of buildings in the Conservation Area as there is no evidence that the building is incapable of use for structural reasons. It appears capable of being used beneficially if upgraded or converted. The proposed replacement building would neither preserve nor enhance the CA as it merely replicates nearby examples of 'modern' design and fails to appreciate the contribution the existing building makes in retaining some of the character of this part of the CA. The proposal is overly bulky, bland commercial architecture which, particularly in relation to the front façade, fails to contribute to the townscape and the suggested restaurant use at GF fails completely to meet the requirements of the approved Shopfronts Design Guide. The existing consent demonstrates clearly that there is no necessity to demolish the existing building to further develop the site.

As amended (December 2019)

- 6.10 The suggestion that a 'façade-retention' scheme would be a "pragmatic" solution seems to miss the point about the historic presence of the building in the CA and this being one of last vestiges of the traditional nature of this part of town. It is the building itself, not a replica or fragment of the building, that conveys this presence and reminds citizens and passers by that the scale and form of this area was once very different. The idea that rebuilding significant areas of the historic building will be 'identical' seems unlikely; to repeat the previous comments

“The patina of age and the qualities of traditional construction give the existing building much of its merit in providing a last reminder of what this area used provide before the comprehensive redevelopment of the area removed most of the historic environment.”

As amended (August 2020)

- 6.11 This seems to represent a fairly satisfactory position regarding external appearance. It is a given that the interior would be re-worked. I note that the first floor is shown as two separate studio flats which does not take account of the CAMRA concern that for the operation of a pub below, two bed accommodation above should be possible. I think this is a shortcoming of the scheme in relation to achieving viable use of the heritage asset as encouraged by NPPF para 192 a.
- 6.12 Should approval be recommended a condition to secure the details of external facing, window or roofing materials including for ‘making good’ or repairs will be required.

Landscape Architect

- 6.13 Hard and soft landscaping condition and boundary treatment conditions required.

Policy Team

- 6.14 Proposed Commercial/Restaurant/Public House (A1, A2, A3, A4, A5 & B1) flexible Use.
The site is a safeguarded site, which has the intention of allowing the site’s use to oscillate amongst ‘A’ and ‘D1’ Class Use Types when it has been proven that the site is no longer needed for public house use. While there are other public houses in the area, each public house provides a variation in local service and therefore caters to different parts of the community while providing a degree of competition for local people. This means they create a vibrant and appealing destination by providing a competitive range of local facilities. This is exemplified by The Corner House public house hosting a small, performance venue and The Wrestlers providing Thai food. The rebuilt Five Bells is expected to have gaming theme to it. The Burleigh Arms is currently a gastro pub with a large

beer garden. These public houses help the area retain its attractive and vibrant appeal as a location to visit throughout the day and evening for people to meet and socialise in. The site's retention as a viable public house site is essential to ensure this area is able to serve and support the day-to-day needs of a growing local community. There is no manager's flat linked to the proposed public house A4 use. Public houses that include a manager's flat are more attractive to public house operators than those without. There is no such unit proposed in this scheme. Without a manager's flat it is unlikely a publican would be interested in the site. There is an example of this occurring at the Seven Stars public house on Newmarket Road which was rebuilt retaining the A4 use on the ground floor but without a manager's flat and has not re-opened since its refurbishment. The retention of the public house (A4 Use Class) on-site is welcomed however its co-location with new residential units must be satisfactorily designed. The overall design should ensure the use can operate normally without having an adverse effect on residential amenity which leads to disputes over noise pollution restricting the public house's long term viability. The layout should also include both a bar area and a cellar to ensure the public house can function properly as a public house. An adequately sized accommodation unit for the manager, and/or business owner is also needed to provide a sustainable and attractive business opportunity.

- 6.15 The proposal to allow the site's use to include a B1 use type class has not been justified nor has it been explained how this use would not prevent the return of an A4 public house use due to the difference in land values between these uses. The introduction of a B1 use is considered to be contrary to the Council's approach and without further justification should not be considered to be an appropriate alternative use.

Access Officer

- 6.16 The toilet in commercial needs to be wheelchair accessible.

Public Art Officer

- 6.17 No public art details submitted.

Developer Contributions Monitoring Unit

6.18 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.

City Council Tree Officer

6.19 An update to be provided on the amendment sheet.

Designing Out Crime Officer

6.20 There is no section in the Design and Access statement regarding security or crime prevention. My concerns at this time are: -

- What access control is proposed in relation to a side fence/gate
- Access control for residents only into the building
- Cycle store security – this should be secure with access only to residents.
- Bin storage security – over the last few years the City has seen problems with rough sleepers gaining access to insecure bin stores, causing damage and anti-social behaviour.
- Proposed exterior lighting

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 which object to the application:

- 13 Newton Court, Kingsley Walk
- 46 Newton Court, Kingsley Walk
- 34 Marlowe House, Kingsley Walk
- 19 Brooke House, Kingsley Walk
- 33 Brooke House, Kingsley Walk
- 5 Rexbury Court, Sturton Street
- Cambridge Riverside Residents Association
- CAM cycle
- 7a Adams Road

7.2 The representations can be summarised as follows:

- Concerned that the proposal is overdevelopment and will be overbearing with overshadowing impacts on Newton Court properties.
- The additional mass is too much compared to the approved scheme (16/0720/FUL).
- The increase in height of the new building above the front elevation of the existing building will be unattractive.
- The density of the proposal is too high
- Concerned by the access arrangements for vehicles during the construction process
- Overlooking issues
- Lack of car parking
- The design of the building is out of character with surrounding buildings
- Negative impact of smells from the future potential ground floor restaurant use.
- Loss of trees.
- Insufficient space between the proposed cycle parking layout.
- The proposal does not provide any family housing.
- Loss of an existing attractive building in the streetscape.

The owners/occupiers of the following addresses have made representations which support the application:

- 74 Newmarket Road
- 1 The Lakes
- 169 East Road
- 141 Flamstead Close

- 54 Greville Road
- 57 Catharine Street

7.3 The representations can be summarised as follows:

- Attractive design which fits in with the adjacent developments
- There is a need for more housing
- Better use of the land than existing
- Good sized residential units and high quality materials

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

Principle of Development

8.1 Policy 3 of the Cambridge Local Plan (2018) seeks to ensure 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. A previous application for 6 residential units was granted permission (16/0720/FUL) and the site is considered appropriate for residential development.

8.2 The existing use of the site is an Indian restaurant (use class A3) with a garden area to the rear which is not used in connection with the restaurant. It is used as a storage area and enclosed by a 2.5metre high brick wall. This application seeks consent for the ground floor to have a flexible use for Commercial /Restaurant/Public House (A1, A2, A3, A4, A5 & B1). In respect of the proposed, uses given that the existing use is a restaurant it would be permitted development for the restaurant to be changed into A1 or A2 use. Therefore, it is only necessary to assess the impact of the proposed potential alteration to A4 (public house), A5 (hot food takeaway) and B1 (office). The site was previously used as an A4 public house and the principle of the site returning to this use would be considered acceptable. The existing Indian restaurant has been operating since 2014 and has offered a takeaway service during it's operation and therefore the A5 use would be acceptable for this site. In relation to the proposed potential introduction of a

B1 use at ground floor, it is necessary to take into account the recent changes to the use classes order in England. As of 1st September 2020 use classes A1,A2,A3 and B1 will be subsumed into a new use class (Class E). Therefore, the proposed alteration from the existing A3 use to B1 use is no longer classed as development and does not require planning permission. Notwithstanding the changes to the use classes order, there are a number of office use developments surrounding the site and therefore an office use within the application site would not be considered inappropriate or out of character with the surrounding area. The proposed flexible use is therefore considered acceptable subject to other material planning considerations.

