



Cambridge City Council Planning

Date: Wednesday, 5 October 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 three part agenda and will be considered in the following order:

- **Part One**
Major Planning Applications
- **Part Two**
Minor/Other Planning Applications
- **Part Three**
General and Enforcement Items

There will be a thirty minute lunch break some time between 12noon and 2pm. With possible short breaks between agenda items subject to the Chair's discretion.

If the meeting should last to 6.00pm, the Committee will vote as to whether or not the meeting will be adjourned.

2 Apologies

3 Declarations of Interest

4 Minutes

(Pages 7 - 14)

Part 1: Major Planning Applications

- | | | |
|---|--|----------------------|
| 5 | 22-01995-FUL Aylesborough - 10am | (Pages 15 - 48) |
| 6 | 22-00583-FUL Aragon and Sackville Close - 11am | (Pages 49 - 82) |
| 7 | 22-00922-FUL Perse Upper School Hills Road -
Noon | (Pages 83 -
132) |
| 8 | 21-05549-FUL Emperor 21 Hills Rd - 1pm | (Pages 133 -
184) |
| 9 | 21-01065-FUL Sandy Lane - 2pm | (Pages 185 -
234) |

There is no Appendix 1 attached to this agenda

Due to file sizes, appendices 2-8 will be published as supplements

Part 2: Minor/Other Planning Applications

- | | | |
|----|---|----------------------|
| 10 | 19-1453-FUL Sha Jalal Mosque - 3pm | (Pages 235 -
256) |
| 11 | 22-0778-FUL Varsity Hotel and Spa final - 3:30pm | (Pages 257 -
282) |
| 12 | 22-01504-FUL 196 Green End Road, Cambridge -
4pm | (Pages 283 -
302) |

Part 3: General and Enforcement Items

- | | | |
|----|---|----------------------|
| 13 | Tree Works 76 De Freville Avenue - 4:30pm | (Pages 303 -
318) |
| 14 | Enforcement Report October 2022 - 5pm | (Pages 319 -
322) |

Planning Members: Smart (Chair), D. Baigent (Vice-Chair), Bennett, Collis, Dryden, Gawthrop Wood, Page-Croft, Porrer and Thornburrow

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

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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

PLANNING7 September 2022
10.00 am - 2.50 pm**Present:****Planning Committee Members:** Councillors Smart (Chair), Bennett, Dryden, Gawthrope Wood, Page-Croft, Porrer and Thornburrow

Also present (virtually) Councillors: Carling and Scutt

Officers:

Area Development Manager: Toby Williams

Senior Planner: Tom Gray

Senior Planner: Charlotte Spencer

Senior Planner: Nick Yager

Senior Planner: Alice Young

Principal Planning Enforcement Officer: John Shuttlewood

Arboricultural Officer: Joanna Davies

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Chris Connor

FOR THE INFORMATION OF THE COUNCIL**22/92/Plan Apologies**

Apologies were received from Councillors Baigent and Collis.

22/93/Plan Declarations of Interest

Name	Item	Interest
Councillor Gawthrope Wood	22/97/Plan	Personal: Knows Suez Road residents. Discretion unfettered.
Councillor Porrer	22/99/Plan	Personal: Knows the owner and involved in pre-app meeting. Would not take part in discussion or decision making.

Councillor Porrer	22/103/Plan	Personal: Contacted by interested party, but referred them to Tree Officer. Discretion unfettered.
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22/94/Plan Minutes

No minutes were presented at Committee for review.

22/95/Plan 22-02618-S73 Lockton House

The Committee received an S73 application to vary condition 2 of ref: 20/04826/FUL (Demolition of Lockton House and 1&2 Brooklands Avenue and replacement with two new buildings comprising offices (Use Class E), flexible commercial space (Use Class E) to include a cafe, underground parking and utilities, erection of covered walkways, electricity substation, bin stores, access, cycle parking and associated hard and soft landscaping) for the retention of the gable wall of 1-2 Brooklands Avenue and associated alterations to form and appearance of Building A, installation of PV panels on Building A and B, air handling plant decks on Building A and ventilation screen to ramped vehicle entrance to Building B to meet net zero carbon aspirations, fenestration changes, and other minor material amendments.

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

The Committee:

Unanimously resolved to grant the application for S73 permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, subject to conditions and the prior completion of a S106 Agreement as set out in the Officer recommendation.

22/96/Plan 22-02030-FUL Rear of 1 Priory Street

The Committee received an application for full planning permission.

The application sought approval for erection of a new single storey dwelling.

The Committee received a representation in objection to the application from a resident of Priory Street:

- i. There has been an attempt to characterise the Benson Area as being subject to general infill. This was not the case:
 - a. 15 houses have been built onto Westfield Lane.
 - b. 18 houses have been built onto North Street.
 - c. 4 houses have been built onto Canterbury Street.
 - d. There was a difference of scale between the gardens of the houses facing the main roads, and those in the original terracing in the Benson.
 - e. This mattered when a developer decided to divide a plot in two (the plot, not the garden).
 - f. It meant that the brick wall proposed for number 1, which would replace a fence and greenery, would extend almost three quarters of the way down Objector's back garden, ending 7m from their back door. A back door was not shown on the maps presented, as they omit the extensions at numbers 3 and 5, erected, with planning permission, in 2007 and 2004 respectively.
- ii. There had been an attempt to characterise the land as a "brownfield site".
 - a. It was a well-tended and much-loved garden, with accompanying shed, in a conservation area.
 - b. Referred to public comments on the Planning Portal about the value of gardens to the area.
- iii. There has been an attempt to portray the development as neutral to all but the most immediate neighbours.
 - a. Residents of Priory Street did not want this precedent. Westfield Lane was a narrow road so work would be intrusive. Residents believed placing a house on the corner of Piggy Lane – the name of the un-adopted gravel track – would either block or make unsafe their use of the narrow lane to access their gardens and garages.

In response to councillor comments whilst debating the application the Senior Planner proposed amendments to the Officer's recommendation to include a:

- i. Landscape condition.
- ii. Condition requiring a Construction Traffic Management Plan.

These amendments were **carried unanimously**.

The Committee:

Resolved (by 4 votes to 3) to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer including amendments to the Officer's recommendation to include a:

- i. landscape condition; and
- ii. condition requiring a Construction Traffic Management Plan.

22/97/Plan 22-01952-FUL 108 Suez Rd

The Committee received an application for full planning permission.

The application sought approval for a single storey rear, and rear roof extension including a Juliet balcony. Erection of new linked 2 bed dwelling and associated works.

Councillor Thornburrow proposed an amendment to the Officer's recommendation to include a boundary treatment condition which should provide for the inclusion of a gate allow access to the site.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 6 votes to 0) to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer including the amendment to include a boundary treatment condition that included gate demarcation.

22/98/Plan 19-1453-FUL Shah Jalal Mosque, 107 Darwin Drive

Due to issues with the description of development, Officers recommended Councillors should not determine this item today.

The Committee:

Unanimously resolved to withdraw the application from today's Agenda.

22/99/Plan 22-01784-FUL Prospect Row

Councillor Porrer withdrew from the meeting for this item and did not participate in the discussion or decision making.

The Committee received an application for change of use to residential with first floor extension.

Mrs Hawkins (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

Resolved (by 5 votes to 1) to grant the application for change of use in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer.

22/100/Plan21-00809-FUL Cambridge Snooker and Pool Centre

Due to issues with the description of development, Officers recommended Councillors should not determine this item today.

The Committee:

Unanimously resolved to withdraw the application from today's Agenda.

22/101/Plan22-02127-FUL 611 Newmarket Road Cambridge

The Committee received an application for full planning permission.

The application sought approval for demolition of existing house and erection of eight flats and one maisonette (net eight new homes) together with ancillary works.

The Senior Planner updated his report by referring to updated recommendation wording on the amendment sheet.

The recommendation as laid out in the Officer report is incorrect. The application is now at appeal for non - determination. Therefore, the Council can no longer determine the application. Officers are asking Members for the recommendation to the Planning Inspectorate seeking dismissal of the appeal.

Recommendation of page 1, para 1.5, para 9.80 and para 10.1 are incorrect. Officers are asking Members to endorse the Officer recommendation to the Planning Inspectorate to dismiss the appeal.

To endorse the Officer recommendation and request that the Planning Inspectorate DISMISS the appealed application for the reasons as set out in the Officer report at pages 139 – 140.

The Committee:

Unanimously resolved to endorse the Officer recommendation to the Planning Inspectorate seeking dismissal of the appeal.

22/102/Plan22-02519-HFUL 19 Fortescue Road, Cambridge Committee

The Committee received an application for full planning permission.

The application sought approval for a single storey front extension.

The Committee:

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

22/103/Plan22-0669-TTPO Tree Works 76 De Freville Avenue

The Committee received an application to:

- i. APPROVE removal of T1 subject to conditions.
- ii. REFUSE crown reduction of T3.

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

- i. A TPO was placed on T1 tree by the council on 6 June 2022. A proposal to fell this tree was submitted to the council just 3 weeks later.
- ii. Two independent professional assessments undertaken on behalf of the neighbour, confirmed the tree was not significantly decayed nor at risk of failing. A forest ecologist advised there was no sign of bough failure or anything else that would raise concern for safety issues and confirmed that the tree was healthy.
- iii. T1 was a valuable public amenity.

- iv. If there was any decay, crown reduction work was more appropriate than felling.
- v. Requested the proposal be refused, or deferred to allow further investigation to ascertain the viability of T1.

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

- i. Many residents had contacted Ward Councillors. They were concerned about T1 proposed work, but agreed T3 needed tree work.
- ii. The Applicant originally intended to remove six trees but had now amended this to two trees.
- iii. Referred to the independent assessments sourced by Objectors that could not be shared with Councillors in committee today as they were unable to receive new information after the agenda had been published.
- iv. Disagreed with the Officer's report that few people wanted to retain the tree.
- v. Requested the proposal be refused, or deferred to allow further investigation to ascertain the viability of T1.

The Committee:

Resolved (5 votes to 2) to defer the application.

22/104/PlanEnforcement Report September 2022

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

On 30th July 2022 there were 136 open cases, including 61 Short Term Visitor Accommodation investigations.

In July 2022, 21 new cases were opened and 29 investigations were closed.

In July 2022, two formal enforcement notices were served.

The Committee:

Noted the Officer's report.

The meeting ended at 2.50 pm

CHAIR



Planning Committee Date	Wednesday 5 th October 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/01995/FUL
Site	Aylesborough Close, Cambridge
Ward / Parish	Arbury
Proposal	Demolition of existing buildings and hardstanding and erection of 70 new homes, car parking, landscaping, bin and bike stores, substation and associated works.
Applicant	Cambridge Investment partnership (CIP)
Presenting Officer	Ganesh Gnanamoorthy
Reason Reported to Committee	Third party representations Land within ownership of the Council Application submitted by a member or officer of the Council
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Context of site, design and external spaces2. Car and cycle parking3. Affordable housing4. Amenity impact
Recommendation	APPROVE subject to conditions and S106

0.0 BACKGROUND

- 0.1 This is a Regulation 3 planning application that has been submitted by Cambridge Investment Partnership (CIP) which is a joint venture company set up by Cambridge City Council and Hill Investment Partnership founded in 2017. The original purpose of the partnership was to deliver 500 net new Council rented homes across the City using mainly council owned sites/assets. The City Council has received £70 million support from central government as part of the Devolution Deal to help achieve this target.
- 0.2 Since its inception, the partnership has received permission for approximately 1000 homes, with in excess of 600 being Council rented. Of the homes that have received permission, more than 850 have either been completed, occupied or under construction on site.
- 0.3 Having met its original aims, the partnership has decided to extend the drive to build more housing.

1.0 Executive Summary

- 1.1 The application seeks planning permission for the demolition of existing buildings and hardstanding and erection of 70 new homes, car parking, landscaping, bin and bike stores, substation and associated works.
- 1.2 The development would increase the amount of affordable housing that helps to meet an identified demand within the local area;
- 1.3 The proposed development would provide a high quality, sustainable development that would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;
- 1.4 The proposed development would provide a well designed sustainable development that would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;
- 1.5 Officers recommend that the Planning Committee resolve to grant planning permission subject to the imposition of conditions and the completion of a S106 agreement.

2.0 Site Description and Context

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

Local Neighbourhood and District Centre		Article 4 Direction	
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- 2.1 The proposed development site comprises a 0.23 hectare, irregularly shaped parcel of land which is currently in residential use, with three 2-storey terraces running north to south at the northern end of the site, and one 4-storey block running north to south along the central and eastern parts of the site. The four buildings house a total of 36 dwellings. Open spaces associated with the residential properties are also evident on site.
- 2.2 To the east of the site is Verulam Way, to the south is Fordwich Close, Jermyn Close to the south-east, and Aylesborough Close to the north-west.
- 2.3 There are residential properties in all directions directly adjoining the site.
- 2.4 Vehicular access to the site is from Fordwich Close to the south.
- 2.5 The site does not fall within a conservation area, and there are no listed buildings on the site, or in the immediate vicinity.

3.0 The Proposal

- 3.1 This application proposes the demolition of all existing buildings and hardstanding and erection of 70 new homes, car parking, landscaping, bin and bike stores, substation and associated works.
- 3.2 The proposed dwellings would be housed in 3 blocks, which this report will refer to as blocks A, B and C. Blocks A and C would be 4-storeys tall with have a connecting 3-storey element, and block B would be 3-storeys tall.
- 3.3 The main vehicular access to the site would be from Fordwich Close, although a secondary vehicular access would be provided from Jermyn Close, although this will be bollard controlled, and only accessible to refuse vehicles, cyclists and pedestrians.
- 3.4 Block A would contain 29 dwellings (13x 1bed, 15x 2bed and 1x 3bed), block B would house 15 dwellings (10x 1bed, 2x 2bed and 3x 3bed), and block C would comprise 26 homes (14x 1bed and 12x 2bed).
- 3.5 All dwellings would have their own private amenity space in the form of terraces for ground floor properties and balconies for those on the upper floors. A 250sqm communal garden is also provided to the north of the site, between blocks A and B.
- 3.6 It is worthy of note that the scheme has been through an extensive pre-application process with officers.
- 3.7 The proposal has been amended since submission to take on board comments and concerns from statutory consultees.

