



## Cambridge City Council Planning

**Date:** Tuesday, 14 June 2022

**Time:** 10.00 am

**Venue:** Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ

**Contact:** democratic.services@cambridge.gov.uk, tel:01223 457000

### Agenda

**Timings are included for guidance only and cannot be guaranteed**

- 1 Order of Agenda  
The Planning Committee operates as a single committee meeting but is organised with a two part agenda and will be considered in the following order:

- **Part One**  
Major Planning Applications – not required
- **Part Two**  
Minor/Other Planning Applications
- **Part Three**  
General and Enforcement Items

There will be a thirty minute lunch break some time between 12noon and 2pm. With possible short breaks between agenda items 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
- 4 Minutes

(Pages 7 - 24)

### **Part 1: Major Planning Applications - Not required**

## **Part 2: Minor/Other Planning Applications**

5	22-00801-FUL, Parkers Piece - 10am	(Pages 25 - 38)
6	19-1324-FUL, 102-108 Shelford Road - 10:30am	(Pages 39 - 68)
7	22-00857-HFUL, 41 Barrow Road, Cambridge - 11am	(Pages 69 - 82)
8	22-00278-FUL_ Former Jenny Wren - 11:30am	(Pages 83 - 116)
9	21-00483-FUL, The Guildhall, Market St, Cambridge - 12pm	(Pages 117 - 126)
10	21-00484-LBC, The Guildhall, Market St, Cambridge - 12:30pm	(Pages 127 - 134)
11	22-01870-HFUL, 15 Bulstrode Gardens - 1pm	(Pages 135 - 142)
12	22-0096-FUL - Land adj Kendal Way – 1:30pm	(Pages 143 - 164)

## **Part 3: General and Enforcement Items**

13	June City Enforcement Report - 2pm	(Pages 165 - 168)
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**Planning Members:** Smart (Chair), D. Baigent (Vice-Chair), Bennett, Collis, Dryden, Gawthorpe Wood, Page-Croft, Porrer and Thornburrow

**Alternates:** Flaubert, Howard, Nethsingha and Todd-Jones

## Information for the public

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- Website: <http://democracy.cambridge.gov.uk>
- Email: [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk)
- Phone: 01223 457000

## Public health and well-being for meeting arrangements

This Meeting will be live streamed to the Council's YouTube page. Those wishing to address the meeting will also be able to do so virtually via Microsoft Teams. Given the ambition to limit numbers of people attending the meeting in person to reduce the risk of infections, we would encourage members of the public who wish to address the Committee to do so virtually.

Should you have to attend in person, we always ask you to maintain social distancing and maintain your face covering unless you are exempt or when speaking at the meeting. Hand sanitiser will be available on entry to the meeting.

If members of the public wish to address the committee either virtually or in person, you must contact Democratic Services [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk) by 12 noon two working days before the meeting.

# 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

**PLANNING**

20 April 2022

10.00 am - 4.40 pm

**Present:**

**Planning Committee Members:** Councillors D. Baigent (Vice-Chair, in the Chair), Gawthorpe Wood, Page-Croft, Porrer and Thornburrow

Also present (physically) Councillors: Ashton, S. Davies and Gehring

**Officers:**

Area Development Manager: Toby Williams

Lead Principal Planning Compliance Officer: Will Holloway

Principal Planner: Ganesh Gnanamoorthy

Principal Planner: Jane Rodens

Senior Planner: Charlotte Spencer

Arboricultural Officer: Joanna Davies

Planner: Sumaya Nakamya

Planner: Charlotte Peet

Planner: Laurence Moore

Planning Officer (Strategic Sites): James Truett

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Claire Tunncliffe

**FOR THE INFORMATION OF THE COUNCIL****22/45/Plan Apologies**

Apologies were received from Councillors Dryden, Flaubert (Page-Croft attended as her Alternate) and Smart.

**22/46/Plan Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Page-Croft	#12	Personal: Application in Queen Edith's where she is a Ward

		Councillor. Discretion unfettered.
Councillor Gawthrope Wood	#13	Personal: Application in King's Hedges where she is a Ward Councillor. Discretion unfettered.

## 22/47/Plan Minutes

The minutes of the meetings held on 2 February and 2 March 2022 were approved as a correct record of each meeting and signed by the Chair.

## 22/48/Plan 21/02516/S73 - 66 Colville Road

The Committee received an S73 application to vary condition 2 (approved drawings) of ref:19/1034/FUL (Demolition of existing flats 66-80b Colville Road and erection of 69 affordable dwellings, including 6 houses and 63 apartments, including resident and public car parking, landscaping and associated works). The amended drawings for consideration were as follows: 9156-2100 - Rev C2, 9156-2101 - Rev C2, 9156-2102 - Rev C2.

### The Committee:

**Unanimously resolved** to grant the S73 application in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer.

## 22/49/Plan 22/00197/FUL - 11 Hinton Avenue

The Committee received an application for full planning permission.

The application sought approval for erection of a detached two-bedroomed dwelling and side, rear and loft extensions along with remodelling of internal layouts and raising of ridge to existing dwelling following granting of planning permissions (19/0015/FUL and 20/04608/HFUL).

The Committee received a representation in objection to the application from a resident of Hinton Avenue:

- i. Spoke on issues the Objector thought were at odds with the current Cambridge Local Plan:
  - a. The house at Number 11 and the new-build development approvals were re-sold to the current developer, who submitted a



revised application in January 2022, to include garden offices and bicycle sheds for each of the houses. Construction activity commenced in late 2021, based on the original planning approvals.

- i. The new planning application ignored condition number 7 of the original approval decision relating to no further changes being permitted, reducing the garden length beyond the patio area for the new-build house from 16 metres to 8.7 metres.
  - ii. This was but one element of a slow-creep incremental approach to seeking planning approval at odds with Policy 52 of the Local Plan
  - iii. Number 11's original garden had been reduced by 43% to accommodate the new-build house, with two dwellings now on the original site. This revised planning application reduced the garden area by a further 25%, meaning that the overall reduction of garden area was approximately 57%, at odds with Policy 52 (b).
- b. The Council imposed wide-ranging Tree Preservation Orders on the site to act as a deterrent to a proposed development of Lilac Court, with a Planning Inspector describing the area as verdant and an important wildlife habitat.
- i. The multiple development activities in the area damaged this environment, with multiple mature trees and bushes removed. The proposed garden offices would reduce further any chance of replacement planting with any equivalently sized trees, contradicting sub-clauses a), b) and c) of Local Plan Policy 71.
- c. The proposed garden office for number 11 was overbearing in size and inappropriate in location, in contravention of Local Plan Policy 58 (e).
- i. The Planning Officer recommended approval of this planning application on the basis that the garden offices did not require planning permission, as their heights were only slightly greater than the requirement.
  - ii. To counter this argument, the garden office proposed for number 11 would be in excess of one metre higher than the communal fence, and as proposed, have a similar square

footage to the entire ground floor extension of the main property.

- ii. Was surprised to see the marketing information on the billboard outside number 11 advertising that both houses would have garden studios, when these had yet to be approved by the Council. It was understood that one of the houses has already been sold, including that unapproved amendment to the planning approval.
- iii. Requested the Council rejected the revised planning application as it was counter to a number of important policies in the Local Plan. In addition, the individual planning applications for developments in the immediate area did not appear to be considered as a whole, and the result was a very significant reduction in the wildlife environment, amenity for existing residents and appropriate garden space for the eventual purchasers.

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. Outbuilding should not be used separately for residential use.
- ii. Bin and cycle store details to be agreed for both units.
- iii. The development should comply with Building Regulations Part B.

The amendments were **carried unanimously**.

Councillor Gawthrope Wood proposed amendments to the Officer's recommendation:

- i. Electric vehicle charging points should be installed for the new dwelling.
- ii. The new dwelling should be encouraged to use sustainable energy sources such as solar PV.

The amendments were **carried unanimously**.

Councillor Porrer proposed amendments to the Officer's recommendation:

- i. Removal of Part E permitted development rights.
- ii. The development should comply with M42 standards (ensuring that the building is accessible) – outbuilding should be habitable and accessible.

The amendments were **carried unanimously**

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, subject to:

- i. the planning conditions set out in the Officer's report;
- ii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:
  - a. that the outbuilding shall not be used separately for residential use
  - b. for the removal of Part E permitted development rights]
  - c. bin and cycle store details to be agreed for both units
  - d. electric vehicle charging points should be installed for the new dwelling.
- iii. Informatives to be included on the planning permission in respect of:
  - a. the new dwelling should be encouraged to use sustainable energy sources such as solar PV
  - b. the development should comply with Building Regulations Part B
  - c. the development should comply with M4 (2) standard – the outbuilding should be habitable and accessible.

## **22/50/Plan 21/01791/FUL - Land Rear Of 190 Green End Road**

The Committee received an application for full planning permission.

The application sought approval for construction of a 1 bed bungalow.

The Committee received a representation in objection to the application from a resident of Green End Road:

- i. Overdevelopment of site.
- ii. The development had no off-street parking. The shop being replaced had allocated parking.
- iii. Poor design and position of bungalow. This was close to the boundary of 192 Green End Road.
- iv. Requested parking condition in paragraph 8.34 of Officer's report be applied to the whole site.
- v. Concerned about overlooking and height of boundary wall. Asked for details of windows and boundary wall to be controlled through conditions.

Councillor Thornburrow proposed and Councillor Porrer seconded a proposal to defer the application to seek further information regarding:

- i. Boundary details.

- ii. Use of office.
- iii. Cycle parking near 192 Green End Road.
- iv. Details about front door of bungalow.

The Committee:

**Unanimously resolved** to defer the application.

**22/51/Plan 21/04698/S73 - The Tivoli 16 Chesterton Road**

The Committee received an application for S73 Variation of condition 2 (Approved plans) of planning permission 19/0046/FUL (Alterations and repairs to building including reinstatement of frontages and side walls, bricking up of some openings, replacement windows and fire escape. Creation of second floor element and enclosed roof terraces to first and second floor. Part change of use of the existing building to recreational uses).

The Committee received a representation in objection to the application from the Objectors' Agent (written statements read by Committee Manager):

- i. Her clients were the owners of No 1-8 Riverside Court and 24 & 24a Chesterton Road. Throughout the planning application stages objectors had expressed concern regarding the detrimental impact the development would have on their residential amenity if the planning conditions were not complied with.
- ii. Was pleased to see that condition 20 remained During a recent site visit by one of the clients they could see the windows in the eastern flank wall were not currently obscure glazed. Agent's interpretation of the current wording of condition 20 (and the new one proposed for the s73 permission) was that the glazing itself would need to be obscured and that plain glass with an obscured plastic coating would not be sufficient. Asked the Committee to confirm they were expecting obscured glass and not just plastic coating, any plain glass would need to be removed and replaced prior to "first occupation". It was essential that this was brought to the applicant's attention and rectified prior to occupation.
- iii. Looking at condition 9 of the proposed permission this required the submission of a noise insulation/mitigation scheme prior to commencement on site – on perusing the planning history for the site the Objector's Agent couldn't see that an application to discharge this condition had been submitted. It was essential that the Council acted

swiftly to ensure that all noise mitigation planning conditions are enforced, and any provisions in approved schemes are put into place before this use commences.

Councillor Baigent proposed an amendment to the Officer's recommendation to include an informative the fire escape was safe to use.

This amendment was **carried unanimously**.

#### The Committee:

**Unanimously resolved** to grant the application for S73 permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer including the informative relating to the fire escape.

#### **22/52/Plan 21/05405/FUL - 19 Grantchester Road**

The Committee received an application for full planning permission.

The application sought approval for demolition of existing dwelling and erection of a pair of semi-detached dwellings, new access onto highway and associated works

Councillor Gehring (Ward Councillor) addressed the Committee about the application:

- i. **Objected** to the application.
  - a. It was not in-keeping with the streetscape.
  - b. Expressed concern about the impact on existing residents' amenity space, traffic flow, parking and the local junction.
- ii. **Referred to objectors' comments:**
  - a. Design out of character with the area.
  - b. The impact on a listed building across the street from the application.

Councillor Porrer proposed an amendment to the Officer's recommendation to include an informative advocating that pipes should be installed which would be capable with a view to future proof them for an alternative use.

This amendment was **carried unanimously**.

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report and subject to the conditions recommended by the Officer including the informative relating to pipes.

**22/53/Plan 21/05431/FUL - 17 Greenlands**

The Committee received an application for full planning permission.

The application sought approval for first floor side and single storey rear extensions to create two self-contained flats.

The Planning Officer updated her report by referring to:

- i. The amendment sheet.
- ii. Additional neighbour comments.
- iii. The Officer's report contained an error in paragraphs 8.10 and 8.12 which should refer to No.19 Greenlands rather than No.18 Greenlands.

Councillor Porrer proposed an amendment to the Officer's recommendation that Condition 3 should specifically refer to a cycle shed (for parking facilities).

This amendment was **carried unanimously**.

The Area Development Manager proposed an amendment to the Officer's recommendation that a 1.5m obscure glazed privacy screen should be in place prior to occupation of upper floor units.

This amendment was **carried unanimously**.

Councillor Gawthrope Wood proposed an amendment to the Officer's recommendation to include an informative encouraging renewable energy technologies on the monopitch roof as part of the conversion.

This amendment was **carried unanimously**.

The Committee:

**Resolved (by 4 votes to 1)** to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, subject to:

- i. the planning conditions set out in the Officer's report and amendment sheet;
- ii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:
  - a. condition 3 to specifically refer to a cycle shed;
  - b. a 1.5m obscure glazed privacy screen to be in place prior to occupation of upper floor units; and;
- iii. an informative included on the planning permission encouraging renewable energy technologies.

## **22/54/Plan 22/00263/HFUL - 18 Neath Farm Court**

The Committee received an application for full planning permission.

The application sought retrospective approval for single storey rear extension.

The Committee received a representation in objection to the application from a resident of Neath Farm Court:

- i. The application had impacted on the family's amenity.
- ii. The design was bulky, overbearing and out of character with the area.
- iii. Took issue with the dimensions submitted:
  - a. Wrong building size.
  - b. The application was closer to Objector's property than suggested in the Officer's report.
- iv. Expressed concern about:
  - a. Loss of light.
  - b. Poor quality materials were used in construction.
- v. Queried why the application was allowed when permitted development rights had been removed from the estate.

The Applicants addressed the Committee in support of the application. [The Committee Manager read a statement on their behalf].

Councillor Ashton (Ward Councillor) addressed the Committee about the application:

- i. Referred to points made in the Independent Person's report.
- ii. A 40-unit residential scheme had been proposed in 2006. This was updated in 2009 when permitted development rights were removed to ensure sufficient sunlight levels were available on-site.

- iii. A number of issues with this application could have been overcome if the Applicants had submitted a planning application instead of undertaking work first then retrospectively applying for permission.
- iv. Construction continued although the Applicants had no permission to undertake work. They would not be able to undertake this level of work under permitted development (if it were in place) as it was over development of site.
- v. Other residents were not permitted to construct extensions without permission. The Applicants did not seek this before undertaking work.
- vi. The Applicants had built up to the boundary wall without seeking contact/permission from their neighbour.
- vii. Expressed concern about scale, massing, proximity to neighbour's boundary, building materials used, overshadowing and loss of light. This was contrary to Local Plan Policies 56 and 58.
- viii. Re-iterated the Applicants did not engage with neighbours or stop construction work after being contacted by Enforcement Officers.

#### The Committee:

**Unanimously resolved** to reject the Officer recommendation to approve the application.

**Unanimously resolved** to refuse the application contrary to the Officer recommendation for the following reasons:

- i. The proposal, by virtue of its depth, height, roof profile and proximity adjacent to no. 19 Neath Farm Court would visually dominate the rear garden of no. 19 and as such was contrary to Cambridge Local Plan 58 (criteria d and e).
- ii. The proposal by virtue of its flat roof design, has failed to demonstrate that it would incorporate a green or a brown roof. As such, the proposal was contrary to Cambridge Local Plan policy 31 (criteria f).

#### **22/55/Plan 20/01972/COND35 - Netherhall Farm**

The Committee received an application for full planning permission.

The application sought approval for submission of details required by condition 35 (Pedestrian and Cyclist NW Connectivity) of outline planning permission 20/01972/OUT.

The Planning Officer (Strategic Sites) updated his report by referring to:



- i. Revised report wording on the amendment sheet - Alteration to para 8.2
  - The officer recommendation for outline planning permission (20/01972/OUT) originally proposed the inclusion of condition 35. This was later excluded in a pre-committee amendment to the recommendation, as evidence was submitted on efforts that had been made to improve pedestrian and cyclist connectivity. Following discussion, the Committee resolved to re-instate this condition. The intention of this was to ensure that sufficient efforts were taken by the applicants to secure a northern access. The outline planning permission was considered acceptable in planning terms without the northern pedestrian/cycle link, and no such link was indicated in the approved parameter plans. This site allocation policy in the Local Plan does not require provision of a northern access.
- ii. A revised recommendation in his presentation – the requirements of condition 35 have been met and the feasibility of northern pedestrian/cycle link has been explored. It is recommended condition 35 is discharged in full, allowing the development to proceed without provision of a northern pedestrian and cycle access. Therefore, the developer will not be required to provide, as part of the development, the northern pedestrian and cycle links explored in the submitted feasibility statement.

Ms Pryor (Applicant's Agent) addressed the Committee in support of the application.

Councillor Davies (Ward Councillor) addressed the Committee about the application:

- i. As Ward Councillor for Queen Edith's, wished to make it clear that this was not a trivial piece of box-ticking. On the contrary, in seeking to discharge Condition 35, was acknowledging the failure of the planning system to deliver sustainable development at the site known as Netherhall Farm or GB1.
- ii. It was critical for the sustainability of GB1 that a northern active-travel route between the site and the rest of Queen Edith's should be delivered. Without it, GB1 would be cut off from primary and secondary schools, and local amenities such as the pharmacy and GP surgeries. It would be less safe and considerably less convenient for residents living on GB1 to walk or cycle to access those amenities; and they will be more inclined to drive to reach them. This would put further pressure on an already over-loaded local road network, increase the development's carbon footprint, and harm local air quality.

- iii. It also brought into question the compliance of GB1 with Policy 80 of the 2018 Local Plan.
- iv. There were three aspects requiring attention.
  - 1. Actions of the site promoter, CEG. The feasibility statement submitted by Lichfields in support of the discharge of Condition 35 says that CEG only became aware during the pre-application consultation phase that “there was some local support for the inclusion of a link on the northern edge of the site”. That was not true.
  - 2. Consideration of the application for outline planning approval. Spoke at the February 2021 Planning Committee when the application was considered alongside then Ward Councillor Colin McGerty and Matt Danish from CamCycle. All made representations that the northern active-travel access was required in order for development at GB1 to be considered compliant with Policy 80 of the 2018 Local Plan which is entitled 'Supporting sustainable access to development'.
    - a. The responsibility of the developer for achieving compliance was spelt out in paragraph 9.14 (page 233): "Developers will be required to fund high-quality paths, both along the identified routes, and any others that may be suitable for accessing the particular development."
    - b. That's what the Policy required. However, the wording of Condition 35 only required the applicant to provide “details of the work undertaken to seek a link” and “to determine the feasibility of implementing such a link”, not the actual delivery of the link.
    - c. Councillors' clear intent in requesting Condition 35 was that all best efforts should be made to achieve sustainable development, compliant with Local Plan Policy 80. Asked the Councillors here today who also attended that meeting whether they understood then what is stated in the report from Officer Truett today, namely that “it is not considered reasonable to require an applicant to implement a path on land outside the applicant's ownership”? Did Members understand how trivial it would be for the developer to frustrate the intent of Condition 35 as it was worded?
  - 3. Role and responsibilities of the landowner. The application for discharge of Condition 35 was in the name of GSTC Property Investment Limited. The [Guys and St Thomas' Charity](#) claims that it manages its land and property to “help us achieve the greatest possible impact on health” and was a key contributor to the

development of the THRIVES framework, a tool for integrating health and wellbeing into new developments created in 2020 in collaboration with built environment and health practitioners at the UCL Institute of Environmental Design and Engineering. The THRIVES framework seeks to raise awareness that “health impacts often occur far away from new development or many years after construction, requiring design teams to think of impact beyond the property boundaries”. Asked councillors to consider whether, despite the worthy rhetoric, the discharge of Condition 35 requested by GSTC will cause negative health impacts in the community for decades to come because the planning process had failed “to think beyond the property boundaries”.

- v. Suggested there were four scenarios regarding the sustainable development of GB1 and its compliance with Local Plan Policy 80:
  - 1. the northern access route was still deliverable, if CEG makes ‘best’ efforts. If this is the case, Condition 35 should not be discharged today;
  - 2. the northern access could have been delivered if Condition 35 had been more tightly worded;
  - 3. the northern access could have been delivered if the Local Plan policy re GB1 had been more tightly worded, for example ‘required’ not ‘investigated’;
  - 4. the northern access could never have been delivered because there is no planning means by which this requirement could be enforced on the developer.
- vi. Today’s application required the Committee to decide on the first of these points and in all likelihood Condition 35 would be discharged this afternoon, for the reasons laid out in Officer Truett’s report.
- vii. If this was the outcome, then it is also imperative that officers and members identify which of scenarios 2, 3 and 4 had caused them to arrive at this situation, and undertake to learn from that. Needed to acknowledge that, in this instance, the planning system has not worked to serve the interests of current residents of Queen Edith’s, or the future residents of GB1. GB1, without the northern access, was not compliant with Policy 80 of the Local Plan and did not believe it can honestly be described as sustainable.

Councillor Gawthorpe Wood proposed and Councillor Thornburrow seconded a proposal to defer the application to (a) allow residents along the northern boundary of the site to be contacted about freeing up land for access; and (b) contacting the County Council to ask if surrounding land can be opened up

allowing for site access thus enabling the possibility of a public path creation order being available for pursuit.

This proposal was **carried unanimously**.

The Committee:

The application was deferred.

**22/56/Plan 22/00621/FUL - 49 College Fields**

The Committee received an application for change of use from a small HMO (Use Class C4) to a 9 bed Large House in Multiple Occupation (use class sui generis) (re-submission of 21/04425/FUL).