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

- 8.3 The application site consists of an existing two storey building which is used as an Indian restaurant. To the rear is a garden area which is not used in connection with the restaurant. It is used as a storage area and enclosed by a 2.5metre high brick wall. The western boundary is screened by an existing artwork as part of the Kingsley Walk development, which is set off the boundary. The site is surrounded on three sides by 4 to 5 storey apartment blocks on the northern and western side, and a three storey office building on the eastern side. The existing two storey domestic scale building on the site is dwarfed by the surrounding built form.
- 8.4 The proposed development of the rear garden space is considered to be acceptable as it would read as part of the overall development of this part of Newmarket Road without appearing out of character. The Kingsley Walk development consists of a 5 storey block of flats accessed off a private road. The scale of the proposed development is much smaller than the existing development to the rear of the site but proportionate with the size of the site. The design of the proposed development is acceptable and appropriate for the size of the plot.
- 8.5 The proposal involves the demolition of the rear of the building and addition of the proposed apartment block which connects to the existing building via a flat roofed link that is proposed to be used as a balcony space for a first floor unit. The overall

apartment block involves a series of flat roofs. The proposed block is located directly behind the footprint of the existing building. In respect of views of the proposed development, the circulation space area is proposed to project 1.2m above the ridgeline of the existing building but due to being set back approximately 17.5m from the Newmarket Road frontage views of this element will be limited. Balconies are proposed to project out along the west elevation and these will be visible from the public realm in the same way they were under the previously approved scheme.

- 8.6 The proposed building has been designed to incorporate the main bulk within the centre of the site with the height and massing gradually reducing to the north of the site in order to respond to the adjacent flats in Newton Court. The flat roof form of the centre three storey element responds to the flat roof apartment buildings to the rear of the site. This is considered to be an acceptable response. The proposal would not appear as overdevelopment of the plot as it satisfactorily accommodates the necessary provisions such as bins and bike storage facilities.
- 8.7 In terms of external space, 7 out of the 9 units have access to private external space. The two ground floor units have garden spaces, whilst five of the upper floor units have balconies. The two units proposed to be located within the existing building which are being converted from dining spaces to residential units are not proposed to have access to private external space.
- 8.8 In relation to the impact of the development on the Conservation Area, it is acknowledged that it involves the demolition of part of the building. However, given that the main frontage and side elevation is being retained as existing it is considered by officers that the impact of the proposal will not result in detrimental harm to the appearance or character of the Conservation Area. Part of the revised submission involved additional bulk and height which resulted in an overbearing and adverse impact on the existing building. However, during the course of the application this additional height and bulk was removed in order to respect the character of the Conservation Area and minimise the prominence of the proposed development when viewed from Newmarket Road. The City Council Conservation team has reviewed this revision and consider the external appearance to be fairly satisfactory.

- 8.9 Moreover, as noted within the delegated report for the previously approved scheme (16/0720/FUL) the proposal would fill in an existing gap with a form of development that offers better visual articulation and responds better with the Kingsley Walk development which would improve the appearance of the site. This aspect would make a positive contribution to the character and appearance of the Conservation Area.
- 8.10 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. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The amendments to the previously approved scheme that need reassessing in terms of impact on neighbouring properties include the following: The first floor element has been set 0.6m further to the south of the site (away from the adjacent Newton Court flats). A reduction in height of the second floor element by 1.6m with the second floor element proposed 1.5m further to the north of the site. Repositioning of the proposed balconies on the west elevation.

Overbearingness and Overshadowing

- 8.12 The main area to be assessed in terms of overbearingness is the relationship with the Newton Court apartments to the north. The height of the ground floor element has been reduced by 0.5m and the proposed development maintains a separation of 3 metres from the balcony space and 4.2metres from the flank wall of the Newton Court properties. It is acknowledged that the revised design involves the second floor element being 1.5m closer to the Newton Court properties than the approved scheme. However, the height of the second floor has been reduced by 1.6m which minimises the impact on the Newton Court properties in terms of overbearingness or the level of overshadowing. Moreover, it is important to note that the adjacent flats have dual aspect rooms and dual aspect balconies. The flats also contain large glazed windows which

currently provide views into the garden of no.73 and over the private access to the west.

- 8.13 The proposal would not cause any significant overbearing impact on the occupiers of the flats in Brooke House due to the separation distance which is in excess of 20 metres.

Overlooking

- 8.14 In terms of overlooking the proposed development involves 4 windows on the north elevation adjacent to the Newton Court flats. It is considered appropriate to impose a condition that ensures all of the windows serving the bedrooms of unit 7 to be obscure glazed for the bottom/ lower 1m of glazing on each window to protect the privacy of the Newton Court flats and their balcony spaces.
- 8.15 In terms of external projecting balconies, there would be no overlooking from these areas. The balconies located along the western boundary would not provide any direct view towards the balconies in the Newton Court flats. Furthermore, there are balconies in the Brooke House flats which face directly towards Newton Court.
- 8.16 In terms of overlooking of the flats in Brooke House, it is not considered the proposal would cause any significant loss of privacy over and above the existing. The proposed development would be approximately 20 metres from Brooke House which is an acceptable level of separation in this urban context. The eastern elevation of Brooke House contains several external balconies which overlook each other and the balconies in Newton Court face these balconies. Therefore, the introduction of the proposed new balconies, in this context, would not cause any significant levels of overlooking or loss of privacy, particularly at the distance proposed.

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 exceed the standards. In this regard, the units would provide a high-quality internal living environment for the future occupants. The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	1	1	37	39	+2
2	1	1	1	37	37	0
3	1	1	1	37	37	0
4	1	1	1	37	37	0
5	1	1	1	37	37	0
6	1	1	1	37	37	0
7	2	3	1	61	66	+5
8	2	4	1	70	74	+4
9	1	1	1	37	37	0

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. All of the proposed new residential units will have direct access to an area of private amenity space. Units 3 and 4 are within the footprint of the existing building and would not have access to private external space. However, the supporting text of policy 50 states that new homes created through conversions where practicable to do so. Given the nature of the site it would not be practicable to do so in this instance and the absence of private external amenity space for these 2 units is considered acceptable. would all have private courtyards on the ground floor and first floor terraces. Unit 1 and 2 would have private courtyard gardens and the rest of the units would have balconies.

Accessible homes

8.19 The development has been assessed for compliance with Policy 51 in relation to 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. A condition is recommended to secure this requirement and comply with policy 51.

Refuse Arrangements

8.20 The residential uses and future use of the ground floor will have separate bin store areas. The proposal is compliant with the

RECAP guidance and in accordance with Cambridge Local Plan (2018) policy 57.

Highway Safety

- 8.21 Neighbours have also raised concerns about construction traffic and access arrangements during construction. A traffic management plan condition is recommended which would address the logistics of construction. As originally submitted the application involved a gated forecourt element which the Highway Officer raised concerns with. This has now been removed from the proposal and officers are satisfied that the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car Parking

- 8.22 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, there is high public transport accessibility and where the car-free status can be realistically enforced for example through on-street car parking controls. It is considered that the proposal meets with the criteria and would satisfy policy 82.

Cycle Parking

- 8.23 Cycle parking is provided through Sheffield stands for 12 cycle parking spaces. The proposal is compliant with Cambridge Local Plan (2018) policy 82.

Integrated water management and flood risk

- 8.24 The application has been assessed by the City Council Sustainable Drainage Engineer and has been considered acceptable subject to conditions to secure a drainage strategy and maintenance plan, subject to meeting the requirement of the conditions imposed the proposal is in accordance with Cambridge Local Plan (2018) policies 31 and 32.