3.8 The application is accompanied by the following supporting information:

- Energy Assessment;
- Daylight, Sunlight and Overshadowing Assessment;
- Design and Access Statement;
- Flood Risk and Drainage Strategy Report;
- Phase 1 and 2 Geo-Environmental Assessment;
- Planning Statement;
- Preliminary Ecological Appraisal and BNG Assessment;
- Statement of Community Involvement;
- Sustainability Statement;
- Thermal Comfort Assessment;
- Transport Statement;
- Tree Survey and Arboricultural Impact Assessment;
- Utility Assessment

4.0 Relevant Site History

Reference	Description	Outcome
N/A	N/A	N/A

4.1 There is no relevant planning history on this site

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 8: Setting of the city
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 33: Contaminated land
Policy 34: Light pollution control
Policy 35: Human health and quality of life
Policy 36: Air quality, odour and dust
Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding
Policy 45: Affordable housing and dwelling mix
Policy 50: Residential space standards
Policy 51: Accessible homes
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 59: Designing landscape and the public realm
Policy 60: Tall buildings and the skyline in Cambridge
Policy 68: Open space and recreation provision through new development
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management
Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

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

5.5 Other Guidance

Not applicable

6.0 Consultations

6.1 County Highways Development Management

6.2 The Highways Officer originally requested an adoption plan to be provided to further inform his comments. This was provided and an objection raised. Following this, a meeting was held between the applicant and the Highways Officer, with a way forward agreed. At the time of writing this report an amended plan is being produced for reconsultation with the Highways Officer. An update on this will be produced prior to committee.

6.3 County Transport Team

6.4 No comments have been received.

6.5 County Growth Officer

6.6 The County Council have assessed the proposal and recommended that financial contributions are required to mitigate the impact of the development. These will be detailed later in this report.

6.7 Urban Design Officer

6.8 The Council's Urban Design Officer has been involved in pre-application discussions on this site.

6.9 The Officer had raised concerns over the 'secured' nature of the open space, and requested that this be made more accessible. This aside, the officer confirmed that the scheme was acceptable with regard to urban design, subject to a condition securing full details of materials. The applicant reviewed the open space in question and has removed the proposed fob access so that the open space is more widely accessible.

6.10 Landscape Officer

6.11 The Council's Landscape Officer had requested amendments and clarification on a number of points, but confirmed that these being resolved would make the scheme acceptable subject to conditions. The applicant has made the requested amendments and the Officer has confirmed support of the scheme subject to conditions.

6.12 Tree Officer

6.13 The Council's Tree Officer has been consulted on the proposal but no response has been received.

6.14 Local Lead Flood Authority (LLFA)

6.15 The LLFA had issued an objection to the proposal, and sought clarification on a number of points. The applicant provided additional information and the LLFA Officer has subsequently removed their objection subject to the imposition of conditions.

6.16 Sustainability Officer

6.17 The Council's Sustainability Officer has confirmed that the scheme is acceptable from a sustainability point of view subject to the imposition of conditions.

6.18 Environmental Health Officer

6.19 The Council's Environmental Health Officer has been consulted on the proposal. No objections are raised subject to the imposition of conditions and informatives.

6.20 Environment Agency

6.21 The Environment Agency have raised no objections to the proposal.

6.22 Cambridge Airport

6.23 The consultee have raised no objections to the proposal.

6.24 Development Contributions Monitoring Officer

6.25 A list of contributions required to mitigate the impact of the proposal are detailed later in this report.

6.26 Ecology Officer

6.27 No objection subject to conditions.

6.28 Anglian Water

6.29 No objection raised.

6.30 Cadent

6.31 No objection raised.

6.32 Fire Authority

6.33 No objection raised subject to securing fire hydrants.

6.34 NHS

6.35 No objection subject to financial contributions to local facilities – these are detailed later in this report.

7.0 Third Party Representations

7.1 Representations have been received from three addresses.

7.2 Those in objection have raised the following issues:

- Density and overdevelopment
- Too much affordable housing
- Residential amenity impact (impacts on enclosure and privacy)
- Construction noise impacts
- Highway change impacts
- Car parking and parking stress
- Impact on and loss of trees

8.0 Member Representations

8.1 None received.

9.0 Local Groups / Petition

9.1 None received.

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 involves the demolition of existing residential dwellings, and their replacement with new residential buildings.

10.3 Policies 3 relates to new residential development of the Cambridge Local Plan (2018) is of relevance in determining the acceptability of the principle of this development proposal.

10.4 Policy 3 seeks to ensure that new residential development is appropriately located, and this includes with respect to surrounding uses, accessibility, and access to facilities.

10.5 The proposal is in a location which has other residential uses in close proximity, has good transport accessibility to and is on land which already has a residential use.

10.6 With the above in mind, it is considered that the proposal is in accordance with policy 3.

10.7 The principle of development is therefore considered acceptable subject to the acceptability of other material planning considerations.

10.8 Housing Provision

10.9 Policy 45 of the Cambridge Local Plan requires residential development of 15 units or more to provide a minimum of 40% of affordable housing. The Local Plan states that further details on the practical implementation of this policy will be set out in an up-to-date Affordable Housing Supplementary Planning Document (SPD).

10.10 Policy 45 states developments should include a balanced mix of dwelling sizes, types, and tenures to meet projected future household needs within Cambridge. Whilst not being prescriptive, Policy 45 requires dwelling mix and tenure types to have regard to the different needs for different unit sizes of affordable and market housing, which is further detailed on Cambridge's draft Affordable Housing SPD (June 2014).

10.11 The proposed development is for a scheme of 70 dwellings with all of these being for affordable housing –all for council rent.

10.12 It is noted that a third party? representation has raised concerns over the amount of affordable housing being provided, preferring a more mixed split between private and affordable. It is noted that the policy requirement of 40% is a minimum provision, and not a target. The provision of 100% affordable housing is considered acceptable, and is policy compliant.

10.13 The securing of these dwelling for affordable housing purposes will form part of the S106 agreement in the event of a resolution to grant permission being arrived upon.

10.14 Officers are satisfied that the level of affordable housing accords with Policy 45 of the Local Plan and the Greater Cambridge Housing Strategy 2019-2023.

10.15 Design, Layout, Scale and Landscaping

10.16 Policies 55, 56, 57, 58, 59 and 60 of the Local Plan 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.

10.17 The immediate site context comprises a range of building styles and heights. A pattern that is repeated around the immediate area is one of 4-storey flat blocks in close proximity to 2-storey houses. These relationships are often uncomfortable and provide a degree of discord between the two.

10.18 This proposal would see the introduction of three flat blocks, two 4-storeys in height and connected by a 3-storey linking element, and a 3-storey block. The scheme has been designed to provide active frontages to

Aylesborough Close, Verulam Way, Jermyn Close and Fordwich Close. All buildings would have flat roofs.

- 10.19 Parking for the site would sit somewhat centrally and is accessed from Fordwich Close.
- 10.20 Open spaces are provided to the west and north of the site, and a communal garden space is provided between blocks A and B to the northern part of the site. The northern open space would contain play along the way features.
- 10.21 Block C is a 2-storey terrace which would ensure that the transition from the taller built form of Block B to the existing terrace of dwellings to the south is a successful one.
- 10.22 The Council's Urban Design and Landscape Officers were both involved in pre-application discussions and changes have been made both prior to the application being submitted, and during the life of the application. During the life of preapp discussions, heights of – and distances between - buildings, as well as layout of open spaces were interrogated and amended in accordance with officer advice. The Officers have been consulted on this application. No objections have been raised by the Urban Design Officer subject to various conditions relating to materials, boundary treatments, and cycle parking appearance. The Landscape Officer has requested amendments and these have been provided. The Officers have set out conditions that would be necessary and these are reflected at the end of this report.
- 10.23 Concerns have been raised regarding the alterations to the road layout which would see a connection between Jermyn Close and Fordwich Close. This connection will solely be for cyclist and pedestrians, and to allow for a refuse truck to access and egress the site safely. There would be bollards in the road which would be controlled only by the refuse vehicle drivers.
- 10.24 The proposal would undoubtedly alter the built form on the site, and this will change the experience of some nearby residents as well as people walking through and around the site. The tallest building on site at present is 4-storeys, and the proposal would see no buildings greater in height than this.
- 10.25 Policy 60 seeks to ensure that proposals for structures that break the skyline and/or are significantly taller than the surrounding built form should be assessed against a very specific set of criteria to ensure their acceptability both in the immediate vicinity, but from wider views. Although the tallest proposed buildings are the same number of storeys as the tallest building on site at present, the proposed building would be taller due to the more generous floor to ceiling heights required for new builds. However, the increase is considered modest, and does not warrant an assessment against policy 60. The applicants have, however, produced

views and a 3D model was interrogated during the pre-application process and both Planning Officers and Urban Design Officers are content.

10.26 It is noted that a representation has been received which raises concerns over whether this proposal constitutes an overdevelopment of the site. Based on the layout, spaces between buildings, appearance, massing and scale, the proposal is considered to be appropriate in terms of level of development, although other material considerations also need to be adequately addressed.

10.27 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59.

10.28 Trees

10.29 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.

10.30 The application was accompanied by a tree survey and arboricultural impact assessment.

10.31 The Arboricultural Impact Assessment identifies that existing trees on site are 4x category A, 16x category B, 13x category C and 2x category U. A total of 14 trees (4x B category trees, 8x C category trees and 2x U category trees) would require removal in order to facilitate the proposed development. A total of 54 new trees and shrubs are proposed to be planted.

10.32 The Council's Tree Officer has been consulted on the proposal although no comment has been received. Officers are of the view that although the proposal would result in the loss of some existing trees, the proposal would allow for a significantly greater number of new tree planting than that lost which, in time, could increase canopy cover in the City. It is considered prudent, in the event of permission being granted, to condition the provision of an Arboricultural Method Statement and a Tree Protection Plan. This would allow for Officers to ensure the development is carried out in an acceptable way with respect to the trees that are to be retained.

10.33 It is noted that the proposal includes new tree and hedge planting which Officers consider this would mitigate the loss of the existing trees. The proposed landscaping conditions will allow Officers to ensure an adequate replacement planting scheme is achieved.

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

10.35 Carbon Reduction and Sustainable Design

Sustainable Design and Construction

- 10.36 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 10.37 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.
- 10.38 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.39 The application is supported by an Energy Statement and a Sustainability Statement.
- 10.40 A number of energy efficient and sustainability measures form part of the proposed design. These include, but are not limited to:
- Passivhaus standard
 - PV panels
 - Green roofs
 - EV charging points
 - Gas free development
 - Air source heat pumps
 - Water efficiency measures
- 10.41 The Energy report demonstrates that the approach chosen would comply with policy 28 of the Local Plan and would significantly exceed the 19% reduction in carbon dioxide emissions target within Part L of Building Regulations.

Overheating and Ventilation

- 10.42 Twenty-two of the dwellings provided will be single aspect, although none of these would be north facing. Single aspect dwellings, through poor design, often experience problems with overheating and adequate ventilation, and this has been carefully considered by the applicant, and interrogated during the pre-application process.

10.43 The application has been subject to formal consultation with the Council's Sustainability Officer who has reviewed the information submitted, including the Thermal Comfort report. She has confirmed that the use of louvred panels and recessed windows would provide secure natural ventilation, whilst the use of brise soleil on southern elevations would minimise overheating. The officer raises no objection to the proposal subject to conditions.

10.44 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

10.45 Biodiversity

10.46 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.

10.47 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal (PEA) and a Biodiversity Net Gain Assessment (BNG).

10.48 The PEA identifies a number of ecological enhancements including swift and bat box provision. The Officer is content with the approach taken subject to conditions to secure further details of these.

10.49 The BNG identifies some areas on site where biodiversity can be improved although the document identifies a need for off-site grassland improvements to be made in order to meet and exceed the required 20% biodiversity net gain.

10.50 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends conditions securing the ecological enhancements while the BNG can be secured by way of S106.

10.51 In consultation with the Council's Ecology Officer, subject to appropriate conditions and the completion of a S106 agreement to secure off site biodiversity net gain improvements, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain.

Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

10.52 Water Management and Flood Risk

- 10.53 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.
- 10.54 The site is located within Flood Zone 1, indicating a low level risk of flooding.
- 10.55 The applicants have submitted a Flood Risk and Drainage Strategy Report.
- 10.56 The Local Lead flood Authority had originally raised some concerns, and sought clarification on a number of matters including groundwater levels and infiltration through made ground. The applicant provided additional information and clarification, and the LLFA have advised that the strategy provided is acceptable. Conditions are recommended and these are attached to the end of this report. Officers consider that the proposal is compliant with the paragraph 163 of the National Planning Policy Framework (2021) and policy 31 of the Cambridge Local Plan (2018).
- 10.57 Anglian Water has raised no objections to the proposal.
- 10.58 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

10.59 Highway Safety and Transport Impacts

- 10.60 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.
- 10.61 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.62 The application is supported by a number of plans demonstrating how the development would be accessed and egressed. This includes swept path analysis which show safe use by refuse trucks is possible within the site. A Transport assessment has also been submitted. The Highway Authority has been consulted as part of the application and they had raised some concerns having seen a highway adoption plan.

- 10.63 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority. The Highway Authority raised concerns with proposed adoption arrangements for some parts of the site.
- 10.64 A meeting was held between the Highways Officer and the applicant, and at the point of writing this report, an amended plan is awaited for reconsultation with the Highways Officer. An update on this will be provided in due course.

10.65 Cycle and Car Parking Provision

10.66 Cycle Parking

10.67 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.

10.68 Block A and Block B would have internal cycle stores at ground floor level whilst Block C would have a secured external store. In total, the proposal provides 110 residential cycle parking spaces, three greater than the minimum requirement. The parking provision will take the form of Sheffield stands, whilst there would also be provision for the storage of cargo bikes.

10.69 A further 12 spaces are provided externally for visitors.

10.70 Car parking

10.71 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. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.

- 10.72 The proposal provides a total of 27 parking spaces for the 70 dwellings – a ratio of 0.39:1, which complies with policy 82. Three of these spaces would be disabled parking bays and these would be allocated to the M4(3) units. All parking spaces are to be allocated.
- 10.73 The applicant has submitted a parking survey which has been carried out in accordance with the widely used Lambeth Methodology. The surveys undertaken found that there was approximately 48% available capacity, equating to approximately 147 spaces.
- 10.74 The site is in a sustainable location, and is in close proximity of bus stops, railway stations and local amenities. The level of parking provided is considered to adhere to the spirit of the policy whilst also actively encouraging more sustainable forms of transport. The proposal, therefore, complies with the requirements set out above.
- 10.75 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.
- 10.76 Fourteen of the 27 parking spaces would have active electric charge points with the remainder having the infrastructure to allow for future connection.
- 10.77 Subject to conditions including provision of the parking spaces before units are occupied and the provision of EV charging points, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

10.78 Amenity

- 10.79 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.

10.80 Neighbouring Properties:

Block A

- 10.81 Block A sits to the north west of the site and will be 4-storeys in height. It would be connected to block C by a 3-storey linking element. The nearest residential properties to this block are located to the north of the site (in excess of 21m away) and to the west (in excess of 15m away). These

distances are considered to provide acceptable relationships with regard to overlooking, and would not be overbearing.

