



Cambridge City Council Planning

Date: Wednesday, 6 July 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**
Minor/Other Planning Applications
- **Part Two**
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

Part 1: Minor/Other Planning Applications

- 4 20/01972/COND35 - GB1 - Neatherhall Farm, Worts Causeway - 10am (Pages 7 - 16)
- 5 22/00857/HFUL - 41 Barrow Road - 10.30am (Pages 17 - 30)

6	22/00279/FUL - 10 De Freville Avenue - 11am	(Pages 31 - 46)
7	21/04605/S73 - 44 George Street - 11.30am	(Pages 47 - 64)
8	22/01144/FUL - 338 Cherry Hinton Road - 12 noon	(Pages 65 - 82)

Part 2: General and Enforcement Items

9	22/0271/TTPO - St Matthews Centre - 12.30pm	(Pages 83 - 94)
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Planning Members: Smart (Chair), D. Baigent (Vice-Chair), Bennett, Collis, Dryden, Gawthorpe Wood, Page-Croft, Porrer and Thornburrow

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

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

Public health and well-being for meeting arrangements

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Should you wish 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 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 Committee Date	06 June 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	20/01972/COND35
Site	Netherhall Farm Worts Causeway Cambridge CB1 8RJ
Ward / Parish	Queen Edith's
Proposal	Submission of details required by condition 35 (Pedestrian and Cyclist NW Connectivity) of outline planning permission 20/01972/OUT
Applicant	GSTC Property Investments Limited
Presenting Officer	James Truett
Reason Reported to Committee	Called-in by City Councillor Sam Davies, and County Councillor Alex Becket.
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Background2. Feasibility3. Third Party Representations
Recommendation	APPROVE Discharge of Condition

1.0 Executive Summary

- 1.1 The application seeks to discharge condition 35 of planning permission 20/01972/OUT.
- 1.2 Condition 35 states: Prior to development commencing, details of the work undertaken to seek a link to Almoners' Avenue or Beaumont Road shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Cambridgeshire County Council, to determine the feasibility of implementing such link and improve pedestrian and cyclist connectivity.
- 1.3 This application was deferred at Planning Committee on 20 April 2022 to (a) allow residents along the northern boundary of the site to be contacted about freeing up land for access; and (b) contact the County Council to ascertain whether surrounding land can be opened up allowing for site access thus enabling the possibility of a public creation order being available for pursuit.
- 1.4 The applicants have undertaken additional work to address the reasons for deferral by (i) engaging further with local residents, (ii) identified and engaged further with Netherhall school and the adjoining landowners, and (iii) engaging with Cambridgeshire County Council regarding the potential of a public path creation order.
- 1.5 The application is considered acceptable because all reasonable efforts have been undertaken by the applicant to seek the feasibility of a link to Almoners' Avenue or Beaumont Road. The condition only sought the applicant to look at the feasibility of a link/connectivity prospect; it does not require its delivery.
- 1.6 The adjoining landowners strongly oppose the implementation of the link to Almoners' Avenue or Beaumont Road none of whom are willing to sell their land to enable the path to be provided.
- 1.7 It is not considered reasonable to require the applicant to pursue arrangements requiring the provision of a path on land outside their ownership.
- 1.8 Officers recommend that the Planning Committee now acknowledge that the requirements of condition 35 have been met in so far as feasibility of a northern pedestrian/cycle has been explored. It is recommended that condition 35 be discharged in full, allowing the development to proceed without provision of any northern pedestrian and cycle access.

2.0 Site Description and Context

- 2.1 Land at Netherhall Farm (also identified as 'GB1' throughout this report) is a 7.2ha site located on the south-eastern edge of the City, at approximately 4 kilometres from the City centre. The site currently consists of arable land and three fields of semi-improved grassland, one of these is the Netherhall Farm Meadow City and County Wildlife Site (CiWS and CWS respectively, from now on identified as CWS only). The site wraps around a small group of buildings which make up Netherhall Farm, separated from the application site by hedgerows, with low-lying vegetation between the western edge of the site and Netherhall Farm). Worts' Causeway (A1307) runs alongside the southern edge of the site with arable fields within Green Belt to the east and the existing urban edge to the west and north of the site.
- 2.2 The site is not situated within a conservation area, and there are no statutorily or locally listed buildings or structures within the site. The farmhouse and the barns forming the adjacent Netherhall Farm are Buildings of Local Interest (BLI), falling outside the application boundary.
- 2.3 A Tree Preservation Order (TPO) covers Netherhall Farm and associated land covering several beech, horse chestnut, sycamore, ash and elm trees within the curtilage of Netherhall Farm. The TPO area also includes the Netherhall Farm Meadow CWS and part of the arable fields immediately east of the CWS. To the north and west of the site is a large residential area in Queen Edith's Ward, mainly constituted of one and two-storey residential properties between Queen Edith's Way, Fendon Road and Worts' Causeway, with the Nightingale Recreation Ground as the area's main open and recreational space, located to the east of Fendon Road.
- 2.4 The main link for sustainable travel into the City is Babraham Road, with an existing shared cycle and footway and main bus services operating along the road. There are no pavements on either side of this part of Worts' Causeway. A bus gate is operated from the south-western corner of the site, and bus routes run along Worts' Causeway and mainly through Babraham Road, with the closest bus stop at 650m west of the site. Along Babraham Road, the Park and Ride (P&R) provides for the Linton to Cambridge bus route, and Addenbrooke's bus station to many other destinations within the Cambridge City area.
- 2.5 Wulfstan Way is the closest retail / shopping area from the development, at approximately 2 kilometre north of GB1, with larger supermarkets at Fulbourn and Trumpington. A smaller convenience stores area is at approximately 1.1 kilometre from the site, within the Addenbrookes complex and local facilities are proposed to be implemented in the GB2 site.

3.0 The Proposal

- 3.1 The submitted information seeks to discharge condition 35 of planning permission 20/01972/OUT for the Outline application (all matters reserved except for means of Access) for the erection of up to 200 residential dwellings, with associated infrastructure works, including access (vehicular, pedestrian and cycle), drainage, public open space and landscape.
- 3.2 Condition 35 states: Prior to development commencing, details of the work undertaken to seek a link to Almoners' Avenue or Beaumont Road shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Cambridgeshire County Council, to determine the feasibility of implementing such link and improve pedestrian and cyclist connectivity.
Reason: To mitigate the impact of the development and in support of the sustainable access to the development, in compliance with policies 80 and 81 of the Cambridge Local Plan (2018).
- 3.3 The applicant initially submitted a feasibility statement exploring the potential for connections via Almoners' Avenue, Beaumont Road, or Netherhall School.
- 3.4 Following deferral the applicant has undertaken further engagement with residents, Netherhall School and the landowner, as well as the County Council and an addendum to the feasibility statement has been provided.

4.0 Relevant Site History

Reference	Description	Outcome
20/01972/OUT	Outline application (all matters reserved except for means of Access) for the erection of up to 200 residential dwellings, with associated infrastructure works, including access (vehicular, pedestrian and cycle), drainage, public open space and landscape.	Approved (07/01/2022)

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

5.2 Cambridge Local Plan 2018

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

6.0 Consultations

6.1 County Transport Team – No Objection

- 6.2 These comments are no objection comments in relation to the discharge of condition application in relation to condition 35. This condition requires the applicant to review the potential for connecting the development of GB1 to Almoners Avenue and Beaumont Road. The applicant has undertaken work to highlight the appropriate route for any such connections, has engaged with the relevant land owners, and has undertaken all reasonable work to seek any opportunities for the creation of links. The conclusion of this work is that it is not possible to create links to either Almoners Avenue or Beaumont Road. This is accepted.

7.0 Third Party Representations

- 7.1 The owners/occupiers of the following addresses have made representations: 39 and 39a Almoners Avenue
- 7.2 The representations can be summarised as follows:
- 7.3 The owners/occupiers wish to object to the construction of a pedestrian and cycle access way through their private gardens on the grounds of residential amenity, design, and that the land is not within the developers control. Plans were submitted showing indicative service corridors, and driveway visibility/access concerns by the residents.

8.0 Member Representations

- 8.1 The following representations have been made by City Councillor Sam Davies, and County Councillor Alex Becket. These can be summarised as follows:
- 8.2 It is critical for the sustainability of GB1 that a northern connection route should be delivered; that the intent of the Planning Committee in mandating Condition 35 has not been achieved; and that Planning Committee should have the opportunity to discuss the submitted feasibility report to ensure best efforts have been made, and to discuss the

consequences of this and their implications for the compliance of GB1 with Policy 80.

- 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 Background

- 9.2 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.

- 9.3 This application was deferred at planning committee on 20 April 2022 to (a) allow residents along the northern boundary of the site to be contacted about freeing up land for access; and (b) contact the county council to ask if surrounding land can be opened up allowing for site access thus enabling the possibility of a public creation order being available for pursuit.

- 9.4 Following the deferral at planning committee further work has been undertaken by the applicants, in the form of an addendum to the feasibility statement, to address the reasons for deferral. This includes evidence of engaging further with local residents, identified and engaging further with Netherhall school and the landowners, and engaging with Cambridgeshire County Council regarding public path creation order.

- 9.5 This application has been called into committee by City Councillor Sam Davies, and County Councillor Alex Beckett.

9.6 Feasibility

- 9.7 The wording of condition 35 required the applicant to detail the work undertaken to seek a northern link for the approved site (20/01972/OUT), prior to commencement of the development. It is the responsibility of the Local Planning Authority, in consultation with the Cambridgeshire County Council, to determine the feasibility of implementation. Whilst the condition requires the applicant to seek the feasibility of pedestrian and cycle link to

the North of the site, there is no requirement for the applicant to implement such link should it be considered feasible.