The Committee received a representation in objection to the application from a resident of College Fields:

- i. Expressed concern about the overdevelopment of College Fields with high density housing, and the related noise issues.
- ii. College Fields was designed as an area made up of spacious apartments and family homes with the associated facilities, it was never meant to accommodate high density housing in the form of HMOs. There had been for some time now a creeping overdevelopment of the area with at least three HMOs (numbers 1, 8 and 49) and (suspected) more that were unregistered.
- iii. The change of use for this property had already had a huge detrimental effect on its neighbours, with serious and persistent noise issues leading to formal complaints. Noted in the Committee Report there was mention of “appropriate management arrangements” to address this, with the Cambridge Local Plan being quoted, however in section 8.24 there was no mention of how the property’s management would actually take responsibility for noise issues, instead the usual Environmental Health route is cited.
- iv. There was an assumption that noise was coming from overuse of garden. This was only part of the problem. In fact, the noise was almost as bad, and sometimes worse, when the residents were in the living room with the patio doors open, as they were speaking over music and TV noise.

- v. The developer attempted to portray their application as a philanthropic quest to provide housing, however that was simply a money making venture, from which the landlord stands to rake in another £20,000+ per year. Understand the need for more housing in the city, but these developments represent a step backwards and should be getting phased out, not green lit.
- vi. Allowing yet another large HMO in College Fields took it over the tipping point for what was acceptable in terms of multiple occupancy housing in this area, and firmly into the definition of overdevelopment.

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

Councillor Porrer proposed an amendment to the Officer's recommendation to strengthen the management plan regarding noise mitigation.

This amendment was **carried unanimously**.

The Planning Officer proposed an amendment to his recommendation in as much that cycle storage should be moved to the front of the house.

This amendment was **carried unanimously**.

The Committee:

**Resolved (by 4 votes to 1)** to grant the application for change of use in accordance with the Officer recommendation, for the reasons set out in the Officer's report, subject to:

- i. the planning conditions set out in the Officer's report;
- ii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following:
  - a. (additional condition) design and location of cycle store at front of house
  - b. (amend) condition 6 to include noise in the management plan;

## **22/57/Plan 21/1539/TTPO - Homerton College**

The Committee received an application to remove a Lime tree opposite 8 Harrison Drive because of its declining condition.

Officers recommended that Planning Committee grant consent for the tree's removal subject to replacement planting conditions.

The Arboricultural Officer displayed pictures submitted by the Objector as part of her introduction to this item.

The Committee received a representation in objection to the application from a resident of Harrison Drive (written statements read by Committee Manager):

- i. Suggested that little notice had been given to residents regarding the application being considered by the Planning Committee. Requested item be deferred to the next committee.
- ii. If the 20 April Committee considered the application, it must be done so on the basis of the latest evidence regarding the state of the tree in question. As it can be seen from the pictures (displayed in Officer's introduction) the tree was overall healthy and had fresh leaves coming out throughout. As the building works around the tree that were cited as the cause for the tree's decline had also now finished, it seemed reasonable that more time was given to let the tree regenerate and then fully assess the long-term sustainability in due course. Asked that the consideration of this planning application be delayed for an appropriate amount of time on these grounds.
- iii. As the building works had finished, it was more apparent that the tree in question was given a sufficient amount of space around it and there was some distance between the tree and the new building next to it. The tree in question seemed to have been afforded the same amount of space and distance from the building as the other mature tree in front of the new building. The College has confirmed that it would maintain the tree. Could the College be asked to explain how the setting around these two trees is any different and why is it that one of the trees can be preserved and allowed to grow, despite the new building, while the other is deemed not to have the right setting to flourish? It should be incumbent on the College to protect and save the tree in question.

The Committee:

**Unanimously resolved** to accept the Officer's recommendation and grant consent for the tree's removal subject to the conditions included in the Officer's report.

**22/58/Plan Enforcement Report April 2022**

The Committee received an information report from the Lead Principal Planning Compliance Officer.

On 28 February 2022 there were 161 open cases, including 61 Short Term Visitor Accommodation investigations. In January 2022, 20 new cases were opened and 20 investigations were closed. In February 2022, 16 new cases were opened and 44 investigations were closed

The Committee:

**Noted** the Officer's report.

The meeting ended at 4.40 pm

**CHAIR**

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<b>Planning Committee Date</b>	14.06.2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/00801/FUL
<b>Site</b>	Parkers Piece, Parkside, Cambridge
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Permission to locate the Observation Wheel for a further four years, being erected between 22 March and 10 September with public operation between 1 April - 31 August each year, after grant of current permission ref: 21/01392/FUL for 2021 season.
<b>Applicant</b>	Mr S Thurston
<b>Presenting Officer</b>	Charlotte Spencer
<b>Reason Reported to Committee</b>	Called-in by Cllr Porrer and Cllr Bick Third party representations Land within ownership of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Noise and disturbance and amenity impacts 2. Impact on use and enjoyment of Parker's Piece 3. Heritage impacts
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks temporary planning permission to locate the Observation Wheel for a further four years, being erected between 22 March and 10 September with public operation between 1 April - 31 August each year, after grant of current permission ref: 21/01392/FUL for 2021 season.
- 1.2 Officers recommend that the Planning Committee grant temporary planning permission for the period sought.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building	Adj	Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	X
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	
Public Right of Way	X		

- 2.1 Parkers Piece is a Protected Open Space located within the City Centre. It is a rectangular shaped green space that is bordered by Gonville Place to the south east, Regent Terrace to the south west, Park Terrace to the north west and Park Side to the north west. The buildings that surround the space comprise a mixture of uses including residential dwellings, restaurants and hotels as well as Parkside Pool and the Fire and Police Stations.
- 2.2 Parkers Piece lies within the Central Conservation Area and the footpaths that intersect the space are Public Rights of Way. Within the centre of Parkers Piece lies 'Reality Checkpoint' which is Grade II Listed.

## 3.0 The Proposal

- 3.1 The application is seeking planning permission for permission to locate the Observation Wheel for a further four years, being erected between 22 March and 10 September with public operation between 1 April - 31 August each year, after grant of current permission ref: 21/01392/FUL for 2021 season.
- 3.2 The Observation Wheel would be located within the eastern quadrant of Parkers Piece close to the centre, where the diagonal paths cross. It would be 36 metres tall and supported by eight stanchions with a white

painted finish and it holds 24 fibre glass gondolas. At the base of the wheel the 'station' is integrated into the structure. The integrated deck allows passengers to enter up to 4 gondolas at a time, two with level access and two with steps. To the front of the wheel lies the ticket booth and the Astroturf deck. There would also be a coffee van and some seats on the decked area. The whole area takes up a space of 22 metres by 30 metres.

- 3.3 It is proposed that the Observation Wheel be open for public use between 1 April and 31 August for the years 2022-2025. A ten day erection and dismantle period is required either side of these dates and as such permission is requested from 22<sup>nd</sup> March to 10<sup>th</sup> September.
- 3.4 The description has been amended along with the details within the Design and Access Statement to clarify the proposed dates. Further consultations have been carried out as appropriate.

#### 4.0 Relevant Site History

Reference	Description	Outcome
07/0573/FUL	Installation and operation of 'Hiflyer' tethered balloon (to rise to 155.75 metres) with viewing platform, winch retrieval, ancillary cabling and access works (temporary period of 5 years)	Refused 17.08.2007
07/1067/FUL	Temporary ice rink from November 2007 to January 2008 and from November 2008 to January 2009 to include viewing platform, and marquee structures for changing facilities and a café	Approved 21.11.2007
07/1065/ADV	Advertising boards	Approved 07.11.2007
09/0480/FUL	Erection of a temporary ice rink including 2 marquees, a box office hut, Christmas market, advertising, decorations and associated fairground rides	Approved 04.09.2009
10/0590/FUL	Temporary ice rink including 2 marquees, box office hut, advertising, decorations and associated fairground rides	Approved 27.08.2010
12/1308/NMA	Non material amendment on application 10/0590/FUL for moving marquee from the back of the ice rink to the right hand side	Approved 29.10.2012
12/1351/ADV	Installation of a plastic banner	Approved 07.12.2012

14/0906/FUL	Installation of a temporary real-ice ice rink with associated skate hire marquee, viewing platform and back-of-house/plant area; a family entertainment area with children' rides and food concessions; and a Christmas market with stalls and concessions, to one quadrangle of Parkers Piece	Approved 19.10.2015
20/03552/FUL	To renew the installation of a temporary real-ice rink with viewing platform and back of house/plant area; a family entertainment area with children's ride, food concessions and other associated entertainment (including Big Wheel) to one quadrangle of Parkers_Piece. Nov 2021 - Jan 2025	Approved 04.11.2021 <i>* Only permitted for one year</i>
21/01392/FUL	Retention of Observation Wheel until 31 <sup>st</sup> October	Approved 18.10.2021

4.1 The Observation Wheel was previously approved by the Planning Committee under reference 21/01392/FUL. The Observation Wheel also formed part of the ice-rink permission (20/03552/FUL) which was also determined by Planning Committee, although members agreed to only allow permission for the 2021/22 season rather than the 4 years that was applied for.

4.2 The size, scale, location and details of the Observation Wheel which forms part of this current application is identical to that which was approved in 2021. However, they are now seeking for permission for it to be erected for the summer season over multiple years.

## 5.0 Policy

### 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Circular 11/95 (Conditions, Annex A)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Environment Act 2021

Equalities Act 2010

## **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 10: The City Centre

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 60: Tall buildings and the skyline in Cambridge

Policy 61: Conservation and enhancement of historic environment

Policy 65: Visual pollution

Policy 67: Protection of open space

Policy 68: Open space and recreation provision through new development

Policy 79: Visitor attractions

Policy 81: Mitigating the transport impact of development

## **5.3 Neighbourhood Plan**

N/A

## **5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Cambridgeshire Flood and Water SPD – Adopted November 2016

Open Space SPD – Adopted January 2009

## **5.5 Other Guidance**

Central conservation area

## **6.0 Consultations**

### **6.1 County Highways Development Management – No Objection**

6.2 No significant adverse effect upon the Public Highway.

### **6.3 Conservation Officer - Objection**

6.4 Parkers Piece is one of the most important historic green spaces in the Conservation Area and one of its key characteristics is its relatively unbroken openness. The Grade II Listed 'Reality Checkpoint' is located in the middle of the space and the openness allows for it to be the most visible feature and an important marker of the centre of the Piece.

- 6.5 The Observation Wheel is particularly tall and is extremely visually prominent within the space and detracts from the Listed Building and the wider Conservation Area.
- 6.6 There is no objection to having this type of recreational device on the Piece, however, it would be more acceptable, subject to visual impact studies, for the wheel to be located nearer to the periphery of the Piece.
- 6.7 Access Officer - Comment**
- 6.8 One gondola must take wheelchairs.
- 6.9 Environmental Health – No Objection**
- 6.10 No objections subject to conditions 3, 4 and 5 of permission 21/01392/FUL being fully implemented.
- 6.11 Sport England – No Objection**
- 6.12 This part of the public open space is not marked out for pitch sport use. The proposed development meets exception 3 of playing fields policy.
- 7.0 Third Party Representations**
- 7.1 Representations in objection have been received from approximately 80 properties.
- 7.2 The following issues have been raised:
- Principle of development (loss of open space)
  - Character, appearance and scale
  - Heritage impacts
  - Residential amenity impact (impacts on privacy, noise and disturbance, light pollution)
  - Public amenity impact (loss of open space, safety risk, damage to grass)
  - Impact on wildlife
  - Commercial enterprise
  - Lack of benefits (not used)
  - Impact on property values
- 8.0 Member Representations**
- 8.1 Cllrs Bick and Porrer have made a joint representation objecting to the application on the following grounds:
- Heritage Impacts
  - No longer a temporary use of open space
  - Damage to grass

8.2 Cllrs Bick and Porrer submitted photos via email on 25.05.2022 showing the grass following the dismantling of the wheel in January 2022.

8.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **9.0 Assessment**

### **9.1 Principle of Development**

9.2 Policy 10 of the Cambridge Local Plan (2018) states that Cambridge City Centre will be the primary focus for developments attracting a large number of people and for meeting, retail, leisure, cultural and other needs appropriate to its role as a multi-functional regional centre. Any new development within the City Centre should: a. add to the vitality and viability of the city centre; b. achieve a suitable mix of uses; c. preserve or enhance heritage assets and their setting, open spaces and the River Cam; d. be of the highest quality design and deliver a high quality public realm; and e. promote sustainable modes of transport.

9.3 Policy 67 of the Cambridge Local Plan (2018) states development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space can be satisfactorily replaced in terms of quality, quantity and access with an equal or better standard than which is proposed to be lost.

9.4 Policy 79 of the Cambridge Local Plan (2018) states proposals for new visitor attractions within the city centre will be supported where they: a. complement the existing cultural heritage of the city; b. are limited in scale; and c. assist the diversification of attractions on offer, especially to better support the needs of families. The locations of any new attractions should have good public transport accessibility.

9.5 The Observation Wheel is a temporary structure seeking permission to be in place between 1<sup>st</sup> April and 31<sup>st</sup> August in the years 2022-2025. In addition, there would be 10 days either side of the period to erect and dismantle the structure. The wheel would be located within an area with a mixture of uses and has good cycle and walking routes to other attractions within the city. As such, it is considered that the wheel maintains, strengthens and diversifies the range of visitor attractions within the city centre. The visual impact on the heritage assets will be discussed in more detail.

9.6 Due to the limited footprint of the wheel and its associated structures in relation to the overall size of Parkers Piece, it is considered that the area would remain a predominantly 'green space' for recreational use. The wheel would be sited within the eastern quadrant which is used for informal recreation and it would not result in the loss of any of the formal

playing pitches elsewhere on the Piece. Therefore, it is considered that the wheel replaces the existing informal recreational aspect with another and as such, there is no net loss of recreational facilities. In addition, it is noted that Sport England has not raised any objections to the proposal.

- 9.7 Parkers Piece has historically been used for recreational purposes including temporary uses and associated structures such as fun fairs, markets and fetes. As such, it is considered that the use of the land for an observation wheel would be in keeping with the historic use of the space.
- 9.8 Subsequently, it is considered that the proposed temporary structure and use would comply with Policies 10, 67 and 79 of the Cambridge Local Plan (2018) and so is acceptable in principle, subject to all other material considerations.

**9.9 Design, Layout, Scale and Landscaping and Impact on Heritage Assets**

- 9.10 Policies 55, 56, and 57 of the Cambridge Local Plan (2018) seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials. Policy 67 adds that development proposals will not be permitted if they would harm the character of open space. Policy 65 states proposals for items that could constitute visual pollution within the public realm will only be permitted where it can be demonstrated that they do not have an adverse impact on the character and setting of the area and its visual amenity; they are in keeping with their setting, in terms of size, design, illumination, materials and colour; and consideration has been given to the cumulative impact of the proposals with an emphasis on avoiding an accumulation of street clutter. Policy 60 refers to tall buildings and states that any proposal for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form will be considered against the following criteria: location, setting and context; impact on the historic environment; and scale, massing and architectural quality.
- 9.11 Parkers Piece lies within the Central Conservation Area. Within the centre of the Piece lies 'Reality Checkpoint' which is a Grade II Listed Building. In addition, there are Grade II Listed Buildings facing Parkers Piece along Parkside and Park Terrace. Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraphs 194 – 208 of the NPPF provide advice on proposals affecting heritage assets and how to consider different levels of harm. Policy 61 of the Cambridge Local Plan (2018) aligns with the statutory provisions and NPPF advice.



- 9.12 One of the key characteristics of Parkers Piece is its unbroken openness and lack of structures, with exception to the lighting columns and footpaths, and the café and toilets along the periphery. This characteristic allows the Listed 'Reality Checkpoint' to be the most visible feature.
- 9.13 Although the wheel and associated structures would have a limited footprint, it would have a maximum height of 36 metres. Therefore, it would be taller than all surrounding buildings and would be visually prominent from within and outside of the space. Due to its siting near to the 'Reality Checkpoint' and its visual prominence, it is considered that the wheel would detract from the Listed Building as it would no longer be the most visible feature. In addition, it is considered that the wheel along with its ancillary buildings and structures at the base adds visual clutter to a very open area which would not retain or enhance the character of the area.
- 9.14 However, the wheel would be a temporary structure that would be in place for 5 months of the year for four years. Therefore, it is considered that the impact on the historic assets would also be temporary and so the harm is considered to be limited. Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. Due to the temporary nature of the wheel, it is considered that the development leads to less than substantial harm and it is considered that the benefits of the wheel in terms of a tourist attraction would outweigh the harm that would occur. It is also noted that permission has previously been granted for the Observation Wheel in this location, and Parkers Piece has previously had permission for a temporary Ice Rink, Christmas Market and funfair.
- 9.15 It is noted that damage was done to the grass following the last time the wheel was erected. The previous permission only required the grass to be 'made good' following the removal of the wheel. As there is visual damage to the grass it is considered reasonable to strengthen this condition to request a method statement detailing how the ground will be de-compacted, turfed and temporarily fenced to ensure the new grass has time to properly establish. It is considered that the use of this condition would allow the Council to better control the re-establishment of the grass.
- 9.16 Subsequently, it is considered that on balance, subject to conditions ensuring the wheel is temporary and a sufficient method of returning the grass to an acceptable standard, the proposal would have an acceptable level of impact on the character and appearance of the surrounding area, Conservation Area and the setting of the Listed Buildings. Therefore, the application complies with Policies 55, 56, 58, 60, 61 and 65 of the Cambridge Local Plan (2018) and the provisions of the Planning (LBCA) Act 1990 and the NPPF.

**9.17 Residential Amenity**

- 9.18 Policies 34, 35, 52, 53 and 58 of the Cambridge Local Plan (2018) seek to preserve the amenity of neighbouring occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 9.19 Parkers Piece has a number of residential properties in close proximity to its outer boundaries. Due to the siting of the wheel and the separation distance to the residential neighbours, it is considered that it would not have an impact on residential amenities in terms of loss of light, loss of outlook or sense of dominance. Whilst the wheel allows views from high level, the wheel is located over 150 metres from the residential properties and so it is not considered to result in an unacceptable loss of privacy.
- 9.20 Lighting
- 9.21 Policy 34 of the Cambridge Local Plan (2018) states that development proposals that include new external lighting or changes to existing external lighting will be permitted where it can be demonstrated that it minimises the impact to local residential amenity.
- 9.22 The wheel would be lit by white lights on the spokes of the wheel itself. There are lights within the gondolas and there will be 4 floodlights on the base of the main struts facing the wheel. Whilst it is acknowledged that the lights could cause annoyance to neighbouring properties due to the intensity and the height of the wheel, it is considered that the proposed 8pm curfew would mitigate this impact. In addition, the wheel would be installed in the summer months where the evenings would be lighter with the earliest sunset being about 7.30pm on the 1<sup>st</sup> April. The opening hours of the wheel can be controlled by way of a condition to ensure that the wheel and associated lighting stops at 8pm. This would also overcome any concerns regarding nocturnal wildlife. Subsequently, it is considered that the proposal is compliant with Policy 34 of the Cambridge Local Plan (2018).
- 9.23 Noise
- 9.24 Policy 35 of the Cambridge Local Plan (2018) states development will be permitted where it is demonstrated that it will not lead to significant adverse effects and impacts on health and quality of life/amenity from noise and vibration and adverse noise effects/impacts can be minimised by appropriate reduction and/or mitigation measures.
- 9.25 In 2021 the wheel was powered by generators due to an insufficient electricity supply to the Piece. The Development Manager of the Council's Street and Open Space department has confirmed that the electricity is currently at the edge of the Piece and that once planning permission is granted it could be extended to the wheel's location. It was suggested that 3 weeks be given between the opening of the wheel in year one to allow the electricity supply to be extended. This timeframe is considered

reasonable as it would be unreasonable to expect the applicant to incur the cost if permission is granted. Following the given 3 week period, the condition shall state that the wheel shall only be powered by the main electricity supply and that generators shall only be used in the case of emergency.

- 9.26 Environmental Health have requested that the use of amplified music equipment/voice is not permitted. This is considered reasonable to keep the noise levels at a reasonable level.
- 9.27 It is considered that subject to the imposition of the conditions, that the proposal would comply with Policy 35 of the Cambridge Local Plan (2018).

## **9.28 Cycle and Car Parking Provision**

- 9.29 The Highways Authority have not raised any objection. The site is located in close proximity to the public car park at Queen Anne's Terrace for any visitors that do need to travel by car to the site. Otherwise, the central bus station is two minutes' walk away which includes stops for all park and ride buses and there is cycle parking on Parker's Piece in the west and south corners. As such, it is considered that the uplift in traffic would be minimal and temporary. Therefore, the proposal is compliant with Policies 80, 81 and 82 of the Cambridge Local Plan (2018).

## **9.30 Access**

- 9.31 The information submitted demonstrates that the gondolas can be accessed via a level surface.

## **9.32 Third Party Representations**

- 9.33 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

<b>Third Party Comment</b>	<b>Officer Response</b>
Conjunction with ice rink	The ice rink/ Christmas market does not benefit from planning permission for any future years, as the previous permission was limited to the 2021/2022 winter season only. No planning application has been received by the Council for the ice rink and as such little weight can be given to this.
Commercial Enterprise for the Council	This is not a material planning consideration. The application has been taken to committee as the Council is a landowner.
Lack of transparency in terms of revenue	Not a planning consideration
Exclusive	The price to go on the wheel is not a planning consideration.

Royal Charter	This is a legal issue and not a material planning consideration.
Property Values	Impact on property values is not a material planning consideration

### **9.34 Planning Balance**

- 9.35 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 9.36 The Observation Wheel would result in less than substantial harm to the setting of the Listed 'Reality Checkpoint' and the character and appearance of Parkers Piece and the Central Conservation Area.
- 9.37 As the wheel would be temporary, the heritage harm would also be temporary. The proposed wheel would act as a tourist attraction that would bring economic benefits to the neighbouring businesses and the city centre as a whole. In this case, the benefits of the temporary permission are considered to outweigh the less than substantial harm that would arise to the heritage assets.
- 9.38 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

### **9.39 Recommendation**

- 9.40 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

### **10.0 Planning Conditions**

1. The development hereby permitted is for a temporary period only, and shall only be erected and installed on site between 22 March and 10 September and operated on site between 01 April and 31 August in the years 2022, 2023, 2024, 2025 and at no other time. Before the end of each period, the development and all ancillary equipment, materials and services shall have been removed from the site.

Reason: To avoid harm to the special interest of the recreational area, and to limit visual harm to the character and appearance of the surrounding

area, Conservation Area and nearby Listed Buildings (Cambridge Local Plan 2018, policy 55, 56, 58, 61 and 67).

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

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

3. The permitted use and associated lighting hereby approved shall not operate/open outside the hours of 11:00 and 20:00 hours.

Reason: To protect the residential amenity of neighbouring properties (Cambridge Local Plan 2018 Policies 34 and 35).