Block B

- 10.82 Block B sits to the north east of the site and will be 3-storeys in height. The nearest residential properties to this block are located to the north of the site (in excess of 15m away) and to the south (in excess of 5m away). The distance to the properties to the north is considered to provide an acceptable relationships with regard to overlooking, and would not be overbearing. Regarding the properties to the south, the building has been designed so that it has a stepped elevation alongside the flank of these properties, with the distance growing from 5m closest to the rear elevations of the dwellings, and stepping away to more than 9m as the building projects further west. The locations of windows on this elevation, as well as the rooms the windows serve, have been carefully considered to ensure that this relationship is an acceptable one.

Block C

- 10.83 Block C sits to the south west of the site and will be 4-storeys in height. It would be connected to block A by a 3-storey linking element. The nearest residential properties to this block are located to the west of the site (in excess of 18m away) and to the south (in excess of 22m away). These distances are considered to provide acceptable relationships with regard to overlooking, and would not be overbearing. It is also noted that a mature belt of trees exist to the west of block C and these trees are to be retained, and these will provide some screening between block C and the properties to the west.
- 10.84 The applicant has provided a Daylight, Sunlight and Overshadowing Assessment and this demonstrates that the proposal would, overall, have an acceptable impact on sunlight and daylight receipt of existing properties, as well as an acceptable impact with regard to overshadowing.
- 10.85 Officers consider that there would be no significant adverse impact with regard to overlooking, noise, loss of light receipt, overshadowing or a sense of enclosure.
- 10.86 Concerns have been raised about the impact on amenity during construction. It is acknowledged that any construction project of this ilk is likely to have an impact due to dust, noise and vibration creation as well as comings and goings of deliveries and collections to and from the site. The Council's Environmental Health Team have been consulted on the proposal and have recommended conditions to ensure that any potential disturbance is minimised.
- 10.87 Future Occupants:

10.88 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).

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

Unit Type	No. of levels	Min standard (sqm)	Min proposed (sqm)
1bed, 2person	1	50	50
2bed, 3person	1	61	61
2bed, 4person	1	70	70
3bed, 5person	1	86	86

10.90 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.

10.91 All of the proposed dwellings benefit from a private amenity area. These take the forms of terraces and balconies.

10.92 As well as the private amenity spaces, the development benefits from direct access into the hard and soft landscaped areas that are proposed.

10.93 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings.

10.94 The development has been assessed for compliance with Policy 51 and all dwellings comply with the requirements of Part M4(2) of the Building Regulations. A condition is recommended to secure these requirements. Of the 70 dwellings proposed, three are proposed to be M4(3) – this equates to 4.28%. Whilst it is acknowledged that policy 51 seeks to secure “5 per cent of the affordable housing component...” as M4(3) dwellings, it is considered appropriate to bear in mind that a scheme of 70 dwellings is only required to provide 28 affordable dwellings, and this would require just 1.4 M4(3) unit. It is not considered appropriate to insist upon more M4(3) units as a result of over-provision of affordable housing. If permission were to be granted, a condition should be attached to ensure this provision is secured.

10.95 The application has been accompanied by a Thermal Comfort study which demonstrates that measures have been taken in order to ensure that the proposed dwellings would not overheat. South facing windows have been designed with brise soleil on southern facing windows to further minimise overheating risk. All dwellings would have mechanical ventilation and heat

recovery so as to ensure that ventilation can be adequately achieved. The ground floor dwellings would have louvred balcony doors and windows to allow for safe natural ventilation. The study demonstrates that the measures proposed would be adequate for the dwellings proposed.

- 10.96 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#.

10.97 Third Party Representations

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

Third Party Comment	Officer Response
Applicant consultation was poor	This is not a material planning consideration in the determination of a planning application although it is known that the applicant held public consultation events. The lack of response to emails to specific individuals during the public consultation process is not a factor in determining this application.

10.99 Planning Obligations (S106)

- 10.100 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (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.

- 10.101 The applicant has indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Council’s Local Plan and the NPPF.

- 10.102 Policy 85 states that planning permission for new developments will only be supported/permitted where there are suitable arrangements for the improvement or provision and phasing of infrastructure, services and facilities necessary to make the scheme acceptable in planning terms.

- 10.103 It is noted that the proposal would result in an increased demand on local facilities and service by virtue of an increase in population. Where these provisions have not been provided on site, the relevant consultees have been asked for a commuted sum to allow for provision nearby.

10.104 Heads of Terms

10.105 The Heads of Terms (HoT's) as identified are to be secured within the S106 and are set out in the summary below:

Heads of Terms	Summary
City Council Infrastructure	
Informal open space	£15,851 towards the provision of and / or improvement of and / or access to Informal Open Space facilities at St Albans Recreation Ground
Provision for children and teenagers	Play equipment to be provided on site
Indoor sports	£17,619.50 for the provision of and / or improvement to indoor sports facilities and equipment at North Cambridge Academy Sports Centre, Arbury Road
Outdoor sports	£15,589 for provision of and / or improvement of the outdoor sports facilities (including grass and artificial pitches and courts) at North Cambridge Academy, Arbury Road
Community facilities	No contributions sought
Affordable housing	100% provision on site
Biodiversity Net Gain	Scheme for a minimum 20% net gain including off-site provision
Monitoring	£2,200 towards the administration and monitoring of the section 106 agreement, and a further fee of £500 <u>for each obligation</u> where the Council is required to confirm compliance of an obligation
County Council – Education / Refuse	
Early years	No contributions sought
Primary School	No contributions sought
Secondary School	£38,421 towards the expansion of either Chesterton Community College or North Cambridge Academy
Life Long Learning (Libraries)	No contributions sought
Strategic waste	No contributions sought
Monitoring	£150
NHS	
	£42,000 towards Huntingdon Road Surgery (inc branch site in Girton) / Arbury Road Surgery

10.106 The planning obligations are necessary, directly related to the development and fairly and reasonably in scale and kind to the

development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010 in are in accordance with policy 85 of the Cambridge Local Plan (2018).

10.107 Subject to the completion of a S106 planning obligation to secure the above infrastructure contributions, biodiversity net gain, and 100% affordable housing provision, Officers are satisfied that the proposal accords with Cambridge Local Plan (2018) policies 45 and 68 and the Planning Obligation Strategy 2010.

10.108 Other Matters

10.109 Refuse and recycling

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

10.111 The proposed refuse storage arrangements are shown to be of a logical layout, with underground 'iceberg' bin stores located close to the front of each block. The applicant has provided calculations of storage provision and these demonstrate that the quantum of provision is in accordance with the required levels. The applicant has provided detailed tracking plans demonstrating how refuse vehicles would be able to negotiate the development safely when collecting refuse and recycling. The location of the bin stores are logical and would provide future occupiers with ease of access, with minimal distances from the front doors of each block. Planning Officers and Urban Design officers are content with the layout proposed.

10.112 The Council's Refuse and Recycling Officer has been consulted on the application and no comment has been received.

10.113 For the reasons given above Officers consider that the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

10.114 Planning Balance

10.115 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).

10.116 Summary of harm

10.117 It is acknowledged that the proposal would involve the loss of some existing trees on site. Some weight should therefore be given to the environmental harm caused by the loss of trees.

10.118 Summary of benefits

10.119 The proposal would result in economic and social benefits through an increase in affordable housing in the City, and by providing a sustainable form of development. The proposal would result in a greater number of trees than those lost, and would promote sustainable forms of transport. These can all be given moderate to significant weight.

10.120 Overall the proposed development will bring significant economic, environmental and social public benefits that accord with the three dimensions of sustainable development as set out in the NPPF. The balance of these benefits are considered to weigh in favour of granting planning permission, outweighing any harms in terms of loss of trees that the proposed development will cause.

10.121

10.122 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 and the prior completion of a S10 agreement.

10.123 Recommendation

10.124 **Approve** subject to:

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

-Satisfactory completion of a Section 106 Agreement which includes the Heads of Terms (HoT's) as set out in the report with minor amendments to the Heads of Terms as set out delegated to officers.

11.0 Planning Conditions

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

Reason: In accordance with the requirements of section 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 Notwithstanding the plans hereby approved, all dwellings shall be constructed to meet the requirements of Part M4(2) 'accessible and

adaptable dwellings' of the building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018, Policies 50 and 51).

Notwithstanding the plans hereby approved, all dwellings shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018, Policies 50 and 51).

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

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018, Policies 50 and 51).

- 5 Prior to first occupation of any dwelling the manoeuvring and car and cycle parking areas required for that purpose shall be provided as shown on the drawings hereby approved and retained free of obstruction.

Reason: In the interests of highway safety and to ensure an adequate level of parking provision is retained (Cambridge Local Plan 2018, Policies 81 and 82).

- 6 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Aylesborough Close, Phase 2, Cambridge Flood Risk Assessment and Drainage Strategy prepared by Create Consulting Engineers Limited (ref: SG/VL/P21-2433/04 Rev C) dated 15/08/2022 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 7 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts

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

Reason To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

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

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

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

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

- 11 No material for the development (or phase of) shall be imported or reused until a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. The MMP shall include:
- a) details of the volumes and types of material proposed to be imported or reused on site
 - b) details of the proposed source(s) of the imported or reused material
 - c) details of the chemical testing for ALL material to be undertaken before placement onto the site.
 - d) results of the chemical testing which must show the material is suitable for use on the development

e) confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

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

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

12 Plant noise condition

No operational plant, machinery or equipment shall be installed until a noise assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the local planning authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

Reason: To protect the amenity of properties from noise. (National Planning Policy Framework, Feb 2019 - paragraph 180 a) and b) and Cambridge Local Plan 2018 - Policy 35: Protection of human health and quality of life from noise and vibration)

13 Artificial Lighting

Prior to the installation of any artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01/20 (or as superseded).

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

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

14 Electric vehicle charging point scheme

The electric vehicle charge points and associated infrastructure as detailed in Section 8.4 'Electrical Vehicle Charging' of the design and Access statement (Ref: AYC-BPTW-XX-XX-DO-A-0650-C01-A3) and dated April 2022 and section 8.4 'Pollution: air Quality' of the Sustainability Statement (Ref: 20593.R3 Rev D) produced by QODA and dated April 2022 shall be fully installed and operational before final occupation of the residential units and shall be 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 (Cambridge Local Plan 2018 policies 36 and 82 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

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

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

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

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

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

- 17 Passivhaus principles

The development hereby permitted shall be designed and constructed in accordance with the approved Energy Statement (Qoda, 20593.R1 Rev A) and Sustainability Statement (Qoda 20593.R3 Rev D) and follow Passivhaus principals. The renewable and/or low carbon technologies shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan Policy 29 and Greater Cambridge Sustainable Design and Construction SPD

- 18 Water Efficiency

Water efficiency standards for the whole scheme shall be carried out in accordance with the water efficiency specification set out in the Energy Statement (Qoda, 20593.R1 Rev A), which sets out the measures to be implemented to achieve no more than 100 litres per person per day. The development shall be carried out in accordance with the agreed details, and any amendments to there specification shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan Policy 29 and Greater Cambridge Sustainable Design and Constrcution SPD 2020).

- 19 Prior to the commencement of above ground works, with the exception of demolition, a scheme for the provision of nest boxes on site shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be implemented in accordance with the agreed scheme.

Reason: To improve the bio-diversity contribution of the site (Cambridge Local Plan 2018 policy 69).

- 20 Green (biodiverse) Roofs:

Green roofs can be biodiverse (green/brown) extensive roofs, or intensive (roof gardens) or blue roofs. This condition focusses on biodiverse roofs. Details of the biodiverse (green) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. Details of the green roof(s) shall include means of access for maintenance, plans and sections showing the make-up of the sub base to be used and include the following:

- a) Roofs can/will be biodiverse based with extensive substrate varying in depth from between 80-150mm,
- b) Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting indigenous to the local area and shall contain no more than a maximum of 25% sedum,
- c) The biodiverse (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency,
- d) The biodiverse roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter,
- e) Where solar panels are proposed, bio-solar roofs should be incorporated under and in-between the panels. An array layout will be required incorporating a minimum of 0.75m between rows of panels for access and to ensure establishment of vegetation,
- f) A management/maintenance plan approved in writing by the Local Planning Authority,

g) Evidence of installation shall be required in photographic form prior to handover.

Reason: To ensure the development provides the maximum possible provision towards water management and the creation of habitats and valuable areas for biodiversity. (Cambridge Local Plan 2018; Policy 31).

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

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

- 22 Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and LPA Tree Officer to discuss details of the approved AMS.

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.

- 23 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.

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

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

- 25 Hard and Soft Landscaping

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

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

b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment, as well as those relating to the pictorial meadow and bioswales); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;
If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation

c) boundary treatments indicating the type, positions, design, and materials of boundary treatments to be erected

d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance

schedules for all landscape areas including the pictorial meadow and bioswales.

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

26 Play areas

No development above ground level, other than demolition, shall commence until details of all play areas have been submitted to and approved in writing by the Local Planning Authority. These details shall include all proposed play equipment layouts and specifications, surfacing treatments, boundary treatments, signage, and lighting.

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

27 Materials

Prior to the commencement of the development hereby approved, with the exception of below ground works, full details including samples of all the materials to be used in the construction of the external surfaces of buildings, which includes external features such as proposed brick patterning; windows, cills, headers and surrounds; doors and entrances; porches and canopies; external metal work, balustrades, rain water goods, edge junction and coping details; colours and surface finishes, shall be submitted to and approved in writing by the local planning authority. This may consist of a materials schedule, large-scale drawings and/or samples. Development shall be carried out in accordance with the approved details.

Sample panels (minimum of 1.5x1.5m) of the facing materials to be used shall be erected to establish the detailing of bonding, coursing, colour and type of jointing and any special brick patterning/articulation detailing (i.e. soldier course banding) shall be agreed in writing with the local planning authority.

The quality of finish and materials incorporated in any approved sample panels, which shall not be demolished prior to completion of development, shall be maintained throughout the development

Reason: To ensure that the appearance of the external surfaces is appropriate and that the quality and colour of the detailing of the facing materials maintained throughout the development. (Insert relevant Local Plan Policies e.g Cambridge Local Plan 2018 policies 55 and 57)

28 Cycle Parking

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).

29 Substation

The development, hereby permitted, shall not be occupied or the use commenced, until details of the substation in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the elevational design and materials. The substation shall be designed and constructed in accordance with the approved details.

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

30 Prior to the commencement of above ground works, a scheme for the provision of fire hydrants shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The approved scheme shall detail the implementation strategy for the fire hydrants (noting the hydrants may be installed in a phased manner across the site). No dwellings shall be occupied until the fire hydrants serving that part of the site have been implemented and installed in accordance with the approved Scheme.

Reason: In the interests of residential safety (Cambridge Local Plan 2018, Policy 35).