- 9.8 The applicant has submitted a feasibility statement which explored 3 potential options for a northern access route. This included a methodology to identify and approach landowners utilising Sustrans (walking, wheeling and cycling charity, and the custodian of the National Cycle Network) framework for engaging with landowners to create a traffic-free route affecting their land.
- 9.9 Route 1 – Almoner's Avenue. This proposed a combined cycle/pedestrian link to the Northwest of the site, consisting of a 3metre wide path. This would traverse land parcels at Almoners Avenue (39, and 39A). The applicant engaged directly with landowners (as seen in Appendix 4 of the Feasibility Statement – dated 7th February 2022). The affected landowners expressed strong opposition to the proposed path. The applicant poses that the only potential solution would be for the Council to consider a public path creation order under S26 of the Highways Act 1980.
- 9.10 Route 2 – Beaumont Road. This proposed a combined cycle/pedestrian link to the Northeast of the site, along the edge of the playing fields of the adjoining Netherhall School, consisting of a 3metre wide path. This would traverse land in the ownership of Netherhall School (long term tenant, with Peterhouse College as the freeholder). The effected landowners (as seen in Appendix 6 of the Feasibility Statement – dated 7th February 2022) were contacted and expressed that they were unable to support the development of any link as this would pose a potential safeguarding issue. The applicant poses that the only potential solution would be for the Council to consider a public path creation order under S26 of the Highways Act 1980.
- 9.11 The applicant also considers the implications on the Green Belt which this land would sit in. This would require a separate planning permission and consideration of Green Belt policies.
- 9.12 Route 3 – The introduction of a link directly from the northern edge of the site through to Beaumont Road. This option was ruled out by the applicant as it would involve the acquisition of at least one existing dwelling, and due to there being no sufficient space between the properties, a partial or full demolition of that dwelling would then be required to accommodate a path. This was not considered a proportionate approach.
- 9.13 The feasibility statement has been considered and reviewed in consultation with the County Council Transport Assessment Team. It is considered that it would not be feasible to implement a northern pedestrian and cycle link by the applicant. As suggested a potential solution would be for the Council to consider a public path creation order under S26 of the Highways Act 1980. Section 26 allows a local authority to create a footpath, subject to approval by the Secretary of State, having regard to (in a case such as this) the benefits in terms of the convenience

of residents in the area, and the potential harms with regard to the effect on people with an interest in the affected land. This is a county highways matter and not something which can be progressed by the applicant, and as such falls outside the requirements of this application to discharge condition 35.

- 9.14 Following the deferral at planning committee the applicant team has conducted further engagement with local residents by undertaking a letter drop to consult 26no. relevant residents along Beaumont Road, 4no. relevant residents at Almoners Avenue, and 4no. residents at Bowers Croft. A map showing the notified neighbouring properties is included in the Addendum to the Feasibility Statement. These letters were issued on the 6th May 2022 and as of 14th June 2022 8 responses were received and no residents have expressed an interest in engaging further.
- 9.15 Further discussions have been held with Netherhall school, and the leadership team and governors continue to consider that they are unable to support the connection due to; loss of part of the school field, open boundary safeguarding issues, access issues to the school from this location, illumination for children's safety and appropriateness in the green belt. Peterhouse College, the title owner of the school site, has advised that its position is guided by the view of the school.
- 9.16 The applicant has engaged further with Cambridgeshire County Council Highways department, and a meeting was held on the 13th of June 2022 concerning a Public Path Creation Order, with Council Officers in attendance. The Project Delivery Team for cycling at the County Council confirmed that in their view, the only potential feasible route for a northern link was on the Northwest edge of the site through to Almoners' Avenue. It was established that, for the benefit of the wider community, there may prove sufficient public value to enter into a Compulsory Purchase Order (CPO) to deliver a cycleway in this location. This process is dealt with under a separate mechanism, Section 26 of the Highways Act 1980, and would be undertaken by a local authority and not the applicant.
- 9.17 Officers are in agreement with the conclusions of the submitted feasibility statement and the submitted Feasibility Statement Addendum. The adjoining landowners strongly oppose the implementation of a link to Almoners' Avenue or Beaumont Road and are not willing to sell their land to the applicants to implement such a path. Additionally, the creation of a path through the Public Path Creation Order is a matter for Cambridgeshire County council to consider whether to pursue under Section 26 of the Highways Act. Therefore, it is not considered feasible for the applicants to implement such a path.

9.18 Third party representations

- 9.19 The representations from 39 and 39a Almoners Avenue are acknowledged. The above residents have submitted objections to the implementation of the Almoners Avenue Link, which accords with the officer recommendation, as it is not considered feasible to implement a link to Almoners Avenue.
- 9.20 The representations made by City Councillor Sam Davies, and County Councillor Alex Becket have expressed the need for the northern link and have called for the planning committee to discuss the submitted feasibility report to determine whether best efforts have been made (and to discuss the consequences of this and the implications for the compliance of GB1 with Policy 80).
- 9.21 Whilst these concerns are understood, the requirement of the condition only seeks the submission of a feasibility study for a northern link. There is no requirement for the applicant to implement such a link should it not be considered feasible.

9.22 Recommendation

- 9.23 The requirements of condition 35 have been met and the feasibility of a northern pedestrian/cycle has been explored. It is recommended that:

-Condition 35 is **Discharged** in full, allowing the development to proceed without provision of any northern pedestrian and cycle access.

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Planning Committee Date	Wednesday 6 th July 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00857/HFUL
Site	41 Barrow Road, Cambridge
Ward / Parish	Trumpington
Proposal	Loft conversion with rear dormers
Applicant	Mr Jon Gisby & Mrs Kate Wilson
Presenting Officer	Charlotte Peet
Reason Reported to Committee	Called-in by Cllr Olaf Hauk Cambridge City
Member Site Visit Date	N/A
Key Issues	1. Design, Scale, Layout, Landscaping 2. Heritage Assets 3. Residential Amenity 4. Flood Risk
Recommendation	REFUSE

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.
- 1.4 This application was due to be heard at Planning Committee on 14th June 2022, however before the application was heard the applicant requested that the application was deferred to the next committee. The applicant made this request as they wanted to show a presentation to committee, however as it was not in the public domain prior to the committee meeting they were informed that this was not possible. The presentation and public speaking letter by the applicant is now in the public domain and uploaded to the application file. It does not alter the officer recommendation.

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). The application included dormer windows to the front, side and rear of the property, however these elements were significantly more modest than what is proposed as part of this application.

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 former to the hipped dormer 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 Representations have been received from the following occupiers:

- 32 Barrow Road, Cambridge
- 36 Barrow Road, Cambridge
- 39 Barrow Road, Cambridge

- 43 Barrow Road, Cambridge

7.2 Those in support have raised cited the following reasons:

- 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 The applicant suggests that the dormer window cannot be reduced any further due to the impact on light and space within the roof space, however Officers have not been provided with any evidence to this effect. It is very likely that suitable light could be achieved with more modest windows, and that that a better design externally could be achieved whilst providing internal space to meet the occupiers needs. Officers have not been provided with any evidence that alternative designs have been considered.
- 10.9 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.
- 10.10 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.
- 10.11 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.

- 10.12 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 to allow the application to be supported. 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.
- 10.13 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 and before the permitted development rights for dormer windows were removed for dwellings within the Conservation Area (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.
- 10.14 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.
- 10.15 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 it 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.
- 10.16 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).
- 10.17 **Heritage Assets**

- 10.18 The application falls with the Barrow Road Conservation Area.
- 10.19 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.
- 10.20 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.
- 10.21 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.
- 10.22 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.
- 10.23 The proposal is not significantly 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 that views from the front of the property would be limited, 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).
- 10.24 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."
- 10.25 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.”

- 10.26 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.
- 10.27 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 not considered that these alterations have significantly modified the visual appearance of the dwelling as it claimed by the applicant, and notwithstanding this, the application is assessed on its own merits and in this case, it would fail to preserve or enhance the Conservation Area.
- 10.28 It is considered that the proposal, by virtue of its scale, massing and design, would harm the character and appearance of the Conservation Area and would not provide any public benefits. 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.
- 10.29 **Cycle Parking Provision**
- 10.30 Cycle Parking
- 10.31 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 the requirement for a five bedroom dwelling would be four cycle spaces minimum. 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.
- 10.32 As the proposal has not included any information regarding to cycle parking, but is increasing the number of bedrooms, a condition will be added to any permission to require details of cycle parking to be submitted. Given that the proposal would relate to household extensions only, it is considered that a condition would reasonable to address this issue.

10.33 **Amenity**

10.34 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.

10.35 **Neighbouring Properties**

10.36 The site has two adjoining occupiers, No. 39 and 43 Barrow Road, which both comprise large detached dwellings in reasonably wide set plots.

10.37 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.

10.38 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.

10.39 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.

10.40 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.

10.41 The proposal adequately respects the residential amenity of its neighbours.

10.42 **Flood Risk**

10.43 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.

10.44 **Other Matters**

10.45 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.

- 10.46 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.
- 10.47 **Planning Balance**
- 10.48 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).
- 10.49 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.
- 10.50 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.
- 10.51 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.
- 10.52 **Recommendation**
- 10.53 **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).

- 10.54 In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

11.0 Planning Conditions



Planning Committee Date	6 July 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00279/FUL
Site	10 De Freville Avenue
Proposal	Demolition of existing garage and erection of detached dwelling.
Applicant	Dr I Roth
Presenting Officer	Mike Allen
Reason Reported to Committee	Third party representations on planning grounds that are contrary to the officer recommendation and cannot be resolved by planning condition.
Member Site Visit Date	N/A
Key Issues	Neighbour amenity Impact on the Conservation Area Impact on trees
Recommendation	APPROVE subject to conditions.

1.0 Executive Summary

- 1.1 The application seeks planning permission for the demolition of an existing single storey garage to be replaced with a new two storey detached dwelling house within the rear garden of No. 10 De Freville Avenue.
- 1.2 Officers recommend that the Planning Committee approve the application subject to conditions.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	X
Conservation Area	X	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 located within the rear curtilage of No. 10 De Freville Avenue, Cambridge, which fronts Sandy Lane. The site itself comprises of part of No. 10's rear curtilage and a single storey garage used by the occupiers of No.10. To the west of the site lies neighbouring occupier No. 96 Sandy Lane and to the east of the site lies No. 3 Montague Road's rear garden.
- 2.2 The application site is located within a Conservation Area and is within the vicinity of trees that are protected by Tree Preservation Orders.

3.0 The Proposal

- 3.1 This planning application seeks planning permission for the demolition of an existing single storey garage to be replaced with a new two storey detached dwelling house within the rear garden of No. 10 De Freville Avenue.

4.0 Relevant Site History

Reference	Description	Outcome
C/03/1392/OP	Erection of a single dwelling on land to rear of No. 10 De	Outline Planning Permission Granted.

	Freville and adjacent to Sandy Lane.	
13/0667/FUL	Erection of 1 no. 3 bed dwelling house (following the demolition of the existing outbuilding).	Application Refused, appeal dismissed

- 4.1 Outline planning permission was granted for the erection of single dwelling under planning application referenced C/03/1392/OP. Planning permission was previously refused for a detached three bedroom under planning application referenced 13/0667/FUL. This was later dismissed on appeal by the Planning Inspectorate. The Planning Inspector concluded that the proposal would have an unacceptable harmful impact on the adjacent sycamore tree.

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 61: Conservation and enhancement of historic environment
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

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
De Freville Conservation Area – Adopted 2009
Cycle Parking Guide for New Residential Developments (2010)

6.0 Consultations

6.1 Drainage – No Objection

The Sustainable Drainage Engineer has raised no objections to the proposal subject to planning conditions being attached to any planning approval the Local Planning Authority issues.

6.2 Highways – No Objection

The Highways Officer has raised no objections to the proposal subject to planning conditions being attached to any planning approval the Local Planning Authority issues.