Arboricultural Impact

8.25 There is a tree which is subject to a tree protection order located to the south east of the application site. Comments are being sought from the City Council tree officer and an update will be provided on the amendment sheet.

Affordable Housing

8.26 The proposed development is for a scheme of 9 units. Policy 45 of the Cambridge Local Plan (2018) states that affordable housing provision should be calculated on the basis that the thresholds are to be considered against the net increase in the number of units on the site. As the proposed net increase of units on the site would be below the threshold of 10 units, there is no policy basis to require affordable housing provision as part of this application. The proposal is compliant with policy 45 of the Cambridge Local Plan (2018).

Third Party Representations

8.27 A number of the third party representations have been addressed in the above section of the report. However, other comments are addressed below:

Representation	Response
Overbearing, overshadowing and overdevelopment.	Addressed at paragraph 8.12-8.13. The amount of development is considered acceptable for this site.
Additional mass is too much compared to the approved scheme (16/0720/FUL).	Since the original submission the massing has been reduced to address this concern.
The increase in height above the existing building will be unattractive.	Addressed at paragraph 8.5.
Concerned by the vehicle access arrangements during construction	Addressed at paragraph 8.21
Overlooking issues	Addressed at paragraphs 8.14-8.16
Concerned by lack of car parking	Addressed at paragraph 8.22
Concerned by the design being out of character	Addressed at paragraphs 8.3-8.10

Negative impact of the potential future restaurant use	The City Council Environmental Health team have assessed the proposals and considered acceptable subject to an odour and smoke control condition to protect the amenity of residents.
Loss of trees	The loss of the trees within the site were considered acceptable under the previously approved scheme. An update will be provided to committee on the amendment sheet in relation to the TPO'd tree to the east of the site.
Insufficient space between cycle parking spaces.	This has been amended and there is now an acceptable amount of space between cycle parking spaces in accordance with Appendix L of the Cambridge Local Plan 2018.
Lack of family housing provided.	There is no policy requirement for market housing proposals to provide family units. However, this proposal now includes a 2 bedroom (3 persons) unit which would be suitable for a small family.
Loss of an existing attractive building in the streetscape	The proposed development has been revised to retain the front and side elevations of the existing building.

9.0 CONCLUSION

9.1 The proposed development would not result in an adverse impact upon neighbouring properties, it would retain the key elevations of the existing

10.0 RECOMMENDATION

APPROVE subject to conditions

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

Reason: In accordance with the requirements of Section 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 occupation of the development or the commencement of the use, a noise assessment detailing noise levels emanating from all plant, equipment and vents, relative to background levels, shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

8. No development above ground level, other than demolition, shall commence until a noise insulation scheme, detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented before the development, hereby permitted, is occupied or the use commenced and shall thereafter be retained as such.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2018 policy 35)

9. Before the development hereby permitted is commenced, a noise insulation scheme for the commercial unit, giving consideration to the impacts of airborne, structural and flanking sound, in order to minimise the level of noise emanating from the commercial unit within the residential units immediately above and within the neighbouring residential premises, (having regard to A1, A2, A3, A4, A5 & B1 Class Uses, potential internal noise generation and acoustic performance of building fabric, glazing, openings and ventilation system requirements) 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 future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2018 policy 35)

10. The ground floor commercial unit shall not be open to customers outside the hours of 08:00 and 23.00hrs daily (including weekend and Bank / Public Holidays).

Reason: To protect the amenity of adjacent residential premises and future occupants. (Cambridge Local Plan 2018 policy 35)

11. Collections / deliveries to and from the commercial unit (including takeaway food) shall not be made outside the hours 0700-2300 Monday-Saturday and 0900-2300 on Sundays and Bank/Public Holidays.

Reason: To protect the amenity of adjacent residential premises and future occupants. (Cambridge Local Plan 2018 policy 35)

12. No bottles or other commercial refuse / waste or recycling material shall be emptied into external receptacles, taken out or moved around the external area of the site, between 2100-0700hrs.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35).

13. Any uses involving the preparation of hot food within the ground floor of the development shall have installed and maintained an odour filtration/extraction system designed in accordance with the principles of 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 Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005.

Full details of the odour filtration/extraction system shall be submitted to and approved in writing by the planning department prior to use.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35).

14. Prior to the commencement of development, full details and specifications of noise mitigation methods to protect the external amenity spaces from the high ambient noise levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall thereafter be maintained in perpetuity.

Reason: To protect future occupiers of the residential units from excessive noise and disturbance (Cambridge Local Plan 2018 policy 35).

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

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

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 policy 35).

16. 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)

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

Reason: for the safe and efficient operation of the public highway (Cambridge Local Plan 2018 Policy 81).

18. The access shall be provided as shown on the approved drawings and retained free of obstruction.

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

19. 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)

20. 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)

21. 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)

22. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before the development commences (Cambridge Local Plan 2018 policy 61).

23. Prior to the occupation of the development, hereby permitted, the lower 1 metre of glazing on all four windows shown on the first floor north elevation 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 and 57).
24. The flat roofs hereby approved shall be a Green Roof or Brown Roof unless otherwise agreed in writing by the Local Planning Authority. A Green Roof shall be designed to be partially or completely covered with plants in accordance with the Cambridge Local Plan 2018 glossary definition, a Brown Roof shall be constructed with a substrate which would be allowed to self-vegetate.
Reason: To ensure that the development integrates the principles of sustainable design and construction and contributes to water management and adaptation to climate change (Cambridge Local Plan 2018 policies 28 and 31).
25. 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)
26. External facing, window or roofing materials including for "making good" or repairs to the retained elements of the frontage building shall match the existing and any change shall be agreed in writing by the Local Planning Authority.
Reason: In the interests of the appearance of the building of local interest and in accordance with Cambridge Local Plan 2018 policy 62.

27. Prior to the commencement of development, with the exception of the demolition of the existing buildings on the site, a renewable energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the following details:
- a) The total predicted energy requirements of the development, set out in Kg/CO₂/annum.
 - b) A schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, location, design and a maintenance programme.
 - c) An assessment of any air quality, noise or odour impact and;
 - d) Mitigation measures required to maintain amenity and prevent nuisance in accordance with the Council's Sustainable Construction and Design Supplementary Planning Document.

The proposed renewable energy technologies 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 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).

28. 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).

29. All external windows and doors to the ground floor commercial unit shall be kept closed between 2100hrs and 0900hrs or at any time during entertainment or the playing of music except for general ingress and egress via the main entrance door or in the case of an emergency.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35).

Application Number	20/02998/FUL	Agenda Item	
Date Received	8th July 2020	Officer	Emma Ousbey
Target Date	2nd September 2020		
Ward	East Chesterton		
Site	Land at Dundee Close		
Proposal	Demolition of existing garages and hardstanding to provide 4 modular homes		
Applicant	Cambridge City Council Mandela House 4 Regent Street		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal would not harm the character of the area - The proposal is considered to provide a good quality living environment and would accommodate for the needs of the intended occupants - The proposal shall not give rise to a significant negative impact upon residential amenity - The proposal shall not cause any issues in respect of highway safety
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located at the end of Dundee Close, a two-way, no-through road accessed from Eastfield to the north. A pedestrian/cycle way provides a continuous link through from Dundee Close to Scotland Road to the south. The application area currently accommodates a single storey flat roof block of 7no. garages and an area of hardstanding opposite that provides off-road communal surface parking for 7no. cars. Each individual garage measures 2.2m wide and 2m in height. The site is enclosed by a brick wall and immediately adjacent to the

garage block is a substation, which is outside of the application boundary.