INFORMATIVES:

1. Green Roofs:

All green roofs should be designed, constructed and maintained in line with the CIRIA SuDS Manual (C753) and the Green Roof Code (GRO).

2. Pollution Control:

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

3 Plant noise insulation informative

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

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

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

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

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

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

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

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

4 SPD informative

To satisfy and discharge Environmental Health conditions relating to artificial lighting, contaminated land, noise / sound, air quality and odours / fumes, any assessment and mitigation shall be in accordance with the scope, methodologies and requirements of relevant sections of the Greater Cambridge Sustainable Design and Construction SPD, (Adopted January 2020) <https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-and-construction-spd> and in particular section 3.6 - Pollution and the following associated appendices:

- 6: Requirements for Specific Lighting Schemes
- 7: The Development of Potentially Contaminated Sites in Cambridge and South Cambridgeshire: A Developers Guide
- 8: Further technical guidance related to noise pollution

5 Substation Informative

Electricity substations are known to emit electromagnetic fields. The Public Health England (PHE) Radiation Protection Service has set standards for the release of such fields in relation to the nearest premises. The applicant should contact The National Grid EMF unit on 0845 702 3270 for advice regarding the electric/magnetic fields that are associated with electric substations.

6 The details required to discharge the submission of materials condition above should consist of a materials schedule, large-scale drawings and/or samples as appropriate to the scale and nature of the development in question.

7 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The

applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered



Planning Committee Date	Wednesday 5 th October 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00583/FUL
Site	Land at Aragon Close and Sackville Close, Cambridge
Ward / Parish	Kings Hedges
Proposal	Demolition of existing garages and hardstanding and erection of 14no houses (7 at Aragon Close and 7 at Sackville Close) together with car parking, green space, landscaping, bin and bike stores and associated infrastructure.
Applicant	Cambridge Investment partnership (CIP)
Presenting Officer	Ganesh Gnanamoorthy
Reason Reported to Committee	Third party representations Land within ownership of the Council Application submitted by a member or officer of the Council
Member Site Visit Date	N/A
Key Issues	1. Context of site, design and external spaces 2. Car and cycle parking 3. Amenity impact
Recommendation	APPROVE subject to conditions and S106

0.0 BACKGROUND

- 0.1 This is a Regulation 3 planning application that has been submitted by Cambridge Investment Partnership (CIP) which is a joint venture company set up by Cambridge City Council and Hill Investment Partnership founded in 2017. The original purpose of the partnership was to deliver 500 net new Council rented homes across the City using mainly council owned sites/assets. The City Council has received £70 million support from central government as part of the Devolution Deal to help achieve this target.
- 0.2 Since its inception, the partnership has received permission for approximately 1000 homes, with in excess of 600 being Council rented. Of the homes that have received permission, more than 850 have either been completed, occupied or under construction on site.
- 0.3 Having met its original aims, the partnership has decided to extend the drive to build more housing.

1.0 Executive Summary

- 1.1 The application seeks planning permission for the demolition of existing garages and hardstanding and erection of 14no houses (7 at Aragon Close and 7 at Sackville Close) together with car parking, green space, landscaping, bin and bike stores and associated infrastructure.
- 1.2 The development would increase the amount of affordable housing that helps to meet an identified demand within the local area;
- 1.3 The proposed development would provide a high quality, sustainable development that would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;
- 1.4 The proposed development would provide a high quality, sustainable development that would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;
- 1.5 Officers recommend that the Planning Committee resolve to grant planning permission subject to the imposition of conditions and the completion of a S106 agreement.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	X
Building of Local Interest		Green Belt	

Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The two parts to the application site are similar in size and of square form, measuring 0.226 (Aragon Close) and 0.240 (Sackville Close) hectares in area respectively. The application site is located to the west of Northfield Avenue.
- 2.2 Both parts of the site are similar in existing layout and use, comprising of a central garage area (10 per Close) flanked by a hard standing square parking area with separate parking bays to the north and south. Both parts of the site include a shared greenspace to the west of the garages.
- 2.3 Within the site, existing parking is provided in the form of 26 spaces in Aragon Close and 28 spaces in Sackville Close.
- 2.4 There are several mature trees, located mainly in the western open space along with bushes and hedgerows located adjacent to around the parking bays. The open space is not protected and serves as a transition from the garage and parking areas to the three storey buildings housing flats to the west. Behind these flats is protected open space.
- 2.5 The site does not fall within a conservation area, and there are no listed buildings on the site, or in the immediate vicinity.
- 2.6 The site, and immediate surroundings, are residential in character.

3.0 The Proposal

- 3.1 This application proposes the Demolition of existing garages and hardstanding and for the erection of 14no.houses (7 at Aragon Close and 7 at Sackville Close) together with car parking, green space, landscaping, bin and bike stores and associated infrastructure.
- 3.2 The proposal includes 14x two bedroom terraced houses – seven at Aragon Close and seven at Sackville Close. The dwellings would all be two storey and constructed of brickwork. The buildings would run broadly north-east to south-west through the site.
- 3.3 The green space on both parts of the site will be retained along with additional planting.
- 3.4 The proposal would result in a reduction of 16 car parking spaces within the site – 7 at Aragon Close and 9 at Sackville Close. Currently there are 54 spaces proved across the site.
- 3.5 All properties would have private gardens with refuse and cycle stores contained located to the front garden.

- 3.6 The scheme has been through an extensive pre-application process with officers, and the design of buildings, layout and open spaces has evolved.
- 3.7 The proposal has been amended since submission to take on board comments and concerns from statutory consultees.
- 3.8 The application is accompanied by the following supporting information:
- Carbon reduction and Energy Statement;
 - Design and Access Statement;
 - Dust Management Plan;
 - Flood Risk and Drainage Strategy Report;
 - Overheating report;
 - Planning Statement;
 - Preliminary Ecological Appraisal and BNG Assessment;
 - Statement of Community Involvement;
 - Sustainability Report;
 - Transport Appraisal;
 - Tree Survey and Arboricultural Impact Assessment;

4.0 Relevant Site History

Reference	Description	Outcome
N/A	N/A	N/A
4.1	There is no relevant planning history on this site	

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 8: Setting of the city

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 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 45: Affordable housing and dwelling mix

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 68: Open space and recreation provision through new development

Policy 71: Trees

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

Policy 85: Infrastructure delivery, planning obligations and the Community
Infrastructure Levy

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

Health Impact Assessment SPD – Adopted March 2011

Landscape in New Developments SPD – Adopted March 2010

Open Space SPD – Adopted January 2009

Public Art SPD – Adopted January 2009

Trees and Development Sites SPD – Adopted January 2009

5.5 Other Guidance

Not applicable

6.0 Consultations

6.1 County Highways Development Management

6.2 The Highways Officer had initially raised concerns regarding the removal of existing footways to the north and south of the development site resulting in pedestrians required to cross the vehicle carriageway twice. The developer noted the comments made and provided amended plans.

6.3 The Highways Officer has confirmed that these overcome his original comments concerning the site layout and movement of pedestrians. Conditions and informatives have been recommended and these all feature at the end of this report.

6.4 County Growth Officer

6.5 The County Council have assessed the proposal and recommended that financial contributions are required to mitigate the impact of the development. These will be detailed later in this report.

6.6 Urban Design Officer

6.7 The Council's Urban Design Officer has been involved in pre-application discussions on this site.

6.8 The Officer has raised no objections subject to the imposition of conditions relating to materials and cycle parking.

6.9 Landscape Officer

6.10 The Council's Landscape Officer initially raised concerns over the positioning of proposed benches and the location of two parking spaces at Sackville Close. The applicant has provided amended plans and the Officer has confirmed that the scheme is now acceptable subject to a condition being imposed relating to securing a more detailed landscaping scheme.

6.11 Tree Officer

6.12 The Council's Tree Officer has been consulted on the proposal and raised initial concerns to which comments were sent back to the applicant for further consideration.

6.13 As a result, an updated arboricultural impact assessment and drainage plan addressing the concerns including removal of 2 parking spaces in Sackville Close had been submitted and further comments in support of the proposal have been received by the Council's Tree Officer on the

basis of conditions being imposed requiring further information concerning tree protection and arboricultural methodologies.

6.14 Local Lead Flood Authority (LLFA)

6.15 Objection raised concerning details submitted regarding surface water flood risk and mitigation; proposed soakaways; requiring permeable paving, further hydraulic calculations and exceedance flow plan. Clarification also asked on existing impermeable areas and existing runoff areas.

6.16 Clarification and amended plans were submitted to address the concerns raised, and the LLFA have subsequently removed their objection subject to the imposition of conditions.

6.17 Sustainability Officer

6.18 The Council's Sustainability Officer has confirmed that the scheme is acceptable from a sustainability point of view subject to the imposition of conditions regarding the implementation of Passivhaus principles, and water efficiency.

6.19 Environmental Health Officer

6.20 The Council's Environmental Health Officer has been consulted on the proposal. A number of conditions concerning dust impact, artificial lighting and EV charging have been proposed. No objections have been raised subject to the imposition of these conditions.

6.21 Environment Agency

6.22 The Environment Agency have raised no objections to the proposal.

6.23 Development Contributions Monitoring Officer

6.24 A list of contributions required to mitigate the impact of the proposal are detailed later in this report.

6.25 Ecology Officer

6.26 No response received.

6.27 Anglian Water

6.28 No objection raised.

6.29 Cadent

6.30 No objection raised.

6.31 Designing Out Crime Officer

6.32 No objection raised, although recommendations for detailed design have been suggested, and expects the scheme to receive a Gold Standard certification.

7.0 Third Party Representations

7.1 Eleven representations have been received.

7.2 Those in objection have raised the following issues:

- Density and overdevelopment
- Loss of greenspace and biodiversity
- Residential amenity impact (impacts on enclosure and privacy)
- Construction noise impacts
- Highway impacts
- Car parking and parking stress
- Impact on and loss of trees

8.0 Member Representations

8.1 None received.

9.0 Local Groups / Petition

9.1 None received.

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 involves the demolition of existing residential dwellings, and their replacement with new residential buildings.

10.3 Policies 3 relates to new residential development of the Cambridge Local Plan (2018) is of relevance in determining the acceptability of the principle of this development proposal.

10.4 Policy 3 seeks to ensure that new residential development is appropriately located, and this includes with respect to surrounding uses, accessibility, and access to facilities.

10.5 The proposal is for a residential development within a predominantly residential area, and on a site which already provided garage storage,

parking and amenity area ancillary to the surrounding existing residential buildings.

- 10.6 With the above in mind, it is officers' opinion that the lawful planning use of the site is related to residential uses, and the proposal does not seek to change this.
- 10.7 The principle of development is therefore considered acceptable subject to the acceptability of other material planning considerations.

10.8 Housing Provision

- 10.9 Policy 45 of the Cambridge Local Plan requires residential development of 15 units or more to provide a minimum of 40% of affordable housing, and 25% for schemes with 11-14 dwellings. The Local Plan states that further details on the practical implementation of this policy will be set out in an up-to-date Affordable Housing Supplementary Planning Document (SPD).
- 10.10 Policy 45 states developments should include a balanced mix of dwelling sizes, types, and tenures to meet projected future household needs within Cambridge. Whilst not being prescriptive, Policy 45 requires dwelling mix and tenure types to have regard to the different needs for different unit sizes of affordable and market housing, which is further detailed on Cambridge's draft Affordable Housing SPD (June 2014).
- 10.11 The proposed development is for a scheme of 14 dwellings with all of these being for affordable housing.
- 10.12 Although policy 45 requires a mix of intermediate and affordable rented housing, the development would deliver Council rented housing only. There is a very significant and un-met need for Council rented housing and the Council has identified that the significant levels of affordable rented need might otherwise go unmet without its own direct intervention. It is considered that the proposed tenure of affordable housing is justified in this case, especially in light of the 100% affordable housing provision.
- 10.13 The securing of these dwelling for affordable housing purposes will form part of the S106 agreement in the event of a resolution to grant permission being arrived upon.
- 10.14 Officers are satisfied that the level of affordable housing accords with Policy 45 of the Local Plan and the Greater Cambridge Housing Strategy 2019-2023.

10.15 Design, Layout, Scale and Landscaping

- 10.16 Policies 55, 56, 57, 58, 59 and 60 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.

- 10.17 The site sits within a predominantly residential area with two storey, pitched roofed dwellings being the most common built form. There is also a line of four storey buildings housing flats running along the north of the site that forms part of Sackville and Aragon Close. Brick is the prevailing material of construction in the properties nearby.
- 10.18 The proposed development has been laid out in the form of two small row of 7 houses, each of two storeys in height, which would ensure that the massing is sympathetic to the character of the existing area.
- 10.19 The properties would have pitched roofs and would be constructed of brick – further ensuring a coherent response to the existing character.
- 10.20 The proposed dwellings would sit parallel to the four storey flat blocks (situated to the rear of the proposed dwellings) and two two storey houses (to the front). This mews-type style of development takes its cues from the surrounding streetscene.
- 10.21 The proposal is located on an area of mainly existing hardstanding garage and car parking areas. It results in the loss of the garage storage and car parking areas however an amount of car parking is also proposed along with the introduction of electric car charging points to the area.
- 10.22 The buildings have been designed to meet Passivhaus standards, and as such, the simplistic building form is typical of the emerging simple design type appearing around the City as the energy use standard becomes increasingly prevalent. Officers consider that the construction materials are of paramount importance given the relatively simplistic design and a condition to secure detail and sample for the finish of these have been suggested.
- 10.23 The scheme has been laid out in a logical manner with the street layout providing easy access to all properties, whilst continuing to provide a level of communal parking for the immediate vicinity. The lines of housing are located between existing trees to maintain the existing landscape character and break up any sense of increased built form massing in the area.
- 10.24 Each house would have their own refuse stores to the front of the site which provides ease of access and use.
- 10.25 The Council's Urban Design and Landscape Officers were both involved in pre-application discussions and changes have been made both prior to the application being submitted, and during the life of the application. The Officers have been consulted on this application. No objections have been raised by the Urban Design Officer subject to conditions relating to materials and cycle parking appearance. The Landscape Officer has requested amendments and these have been provided. The Officers have set out a condition that would be necessary and these are reflected at the end of this report.

- 10.26 Concerns have been raised regarding the alterations to the road layout which would see a connection between Jermyn Close and Fordwich Close. This connection will solely be for cyclist and pedestrians, and to allow for a refuse truck to access and egress the site safely. There would be bollards in the road which would be controlled only by the refuse vehicle drivers.
- 10.27 It is noted that a representation raises concerns regarding the proximity of the proposed dwellings to existing housing although both terraces of new dwellings would be separated on three sides by an existing road, and a green space and pedestrian path on the other. This form of relationship is not uncommon in design terms.
- 10.28 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59.