6.3 Environmental Health – No Objection

The Environmental Health Practitioner has raised no objections to the proposal subject to planning conditions and informatives being attached to any planning approval the Local Planning Authority issues

6.4 Trees – No Objection

The Arboricultural Officer has raised no objections to the proposal subject to planning conditions being attached to any planning approval the Local Planning Authority issues.

6.5 Conservation Officer

No response received.

7.0 Third Party Representations

7.1 In total six neighbouring occupiers submitted comments in relation to the proposed development. Three neighbouring occupiers have raised objections to the proposed development and three neighbouring occupiers have supported the proposed development. From the objections received the planning related objections are summarised below:

- Proposal causes a loss of privacy (west, south and east)
- Proposal causes a loss of light.
- Proposal causes overshadowing.
- No assessment as to whether the garden and house would be adequately lit.
- Trees not shown.
- Proposal causes harm to the character and appearance of the area.
- Proposal causes harm to trees within the vicinity of the site and will create pressure for removal.
- No conservation area impact assessment.
- Sandy Lane building line disrupted.

7.2 Those in support give the following reasons:

- Strike a good balance between design and preservation of the sycamore
- Impact on neighbours is minimised
- The size of the proposed house is small
- Street scene improved following removal of garage

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 The proposal seeks to create a two storey 2 bedroomed dwelling house which will be located within the rear residential garden of No. 10 De Freville Avenue. As a result of the proposal the existing residential plot for No. 10 De Freville Avenue would be subdivided. Policy 52 of the Cambridge Local Plan protects garden land and the subdivision of existing dwelling plots from inappropriate development and only allows development in such circumstances where a number of criteria have been met. Given that there is already existing back land residential development within the vicinity of the site, that adequate provision for amenity space has been provided for the new dwelling and that officers consider amenity impacts and the other criteria of this policy can be satisfied, it is considered that the proposal would be compliant with Policy 52 and therefore the principle of the development is acceptable in this instance.

10.3 Design and Context

- 10.5 The proposal would be sited directly next to a row of two storey terraced dwellings which all form back land residential development. The overall siting of the proposed development would respect the built grain of these neighbouring dwellings and would retain an open frontage within the local area. As such, the siting of the proposal is acceptable in this sense.
- 10.6 It is acknowledged that the majority of dwellings upon Sandy Lane are two storey in nature and benefit from modern contemporary designs. The design of the proposed dwelling would be of this nature and the materials used within the construction of the proposal are all considered to be of high quality design; buff brick, slate roofing, composite windows. Therefore, the proposed development would be in keeping with the character and appearance of the local area.
- 10.7 Overall, it is considered that the introduction of a new dwelling in its location would not cause unacceptable harm upon the character of the local area and would comply with Policies 52, 55, 56 and 57 of the Cambridge Local Plan and Section 12 of the NPPF.

10.8 Impact on Heritage Assets

- 10.9 The proposal falls within De Freville Conservation Area. 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. In addition, paras 189 – 202 of the NPPF provide advice on proposals affecting heritage assets and how to consider different levels of harm. Para. 194 states 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Furthermore, Local Plan policies 61 & 62 align with the statutory provisions and NPPF advice.

10.10 Given the nature of the development, that it replaces a garage structure of poor appearance, and that backland residential development already exists adjacent to the application site, it is considered that the proposal would not result in any harm to the conservation area in this instance. The proposal is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Policies 61 & 62 of the Cambridge Local Plan.

10.11 **Neighbouring Amenity**

10.12 The proposed dwelling will be sited directly adjacent to neighbouring dwelling No. 96 Sandy Lane which is two storey in nature. The front elevation of the proposed dwelling will be set back from the front elevation of No. 96. The immediate rear elevation of the proposed dwelling will be flush with the rear side wall of No. 96. The proposed footprint then steps outwards in depth further away from the boundary at ground floor level and marginally so at first floor level. The stepped single storey rear extension will be set approximately 3.3m away from the adjoining neighbouring boundary shared with No. 96. Given the above, it is considered that the proposed dwelling would not cause an unacceptable loss of outlook, nor would it be overbearing upon the occupiers of No. 96 in this instance.

10.13 Given the overall siting of the proposal, the proposal's relationship with No.96 Sandy Lane, the 45 degree rule of light and the orientation of the sun, it is considered that the proposed dwelling will not cause an unacceptable loss of light to any habitable windows serving No. 96 or cause an unacceptable overshadowing upon the occupiers of No. 96 in this instance. Furthermore, given the fenestration layout of the proposed dwelling and its relationship with No. 96 Sandy Lane, it is considered that the proposed dwelling will not cause an unacceptable loss of privacy upon the occupiers of No. 96 and is acceptable in this sense. There may be some overlooking from bedroom 2 at first floor but it would be oblique.

10.14 The proposed dwelling will be sited approximately 28m away from the rear elevation of No. 3 Montague Road. Given this significant separation distance, the 45 degree rule of light and the orientation of the sun, it is considered that the proposal will not cause an unacceptable loss of outlook or privacy, nor will it cause an overbearing impact upon the occupiers of No. 3 Montague Road. It is acknowledged that the proposal will have increased viewpoints of No. 3 Montague Road's rear garden. However, given the overall size of No. 3 Montague's Road rear garden and the parts of the garden the proposal will have an increased viewpoint of are not No. 3's immediate rear garden private amenity space, it is considered that the proposal will not cause an unacceptable loss of privacy upon the occupiers of No.3 Montague Road in this instance.

10.15 Given the overall siting, scale, bulk and design of the proposal and its relationship with other neighbouring dwellings within the vicinity of the site, it is considered that the proposed new dwelling will not cause any harmful implications in terms of loss of light or outlook, nor would it be overbearing

upon any neighbouring dwellings within the vicinity of the application site. It is acknowledged that the proposal would have increased viewpoints of neighbouring dwellings rear gardens, but this is not uncommon in residential area. The parts of the gardens that the new first floor rear windows will have an increased viewpoint of are not the immediate rear garden private amenity spaces of the neighbouring dwellings. For this reason, it is considered that the proposal will not cause an unacceptable loss of privacy upon any neighbouring dwelling within the local area in this instance.

10.16 Given the above, it is concluded that the proposal would not cause a harmful impact upon neighbouring amenity and would be compliant with Policies 52 56 & 57 of the Cambridge Local Plan.

10.17 **Amenity for Future Occupiers**

10.18 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. The proposed rear garden has a total depth of approximately 13.2m (at its deepest point), has a width of approximately 7.5m and a total area of approximately 72.3m². Given the above, it is considered that the proposal provides adequate rear garden private amenity space for its future occupiers and is acceptable in this sense.

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	2	3	2	70	118.36	+48.36

10.20 Given the above, it is considered that the proposal would provide sufficient gross internal floor areas and storage required for a two storey two bedroomed dwelling. As such, the proposal meets the minimum required internal floor space as set out in the national space standards and is acceptable for the future occupiers of the dwelling in this instance.

10.21 **Car Parking and Highway Safety**

10.23 The proposal would not compromise the existing car parking arrangements or lead to any highway safety concerns within the local area. The proposal is therefore compliant with Policies 81 & 82 of the Cambridge Local Plan. To further support this view the Highway Officer has raised no objections to the proposed development.

10.24 **Cycle Parking**

10.25 The proposed plans show a designated area for the provision of cycle parking spaces to the front of the site. Given the lack of information submitted on this matter a condition will be attached to this planning decision to provide further details of the cycle storage on site, this condition will require the details prior to occupation of the new dwelling.

10.26 Refuse Arrangement

10.27 From the plans that have been submitted an area to the front of the proposed dwelling has been designated for the storage of waste bins. It is considered that this allocated area is appropriate for the storage of waste bins upon the application site in accordance with Policy 57 of the Cambridge Local Plan.

10.28 Biodiversity

10.29 Within the submission of this planning application the applicant has failed to submit a biodiversity statement. On this basis, a planning condition will be attached to this planning decision to ensure the applicant provides a scheme of ecological enhancement for the application site before any above ground level works begin.

10.30 Permitted Development Rights

10.31 To ensure the proposed rear private amenity space for the new dwelling is retained for its future occupiers, Classes A & E of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 will be completely removed for the new dwelling. This is considered to be reasonable in order to prevent the application site becoming overdeveloped and having a detrimental impact upon the amenity of the future occupiers of the proposal.

10.32 Drainage

10.33 The Sustainable Drainage Engineer has been consulted and has raised no objections to the proposal subject to a planning condition relating to disposal of surface water and foul water drainage. Subject to this planning condition the proposed development is not considered to result in significant adverse impact upon drainage within the local area.

10.34 Trees

10.35 The proposed dwelling will be located within the vicinity of trees that are protected by Tree Preservation Orders. The agent has submitted an Arboricultural Impact Assessment detailing the impact the proposal will have upon the trees in question. The Arboricultural Impact Assessment was fully assessed by an Arboricultural Officer who has raised support for the proposal subject to two planning conditions being attached to any planning approval the Local Planning Authority is minded to approve. Of these two

conditions one was a pre-commencement condition which has been fully agreed to in writing by the agent on behalf of their client. With these two conditions in place, it is concluded that the proposal would not cause a detrimental impact upon any tree within the vicinity of the site. As such, the proposal is acceptable in this sense and is compliant with Policy 71 of the Cambridge Local Plan.

10.36 Third Party Representations

10.37 Neighbouring occupiers have raised objections on the grounds that the proposal would cause a loss of privacy, loss of light and overshadowing upon their properties. These objections have been addressed within the main body of this report.

10.38 A neighbouring occupier has raised an objection on the grounds that the proposal would cause a harmful impact upon the character and appearance of the area. This objection has been addressed within the main body of this report.

10.39 A neighbouring occupier has raised an objection on the grounds that the proposal would cause a harmful impact upon the trees within the vicinity of the site. This objection has been addressed within the main body of this report.

10.40 Planning Balance

10.41 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).

10.42 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 conservation area and would not cause an unacceptable impact upon any tree within the vicinity of the application site. Furthermore, the proposal would provide a high quality and living environment for future occupants.

10.43 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.

10.44 Recommendation

APPROVE subject to planning conditions.

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 the submitted application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area, in accordance with Policies 55, 56 and 57 of the Cambridge Local Plan.

4. No building hereby permitted shall be occupied until foul water drainage works have been detailed and approved in writing by the local planning authority.

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.

5. No above ground works shall take place 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.

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.

6. Two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.

Reason: In the interests of highway safety.

7. The development, hereby permitted, shall not be constructed so that its fall and levels are such that no private water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: For the safe and effective operation of the highway.

8. The proposed drive hereby permitted shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

Reason: In the interests of highway safety.

9. 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).

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

11. In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect 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 be 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)

12. If suspected contamination is encountered whilst undertaking the development, works shall immediately cease on site until the Local Planning Authority has been notified and the suspected contamination has been fully assessed and an appropriate remediation and validation/reporting scheme agreed with the LPA. Remedial actions shall then be implemented in line

with the agreed remediation scheme and a validation report will be provided to the LPA for consideration.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 20018 Policy 33.