- 1.2 To the north of the site is a terrace of two-storey houses located on Dundee Close nos. 1-5; the blank end gable of which faces towards the site. Two-storey maisonettes are located to the south, with windows facing towards the application site, separated from the rear wall of the existing garage block by a private footpath, parking for 1no. vehicle and a strip of landscaping. The west of the site borders onto residential gardens of properties along Elmfield Road, some of which have single storey garden structures on the boundary. A pedestrian accessway leads from the site to the rear of no. 1-5 Dundee Close.
- 1.3 Dundee Close benefits from several large, mature trees to the east of the application site. These trees are not protected. Dundee Close also accommodates two further areas of surfaced, off-street resident's car parking, which accommodate a total of c.12 cars that are outside of the application boundary. This is in addition to single garages and driveway parking that serve nos.1-5 Dundee Close.
- 1.4 The site falls outside of the Controlled Parking Zone. The site is within Flood Zone 1 (low risk).

2.0 THE PROPOSAL

- 2.1 The proposed development seeks demolition of the existing garage block and hardstanding, to be replaced by 4no. flat roofed modular homes to provide specialist single accommodation for local homeless persons. Permission is also sought for associated works, including landscaping and the erection of bike, refuse and plant storage. 6no. cycle spaces are proposed for use by residents and visitors.
- 2.2 The modular homes are proposed to be sited facing northwards. Each modular home is proposed to be provided with a front private terrace area with dividing privacy screens. Directly opposite the proposed homes would be a communal garden, as well as bike and plant stores in the north western corner of the site. The refuse store is located on the eastern boundary of the site, adjacent to the retained substation. A pedestrian access is to be retained on the northern boundary of the site to the rear of

the existing residential gardens. The existing boundary wall on the north, west and southern boundaries is to be retained. A section of the eastern boundary wall is proposed to be removed.

2.3 The proposed units would have an individual overall internal floor area of 24ml. Each unit provides a living area, kitchen, utility space, bathroom and a bedroom. An entrance door and window are proposed on the front elevation and a half-glazed door to the rear. Dimensions of each of the modular units are 3.8m wide x 7.9m deep and 3.1m high.

2.4 The modular units are proposed to be finished in non-combustible cladding panels, predominantly dark grey in colour, with orange accent cladding to the front elevation and front door.

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 Plan 2018	Local	1, 3 28, 31, 32, 35, 36 47, 50, 51, 55, 56, 57, 59, 71

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

Central Government Guidance	<p>National Planning Policy Framework July 2018</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
Supplementary Planning Documents	<p>Sustainable Design and Construction (January 2020)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridgeshire Design Guide for Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection to the proposal provided that the following recommended conditions are attached to any permission:

- Traffic Management Plan;

- Existing vehicular access to be modified to accommodate pedestrians and cyclists only and remaining areas to be returned to grass verge or footway with full face kerb;

Environmental Health

6.2 No objections, subject to recommended conditions. Following an initial request for additional information further details were provided in respect of manufactures details of modular homes including fire safety and part L requirements; fire safety procedures; distance between units; and foundation details.

6.3 Demolition / Construction Noise and Vibration

This proposed development is considered to be low risk in terms of potential for significant noise and vibration to occur during demolition / construction. However, given the residential nature of the locality, we recommend the following standard conditions:

- Allowable hours for demolition and construction activities,
- Allowable hours for demolition and construction related collections and deliveries from / to the site

6.4 Although some information has been provided in relation to base / foundation construction, the actual construction method has to be finalised. Therefore, it is unclear what type of foundation or anchoring system will be required for the modular homes and how any such system will be driven into the ground. As above, whilst low risk, given the residential nature of the surroundings, I consider that it is appropriate to use the standard piled foundation condition, as above.

6.5 Air Quality

The proposed development is not in a location within which we have concerns over existing local air quality conditions and in addition, it is a car free development.

6.6 Contaminated Land

We have reviewed the submitted '*Hill Foundation 200 - Dundee Close, Cambridge, CB4 1SH: Phase 1 Contamination Assessment (Document Reference: 778907-MLM-ZZ-XX-RP-J-0003 - prepared by MLM and dated 5th June 2020)*'. The assessment and scope contain all the detail we would expect to

see in the preliminary risk assessment and conceptual site model. A review of the site history and environmental settings does not identify anything of concern and the findings of the assessment accord with our own records of the site.

It is acknowledged that some made ground may be identified during demolition and ground works. We agree with the recommendations in Section 7.2 of the assessment which states:

“Further investigation in relation to contamination is not considered to be required.

However, should any significant depth of made ground or any unforeseen contamination, such as staining or odours, be identified during the construction phase, further investigation and assessment should be undertaken.

An asbestos survey will be required for any structures that are to be demolished.”

6.7 Given the above, I recommend a bespoke condition prepared specifically for any unexpected / unforeseen contamination of the ground that may be encountered.

6.8 Plant noise

A cycle store & plant room area is proposed and it appears that this structure will be comprised of a timber fence with canopy. It is understood that plant / equipment will include an air source heat pump and ancillary plant / equipment. Having regard to this plant room, which will also be surrounded by an existing 2m high wall to nearest existing residential premises / gardens and distance to existing / proposed noise sensitive receptors / amenity areas we do not envisage any unacceptable noise impacts. No additional controls are therefore required.

Existing Electricity Substation Impacts

Health

6.9 One of the modular units will be close to an existing electricity substation. Electricity substations are sources of extremely low frequency (ELF) electromagnetic fields (EMFs) which can give rise to health concerns. Any health implementations/concerns

regarding ELFs/EMFs are outside the expertise of Environmental Health and we cannot authoritatively comment on such concerns. However, the publication '*electric and magnetic fields - PRODUCED BY ENERGY NETWORKS ASSOCIATION - JANUARY 2012*' states the following:

Substations: *Small electricity distribution substations, typically one for every few hundred homes, generally produce up to 2 microteslas close to their perimeter fence or wall, and often no electric field at all. The fields fall rapidly with distance, and within 1 to 2 metres from a typical substation, the fields associated with it are usually indistinguishable from other fields present in homes. Larger electricity transmission substations do not produce very large fields themselves (generally less than a microtesla); the fields close by are mainly produced by power lines and cables entering them. There is no restriction on EMF grounds on how close houses can be to substations.'*

- 6.10 In this case, there is a brick wall around the enclosure and some separation distance. In the circumstances we recommended an '*Electricity Substation - extremely low frequency (ELF) electromagnetic fields (EMFs) informative*'.

Noise

- 6.11 Substations can generate noise. However, this is an established substation with a 3-sided brick enclosure. There is no direct line of sight from the transformer noise source and the nearest modular unit has no openable windows directly overlooking. Substation noise impact is not a concern.

6.12 Housing Standards

From the attached plans and fire safety provisions and protection standards information provided, it is our view that the level of fire resistant construction, means of escape provision and fire detection / alarm provision are obviously superior to the standards prescribed in the model standards for caravan sites licensing. The model standards would be the basis for any conditions that would be enforced through the caravan site licensing regime.

- 6.13 These units are clearly meant to be permanent dwellings and are only classed as mobile through the method of their design. Using this logic, pre-fabricated houses would also be classed as mobile homes, when clearly that is not how they are used.

- 6.14 Therefore, it is our view is that these dwellings would not require caravan site licensing as it would not be appropriate considering the high build quality and intended use of the dwellings.