10.29 Trees

- 10.30 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 10.31 The application was accompanied by a tree survey, arboricultural impact assessment and tree protection plan.
- 10.32 The tree survey and report identifies several trees and hedges that are likely to be impacted by the proposal. In Sackville Close, the proposal will see the removal of 2 B category trees, 7 category C trees and hedgerows and 1 category U tree in the middle of the site to allow the dwellings to be built. In Aragon Close 5 Category B trees and 4 Category C hedgerows will be felled.
- 10.33 The proposal involves the planting of four new trees. It is acknowledged that there is a net loss of tree canopy resulting from the development to provide 14 homes as a result but should be balanced out with the benefits of the scheme and the improvements of the open space areas. The remaining trees are positioned to remain healthy and mature along with the development.
- 10.34 The Council's Tree Officer has been consulted on the proposal and whilst she acknowledges that the loss of some trees is unfortunate, she has raised no objection subject to the imposition of conditions requiring further information concerning tree protection and arboricultural methodologies.

10.35 The harm of the proposal to trees needs to be weighed up against the benefits of the scheme, and if a resolution to grant permission is reached, the recommended conditions should be imposed.

10.36 Carbon Reduction and Sustainable Design

10.37 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

10.38 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.

10.39 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.

10.40 The application is supported by an Carbon Reduction & Energy Statement and a Sustainability Statement.

10.41 A number of energy efficient and sustainability measures form part of the proposed design. These include, but are not limited to:

- Passivhaus standard
- EV charging points
- Gas free development
- Air source heat pumps
- Water efficiency measures

10.42 The Energy report demonstrates that the approach chosen would almost double the 19% reduction in carbon dioxide emissions target within Building Regulations Part L and would comply with policy 28. A comprehensive approach has been taken to sustainability and the measures proposed combine to form a highly sustainable development resulting in 50% drop in energy demand and enhanced air quality within the homes leading to health benefits for the occupants.

10.43 The application has been subject to formal consultation with the Council's Sustainability Officer who raises no objection to the proposal subject to conditions.

10.44 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

10.45 Biodiversity

10.46 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.

10.47 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal (PEA) and a Biodiversity Net Gain Assessment (BNG).

10.48 The PEA identifies a number of ecological enhancements including swift and bat box provision. Officers are content with the approach taken subject to conditions to secure further details of these.

10.49 The BNG identifies some areas on site where biodiversity can be improved although the document identifies a need for off-site improvements to be made in order to meet and exceed the required 20% biodiversity net gain.

10.50 The Biodiversity Net Gain can, as has been secured on other sites, be secured by way of S106.

10.51 Subject to an appropriate condition and the completion of a S106 agreement to secure off site biodiversity net gain improvements, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

10.52 Water Management and Flood Risk

10.53 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.

10.54 The site is located within Flood Zone 1, indicating a low level risk of flooding.

- 10.55 The applicants have submitted a Flood Risk and Drainage Strategy Report.
- 10.56 The Local Lead Flood Authority (LLFA) has been consulted on the proposal and concerns were originally raised regarding level of information provided. More information was requested regarding finished floor levels, pollution control, and infiltration testing.
- 10.57 Further information was provided in response to the concerns raised and the LLFA have subsequently confirmed they are content with the proposal, subject to the imposition of conditions.
- 10.58 Officers consider that the proposal is compliant with the paragraph 163 of the National Planning Policy Framework (2021) and policy 31 of the Cambridge Local Plan (2018).
- 10.59 Anglian Water has raised no objections to the proposal.
- 10.60 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

10.61 Highway Safety and Transport Impacts

- 10.62 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.
- 10.63 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.64 The application is supported by a number of plans demonstrating how the development would be accessed and egressed. This includes swept path analysis which show safe use by refuse trucks is possible within the site. A Transport assessment has also been submitted which includes parking surveys.
- 10.65 Highways Officer had initially been raised about the safety of pedestrians crossing the road twice, however footpath placement has been amended on revised plans. The development proposed is relatively small in nature and the numbers of additional vehicle movements are not likely to be so significant different from any existing conditions for pedestrians crossing roads. The addition of seven dwellings would not result in a significant increase in vehicular movements to and from the site and as such there is not considered to be undue increased harm to pedestrian safety.

- 10.66 In addition, Highways officers have been consulted on the extent of the existing adopted public highway to be stopped up and the replacement areas that will become adopted public highway (via the Section 247 process under the Town and Country Planning Act) and deem these details to be acceptable.
- 10.67 The Highways Officer has confirmed that their objections are overcome and has recommended conditions be imposed in the event of permission being granted.
- 10.68 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

10.69 Cycle and Car Parking Provision

10.70 Cycle Parking:

10.71 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.

10.72 The proposal provides 22 cycle parking spaces – 14 of which are provided in the gardens of the new properties in the form of secure cycle stores (one for each dwelling). The location of these are considered to be easily accessible whilst allowing for enjoyment of the garden. Eight additional Sheffield stand spaces are provided in the external areas for visitors, which during consultation has been added along with an accompanying covered shelter. These are considered to be appropriately located, and would encourage the use of more sustainable transport methods.

10.73 All dwellings are compliant with the required standard outlined above.

10.74 Car parking:

10.75 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 of the same document.

10.76 The site is not located within a Controlled Parking Zone (CPZ) and, with this in mind, the maximum car parking provision on site is for:

- No more than a mean of 1.5 spaces per dwelling (up to 2 bedrooms)

- 10.77 The proposal affords unallocated car parking available to both existing and new residents. In terms of the number of car parking spaces proposed, 26 car parking spaces are currently provided on the Aragon Close site and 28 car parking spaces are provided on the Sackville Close site. This number includes one dedicated disabled bay on each part of the site. If these developments were to be approved, the number of parking spaces provided would reduce to 19 and 20 spaces at Aragon and Sackville Close respectively. A net reduction of 7 and 8 car parking spaces respectively will therefore result.
- 10.78 An unallocated approach provides flexibility of use of the parking spaces and improves the utilisation of parking spaces throughout the day. This approach reduces the likelihood of spaces being unused and increased parking on-street as a result.
- 10.79 Third party representations have raised concerns about the quantum of parking proposed, and whether it is sufficient. It is acknowledged that the seven new homes in each of the two roads will contribute to additional parking demand whilst the development removes an amount of existing off road parking spaces.
- 10.80 A transport appraisal has been undertaken by Stantec (ref: 220111 - Aragon & Sackville Close, Cambridge - Transport Appraisal with appendices). The key findings of the report were that the development proposals are in line with national and local transport policy in that the development is in a sustainable location with accessible key services, facilities and employment opportunities within walking or cycling distance. The site benefits from access to bus services within 100m and existing walking and cycling infrastructure nearby.
- 10.81 Results from the on-street parking surveys demonstrate that there is spare on-street car parking capacity overnight on the streets in proximity to the site. It is therefore considered that the loss of car parking spaces is not likely to exacerbate or create parking problems.
- 10.82 The proposed development is estimated to generate four additional trips in the AM peak hour and three additional trips in the PM peak hour. The vehicular traffic impact is negligible compared to the variation inherent in day-to-day traffic flows.
- 10.83 The proposal includes provision of active charging points for 6 of the 19 car parking spaces (33%), and the remaining spaces are proposed to have infrastructure put in place to allow for future connectivity for electric charging. These charging points would be available for existing and new residents.
- 10.84 proposal also includes provision for a Car Club space to be provided at Sackville Close. This is also supported by the same policy wording and supporting text.

- 10.85 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.
- 10.86 Amenity**
- 10.87 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.
- 10.88 Neighbouring Properties:
- 10.89 The development has been designed with the context of neighbouring properties in mind and has a similar urban grain, massing and height to the surrounding area.
- 10.90 The distances between the existing properties to the east in both Sackville and Aragon Close and the proposed dwellings are such so as to not result in mutual loss of sunlight or overshadowing. The proposed window to window (approx. 22m) and window to rear boundary distances (approx. 31m) are such not to result in overlooking either. It is also worthy of note that large trees existing within both parts of the application site would provide some additional privacy to occupiers using their garden spaces whilst sunlight and daylight receipt would not be significantly adversely impacted. The proposed rows of houses are distanced from the flank walls across to Chapman Court and Craister Court rear garden boundaries by approximately 16m and approximately 27m to their respective rear windows.
- 10.91 It is acknowledged that the views experienced from some existing properties would be altered by the proposed development. However, it is not considered that the proposal, which respects the height and massing of the established urban grain in the vicinity, would be unduly visually dominant or overbearing to existing occupiers, nor results on overlooking by virtue of the distances.
- 10.92 Officers have assessed the potential impact on the residential amenity of the surrounding occupiers in terms of sunlight, daylight, overlooking, overbearing sense of enclosure and overshadowing, and are satisfied that the proposal, due to its siting, layout and distance from existing dwellings and boundaries, would not have a significant adverse impact on the residential amenity of the neighbouring occupiers such that it would warrant refusal.
- 10.93 As with any development of this nature, there could be some adverse impact during the construction phase – including noise, dust and disturbance. The Environmental Health Team have recommended various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction. These

include, but are not limited to, noise during construction and construction hours. Officers have no reason to deviate from the advice given and have recommended these conditions accordingly.

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

10.95 Future Occupants:

10.96 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).

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

Unit Type	No. of levels	Min standard (sqm)	Min proposed (sqm)
2bed, 4person	2	79	80

10.98 In this regard, Officers consider that all the new homes proposed would provide a high-quality internal living environment for the future occupants.

10.99 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.

10.100 All of the proposed dwellings benefit from a private garden. These are considered to be of an appropriate size, and conveniently located, for the dwellings provided.

10.101 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met.

10.102 The development has been assessed for compliance with Policy 51 and all dwellings comply with the requirements of Part M4(2) of the Building Regulations. A condition is recommended to secure these requirements.

10.103 The proposal has been designed to be energy efficient using Passivhaus methods of design and air tightness within the new homes, and as such would help to ensure fuel bills for future residents are kept to a minimum.

10.104 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.

10.105 Third Party Representations

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

Third Party Comment	Officer Response
Lower number of homes could be achieved if building on garage footprint only	This is likely to be correct, however, the role of the Local Planning Authority is to assess the merits of the proposal submitted.

10.107 Planning Obligations (S106)

10.108 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (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.

10.109 The applicant has indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Council's Local Plan and the NPPF.

10.110 Policy 85 states that planning permission for new developments will only be supported/permitted where there are suitable arrangements for the improvement or provision and phasing of infrastructure, services and facilities necessary to make the scheme acceptable in planning terms.

10.111 Heads of Terms

10.112 The Heads of Terms (HoT's) as identified are to be secured within the S106 and are set out in the summary below:

Heads of Terms	Summary
City Council Infrastructure	
Informal open space	£6,776 for provision at King Hedges Recreation Ground
Provision for children and teenagers	£8,848 for provision at King Hedges Recreation Ground
Indoor sports	£7,532 for provision at North Cambridge Academy Sports Centre

Outdoor sports	£6,644 for provision at North Cambridge Academy
Community facilities	No contributions sought
Affordable housing	100% provision on site
Biodiversity Net Gain	Scheme for a minimum 20% net gain including off-site provision
Monitoring	£2,200 towards the administration and monitoring of the section 106 agreement, and a further fee of £500 <u>for each obligation</u> where the Council is required to confirm compliance of an obligation
County Council – Education / Refuse	
Early years	£52,323 towards Early Years places in Kings Hedges catchment
Primary School	No contributions sought
Secondary School	No contributions sought
Life Long Learning (Libraries)	No contributions sought
Strategic waste	No contributions sought
Monitoring	£150

10.113 The planning obligations are necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010 in are in accordance with policy 85 of the Cambridge Local Plan (2018).

10.114 Subject to the completion of a S106 planning obligation to secure the above infrastructure contributions, biodiversity net gain, and 100% affordable housing provision, Officers are satisfied that the proposal accords with Cambridge Local Plan (2018) policies 45 and 68 and the Planning Obligation Strategy 2010.

10.115 Other Matters

10.116 Refuse and recycling

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

10.118 The proposed refuse storage arrangements are shown to be of a logical layout, with bin stores located close to the front of each dwelling. The applicant has provided calculations of storage provision and these demonstrate that the quantum of provision is in accordance with the required levels. The applicant has provided detailed tracking plans demonstrating how refuse vehicles would be able to negotiate the development safely when collecting refuse and recycling.

10.119 The Council's Refuse and Recycling Officer has been consulted on the application and no comment has been received.

10.120 Officers consider that the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

10.121 Planning Balance

10.122 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). The NPPF makes clear that a sustainable form of development has three strands – economic, environmental and sustainable.

10.123 Summary of harm

10.124 It is acknowledged that the proposal would involve the loss of some existing trees on site, and the number of replacement trees proposed does not adequately replace those lost. Some weight should therefore be given to the environmental harm caused by the loss of trees.

10.125 Summary of benefits

10.126 The proposal would result in an increase in economic and social benefits, including increased affordable housing in the City, and would provide a sustainable form of development. The proposal would promote sustainable forms of transport. In terms of environmental benefits, the proposals would secure a BNG. These can all be given moderate to significant weight.

10.127 Overall the proposed development will bring significant economic, environmental and social public benefits that accord with the three dimensions of sustainable development as set out in the NPPF. The balance of these benefits are considered to weigh in favour of granting planning permission, outweighing any harms in terms of loss of trees that the proposed development will cause.

10.128 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 and the prior completion of a S10 agreement.

10.129 Recommendation

10.130 **Approve** subject to:

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

-Satisfactory completion of a Section 106 Agreement which includes the Heads of Terms (HoT's) as set out in the report with minor amendments to the Heads of Terms as set out delegated to officers.

11.0 Planning Conditions

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

Reason: In accordance with the requirements of section 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 Notwithstanding the plans hereby approved, all dwellings shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018, Policies 50 and 51).

- 4 Prior to first occupation of any dwelling on either site, the manoeuvring and car and cycle parking areas required for that site and for that purpose shall be provided as shown on the drawings hereby approved and retained free of obstruction.

Reason: In the interests of highway safety and to ensure an adequate level of parking provision is retained (Cambridge Local Plan 2018, Policies 81 and 82).

- 5 No laying of services, creation of hard surfaces or erection of a building on either site shall commence until a detailed design of the surface water drainage for that site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Land at Sackville & Aragon Close, Cambridge Flood Risk & Drainage Strategy prepared by Walker Associates Consulting Limited (ref: 7479) dated 07/12/2021 and shall also include: a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual

Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;

- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) A timetable for implementation
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- h) Full details of the maintenance/adoption of the surface water drainage system;
- i) Permissions to connect to a receiving watercourse or sewer (if applicable);
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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 and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts

- 6 No development, including preparatory works, shall commence on either site until details of measures indicating how additional surface water run-off from that site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts

- 7 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) for each site shall be

submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted on that site. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

- 8 No operational plant, machinery or equipment shall be installed until a noise assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the local planning authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

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

- 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 on either site shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority for that site. Potential noise and vibration levels at the nearest noise sensitive locations shall assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites.