13. Prior to the installation of any electrical services, information to demonstrate that at least one dedicated active electric vehicle charge point will be designed and installed on site in accordance with BS EN 61851 with a minimum power rating output of 7kW, shall be submitted to and approved in writing by the Local Planning Authority. The active electric vehicle charge point as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

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

14. 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 and written approval given, 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.

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. 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).

17. No development above ground level shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme 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.

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

18. No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations. Where on-site renewable or low carbon technologies are proposed, the Statement shall include:

- a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design; and
- b) Details of any mitigation measures required to maintain amenity and prevent nuisance.

The proposed renewable or low carbon energy technologies and associated mitigation shall be fully implemented in accordance with the measures set out in the Statement prior to the occupation of any approved dwelling(s).

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge

Local Plan 2018, Policies 28, 35 and 36 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

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

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Planning Committee Date	12/06/2022
Report to Lead Officer	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
Reference	21/04605/S73
Site	44 George Street
Ward / Parish	West Chesterton (WCH)
Proposal	S73 to vary condition 2 (approved drawings) of ref: 18/1661/FUL (Demolition of existing house and replacement with two new dwellings) to facilitate the following amendments:- 1) removal of the basement, 2) addition of a rear extension, 3) removal of garage to Plot 2 and creation of a kitchen/dining area, 4) external fenestration alterations, and 5) changes to the external layout.
Applicant	Daniel and Naomi Brown
Presenting Officer	Laurence Moore
Reason Reported to Committee	Parent application was assessed by committee. (18/1661/FUL)
Member Site Visit Date	N/A
Key Issues	1. Parking 2. Character 3. Internal Measurements
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 This Section 73 application seeks to vary condition 2 (approved drawings) of ref: 18/1661/FUL (Demolition of existing house and replacement with two new dwellings) to facilitate the following amendments:- 1) removal of the basement, 2) addition of a rear extension, 3) removal of garage to Plot 2 and creation of a kitchen/dining area, 4) external fenestration alterations, and 5) changes to the external layout.
- 1.2 The application provides an adequate amount of internal and external amenity space, and all bedrooms meet space standards as outlined in policy 50 of the local plan.
- 1.3 The external alterations are not considered to give rise to any adverse impacts on character and are deemed acceptable.
- 1.4 The application includes plans for the removal of no. 1 car parking space. The application site is situated within a sustainable location in proximity to ample public transport connections and suitable active travel arrangements and so is not considered car dependant.
- 1.5 Officers recommend that the Planning Committee APPROVE the proposed development.

2.0 Site Description and Context

None-relevant	X	Tree Preservation Order	
Conservation Area		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 consists of the recently demolished 44 George Street, a 1.5 storey dwelling which previously stood on the southwest corner of the 'knuckle' of George Street, where it turns from a north-south orientation to a southeast-northwest orientation. The application site now consists of a demolition site and awaits approval of this section 73 application prior to construction.
- 2.2 The area is primarily residential, yet the wider context includes shop fronts and community buildings. North of the site consists of residential gardens of dwellings fronting George Street and Milton Road, whereas further north

of the site consists of the Cambridge Day Nursery, Ascham Road, Milton Road Library and the St Laurence's Church. East of the site consists of George Street and the neighbouring dwellings opposite the site, further east of the site consists of Chesterton Hall Crescent, a residential street. South of the site consists of George Street leading on to Chesterton Road. West of the site consists of the Westbrook Centre. The site is not situated within a conservation area or controlled parking zone.

3.0 The Proposal

- 3.1 S73 application to vary condition 2 (approved drawings) of ref: 18/1661/FUL (Demolition of existing house and replacement with two new dwellings) to facilitate the following amendments:- 1) removal of the basement, 2) addition of a rear extension, 3) removal of garage to Plot 2 and creation of a kitchen/dining area, 4) external fenestration alterations, and 5) changes to the external layout.
- 3.2 The application previously approved, 18/1661/FUL (Demolition of existing house and replacement with two new dwellings), has proven financially unviable for the applicant, which has led to the need for this follow up application.
- 3.3 The application has been amended since submission, which has led to the removal of the extension proposed as part of the s73.
- 3.4 The changes proposed within this s73 application include the removal of the approved basement, the removal of the garage plot serving plot 2 as to create a kitchen/dining area, minor external design changes and adjustments to the external layout to ensure both plots have access to suitable areas of private external amenity space.

4.0 Relevant Site History

Reference	Description	Outcome
18/1661/FUL	Demolition of existing dwelling and replaced with new 2.5 storey dwelling and associated works	PERM
18/1661/FUL	Demolition of existing house and replacement with two new dwellings.	PERM
18/00004/REFUSL	Demolition of existing house and construction of a new dwelling with a basement.	DISMISSED
17/0671/FUL	Demolition of existing house and construction of a new dwelling with a basement.	REFUSED

16/1817/FUL

Demolition of existing house and construction of a new dwelling with basement.

REFUSED

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 29: Renewable and low carbon energy generation

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 60: Tall buildings and the skyline in Cambridge

Policy 61: Conservation and enhancement of historic environment

Policy 62: Local heritage assets

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
Grafton Area Masterplan and Guidance SPD (2018)
Mitcham's Corner Development Framework SPD (2018)

5.5 Other Guidance

N/A

6.0 Consultations

6.1 County Highways Development Management

- 6.2 “The proposed alterations do not change the Highway Authority’s original comments and it is requested the condition 6 (Traffic Management Plan) sought by the Highway Authority and required by the Planning Authority under application 18/1661/FUL be reapplied.”

6.3 Sustainable Drainage Officer

- 6.4 Drainage has no objection to the proposed variation.

6.5 Environmental Health

- 6.6 The development proposed is acceptable subject to the imposition of the condition(s) outlined below:
CE16AC – Construction hours
CE19AS – Piling

7.0 Third Party Representations

- 7.1 8 representations have been received.
- 7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Density and overdevelopment
- Size of Dwelling/impacts on future residents
- Residential amenity impact
- Highway safety
- Car parking and parking stress
- No access to amenity space of plot 2
- Obscure glaze of top floor

7.3 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.

8.0 Assessment

8.1 Principle of Development

8.2 Policy 1 of the Cambridge Local Plan 2018 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF, 20125)

8.3 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 developments that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

8.4 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.

8.5 The principle of development is acceptable and in accordance with the Cambridge Local Plan 2018 policies 1, 3 and 52.

8.6 Design, Layout, Scale and Landscaping

8.7 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.

8.8 This Section 73 application proposes minor material amendments to an existing permission for the erection of two new dwellings. The overall scale, design and principle of development has been established as

acceptable following the approval of the parent application, under reference: 18/1661/FUL. The amendments to be assessed within this application include the removal of the approved basement, the removal of the approved garage to Plot 2 for the creation of a kitchen/dining area, minor external fenestration alterations, and minor changes to the external layout. The proposed amendments will be assessed independently.

- 8.9 The application proposes the removal of the approved basement. The approved basement would have been situated below plot 2 and is being removed from plans due to the finance required to construct a basement. The basement to be removed from plans was to be situated below the proposed building, and so the removal of the basement will not result in any visual changes to the approved plans, and so will have no adverse impacts on the character of the proposed development or the surrounding area.
- 8.10 The application proposes the removal of the approved garage to plot 2. The garage was to be situated at ground floor level, with access doors situated along the north-east elevation of the proposed development. The dwellings situated along George Street are not equipped with garages, and utilise the existing road to accommodate their private vehicles. As no other dwellings along the street have garages, it is deemed that the character of the immediate context is “garage-free” and so does not warrant a request for off-street parking spaces/garages on the basis of character.
- 8.11 Furthermore, application reference: 18/0031/FUL, was approved in 2018, as a car free development. The development, situated at 51-55 George Street, does not include off-street parking for residents, due to the sustainable location of the development. This development acts as a precedent in support of the proposed removal of the garage to plot 2, as there is clear evidence of car free developments in proximity to the site. As the application site is situated in close proximity to recently approved car-free developments, and no other dwellings along George Street have garages, there are no adverse impacts on the character of the area by permitting the removal of the proposed garage.
- 8.12 Although there are no adverse impacts on the character of the area, the impact of the proposals on the character of the existing building now demolished must be assessed. The application proposes the removal of the proposed garage. Yet it is to retain the garage-like frontage along the northeast elevation, by using oak finished panels to give the appearance of garage doors. This allows for the previous appearance and character of the building now demolished to be reflected within the proposed development, and therefore the proposals are not considered to give rise to negative impacts on character of the existing building and are considered acceptable.
- 8.13 The application proposes amendments to approved plans to allow for external fenestration alterations. These changes include the reduction in

the protruding depth of the approved windows, changes to the lintels of external doorways to the front of the properties, reduction in use of zinc clad along the rear elevation of the development, changes to the garage doors and a reduction in the size of windows situated to the rear.

- 8.14 Concerns have been raised from neighbouring occupiers regarding the proposed reduction in protruding depth and overall size of the rear windows. The alterations will allow for the development to utilise a design which more successfully conforms with the surrounding street scene, with regards to the design of windows. The contemporary style of the development will be reduced, however, this is considered to be reflective of the surrounding context, which primarily utilises a more classic style, and so the changes are not considered out of character. Furthermore, the changes are situated to the rear, and so are not visible from the street scene. Therefore, the proposed changes to rear windows are not considered to give rise to any adverse impacts on the character of the immediate context and are considered acceptable.
- 8.15 Concerns have been raised regarding the alterations to the proposed lintels to be situated above the main entrances along the front elevation of the development. Neighbouring occupiers have explained that the amended details regarding the replacement of arched door heads/lintels for flat heads, will be considered out of character with the surrounding buildings. The existing building on site, already demolished, utilised flat head lintels/door heads, and so the proposals do not vary from the existing approach of the building previously removed. Furthermore, 32, 34, 36, 37, 38, 38a, 38b, 38c, 41, 43, 51 George Street, plus several other developments along George Street, utilise flat head designs for lintels of main entrances to properties. Therefore the proposed changes to the lintels are considered in character with the surrounding context and are acceptable.
- 8.16 The application proposes minor external alterations, including changes to garden fencing to ensure the optimum level of external amenity space is achieved for both dwellings. The changes are situated to the rear, and are small in scale, therefore the proposed external changes are not considered to give rise to any adverse impacts on the character of the existing dwelling or surrounding area and considered acceptable.
- 8.17 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.
- 8.18 Carbon Reduction and Sustainable Design**
- 8.19 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.