Sustainability Officer (Design and Construction)

- 6.15 Support, in terms of both environmental and social sustainability. Welcomes the consideration of overheating in these units. The pods face north west and will receive afternoon sunlight. A number of measures will reduce this risk; shading provided by privacy screens; low g value glazing and openable windows. The units pass criterion 3 of Part L of Building Regulations. Mechanical ventilation with heat recovery and summer bypass is proposed, which is welcomed from an indoor air quality perspective.
- 6.16 A communal air source heat pump is proposed in regards to energy use. Applicant has confirmed units designed to deliver a 31% COI reduction over current Part L, which exceeds requirements of Policy 28 of the Local Plan.
- 6.17 Conditions recommended in respect of carbon reduction and water efficiency.

Access Officer

- 6.18 No comments received

Head of Streets and Open Spaces (Landscape Team)

- 6.19 Some species selections are much too large for the small spaces being provided. Also, the short lengths of mix deciduous hedging are too short to achieve a good mix. Overall lengths of c. 3m will allow for 12-15 plants. An upright shrub would be more suitable or an ornamental evergreen plant which is more upright and not as dependent on pruning or shaping. Overall hedging needs maintenance which is critical in small spaces such as these, and this should be reduced as much as possible. Alternative species also recommended in the terrace beds i.e. lavender, herbs for residents, or a climber like clematis or trachelospermum for the partition screens.

- 6.20 Site-won topsoil can be used on this site. It has been hardstanding and built upon for decades, so high-quality soils will be required once hardcore and sub-bases are removed from site. This should be included on the soft landscape drawing. Hard landscape is acceptable.
- 6.21 Conditions recommended for pre-occupations soft landscaping condition to finalise details of planting and tree pit design and a pre-occupations landscape maintenance and management plan condition.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.22 Development proposed is acceptable subject to the recommended conditions. Anglian Water Sewer Map indicates that there is only a surface water public sewer. The Environment Agency's risk of flooding from surface water map indicates up to a medium risk depth of flooding from surface water. The roof and drainage plans indicate that rainwater from the blue roofs will be disposed of to the surface water public sewer via a single rainwater outlet per roof. The proposals are not in accordance with Policies 31 and 32 of the adopted Local Plan as sufficient details demonstrating the principle of draining the site have not been submitted, therefore conditions are recommended to secure submission of a foul and surface water drainage scheme for the site, as well as a scheme for flood resilient / resistant construction.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.23 Support, no further comments. Happy to be consulted once planning approval is completed to ensure community safety and vulnerability to crime is addressed. Discussions are ongoing between crime reduction officer, anti-social behaviour team and the City Council to improve parking and open space for residents.
- 6.24 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:

26 Elmfield Road
5 Dundee Close
7 Dundee Close
18 Dundee Close
34 Dundee Close
100 Eastfield
77 Beaumont Road

7.2 The representations can be summarised as follows:

- Access to rear of Elmfield Road gardens from Dundee Close will be impossible, including construction of a cycle store / garage to rear of 26 Elmfield Road or any future vehicular access.
- Access to rear of nos. 1-5 Dundee Close needs to be safer with better lighting.
- Homes do not meet internal space standards under Local Plan policy.
- Sufficient space is an important element of good design and new dwelling should provide for basic daily activities and needs. Proposal has inadequate amount of internal and external amenity space.
- Lacks in design and will increase pressure on local residents and doesn't consider implication on local community, despite the proposals good intentions.
- Loss of existing car parking from garages and/or parking spaces.
- Increased pressure for parking reduces safety for pedestrians and cyclists
- Architectural style doesn't match any of the neighbouring buildings. Fails to maintain or improve the existing character of the area.
- Proposed development could last c.50-60 years, houses should not have an expiry date. Buildings of limited durability.
- How will the buildings be maintained and what happens when they are obsolete or damaged.
- It's not clear if the buildings are eco-friendly

- Overdevelopment – plot is too small for 4 dwellings, area already densely populated.
- Increased noise and general effect on the peacefulness of the neighbourhood and quality of life for local residents.
- Single occupancy cannot be enforced.
- Will result in loss of privacy for existing private gardens.
- Loss of privacy and overlooking into first floor windows of 5 Dundee Close
- Small gardens between Dundee Close and backs of the garages will not allow for enough light or distance between the properties.
- Development works will cause increased noise, dust, fumes and traffic.
- Noise from dogs in area already an issue, may be exacerbated by additional residents who may have dogs.
- Proposal is unequal and discriminatory towards a specific category of occupiers.
- Dundee Close already has a high proportion of social housing. Private owners likely to move away from area. Missed opportunity to create long-term community in this location.
- Area already suffers from anti-social behaviour, fly-tipping, parking on green areas and drug use, rarely policed and further behaviour likely to go unchecked.
- Improvements should be made to Dundee Close to compensate for negative impact of this development.
- Parking is at capacity in Dundee Close.
- Many car parking spaces in Dundee Close aren't used and choose to park on the proposed development site due to: safety concerns, overgrown trees and bird droppings falling onto parked cars. Additional lighting and management of trees required.
- Former playground equipment in Dundee Close should be reinstated.
- Lack of public consultation.
- Only given 11 days notice to empty rented garage that has been used for over 20 years. Replacement

garage is over a mile away with asbestos roof and inferior door that could be easily broken into. Being evicted before any conclusion of the consultation process is clearly fiction and the conclusion forgone.

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 the main issues are as follows:

1. Principle of development
2. Context of site, design and external spaces
3. Carbon reduction and sustainable design
4. Water management and flood risk
5. Noise, vibration, air quality and dust
6. Inclusive access
7. Residential amenity
8. Refuse arrangements
9. Highway safety
10. Car and cycle parking
11. Third party representations

Background

8.2 The proposed development forms part of the Foundation 200 project; a private development company are gifting and installing modular homes for the City Council to provide homeless accommodation. The proposed modular homes would be installed by the private developer and gifted to a charitable organisation that has experience in managing this type of specialist housing, which will lease the site from the City Council. All management and maintenance responsibilities will fall to the appointed charity.

8.3 The purpose of the proposed development is to provide transitional accommodation for people who find it difficult to qualify for a home via traditional housing waiting lists. In particular, those who have spent a prolonged period of time in hostel accommodation. It has been advised by the applicant that feedback from previously homeless clients indicates that

individuals feel better able to manage a small home, rather than a conventional property. Larger properties also bring the risk of 'cuckooing' which is why the proposed units are 1 person 1-bedroom homes.

8.4 The modular housing scheme is for single people who are able to maintain a tenancy but who require a 'stepping stone' between homelessness or hostel accommodation and a more established long-term tenancy in a general use residence. The aim is to provide secure accommodation for a period of time, estimated at 12-18 months, to allow the tenants time to re-establish stability in their lives and to have their own recognised address, prior to moving on to more permanent general use housing. Each tenant will be supported until they can find a regular source of income and more permanent accommodation. The modular homes have been designed with the end user in mind.

8.5 The proposed management strategy sets out the details of the tenant selection and allocation criteria. Eligibility will be on the basis of single individuals with a history of homelessness, moderate to significant support needs. and who would benefit from some private space where they can establish a measure of independence. It is proposed that the City Council and selected charity would jointly agree who would be offered a tenancy, from a list drawn up by the Council. The council would allocate tenants using Housing First specific criterion which is set out below:

- Currently in vulnerable accommodation
- Eligible for single persons' rate of housing benefit
- Willingness to accept support to maintain the tenancy
- Locally connected
- Over 18
- Struggling in the cycle of homelessness by being a 'repeat visitor' of homelessness services
- Difficulties fitting into supported housing pathways

8.6 A tailored support programme is proposed to be established for each individual tenant. In addition to the regular support provided by the selected charity, the Council is employing a dedicated modular homes support worker, who will oversee the modular housing support programme and ensure that the

required support is available at all times. Neighbours and interested parties will be provided with contact details for the support worker to provide a single point of contact should any issues arise.