4. The observation wheel, hereby approved, shall be powered from the main electricity supply within three weeks of the start of installation for year one. A generator, which shall be solar powered in the first instance, with diesel only being use in the event of failure of the solar generator, shall only be used in the event of mains power failure emergency to safely disembark patrons, and shall not be used as an alternative supply in the event of disconnection from the mains supply following for example non-payment.

Reason: To protect the residential amenity of neighbouring properties (Cambridge Local Plan 2018 Policy 35).

5. The use of amplified music/voice equipment is not permitted.

Reason: To protect the residential amenity of neighbouring properties (Cambridge Local Plan 2018 Policy 35).

6. No later than 1 August 2022, or the first year of operation, whichever is sooner, a scheme detailing the method of protection and reinstatement of the grassed area underneath and around the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable of works, the precise location of all protection measures and their specific type, measures to reinstate and repair the turf once the development is removed, the grass mix, and a method statement detailing how the ground will be decompacted, turfed, and temporarily fenced to protect the new turf. The development shall be carried out in accordance with the approved details and timescales, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To mitigate against excessive permanent damage to the grassed areas of Parkers Piece and to ensure that all repairs are to an acceptable standard. (Cambridge Local Plan policies 55, 56, 60 and 61).

#### Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs



<b>Planning Committee Date</b>	June 14 2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	19/1324/FUL
<b>Site</b>	102 - 108 Shelford Road, Cambridge, CB2 9NF
<b>Ward / Parish</b>	Trumpington
<b>Proposal</b>	Refurbishment and extension of existing semi-detached dwelling known as 102-104 Shelford Road to create 6no. flats. Demolition of semi-detached dwelling (known as 106-108 Shelford Road) and erection of three storey apartment block (containing six flats) all with associated parking and landscaped amenity areas.
<b>Applicant</b>	C/O Bidwells
<b>Presenting Officer</b>	Mary Collins
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1.Design and appearance 2.Impact on neighbours
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The proposal would result in the loss of four family sized dwellings. However, the proposal would create twelve flats which would result in an increase in the housing stock. Eleven of these units would be accessible and all meet internal space standards. All have direct access to outdoor private amenity space. The proposal would provide a good level of amenity for future occupiers and would not have a detrimental impact on the visual amenities of the surrounding area nor a detrimental impact on the amenity of adjacent residential properties. Whilst objections have been raised by third parties, none of these amount to reasons for refusal. Given the context of the site, the redevelopment proposal is appropriate.
- 1.2 Officers recommend that the planning application is approved.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The application site is located on the north-western corner of the junction of Shelford Road and Addenbrooke's Road and currently comprises two pairs of semi-detached dwellings, 102-104 and 106 - 108 Shelford Road. These are two storeys with hipped roofs. Immediately adjacent to 102 Shelford Road is the detached property at 100 Shelford Road. Adjoining the site to the southwest is Trumpington Place, a residential development accessed off Addenbrooke's Road. Opposite the site are residential dwellings of a similar scale and appearance.
- 2.2 Shelford Road has been developed from the early 20<sup>th</sup> Century and is predominantly residential use with a mix of housing types, including detached and semi-detached houses of 2-2.5 storeys. Addenbrooke's Road has been developed more recently (early 21<sup>st</sup> Century) to create a direct link to Addenbrooke's Hospital and provides an entrance to the recent Clay Farm development. The site area measures approximately 0.14 hectares.
- 2.3 **The Proposal**
- 2.4 Refurbishment and extension of existing semi-detached dwelling known as 102-104 Shelford Road to create 6no. flats. Demolition of semi-detached



dwelling (known as 106-108 Shelford Road) and erection of three storey apartment block (containing six flats) all with associated parking and landscaped amenity areas.

- 2.5 An external 'Cyclehoop Bikehanger' (2550x2030x1365mm) with 6 hooped stands for 12 cycles is proposed to the front of the refurbished building and an internal cycle store is proposed within the footprint of the new build.
- 2.6 The car parking provision on-site entails three visitor spaces and three allocated parking spaces (one of which is disabled). The existing pair of dwellings to be refurbished would be extended at two storey level to the side closest to 100 Shelford Road forming a gable which would extend to the front and the rear. A two storey rear extension with a flat roof is also proposed. To the rear elevation, the three first floor flats would have balconies. Each of the balconies would have screens to prevent sideways views into other balconies in the building but also to prevent overlooking into the rear garden of 100 Shelford Road.
- 2.7 The new building would have two storey gables to each end with a recessed central gable to the front elevation. To the rear the two storey gables would project marginally. In the rear roof-space would be a residential unit with a balcony.
- 2.8 The front elevation of the new building would be constructed in a buff brick with areas of render and a slate roof.
- 2.9 The bin store to the new build would be integrated within the building and accessed internally and externally from the front of the building. The bin store to the refurbished building would be sited on the side elevation of the building and would be accessed externally. It would have ventilated doors and would be covered with a flat roof.
- 2.10 The application has been amended to address representations and further consultations have been carried out as appropriate.

### **3.0 Relevant Site History**

None

### **4.0 Policy**

#### **4.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

## **4.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 14: Areas of Major Change and Opportunity Areas

Policy 28: Sustainable design and construction, and water use

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 52: Protecting garden land and subdivision of dwelling plots

Policy 53: Flat conversions

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 58: Altering and extending existing buildings

Policy 59: Designing landscape and the public realm

Policy 68: Open space and recreation provision through new development

Policy 69: Protection of sites of biodiversity and geodiversity importance

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

## **4.3 Neighbourhood Plan**

N/A

## **4.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

Landscape in New Developments SPD – Adopted March 2010

## **5.0 Consultations**

### **6.1 County Highways Development - No objection.**

Recommend conditions:

- no demolition or construction works shall commence on site until a traffic management plan (TMP) has been agreed in writing with the Planning Authority.
- All deliveries of materials or any removal of waste shall be constrained to the hours of 09.30hrs-15.30hrs seven days a week
- Prior to the first occupation of the proposed residential units that the existing accesses to 102-104 and 106-108 Shelford Road shown on drawing number DR-A-0001Rev PL2 be removed and returned to grass verge broadly in accordance with the scheme shown on drawing number DR-A-0002 PL3. These works are to include for the removal of all hard paving, subgrade and the like.

### **6.2 Sustainable Drainage Officer – No objection**

The proposals have indicated a surface water drainage strategy but there is no site specific infiltration testing however, as there are no surface water flood risk issues, it would be acceptable to obtain this information by way of a condition.

### **6.3 Lead Local Flood Authority – No objection**

Surface water from the proposed development can be managed through the use of permeable paving across all hardstanding areas of the development before infiltrating into the ground beneath the site. In the event that infiltration testing fails and is not feasible at the development, a connection could be made to the Anglian Water surface water sewer in Shelford Road, discharging at a rate of 2.0l/s. Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

Requests a surface water condition and informatives in relation to:

- Infiltration
- Pollution Control

### **6.4 Environment Agency - No comments**

### **6.5 Anglian Water - No comments.**

### **6.6 Urban Design – No objection**

The proposed schemes (102-104 and 106-108 Shelford Road) remain at 2.5 storeys but have a significantly larger footprint than the four existing semi-detached houses.

Given the sites location at this junction, the increased scale and massing to the proposed buildings are, in principle, considered acceptable in urban design terms. However, the proposed scheme is a high density for the area and it starts to give an indication as to why some functional issues have arisen. The applicant hasn't stated what the density of the proposed development will be – but as the site area measures approximately 0.14 ha with a proposed 12 units, the scheme is approximately 86 dph.

### Elevations and Materials

The materials presented in the Design & Access Statement and shown on the drawings 'present a material palette appropriate to the area. As such the façade materials shown are acceptable but will need to be covered by condition should the application be approved.

The revised drawings include changes to the site layout, private amenity, and bike storage.

The Proposed Site Plan (DR-A-0006, PL5) shows a revised landscape and parking arrangement, with the private amenity of Flats 2 & 3 (102-104 Shelford Road) to the rear of the property. The private amenity in this location will be less exposed to traffic noise greatly improving the quality of this space, and as such is considered an acceptable approach.

The 'Landscape General Arrangement' (UDS44167-A1-0201, rev L) now shows a 'Cyclehoop Bikehanger' (2550x2030x1365mm) which offers a structure that is significantly reduced in height and depth than previously proposed. The reduced scale resolves our concerns around the prominence of the bike store at the front of the building and its potential impact to the neighbouring dwelling, no. 100 Shelford Road. However, the proposed location of the cycle store still requires part removal of the planted boundary.

As noted previously, the applicant will need to retain a boundary threshold with the neighbouring dwelling (no. 100 Shelford Road) and as such, the bike store should be brought forward by c.1m to allow space for the planted boundary to continue behind it.

The depth of the cycle storage unit shown on plan is also inaccurate, measuring at 1550mm, when its actual depth is wider at 2030mm. The drawings should be amended to show the accurate cycle store dimensions and its revised location. This will lead to subsequent alterations to the proposed landscaping and access path from Shelford Road. The issues noted above can be resolved by way of an appropriately worded condition, should the application be approved.

6.7 **Senior Sustainability Officer** - No objection

Policy 28 requires all new residential units to reduce carbon emissions by 44% compared to Part L 2006 (or 19% compared to Part L 2013) and for all units to secure potable water use of no more than 110 litres/person/day. While some of this information can be dealt with by way of planning conditions, clarification is required to confirm that the new policy requirements, particularly those related to energy and carbon reduction, can be met without the need for any alterations to the design of the development. This information should take the form of a Carbon Reduction Statement and a water efficiency specification. Given that this scheme is for apartments, the carbon reduction requirements should be calculated using the Block Compliance method for the new apartment block only. The water efficiency requirements apply to all units.

The water efficiency specification shows achievement of water efficiency across six of the units of 108.9 litres/person/day which meets the requirements of policy 28 of the Local Plan. It should be noted that with regards to water efficiency, it will be expected that this specification will be applied to all of the additional residential units being created as part of these proposals.

With regards to energy and carbon reduction, the submitted Energy Statement shows that via a combination of fabric improvements and the use of photovoltaic panels, carbon emission reductions for the new apartment block of 20.11% beyond the Part L 2013 compliant baseline will be achieved, which again, meets the requirements of policy 28. A condition is recommended to secure implementation of the energy strategy.

#### **6.8 Landscape Officer – No objection**

The proposed site plan (DR-A-0006, PL5) shows a revised landscape and parking arrangement with the private amenity of Flats 2 & 3 (102-104 Shelford Road) to the rear of the property where it is less exposed to traffic noise and is considered acceptable. The proposed hard and soft landscape proposals are acceptable. A condition requiring a landscape maintenance and management plan will be attached.

#### **6.9 Ecology Officer – No objection**

The Preliminary Ecological Appraisal prepared by Applied Ecology identifies the building as having low potential to support roosting bats with limited access to roof space for thorough internal inspection, it therefore recommends additional bat emergence surveys on the buildings to be demolished and renovated. If minded to approve, the number, specification and locations to be provided on a drawing prior to determination or secured via condition. Would also request that all existing or proposed boundary walls or fences include suitable provision (min 150mm x 150mm) of gaps to make them permeable to hedgehogs and amphibians. The proposed net loss of garden land to the proposed development should be mitigated by a landscape scheme that provides higher quality retained habitats including

native and non-native planting that encourages biodiversity by providing nesting / roosting cover, berries, flowers etc. Recommend that this is secured within a suitable landscaping condition. To comply with SUDs policy 31(f) the proposed flat roof bike shelter incorporate a biodiverse green roof to maximize biodiversity net gain on the site. Additional Bat Survey - Content with survey effort and that bat roosts are unlikely to be a constraint of the proposed application.

**6.10 Environmental Health – No objection**

The proposed development is located on a busy road where noise levels are known to be high. The ground floor flats in 102-104 Shelford Road would have external amenity spaces overlooking Shelford Road. The applicant has now addressed the concerns associated with these areas submitting amended plans including the '*Landscape General Arrangement*' drawing (Ref: UDS44167-A1-0201 Rev L) dated 5<sup>th</sup> November 2020 which shows the relocations of the two external amenity spaces to the rear of 102-104 Shelford Road. The Noise Survey and Assessment (Ref: 18038-003 Rev A) produced by Philip Acoustics Ltd and dated November 2020 has been amended to incorporate these changes. These changes are considered acceptable.

**Standard conditions:**

- construction hours
- collection during construction
- construction/demolition noise/vibration & piling
- dust condition
- Bespoke condition: Acoustic assessment compliance condition – Residential Units
- Electric Vehicle Charge Points – Communal Parking

**6.11 Police Architectural Liaison Officer – No objection**

There is no mention of security or crime prevention in the Design and Access or Planning statements. While this might be an acceptable layout in relation to community safety and crime prevention it would be good to see what crime prevention measures will be proposed/adopted particularly in relation to building security, access control, boundary treatments and lighting. In relation to the cycle store which appears to be robust and well lit, it would be nice to see the locking system and how secure the roof is. With the level of cycle theft in Cambridge City the doors should have self-closers, be lockable or included on an access control system and have easy egress to ensure that no-one can get locked in. The egress should not be accessible from outside. Note that an access control system will be in use.

**6.12 Developer Contributions Monitoring Unit – No objection**

Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where financial contributions should not be sought from small scale development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the

Written Ministerial Statement of 28 November 2014 and should be taken into account. The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no financial planning obligation is considered necessary.

6.13 **Waste** – No objection.

A managing agent will be moving the bins to the collection point (kerbside).

**7.0 Third Party Representations**

7.1 6 representations have been received.

7.2 All the representations are objections and have raised the following issues:

- Character, appearance and scale
- Density and overdevelopment
- Intensification of use and loss of family homes
- Lack of affordable housing
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Construction impacts
- Highway safety
- Car parking and parking stress
- Cycle parking provision
- Loss of biodiversity
- Impact on and loss of trees
- Flooding/surface water/sewerage

**8.0 Member Representations**

-None received

8.1 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

**9.0 Local Groups / Petition**

9.1 Not applicable

**10.0 Assessment**

**10.1 Principle of Development**

10.2 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable,

cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

- 10.3 Policy 52 requires proposals for the subdivision of existing residential curtilages to be of a form, height and layout appropriate to the surrounding pattern of development and character of the area whilst retaining sufficient garden space and balancing protecting the amenity and privacy of neighbours with creating high quality functional environments for future occupiers.
- 10.4 Policy 53 requires proposals to convert a single family dwelling house into self-contained flats will be permitted where proposed room sizes meet minimum room sizes, the ground or lower ground floor includes a family unit (two bedroom plus) with garden access; no negative impact on the amenity or character of the area or on highway safety in streets already experiencing parking stress; good standard of amenity for its occupiers and is designed to avoid cumulative and negative impacts on neighbouring residential properties; and appropriate refuse, recycling and cycle storage to serve the development.
- 10.5 The existing houses are not Listed buildings or Buildings of Local Interest (BLI) and Officers take the view that they are not worthy of such protection therefore the principle of demolition and extensive modification is considered acceptable.
- 10.6 The proposal would not provide two family units (two bedroom plus) at ground floor and would therefore not meet criterion b of Policy 53. However, in this instance owing to constraints of the existing walls to the existing pair of dwellings to be converted, the proposals cannot physically accommodate additional bedrooms to the ground floor units as a 2-bedroom unit according to space standards would require a minimum of 61m<sup>2</sup>.
- 10.7 The proposed one bedspace, two person dwellings provide an average space of 52m<sup>2</sup> which is considered a comfortable size for two persons to share, however the footprint of the units does not allow for 2 bed units and there are impediments to providing two family units at ground floor in the converted/extended building.
- 10.8 It is noted that if the existing pair of semi-detached properties at 102-104 Shelford Road had been proposed to be demolished and replaced, there would be no policy requirement for these family homes to be replaced with another family home or with family accommodation at the ground floor. As mentioned previously there is no policy requirement that the replacement building (on site of 102-104 Shelford Road) provides family sized units on the ground floor and this is acceptable. However, it does provide a 3 person, two bed unit at ground floor level. To sum up, two family homes are being lost as a result of the demolition of the existing dwellings at 102-104 Shelford Road. In this instance it is considered that the loss of two-family dwellings is weighed up against the gain in housing stock of 6 units which replace them.



- 10.9 The principle of the development is acceptable and in general accordance with policies 52 and 53.
- 10.10 **Design, Layout, Scale and Landscaping**
- 10.11 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 10.12 The proposed replacement building still reads as a domestic scale building and is a similar height to the refurbished building with the two buildings being of a similar appearance. The two buildings allow views between them and through to Trumpington Place beyond. It would also respect views out of Trumpington Place and relate well to the junction. The proposed replacement building is broken down into three different elements which help to reduce the overall scale and massing of the development. The position of the replacement building is still broadly in line with the prevailing building line and is considered acceptable.
- 10.13 A boundary condition is recommended to ensure that the altered planting to the frontage is of an adequate quality. This maintains a varied and suburban character to match the streetscape, which is mixed. Conditions are recommended relating to material samples, cladding details, window/door details and details of bin and bike stores. The form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area and is in accordance with Policy 52 (a) and 53. Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 52, 53, 55, 56, 57, 58 and 59 and the NPPF.
- 10.14 **Trees**
- 10.15 Policies 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 10.16 The application is accompanied by an Arboricultural Impact Assessment. Three trees are to be removed as part of the proposal. This is considered acceptable. A Tree protection plan and a Arboricultural Method Statement will be required to protect the trees to be retained whilst construction is underway. Replacement tree planting will be required as a part of a landscaping scheme.

- 10.17 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

#### **10.18 Carbon Reduction and Sustainable Design**

- 10.19 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 10.20 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions.
- 10.21 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.22 The application has been subject to formal consultation with the Council's Sustainability Officer who raises no objection to the proposal subject to conditions relating to carbon reduction technologies and water efficiency.
- 10.23 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

#### **10.24 Biodiversity**

- 10.25 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 10.26 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal. The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure the protection of species and that biodiversity net gain is delivered.

10.27 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with policies 57, 69 and 70 of the Cambridge Local Plan (2018).

#### **10.28 Water Management and Flood Risk**

10.29 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.

10.30 The site is in Flood Zone 1 and is therefore not considered at risk of flooding.

10.31 The Council's Sustainable Drainage Engineer has advised that the proposals have indicated a surface water drainage strategy but there is no site-specific infiltration testing. As there are no surface water flood risk issues, it would be acceptable to obtain this information by way of a condition.

10.32 The Local Lead Flood Authority has advised that surface water from the proposed development can be managed through the use of permeable paving across all hardstanding areas of the development before infiltrating into the ground beneath the site. In the event that infiltration testing fails and is not feasible at the development, a connection could be made to the Anglian Water surface water sewer in Shelford Road, discharging at a rate of 2.0l/s.

10.33 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

#### **10.34 Highway Safety and Transport Impacts**

10.35 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.

10.36 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.37 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways, who raise no objection to the proposal subject to conditions.

10.38 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

#### 10.39 **Cycle and Car Parking Provision**

##### 10.40 Cycle Parking

10.41 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support and encourage sustainable transport, provision for cargo and electric bikes should be provided on a proportionate basis. A purpose built and secure external cycle shelter with 6 Sheffield hooped stands for 12 cycles is proposed as well as a cycle parking store within the new build at the main rear entrance. This level and layout of provision satisfies the requirement for secure, covered storage and is policy compliant.

##### 10.42 Car parking

Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking. In this instance the provision of a minimal number of parking spaces would be acceptable in this location, given the site's accessibility to excellent public transport and it being within easy walkable and cyclable distances to the centre of Trumpington (less than 1km).

The Highway Authority does not object to the quantum of proposed car parking. The parking standards require the provision of one visitor space for every four units and three visitor spaces and three allocated parking spaces (one of which is disabled) have been provided.

10.43 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for every two dwellings with communal parking (at least half of all non-allocated parking spaces) and passive provision for all the remaining car parking spaces to provide capability for increasing provision in the future.

- 10.44 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 10.45 Amenity**
- 10.46 Policies 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 10.47 Neighbouring Properties
- 10.48 **Impact on No. 100 Shelford Road** – This property is situated to the NW of the site and has ground and first floor windows facing the flank elevation of the extended section and the front door of this property would face the elevation. These windows serve non habitable rooms. There is a distance of approximately 4.4 metres between elevations.
- 10.49 The proposal would encroach within a 25 degree angle of view by the proposed extension which is 5 metres to eaves level. The extension to 102 and 104 will reduce light to these windows, however as they are non-habitable rooms, this is acceptable.
- 10.50 With regards to overshadowing, the Design and Access Statement includes a Daylight Study. Long shadows are cast from 6am to 7pm on both the existing and proposed plans. Shadows are clear from the curtilage by 9am on the existing plan but takes until 1pm on the proposal. As not more than the half of the garden area is in shadow at the Equinoxes, this is considered acceptable and in line with BRE Guidance.
- 10.51 With regards to rear facing ground floor windows, the extension would be inset by approximately one metre from the common boundary and would extend by approximately 8 metres to the rear of this dwelling. It would not be harmful through loss of light and given the inset from the boundary and intervening outbuildings on the boundary, the proposal is not considered to be overbearing.
- 10.52 **10 and 15 Trumpington Place** - These properties adjoin the application site to the rear with 10 Trumpington Place sited behind the New Build and 15 Trumpington Place sited behind the Refurbished Building. The properties at 10 and 15 Trumpington Place adjoin the application site to the west.
- 10.53 Both of these properties present side elevations towards the application site in which there are first floor windows, which project from the side wall but which are canted so that views from these windows are directed forwards instead of sideways, so they do not currently overlook the existing application site. Owing to the form of these windows, which is similar to a light tube, these are not considered to primarily provide a view, but to provide a source of light.

- 10.54 As such it is considered that there will be no direct interlooking between the first-floor windows and balconies/terraces/winter gardens and these properties in Trumpington Place. Views in any case would be oblique with the intervening distance a minimum of 15 metres. With respect to the impact of interlooking from the first floor to the front and rear elevations of the properties in Trumpington Place, given the oblique angle between windows and the intervening distance, this is not considered to be harmful.
- 10.55 With regards to potential for loss of privacy through overlooking of the rear gardens of these properties, given the distance of 11 metres to the boundary and intervening boundary treatment, plus proposed landscaping along this boundary, it is considered that a detrimental loss of privacy would not occur as a result of the proposal. Given the terrace to the second floor flat would be elevated, a condition will be attached to ensure that there is no overlooking to the garden of 10 Trumpington Place requiring the glass balustrade is at least 1.7 metres high and obscurely glazed.
- 10.56 Future Occupants
- 10.57 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 10.58 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
Converted building						
1	1	2	1	50	51	
2	1	2	1	50	53	
3	1	2	1	50	52	
4	1	2	1	50	50	
5	1	2	1	50	56	
6	1	2	1	50	61	
7	1	2	1	50	60	
Replacement building						
1	1	2	1	50	52	
2	2	3	1	61	68	
3	1	2	1	50	52	
4	1	2	1	50	54	
5	1	2	1	50	52	

- 10.59 Policy 50 paragraph 6.32 states that residential units created through conversions should seek to meet or exceed the internal space standards as so far as practicable to do so. All the units in the converted building meet the standards.