- 8.20 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 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.
- 8.21 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.
- 8.22 The parent application was approved subject to conditions relating to reducing carbon dioxide emissions and to ensure that the development does not give rise to unacceptable pollution. The condition requires the implementation of carbon reduction measures in accordance with Cambridge Local Plan (2018) policies 28, 35 and 36.
- 8.23 Furthermore, the parent application was approved subject to conditions to ensure that the development makes efficient use of water and promotes the principles of sustainable construction. The condition requires a water efficiency specification for each dwelling in accordance with Cambridge Local Plan (2018) policy 28).
- 8.24 The application is subject to suitable conditions regarding renewable energy and water efficiency (now updated to reflect changes in Building Regulations) and so the proposal is in accordance with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020, subject to conditions.

8.25 Highway Safety and Transport Impacts

- 8.26 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.
- 8.27 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.
- 8.28 The parent application was subject to a Traffic Management Plan condition. This condition has been discharged in full. The Highways officer

has requested this condition be reapplied, in the interest of highway safety.

8.29 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.

8.30 The condition to be added to the decision notice is outlined below:

8.31 *No construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority. The principle areas of concern that should be addressed are: i. Movements and control of muck away lorries. 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. iv. Control of dust, mud and debris, in relationship to the operation of the adopted public highway.*

Reason: in the interests of highway safety

8.32 Concerns have been raised regarding the lack of off-street parking at the proposed development, stating that the proposals will negatively impact the residential amenity of neighbouring occupiers through exacerbating on-street parking stress. This will be addressed in the following section.

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

8.34 Cycle and Car Parking Provision

8.35 Cycle Parking

8.36 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 encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

8.37 The application provides space for adequate cycle parking facilities. The applicant has demonstrated that the development has sufficient space to the rear of the property to accommodate suitable cycle stores for future inhabitants of both proposed units. Whilst the application has presented its adequacy with regards to space for bikes, the proposals do not include

plans for the storage units in which bikes must be stored. For this reason, a condition will be added to any permission granted, requiring the submission of plans showing the design, location and specification of the bike stores to be installed in line with Appendix L of the Cambridge Local Plan, to be agreed to in writing by the Local Planning Authority prior to occupation of the proposed development. To ensure satisfactory provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policy 82)

- 8.38 Officers acknowledge that the cycle parking in this case is to be to the rear but there is clearly little frontage space available for an alternative option to be practical and this is not a matter in any way that deviates from the previous consent.
- 8.39 Car parking
- 8.40 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. 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.
- 8.41 Parking stress is defined as occurring in those streets where surveys show that there is less than 10 per cent free notional parking capacity. The Cambridge On-Street Residential Parking Study November 2016 shows that George Street is less than 90% car parking at 5.30am. This means that there is not less than 10 per cent free parking capacity within George Street and subsequently no overnight car parking stress on George Street.
- 8.42 The application will result in the loss of no.1 approved off-street parking space which was to be contained in the garage to be removed. The application will have a total loss of all off-street parking originally on-site prior to demolition.
- 8.43 The application site is deemed to be situated within a sustainable location. The application is situated within West Chesterton, which is situated in close proximity to Cambridge's Historic core and primary retail/entertainments district. Furthermore, the site is located adjacent to Milton Road, which accommodates ample public transport connections and adequate active travel arrangements, which reduces the development's dependency on cars. Given the frontage of the site has double yellow lines, the loss of car parking would not result in additional

parking pressure to this street as parking would be enforced. As such it is considered that the loss of a parking space would not warrant refusal.

8.44 In addition to this, application reference: 18/0031/FUL, was approved in 2018, as a car free development. The development mentioned, situated at 51-55 George Street, does not include off-street parking for residents, due to the sustainable location of the development. This development acts as a precedent in support of the proposed removal of the garage to plot 2, as there is clear evidence of car free developments in proximity to the site.

8.45 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.

8.46 Amenity

8.47 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.

8.48 Neighbouring Properties

8.49 Concerns have been raised from neighbouring occupiers, regarding the potential impacts of the development on the amenity of neighbouring amenity space with regards to loss of light and loss of privacy.

8.50 Impact on No. 42:

8.51 42 George Street is situated directly south of the proposal site. Due to the sun path identified within the BRE 25 degree/45 degree guidelines for assessing loss of light impacts, it is not considered that the proposed development would cause any adverse loss of light impacts to 42 George Street.

8.52 Concerns have been raised from neighbouring occupiers regarding the developments impact on the privacy of residents at 42 George Street. Comments state that the proposed rear windows will lead to overlooking, resulting in the loss of privacy of the amenity space situated to the rear of 42 George Street. The application has highlighted that the rear windows will be obscured and fixed shut up to 1.7m from the floor height at each storey, meaning future residents will not have visual accessibility to the rear garden of 42 George Street, and so there will be no adverse impacts on privacy.

8.53 Concerns have been raised regarding the impact of the development on 42 George street, with regards to obstructing views. Obstruction of existing

viewpoints is not a material planning consideration, and so will not be included as part of this assessment.

8.54 Impact on No. 48:

8.55 48 George Street is situated directly west of the application site. Concerns have been raised regarding the potential loss of privacy to the rear amenity of no. 48 George Street caused by the development. The rear windows which overlook the garden of no.48 will be obscured via condition, to protect the residential amenity of neighbouring occupiers. Concerns have been raised regarding the loss of light impacts to 48 George Street. The parent application included a shadow study, which showed the partial overshadowing of the garden at 48 George Street, however, the degree of overshadowing/overshadowing was not significant enough to warrant refusal or warrant the request for a full daylight/sunlight study and the application was deemed acceptable. This current section 73 application does not include any proposed changes to the height of the development, and does not include proposals for changes to the specific location of the building, and so the previous assessment regarding the impacts on loss of light are material to this application, and have been deemed acceptable.

8.56 Concerns have been raised regarding boundary wall/party wall concerns. This is not a material planning consideration and will not be included as part of this assessment.

8.57 Overall, the application does not provide any significant external changes to the approved plans which could reasonably be used to resist this proposal. The scheme is respectful of the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 56 (58) and 35.

8.58 Future Occupants

8.59 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).

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	2	3	58 (+8sqm for staircase)	70.5	+4.5
2	3	5	3	99	104.5	+5.5

- 8.61 As shown within the table above, the applicant has proven the development's ability to meet space standards as required by policy 50.
- 8.62 Plot 1, the 1-bedroom unit, will utilise a gross internal floor area of 70.5sqm, which highlights the development as exceeding the policy 50 requirement by +4.5metres. (There is no policy 50 requirement for 1 bedroom, 3 storey dwellings. The differences in figures within policy 50 shows that 8sqm is added to the gross internal floor area requirement for each additional storey, this has been added to the required figure, to ensure the floorspace provided is accurately assessed with regards to its potential impacts on the amenity and quality of life of future inhabitants.) The proposals exceed the requirements of policy 50 and so are considered acceptable.
- 8.63 Plot 2, the 3-bedroom unit, will utilise a gross internal floor area of 104.5sqm. As outlined within policy 50 of the Cambridge Local Plan, the proposed internal floorspace for plot 2 exceeds the required 99sqm by 5.5sqm, meaning the development provides a suitable level of space for future occupiers, and is considered acceptable.
- 8.64 Policy 50 sets out the minimum requirements for built-in storage. Plot 1 will provide 1.9sqm of built in storage, whereas plot 2 will provide 3.4sqm. Both dwellings exceed the built-in storage requirements outlined in policy 50 and are considered acceptable.
- 8.65 Garden Size(s):
Plot 1 (1 bed) = 12.1sqm
Plot 2 (3 Bed) = 29.7sqm
- 8.66 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.
- 8.67 The policy states that new developments will be permitted, where they have enough space to accommodate tables and chairs for the amount of intended occupiers, have space to hang washing, and for family dwellings (i.e. plot 2) enough space for children to play.
- 8.68 The proposed garden space for plot 1, the 1 bedroom unit, measures 12.1sqm. This has been deemed a sufficient level of space for the maximum occupancy of 2 persons, as the unit accommodates 1 double bedroom only, and so is unlikely to be used by families, meaning there is a reduced amount of space required. The garden will accommodate the bin store and cycle store for the dwelling, and whilst this will reduce the amount of external amenity space available, it is deemed there will still be an adequate level of amenity space for 2 persons.

- 8.69 The proposed garden space for plot 2, the 3-bedroom unit, measures 29.7sqm. This is deemed a sufficient level of space to accommodate the maximum occupancy of 5 persons. With the likelihood that plot 1 will be used by families, a place for children to play is required. The 29sqm of space provided has been deemed sufficient for accommodating table and chairs for 5 persons, enough space for washing, whilst retaining an adequate level of space for children to play. The garden will accommodate the bin store and cycle store for the dwelling, and whilst this will reduce the amount of external amenity space available, it is deemed there will still be an adequate level of amenity space for 5 persons.
- 8.70 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 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.
- 8.71 Construction and Environmental Impacts
- 8.72 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 delivery/collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.
- 8.73 The Council's Environmental Health team have assessed the application and recommended the addition of the standard construction/demolition hours condition and the authorities standard piling condition, in the interests of protecting residential amenity of neighbouring occupiers.
- 8.74 Summary
- 8.75 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, and 57.
- 8.76 Other Matters**
- 8.77 Bins
- 8.78 Policy 57 requires refuse and recycling to be successfully integrated into proposals.
- 8.79 The application includes proposals for bin stores, to be located to the rear of each dwelling. Whilst the proposed location will reduce the amount of external amenity space available for future occupiers, it is deemed there will still be an adequate level of amenity space for each dwelling. Whilst

the application has included proposals for bin stores, to include their proposed location, plans highlighting the design of the proposed bin store have not been submitted. For this reason, a condition will be applied to any permission granted requiring the submission of details regarding the proposed bin store.

- 8.80 Therefore, the proposals are considered in line with policy 57, subject to the above condition being applied.

8.81 Planning Balance

- 8.82 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).

- 8.83 The key harm to the surrounding area is largely in relation to parking stress. Whilst comments have been raised regarding the inadequacy of the residential street to accommodate more private vehicles, the property is considered to be in a sustainable location, in proximity to suitable public transport/active travel routes, and so is not considered car-dependant. The car-free status of the development, alongside the on-road parking measures towards the front of the property (double yellow lines) means there is not likely to be any adverse impacts on residential amenity of neighbouring occupiers stemming from issues with on-street parking.

- 8.84 The development will provide accommodation for a total of 7 persons. In the current climate of the housing crisis, any additional supply is considered an asset. Furthermore, when the development has utilised unique and successful designs to ensure a more-than-suitable level of internal and external space can be achieved, this must be supported and encouraged across the city.

- 8.85 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.