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

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

- 12 No development of either site, or any investigations required to assess the contamination of either site, shall commence until a Phase 1 Desk Top Study and a Phase 2 Site Investigation Strategy for that site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are identified and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors as well as to controlled waters, property and ecological systems (Cambridge Local Plan 2018 policy 33).

- 13 No development of either site shall commence until the following have been submitted to and approved in writing by the Local Planning Authority for that site:

(a) A Phase 2 Intrusive Site Investigation Report based upon the findings of the approved Phase 1 Desk Top Study.

(b) A Phase 3 Remediation Strategy based upon the findings of the approved Phase 2 Intrusive Site Investigation Report.

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

- 14 No development on either site shall be occupied until the approved Phase 3 Remediation Strategy for that site has been implemented in full.

Reason: To ensure that any contamination of the site is effectively remediated in the interests of environmental and public safety (Cambridge Local Plan 2018 policy 33).

- 15 No dwellings on either site shall be occupied until a Phase 4 Verification/Validation Report for that site demonstrating full compliance with the approved Phase 3 Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority.

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

- 16 If unexpected contamination is encountered during the development works on either site which has not previously been identified, all works on

that site shall cease immediately until the Local Planning Authority has been notified in writing. Thereafter, works shall only restart with the written approval of the Local Planning Authority following the submission and approval of a Phase 2 Intrusive Site Investigation Report and a Phase 3 Remediation Strategy specific to the newly discovered contamination.

The development shall thereafter be carried out in accordance with the approved Intrusive Site Investigation Report and Remediation Strategy.

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

- 17 No material for the development of either site shall be imported or reused until a Materials Management Plan (MMP) for that site has been submitted to and approved in writing by the Local Planning Authority. The MMP shall include:

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

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

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

- 18 Dust impact compliance

The proposed dust mitigation and monitoring as specified within the Create Consulting Engineers Ltd "dust management plan - revision A" dated 17th December 2021 (ref: NP/VL/P21-2294/02 Rev A) shall be fully implemented.

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

- 19 Artificial lighting

Prior to the installation of any artificial lighting on either site, an artificial lighting scheme for that site shall be submitted to and approved in writing by the local planning authority. The scheme shall include details

of any artificial lighting of the site including locations and hours of operation.

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

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

20 Passivhaus principles

The development hereby permitted shall be designed in accordance with Passivhaus principles, as set out in the Land at Aragon Close, Cambridge, Sustainability Report, January 2022 Pollard Thomas Edwards Rev P02. The renewable and/or low carbon technologies shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan Policy 29 and Greater Cambridge Sustainable Design and Construction SPD 2020).

21 Water Efficiency

Water efficiency standards for the whole scheme shall be carried out in accordance with the water efficiency specification set out in the Land at Aragon Close, Cambridge Sustainability Report, January 2022, Pollard Thomas Edwards Rev P02, which sets out the measures to be implemented to achieve no more than 100 litres per person per day. The development shall be carried out in accordance with the agreed details, and any amendments to there specification shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan Policy 29 and Greater Cambridge Sustainable Design and Construction SPD 2020).

22 Prior to the commencement of above ground works on either site, with the exception of demolition, a scheme for ecological enhancements for that site to include the provision of nest boxes on site shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be implemented in accordance with the agreed scheme.

Reason: To improve the bio-diversity contribution of the site (Cambridge Local Plan 2018 policy 69).

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

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

- 24 Prior to the commencement of site clearance on either site a pre-commencement site meeting shall be held for that site and attended by the site manager, the arboricultural consultant and LPA Tree Officer to discuss details of the approved AMS.

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.

- 25 The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on both sites until all equipment, and surplus materials have been removed from that 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.

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

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

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

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

b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;
If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

c) boundary treatments indicating the type, positions, design, and materials of boundary treatments to be erected.

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

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

28 No development on either site shall take place until full details of all tree pits, including those in planters, hard paving and soft landscaped areas for that site have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. All proposed underground services will be coordinated with the proposed tree planting and the tree planting shall take location priority.
Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development.
(Cambridge Local Plan 2018; Policies 55, 57 and 59).

29 Materials

No development on either site shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of the development on that site have been submitted to and approved in writing by the local planning authority. The details shall include; external brickwork, mortar and jointing; windows, sills and surrounds; doors and canopies; roof tiles; balustrades; timber fencing; rainwater goods, edge junctions and coping details; colours and surface finishes. Development shall be carried out in accordance with the approved details.

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

30 Cycle Parking

The development on either site, 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 on that site 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).

31 Details of the location and provision of the allocated car club parking space and car club vehicle shall be provided to, and approved in writing by, the Local Planning Authority prior to first occupation of the dwellings hereby permitted. The car club parking space and vehicle shall be fully implemented in accordance with a programme to be agreed with the Local Planning Authority.

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) paragraph, 103, 110, 170 and 181, and Cambridge City Council's adopted Air Quality Action Plan (2018) (Cambridge Local Plan 2018 policy 35).

- 32 No demolition or construction works shall commence on either site until a traffic management plan for that site has been agreed in writing with the Planning Authority (using the guidance document below as a framework). The principal 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

- 33 All proposed areas of private metalled surfaces (e.g. the car parking bays, internal paths etc.) be constructed so that their falls 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

INFORMATIVES:

1. Pollution Control:

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

2 Plant noise insulation informative

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

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

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

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

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

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

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

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

3

The details required to discharge the submission of materials condition above should consist of a materials schedule, large-scale drawings and/or samples as appropriate to the scale and nature of the development in question.

- 4 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, and that a separate permission must be sought from the Highway Authority for such works.
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Agenda Item 7



Planning Committee Date	Wednesday 5 th October 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00922/FUL
Site	The Perse Upper School Hills Road Cambridge Cambridgeshire CB2 8QF
Ward / Parish	Queen Ediths
Proposal	Construction of a new sports centre to include a swimming pool, sports hall, climbing wall, entrance lobby, changing village and plant and storage areas, together with associated car and cycle parking, infrastructure and landscaping
Applicant	James Petrie, The Perse School
Presenting Officer	Charlotte Peet
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Principle of Development2. Design, Layout, Scale, Landscaping3. Carbon Reduction and Sustainable Design4. Trees5. Water Management and Flood Risk6. Biodiversity7. Highway Safety and Transport8. Cycle and Car Parking9. Amenity10. Public Art11. Third Party Representations12. Other Matters
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks permission for the construction of a new sports centre at the Perse School to include a swimming pool, sports hall, climbing wall, entrance lobby, changing village and plant and storage areas, together with associated car and cycle parking, infrastructure and landscaping. The sports centre would be located within the school site and used by the school during their opening hours, outside of these times the swimming pool and sports hall would be open for community use through a mixture of club and pay and play access.
- 1.2 The proposal site comprises a playing field within the Perse Upper School site, which forms an area of protected open space. The loss of part of the protected open space is considered to be outweighed by the significant recreational and environmental benefits which result from the public access to the building and the 29% biodiversity net gain.
- 1.3 The siting, scale, massing and elevation treatment of the building has been shaped by pre-application engagement with specialist officers, and is now considered to be acceptable within the context of the site and the wider area.
- 1.4 The building would achieve BREEAM excellent and maximum Wat01 and would implement sustainable technologies and design. The proposal is considered to be successful in terms of preserving trees on site, handling surface water and drainage, ecology and net gain and car and cycle parking.
- 1.5 Officers recommend that the Planning Committee approve the application subject to condition(s). The conditions proposed will secure the community use of the building and the improvements to the footpath / cycleway along Long Road as requested by the Country Transport Team.

2.0 Site Description and Context

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

- 2.1 The proposal site forms the southwest corner of the Perse Upper School and access to Long Road.

2.2 The Perse Upper School sits surrounded by dwellings along Hills Road, Long Road, Sedley Taylor Road and Luard Road. The buildings within the school site are mainly concentrated within the south east corner of the site, with the playing fields wrapping around the buildings to the north west of the site and down to meet Long Road. As existing, the school is accessed from the Hills Road entrance and the access to Long Road is restricted to maintenance and emergency vehicles (ref. 15/1123/S73). The built form at the school has grown over the years, the latest addition being the Peter Hall Performing Arts Centre.

3.0 As existing the site forms one of the playing fields at the Perse Upper School which was previously used by staff and students for outdoor activities, although now sits redundant given the high quality playing field provision elsewhere within the site. The bulk of the site sits between No. 19 and No. 37 Long Road, and is screened partially by the existing protected trees on the southern boundary.

4.0 The Proposal

4.1 The application seeks permission for construction of a new sports centre to include a swimming pool, sports hall, climbing wall, entrance lobby, changing village and plant and storage areas, together with associated car and cycle parking, infrastructure and landscaping.

4.2 The proposal would utilise the access from Long Road for external visitors, staff and pupils would access the building from the school campus.

4.3 The application has been amended to address representations and further consultations have been carried out as appropriate.

5.0 Relevant Site History

5.1 The proposal site has an extensive site history relating to the development and growth of the school, including the provision of a first sports hall and performing arts centre. The relevant decisions are set out in the table below.

Reference	Description	Outcome
15/1857/FUL	Construction of new artificial grass all-weather pitch	Permitted 25.01.2016
15/1123/S73	Section 73 application to vary condition 16 (Long Road Access) of 14/2070/FUL to also allow vehicles providing a delivery, collection or maintenance function for the Perse School.	Permitted 21.09.2015

14/2070/FUL	New purpose built performing arts centre and landscaped courtyard within the grounds of the Perse School. The scheme will accommodate a new 360 seat auditorium, rehearsal room, foyer and ancillary areas as well as 5 new classrooms. The landscaped courtyard will include soft landscaping, an external performance space and a reflection pool.	Permitted 04.06.2015
12/0951/FUL	The proposal is to construct courts for tennis and netball on part of the Schools' playing fields	Permitted 17.09.2012

6.0 Policy

6.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design
Circular 11/95 (Conditions, Annex A)

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

Conservation of Habitats and Species Regulations 2017
Environment Act 2021
ODPM Circular 06/2005 – Protected Species
Equalities Act 2010

6.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
Policy 5: Sustainable transport and infrastructure
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 33: Contaminated land
Policy 34: Light pollution control
Policy 35: Human health and quality of life
Policy 36: Air quality, odour and dust

Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 65: Visual pollution

Policy 67: Protection of open space

Policy 69: Protection of sites of biodiversity and geodiversity importance

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 73: Community, sports and leisure facilities

Policy 74: Education facilities

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

6.3 Neighbourhood Plan

N/A

6.4 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

Trees and Development Sites SPD – Adopted January 2009

7.0 Consultations

7.1 County Highways Development Management – No objection

7.2 Originally raised issues concerning the width of the access and its suitability for coach access. It is recognised that any additional widening of the access would likely impact on the existing street trees. The Highway Authority requests that the application not be determined until such time as the likely severity of any impact on the users of the adopted public highway has been suitably investigated and that a plan showing the proposed works to the access to Long Road be provided as a stand-alone document, so it may be listed as an approved plans if the Planning Authority is minded to grant planning permission.

7.3 Further Comments

- 7.4 The Highway Authority welcomes the provision of a stand-alone drawing showing the proposed access onto Long Road. The acceptability of the proposed design is still dependant on the potential levels of traffic (all modes) use and this will be resolved when the applicant responds to the comments made by the Transport Assessment Team within the County Council.
- 7.5 County Transport Team – No objection**
- 7.6 The document reviewed is the Transport Assessment Response Note dated 21st July 2022 produced by Stantec, supplemented by additional correspondence with the Stantec. The proposals comprise the erection of a 2,817sqm GFA Leisure Centre comprising a new indoor swimming pool, sports hall, small café/viewing area, and climbing wall (Use Class F1(a)) within the Perse Upper School grounds, Cambridge
- 7.7 Transport Assessment Review
- 7.8 Vehicle Impact Assessment
- 7.9 It is agreed that 56% of users will travel to the site via single occupancy car. The timings of the leisure centre facilities operating at maximum efficiency can be managed by the Travel Plan.
- 7.10 A sensitivity modelling assessment of the site access junction has been undertaken to demonstrate that the access junction will operate within capacity.
- 7.11 Traffic flows are agreed. The site access junction capacity assessment demonstrates that the access junction is anticipated to operate well within capacity.
- 7.12 Pedestrian and Cycle Accessibility
- 7.13 Regular consultation occurred throughout this assessment with regards to the request for the developer to widen the existing shared use path on the northern side of Long Road between the toucan crossing to the east of the site access and the access junction off Long Road to 3m in width.
- 7.14 Further information was submitted by Stantec to detail the viability of the requested widening works. This information comprised a survey of verge levels, existing tree root protection areas, and utilities on this stretch of Long Road, supplemented by an Arboricultural Assessment. Upon review of the additional information submitted by Stantec, it is accepted that existing Root Protection Areas and level differences at the back of the verge would make the proposed widening works unviable as many sections of the shared use path cannot be widened for these reasons. The option of a no dig solution to get construction in to widen the shared use path has also been looked at, however, this would not allow for the

delivery of a shared use path of sufficient utility, and future maintenance would not be suitable for adoption.

7.15 The Travel Plan will look to reduce the need to travel to the site by single occupancy car and instead generate more travel to the site by sustainable modes.

7.16 Mitigation

7.17 The developer proposes to deliver the following mitigation:

- Upgrade the existing access junction off Long Road to comprise a raised table across the access, give way markings giving priority to pedestrians and cyclists, and a level crossing facility for cyclists to cross the access mouth
- Deliver a shared use path internal to the site from the western side of the access junction
- Travel Plan

7.18 Conclusion - The Highway Authority do not object the proposals subject to a condition regarding a travel plan.

7.19 Lead Local Flood Authority – No objection

7.20 Initially objected but following the submission of a Drainage Strategy, the objection is removed.

7.21 The Drainage Strategy demonstrates that surface water from the proposed development can be managed through the use of permeable paving over the proposed parking spaces. Surface water from access and parking areas will drain to the subbase of permeable parking before infiltration into the ground. It is proposed that the surface water runoff from the proposed building will drain through attenuation tanks before discharge into the Anglian Water surface water sewer in Long Road. In the event that infiltration is found to not be suitable for water discharge, all water will drain into Anglian Water surface water sewer at a restricted rate.

7.22 We request the following condition/ informative(s):

- Detailed surface water drainage design
- Surface water during construction
- Infiltration rates
- Pollution control

7.23 Environment Agency – No objection

7.24 The site overlies a principal aquifer, however the site has limited potentially contaminative history, the risk being low to very low. Given this, we will not be providing site specific advice on land contamination issues. Controlled waters should be protected in line with paragraph 174 of the NPPF and the Environment Agency guidance.