- 8.7 The modular homes will be donated by a Deed of Gift from the private developer to a suitable receiving charity. The Deed of Gift specifies that the homes are to be used by single people only who are legally homeless. This restriction shall be placed in perpetuity upon the homes to ensure they do not revert to general use accommodation.

Principle of Development

- 8.8 Policy 47 is applicable to the proposal as the proposed units would fall under specialist housing. Policy 47 states that planning permission will be granted for the development of specialist housing, subject to the development being:
- a) supported by evidence of the demonstrable need for this form of development within Cambridge;
 - b) suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and/or care;
 - c) accessible to local shops and services, public transport and other sustainable modes of transport, and community facilities appropriate to the needs of the intended occupiers; and
 - d) in a location that avoids excessive concentration of such housing within any one street or small area.
- 8.9 The application submission details the prevalence of homelessness in Cambridge and demonstrates that there is an acute need for housing catered specifically for homeless people's needs, especially units such as the proposed which provide individual support and guidance whilst maintaining some privacy and independence for the occupants. The submission also emphasises that the proposal would align with the priorities of the Housing First Strategy adopted by the City Council. Given the proposal clearly demonstrates the need for this particular form of housing, the proposal would adhere to criterion a. Criterion b will be discussed under the subheading 'Amenity for future occupiers' in the amenity section of this report and criterion c will be assessed under 'Context of site, design and external spaces'.

- 8.10 In relation to criterion d, the proposal forms part of 3no. sites proposed for this form of modular housing in the City; this current application in the East Chesterton Ward; another planning application at Crowland Way in Kings Hedges Ward and a third forthcoming application at Barnes Close in Abbey. A previous application for this type of accommodation (on a 3 year temporary basis) was approved on Newmarket Road, also within Abbey Ward. None of these sites are within close proximity to the application site. Therefore, the proposal would not result in an excessive concentration of such housing within the area, adhering to criterion d.
- 8.11 The principle of the development is acceptable and in accordance with policy 47 of the Cambridge Local Plan 2018.

Context of site, design and external spaces

- 8.12 Dundee Close is a residential area with a mix of terrace linked houses and 2-storey residential blocks. The east side of Dundee Close consists of off-road parking areas and landscaped areas. The wider area is also residential in character. The area subject to the application site is ancillary to the surrounding residential uses, accommodating a flat roof single storey garage block and further off-street surface parking on existing hard standing.
- 8.13 It is my view that the proposed modular units would not sit uncomfortably within their context, as their form, massing and scale draw characteristics from the garage block it is proposed that they will replace. It is considered that the level of development proposed is suitable for the application site area and it would not give rise to overdevelopment.
- 8.14 The proposed modular units incorporate residential characteristics, with individual entrances and fenestration to the front elevations, as well as landscaped private frontages and a communal garden opposite. The predominant grey coloured external cladding would sit comfortably within the setting, whilst the use of orange acts as an accent colour to provide interest and a modern feel to the units. As a result, it is considered that the proposal would not be out of character with the surrounding context and would not appear visually intrusive within the street scene due to their set back from the road and the retained

boundary wall which retains a sense of enclosure, whilst ensuring that the scheme still addresses the street.

- 8.15 The urban design officer was involved at pre-application stage discussions and they have provided their informal views on the current proposal (as the application is below the threshold that they would normally comment on), advising that they support the proposals. They consider that the elevation design shows definition of threshold to the amenity space and that the design approach to the units and the wider site is acceptable.

Movement and Access

- 8.16 The application site is located outside of the city centre, but within a short walk of Arbury Road/Milton Road Local Centre, Chesterton High Street Neighbourhood Centre and Green End Road Neighbourhood Centre. Multiple bus stops are also within easy walking distance, providing routes into the city centre. The proposal also accommodates cycle parking facilities for the occupants of the units. As a result, it is considered that the proposal would be appropriately sited within the city to provide adequate access to services, facilities and transport links for the occupants of the proposed modular units. Given the nature of the specialist housing proposed, it is considered appropriate that car parking is not required to be provided as part of the proposed development scheme.

Layout

- 8.17 The layout of the proposed development is considered to respond positively to the application site and the public highway, as well as being orientated to reduce overheating of the units. The scheme promotes active frontages facing onto the proposed landscaped areas, with natural surveillance. Planting and privacy screens are positively used to help to define public and private spaces that are useable and can be enjoyed by the residents of the modular units. A pedestrian access is maintained, as existing, to the rear of nos. 1-5 Dundee Close.
- 8.18 Third party representations have raised comments regarding rear access to Elmfield Road gardens. The applicant has advised that nos. 26 and 28 Elmfield Road, whose rear garden boundaries border the application site, do not have a right of

way over the Council's property so there is no legal right for an access to be constructed in this location.

Landscaping

- 8.19 The landscape officer has confirmed support for the proposed soft landscaping scheme subject to some recommended amendments to the detailed planting scheme, specifically the use of some of the proposed plant species and their appropriateness and suitability for the location. Hard landscaping details are confirmed as acceptable. I am satisfied that these details can be secured by condition in respect of soft landscaping to finalise planting and tree pit design, as well as a landscape maintenance and management condition to ensure the long-term success of the agreed landscaping scheme.
- 8.20 The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 57.

Carbon reduction and sustainable design

- 8.21 The proposed scheme has been designed to include a communal air source heat pump to provide energy for the modular units. This delivers a 31% COI reduction over current Part L requirements, in accordance with Local Plan policy. Conditions are recommended to secure this, along with water efficiency measures. Mechanical ventilation with heat recovery is also proposed for use within the units, which is supported by the sustainability officer, alongside measures to reduce overheating.
- 8.22 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 Greater Cambridge Sustainable Design and Construction SPD 2020.

Integrated water management and flood risk

- 8.23 The proposed development site is within an area identified by the Environment Agency as having a medium risk of flooding from surface water. Drainage officers have reviewed the proposed scheme and advised that it is acceptable subject to securing recommended conditions in respect of foul and surface

water drainage schemes, as well as a scheme for flood resilient and resistant construction. The existing site is currently fully laid to impermeable hardstanding, whereas the proposed scheme shall include landscaping and greater opportunities for sustainable urban drainage, which are encouraged. The proposed flat roof units are designed with 'blue roofs' for water management, which are designed to attenuate rainwater temporarily, with gradual release of that stored water to mitigate any surface water runoff impacts of the development.

- 8.24 The applicants have suitably addressed the issues of water management and flood risk, and the proposal is therefore considered to be in accordance with Cambridge Local Plan (2018) policies 31 and 32.

Noise, vibration, air quality, dust and contaminated land

- 8.25 Environmental health officers have reviewed the proposed development scheme and raise no overriding issues in respect of noise, vibration, air quality or dust, subject to recommended conditions to manage and mitigate construction works, including hours of working and deliveries to and from the site.
- 8.26 The proposed development is not in a location within which there are existing concerns regarding air quality, and it is not expected that the proposed development would change this, particularly as it would be a car free development.
- 8.27 Noise impact of the proposed air source heat pump has been assessed. The plant shall be contained within a timber structure with canopy over. Having regard to this, and that it shall also be bounded by the existing brick wall, it is not considered that there would be any unacceptable noise impact on the surrounding existing or proposed residential properties or amenity areas. Noise from the existing substation is not considered to be an issue.
- 8.28 The application is accompanied by details regarding the potential to encounter contaminated land. A review of the site history and environmental settings does not identify anything of concern to environmental health officers and the findings of the submitted assessment accord with their own records of the site. A condition is recommended should unexpected contamination be encountered.