8.86 Recommendation

- 8.87 **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 Time Limit	<p>The development hereby permitted shall be begun before the expiration of three years from the date of permission 18/1661/FUL 11 October 2019.</p> <p>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).</p>
2 Drawings	<p>The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.</p> <p>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.</p>
3 GY05AC - S73 Variation of Condition IN3	<p>Conditions 3-19; of the varied planning permission reference 18/1661/FUL (excluding 14); as set out above shall continue to apply to this permission. Where the replicated conditions pertaining to the varied permission reference 18/1661/FUL; have been discharged, the development of this permission shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also unless alternative details are otherwise agreed through a separate discharge of the conditions as set out above.</p> <p>Reason: To define the terms of the application.</p>
Carbon Reduction	<p>No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations. Where on-site renewable or low carbon technologies are proposed, the Statement shall include:</p> <p>a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design; and</p> <p>b) Details of any mitigation measures required to maintain amenity and prevent nuisance.</p>

The proposed renewable or low carbon energy technologies and associated mitigation shall be fully implemented in accordance with the measures set out in the Statement prior to the occupation of any approved dwelling(s).

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



Planning Committee Date	6 th July 2022
Report to Lead Officer	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
Reference	22/01144/FUL
Site	338 Cherry Hinton Road, Cherry Hinton, CB1 8AZ
Ward / Parish	Cherry Hinton
Proposal	Change of use of single dwelling to 3no. flats, first and second floor side and rear extension and rear terraces, porch and roof lights to front elevation and erection of bike store to front
Applicant	Mr & Mrs Caruso
Presenting Officer	Dean Scrivener
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Design/Scale of development 2. Neighbour Amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks full planning permission for the change of use of a single dwelling to 3no. flats, first and second floor side and rear extension, rear terraces, porch and roof lights to the front elevation and erection of a bike store to the front.
- 1.2 Officers recommend that the Planning Committee approve the application, subject to conditions which are attached to the end of this report.

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 site is located on Cherry Hinton Road which comprises residential development of two storey semi and detached dwellings set within linear plots. Car parking is set to their frontages. Directly opposite the site is a co-op store and Kwik Fit servicing garage.
- 2.2 The neighbouring development contains gable frontages and comprise a mix of materials, ranging from brick, render and pebble dash. Therefore, there is a mix of appearances along this stretch of Cherry Hinton Road.

3.0 The Proposal

- 3.1 The application proposes the change of use of a single dwelling to 3 no. flats, first and second floor side and rear extensions, rear terraces, porch and roof lights to the front elevation and erection of a bike store to the front.
- 3.2 The bins and bikes would be located to the front of the site, as well as the two car parking spaces.
- 3.3 The extensions would mainly be located to the rear and side of the existing dwelling, with a single storey front porch extension located to the front.

4.0 Relevant Site History

Reference	Description	Outcome
20/04014/FUL	Change of use of single dwelling to 3no. flats, first and second floor side and rear extension and rear terraces, porch and roof lights to front elevation and erection of bike store to front.	Refused
APP/Q0505/W/21/3281366	Appeal of refusal decision 20/04014/FUL	Dismissed
20/0018/FUL	Proposed 1 x new chalet bungalow with car parking and a bin/ bike store to the rear of 157 Mowbray road.	Approved

4.1 A similar application was submitted to the LPA in 2020 and was refused and dismissed at appeal. Please see references in the above table.

4.2 The application was refused by Officers under delegated powers for the following reasons:

- 1) *The rear extension is considered to provide a dominant three storey extension to the dwelling and introduce a roof form that is incongruous and when viewed in conjunction with the adjoining semi-detached dwelling would result in the properties having an unbalanced appearance as a result of the unsympathetic rear extension. The design would create an altered and new roof profile that is not sympathetic to the existing building. This would be seen in the street scene from the perspective of Mowbray Road. The location of the bin stores and cycle parking to the front of the dwelling would be a harmful addition to the street scene and reflects the constrained nature of the site with the extended property covering the width of the plot thus requiring the provision of buildings to the front. The proposal is considered harmful to the character and appearance of the area through its design, scale and appearance contrary to Cambridge Local Plan (2018) policies 55, and 58.*

2) *The proposal does not adequately respect the residential amenity of its neighbours and due to the scale of the rear extension would be considered to be visually intrusive and overbearing and provide elevated views from the terraces into the rear gardens of Nos.336 and 340 Cherry Hinton Road. As such the proposal is contrary to Cambridge Local Plan (2018) policies 55 and 58.*

4.3 The applicant subsequently appealed the LPA's refusal decision, and the appeal was dismissed by the inspector. However, the inspector only dismissed the application in line with reason for refusal one and did not consider the application to have resulted in any significantly harmful impact upon the amenities of the neighbouring properties.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

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 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

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 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 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

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
Landscape in New Developments SPD – Adopted March 2010

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 No objections subject to a condition recommending a time restriction on large contractor vehicles entering and exiting the site between 09:30-15:30

6.3 Environmental Health – No Objection

6.4 No objections subject to conditions restricting hours of construction/demolition, work related deliveries to and from site, EV charging installation and ventilation system details for certain windows

6.5 Waste Team

6.6 No comments received (out of time).

7.0 Third Party Representations

7.1 Two representations have been received.

7.2 Those in objection have raised the following issues:

- Overdevelopment of the site
- Noise impact as a result of two bathrooms proposed on dividing wall
- The rear extensions and terraces will be intrusive additions
- The cycle shed will cause more difficulty with vehicles reversing into Cherry Hinton Road

7.3 Those neither objecting or supporting the application, have raised the following points for consideration:

- The design could be better configured for maintenance requirements
- The cycle store and bins would create an eyesore within the street scene
- The frontage of the site is liable to flooding
- A more porous method of paving could alleviate this issue

8.0 Member Representations

8.1 N/A

9.0 Local Groups / Petition

9.1 N/A

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 53 of the Cambridge Local Plan 2018 states that proposals to convert a single family dwelling house or a non-residential building into self-contained flats will be permitted where:

- a. the proposed development (the original building including acceptable extensions and roof conversions) has an internal gross floor area of at least 120 sq m (excluding stairwells, balconies, external open porches, conservatories and areas with a floor to ceiling height of less than 1.5m), and proposed room sizes meet minimum room sizes (see Policy 50);
- b. The ground or lower ground floor includes a family unit (two bedroom plus) with garden access;
- c. The proposal, in terms of the number of units and scale of associated extensions, would not have a negative impact on the amenity or character of the area or on highway safety in streets already experiencing parking stress;

- d. The proposal would result in a good standard of amenity for its occupiers and is designed to avoid cumulative and negative impacts on neighbouring residential properties;
 - e. The proposal includes appropriate refuse, recycling and cycle storage to serve the development.”
- 10.4 The existing property is in excess of 120sq.m and the lower floors of the proposal are capable of providing family accommodation with direct access to a garden area.
- 10.5 As such the proposal complies with Policies 3 and 53 (parts a and b). An assessment of the proposal in relation to Policy 53 parts c, d and e will be concluded below.
- 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 Reason for refusal 1 of the previous application referred to the dominant scale of the proposed rear extension and how this would have created an unsympathetic form of development which would have resulted in visual harm upon the existing dwelling and adjoining property. This was also supported by the Inspector at appeal and the application was dismissed on these grounds alone.
- 10.9 The current scheme seeks to address this concern. The previously proposed gable has been replaced with a hipped roof style which reduces the overall scale and bulk of the proposed extension, reducing its visual dominance and subsequent impact upon the character and appearance of the existing dwelling and neighbouring dwelling.
- 10.10 The proposed cat slide roof style is more sympathetic and cohesive to the existing form and appearance of the existing dwelling and is ultimately more subservient and in proportion to the existing dwelling.
- 10.11 The proposed rear dormer window has been removed and is now located on the side roof slope, comprising a hipped roof form which appears more modest in scale and proportion. The removal of the previous rear dormer window reduces the overall bulk to the rear of the dwelling and creates a more balanced form of development.
- 10.12 The Inspector refers to the visual impact of the proposed development when viewed from Mowbray Road, to the south west of the site. There is a gap in the line of existing trees from which the rear elevation of No. 338

can be seen. Due to the previous scale of the proposal, it was concluded that the proposal would have resulted in significant visual harm.

- 10.13 Due to the reduction in scale and bulk of the rear extension under the current scheme, Officers are of the view that the proposed extension is now more subservient and in proportion to the existing dwelling and although the development would be partly visible from Mowbray Road, no significant level of visual harm would arise and the scheme is now acceptable.
- 10.14 Overall, the proposed development is considered to have overcome the previous reason for refusal 1 and would not create a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is now compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.

10.15 Biodiversity

- 10.16 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.
- 10.17 Given the proposal is for a flat conversion, no ecological impact assessment is considered to be necessary in this instance. No disturbance or loss of biodiversity is considered to arise as a result of the development and therefore Officers feel that it would be unreasonable to recommend a condition demonstrating a biodiversity net gain and ecological enhancements in this instance.
- 10.18 As such, Officers are satisfied that the proposed development would not result in adverse harm to protected habitats and species, as well as the minor nature of the level of development proposed, the proposal is compliant with Policy 70 of the Cambridge Local Plan (2018) and the Biodiversity SPD.

10.19 Water Management and Flood Risk

- 10.20 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.
- 10.21 The site is in Flood Zone 1 and is therefore considered at a low risk of flooding.

10.22 There is concern raised amongst the representations received in respect of the lack of permeable paving proposed to the front of the site and that the proposed cycle store and bins would further result in surface water run off from the site. Officers are of the view that this is not a significant issue to warrant a reason for refusal and drainage matters will be assessed under Building Regulations in any instance.

10.23 As such, the applicants have suitably addressed the issues of water management and flood risk and therefore the application is in accordance with Local Plan policies 31 and 32 and NPPF advice.

10.24 Highway Safety and Transport Impacts

10.25 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.

10.26 Paragraph 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.

10.27 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority who raise no objections to the proposal subject to a condition requesting that all vehicles with a gross weight in excess of 3.5 tonnes shall only enter and exit the site between the hours of 09:30 – 15:30. Given the location of a nearby school, Officers consider this condition to be reasonable and is therefore recommended, in order to ensure the safety of school children within the local area.

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

10.29 Cycle and Car Parking Provision

10.30 Cycle Parking

10.31 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.

10.32 The proposed cycle parking would be located to the front of the site which would be easily accessible for future occupiers to use. In addition, the number of cycle spaces provided is in accordance with the standards set out within Appendix L.

10.33 Car Parking

10.34 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. The site is located outside of the Controlled Parking Zone and therefore 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.

10.35 The proposed level of car parking would not exceed the existing car parking level at present and is in accordance with these standards. It is expected that one of these spaces will be designated for disabled use, which Officers consider an informative is necessary to request this is the case. Other than this, it is expected that future occupiers will travel by bicycle, given the location of the site in relation to the city centre and designated cycle routes along Cherry Hinton Road and Perne Road.

10.36 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, or, 1 per 1,000m² 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.

10.37 The Environmental Health Officer has been consulted on the application and has recommended a condition to ensure that a dedicated electric vehicle charging point has been installed within the site, prior to occupation. Officers consider this condition to be reasonable and necessary.