## Size of external amenity space

- 10.60 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 which should be of a shape, size and location to allow effective and practical use of the intended occupiers. All units proposed have outdoor amenity space. The ground floor units all have direct access to private amenity space which is to the rear of the buildings and in a position sheltered and less exposed to traffic noise greatly improving the quality of this space. Threshold planting will be required to ensure a degree of privacy and to define private and communal areas. The flats closest to the road junction would have winter gardens. Each of the balconies in the refurbished building would have a screen to prevent sideways views into other balconies in the building but also to prevent overlooking into the rear garden of 100 Shelford Road. The second floor flat (Flat 6) would have a terrace that is open to the sky but is enclosed by walls and an obscurely glazed privacy screen. Flats 4 and 5 would have winter gardens. In the opinion of Officers, the proposal provides a high-quality (and accessible) living environment and an appropriate standard of residential amenity for future occupiers, and Officers consider that in this respect it is compliant with Cambridge Local Plan (2018) policies 50, 51 and 53.
- 10.61 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met. As part of this proposal entails a new build, compliance with policy 51 and the requirements of Part M4 (2) of the Building Regulations is required. The new build provides lift access to the three flats on the upper floors of the new building and is considered to comply with policy 51.
- 10.62 With respect to accessibility to the first floor flats in the conversion of 102-104 Shelford Road, the existing dwelling is being extended to create the staircase and access to the first floor flats. However, owing to the internal layout of the existing building, two separate staircases are proposed. Amendments have been made to accommodate one lift which will provide access to units 5 and 6. To meet nationally described space standards it would be unviable to accommodate a second lift to access unit 4.
- 10.63 Building regulation Part M volume 2 paragraph 3.34C states that the lift car should be 1100mm x 1400mm for accompanied passengers. Due to space constraints, the lift proposed is an enclosed platform lift with a lift car of 950 x 1400, compliant for unattended wheelchair use. Due to the height of the lift shaft, it will project out the roof by about 200mm. This is considered acceptable and through good design this projection can be concealed.
- 10.64 The provision of lift access to two out of the three proposed first floor flats is considered acceptable, given Flat 4 would be accommodated within the existing envelope of the building, there is no requirement for compliance with Building Regulations Part M4(2).

- 10.65 Officers consider that the layout and configuration enables inclusive access and future proofing for the proposed new units. For the converted building, it is not practicable to require full part M4(2) compliance in this instance.
- 10.66 Construction and Environmental Impacts
- 10.67 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimised through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.
- 10.68 The Council's Environmental Health team have assessed the application and are content the future occupiers closest to the road junction of Shelford Road and Addenbrooke's Road would not be subject to significant noise pollution. Winter gardens offer a solution to the first floor terraces as part of 106-108 Shelford road to deliver adequate private amenity space. and recommended conditions are attached.
- 10.69 Summary
- 10.70 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, 57 and 58.
- 10.71 Other Matters**
- 10.72 Bins
- 10.73 Policy 57 requires refuse and recycling to be successfully integrated into proposals. The bin store to the new build is integrated and accessible from the front elevation. The bin store to 102-104 Shelford Road has been located along the eastern edge of the building and is accessed externally. The applicant will need to ensure a robust design to mitigate potential noise transference, along with adequate ventilation.
- 10.74 Planning Balance**
- 10.75 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 10.76 The proposal would result in the loss of four family sized dwellings. However, the proposal would create twelve flats which would result in an increase in the housing stock. Eleven of these units would be accessible and all meet internal space standards. All have direct access to outdoor private amenity space. The proposal would provide a good level of amenity for future



occupiers and would not have a detrimental impact on the visual amenities of the surrounding area nor a detrimental impact on the amenity of adjacent residential properties.

- 10.77 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

#### **10.78 Recommendation**

- 10.79 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

#### **11.0 Planning 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 above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Surface Water Drainage Statement prepared by BLI Consulting Engineers (ref: BLI.2019.11 Rev 1) dated 25th February 2019 and the submitted Technical Note prepared by BLI Consulting Engineers (ref: BLI.2019.11 Rev 00) dated 28 November 2019 and shall also include:

- a) Full calculations detailing the existing surface water 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 an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

Reason: To ensure appropriate surface water drainage and to prevent the increased risk of flooding. (Cambridge Local Plan 2018 policies 31 and 32).

- 4 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the buildings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework. (Cambridge Local Plan 2018 policies 31 and 32).

- 5 No demolition or construction works shall commence on site until a traffic management plan (TMP) has been agreed in writing with the Planning Authority. The principal areas of concern that should be addressed are:
  - i. Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway)
  - ii. Contractor parking; provide details and quantum of the proposed car parking and methods of preventing on street car parking.
  - iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
  - iv. Control of dust, mud and debris, in relationship to the operation of the adopted public highway.

Development shall be carried out in accordance with the approved details.

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

- 6 No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, 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 No development (including demolition, enabling works or piling shall commence until a demolition/construction noise and vibration impact assessment associated with the development, has been submitted to and approved in writing by the local planning authority. The assessment shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration on construction and open sites and include details of any piling and mitigation/monitoring measures to be taken to protect local residents from noise or vibration. The development shall be carried out in accordance with the approved measures.

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

- 8 No construction or demolition work shall be carried out and no plant or power operated machinery 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, unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 9 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0930 hours and 1530 hours on Monday to Friday, 0930 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the adjoining properties and in the interests of highway safety. (Cambridge Local Plan 2018 policies 35 and 81).

- 10 To protect future occupants against external noise impacts, the development as approved shall be constructed and retained thereafter fully in accordance with the noise insulation scheme and mitigation measures including ventilation requirements as detailed in the submitted documents:

- Noise Survey and Assessment (Ref: 18038-003) produced by Philip Acoustics Ltd and dated December 2018

- Addendum to Noise Assessment Report (Ref:18038-004) produced by Philip Acoustics Ltd and dated 27th January 2020.
- Drawing 'Plans, Elevation and Perspective View - Replacement Building (Ref: DR-A-1001 Rev PL7) produced by Bidwells
- Letter from Bidwells (Ref: 33864) dated 5th March 2020 detailing revisions to design

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

- 11 Prior to the installation of any electrical services, an electric vehicle charge point scheme demonstrating a minimum of 50% provision of dedicated active slow electric vehicle charge points with a minimum power rating output of 7kW to communal / courtyard parking spaces, designed and installed in accordance with BS EN 61851 shall be submitted to and approved in writing by the Local Planning Authority.

Additional passive electric vehicle charge provision of the necessary infrastructure including capacity in the connection to the local electricity distribution network and electricity distribution board, as well as the provision of cabling to parking spaces for all remaining car parking spaces to facilitate and enable the future installation and activation of additional active electric vehicle charge points as required.

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 Policy 36 of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

- 12 No development shall take place (including demolition, ground works, vegetation clearance) until an ecological enhancement plan has been submitted to and approved in writing by the local planning authority.

The scheme must include details as to how a 10% net gain in biodiversity has been accomplished, and details of integrated bat and bird nesting boxes, and native and non native planting that encourages biodiversity by providing nesting / roosting cover, berries, flowers etc.

The plan shall include:

The specification, number and location of bird and bat box provision.

Details of boundary treatments to ensure hedgehog and amphibians can move between adjoining gardens.

Areas of vegetation to be retained and enhanced for nesting birds and proposed new plantings.

Demonstrate that any proposed external lighting will not illuminate mature trees and boundary features likely to support foraging bats.

The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing

Reason: To maintain, enhance, restore or add to biodiversity in accordance with Policy 70 of the Cambridge Local Plan 2018.

- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 No development shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include include non-masonry walling systems, brickwork, windows, doors and entrances, porches and canopies, roof cladding, balustrades and rain water goods. Development shall be carried out in accordance with the approved details.

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

- 18 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 including gaps for hedgehogs; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse, cycle 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)

- 19 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)

- 20 Prior to first occupation of the development, hereby permitted, details of 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. This shall include the siting of the external cycle store. 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.

The cycle store hereby approved shall be fully installed in accordance with the approved details prior to first occupation and maintained and retained thereafter.

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

- 21 The flat roof(s) hereby approved including the bike shelter and bins store shall incorporate a biodiverse green roof to maximize biodiversity net gain. The flat roof on the site shall be a Green Roof or Brown Roof in perpetuity 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.

The flat sections of roof adjacent to the second floor terraces hereby permitted shall not be used as a balcony, roof garden or amenity area without the grant of further specific planning permission from the Local Planning Authority.

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 policy 31)

- 22 The development, hereby permitted, shall not be used or occupied until the approved approach to meeting a 19% reduction in carbon emissions compared to Part L 2013, as set out in the Energy Statement (Compass Energy Solutions, December 2019) has been fully implemented. Any associated renewable and/or low carbon technologies shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority before the development is first occupied.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised approach to meeting a 19% reduction in carbon emissions shall be submitted to and approved in writing by the local planning authority. The approved revised approach shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2018, Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 23 Water efficiency standards for all residential units on the scheme shall be carried out in accordance with the water efficiency specification set out in the Part G Compliance Report, Compass Energy Solutions, 11 December 2019, which sets out the measures to be implemented to achieve a design standard of water use of no more than 110 litres/person/day.

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).

- 24 The photovoltaic panels to the roof of the building and shown indicatively on drawing number DR-A-0004 Rev PL6 shall be fully installed prior to first occupation and maintained and retained thereafter.

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).

- 25 Prior to the first occupation of the proposed residential units, the existing accesses to 102-104 and 106-108 Shelford Road shown on drawing number DR-A-0001Rev PL2 shall be removed and returned to grass verge broadly in accordance with the scheme shown on drawing number DR-A-



0002 PL6. These works are to include for the removal of all hard paving, subgrade and the like.

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

- 26 Prior to first use, the first floor rear balconies shall be fitted with a solid or obscure privacy screen to at least Pilkington Level 3 to a height of 1.7 metres above floor level as shown on the approved drawings DR-A-1003 Rev PL7. The screens shall be maintained and retained thereafter.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 52, 55, and 57).

- 27 Prior to first use, the second floor rear balcony shall be fitted with a solid or obscure privacy screen to at least Pilkington Level 3 at a height of 1.7 metres above floor level. The screen shall be maintained and retained thereafter.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 52, 55, and 57).

- 30 Prior to first occupation, a scheme showing the position of building names and numbers and showing secure letter boxes conveniently located and accessible from the street; shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be maintained thereafter.

Reason: To ensure high quality new buildings. (Cambridge Local Plan 2018 Policy 57(g))

## **Informatives**

- 1 Infiltration rates should be worked out in accordance with BRE 365. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.
- 2 The details required to discharge the submission of materials condition above should consist of a materials schedule, large-scale drawings and/or samples as appropriate to the scale and nature of the development in question.
- 3 The 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. A separate permission must be sought from the Highway Authority for such works.

- 4 No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate/ door/ ground floor window shall open outwards over the public highway.
- 5 Public utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- 6 Fire Service vehicle access should be provided in accordance with Approved Document B Volume 1 of the Building Regulations. There should be vehicle access for a pump appliance to within 45m of all points within the dwelling-house in accordance with paragraph 11.2 of Approved Document B Volume 1. Where the proposed new dwelling cannot meet access requirements for fire appliances, compensatory feature(s) should be provided.
- 7 In order to facilitate the upgrade of heating systems to efficient (i.e. heat pump) electric heating, radiators shall be sized and fitted on the basis of running at a maximum of 45°C flow temperature to all residential units. In addition, for all residential units identify an appropriate space for external air source heat pump units that are acceptable within permitted development requirements for noise, proximity to boundaries and physical size and provide valved and blanked pipe work connections between the external unit and the primary heating installations (heating pump and hot water tank) to enable the use of the heat pump system with minimum disruption upon gas boiler removal. The hot water tank is to incorporate sufficient heat exchanger area and storage volume to allow a designated heat pump system with domestic hot water capabilities to be used without the need for replacement or upgrade.
- 8 The Council recommends the use of low NOx boilers i.e. appliances that meet a dry NOx emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality.
- 9 The dust management plan should reference and have regard to various national and industry best practical technical guidance such as:
  - Guidance on the assessment of dust from demolition and construction, version 1.1 (IAQM, 2016)
  - Guidance on Monitoring in the Vicinity of Demolition and Construction Sites, version 1.1 (IAQM, 2018)
- 10 To satisfy the condition requirements the applicant / developer will need to demonstrate that practical consideration has been given to all aspects of Electric Vehicle (EV) charge point infrastructure installation and that the provision of an operational EV charge point or multiple points is deliverable, as part of the residential and/or commercial development. The intention or commitment in principle to install an active EV charge point will not be considered acceptable. Information should include numbers of charge points, intentions for active and passive provision, location, layout (including

placement of EV infrastructure), Charge Rates of active EV charge points (slow, rapid or fast) and availability of power supply.

- 11 All green roofs should be designed, constructed and maintained in line with the CIRIA SuDS Manual (C753) and the Green Roof Code (GRO).
- 12 Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

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#### Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs

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<b>Planning Committee Date</b>	14 <sup>th</sup> June 2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/00857/HFUL
<b>Site</b>	41 Barrow Road, Cambridge
<b>Ward / Parish</b>	Trumpington
<b>Proposal</b>	Loft conversion with rear dormers
<b>Applicant</b>	Mr Jon Gisby & Mrs Kate Wilson
<b>Presenting Officer</b>	Charlotte Peet
<b>Reason Reported to Committee</b>	Called-in by Cllr Olaf Hauk Cambridge City
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Design, Scale, Layout, Landscaping 2. Heritage Assets 3. Residential Amenity 4. Flood Risk
<b>Recommendation</b>	<b>REFUSE</b>

## 1.0 Executive Summary

- 1.1 The application seeks permission for loft conversion with rear dormers.
- 1.2 The proposal would seek to convert the roof of the dwelling to habitable space to provide a landing area, storage area, bedroom and bathroom. To accommodate this conversion the applicant seeks to install two dormer windows, one at the end of the projecting hipped element and one to the main roof slope.
- 1.3 Officers recommend that the Planning Committee refuse the application.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building		Flood Zone 2	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The proposal site comprises a two storey detached property which fronts onto Barrow Road.
- 2.2 Barrow Road has a special character which is defined by a low-density layout with large, arts and crafts style dwellings set within deep plots. There is some variety in the architectural detailing of the dwellings, however the dwellings are unified due to their style and scale. In addition, the wider street scene is consistent with an open and leafy feel due to the wide and green verges that line the street.

## 3.0 The Proposal

- 3.1 The application seeks permission for loft conversion with rear dormers.

## 4.0 Relevant Site History

Reference	Description	Outcome
09/1090/FUL	Single storey front extension, ground/first floor remodelling and loft conversion - works include front, rear and side dormers.	Permitted

21/02259/HFUL	Loft conversion to include rear dormer and change hipped roof to gable	Refused
21/05066/HFUL	Loft conversion with rear dormers	Withdrawn

- 4.1 The earlier consent was partially implemented through the erection of the single storey front extension; however the loft conversion and dormer windows were not implemented at this time (ref. 09/1090/FUL).
- 4.2 The application refused was not given permission due to its harm to the character and appearance of the locality, house and wider Conservation Area. The more recent application was withdrawn following notice from Officers that the application had not successfully addressed the reason for refusal.

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

### **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 58: Altering and extending existing buildings  
Policy 61: Conservation and enhancement of historic environment  
Policy 62: Local heritage assets

### **5.3 Neighbourhood Plan**

N/A

### **5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016

### **5.5 Other Guidance**

Barrow Road Conservation Area Appraisal (2016)

## **6.0 Consultations**

### **6.1 Conservation Officer – Objection.**

6.2 41 Barrow Road dates from 1935 and was designed by Spalding and Myers as part of the planned Barrow Road development, which is in a consistent Arts and Crafts style with shared materials and details.

6.3 In relation to future development, the conservation area appraisal (2016) recommends the “Preservation of the roofs: the common ridge height; the sweep of the roadside of the roofs with no dormers, roof-lights or solar panels; to retain the chimneys in their present form” and states that “The architectural unity of the road depends in large measure on the similarity of tiled roofs and chimneys and the shared palette of materials. Apart from No.26, the houses on the road share a common language of hips and gables with a common ridge height and carefully detailed chimneys, mostly in brick but some rendered.”

6.4 Local Plan Appendix E advises that “Roof extensions should relate well to the proportions, roof form and massing of the existing house and neighbouring properties. They must be appropriate in size, scale and proportion to the existing house and adjoining...” and that “Proposals for roof extensions are unlikely to be acceptable where they: perpetuate forms of existing, but poorly designed roof extensions in particular; or are insensitively designed large ‘box type’ roof extensions which show little respect for the existing roofline or for the scale, design and proportions of the existing property and its neighbours.” (paras E5-E6). and furthermore that “...the more visible a roof is from public areas, the more important it will be for to be well designed.” (E18).



- 6.5 The proposed roof extensions would primarily be visible from private gardens and would not have a significant impact on appearance of the property from the public realm, although due to their inappropriate scale and design they would be harmful to the conservation area and cannot be supported.
- 6.6 The form of flat-roofed dormer extension would be at odds with the architecture of the house and neighbouring houses which are wholly composed of hipped tiled roofs. The dormer would have a dominant impact on the rear roof slope which would be mostly obscured or altered, an effect exacerbated by the tiled linking section between dormer and projecting hipped roof. The scale of the full height glazed doors is considered disproportionately large in relation to openings on the floors below, giving the roof an overly dominant presence.
- 6.7 The design and proportions of the dormer to the hipped roof would be less dominant due to its smaller scale, although it would be a prominent projecting element that fails to take account of the predominant material and detailing of the existing building and surrounding conservation area.
- 6.8 Taking the above into account, I consider that the proposals would not preserve or enhance the character or appearance of the conservation area.
- 6.9 The proposals would fail to comply with Local Plan policies 58, 61, Local Plan Appendix E, Barrow Road Conservation Area Appraisal
- 6.10 With reference to the NPPF and the effect on the significance of the heritage asset, paragraphs 190, 193, 194, 196 and 202 would apply.

## **7.0 Third Party Representations**

- 7.1 Four representations in support of the application have been received.
- 7.2 The following reasons have been given:

- Respecting conservation area appraisal
- In keeping with surrounding area
- Modest additions to house
- Existing examples of dormer windows
- Meeting the needs of family

## **8.0 Member Representations**

- 8.1 Cllr Olaf Hauk has made a representation supporting the application on the following grounds:
- The application that is identical to one that they made earlier in 2022 which they were told would likely be rejected. This application was a revised version of an application made in 2021, and

substantial changes have been made to that original proposal to address the issues raised by a previously assigned planning officer.

- However, our understanding is that there was still a concern about the size of one of the dormer windows on the back of the house which was deemed to have an impact on the conservation area and the character of the house because of its size (even though reduced from the initial application).
- The applicants disagree with that assessment given that the back of their house has already had several major changes from its original character: notably a conservatory extension and corridor, modern French doors, and large bifold metal doors into the kitchen.
- The proposed dormer window is also significantly smaller than the dormer windows that their neighbours at no 43 have both front and back. And given that the proposed dormer window is at the back of the house, and is additionally shielded by chimneys, it would be almost impossible to see it from the street or any publicly accessible viewpoint. In addition, the application has now been out to consultation three times and has garnered no negative comments from the very active community that protects the interests of the Conservation Area, and the applicant has on this most recent occasion ensured that their near neighbours state their long-standing positive approval of the application through submissions on the planning portal.
- Finally, if the grounds for rejection are that this dormer window will have an adverse impact on the conservation area, the applicants find it difficult to offset that against the approval recently given for a three story house opposite theirs, with multiple dormers and balconies, and a floor space up to three times that of their house and other near neighbours, and which generated a substantial and ongoing volume of objections from across the Barrow Road community. It is hard to see how their proposal for a dormer at the back of their house has a relatively more negative impact on the conservation area than this approved application, and several others that have recently been approved.
- Having spoken to the applicants, and visited the site, I agree with these assessments and agreed to call in the application for consideration by the Planning Committee. I believe we would all be delighted if the application can be recommended for approval without this step still being necessary.

## **9.0 Local Groups / Petition**

### **9.1 Not applicable**

- 9.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **10.0 Assessment**

### **10.1 Design, Layout, Scale and Landscaping**

- 10.2 Policies 55, 56, and 58 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

- 10.3 Paragraph E.5 of the Roof Extension Design Guide (2018) states:

“Roof extensions should relate well to the proportions, roof form and massing of the existing house and neighbouring properties. They must be appropriate in size, scale and proportion to the existing house and adjoining properties and must not be so large as to dominate the existing roof or to overwhelm their immediate setting.”

- 10.4 This application follows two recent applications which also sought to convert the loft and install dormer windows. The first application which was refused sought to install a large dormer window to the rear roof slope and convert the rear projecting hipped element to a gable (ref. 21/02259/HFUL). This application was refused as it was considered that the proposed box dormer and hip to gable extension would result in excessive, dominating additions to the dwelling that would significantly detract from the attractive features of the existing building, locality and Conservation Area.

- 10.5 The second application sought to install two dormer windows, one would be sited on the main rear roof slope and the other would extend from the hipped element (ref. 21/05066/HFUL). The dormer on the main roof slope was reduced in depth and width by a minor degree from 2.6 metres to 2.4 metres and 6.6 metres to 6.4 metres from the refused application. The materials were also altered on part of the dormer window, so that it would be finished in vertical hang tile. The main section of the dormer window would still be finished in zinc cladding.

- 10.6 This application was withdrawn following notice from Officers that the application would be refused due to the adverse visual impact from the dormer within the main roof slope. At this stage the Officer gave informal advice that the dormer window should be reduced in size and height.

- 10.7 This application is identical to the application which was withdrawn, and so the Officers concerns have not been addressed. It comprises a loft conversion and two rear dormers. The first dormer is located on the main roof slope, it is broken up into two parts, one larger finished in zinc cladding and one smaller and finished in hanging tile. The zinc element

has a height of 2.7 metres, the hanging tile element has a height of 1.8 metres, and both elements extend to just below the ridge line. The second dormer extends from the existing hipped element and forms a projecting pitched gable.