8.29 Subject to the recommended conditions, the applicants have suitably addressed the issues of noise, vibration, air quality and dust, and the proposal is in accordance with Cambridge Local Plan (2018) policies 33, 35 and 36.

Inclusive access

8.30 Level access is to be provided into each of the modular homes. Given the size constraints of the proposed modular units, they have not been able to be designed to M4(2) standards. The applicant has advised that those residents requiring fully accessible accommodation will have priority for other forms of accommodation.

8.31 Given the specialist nature of the accommodation proposed to be provided by the modular home scheme, it is the view of officers that in this instance the proposal does not need to comply with the requirements of policy 51 but is compliant with Cambridge Local Plan (2018) policies 56 and 57.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.32 By virtue of the surroundings, the application has the potential to impact residential properties within Dundee Close and those backing onto the site from Elmfield Road. Given the single storey, flat roof design of the proposal, and the retention of the existing boundary wall to the north, west and southern boundaries, it is considered that overbearing and overshadowing of any nearby properties would be minimal to none. Similarly, given the orientation and separation distance of the residential units from existing dwellings, overlooking or interlooking into existing properties or gardens in Dundee Close is not expected to be an issue. Similarly, it is considered that Elmfield Road properties would be unaffected by the proposed development in relation to overbearing, overshadowing and overlooking by virtue of the site layout and unit orientation.

8.33 With regard to noise and disturbance resulting from the proposed units, the modular homes are proposed to be well insulated and each unit would be occupied by a single person

only. By virtue of separation distance, the number of units and occupiers proposed, alongside the high specification of the units themselves, it is considered that the extent of noise and disturbance to neighbouring residential dwellings would not be significant or out of character for an existing residential area. In addition, a third-party has commented on existing noise complaints due to dog ownership in the vicinity of the site, this is not considered to be a material consideration in the assessment of this application.

8.34 Third party comments have been received regarding existing concerns and the potential for an increase of anti-social behaviour in the local vicinity as a result of the proposed scheme. There is no evidence to suggest any increase of such activity will arise by virtue of the proposed modular units. The applicant has advised that tenancies will not be offered to those with complex needs and that any tenant who has had non-housing-related difficulties, such as mental health or substance abuse problems, will be well on their way to addressing these and have been stable for a considerable period. Additional support will be offered via the charitable organisation responsible for the modular unit scheme and tenancy conditions will be placed on all occupiers. The management and tenant allocation strategy submitted in support of the proposed scheme confirms that the Council will not oppose a decision by the appointed charity to end any tenancy in the case of a breach of tenancy conditions. The police architectural liaison officer supports the proposed development.

8.35 Concerns are additionally raised by neighbours in respect of the loss and displacement of car parking onto Dundee Close, by virtue of the demolition of the existing garage block and removal of an area of hard-surfaced car parking. This accounts to a total of 7no. garage spaces and 7no. surface car parking spaces. It is noted that the existing garage dimensions (2.2m wide) fall well below the single garage dimensions for new proposed garages contained within the adopted Local Plan (3.5m wide). It is understood by the applicant that the garages have been previously used for a mixture of parking and storage. Of the 7no. garages, 3no. were being used by residents not local to the Dundee Close area. The hard surface parking area provides car parking for local Dundee Close residents. Officers note that no.s 1-5 Dundee Close benefit from private garages and single

driveways in association with their property. Dundee Close is outside of the controlled parking zone.

- 8.36 From a site visit during the recent covid-19 lockdown period, when residential parking is anticipated to be at its highest, the further existing off-street parking areas along Dundee Close were under-utilised and capable of accommodating the parking to be lost as a result of the proposed development. Third party comments suggest that these parking areas are not first preference for use by residents due to overgrown trees and the potential for bird excrement on cars.
- 8.37 The City Council has advised that plans for reconfiguration and improvement of the off-street parking areas in Dundee Close, not subject to the proposed application, have been submitted to the Council's Estate Improvement Scheme. Funding has been approved for this in principle, subject to public consultation which is yet to take place. Initial plans suggest that an increase of 8no. parking spaces could be achieved in Dundee Close. However, as these improvement works have not yet been carried out, they cannot be used in any material assessment of the proposed application.
- 8.38 Given the specialist nature of the modular unit housing proposed, it is not expected that the occupation of these units will give rise to additional car parking in the vicinity of the site. Requirements for parking controls to manage this are not considered necessary given the circumstances.
- 8.39 The displacement of car parking as a result of the proposed development is not considered likely to result in significant increases in off-street parking nor give rise to a significant negative impact on residential amenity, considering the existing under-utilised off-street parking options within Dundee Close and small-scale potential for parking displacement.
- 8.40 In the opinion of officers, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site, and it is considered that it is compliant with Cambridge Local Plan (2018) policies 55 and 56.

Amenity for future occupiers of the site

8.41 The gross internal floor space measurements for the proposed modular 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 (ml)	Proposed size of unit	Difference in size
1	1	1	1	37	24	-13
2	1	1	1	37	24	-13
3	1	1	1	37	24	-13
4	1	1	1	37	24	-13

8.42 Whilst the proposed units are below the internal space standards detailed in policy 50, which stipulates a minimum requirement of 37ml, it is officers' view that there is a sound justification for these specialist modular units being below the minimum standards and that the units are well-designed and still provide a good quality living environment for those intended to occupy the units. Due to the sensitively designed internal layout and the provision of natural light through fenestration to the front and rear elevations of each unit, it is considered that the proposed unit would not create a cramped internal environment for future occupants

8.43 Given the intended occupants of the proposed units shall be single individuals who have been identified as having moderate to significant support needs, who would benefit from some private space where they can establish a measure of independence, the internal footprint proposed would limit the amount of upkeep and potential for overnight guests or 'cuckooing', whilst still providing a sufficient amount of internal space of a good quality for a single person.

8.44 In addition, the submitted management and tenant allocation strategy sets out that it is intended that occupants shall move through these units onto a more permanent home, with a duration stay of c.12-18 months. Occupants will be allocated jointly by the City Council and appointed charity and would be individuals who would be better suited out of hostel accommodation. Once they are ready to move on, residents will be supported to find more permanent accommodation.

- 8.45 It is recognised that there is a critical and urgent need for this particular type of specialist housing which provides supported yet independent accommodation away from the hostel environment or emergency housing such as hotel accommodation. This is even more critical due to the recent coronavirus outbreak and the significant increase in demand for homeless accommodation.
- 8.46 As the proposed units do not comply with internal space standards, that would normally be expected for standard residential dwellings, it is critical that any permission be subject to controls to ensure that the proposed occupation of these modular units are restricted and only used for the specific specialist purpose proposed. A condition is recommended to ensure that the proposed units are only occupied by those with qualifying homeless resident status in accordance with the City Council's Housing First criteria and that they have been selected and approved for allocation in accordance with the submitted management strategy. A further condition is recommended that should the modular units no longer be required for occupation by homeless persons and their specialist use is ceased, then the modular units must be removed from site within 3 months in accordance with a land restoration scheme to be agreed via submission of details to the local planning authority.

Size of external amenity space

- 8.47 Each of the proposed modular units are provided with a private external amenity area, as well as good sized communal amenity space. Combined, the private and communal spaces are considered to be of a shape, size and location to allow effective and practical use by future residents, with defensible space for the private space from the shared amenity areas. This is in accordance with the external amenity space requirements set out within policy 50 of the Cambridge Local Plan (2018).