10.38 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.

10.39 Amenity

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

10.41 Impact Upon No. 336 Cherry Hinton Road

10.42 There have been objection comments received from No. 336 Cherry Hinton Road, on the grounds of noise and disturbance from the bathrooms, intrusiveness of the extensions and the cycle shed making it more difficult to reverse onto Cherry Hinton Road.

10.43 Firstly, in relation to the bathrooms being located closest to the boundary with No. 336 is a statutory nuisance which will be assessed should noise levels be significant to disturb the neighbour and is not a reason to refuse planning permission.

10.44 Secondly, the extensions have been reduced from the previous scheme which was refused by the LPA but was not included as a reason for dismissal at appeal. Given the reduction in scale, bulk and projection of the proposed extensions to the rear of the property, the rear extensions would have a more overbearing affect upon the rear roof slope of No. 336 as opposed to the rear garden area serving the property. In addition to this, given the reduction in projection and scale of the proposed extension, the proposal would not result in any significant overbearing or loss of light to the extension. As such, Officers consider the scheme to acceptable in terms of overbearing and overshadowing impacts, and the scheme is now acceptable.

10.45 The proposed cycle shed to the front is of a small scale and is not considered to affect visibility of vehicles, as if confirmed by the Local Highway Authority in the section above.

10.46 Impact Upon No. 340 Cherry Hinton Road

10.47 There have been comments received from No. 340 Cherry Hinton Road, on the grounds of maintenance issues. The other comments raised by this neighbour have been addressed within other sections of the report.

10.48 Maintenance issues are not considered to be a material planning matter and therefore this will be a civil matter which will need to be discussed and agreed between the applicant and the respective neighbouring parties.

10.49 Future Occupants

10.50 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).

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	3	6	1	95	96	+1
2	1	2	1	50	50	0
3	1	1	1	39	43	+4

10.52 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. As you can see from the table, the proposed residential units would provide a level of amenity space which would be in accordance with the set standards as stated under Policy 50.

10.53 Garden Size

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 53(b) of the Local Plan requires that a family unit is provided for all flat conversions, on the ground floor which its direct access to a private garden area. As is shown the proposed floor plans, Flat 1 is a family unit which will have direct access to a private garden area and therefore the proposal is in accordance with this policy.

10.56 Both Flats 2 and 3 will have their own access to a terrace, which is capable of accommodating a table and chairs and is adequate in space to provide a good level of external amenity space for future occupiers to enjoy. As indicated on the proposed plans, both terraces will have opaque screening on their sides to prevent direct overlooking into neighbouring gardens and Officers consider a condition to ensure this is acceptable and recommended.

10.57 Policy 51 seeks for 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. While this is a policy aim, the requirement allows for flexibility for conversions and this proposal would utilise the existing stairwells. The proposed units would not be housed completely within a new building envelope. Therefore, it is not practicable to require part M4(2) compliance in this instance.

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 approval, subject to conditions regarding hours of construction/demolition, work related deliveries to and from site, EV charging installation and ventilation system details for certain windows.
- 10.61 Given the location of the site being in close proximity to adjacent neighbouring properties, it is considered conditions regarding work related deliveries and construction hours are necessary and reasonable and will be recommended. Furthermore, in accordance with the Council's Air Quality SPD, condition requesting EV charging point is also necessary and reasonable.
- 10.62 The condition requesting a scheme for ventilation for the bedroom windows on the elevation facing Cherry Hinton Road is considered to be acceptable in this instance. Although there are many bedroom windows which face onto Cherry Hinton Road at a number of properties, including the existing dwelling, the windows identified by the Environmental Health Officer are the only windows serving their respective bedrooms and therefore, require a ventilation system to provide sufficient comfort ventilation to enable the occupant adequate ventilation rates for thermal comfort without the need to open windows due to external noise. As such, this condition has been recommended.
- 10.63 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.
- 10.64 Other Matters**
- 10.65 Policy 57 requires refuse and recycling to be successfully integrated into proposals. The bins would be located to the front of the site and would be seen within the street scene. Officers recommend a condition to request the details of a bin enclosure to keep the bins within and out of view, in order to prevent any visual harm.
- 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 current scheme is considered to have overcome the previous reasons for refusal in terms of design and neighbour amenity. It will also provide

additional residential units on the site to increase the provision of housing within Cambridge. Therefore, the proposal is considered to be acceptable.

10.69 Recommendation

10.70 Approve subject to:

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

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

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

Reason: To ensure the future occupiers benefit from adequate levels of ventilation as to ensure no significant noise levels are experienced (Cambridge Local Plan policy 35).

- 4) No permanent connection to the electricity distribution network shall be established 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 one active electric vehicle charge point per parking space will be designed and installed with a minimum power rating output of 7kW per charge point to serve the approved allocated on-plot parking spaces for the proposed residential units.

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).

- 5) Prior to the first occupation of the development hereby approved, details of the bin enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development does not result in visual harm upon the character and appearance of the area (Cambridge Local Plan 2018 policy 57).

- 6) 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. 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 in accordance with Policy CC/4 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

- 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) 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 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) The proposed balconies serving Flats 2 and 3, hereby approved, shall be fitted with opaque screening on both of their sides and shall be retained for the lifetime of the development.

Reason: To prevent any direct overlooking impact upon the neighbouring garden areas (Cambridge Local Plan 2018 policies 55 and 58).

- 10) All demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between the hours of 09.30hrs - 15.30hrs, seven days a week.

Reason: in the interests of highway safety

Informatives:

- 1) 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.
- 2) The construction activities that are permitted within the extended hours of operation should be limited to those activities which cause the least noise and will not give rise to excessive noise, disturbance, vibration or dust.

Other regulatory regimes which may affect construction working remain in force and are not affected by this change. Applicants should be mindful of their responsibilities with regards to health and safety, the environment, and the local community, separate to the planning considerations. This includes control of working hours under sections 60 and 61 of the Control of Pollution Act 1974. It could be a criminal offence if extended working hours are implemented without first seeking permission through this route, where applicable.

In the usual way, communities may contact their local authority and register concerns over excessive noise, vibration, odour, light or dust. The local authority has a duty to investigate complaints and is required to take enforcement action under the relevant legislation.

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

PLANNING COMMITTEE

6th July 2022

Application	22/0271/TTPO	Agenda Item	
Date Received	02.03.22	Officer	Joanna Davies

Ward	Petersfield
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Site	St Matthews Centre, Sturton Street
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Proposal	T1, T2 & T3: London Plane - Reduce height by 5m and spread by 4m balancing crowns of all 3 trees. Prune on a triennial cycle to maintain broadly at reduced dimensions.
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Applicant	Crawford and Company via agent MWA Arboriculture Ltd.
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Application brought to Committee because: Objections to the proposed removal have been received from residents of Harrison Drive, the proposed works will have significant impact on the contribution the three trees make to the linear group that bounds St Matthews Centre and refusal could have financial implications for the council.

Executive Summary

1. A tree work application has been received to reduce the height by 5m and spread by 4m of three London Plane trees located within the grounds of St Matthews Centre opposite 193 Sturton Street.
2. The Council may deal with this application in one of three ways:
 - (1) Refuse permission for the works proposed
 - (2) Grant consent for the works proposed, or
 - (3) Grant consent for the works proposed, subject to condition.

3. Officers recommend that Planning Committee refuse consent for the trees' removal pending an assessment of heave and a detailed assessment of costs associated with an engineered solution.

Relevant planning history

NA

Legislation and Policy

4. Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012
Tree Preservation Order number 04/2005

Consultation

5. Ward Councillors and neighbours were consulted on the application and a Site Notice was issued for display.
6. Comments have been received from a large number of local residents, Cambridge Past, Present and Future and The Friends of St Matthew's Piece. These can be viewed in full via Public Access using the reference 22/0271/TTPO. Objections are summarised in the below table and a response provided.

Comment	Officer Response
Mature trees are incredibly important for the health of the local ecosystem, for mental health, in capturing storm water, in absorbing carbon dioxide, in providing shelter for wildlife and shade during increasingly hot summers.	Agreed and significant works to them should only be carried out where there is sufficient justification that outweighs any detrimental impact.
The reduction in size of these trees would profoundly undermine the visual symmetry of the two avenues, lessen the beauty of the avenues and be experienced by those who depend on the park as a vital amenity.	The uniformity of the group will be impacted, as viewed from within the park and from Sturton Street especially.
193 Sturton St was constructed in 1995/1996 the foundations should have	NHBC foundation depth calculation, considering mature height of trees,

been designed and constructed to a standard which would have withstood any subsoil shrinkage associated with the long-established plane trees opposite and the applicant has no grounds for damaging a highly valued public amenity just 30 years later.	distance to property, soil volume change potential and water demand, is between 1m and 1.45m. The property foundations are at a depth of 1.45m and 2.1m.
Cambridge City Council has statutory and legal responsibility to nurture the quality of life of all its residents pursuant to the 2018 Cambridge Local Plan, and to adhere to the protections afforded by its policies as well as the Mill Road Conservation Area (dating from 1993, before the house at 193 Sturton Street was built), and the Tree Preservation Orders. Harming any one of these precious trees demands first and foremost coherent, unambiguous and incontrovertible evidence - combined with a through determination of there being absolutely no alternative strategy. In December 2020 Cambridge Council signed up to the National Tree Charter for Trees, Woods and People (2017). This application completely counters the Council's commitment to the Charter	<p>The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act 1990 and the 2012 Regulations (The Act)</p> <p>When assessing the impact of any tree work application consideration should be given to all relevant plans, policies and charters. Any such plans, policies and charters do not however outweigh the responsibilities placed on councils under The Act. The council must therefore determine whether or not sufficient justification has been submitted to permit consent for works that will have a detrimental impact on trees of value.</p>
T1, T2 and T3 are an important part of the ecosystem of 24 mature trees surrounding St Matthew's Piece by cutting back a considerable part of the canopy, you are affecting the life support system of all the trees in the immediate vicinity	Works proposed to T1, T2 and T3 will have no material impact of the health of the remainder of the group.
The insurer's Technical Report from Aug 2019 did not detect any movement consistent with subsidence	Tree related subsidence can occur at any time. A lack of history of subsidence does not mean subsidence cannot occur.
<p>The justification of the reduction of these trees is based on very little evidence since the damage as 'Category 2 "slight"'</p> <p>The ground movement reported is small</p> <p>The previous years were wetter than average.</p> <p>There is no justification given for the amount of canopy reduction requested and the proposal appears to be riddled with inconsistencies, and has no obvious evidence</p> <p>that any of the trees are the actual cause</p>	<p>The recommended reduction is intended to broadly accord with the findings of Hortlink 212 (East Malling Research and University of Cambridge, 2004.</p> <p>Controlling water use of trees to alleviate subsidence risk. Project 212 Final Report) and summarised in BRE IP 7/06 which recommends the following:</p> <p>For consistent soil moisture conservation, severe crown reduction of 70–90% of crown volume would have to be applied.</p> <p>Reduction of up to 50% crown volume is</p>