- 10.8 In this case, the proposed dormer window on the main roof slope is considered to comprise an insensitively designed 'box type' roof extension which is not supported by the Roof Extension Design Guide (2018). It does not relate well to the proportions nor roof form of the existing house, due to the box shape and significant bulk and massing that is created through the height and width of the extension.
- 10.9 The hipped roof is an extremely important characteristic of the main house, which the proposal does not successfully reflect or contrast with, instead the proposal comprises a dominating feature which extends across the majority of the roof slope. The proposed extension is considered to be inappropriate in size and scale as it extends across the entire ridge line, with the tiled section even extending beyond the main roof slope onto the projecting element so that relationship between the main roof slope and the projecting element is obscured.
- 10.10 The proposed windows to the dormer are full height, and would appear totally out of scale with the existing openings to the main house. The openings would dominate the existing fenestrations of the main house, rather than respecting the hierarchy which should give primacy to the lower levels openings on the main house. The full height windows comprise overly tall elements which make the dormer extremely prominent when viewed from the rear.
- 10.11 It is acknowledged that some of the massing has been broken up from the refused extension due to the change in materials, however it is not considered the proposal submitted represents a meaningful change to the refused application. Indeed, due to its size, massing and proportions it would continue to comprise an entirely prominent extension that would detrimentally impact the existing property, locality and Conservation Area.
- 10.12 In the Design and Access Statement, the applicant has presented one example of a dormer window within the context of the site at No. 43 Barrow Road. This dormer was permitted in 2013, under the previous Local Plan (ref. 13/1353/FUL). Cllr Hauk has also highlighted other examples of dormer windows and modern development within the surrounding area. Officers acknowledge that the adjacent dormer window does form part of the existing context, and does span a reasonable width across the roof slope, however the overall proportions of the dormer window, including the style of openings related in a better manner to the roof slope and did not overly dominate the rear elevation of the property in the same way that the proposed development would.
- 10.13 Notwithstanding this, each application is assessed on its own merits, and in this case, the dormer window would fail to successfully reflect or

contrast the existing built form. Although the application has received support from some surrounding occupiers due to the surrounding development, the Roof Extension Design Guide (2018) specifies that roof extensions which perpetuate forms of existing, but poorly designed roof extensions will not be supported.

- 10.14 The second dormer window on the hipped element responds in a slightly better manner to the architecture of roof slope due to its pitch. It does not however follow the form the existing roof given that its projects as a gable rather than with a more sensitively design hipped roof. It is more proportionate to the main roof, however as submitted with the flat roof dormer on the main roof slope it does contribute to dominating impact, and represents a prominent addition to the roof.
- 10.15 Officers acknowledge that roof extension can help residents to meet their needs for additional accommodation and that local residents have not objected to the design of the proposal, however in this case the proposed development is a poor-quality design that would fail to contribute positively to its surroundings. The proposal fails to comply with Cambridge Local Plan (2018) policies 55, 56, 58, 61 and the NPPF (2021).
- 10.16 **Heritage Assets**
- 10.17 The application falls with the Barrow Road Conservation Area.
- 10.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.19 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification.
- 10.20 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 10.21 Barrow Road Conservation Area is characterised by low-density development, with wide green verges and arts and craft style houses. The

road has been subject to some alteration, however the architectural style of the properties remains a strong unifying characteristic.

- 10.22 The proposal is not visible from the street scene, however is sited within the Conservation Area and would be visible from private views. Cllr Hauk highlights this in their comments, suggesting that the proposal would not be visible from public views and would be obscured by the existing chimneys. Officers acknowledge this, however through appeals it has been confirmed that “lack of visibility does not automatically equate to lack of harm” within the Conservation Area and that views from private gardens can be acknowledged in the Conservation Areas assessment (ref. APP/B5480/D/19/3227917).
- 10.23 As is highlighted in the Conservation Officers comments, the Barrow Road Conservation Area Appraisal states that “The architectural unity of the road depends in large measure on the similarity of tiled roofs and chimneys and the shared palette of materials. Apart from No.26, the houses on the road share a common language of hips and gables with a common ridge height and carefully detailed chimneys, mostly in brick but some rendered.”
- 10.24 The issues section provides recommendations to ensure that the unity of the road is not degraded through further alterations, and states that “Preservation of the roofs: the common ridge height; the sweep of the roadside of the roofs with no dormers, roof-lights or solar panels; to retain the chimneys in their present form.”
- 10.25 The Conservation Officer has advised that that the scale and design of the dormer windows would result a dominating presence that would be harmful to the Conservation Area.
- 10.26 Officers agree with the concerns raised by the Conservation Officer, the proposal would be in clear conflict with the Conservation Area appraisal, as it would not respect the common language of hipped roofs, and would conflict with the recommendation that seeks to preserve the roofscape. It is acknowledged, that the dwelling has been subject to some alteration as is highlighted in the representation by Cllr Hauk, however the key characteristics such as the roof scape have been retained and the alterations relate mainly to modest alteration at ground floor level. It is considered that to allow the insensitive proposal would be at detriment to the character of the Conservation Area.
- 10.27 It is considered that the proposal, by virtue of its scale, massing and design, would harm the character and appearance of the Conservation Area. The proposal would give rise to harmful impact on the identified heritage assets and is not compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.
- 10.28 **Amenity**

- 10.29 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 10.30 Neighbouring Properties
- 10.31 The site has two adjoining occupiers, No. 39 and 43 Barrow Road, which both comprise large detached dwellings in reasonably wide set plots.
- 10.32 The proposal comprises a loft conversion and two dormer windows within the rear roof slope, the flat roof dormer within the main roof slope would serve a bedroom, and the smaller dormer window on the projecting element would serve the landing area.
- 10.33 Given the nature of the proposal set within the roof slope, it would not project beyond the rear elevation of the dwelling as to impose on the windows and rear amenity space at the neighbouring dwellings. Due to this, the proposal would not result in loss of light or an overbearing impact to the adjoining dwellings.
- 10.34 The proposed extensions would introduce new windows in both dormers at roof level to serve a bedroom and landing area. The bedroom is considered to be a habitable room, however the landing area is considered to be non-habitable. The existing windows at first floor level serve two bedrooms and a bathroom in between.
- 10.35 Given that the dwelling comprises windows at first level which serve bedrooms with an outlook to the rear, it is not considered that the proposal would substantially change the views to the neighbouring properties.
- 10.36 The proposal adequately respects the residential amenity of its neighbours.
- 10.37 **Flood Risk**
- 10.38 The rear of the proposal site is located partially within Flood Zone 2 (medium). Given that the proposal would be contained entirely at roof level, it would not be considered to increase surface flood risk. Therefore the proposal is considered to be compliant with Cambridge Local Plan (2018) policy 32.
- 10.39 **Other Matters**
- 10.40 The proposal site adjoins an area of Protected Open Space beyond the rear boundary, given that the proposal would impact the main house and be set a reasonable distance from the rear boundary, it would not be considered to result in harm to this area.
- 10.41 The proposal could not be erected under permitted development rights as defined by The Town and Country General Permitted Development Order

2015 (as amended) because the proposal site is within a Conservation Area. Part (f) of Class B, Schedule 2, Part 1, states that development is not permitted if the dwellinghouse is on article 2(3) land which includes Conservation Areas.

**10.42 Planning Balance**

10.43 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

10.44 In this case, the proposal would result in excessive and dominating roof extensions that would fail to respond positively to the form and appearance of the existing house, locality and Conservation Area. The flat roof dormer would comprise an insensitively designed box type addition, which would detract from the attractive features of the existing property and Conservation Area through its excessive bulk, mass, height and windows. The pitched dormer would increase the prominence of the additions at roof level and fail to respect the form of the existing house.

10.45 The proposal would not have any public benefit; however Officers do note that the proposal would provide private benefits to the occupiers through the ability to extend their home.

10.46 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for refusal.

**10.47 Recommendation**

10.48 **Refuse** for the following reasons:

1. The proposal would result in excessive and dominating roof extensions that would fail to respond positively to the form and appearance of the existing house, locality and Conservation Area. The flat roof dormer would comprise an insensitively designed box type addition, which would detract from the attractive features of the existing property and Conservation Area through its excessive bulk, mass, height and windows. The pitched dormer would appear increase the prominence of the additions at roof level and fail to respect the form of the existing house. The proposed development would be contrary to policies 58 and 61 of the Cambridge Local Plan (2018) and paragraphs 190, 193, 194 and 196 of the NPPF (2021).





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<b>Planning Committee Date</b>	14 June 2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/00278/FUL
<b>Site</b>	FORMER The Jenny Wren 80 Campkin Road Cambridge Cambridgeshire
<b>Ward / Parish</b>	Kings Hedges
<b>Proposal</b>	Erection of a 3 storey building with flexible use at ground floor containing Use Class E or a Sui Generis Pub or drinking establishment with nine residential units on the upper floors, along with landscaping, car and cycle parking and associated infrastructure
<b>Applicant</b>	Bloomhall
<b>Presenting Officer</b>	Alice Young
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Principle of development 2. Residential amenity
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## **1.0 Executive Summary**

- 1.1 The application seeks planning permission for the erection of a three-storey building with flexible use at ground floor containing Use Class E or a Sui Generis Pub or drinking establishment with nine residential units on the upper floors, along with landscaping, car and cycle parking and associated infrastructure. The proposed development is almost identical to 17/0927/FUL and 18/1974/S73, with the only changes being the use of the ground floor pub unit to a flexible pub / drinking establishment (sui generis) use or class E use and the parking and refuse arrangements. The former Jenny Wren building has been demolished and thus these previous consents have been implemented. This fallback position carries significant weight within the assessment.
- 1.2 While the building housing the former Jenny Wren has been demolished, the site is still a protected pub site which also falls within a Neighbourhood Centre. Despite the application not proposing the loss of the protected public house, the proposed use of the ground floor unit would be a flexible pub / drinking establishment or class E use so the use could change to an alternative commercial use without planning permission. Officers assessed the proposal against the criterion outlined in policy 76 which seeks to protect pubs and consider that, whilst extensive marketing and public consultation has taken place technically fulfilling the criterion, the marketing was several years ago and was partially carried out at a time when the building was demolished. Therefore, circumstances may have changed and the opportunity to take on the pub would not have been available for local businesses or the local community. To truly safeguard and prioritise the public house use, officers recommend a condition to require the re-marketing of the public house once the unit has been erected and inhabitable by a prospective publican. This is considered to be a reasonable and flexible approach to safeguarding the public house whilst allowing it to return and an alternative commercial use to inhabit the unit if the marketing is not a success.
- 1.3 Whilst the proposed development is not wholly policy compliant in terms of space standards and lift access, the previously approved schemes can be built out and occupied. This provides a precedence where Officers consider that in this instance it would be unreasonable to require these policy requirements to be met.
- 1.4 The proposed development provides additional benefits over and above the extant consents by enhancing the flexibility of the ground floor unit alongside the enhancement of sustainable transport modes, resource management, carbon emissions reductions and biodiversity on site. Several representatives from community organisations have submitted a joint letter of support for the proposed development emphasizing that redevelopment of the site is needed and will provide benefit to the community. It is officers' opinion that cumulatively the benefits of the scheme, which include the redevelopment of a vacant site increasing the vitality and vibrancy of the Neighbourhood Centre and the plethora of

sustainability measures proposed, outweigh the harm arising from the proposed development.

- 1.5 Officers recommend that the Planning Committee approve the development subject to conditions.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre	X	Article 4 Direction	x

- 2.1 The application site formerly comprised a two-storey building containing the former Jenny Wren public house and associated managers flat. This building was demolished in 2019 and the site is now levelled.
- 2.2 The site is located on the eastern corner of Campkin Road and St Kilda Avenue within the Campkin Road Neighbourhood Centre. Within the Neighbourhood Centre, to the north-west are two commercial units currently occupied by a supermarket and a takeaway. Bordering the site to the north-east and south-east are residential properties along Beales Way and Campkin Road. To the south of the site on the opposite side of Campkin Road, there will be 75 dwellings and a community centre which is currently under construction.
- 2.3 There is an article 4 direction on the application site which protects the pub.

## 3.0 The Proposal

- 3.1 The proposal seeks planning permission for the erection of a 3 storey building with flexible use at ground floor containing Use Class E or a Sui Generis Pub or drinking establishment with nine residential units on the upper floors, along with landscaping, car and cycle parking and associated infrastructure.
- 3.2 The proposal is identical to the previously approved application 17/0927/FUL aside from the ground floor unit is now proposed to be sui generis drinking establishment class E use in alternate.

#### 4.0 Relevant Site History

Reference	Description	Outcome
21/00007/FUL	Change of use to the ground floor space approved under planning application 17/0927/FUL from a pub use to a flexible use containing use class E and a SUI Generis pub or drinking establishment	Withdrawn
18/1974/S73	Section 73 application to vary condition 2 of permission 17/0927/FUL (New building comprising of a Public House at ground floor with nine residential units on the upper floors (two 1xbed units & seven studio units) along with car and cycle parking and associated landscaping following the demolition of the existing buildings) as follows:- 1) omission of the basement; relocation of bin and bike store to external structure and relocation of cellar from basement to former bin/bike store and 2) increase in building height by 300mm.	Permitted
17/0927/FUL	New building comprising of a Public House at ground floor with nine residential units on the upper floors (two 1xbed units & seven studio units) along with car and cycle parking and associated landscaping following the demolition of the existing buildings.	Permitted

- 4.1 Officers draw Member's attention to application 17/0927/FUL which is identical to the proposed development aside from the alternative use at ground floor and minor changes (including an increase in cycle parking, decrease in car parking, separate bin stores). This 2017 scheme was brought to planning committee on 4<sup>th</sup> October 2017 and was permitted subject to conditions. As the former Jenny Wren building has been demolished, this consent has been implemented and can be built out in accordance with the approved plans listed on the decision notice of 17/0927/FUL. Accordingly, there is a fallback position which is a material planning consideration.

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

## **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 2: Spatial strategy for the location of employment development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 72: Development and change of use in district, local and neighbourhood centres

Policy 76: Protection of public houses

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

## **5.3 Neighbourhood Plan**

N/A

#### **5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Health Impact Assessment SPD – Adopted March 2011  
Landscape in New Developments SPD – Adopted March 2010  
Open Space SPD – Adopted January 2009  
Public Art SPD – Adopted January 2009  
Trees and Development Sites SPD – Adopted January 2009

#### **5.5 Other Guidance**

N/A

#### **6.0 Consultations**

##### **6.1 County Highways Development Management – No objection.**

##### **6.2 Conditions:**

- Submission of a traffic management plan,
- Highway drainage (paved areas constructed so no private water drains from the site onto the highway),
- Bound materials used in construction of car park

##### **6.3 Sustainable Drainage Officer – No objection.**

##### **6.4 Conditions:**

- Surface water drainage

##### **6.5 Urban Design and Conservation Team – No objection.**

6.6 The proposed change of use to the ground floor space does not impact the form of the building, except for minor amendments to the cycle and bin storage.

##### **6.7 Access Officer – Neutral.**

6.8 Lift access is required to comply with the local plan.

##### **6.9 Landscape Officer – No objection.**

6.10 Landscape is concerned about the quantum of tree losses proposed.



- 6.11 Conditions:
- Hard and soft landscaping
  - Boundary treatment
  - Tree pits

## **6.12 Environmental Health – No objection.**

- 6.13 Conditions:
- Construction hours
  - Collection during construction
  - Piling
  - Dust
  - EV charging points
  - Noise insulation compliance
  - Alternative ventilation scheme
  - Noise insulation scheme post completion
  - Plant noise
  - E(d) use – noise insulation scheme
  - Opening hours (GF use class E; GF Pub; GF external amenity space)
  - Operational collection and delivery hours
  - Use of commercial waste receptacles
  - Doors and windows – pub use and class E
  - External operational noise management plan
  - Odour / smoke control
  - Artificial lighting
  - Informatives
  - Odour/ smoke control
  - Dust
  - Plant noise
  - Licensing

## **7.0 Third Party Representations**

- 7.1 1 neutral representation has been received raising the following issues:
- The pub should be brought back given the proximity of other pubs in the area.
  - Due to the development proposed and the development being built across the road, there will be increased demand for a pub use in the area.
  - The Ship, the closest other pub, is closed and no sign of re-opening.
  - Limited people in the community were aware of the survey undertaken.
  - If the pub use goes ahead, happy to support the proposed development.

## **8.0 Member Representations**

8.1 Not applicable

## **9.0 Local Groups / Petition**

9.1 Representatives from the Arbury Community Church, Youth and Community Coordinator, Cambs County Council, Grove Community Swimming and North Cambridge Community Partnership have made a representation supporting the application on the following grounds:

- The proposed layout provides for a variety of uses
- Refers to C1 (local and wider context), U3 (socially inclusive) and L3 (sense of ownership) of the National Design Guide
- Very few social and community amenities in Kings Hedges ward with the nearby Arbury Community Centre having little capacity for new or emerging groups to book time and space
- The pandemic, and more recently the sudden rise in the cost of living, have left this population with much less social, health and economic capital. The incidence and prevalence of mental ill-health has risen dramatically, particularly among young people. Demand at food banks and food hubs is greater than ever. Community cohesion has suffered during the lockdown periods. Services that were providing support have only just started to open again.
- New infrastructure for the community will aid recovery.

9.2 CAMRA (Campaign for Real Ale) have made a representation in objection to the application on the following grounds:

- Traditionally the customers of the Jenny Wren were local people alongside workers from the Cambridge Science Park and Cambridge Regional College.
- Nearest alternative pub is The Ship which is currently closed and looking for new licensees.
- Protected pub which is a community asset.
- The previous consent protected the pub use via certain conditions and ensured that the use would not impact upon surrounding occupiers. It was granted on the basis that the pub use would return not could return.
- Since the pub has been demolished (Spring 2019), the site has been derelict and marketed. The applicants have actually marketed a plot of land not a pub that could be opened within weeks. Therefore would only be of interest to those with longer term plans, not those who might take up a short lease to test the market before committing longer term.
- The proposal would not exclude the pub use but wouldn't ensure it and would make it less likely.

9.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **10.0 Assessment**

### **10.1 Background**

- 10.2 As stated in paragraph 4.1 of the planning history section, the proposed development is identical to 18/1974/S73 aside from the proposed flexible sui generis pub, drinking establishment or Class E use at ground floor and minor changes including an increase in cycle parking, decrease in car parking, separate bin stores. The former Jenny Wren pub building has been demolished and therefore work has started on site, the consent has been implemented and can be completed in accordance with 2018 consent. While there have been changes in policy since this 2018 proposal gained consent (the introduction of the Sustainable Design and Construction SPD, Biodiversity SPD and the Environment Bill), this fallback position is a material planning consideration and is given great weight within the assessment process. Compliance with policy changes between the 2017 (17/0927/FUL) and 2018 (18/1974/S73) consents (e.g. residential space standards and inclusive access) were assessed within the 2018 consent which was deemed acceptable and permitted subject to conditions. These consents which can be implemented fully provide a basis for the assessment of the current application.

### **10.3 Principle of Development**

- 10.4 The principle of development for the erection of a three-storey building with nine flats and a pub use at ground floor has already been established by 17/0927/FUL and 18/1974/S73. The proposal is virtually identical to these proposals aside from the use of the ground floor unit which is now proposed to be a flexible sui generis pub or class E or drinking establishment use and minor changes. Therefore, the principle of this flexible use will be assessed in detail noting the extant consents and that residential use here has already been assessed as acceptable.

Public House use

- 10.5 Prior to demolishing the former Jenny Wren building, the site was in use as a public house. The previous planning permission accepted the loss of the public house on the basis that it would be replaced. This complied with Interim Planning Policy Guidance on the Protection of Public Houses. The former Jenny Wren was then subsequently identified as a safeguarded public house (Appendix C) in the Cambridge Local Plan (2018).
- 10.6 Policy 76 protects against the loss of public houses and outlines that only in specific circumstances when a proposal meets the criterion in policy 76 that the loss of a pub is permitted. The proposal seeks flexible use at ground floor which consists of Sui Generis pub or drinking establishment or Class E uses. While the existing public house has been demolished in line with the previous planning permission the replacement public house has not yet been built or implemented. Therefore, officers consider that

assessment against the criterion in policy 76 is required to consider a flexible use.

- 10.7 The loss of a pub is only permitted if it can be demonstrated that: the public house site is no longer needed within the community as a public house or other form of community facility through marketing for 12 months as a public house, free of tie and for alternative local commercial or community facility use at market price; that all reasonable efforts have been made to preserve the facility and the pub is proven to be not economically viable for pub use or any other A or D uses; and that it has been demonstrated that the community no longer need a public house and alternative provision is available in the area. Appendix K of the Local Plan states the specific requirements a marketing strategy should include.
- 10.8 The pub site has been marketed since October 2017, albeit not widely between October 2017 and November 2018. Since November 2018, the site was openly and extensively marketed free of tie. Marketing included signboards, online advertising, targeted marketing using specialist databases, advertisement in the Cambridge News and regularly mail-shot pubs, cafes, restaurants in Cambridge using Everard Cole (the mail-shot was not specifically regarding the site as an opportunity). Predominantly the site was marketed for a pub use at ground floor with the associated managers flat (secured by condition 26) as well as alternative uses such as a café, restaurant or retail uses. From this marketing process, there were 12 direct enquiries, of which 11 did not progress further than a request for further information and the twelfth could not demonstrate their method of funding, experience or any references so this interest did not translate to an offer. No offers were made for the site.
- 10.9 Whilst officers acknowledge marketing was carried out in line with requirements as set out in Appendix K which exceeded a 12 month period as required by policy 76, the pub building was demolished in Spring 2019, so some of the marketing took place while the site was vacant with no sign of construction of the new building taking place. Officers consider that local businesses may have ruled the site out due to the speculative nature of the development and lack of activity in relation to delivery of the new building. A prospective tenant or purchaser would have to have agreed to take on the premises “off plan” rather than being able to physically view it, including the associated manager’s accommodation. Therefore, officers consider it necessary that once built, the ground floor unit is marketed for a pub use for a further period of time. This will give local publicans or local businesses the opportunity to take on the premises once built and increase the likelihood of retaining the pub use on site. This will be secured via condition. The re-marketing of the ground floor post completion ensures a robust strategy is in place and pub use is prioritised. If the marketing strategy is not successful, then the use can then be altered to the alternate class E use. Introducing commercial flexibility to the ground floor unit would remove the provision of a manager’s flat at first floor level which was secured via condition on both previous applications. This is because if the ground floor unit was in commercial

use (Class E), not in use as a pub, the flat could not be occupied independently as it would be in breach of the condition. It is therefore not practicable to retain the manager's flat, given the proposed flexible commercial use at ground floor.