Refuse Arrangements

- 8.48 A condition is recommended requiring bins for refuse and recycling to be provided in accordance with submitted details. The indicative location of the bin store within the site is considered appropriate.

8.49 The proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

Highway Safety

8.50 The Highway Authority has no objections to the proposal, subject to conditions to secure a traffic management plan during demolition and construction works and the blocking up of the existing vehicular access serving the garage site. I am satisfied that the proposal would not amount to any harm to highway safety.

8.51 The proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

8.52 Cycle parking for 6no. spaces are allowed for within the site, including 2no. visitor spaces. This is in accordance with the Council's cycle parking standards, which requires a minimum of 1 space per bedroom. The cycle store is proposed in an easily accessible and convenient location. A condition is recommended to secure details of the cycle parking and the appearance of the proposed secure and covered cycle store.

8.53 The scheme is car-free and this is considered appropriate given the specialist nature of the modular units proposed. It is officer's opinion that the proposed development will not give rise to additional parking demands and additional on-street car parking management is not required.

8.54 The proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

8.55 Comments received from third-parties have been addressed throughout the officer report. Outstanding comments that have not been addressed are dealt with below.

8.56 There is a suggestion that the proposed development is discriminatory, as it is intended for a specific category of

occupiers. Officers recognise that there is an acute need for this type of specialist accommodation within the city and the application site is considered to be a suitable location to accommodate the modular units to meet the demand for this specialist housing. The proposed development would not give rise to an over-concentration of this type of specialist housing within the locality.

8.57 Given the small scale extent of development and the intended single occupancy of the modular units, it is not appropriate or necessary to require reinstatement or provision of playground equipment either within the site or a financial contribution towards a local equipped area of play within the Dundee Close area.

8.58 Concerns have been raised regarding a lack of public consultation. Officers are satisfied that the planning application has been advertised in accordance with the Council's adopted Statement of Community Involvement and that adjacent residents will have received a letter informing them of the proposals and inviting them to comment on this application. Where comments have been received they have been reported and addressed within this report.

8.59 Matters in respect of the tenancy agreement and arrangements for existing garage tenants are not considered a material planning consideration. Issues regarding the displacement of car parking as a result of the proposed garage demolition and re-development scheme are dealt within in previous sections of this report.

9.0 CONCLUSION

9.1 In conclusion, it is considered that the proposal would not harm the prevailing character of the area and would provide a good quality environment for the future occupiers of the proposed units and would not give rise to any significant impact of residential amenity for existing occupiers in the vicinity. As such the recommendation is one of approval subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

Reason: In accordance with the requirements of Section 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. Development, including any demolition or construction works, shall be carried out in accordance with the approved traffic management plan 'Dundee Close Traffic Management Plan rev B dated 31/07/2020'.

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

4. Prior to first occupation of the development, hereby permitted, the existing vehicular access to the adopted public highway shall be permanently closed off and modified to accommodate pedestrian and cycle traffic only and the remaining areas of the adopted public highway be returned to grass verge or a full face kerbed footway.

Reason: For the safe and effective operation of the highway (Cambridge Local Plan 2018 policy 81)

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

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

6. Prior to the occupation of the development, hereby permitted, or the commencement of the use, full details of the on-site storage facilities for waste, including waste for recycling, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify the specific positions of where wheeled bins will be stationed, details of covered and secure storage and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/refuse collection vehicle access point. The approved facilities shall be provided prior to the occupation of the development or the commencement of the use hereby permitted and shall be retained thereafter for their intended use.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2018 policies 35, 36 and 57)

7. Prior to first occupation of any unit or the bringing into use of the development, full details of soft landscape works must be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include planting plans and details (including tree pits); written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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

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

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

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.

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, 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)

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. If unexpected land contamination is encountered during the development works, all works shall cease immediately until the Local Planning Authority has been notified in writing. Thereafter, works shall only restart with the written approval of the Local Planning Authority following the submission and approval of a Phase 2 Intrusive Site Investigation Report and a Phase 3 Remediation Strategy specific to the newly discovered contamination. The Phase 3 Remediation Strategy shall be implemented in full.

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.

14. 14. The development, hereby permitted, shall not be used or occupied until, carbon reduction measures have been implemented in accordance with a Carbon Reduction Statement which shall be submitted to and approved in writing by the local planning authority prior to implementation. This shall demonstrate that all new residential units shall achieve reductions in CO2 emissions of 19% below the Target Emission Rate of the 2013 edition of Part L of the Building Regulations, and shall include the following details:
- a) Levels of carbon reduction achieved at each stage of the energy hierarchy;
 - b) A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28 and the Greater Cambridge Sustainable Design and Construction SPD)

15. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by 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 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 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

16. No development hereby permitted, other than demolition, shall be commenced until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall 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 foul and surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
 - 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) Site Investigation and test results to confirm infiltration rates;
 - g) Full details of the maintenance/adoption of the surface water drainage system;
 - h) Measures taken to prevent pollution of the receiving groundwater and/or surface water
 - i) Formal agreement from a third party if discharging into their system is proposed, including confirmation (and evidence where appropriate) that sufficient capacity is available.

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

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.

17. No development, other than demolition, 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 reduce the risk of flooding to the proposed development and future occupants.

18. No person shall occupy any of the 4no. homeless accommodation units hereby permitted unless such person meets the qualifying homeless resident status in accordance with the Cambridge City Council's First Tenant Selection Criteria as defined within the Housing First for Cambridge Proposals for Expansion and Development dated January 2019 (as amended) and shall have been approved in accordance with the details provided within the approved 'Foundation 200 Modular Homes - Dundee Close: Management Strategy - Allocation and Support'.

Reason: To meet the need for accommodation for homeless people within Cambridge and to secure and restrict this use in perpetuity in accordance with Policy 47 of the Cambridge Local Plan.

19. Should the use of the modular homes for specialist housing for homeless persons and associated cycle parking and stores hereby permitted cease to be occupied in accordance with the agreed management strategy under condition 18, the approved development shall be removed from the site within 3 months of the cessation of use and the land restored in accordance with a detailed scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: to ensure that the units are only occupied as specialist housing for homeless people within Cambridge in accordance with Policy 47 of the Local Plan due to the units not meeting internal space standards set out within policy 50 of the Local Plan and to protect the visual amenity of the local area in accordance with Policy 55 of the Local Planning Authority.

20. For the avoidance of any doubt, the modular homes hereby permitted, notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration, the insertion of new windows and the provision within the curtilage of any building or enclosure, 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 50, 55, 61 and 71)

The applicant is advised that any granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

It is required that any dust management plan should reference and have regard to various national and industry best practical technical guidance such as:

- o Guidance on the assessment of dust from demolition and construction, version 1.1 (IAQM, 2016)
- o Guidance on Monitoring in the Vicinity of Demolition and Construction Sites, version 1.1 (IAQM, 2018)

Electricity substations are known to emit extremely low frequency (ELF) electromagnetic fields (EMFs). The Public Health England (PHE) Radiation Protection Service has set standards for the release of such fields in relation to the nearest premises. Further information and advice regarding the electric/magnetic fields that are associated with electric substations is available to view at the following link: <https://www.nationalgrid.com/sites/default/files/documents/13791-Electric%20and%20Magnetic%20Fields%20-%20The%20facts.pdf>

National Grid UK also deal with enquiries from members of the public, including prospective homebuyers, sellers, and their professional advisers who may be concerned about nearby electrical equipment. The applicant may wish to contact National Grid EMFs unit directly, on 0845 702 3270 or email: EMFHelpLine@nationalgrid.com