of the problem	<p>not always effective for decreasing soil drying.</p> <p>Soil tests show a clay soil, which will change in volume with increase/reduction in moisture content. Tests confirm a reduction in moisture content in test areas. Root analysis confirms the presents of roots from Plane trees.</p> <p>Level monitoring confirms seasonal movement and apparent recovery to the north of the site following the removal of a False Acacia within the site in June 2021.</p> <p>Along the east elevation level monitoring indicates continued seasonal movement which can be attributed to moisture uptake from the Planes opposite.</p>
Significant reduction in a tree's size can have also a detrimental effect to moisture levels in soil when it's root system releases moisture back into the soil. In a clay soil this particularly causes swelling and damage to foundations and structure supports. This may have a further impact to the property in questions or others in the vicinity.	Healthy trees can be considered to be a biomechanical pump extracting moisture from soil. When the pump is removed or compromised soils previously desiccated by the trees can re-wet and in certain circumstances this can lead to heave. No heave assessment has been provided with the application.
Some of the 8 sample points examined around the property could be interpreted as demonstrating that this is an insufficiently stable property that simply moves in synchrony with the annual cycle of soil drying that has affected, affects and is likely to affect increasingly the entire East Anglian region.	At the depth of the foundations, where soil drying is critical to this form of subsidence, the influence of seasonal drought and the drying effect of the sun are insufficient causal factors.
The list of consultees is patently well below the neighbours and interested parties, i.e. the hundreds of objections (with no one in favour) who fought for our park and the trees at St Matthew's Piece over a 10-month period in 2020-21. This, in and of itself, is sufficient grounds for rejection of the application	The consultation was in accordance council policy. There are no legal requirements for a council to consult on tree work applications therefore the extent of consultation is not a reason for refusal.
The proposal to reduce the size of the	The applicant proposes to maintain the

canopy seems short-sighted and a temporary solution. Trees, once cut back, re-grow. As such, the trees would continue to draw on water and cause problems for the foundations of the house. I'm sure if the house was properly underpinned, it would be a Long-term solution for the house.	trees at the reduced size so control moisture uptake in the long-term. Underpinning the house would also be a long-term solution.
The trees were there first and there seems to be little real evidence for the claim that damage has been caused by them.	Any justification for tree work is not outweighed by the age of a tree in relation to the age of any property effected.
What is the point of a Tree Preservation Order if, on a flimsy argument, these trees can be so badly damaged	A TPO is served to prevent unjustified and harmful works to trees of value.

The site and its surroundings

7. The subject trees are located on the west boundary of St Matthew's Centre. They form part of a visually significant linear group that bounds the Centre and the adjacent St Matthew's Piece on three sides. The three subject trees are located within the line of 13 trees that run the full length of the combined space.

The proposal

8. It is proposed to reduce the height by 5m and spread by 4m of three London Plane trees that form part of the group that bounds St Matthew's Centre. While the proposal allows the retention of the trees, the reduction will have a material impact on the uniformity of the group and the individual contribution the three trees make to visual amenity and verdant character of the area.

Planning considerations

9. Amenity - Does the tree still make a significant contribution to the character and appearance of the area?
10. Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

11. Justification for Tree Works - Are there sound practical or arboricultural reasons to carry out tree works?
 - i. What is the justification
 - ii. Is there a financial consideration
 - iii. Is there a health and safety consideration
 - iv. Does the nuisance out way the benefit of retention

Officer's Assessment of application

Amenity

12. St Matthew's Centre visually forms part of St Matthews Piece, one of two important public open spaces in the Mill Road Conservation Area. As cited in the conservation area appraisal its mature trees are important in long and short views. The trees are highlighted on the Townscape Analysis Map as Important Trees/Tree Groups.

Condition/Nuisance

13. Section 14.-(1)(a)(ii) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states that nothing shall prevent the cutting down, topping, lopping or uprooting of a tree in compliance with any obligation imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.
14. The courts have held that nuisance must be actionable in law, where it is causing, or there is an immediate risk of it causing actual damage. However when deciding what is necessary to prevent or abate a nuisance consideration should be give to steps other than tree work.

Justification for Works

15. It is alleged that the trees are responsible for root induced clay shrinkage subsidence damage to 193 Sturton Street.
16. Expert reports have been received that provide evidence of

- a. Foundations bearing on a clay subsoil with a Low to High potential for volumetric change relating to changes in soil moisture.
- b. Moisture content comparisons suggest moisture depletion on two locations to the west (TP/BH2) and north (TP/BH3) of the property.
- c. Roots from London Plane trees were recovered from samples in TP/BH3. The subject trees are located to the east of the property.
- d. Level monitoring has recorded a pattern of seasonal soil drying below the property foundations.
- e. It is suggested that a root barrier is not a viable option for reducing moisture uptake by the trees because of the proximity to the highway. This option has not however been fully assessed.
- f. Superstructure repairs and decorations are currently estimated to be £8k should the tree works be undertaken. Costs for underpinning in the event the tree works do not proceed are currently estimated to be in excess of £80k.
- g. Seasonal movement that can be attributed to moisture uptake from nearby trees.

Observations and Implications

17. The officer is satisfied that the evidence provided supports the claim that trees are a causal factor in the damage to the subject property and that the remedial work proposed will significantly reduce the trees' capacity to extract moisture from beneath the property foundations. However, no assessment of heave has been presented with the application. Heave occurs when trees that have previously caused a persistent soil moisture deficit are removed allowing a soil to re-wet. If a building is constructed on a desiccated soil, when trees that caused the desiccation are removed, or heavily pruned, heave can occur. If heave is considered to be a potential risk an engineered solution may be required. Such a solution would also mitigate against continued subsidence. In accordance with published guidance, a heave assessment is considered to be essential in this case given the respective age of the trees and damaged property and without such an assessment a tree works recommendation is considered by the officer to be premature.
18. There are two alternatives to tree work, underpinning or the use of a root barrier to restrict root growth in the vicinity of the property

foundations. Both these solutions would have financial implications for Cambridge City Council and/or the property owners. The trees make a significant contribution to amenity, sufficient that consideration should be given to underwriting the cost of alternatives to crown reduction. No assessment has been made of the suitability of a root barrier or the associated costs, but the cost of underpinning has been estimated at £80,000. The trees are located in third party property and significantly contribute to the value of that property as well as the amenity enjoyed by the public. A full assessment of the costs associated with engineered solutions is recommended to allow Cambridge City Council and the property owner to consider the financial impact of alternatives to harmful tree works.

Recommendation

19. Officers recommend that Planning Committee refuse consent for the trees' removal pending an assessment of heave and a detailed assessment of costs associated with engineered solutions.

Appendices

Appendix A: Location Plan

Appendix B: Photographs

Report Author:

Joanna Davies – Tree Officer

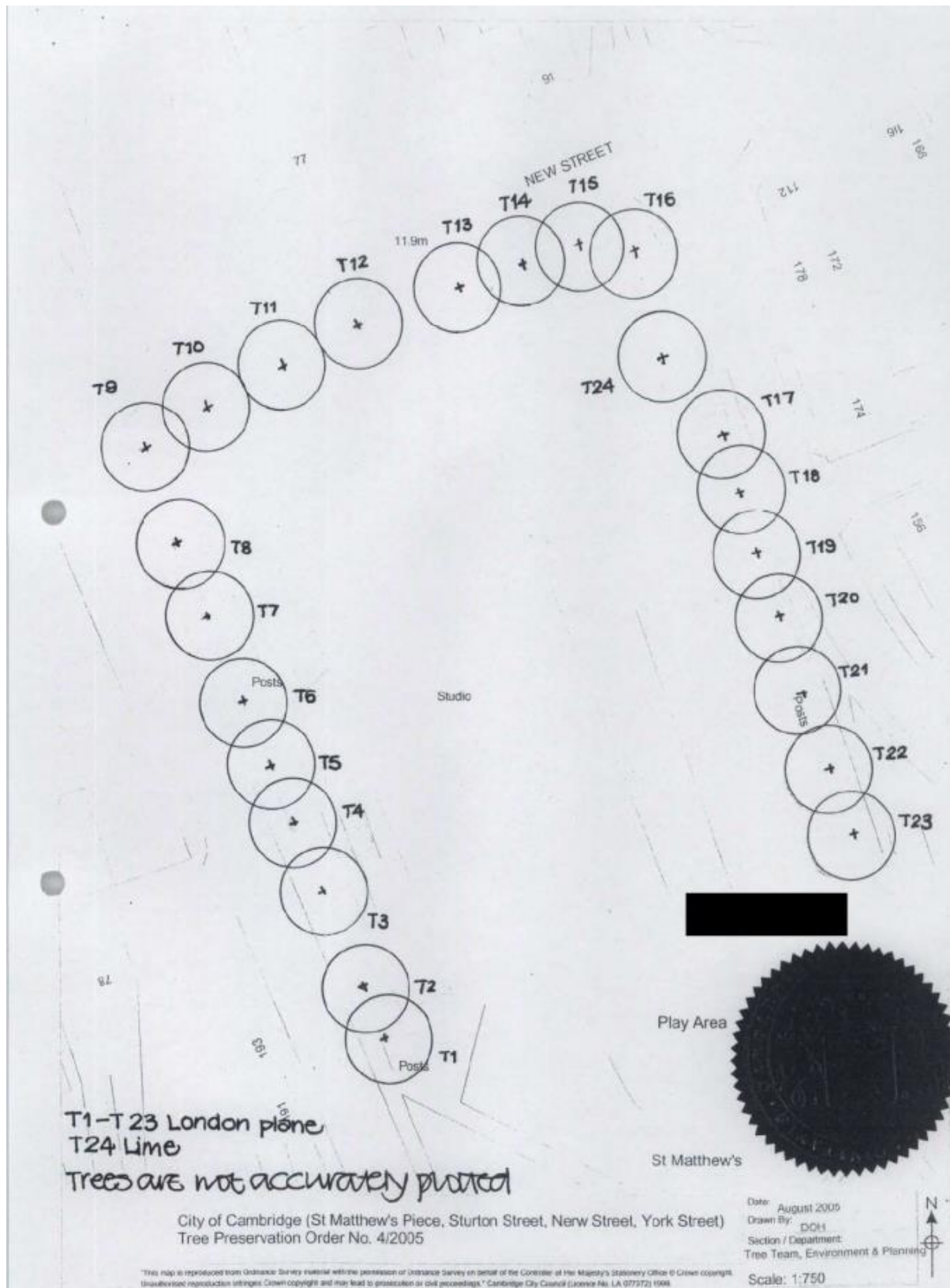
Telephone: 01223458522

Appendix A



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Appendix B



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