- 10.10 The criterion in Policy 76 also states that it should be demonstrated that the pub is no longer in need within the community. Public consultation was carried out in late 2020 to ascertain community views on the local need for a pub. Flyer questionnaires were given out to 1,500 properties in the immediate vicinity spanning a 400m radius of the site. 64 comments were received representing 4% of those who received the survey. Out of the 64 comments received, while approximately a third of respondents would like to see the retention of the pub, almost 60% of respondents would be interested in an alternative use for the ground floor, confirming support for Class E uses in this location. Therefore, Officers are satisfied that the proposed uses here align with community desires which seek for a commercial use here. A third party has raised concerns regarding the limited scope of the survey. However, officers consider that this is sufficient, whilst noting that the proposal may not result in the loss of the public house.
- 10.11 There are alternative pubs in the area which include The Ship on Northfield Avenue (0.5miles away, 10 min walk, 3 min cycle) and the Golden Hind on Milton Road (0.5miles 11 min walk, 3min cycle) and the Milton Arms on Milton Road (0.6miles away 13 min walk, 6min cycle). Whilst The Ship is currently closed, there have been recent proposals for enhancement which have been approved and indicates that this pub may reopen. Officers therefore consider that there is relatively good provision for pubs in the area.
- 10.12 While the existing public house has been removed in line with the planning permission a replacement building, including an approved public house and associated manager's flat, is yet to be provided. It is noted that the site has been marketed for a period of at least 12 months however, this was not on the basis of an existing building and public house premises being immediately available at the site. Therefore, officers are of the opinion to truly safeguard the pub, the ground floor unit once built, should be marketed for a further period of time.

#### Class E use

- 10.13 The application site falls within the Campkin Road Neighbourhood Centre. Policy 72 details the uses suitable and unsuitable in Neighbourhood Centres, listing former B1 (office), B2 (light industrial), B8 (storage and distribution), C2 (residential institutions), C3 (dwellinghouses), C4 (houses of multiple occupation) and other 'sui generis' uses as inappropriate at ground floor. The proposal seeks planning permission to have a flexible Class E use or Sui Generis pub or drinking establishment at ground floor. In 2020 the Use Class Order 2020, amalgamated the former class A1

(shop), A2 (financial and professional services), A3 (café or restaurant), B1 (office, research and development), part of D1 (clinics, health centres, nurseries) and part of D2 (gyms and indoor recreation) into one use class known as Class E. Consequently, no planning permission is required to change the use within this new Class E use class. However, as per policy 72, former B1 uses (office) which now falls within Class E are not considered appropriate within Neighbourhood Centres. Within the subtext of policy 72, paragraph 8.6 states that a change of use to other uses such as residential or other commercial uses such as offices will not be permitted unless there are exceptional circumstances.

10.14 Neighbourhood centres are considered particularly valuable in providing for everyday needs for the surrounding population where facilities are accessible via foot or cycle, rather than relying on cars. Greater flexibility is afforded to change of use in neighbourhood centres to reflect that a mix of uses is important. However, officers consider that a Class E(g) use here (former B1 use) would fail to create an active frontage within a neighbourhood centre or provide the much-needed local services to the local population and contribute less to the vitality and vibrancy of this Neighbourhood Centre. Therefore, Officers find it reasonable and necessary to condition the use to restrict the ground floor unit being occupied by a Class E(g) use. Similarly, a condition would prevent the ground floor once built being converted to C3 use under the permitted development prior approval process (class MA), as this use is unsuitable at ground floor in this location, noting policy 72. All other uses within Class E are considered acceptable in principle.

10.15 In conclusion, officers consider that the proposed flexible use is a reasonable and market responsive approach to ensuring the development of the site for the public benefit subject to further marketing regarding use of the ground floor premises as a public house. While the pub use could be initially lost if marketing upon completion is unsuccessful, the flexible use allows the pub use to return to the site if market conditions allow.

10.16 Taking the above into account, the principle of the development is acceptable subject to appropriate conditions and in accordance with policies 3, 72 and 76 of the Cambridge Local Plan (2018).

#### **10.17 Design, Layout, Scale and Landscaping**

10.18 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

10.19 The proposed development would adopt the same architectural design, scale, massing and siting as the previously approved and extant consent (18/1974/S73) which was deemed acceptable. The only diversion from this consent is the change of use of the ground floor unit and minor adaptations to the layout through the reduction of car parking and

introduction of further cycle parking and bin storage which would not alter the appearance, layout or visual character of the development and movement patterns (which would be similar to consented scheme) significantly. Rather, it would further promote sustainable transport modes to and from the site. No consultees have objected to proposal on design, layout, scale or landscaping grounds.

- 10.20 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 59 and the NPPF.

#### **10.21 Carbon Reduction and Sustainable Design**

- 10.22 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 10.23 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.
- 10.24 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.25 While the proposal does not demonstrate compliance to these sustainability measures through the submission of a Sustainability Statement, Officers note that the previous consent which the applicant can fall back on does not include any of these measures. However, after negotiations, the applicant has agreed to securing a 19% carbon emissions reduction compared to Part L of the Building Regulations 2013 and the water efficiency minimum of 110 litres pp per day via condition. This poses a sustainability benefit over and above the extant consent. Officers consider, given the SPD reinforces the aims policy 28 which was adopted after the 2018 consent was granted, that this is condition would be reasonable and necessary and would lead to a more sustainable and efficient low carbon development.
- 10.26 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

## **10.27 Biodiversity**

- 10.28 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 10.29 The application is not accompanied by an Ecological Appraisal. However, the site was cleared when works started on site. The former Jenny Wren building has been demolished and currently, the application site is vacant. The extant consent did not include any biodiversity measures. The requirements set out in the Environment Act 2021 and the Council's Biodiversity SPD are similar to those outlined in policy 70. However, despite the fallback position, the applicant has agreed to meet biodiversity net gain on site which will go above and beyond the extant consent to provide biodiversity enhancements. This will be secured via condition.
- 10.30 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

## **10.31 Water Management and Flood Risk**

- 10.32 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 10.33 The site falls outside the Flood Zone and is therefore not designated as at risk of flooding.
- 10.34 The applicants have submitted a Flood Risk Assessment and Drainage Strategy.
- 10.35 The Council's Sustainable Drainage Engineer has advised that the site can drain adequately and a suitable surface water drainage strategy for the site can be delivered in accordance with policy. Therefore, the Sustainable Drainage Engineer states that subject to a surface water drainage condition, the proposed development is acceptable. This surface water drainage condition is considered reasonable and necessary to ensure the development proceeds on a basis which does not result in additional surface water flooding.



- 10.36 Policy 31 requires all flat roofs to be green or brown providing it is acceptable in the historic environment. While this is a policy requirement, the extant scheme does not include a green roof in the design and therefore officers consider that it is unreasonable to require this. Officers consider that a green roof condition would not pass all six tests of a planning condition as detailed in paragraph 55 of the NPPF.
- 10.37 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

### **10.38 Highway Safety and Transport Impacts**

- 10.39 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 10.40 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.41 The application is supported by a Transport Assessment.
- 10.42 Two vehicular accesses are proposed with the existing access via St Kilda Avenue utilised for car parking and a new delivery access proposed from Campkin Road.
- 10.43 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions. These conditions relate to the submission of a traffic management plan, paved areas constructed so no private water drains from the site onto the highway and that the car park is constructed in a bound material. These conditions are considered reasonable and necessary to impose.
- 10.44 Subject to conditions as applicable, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

### **10.45 Cycle and Car Parking Provision**

- 10.46 Cycle Parking
- 10.47 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as

set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

- 10.48 The proposed development provides 22 cycle parking spaces for the residential units and 12 for the flexible sui generis pub / class E use. This provision exceeds the requirements of 1 space per dwelling for dwellings up to 3 bedrooms. Appendix L of the Local Plan does not state specific standards for Class E use given the Use Class Order was updated in 2020 after the adoption of the 2018 Local Plan. While this is the case, officers do not consider that an alternative use within Class E would lead to an increase demand for cycle parking over and above the provision already deemed acceptable under 17/0927/FUL. Cumulatively, officers consider that the proposed cycle provision represents an improvement on the extant consent and therefore promotes sustainable travel to and from the site. To ensure that the provision is covered, safe and secure and that the elevational treatment is acceptable, a condition is considered reasonable and necessary to secure these details.
- 10.49 Car parking
- 10.50 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. There is no set standard for a commercial unit with a flexible use such as the proposed. However, for a restaurant/ pub/ drinking establishment the maximum standard is 1 per 20m<sup>2</sup> outside the Controlled Parking Zone. Taking an approximate average of all of the differing uses the standard would be 1 per 40m<sup>2</sup>.
- 10.51 A total of eight car parking spaces are provided on site, two designated for staff of the ground floor commercial unit with the remaining six for shared use between the residential units and the customers of the commercial unit, one of which is designated as a disabled space. This provision does not exceed the maximum standards detailed in Appendix L of the Local Plan.
- 10.52 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking, one slow charge point for every two dwellings with communal parking (at least half of all non-allocated parking spaces) and passive provision for all the remaining car parking spaces to provide capability for increasing provision in the future. The standards for commercial space are 1 per 1,000m<sup>2</sup> of floor space for fast charging

points; 1 per 2 spaces for slow charging points and passive provision for the remaining spaces to provide capability for increasing provision in the future.

10.53 EV charging points were not sought as part of the previous application. However, Officers have negotiated with the applicant who is amenable to provide a minimum of one EV charging point on site, which represents an improvement over and above the extant consents. This will be secured via a condition.

10.54 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

### 10.55 Amenity

10.56 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

10.57 Neighbouring Properties

10.58 The scale, massing and proximity of the proposal to neighbours was assessed and considered acceptable within 18/1974/S73. No changes to the external appearance or scale of the building over and above this application have been proposed. Therefore, by virtue of the scale, massing and siting in relation to neighbours remains acceptable.

10.59 Future Occupants

10.60 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).

10.61 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 (m²)	Proposed size of unit	Difference in size
1	1	1	1	37	40	+3
2	1	2	1	50	52	+2
3	1	1	1	37	46	+9
4	1	2	1	50	52	+2
5	1	1	1	37	40	+3
6	1	1	1	37	30	-7

7	1	1	1	37	34	-3
8	1	1	1	37	34	-3
9	1	1	1	37	30	-7

10.62 All of the first-floor flats (units 1-5) comply with the space standards within Policy 50. The four second floor flats (units 6-9) range in size from 30m<sup>2</sup> to 34 m<sup>2</sup> falling below the minimum space standard of 37 m<sup>2</sup> for a 1 bedroom 1 person studio. However, given that the sizes of these units have not altered from the approved scheme and this scheme can be implemented, other material planning considerations (extant consent) indicate that the Council cannot reasonably withhold permission on this basis.

#### 10.63 Garden Sizes

10.64 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 which should be of a shape, size and location to allow effective and practical use of the intended occupiers. Three of the proposed nine units (units 6, 7 and 8 on the 2nd floor) have direct access to private external amenity space in the form of a balcony with the proposal also providing a generous shared amenity space located in the north-eastern corner of the site. While the proposed development does not comply with policy 50 external space standards, officers consider that given the planning history is given great weight and as stated above, it is unreasonable to refuse the application on this basis. Officers consider that the cumulative impact of the under provision of internal space and lack of amenity space for 6 of the units would not result in substandard accommodation being provided given the good outlooks and light levels to all habitable rooms and large external shared amenity space sited to the north-east of the block.

10.65 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. While policy 51 requires all units to be Building Regulations Part M4(2) compliant, the extant consent is a material consideration and is given great weight as this consent can be implemented without complying with policy 51. Therefore, officers consider that the Council cannot require the scheme to comply with the requirements of Policy 51 and the proposal would be acceptable in terms of access.

#### 10.66 Construction and Environmental Impacts

10.67 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

10.68 The Council's Environmental Health team have assessed the application and consider the application acceptable subject to various conditions. A Noise Assessment Report has been submitted in support of the application which builds on a previous assessment carried out in support of 17/0927/FUL and details the assessment of commercial and associated noise impacts on the residential units proposed. The findings demonstrate that the internal noise levels in certain habitable rooms with windows open will be above the standards that we expect to be achieved (as per this stipulated in BS8233:2014). However, the Environmental Health team are satisfied that through the submission of an alternative ventilation scheme, noise and disturbance can be adequately mitigated against and a good quality living environment can be created.

10.69 All of the conditions recommended by the Environmental Health team as stated in paragraph 6.13 are considered reasonable and necessary to impose to ensure amenity for existing and proposed occupiers is acceptable. This includes submission of further information regarding odour, noise management, hours of use and noise insulation for certain uses (namely class E(d) and pub use).

10.70 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, and 57. Whilst the proposed development does not comply with policy 50 (space standards) and 51 (accessible homes), other material planning considerations indicate that the proposal is acceptable in planning terms.

#### **10.71 Third Party Representations**

10.72 All third-party representations have been addressed in the preceding paragraphs.

#### **10.73 Other Matters**

10.74 Bins

10.75 Policy 57 requires refuse and recycling to be successfully integrated into proposals.

10.76 The bin storage for both the proposed flats and the commercial units would be located in convenient locations to enable functional use of the site and would be an appropriate capacity. Therefore officers consider that the proposal complies with policy 57.

#### **10.77 Planning Balance**

10.78 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise

(section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

- 10.79 While the proposed development when considered in isolation gives rise to policy conflict in terms of space standards and lift provision, the planning history cannot be ignored. The former Jenny Wren building has been demolished meaning the previous schemes have been implemented and can be fully built out. This fallback position of the 2018 or 2017 schemes is given significant weight.
- 10.80 The proposed development provides additional benefits over and above the previous schemes by enhancing the flexibility of the ground floor unit and by creating a more sustainable development through decreasing car parking, increasing cycle parking, providing EV charging, reducing carbon emissions, enhancing water efficiency and securing biodiversity net gain. This will enhance the resource management, biodiversity and the prioritisation of sustainable transport modes leading to an overall increase in the sustainability of the site. Despite the public consultation and marketing, the public house will be safeguarded through an additional condition requiring further marketing once substantially completed. Several community organisations have submitted a joint letter of support for the proposed development emphasizing that redevelopment of the site is needed and will provide benefit to the community. It is officers' opinion that cumulatively the benefits of the scheme, which include the redevelopment of a vacant site increasing the vitality and vibrancy of the Neighbourhood Centre, outweigh the harm arising from the proposed development.
- 10.81 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

#### **10.82 Recommendation**

#### **10.83 Approve subject to:**

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

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

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

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

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

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 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 Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

The combined rating level of sound emitted from all fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed the rating level limits specified within Section 9 of the 'Noise Assessment Report; Jenny Wren St Kilda Avenue, Cambridge', Revision C01, Ref 65204655-SWE-ZZ-ZZ-RP-YA-0001 (Sweco, 22nd December 2021)

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

- 8 Pub / drinking establishment use and / or Class E(b) development use (as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any Order revoking and re-enacting that order with or without modification) shall not commence until a scheme detailing plant, equipment, or machinery for the purposes of extraction, filtration and abatement of odours relating to the preparation and cooking of hot food 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 from odour and smoke / fumes or noise impacts. (National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 - policy 36).

- 9 The noise mitigation / attenuation scheme for the development as approved shall be implemented in accordance with the principles, operational noise levels and recommendations detailed in the submitted document Noise Assessment Report; Jenny Wren St Kilda Avenue, Cambridge, Revision C01, Ref 65204655-SWE-ZZ-ZZ-RP-YA-0001 (Sweco, 22nd December 2021).

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall maintained and 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 policies 35, 55 and 56)



- 11 Prior to the commencement of development/construction, details of an alternative ventilation scheme for the residential accommodation units to negate / replace the need to open windows, in order to protect future occupiers from external noise shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall achieve at least 2 air changes per hour within the noise impacted rooms. Full details are also required of the operating noise level of the alternative ventilation system.

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

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 12 Prior to the occupation of the residential units hereby approved, a post completion noise and vibration assessment shall be carried out from within the approved residential units to confirm compliance with the noise insulation scheme approved under condition 10 above. The post completion noise and vibration assessment shall be submitted in writing for approval by the LPA and if any additional noise insulation scheme measures are required to mitigate noise these shall be submitted for approval by the LPA and shall be implemented prior to occupation of the residential units and thereafter be permanently retained.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 13 Proposed uses falling with Class E(d) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting that order with or without modification) shall not commence until a noise insulation / mitigation scheme in order to minimise the airborne / impact noise emanating from the premises is submitted in writing for approval by the Local Planning Authority. The scheme as approved shall be fully implemented before the use is commenced and shall be retained as such.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 14 Any use of the ground floor that falls within Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 shall not be open to customers outside the hours of 07:00 and 23.00hrs daily.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 15 Use of the ground floor premises as "sui generis pub or drinking establishment" shall not be open to customers outside the hours of 08:00 and 23.00hrs Sunday-Thursdays (including Bank and Public Holidays) and 08:00 and 01:00hrs on Fridays and Saturdays.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 16 If the external amenity space provided for the Use Class E / sui generis pub / drinking establishment as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or amended/revoked by such Order on the ground floor is used by patrons of those ground floor uses, it shall be vacated by 23:00hrs daily. Amplified music shall not be played in or "piped" to external areas of that ground floor external amenity space at any time.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 Cambridge Local Plan 2018 policy 35.

- 17 Collections from and deliveries to the ground floor uses shall not be made outside the hours 0700-2100 Monday-Saturday and 0900-1700 on Sundays and Bank/Public Holidays.

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

- 18 For ground floor uses comprising pub / drinking establishment and / or Class E(d) as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting that order with or without modification), all external windows and doors serving the ground floor 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 lobby or in the case of an emergency.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 18 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 the adjoining properties. (Cambridge Local Plan 2018 policy 35).

- 19 Any ground floor use as a pub / drinking establishment shall not commence until an Operational External Noise Management Plan for external areas has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the management systems that will be implemented to control and reduce noise from the uses of external areas of the public house.

The management plan shall be reviewed by the operators of the public house:

- o Prior to launching / introducing any new entertainment
- o When alterations to the building are proposed
- o Following a complaint
- o When monitoring procedures identify that controls are inadequate

The approved management plan (and/or any subsequent revisions) shall be fully implemented and maintained thereafter.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 20 Prior to the commencement of any 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 nearby properties in accordance with National Planning Policy Framework 2021 - paragraph 185 c) and Cambridge Local Plan 2018 - policies 34 and 59.

- 22 Prior to the commencement of development, full details and specifications for the balustrade serving the proposed 2nd floor balcony 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 flat from excessive noise and disturbance (Cambridge Local Plan 2018; Policies 35 and 72)

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

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

- 23 Prior to the commencement of the development, full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing are to be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

Reason: To ensure that the materials selected are of a high quality and appropriate to the context of the building (Cambridge Local Plan 2018 policy 57).

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

Reason: To ensure that the materials selected are of a high quality and appropriate to the context of the building (Cambridge Local Plan 2018 policy 57).

- 25 No development should take place until details of the signage of the ground floor flexible use commercial unit to be used on the building of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the signage is acceptable. (Cambridge Local Plan 2018 policies 55, 57 and 64).

- 26 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be

erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2018 policies 55, 57 and 59)

- 27 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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

- 28 No development above ground level, other than demolition, shall commence until a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

Reason: To ensure appropriate surface water drainage and to prevent the increased risk of flooding. (Cambridge Local Plan 2018 policies 31 and 32).

- 29 The development, hereby permitted, shall not be occupied or the use commenced, until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.

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

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

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

- 31 Within one month of practical completion of the ground floor unit of the development hereby permitted, the ground floor unit shall be marketed as a public house (sui generis use) for a period of 6 months and subsequently the marketing report shall be submitted to and approved in writing by the Local Planning Authority. The marketing report shall demonstrate the following has been included:
- a. details of the appropriately qualified person who carried out the marketing exercise;
  - b. the facility/site should be marketed only for the public house (sui generis) use and for no other use;
  - c. unless previously agreed in writing with the local planning authority, the strategy shall engage in advertising through diverse forms of media including as a minimum the following: 1. 'for sale/for rent' signboard at the premises; 2. advertisements in the local press; 3. advertisements in appropriate commercial magazines/journals targeted at the pub trade; 4. advertisements on appropriate commercial websites at the pub trade; 5. advertisements through national and local estate agents (including their websites); and 6. a targeted mail shot or email to an agreed list of potential purchasers. Evidence of all sales literature (and in the case of a signboard, dated photographs) will be required.
  - d. copies of all details of approaches and offers should be provided together with full reasons as to why any offer has not been accepted;
  - e. any attempts to sell the business at a price which reflects its current use should relate to the business in its entirety, and not to parts of it, for example the buildings without the associated garden or car park.

Reason: To ensure local businesses and the community have adequate opportunity to take on the ground floor unit as a public house and to safeguard the designated public house (Policy 76 of the Cambridge Local Plan 2018 and Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (October 2012)).

- 32 The ground floor commercial unit of development hereby permitted shall not be used for any purpose falling with Class E(g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting that order with or without modification).

Reason: To protect the vitality and vibrancy of the Neighbourhood Centre (Cambridge Local Plan 2018 policies 72).

- 33 Notwithstanding the provisions of Schedule 2, Part 3, Class MA 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 change of use of the ground floor commercial unit to a dwellinghouse (C3 use) shall not be allowed without the granting of specific planning permission.

Reason: To protect the vitality and vibrancy of the Neighbourhood Centre (Cambridge Local Plan 2018 policies 72).

- 34 Prior to the installation of any electrical services, an electric vehicle charge point scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall make provision for a minimum of one active charge point. The active charge point(s) should have a minimum power rating output of 3.5kW. All other communal flat spaces should have passive provision of the necessary infrastructure including capacity in the connection to the local electricity distribution network and electricity distribution board, as well as the provision of cabling to parking spaces for all remaining car parking spaces to facilitate and enable the future installation and activation of additional active electric vehicle charge points as required, and this should be demonstrated in the submitted detail.

The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling 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 2021) paragraphs 107, 112, 174 and 186, Policies 36 and 82 of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

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

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

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 approved 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).

- 36 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).

- 37 Prior to the commencement of development above slab level, a scheme of biodiversity enhancement shall be submitted to the local planning authority for its written approval. The scheme must include details as to how a measurable net gain in biodiversity has been accomplished. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

Reason: To ensure the development sustains and enhances biodiversity



within the site, in accordance with Policy 70 of the Cambridge Local Plan 2018 and the Biodiversity SPD 2022.