- 7.25 If any pollution risk to controlled waters from contamination occur then development activities should cease and the local planning authority informed in writing.
- 7.26 The surface water drainage strategy would involve infiltration SuDS (soakaways and permeable paving). A swimming pool is proposed with a formation level of 3.4 metres below current ground level, and the site investigation has indicated the presence of ground water above this level.
- 7.27 Surface water from roof should be piped to approved surface water system using sealed downpipes, only clean, uncontaminated water should be discharged. Surface water from roads and impermeable areas shall be discharged via trapped gullies, and should be passed through an oil interceptor.
- 7.28 Foul water drainage should be discharged to public sewer, unless connection is not reasonably available. Anglian Water should be consulted regarding capacity.
- 7.29 Informatives recommended:
- Oil storage
 - Underground waters.
- 7.30 Anglian Water – No objection**
- 7.31 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.
- 7.32 The foul drainage from this development is in the catchment of Cambridge Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- 7.33 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- 7.34 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.
- 7.35 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

7.36 The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent.

7.37 Requested informatives/ condition(s):

- Submitted documents to be listed as approved documents

7.38 Urban Design and Conservation Team – No objection

7.39 The scheme has been developed through pre-application meetings with urban design officers, however, the urban design team were consulted relatively late in the design process. The submitted application has evolved to incorporate some of the comments made by officers about the access route and entrance area. Rendered views from TVIA viewpoints 4 and 5 on Long Road are necessary for Officers to fully assess the visual impact of the building. Based on the information submitted, further changes should be made to the car park landscaping, and the scale, massing and materials of the south facing elevation to better integrate the building into the Long Road streetscape.

7.40 Further Comments

7.41 Urban design officers have been engaged in several meetings with the applicant and their design team to address the concerns raised in our comments on 14th April 2022. The revised proposal is now acceptable in urban design terms because of the following changes:

7.42 Additional tree planting and soft landscaping has been incorporated within the car park to visually break up car parking spaces, visually screen the car park from the Long Road entrance and provide additional shade.

7.43 The pedestrian path from Long Road has been extended across the entrance to the car park to give pedestrians priority over cars. Cycle parking has been moved further north (nearer the entrance to the building) so that it does not obstruct the pedestrian footway.

7.44 The refuse store has been redesigned to include planted screening (as shown on building visualisation PSSC-SBA-SC -ZZ -DR -A -0150) so that it is less visually prominent from the entrance road.

7.45 Further information has been provided within the Design and Access Statement to explain how the building materials found within the wider context have informed the proposed material palette. A materials and sample panel condition should be attached to the application to ensure the built quality of the materials and finishes.

7.46 Positive changes have been made to the Long Road elevation. These include adding high level glazing to pool façade and a band of patterned

brick. This creates a more interesting elevation to Long Road and helps to signify the swimming pool as an active part of the building, whilst respecting the privacy of users. The relatively simple form and detail of the plantroom now reads as subservient.

7.47 Additional visualisations from Townscape and Visual Impact Assessment viewpoints 4 and 5 have been provided and these show that the Long Road elevation is obscured by the existing treeline and additional infill planting.

7.48 Requested conditions:

- Materials
- Sample panel
- Cycle Parking

7.49 Access Officer – No objection

7.50 Pleased to see how inclusive the proposal is. The colour contrast and signage of the scheme need to aid visually impaired people.

7.51 Toilet doors should open outwards and have quick release bolts in case someone collapses in the toilet. They could consider an accessible launch ramp for disabled canoeists.

7.52 Sports England – No objection

7.53 This proposal relates to the construction of a new sports centre to include a swimming pool (25m x 6 lane), sports hall (5 court sports hall), climbing wall, entrance lobby, changing village and plant and storage areas, together with associated car and cycle parking, infrastructure and landscaping.

7.54 This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

7.55 'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

7.56 Sport England has been involved in the development of this project, and have met with the school and consultants on two separate occasions.

7.57 The site of the new facility is a part of the playing field which is not marked out for pitch use, and is only used for informal sport.

7.58 Received the following comments from national sports governing bodies with regard to the new facilities:

- 7.59 Swim England - We are happy with the proposal and the intention for community / club use. Along with the potential energy savings listed in the planning statement, pool depths could be considered along with the overall width of the pool. Currently showing 13m in total, which could be reduced for the intended training use of the pool. In reality, unless the pool is being used for competitive galas the end lane ropes aren't essential.
- 7.60 However if galas are part of the programme, it is asked if timing equipment, a raised end and turn boards have been considered. This will obviously be additional work and cost.
- 7.61 Badminton England - There is one club at the venue – Cambridge crossways, which is affiliated with 79 members. It would wish to retain usage.
- 7.62 There is limited workforce in the area so the potential to grow isn't great. Adding a No Strings session to the programme would link nicely with the club and cater for the local community not wishing to play club badminton.
- 7.63 England Netball - Sports hall space is in high demand in Cambs and netball organisations find it difficult to gain peak time slots at an affordable price.
- 7.64 A 5 badminton court sports hall could potentially be valuable for Clubs, particularly those playing at a Regional level, but concerned that there has been limited consultation with netball clubs, and unsure who is lined up to use the site.
- 7.65 Would recommend that a Community Use Agreement for all netball facilities - indoor and outdoor - be required as a condition.
- 7.66 Basketball England - We support the development of this facility. It is well positioned in Cambridge and would provide an opportunity for Cambridge Cats Basketball Club to meet the growing demand for participation from of the local community. The following needs to be addressed:
- Community usage opportunity and agreement
 - Changing space provision
 - Storage space provision
 - Flooring, lighting, basketball and scoring equipment to meet Basketball England JNBL/NBL requirements for the intended level of play.
 - Additional cross court basketball equipment with height adjustable baskets
- 7.67 The proposed size of hall is preferred for a single basketball court facility, however, over 90% of Cambridge indoor halls are single court. There is an identified deficit for indoor court time and the area would benefit from a

Sport England 6 badminton court hall (2 basketball court hall) with a small number (up to 250) of spectator seating.

- 7.68 Volleyball England - Cambridge Volleyball Club is a volunteer-run, non-profit organisation affiliated with Volleyball England. We aim to offer volleyball for all, from complete beginners to high performance athletes. We have two men's and one women's team in the National League, one men's and one women's team in the county and regional league and three mixed groups (recreational, beginner and intermediate). Our rapidly growing junior section now makes up more than a third of our 160+ membership.
- 7.69 In the first instance we are looking for one or two evenings per week (6pm to 10pm) but could, in theory, consolidate all our court usage (training and matches) into one "home venue" especially if this venue would have both training and match court markings and post fittings. We are also very interested in supporting the development of the school's volleyball programme.
- 7.70 British Mountaineering Council - We would support this application. Climbing is continuing to grow in popularity and has a good record of promoting life-long participation. We note that the plan is to provide roped climbing including an abseil station as well as bouldering. Most new commercial facilities only offer bouldering, so having these facilities will provide pupils access to these aspects of climbing which would otherwise require travelling. The school has an outdoor pursuits teacher who will also help them make best use of the planned facility.
- 7.71 Conclusions and Recommendation - Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy, in that the benefits to sport outweigh the loss of playing fields, given that this part of the site is not marked out for pitch sports. The absence of an objection is subject to the following condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:
- Community use agreement prepared in consultation with Sport England
- 7.72 County Archaeology – No objection**
- 7.73 The application area was subject to an archaeological evaluation in July of last year (2021), pre-submission of application. The archaeological evaluation identified only two linears of uncertain date which are likely associated with a post-medieval field system. A report of findings has been received by this office and we expect to receive the archive in due course. In light of this evidence no archaeological intervention is considered necessary in connection with the present application and we have no objections or requirements for this development.
- 7.74 Senior Sustainability Officer - No objection**

- 7.75 The general approach to integrating the principles of sustainable design and construction into the scheme are welcomed. The following measures are included:
- 7.76 Achievement of BREEAM excellent, with a current predicted score of 76.80%, which provides a comfortable buffer of points. Condition wording is recommended below to secure certification.
- 7.77 Achievement of maximum Wat01 credits for water efficiency, in line with the requirements of policy 28 of the Cambridge Local Plan. A microfiltration system for cleaning and filtration of pool water is to be utilised, with water recycled from the filtration system for flushing toilets, alongside water efficient fittings.
- 7.78 Use of the CIBSE TM52 methodology to assess the risk of overheating. The scheme has been assessed against both current (2020) and future (2050) climate scenarios and passes both. The detail provided in the Design and Access Statement on the heating and ventilation strategy is welcomed. For the dry side of the building, natural ventilation is to be utilised, including the provision of roof turrets to enable stack ventilation, while on the wet side, mechanical/air source heat pump ventilation is proposed. This approach is supported.
- 7.79 Use of an embodied carbon assessment to tailor the design of the building leading to use of timber and glulam where appropriate to help reduce the embodied carbon of building materials. These measures are all supported.
- 7.80 Regarding the energy strategy for the site, the scheme follows the hierarchical approach to reducing energy demand and associated carbon emissions. Air source heat pumps are proposed to provide 60% of the annual heat demand and all of the hot water demand, with peak loads to be met by gas boilers. The heat pump units are to be located on the roof of the building as shown on drawing number PSSC-SBA-SC-ZZ-DR-A-0109, alongside an 11 kWp photovoltaic array, also shown on this drawing. In terms of carbon reduction, the energy strategy delivers a 34% reduction in carbon emissions compared to a Part L compliant baseline, and achieves 6 energy credits under BREEAM, which is an improvement on the number of mandatory energy credits required to achieve BREEAM excellent. While it is noted that the scheme does still utilise gas boilers to top up heating at peak times, the approach taken does allow for easier replacement of the gas boilers with additional heat pumps, be these air source or ground scheme, at a time when these become more commercially viable. This approach is therefore supported.
- 7.81 Taking the above into account, the proposed scheme is supported in sustainable construction terms.
- 7.82 Landscape Officer – No objection**

- 7.83 The site falls within Protected Open Space, a statement of need has been submitted and found acceptable, it has been established that the new structure would least affect the provision of formal sports provision on site, as established by the first round of pre-application discussion.
- 7.84 The submitted Townscape and Impact Visual Appraisal concludes that the proposals will have minimal impacts and only on the immediate setting of the building. In general we agree with this finding, the most relevant impacts lie on users of Long Road (on foot, cycle or motor vehicle) and nearby residents. Nearby residences will not incur severely adverse impacts from over shadowing but will incur some visual amenity impact due to the introduction of buildings nearer to them than currently.
- 7.85 Type 4/AVR Level 3 for Viewpoints 4 and 5 should be produced as to assist with the assessment of massing and visual impact, these have not been submitted but would be very helpful to have.
- 7.86 The proposed increase in understory and tree planting is welcome and should be further enhanced on both the southern and western boundaries through the use of enhancement hedge planting, replacement/new large trees, and enhanced understory and shrub layers.
- 7.87 The car park should work harder to integrate trees, SUDS features and planting. Gaps between runs of 5-6 bays of at least 2m should be included and then be planted with trees and shrubs.
- 7.88 Overall, Landscape can support the principle of the development, but more should be done to improve the building and it's immediate setting and mentioned above.
- 7.89 *Further Comments*
- 7.90 The updated visualisations provide clarity on the impact of the development on the users of Long Road, much of the development will be screened by existing and proposed boundary landscaping. Overall, we support the enhancement of the southern boundary with planting.
- 7.91 The car park would be improved with additional tree planting, and the overflow parking area would better suit a pre-grown type material so there is an instant impact. The following conditions are recommended:
- Hard and Soft Landscaping
- 7.92 Ecology Officer – No objection**
- 7.93 Content with survey method and outline BNG calculations that indicate a 29% BNG from the proposals. The success of the BNG scheme will rely on ground preparation, establishment and management of the proposed meadow and woodland planting. This can be secured via a Landscape and Ecology Management Plan condition. I note the External Lighting

Impact assessment and would request that an ecological sensitive lighting scheme for the BNG areas is included within the LEMP or secured via a separate condition.

- 7.94 The Tawney Owl box and proposed swift boxes are supported, the exact number, specification and location can be secured via condition, following guidance within the biodiversity SPD.

7.95 Tree Officer – No objection

- 7.96 There are no formal objections to the proposal subject to replacement and new tree planting to bolster the verdant screen along Long Road. Details are to be approved as part of landscape condition.

- 7.97 In addition protection will be required for retained trees, to this end the following conditions are requested.

- Arboricultural Method Statement and Tree Protection Plan
- Implementation
- Tree replacement

7.98 Environmental Health – No Objection

- 7.99 The development proposed is acceptable subject to the imposition of the condition(s)/informative(s) outlined below:

- Construction / demolition hours
- Demolition / construction collections / deliveries
- Construction/demolition noise/vibration & piling
- Dust condition
- Unexpected Contamination
- EV Charging
- Plant Noise
- Artificial Lighting

7.100 Police Architectural Liaison Officer – No objection

- 7.101 Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime. I have searched the Constabulary crime and incident systems for this location covering the last 2 years. While I would consider Hills Road to be an area of low to medium risk to the vulnerability to crime, The Perse School has very few acquisitive crimes recorded. The following crimes were recorded during this period: 1 x business burglary; 1 x theft from motor vehicle; 5 x cycle thefts.

- 7.102 I note that there is a section in the Design and Access statement (S8) headed PUBLIC ACCESS AND SAFEGUARDING STRATEGY, which mentions crime prevention and security measures, along with other documents that clearly show that crime prevention and security measures have been considered.

- 7.103 Boundary treatments, our recommendation would be that fencing and gates should ideally be 2.4m high 358 weldmesh fencing (or similar) security tested to LPS1175:SR1. This reduces the opportunity to cut or climb the fence while allowing good surveillance.
- 7.104 Vehicle parking, gated and locked vehicle and pedestrian access to a well-lit car park with good surveillance from the building windows, covered by school CCTV system.
- 7.105 External lighting – the lighting impact assessment and drawing are very comprehensive outlining the need for good lighting to ensure safety and security of students, staff and visitors as well as awareness of wildlife habitat and ecology issues. The plan proposes column lights for access roads and parking areas, being designed BS EN 12464-2:2014. There will be dusk to dawn bulkhead lighting above all entrances and around the building line of each building.
- 7.106 Access control – Current access control will remain for the new building with biometric and card access for students and staff and separate strategy for community/club use. A good secure line will be maintained ensuring good safeguarding and communication with the main school.
- 7.107 I also have the following comments for consideration:
- 7.108 Cycle security – Staff/student cycle storage should be secure, covered, in view of windows for good surveillance, well-lit and covered by CCTV. Sheffield hoops should be fitted 300mm into the ground and not surface mounted, ensuring that the frame and both wheels can be secured to the stand.
- 7.109 There should be a good landscape management plan in place to ensure that there are clear and unobstructed views across the site. Low planting and hedging should be kept to 1m – 1.2m in height and tree crowns should be raised to 2m. Care should be taken to ensure that there is no conflict between landscaping, lighting and CCTV.
- 7.110 This office would be happy to consult with the applicant to discuss further security measures and standards if necessary.
- 7.111 S106 Officer – No Objection**
- 7.112 The Developer Contributions Monitoring Unit (DCMU) does not propose to seek specific S106 financial contributions under the councils Planning Obligation Strategy SPD 2010, as Cambridge City Council does not seek S106 financial contributions from such developments.