## **INFORMATIVES**

### **1. Dust**

Where demolition / construction dust assessments and management plans are required, they shall have regard to the various national and industry best practical technical guidance such as:

Cambridge Sustainable Design and Construction Supplementary Planning Document, (Adopted January 2020)

<https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-and-construction-spd>

Guidance on the assessment of dust from demolition and construction, version 1.1 (IAQM, 2016)

Guidance on Monitoring in the Vicinity of Demolition and Construction Sites, version 1.1 (IAQM, 2018)

Control of dust and emissions during construction and demolition - supplementary planning guidance, (Greater London Authority, July 2014).

### **2. Plant**

To satisfy the plant noise insulation condition, the operational noise rating level (in accordance with BS4142:2014+A1:2019) from all internal and external machinery plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing representative background sound level (LA90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

If noise sensitive premises are located within the application site boundary, then the glazing of the premises and/or amenity areas will also be a location for the rating level of all plant not to exceed the existing background sound level (LA90).

Tonal/impulsive sounds and other sound characteristics should be eliminated or at least considered in any assessment and should carry an additional correction (rating penalty) in accordance with BS4142:2014+A1:2019. This is to prevent unreasonable disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).

It is recommended that the agent/applicant submits an acoustic prediction survey/report in accordance with the principles of BS4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the **application site boundary** having regard to neighbouring premises.

Whilst our requirements are for the rating level not to exceed the background sound level at the application site boundary, if the plant is roof mounted and nearby noise sensitive receivers are in closer proximity than the site boundary and / or the site boundary is afforded shielding from the application building parapet, the nearest noise sensitive receiver would be the required assessment location.

It is important to note that a full BS4142:2014+A1:2019 assessment is not required, only certain aspects to be incorporated into an acoustic assessment as described within this informative.

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

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

### 3. **Odour**

To satisfy the odour/fume filtration/extraction condition, details shall be provided 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.

### 4. **Licensing**

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

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

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

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

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#### Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs

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<b>Planning Committee Date</b>	14 June 2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	21/00483/FUL
<b>Site</b>	The Guildhall, Market Hill, Cambridge CB2 3QJ
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Installation of 6No. antennas on 3No. on new offset brackets & support poles installed on new climbable tripod support, mounted on new steel grillage frames. Installation of radio equipment within existing equipment cabin and removal of existing 6No. antennas and replaced with 6No. antennas fixed to wall and braced back to upper roof level and new ancillary equipment.
<b>Applicant</b>	Vodafone Ltd
<b>Presenting Officer</b>	Sumaya Nakamya
<b>Reason Reported to Committee</b>	Land within ownership of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Impact on Conservation Area and Listed Building 2. Residential Amenity and Public Safety
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## **1.0 Executive Summary**

- 1.1 The application seeks planning permission for the installation of 6No. antennas on 3No. new offset brackets & support poles installed on new climbable tripod support, mounted on new steel grillage frames. Installation of radio equipment within existing equipment cabin and removal of existing 6No. antennas and replaced with 6No. antennas fixed to wall and braced back to upper roof level and new ancillary equipment.
- 1.2 The development accords with the Development Plan as the proposal would preserve the historic interest, its setting and the significance of the Listed Building and would preserve the character and appearance of the Conservation Area.
- 1.3 Officers recommend that the Planning Committee approve the development.

## **2.0 Site Description and Context**

- 2.1 The application site is Grade II listed and is in the ownership of Cambridge City Council.
- 2.2 The building (The Guildhall) was constructed 1936-37 and 1946-48. It has a U-shaped on plan from grey brick laid in Flemish bond. The building is 5 storeys, and the northern elevation of the site faces onto the Market Place. The attic storey is set back and the flat roof not visible. There are existing antennas with ancillary equipment and solar panels.
- 2.3 The proposal site is located within the Central (Historic Core) Conservation Area and within a Controlled Parking Zone.

## **3.0 The Proposal**

- 3.1 The installation of 6No. antennas on 3No. on new offset brackets & support poles installed on new climbable tripod support, mounted on new steel grillage frames. Installation of ancillary equipment with 5No. RRU's to be installed on 2No. sloping pole brackets fixed to brace poles at each antenna location. Installation of radio equipment within existing equipment cabin and existing 6No. antennas to be removed and replaced with 6No. antennas fixed to wall and braced back to upper roof level. Also, existing, and new ancillary equipment to be installed and 5No. new MAFI freestanding frames.
- 3.2 The new antennas with ancillary equipment will be predominately located on the northern side of the roof and one mounted on the front elevation of the building on the west. There will also be replacements on the eastern and western side of the roof. The highest antenna will be approximately 26.9m above the roof.

- 3.3 The purpose of the new installations is to increase coverage from 4G to 5G. In the submitted information the applicant provided justification that the chosen locations is to minimise constraints associated with 5G such as clipping (distortion) and disruption in frequency. The applicant explained that the proposed antennas need to be much closer to the roof edge to avoid the signal 'clipping'.
- 3.4 This application should be read in conjunction with the listed building consent application reference 21/00484/LBC.

#### 4.0 Relevant Site History

Reference	Description	Outcome
20/51518/PREAPP	Installation of 6no new vodafone antennas; ancillary equipment, 1no vodafone csc equipment enclosure and 2no ERS hybrid equipment racks on the existing grillage.	Pending
18/0422/FUL	Installation of solar PV and edge protection on the roof of the Guildhall.	Approved (24.05.2018)
18/0423/LBC	Installation of solar PV and edge protection on the roof of the Guildhall.	Approved (24.05.2018)
14/1894/FUL	Removal of six antennas and replacement of three antennas on rooftop. Installation of equipment cabinets within the existing cabin together with ancillary development.	Approved (17.03.2015)
14/1895/LBC	Removal of six antennas and replacement of three antennas on rooftop. Installation of equipment cabinets within the existing cabin together with ancillary development.	Approved (17.03.2015)

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Circular 11/95 (Conditions, Annex A)

## **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development  
Policy 39: Mullard Radio Astronomy Observatory, Lord's Bridge  
Policy 61: Conservation and enhancement of historic environment  
Policy 62: Local heritage assets  
Policy 65: Visual pollution  
Policy 84: Telecommunications

## **5.3 Supplementary Planning Documents**

Sustainable Design and Construction SPD – Adopted January 2020

## **5.4 Other Guidance**

Central conservation area

## **6.0 Consultations**

### **6.1 County Highways Development Management**

6.2 No comment on the behalf of the Highway Authority.

### **6.3 Conservation Officer**

6.4 As can be seen in the application documents, there are already antennas on the roof of this building plus the cabinets needed for the equipment. They are readily seen from the busy Market Hill and Market Street and the proposal is to replace a number of them which need to be higher to meet the technical requirements now needed. Following on from the original submission, the agent has submitted photomontages showing the proposed new equipment in place. As for the existing situation, the location from which they will be most visible will be Market Hill and Market Street.

6.5 Due to the increase in height and one of the poles will have two elements on it, increasing the bulk, the overall effect of the new equipment would be to draw the eye from the listed building. This would be detrimental to the character and setting of the listed building and therefor the appearance of the conservation area. The proposals would be more visually harmful than what is already in place. Taking the above into account, I consider that the proposal will adversely affect the character of the Listed Building. Taking the above into account, I consider that the proposal will not preserve or enhance the character or appearance of the conservation area.

### **6.6 Environmental Health**



6.7 The development proposed is acceptable and, no recommended conditions to make regarding this application.

## **6.8 Air Safeguarding**

6.9 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Therefore, there is no objection to this proposal.

## **7.0 Third Party Representations**

7.1 No representations have been received.

7.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **8.0 Assessment**

### **8.1 Principle of Development**

8.2 The National Planning Policy Framework supports high quality communication infrastructure and encourages the use of existing sites. Policy 84 of the Cambridge Local Plan 2018 states:

Planning permission will be granted for telecommunications development where it can be demonstrated that:

- a. the proposal does not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation that is operated in the national interest;
- b. visual impact is minimised through design and location, with equipment sympathetically designed and camouflaged where appropriate;
- c. pre-application consultation has been undertaken, particularly where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome or technical site. The relevant highways authority should be consulted where works are in the highway or in close proximity to the Cambridgeshire Guided Busway;
- d. applications for an addition to an existing mast or base station are accompanied by a statement that self-certifies that the cumulative exposure, when operational, will not exceed guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP); and
- e. applications for a new mast or base station are accompanied by evidence that the applicant has explored the possibility of erecting aerials on an existing building, site, mast or other structure and a statement that self-certifies that, when operational, ICNIRP guidelines will be met.

- 8.3 The application has been accompanied by a ICNIRP Declaration and Clarification Statement dated 1<sup>st</sup> February 2021. The ICNIRP Declaration and Clarification Statement certifies that the site is designed to be fully compliant with the requirements of the radio frequency guidelines by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The ICNIP Declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near the proposed location. This radio emission compliance calculation is based upon the maximum possible cumulative values. Additionally, the need for evidence from the applicant of erecting aerials on an existing building is not necessary given that there is evidence of existing aerials on the application site.
- 8.4 The principle of the development is acceptable and in accordance with policy 84, in particular criteria's d and e of the policy.
- 8.5 Heritage Assets and Impact on Conservation Area**
- 8.6 The application falls with the Central (Historic Core) Conservation Area. The application is within the setting of the several listed buildings.
- 8.7 Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.8 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 8.9 The proposed antennas are set back from the edge of the building behind the parapet wall which is approximately 1.61 metres high. The proposed equipment will be visible from Market Street, Market Hill and Petty Cury and glimpsed views from Guildhall Street/Guildhall Place and Peashill.
- 8.10 The Conservation Officer has advised that the proposed installations due to the increase in height and that one of the poles will have two elements on it, increasing the bulk, the overall effect of the new equipment would be to draw the eye from the listed building. They conclude this would be detrimental to the character and setting of the listed building and therefore the appearance of the conservation area and that the proposals would be more visually harmful than what is already in place.
- 8.11 Officers have taken note of the Conservation Officer's comments and, in this case, disagree with the conclusions. It is considered that the masts will generally not be any higher than existing and would not be perceived

as introducing any further roofscape development that would be additionally harmful in nature to the setting of the Guildhall or the character or appearance of the conservation area. The comparable height difference of the proposal with the existing mast is approximately 2.1metres.

8.12 Officers note that the equipment will be visible from various vantage points. However, where they may be seen they are unlikely to be intrusive and would be sited in close proximity and read in context with the existing rooftop telecom equipment. Any views would be of relatively low visual impact. Many of the surrounding buildings have plant and equipment on their roofs so it is not considered that the masts and equipment would be detrimental to the character of the conservation area and would not be something unexpected, if viewed from a higher vantage point.

8.13 Notwithstanding the Conservation Officer's comments, it is considered that the proposal, by virtue of its scale, massing, and design, would not harm the character and appearance of the Conservation Area or the setting of listed buildings. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy 61.

#### **8.14 Amenity**

8.15 Policies 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

#### **8.16 Neighbouring Properties**

The proposed antennae adequately respect the amenity of its neighbours and the constraints of the site. No significant amenity issues arise.

#### **8.17 Third Party Representations**

8.18 There are no remaining third-party representations that need to be addressed.

#### **8.19 Planning Balance**

8.20 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

8.21 The provision of upgraded telecommunications equipment on the Guildhall is consistent with the existing roofscape and context of the Conservation Area. No visual harm to the conservation area would arise or harm to the setting of the LB. The installation would provide much needed 5G

coverage in a City centre location where there are many constraints to alternative provision elsewhere.

- 8.22 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

### **8.23 Recommendation**

- 8.24 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **9.0 Planning Conditions**

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

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

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

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

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### **Background Papers:**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs



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<b>Planning Committee Date</b>	14 June 2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	21/00484/LBC
<b>Site</b>	The Guildhall, Market Hill, Cambridge CB2 3QJ
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Installation of 6No. antennas on 3No. on new offset brackets & support poles installed on new climbable tripod support, mounted on new steel grillage frames. Installation of radio equipment within existing equipment cabin and removal of existing 6No. antennas and replaced with 6No. antennas fixed to wall and braced back to upper roof level and new ancillary equipment.
<b>Applicant</b>	Vodafone Ltd
<b>Presenting Officer</b>	Sumaya Nakamya
<b>Reason Reported to Committee</b>	Land within ownership of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Impact on the Listed Building
<b>Recommendation</b>	<b>Grant Consent</b> subject to conditions

## **1.0 Executive Summary**

- 1.1 The application seeks Listed Building consent for the installation of 6No. antennas on 3No. on new offset brackets & support poles installed on new climbable tripod support, mounted on new steel grillage frames. Installation of radio equipment within existing equipment cabin and removal of existing 6No. antennas and replaced with 6No. antennas fixed to wall and braced back to upper roof level and new ancillary equipment.
- 1.2 The development accords with the Development Plan as the proposal would preserve the historic interest, its setting and significance of the Listed Building.
- 1.3 Officers recommend that the Planning Committee approve the development.

## **2.0 Site Description and Context**

- 2.1 The application site is Grade II listed and is in the ownership of Cambridge City Council.
- 2.2 The building (The Guildhall) was constructed 1936-37 and 1946-48. It has a U-shaped on plan from grey brick laid in Flemish bond. The building is 5 storeys, and the northern elevation of the site faces onto the Market Place. The attic storey is set back and the flat roof not visible. There are existing antennas with ancillary equipment and solar panels.
- 2.3 The proposal site is located within the Central (Historic Core) Conservation Area and within a Controlled Parking Zone.

## **3.0 The Proposal**

- 3.1 Installation of 6 No. antennas on 3 No. on new offset brackets & support poles installed on new climbable tripod support, mounted on new steel grillage frames. Installation of ancillary equipment - 5 No. RRU's to be installed on 2 No. sloping pole brackets, fixed to brace poles at each antenna location, Installation of radio equipment within existing equipment cabin, Existing 6 No. antennas to be removed and replaced with 6 No. antennas fixed to wall and braced back to upper roof level Existing and new ancillary equipment to be installed on 5No. new MAFI freestanding frames.
- 3.2 The new antennas with ancillary equipment will be predominately located on the northern side of the roof and one mounted on the front elevation of the building to the west. There will also be replacements on the eastern and western side of the roof. The highest antenna will be approximately 26.9m above the roof.
- 3.3 The purpose of the new installations is to increase coverage from 4G to 5G. The applicant provided justification that the chosen locations is to



minimise constraints associated with 5G such as clipping (distortion) and disruption in frequency. The applicant explained that the proposed antennas need to be much closer to the roof edge to avoid the signal 'clipping'.

- 3.4 This application should be read in conjunction with the planning application reference 21/00483/FUL.

#### 4.0 Relevant Site History

Reference	Description	Outcome
20/51518/PREAPP	Installation of 6no new vodafone antennas; ancillary equipment, 1no vodafone csc equipment enclosure and 2no ERS hybrid equipment racks on the exisisting grillage.	Pending
18/0422/FUL	Installation of solar PV and edge protection on the roof of the Guildhall.	Approved (24.05.2018)
18/0423/LBC	Installation of solar PV and edge protection on the roof of the Guildhall.	Approved (24.05.2018)
14/1894/FUL	Removal of six antennas and replacement of three antennas on rooftop. Installation of equipment cabinets within the existing cabin together with ancillary development.	Approved (17.03.2015)
14/1895/LBC	Removal of six antennas and replacement of three antennas on rooftop. Installation of equipment cabinets within the existing cabin together with ancillary development.	Approved (17.03.2015)

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

## **5.2 Cambridge Local Plan 2018**

Policy 61: Conservation and enhancement of historic environment

## **5.3 Supplementary Planning Documents**

-

## **5.4 Other Guidance**

Central conservation area

## **6.0 Consultations**

### **6.1 County Highways Development Management**

6.2 No comment on the behalf of the Highway Authority.

### **6.3 Conservation Officer - Objection**

6.4 As can be seen in the application documents, there are already antennas on the roof of this building plus the cabinets needed for the equipment. They are readily seen from the busy Market Hill and Market Street and the proposal is to replace a number of them which need to be higher to meet the technical requirements now needed. Following on from the original submission, the agent has submitted photomontages showing the proposed new equipment in place. As for the existing situation, the location from which they will be most visible will be Market Hill and Market Street.

6.5 Due to the increase in height and that one of the poles will have two elements on it, increasing the bulk, the overall effect of the new equipment would be to draw the eye from the listed building. This would be detrimental to the character and setting of the listed building and therefore the appearance of the conservation area. The proposals would be more visually harmful than what is already in place. Taking the above into account, I consider that the proposal will adversely affect the character of the Listed Building. Taking the above into account, I consider that the proposal will not preserve or enhance the character or appearance of the conservation area.

### **6.6 Environmental Health – No Objection**

6.7 The development proposed is acceptable and, no recommended conditions to make regarding this application.

### **6.8 Air Safeguarding - No Objection**

- 6.9 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Therefore, there is no objection to this proposal.

## **7.0 Third Party Representations**

- 7.1 No representations have been received.
- 7.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **8.0 Assessment**

### **8.1 Heritage Assets**

- 8.2 The application falls within the Central (Historic Core) Conservation Area. The application is within the setting of the several listed buildings and particular consideration needs to be given to the impact of the proposal on the setting of the Guildhall, a grade II listed building.
- 8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings.
- 8.4 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.
- 8.5 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area.
- 8.6 The proposed antennas are set back from the edge of the building behind the parapet wall which is approximately 1.61 metres high. The proposed equipment will be visible from Market Street, Market Hill and Petty Cury and glimpsed views from Guildhall Street/Guildhall Place and Peashill.
- 8.7 The Conservation Officer has advised that the proposed installations due to the increase in height and that one of the poles will have two elements on it, increasing the bulk, the overall effect of the new equipment would be to draw the eye from the listed building. They conclude this would be detrimental to the character and setting of the listed building and therefore the appearance of the conservation area and the proposals would be more visually harmful than what is already in place.

- 8.8 Officers have taken note of the Conservation Officer's comments and, in this case, disagree with the conclusions. It is considered that the masts will generally not be any higher than existing and would not be perceived as introducing any further roofscape development that would be additionally harmful in nature to the setting of the Guildhall within the context of the conservation area. The comparable height difference of the proposal with the existing mast is approximately 2.1metres.
- 8.9 Officers note that the equipment will be visible from various vantage points. However, where they may be seen they are unlikely to be intrusive and would be sited in close proximity and read in context with the existing rooftop telecom equipment. Any views would be of relatively low visual impact. Many of the surrounding buildings have plant and equipment on their roofs, so it is not considered that the masts and equipment would be detrimental to the character of the conservation area or setting of the listed building and would not be something unexpected, if viewed from a higher vantage point.
- 8.10 Notwithstanding the Conservation Officer's comments, it is considered that the proposal, by virtue of its scale, massing, and design, would not harm the heritage significance of the listed building or its setting within the Conservation Area. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy 61
- 8.11 Third Party Representations**
- 8.12 There are no remaining third-party representations need to be addressed.
- 8.13 Planning Balance**
- 8.14 The provision of upgraded telecommunications equipment on the Guildhall is consistent with the existing roofscape and context of the Conservation Area. No visual harm to the conservation area would arise or harm to the setting or fabric of the listed building.
- 8.15 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for listed building consent.
- 8.16 Recommendation**
- 8.17 **Grant Consent** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **9.0 Planning Conditions**

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

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

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### **Background Papers:**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs

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<b>Planning Committee Date</b>	14/06/2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/01870/HFUL
<b>Site</b>	15 Bulstrode Gardens, Cambridge CB3 0EN
<b>Ward / Parish</b>	Newnham
<b>Proposal</b>	Single storey and first floor rear extensions, side and rear roof extensions, and relocation of front porch.
<b>Applicant</b>	Mrs Lucy Nethsingha
<b>Presenting Officer</b>	Mary Collins
<b>Reason Reported to Committee</b>	Application submitted by a member or officer of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Design, Layout, Scale and Landscaping</li><li>2. Impact on conservation area</li><li>3. Residential Amenity</li></ol>
<b>Recommendation</b>	<b>APPROVE</b>

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for a single storey and first floor rear extensions. Side and rear roof extensions, and relocation of front porch.
- 1.2 Officers recommend that the Planning Committee approve subject to conditions.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building		Flood Zone 1	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The application site is situated on the eastern side of Bulstrode Gardens, which is a private road, situated off the southern side of Madingley Road. The surrounding land is in residential use. The site is within the West Cambridge Conservation Area.
- 2.2 The property is set back from the road behind a front garden. It is detached with a hipped roof and a catslide roof to single storey eaves level to the side. To the rear it has a two storey projection with a hipped roof and a two storey extension with a flat roof and single storey flat roofed extensions.

## 3.0 The Proposal

- 3.1 Planning permission is sought for a single storey and first floor rear, side and rear roof extensions, and relocation of front porch. The extension to the side of the existing dwelling would build up the existing lean-to wall of the existing catslide to two storey level and the roof of the roof of existing dwelling would be extended and a hip added.

To the rear, the existing two storey flat roof section would have a pitched roof over forming a gable to the rear. The existing hipped roof over the other two storey rear projection would be extended to form a gable.

The proposed ground floor extension to the rear would extend the width of the two, two storey gables. It would have a flat roof.



The main entrance to the property would be relocated as well as the existing bay window.

#### **4.0 Relevant Site History**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/0312/FUL	Erection of a bike shed to the front of the house.	Approved 11.06.2013
13/1716/ NMA	Non material amendment on application 13/0312/FUL for the height of the front right corner of the shed to be 5cm higher than shown on the approved plans.	Approved 11.02.2014
C/87/0869	Erection of single storey extensions and formation of first floor balcony.	Approved 09.10.1987
C/76/0103	Erection of first floor extension	Approved
C/71/0480	Extension to form garage and utility room	Approved

#### **5.0 Policy**

##### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

**5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 55: Responding to context

Policy 58: Altering and extending existing buildings

Policy 61: Conservation and enhancement of historic environment

**5.3 Neighbourhood Plan**

N/A

**5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Design and Construction SPD – Adopted January 2020

Flood and Water SPD – Adopted November 2016

**5.5 Other Guidance**

West Cambridge conservation area

**6.0 Consultations**

None required

**7.0 Third Party Representations**

7.1 No representations have been received.

7.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

**8.0 Assessment**

**8.1 Design, Layout, Scale and Landscaping**

8.2 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

8.3 The side elevation of the property faces towards the entrance to Bulstrode Gardens and the existing cat slide roof is clearly visible in the street scene. The extension of the wall upwards to form a two-storey height wall with a hipped roof is not considered to be detrimental to the appearance of the area.

- 8.4 The extension of the existing hipped two storey rear projection over the existing flat roof would increase the depth of this projection but this is not considered to be harmful. The introduction of a second two storey rear projection, over another section of ground floor would be subservient to the first and would not be out of keeping with the dwelling.
- 8.5 These extensions are set in from the sides of the dwelling and would not dominate the rear elevations. The additional ground floor extension attached to the rear would have a flat roof. This is acceptable in terms of its size and subservience, but a condition will be attached to any approval requiring the roof to be a Green or Brown covering.
- 8.6 The relocation of the main entrance and the relocation of the existing bay window would remove some of the existing symmetry to the front elevation of this dwelling. However, the large areas of glazing at the end of the dwelling currently disrupts this symmetry as such it is considered that the proposed changes to the principal elevation are not harmful to the appearance of the dwelling.
- 8.7 The proposal is compliant with Local Plan policies 55, 56, 58 and 59 (subject to condition(s) as appropriate).

## **8.8 Heritage Assets**

- 8.9 The application falls within the West Cambridge Conservation Area.
- 8.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.11 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.
- 8.12 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area.
- 8.13 It is considered that the proposal, by virtue of its scale, massing and design, would not harm the character and appearance of the Conservation Area. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Local Plan policies 60 and 61.

## **8.14 Residential Amenity**

8.15 Policy 58 permits extensions and / or alterations to existing buildings provided they do not unacceptably overlook, overshadow or visually dominate neighbouring properties.

8.16 No objections have been received from neighbouring occupiers. Given the adjacent context, location, size, and design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, overshadowing, enclosure or other environmental impacts.

### **8.17 Planning Balance**

8.18 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

8.19 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

### **8.20 Recommendation**

8.21 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

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

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

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

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

- 3 The materials to be used in the external construction of the development, hereby permitted, shall be constructed in external materials to match the existing building in type, colour and texture, brick bond and mortar mix.

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).

- 4 The flat roof(s) hereby approved shall be a Green Roof or Brown Roof in perpetuity 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)

- 5 The new first floor side windows shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall be non opening under 1.7 metres from internal floor level. The glazing shall thereafter be retained in accordance with the approved details.

No further windows or openings shall be inserted at first floor level in the side elevations of the development without the granting of specific planning permission.

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

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#### Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs

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<b>Planning Committee Date</b>	14 June 2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/00996/FUL
<b>Site</b>	Land Adj. 97 Kendal Way
<b>Ward / Parish</b>	Kings Hedges
<b>Proposal</b>	Erection of a 3bed dwelling including landscaping and parking.
<b>Applicant</b>	Cambridge City Council
<b>Presenting Officer</b>	Phoebe Carter
<b>Reason Reported to Committee</b>	Land within ownership of the Council and application submitted by the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ul style="list-style-type: none"><li>-Impacts on neighbouring occupiers</li><li>-Character of the area</li><li>-Housing need, M4(3) bungalow</li></ul>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The proposal would be in keeping with the character of the area, would provide a high quality, wheelchair accessible, living environment for future occupants and would help meet affordable housing need.
- 1.2 Officers recommend that the Planning Committee Approve the application subject to conditions.

## 2.0 Site Description and Context

None-relevant	X	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The application site is comprised of former garden land associated with No. 99 Kendal Way which is under the ownership of Cambridge City Council. The site is a wedge of land situated on the north east side of the highway between No. 97 and No. 99 Kendal Way. The surrounding area is residential in context and properties are typically two storey in scale and either terraced or semi-detached in form.
- 2.2 There are no site constraints.

## 3.0 The Proposal

- 3.1 The application seeks planning permission for the erection of a 3 bed dwelling, including landscaping and parking.
- 3.2 The proposed development would be single storey 3 bed 5 person M4(3) accessible dwelling house for affordable rent. The proposal has been put forward to provide additional affordable housing to meet the shortfall in the City. The dwelling has been positioned in line with the building line of the street with cycle, bin and parking bays to the front of the dwelling.



- 3.3 The application has been amended to address cycle parking and additional information required by Environmental Health and further consultations have been carried out as appropriate.
- 3.4 A similar proposal was brought to Planning Committee on 01 February 2017. The application 16/1362/FUL was permitted. The application seeks to alter the proposed scheme from the erection of two 2-bed affordable houses, associated landscaping, parking spaces and rear garden.

#### **4.0 Relevant Site History**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1362/FUL	Erection of two 2-bed affordable houses, associated landscaping, parking spaces and rear gardens	Permitted
4.1	The Council had previously put through a supported scheme for two bedroom affordable dwellings. The proposed dwellings were two storey semi-detached dwellings. The application was considered to be in keeping with the character and appearance of the area whilst adequately respecting neighbouring occupiers, providing a high quality living environment for future occupants and helping to meet affordable housing need within the City.	

#### **5.0 Policy**

##### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

## 5.2 **Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 31: Integrated water management and the water cycle

Policy 35: Human health and quality of life

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 52: Protecting garden land and subdivision of dwelling plots

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 70: Protection of priority species and habitats

Policy 71: Trees

## 5.3 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

Health Impact Assessment SPD – Adopted March 2011

Landscape in New Developments SPD – Adopted March 2010

Trees and Development Sites SPD – Adopted January 2009

## 6.0 **Consultations**

**Highways** - No objection.

6.1 The development is acceptable subject to the impositions of the following conditions and informatives

- Pedestrian visibility splays
- Falls and levels of parking spaces and paved paths
- Bound material of car parking spaces
- Informative: Permission to carry works on a public Highway

**Drainage** - No objection.

6.2 The development is acceptable subject to the impositions of the following conditions and informatives

- Surface Water Drainage

- Foul Water Drainage

### **Environmental Health – No objection**

- 6.3 Initial Comments (01/04/2021): Further information required regarding Phase 2 Geo-Environmental Assessment
- 6.4 Amendment Comments (17/05/2021): No objection. The development is acceptable subject to the impositions of the following conditions and informatives
- Construction/Demolition hours
  - Piling
  - Electric Vehicle Charge point

### **7.0 Third Party Representations**

- 7.1 1 representation has been received.
- 7.2 The comment has requested additional information on the application. They have not raised any specific objections to the application

### **8.0 Member Representations**

- 8.1 Not applicable

### **9.0 Local Groups / Petition**

- 9.1 Not applicable
- 9.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

### **10.0 Assessment**

#### **10.1 Principle of Development**

- 10.2 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.
- 10.3 Policy 52 requires proposals for the subdivision of existing residential curtilages to be of a form, height and layout appropriate to the surrounding pattern of

development and character of the area whilst retaining sufficient garden space and balancing protecting the amenity and privacy of neighbours with creating high quality functional environments for future occupiers.

10.4 The site was previously garden land for number 99 Kendal Way. Policy 52 of the Cambridge Local Plan (2018) states that: Proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:

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

10.5 It is considered that the proposal complies with the above five criteria and the reasons for this are set out in the relevant sections of this report.

#### **10.6 Design, Layout, Scale and Landscaping**

10.7 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

10.8 The proposed dwelling would be set back from, and front onto the street, in a similar manner to that of other properties along the street. The building line would be marginally forward of the adjacent pair of semi-detached properties at Nos. 99 and 101 Kendal Way. Nevertheless it is not considered this progression forward of the established building line would be significant and the proposed dwelling would still be read in a similar context to that of the surroundings.

10.9 The proposal is a single storey dwelling which is 2.7 metres high at the eaves and approximately 5.2 metres at the roof ridge. Whilst the general pattern of development is two storey dwellings in the surrounding area there are other examples of single storey dwellings. It is not considered that the proposal must conform to this pattern in order for it to integrate successfully into its surroundings. It would still read as a detached dwelling and there would be a comfortable separation distance from the boundaries of neighbours. The

additional footprint of the dwelling, compared to the neighbours, would be situated to the rear of the site and would not result in the proposed development being too prominent or out of proportion with context. The scale of development is considered appropriate and have an active frontage with consistent fenestration of doors and windows. The scale of the proposed dwelling would be subservient to the adjacent dwellings and would not dominate them within the streetscene.

- 10.10 The proposed materials of cream buff bricks, render and red hipped tiled roof would match the overall palette of materials of the surrounding area. A condition would be attached requiring the materials to be used as set out within the plans, in the interest of visual amenity.
- 10.11 A condition would be attached to any consent granted requiring submission of a hard and soft landscaping scheme, to ensure that the details are appropriate to the character of the area, in the interests of visual amenity.
- 10.12 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.

#### **10.13 Carbon Reduction and Sustainable Design**

- 10.14 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 10.15 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions.
- 10.16 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.17 The application is supported by a Design and Access Statement which sets out the proposal to install Solar Panels and an External Heat Pump however no further details have been provided. To ensure compliance with Cambridge Local Plan (2018) policies 28 and 30 and the Greater Cambridge Sustainable Design and Construction SPD 2020, conditions will be attached to any consent granted requiring submission of a Carbon Reduction Statement to meet part L of Building

Regulations, and a water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations.

#### **10.18 Biodiversity**

- 10.19 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 10.20 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out that there would be no direct impact on priority habitats. Enhancements can be made to the final development by incorporating features of ecological interest including bird and bat boxes, hedgehog holes in fencing and soft landscaping.
- 10.21 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

#### **10.22 Water Management and Flood Risk**

- 10.23 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 10.24 The Sustainable Drainage Officer has commented on the application. Whilst the proposal indicate a soakaway to collect the surface water run off from the proposed site, insufficient information has been provided to ensure this is viable and therefore, Officers consider it reasonable to impose a condition requiring submission of a surface and foul water drainage strategy, to ensure the proposed development is considered acceptable in terms of water management and flood risk which is in accordance with Cambridge Local Plan (2018) policies 31 and 32.
- 10.25 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

## **10.26 Highway Safety and Transport Impacts**

- 10.27 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 10.28 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.29 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team, who raise no objection to the proposal subject to conditions regarding the pedestrian visibility splays, falls and levels of the driveway and bound material of the car parking spaces. The conditions are necessary to add to the permission to ensure Highway safety. It is noted that the application red line does not extend to the public highway and the application has not included works to a public highway, including the addition of a dropped kerb. As the road is unclassified, planning permission is not required for a dropped kerb. An informative shall be attached to any permission granted regarding works to a public highway.
- 10.30 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

## **10.31 Cycle and Car Parking Provision**

- 10.32 Cycle Parking
- 10.33 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.
- 10.34 The proposal includes a secure and covered cycle parking to the front of the site which is easily accessible. An additional secure shed is also provided within the rear amenity area of the site. Officers consider that the proposal is compliant with the Cambridge Local Plan (2018) Policy 82.

10.35 Car parking

- 10.36 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms.
- 10.37 The proposal includes 2 DDA car parking spaces to the front of the proposed dwelling. This complies with the maximum standards in the Cambridge Local Plan (2018) which seek 1 car parking space for dwellings with up to 2 bedrooms and 2 car parking spaces for dwellings with 3 or more bedrooms. A condition will be attached to any permission granted to ensure that a EV Charging Point is installed prior to occupation.
- 10.38 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking.
- 10.39 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

**10.40 Amenity**

- 10.41 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 10.42 Neighbouring Properties
- 10.43 The proposed dwelling would be approximately 2.7 metres at eaves height and approximately 5.2 metres high at the roof height forming a T-shape.
- 10.44 No. 97 Kendal Way
- 10.45 No. 97 Kendal Way is set to the north west of the application site and is separated by the garden of No. 97 which is set to the side and rear of the dwelling. Due to the curve of the road the frontages of the dwellings are offset and at the closest point the proposed dwelling is set approximately 8 metres apart. Whilst the bungalow extends approximately 5 metres beyond the rear elevation of the dwelling and would be clearly perceptible from the rear garden of No. 97 and would alter the outlook to the rear of the dwelling. However, the single storey height, design of the roof, and siting are considered to mitigate any



significant overbearing, enclosing, or loss of light impacts upon the rear amenity area of No. 97, that would warrant refusal of the application. Due to the single storey height, there would be no first floor windows in the proposed dwelling that would overlook neighbouring dwellings.

10.46 No. 99 Kendal Way

10.47 No. 99 Kendal Way is set to the south of the proposed dwelling. Whilst the majority would be built adjacent to the gable wall the proposal bungalow would project approximately 5 metres beyond the rear elevation of No. 99. Due to the proposed pitched roof is considered to reduce the potential massing which would serve to limit the visual impact of the proposed dwelling from the rear amenity space and dwelling of No. 99. The proposed dwelling would be located close to the shared boundary with No. 99, and Officers acknowledge that the proposed dwelling would be clearly perceptible from the rear garden and property and would alter the outlook to the rear of that dwelling. However the single storey height, design of the roof and siting to the north are considered to mitigate any significant overbearing, enclosing, or loss of light impacts upon the rear amenity area of No.99, that would warrant a refusal of the application.

10.48 Due to the constraints of the site, and to protect neighbour amenity, Officers would recommend removing PD rights for Classes A, B, C and E to prevent further extensions along the boundary and additional windows or alterations to the roof space to create dormers.

10.49 Subject to these conditions, 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 52, 56 and 35.

10.50 Future Occupants

10.51 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).

10.52 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	3	5	1	86	102	+16

10.53 Garden Size: 143 sq metres

- 10.54 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 which should be of a shape, size and location to allow effective and practical use of the intended occupiers.
- 10.55 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible. The proposal also is designed to meet Building Regulations requirement part M4(3) wheelchair user dwellings. The Design and Access Statement submitted states the proposal would comply with these standards and therefore, Officers consider that the layout and configuration enables inclusive access and future proofing. The development has been assessed for compliance with Policy 51 and complies with the requirements of Part M4(2) of the Building Regulations. I have recommended a condition to secure this requirement.
- 10.56 Policy 50 of the Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space. The proposed dwelling would have a garden of an appropriate size for a three-bed dwelling. A condition is recommended to remove permitted development rights not only to protect neighbouring properties, but also to protect the character of the area and the external amenity space provided for the dwelling. To ensure that adequate private amenity space is retained it is recommended that permitted development rights are removed for outbuildings.
- 10.57 The proposal provides an adequate level of residential amenity for future occupiers and is compliant with Cambridge Local Plan (2018) policies 50, 52 and 56.
- 10.58 Construction and Environmental Impacts
- 10.59 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.
- 10.60 The Council's Environmental Health team have assessed the application and recommended various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction. I accept this advice and have recommended conditions accordingly.
- 10.61 Summary

- 10.62 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52 and 57.

#### **10.63 Other Matters**

- 10.64 Bins

- 10.65 Policy 57 requires refuse and recycling to be successfully integrated into proposals. A bin store is proposed in front of the dwelling. There is adequate space within the site to store bins and it is considered acceptable behind a timber unit. Officers consider that the proposal is compliant in this respect with Cambridge Local Plan (2018) Policy 57.

#### **10.66 Planning Balance**

- 10.67 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 10.68 The proposed development adequately respects neighbouring occupiers in terms of overlooking, overshadowing, visual dominance and noise and disturbance. The proposal would be in keeping with the character of the area, would provide a high quality, wheelchair accessible, living environment for future occupants and would help meet affordable housing need.
- 10.69 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for Approval, subject to conditions.

#### **10.70 Recommendation**

- 10.71 **Approve** subject to:

The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

#### **11.0 Planning Conditions**

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

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

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

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

- 3 The materials to be used in the external construction of the development, hereby permitted, shall follow the specifications in accordance with the details specified within Application Form and Design and Access Statement unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 The development, hereby permitted, shall not be occupied or brought into use, until two pedestrian visibility splays of 2m x 2m have been provided each side of the vehicular access measured from and along the highway boundary. The splays shall be within land under the control of the applicant and not within the adopted public highway. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

- 5 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 and uses a bound material for all hard landscaping within the front garden to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall be retained as such.

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

- 6 The bin and bike stores associated with the proposed development shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure provision of facilities for future occupiers (Cambridge Local Plan, 2018 policies 48, 82).

- 7 No construction or demolition work shall be carried out and no plant or power operated machinery 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, , unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 8 In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall assessed 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 statement.

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

- 9 No permanent connection to the electricity distribution network shall be undertaken until a dedicated electric vehicle charge point scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that at least one active electric vehicle charge point will be designed and installed with a minimum power rating output of 7kW to serve at least one of the approved allocated parking spaces for the proposed residential unit.

The approved scheme shall be fully installed before the development is occupied and retained as such.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality (Cambridge Local Plan 2018 policies 36 and 82 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 10 No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.  
The scheme shall include:

- a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
  - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
  - c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, 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) Full details of the maintenance/adoption of the surface water drainage system;
  - g) Measures taken to prevent pollution of the receiving groundwater and/or surface water
  - h) Formal agreement from a third party if discharging into their system is proposed, including confirmation 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.

- 11 No development above ground level shall commence until a scheme for the provision and implementation of foul water drainage 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 prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage (Cambridge Local Plan 2018, policies 32 and 33).

- 12 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwelling house(s) shall not be allowed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity.

- 13 Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity.

- 14 Notwithstanding the provisions of Schedule 2, Part 1, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the erection or construction of a porch outside the external door of the dwelling house(s) shall not be allowed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity.

- 15 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwelling house(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of adjoining occupiers (Cambridge Local Plan 2018 policies 52, 55, and 57) OR To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)).

- 16 No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;

b) 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;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.

d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69).

- 17 All hard and soft landscape works shall be carried out and maintained 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 with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69).

- 18 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 (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details 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).



- 19 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).

- 20 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 CO<sub>2</sub> 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 on-site renewable or low carbon technologies are proposed, the statement shall also include:

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

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 approved 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).

- 21 Notwithstanding the approved plans, the building hereby permitted, shall be constructed to meet the requirements of Part M4(3) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

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

- 22 No development above ground level shall commence until a scheme for the provision of nest boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box numbers, specification and their location. No dwelling shall be occupied until nest boxes have been provided for that property in accordance with the approved scheme.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 57).

### **Informatives**

1. The 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. A separate permission must be sought from the Highway Authority for such works.
2. To satisfy the condition requirements the applicant / developer will need to demonstrate that practical consideration has been given to all aspects of Electric Vehicle (EV) charge point infrastructure installation and that the provision of an operational EV charge point or multiple points is deliverable, as part of the residential and/or commercial development. The intention or commitment in principle to install an active EV charge point will not be considered acceptable. Information should include numbers of charge points, intentions for active and passive provision, location, layout (including placement of EV infrastructure), Charge Rates of active EV charge points (slow, rapid or fast) and availability of power supply.
3. The Council recommends the use of low NOx boilers i.e. appliances that meet a dry NOx emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality.
4. In order to facilitate the upgrade of heating systems to efficient (i.e. heat pump) electric heating, radiators shall be sized and fitted on the basis of running at a maximum of 45°C flow temperature to all residential units. In addition, for all residential units identify an appropriate space for external air source heat pump units that are acceptable within permitted development requirements for noise, proximity to boundaries and physical size and provide valved and blanked pipe work connections between the external unit and the primary heating installations (heating pump and hot water tank) to enable the use of the heat pump system with minimum disruption upon

gas boiler removal. The hot water tank is to incorporate sufficient heat exchanger area and storage volume to allow a designated heat pump system with domestic hot water capabilities to be used without the need for replacement or upgrade.

5. The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.

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**REPORT TO: Planning Committee June 2022**

**LEAD OFFICER: Joint Director of Planning and Economic Development**

## **Enforcement Report**

### **Executive Summary**

1. On 30<sup>th</sup> April 2022 there were 140 open cases, including 61 Short Term Visitor Accommodation investigations. The previous figure at the end of February was 161.

In March 2022, 15 new cases were opened and 21 investigations were closed.

In April 2022, 29 new cases were opened and 14 investigations were closed

2. Statistical data is contained in Appendices 1 and 2 to this report.

### **Updates to Service Delivery**

Will Holloway, Principal Lead Enforcement Officer has recently left the service and the team would like to thank him for his efforts in his time at Greater Cambridge Planning in delivering an increase in notices served and a drop in the number of outstanding investigations. Will has also contributed and overseen changes to service delivery which has formed part of the Enforcement Team service review.

### **Updates to significant cases**

Should Members wish for specific updates to be added to the Enforcement Report then please request these from the Lead Principal Planning Compliance Officer and they will be added to the next available Planning Committee.

On a further note, if members would like further information to be submitted as part of this report moving forward then please contact the Lead Principal Planning Compliance Officer.

Updates are as follows:

8 Kelsey Crescent, Cherry Hinton.

Following the refusal of retrospective planning permission, a Breach of Condition Enforcement Notice was served on 14th January 2022 requiring a habitable outbuilding be reduced in size to those dimensions shown in plans passed under planning ref. 19/0838/FUL. An appeal has been received and deemed to be valid by the national Planning Inspectorate against the refusal of the retrospective planning application ref. 21/01125/HFUL as well as the service of the Enforcement Notice. A statement of case has been submitted stating the councils grounds for service of the enforcement notice and now awaiting the decision from the Planning Inspectorate.

Representations against the appellants claim for costs has also been submitted.

## Appendices

Appendix 1: Enforcement Cases Received and Closed.

Appendix 2: Notices Served.

Report Author:

John Shuttlewood – Principal Planning Enforcement Officer

Date: 30/05/2022

## Appendix 1

### Enforcement Cases Received and Closed

Month	Cambridge City						
	Received	No Breach	Resolved	Not Expedient	Application Approved	Other	LPA Total
April 2022	29	6	0	3	1	4	14
March 2022	15	10	4	1	2	4	21

### Jan 2021 – April 2022

Quarter	Cambridge City						
	Received	No Breach	Resolved	Not Expedient	Application Approved	Other	LPA Total
Qtr 1 2022	29	6	0	3	1	4	14
Qtr 1 2021	53	17	5	10	5	11	48
Qtr 2 2021	65	8	1	4	2	2	17
Qtr 3 2021	52	41	10	13	8	18	90
Qtr 4 2021	51	41	9	21	6	14	91

## Appendix 2

### Public Notices served

#### April 2022

Reference	Ward	Parish	Address	Notice Issued
EN/01002/20	New nham		40 Grantchester Road New nham Cambridge Cambridgeshire CB3 9ED	Breach of Condition Notice
EN/0190/18	Coleridge		Studio Rear Of 79 Coleridge Road Cambridge Cambridgeshire CB1 3PN	Breach of Condition Notice
EN/00088/21	Abbey		Land Rear Of 22 Elfleda Road Cambridge Cambridgeshire CB5 8LZ	Section 215 - Condition of land Notice

#### March 2022

Reference	Ward	Parish	Address	Notice Issued
*** No Notices Issued ***				