8.0 Third Party Representations

- 8.1 Representations have been received from the following addresses:

- 9 Long Road
- 13 Long Road
- 19 Long Road, Cambridge

8.2 Those in objection have raised the following issues:

- Energy/ sustainability
- Highway safety/ traffic movement
- Noise and disturbance
- Car parking
- Light pollution

9.0 Member Representations

9.1 Not applicable

10.0 Local Groups / Petition

10.1 Not applicable

10.2 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.

11.0 Assessment

11.1 Principle of Development

11.2 Protected Open Space

11.3 The proposal site forms an area of protected open space (SPO 37), which is designated within the Open Space and Recreation Strategy (2011) as an area of recreational and environmental importance. It has an area of 8.58 ha, extending across the wider Perse School site to the north and east. It is considered to be some of the highest quality open space within the city with a quality rating of 97.14%.

11.4 Cambridge Local Plan (2018) policy 67 aims to protected designated protected open space of environmental and recreational importance, however in the case of a school the text within the policy states that:

11.5 'In the case of a school, college and university grounds, development may be permitted where it meets a demonstrable educational need and does not adversely affect playing fields or other formal sports provision on the site. Where replacement open space is to be provided in an alternative location, the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped'.

11.6 Paragraph 7.47 adds to this point and states that there is a clear presumption against the loss of open space of environmental or

recreational importance, however in the case of school, college and university grounds, there might be a legitimate educational need that allows the potential for new educational buildings on parts of the site that are not in playing field or other formal sports use and could not readily be used as such (e.g. small areas of amenity grassland separated from the main playing field).

- 11.7 Such proposals will be determined on a case-by-case basis on their merits and how they conform to sustainable development. Only proposals that respect the character of these areas and improve amenity, enhance biodiversity, improve sports facilities or increase public access will be supported.
- 11.8 The proposal site forms a part of the existing playing field provision at the Perse School site, in a statement submitted the applicant it suggests that the playing field is poor quality and unused. Following a visit to the site, Officers concur that this area of land is under-utilised, compared to the high-quality pitches to the north of the site, however, officers are of the view that this area does continue to be an open area of recreation land that could be utilised to meet the needs of the school as a playing field if required.
- 11.9 The statement states that the loss of playing field would not harm the capacity of the school campus to provide outdoor recreation given that this area is not currently used as a playing field and taking into account the capacity on campus and at the playing fields in Abington. The statement suggests that the proposed built form would only remove 0.57 ha of the total 8.58 ha which are designated on the site within the Open Space and Recreation Strategy (2011). Whilst the loss in the case would be minimal overall, the proposal would result in partial loss of protected open space of recreational and environmental importance.
- 11.10 In the case of a school, the supporting text to the policy aims to support development on areas of land within schools that could not be used as playfields, however, does go on to highlight that proposals should be determined on their merits, in accordance with the Council's Open Space and Recreation Strategy and Appendix I of the Local Plan 2018. Therefore, as this site has the potential to be used as a playing field and is also of environmental importance, officers must weigh the harm to the protected open space against the merits of the recreational and environmental benefits of the scheme.
- 11.11 In terms of recreational importance, the existing site does contribute to the recreational needs of the Perse School as an area of land that could be used for a playing field by staff and students. It is currently underutilised by the school given the existing high-quality playing fields to the north. The land is not in wider public use.
- 11.12 The proposed development seeks to make use of the site and meet the educational needs at the school for recreation through the building of a

new sports centre including swimming pool, indoor courts and climbing wall. The school has submitted in their statement that its educational needs for indoor sports provision has come from increasing pupil numbers and an increased demand and over-subscription for indoor sports. As such the proposal, would offer an improvement to the recreational facilities on the school site as it would provide a better variety of indoor sports and increase the capacity of sports provision for existing students.

11.13 As well as serving the needs of the school and enhancing the recreation facilities within the site, the proposed sports hall and swimming pool would be available for public use outside of school and after-school hours and throughout the summer holidays. This would be a significant public benefit of the proposal and would result in a significant increase to the recreational importance of the site as it would offer provision beyond the school site and contribute to the recreational resources of the city as a whole. Given the significant recreational benefit that the community use would offer, it would need to be secured through a condition attached to any permission to secure minimum community hours of use and a review mechanism should demand decrease / increase.

11.14 Sports England have been formally consulted on the application and support the proposal. The comments submitted suggest that they are satisfied that with a community use condition in place the benefits to sport would outweigh the loss of the playing field. Sports England do include the climbing wall in their request for community access, however it is acknowledged that the school do not seek to include this due to the issues it would present in terms of operation, staffing and management of this facility if the community use would be proposed. Officers suggest that it would be reasonable to exclude the climbing wall from community provision at this time given the Council's strategy does not suggest that this is in demand for this type of facility in the district. However, the climbing wall will be included within the community use condition so that this can be reviewed in reference to future demand changes.

11.15 Overall, the proposal, would be considered to significantly enhance the recreational importance of the site, both increasing the variety and capacity of facilities for the school and moving the site from limited school provision to a community accessible indoor facility that would serve the city and the wider district.

11.16 Policy 67 also seeks for Officers to consider the environmental importance of the site and the impact of the proposal to this. At current, the proposal site does make a positive contribution to the environmental quality of the City through providing a visual break in the urban framework along Long Road and through providing a grass and shrubland environment that has some value in wildlife terms.

11.17 The site is visible from Long Road, with mature protected trees along the boundary, and some open gaps through the site that provide views across the playing fields. The proposed building would be set back from Long

Road beyond the existing tree line by approximately 28 metres, as such the proposed built form would be visible within the gaps but would not appear significantly prominent from users of Long Road. In addition, as part of the application the tree line would be enhanced by native species woodland planting.

- 11.18 The application has been submitted with a Townscape and Visual Impact Appraisal to assess the impact of the proposal on the surrounding area with reference to Policy 67. In consultation with the Landscape Officer, Officers agree that the proposal will have minimal visual impacts on the surrounding area. The views would mainly be limited to those within the immediate setting of the site, and from the southeast and southwest corners of the site where there is a break in the green boundary (viewpoints 4 and 5). Given the set back of the building, the enhancement of the southern boundary and the views that would remain around the building and across the site the proposal is not considered to adversely impact the environmental character of the site. Therefore, whilst the proposal would introduce built form into the existing green gap, the impact is unlikely to be significant in terms of the impact to the environmental character of the city.
- 11.19 In addition, the proposal would significantly enhance the biodiversity value of the site, as the existing grass and scrubland would be transformed through the installation of native species woodland planting and a wildflower meadow at the front of the site. This would contribute to a significant biodiversity net gain of 29% as a result of the proposal, this is well above the requirements of 10% net gain as set out within the Greater Cambridge Shared Planning Biodiversity SPD (2022). As such the proposal would be considered to significantly enhance the environmental importance of the site through the considerable biodiversity net gain.
- 11.20 Overall, whilst, the proposal would result in the partial loss of the protected open space, it is considered that the proposal would result in significant recreational and environmental enhancement to the site as a result of the proposal. As existing the site is limited to private use of the school, and the proposal would enhance the school facilities and provide a new swimming pool and indoor courts for use by members of the public, enhancing the recreational contribution. In addition, the proposal would retain an urban break, whilst providing a significant net biodiversity gain on the site. It is considered that the harm caused by the partial loss of the protected open space would be outweighed by the benefits of the proposal including increased public access and biodiversity improvement.
- 11.21 Sports Facilities
- 11.22 Cambridge Local Plan (2018) policy 73 aims to support new or enhanced community, sports or leisure facilities providing that they enhance the range, quality and accessibility of facilities, there is a need for the facilities, and the facility is close to the people it serves.

- 11.23 As existing the site forms an underutilised playing field at the Perse Upper School, adjacent to Long Road. At current, the school has sufficient outdoor pitch provision provided by the areas north of the site, and therefore wants to make better use of the land through the installation of a new sports centre. The building is proposed to allow the Perse School to meet its demand for indoor sports activities, the building would also be opened for community use outside of school hours as to achieve provision for public facilities across the City and South Cambs as will be detailed below.
- 11.24 In terms of the school, the current site does have some limited indoor sport facilities as detailed in their planning statement, however due to student demand, it seeks to expand the capacity and range of its provision to allow more students to take part in a larger variety of sports including badminton, table tennis, basketball, fitness training, climbing, indoor cricket, swimming and canoeing. The sports facilities are considered to be of high-quality, with the swimming pool hosting 6 lanes at a length of 25 metres, and five indoor courts. The facilities would be fully accessible, with accessible changing rooms and toilets and the appropriate facilities including handrails and lifts for the swimming pool. The Access Officer has been formally consulted on the application and agrees that the proposal is inclusive, they suggest that the school may wish to consider installing an accessible launch ramp for disabled canoeists. An informative will be added to any permission granted to ensure that the applicant is aware of this recommendation.
- 11.25 In terms of community provision, the Cambridge City Council and South Cambridgeshire District Council Indoor Sports Facility Strategy 2015-2031 (Version 14, May 2016) describes that there is currently an under provision of community accessible indoor playing courts and swimming pools within Cambridge and South Cambridgeshire. The strategy suggests that community access to these facilities can be offered through both club access and pay and play access, however the strategy suggests that pay and play should be prioritised as the most accessible options for users.
- 11.26 In Cambridge and South Cambridgeshire, there is currently insufficient provision of sports halls for current and future demand, although the strategy does note that there is an over-supply of badminton courts in the current provision. In Cambridge 8 out of 13 sports halls provide pay and play community access. In South Cambridgeshire, the figure is 11 of 11, however this use is limited to daytime only. In terms of swimming pools there is an insufficient supply across both Cambridge and South Cambridgeshire, 6 of 11 pools are available for pay and play in Cambridge, and in South Cambridgeshire 3 pools are available.
- 11.27 As originally submitted, the school sought to provide club only community access to the sports hall and swimming pool and suggested that pay and play provision would be difficult to manage in terms of operational costs and staffing issues. However, following further negotiation with officers including the Council's Sport and Recreation Manager, the school has

agreed to provide pay and play access to ensure they would meet wider demand and reach the highest accessibility for a variety of users. The pay and play use would be concentrated within the swimming pool, with the sports hall being used by sports clubs serving members of the community. Officers are satisfied with this approach as, during the course of the application, the school were asked to explore demand for sports hall pay and play provision and the demand was discovered to be limited. Local providers confirmed that the sports hall would be better suited for club use as pay and play use, particularly in terms of Badminton, is over-supplied across the city.

- 11.28 Condition 3 is therefore recommended which secures the approval by the Local Planning Authority of a Community Use Agreement. The condition sets out to secure minimum hours of use for community access, including access and management responsibilities for the sports facilities. The framing of the condition aligns with what has been formally offered by the school following negotiations and includes reference to an indicative swimming pool timetable.
- 11.29 The community use offer is split between term time and summer school holidays.
- 11.30 During term time for the pool, the school has offered 9 hours per week for pay and play (including family Sunday afternoon swim and lane swimming time), 16 hours for club swim and 20 hours for learn to swim (45 hrs total community access).
- 11.31 During summer school holidays, the school has offered 9 hours for pay and play (including family Sunday afternoon swim and lane swimming time), 16 hours for club swim, 35 hours for learn to swim and 33 hours for camp (93 hrs total community access).
- 11.32 Securing a minimum community use provision for the facilities ensures significant public benefit would arise from the proposal and that it would result in the provision of a range of high-quality facilities for both the school and the district.
- 11.33 The sports centre would be used by clubs within the local area and pay as you play users who may come from a wider area to use the facility, in particular the swimming pool. The building is located in a sustainable location, reasonably close to the train station, bus stops and is accessible by a cycle path along Long Road, and therefore is considered to be accessible by those who would wish to use it. The community access offer represents a significant concession from the school following negotiations. In officers view, the extent of community access and in particular the pay and play element offered for the swimming pool, are strong mitigating factors in favour of granting planning permission in the context of adopted policies 67 and 73 and the value to be placed on the protected open space.

11.34 Design, Layout, Scale and Landscaping

11.35 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.

11.36 Context

11.37 The site is set towards the eastern end of Long Road, which is characterised on the north side by residential dwellings within spacious plots and the sixth form college, and buildings associated with the hospital beyond on the south side of the road. The built form along Long Road is broken up by green breaks surrounding the train tracks within the middle section of the road and at the Perse School site.

11.38 The school site is currently set out with a concentration of buildings towards the southeast corner of the site, close to the main access to Hills Road. Surrounding the collection of buildings are the playing fields that wrap around the site from the northeast to southwest. The highest quality playing fields are found to the north with the outdoor grassed and surfaced pitches and to the south is the site which sits as an underutilised playing field area and is the subject of this application.

11.39 The proposal site sits to the rear of the school buildings within the southern area of the existing playing fields. This section of the playing fields, south of the existing outdoor sports courts, is described by the applicant as underutilised as it is noted by the Officer that upon visiting the site it is not currently used as playing field but does remain open and suitable for use as such.

11.40 Layout and siting

11.41 The proposal site sits within the southern end of the school site adjacent to Long Road and forms an area of protected open space (SPO 37). On the south boundary, the site is partially screened from Long Road by a row of mature protected trees, otherwise the proposed site sits adjacent to residential dwellings.

11.42 The proposal site comprises an area of approximately 1.21 ha and as proposed would contain a vehicular, cycle and pedestrian access point extending from Long Road, with parking split between the front and rear of the site to serve both visitors and staff. The built form is set back from the existing building line on Long Road and steps up in height as it moves back into the site. The building is orientated towards the school, with the main atrium entire facing the existing buildings on the site. Cycle parking is located towards the entrance of the site, and refuge storage provided close to the access road.

- 11.43 It has been detailed as part of the application submitted that the site presented today, was put forward following full consideration of the alternative options around the school site including areas closer to the existing buildings and within the playing fields to north. It is understood that these were discounted for various reasons including infringing on the main playing fields to the north, proximity to residents and conflict with existing buildings. The site was presented as the most favourable option due to its proximity to the separate access along Long Road that would allow operation of the sports centre without conflicting with the running of the school day to day and help support safeguarding through separation of members of the public and pupils attending the site.
- 11.44 Officers consider that this justification is sufficient to warrant the siting of the building within the site proposed and agree with the Urban Design Officer that the siting provides a logical response to the constraints of the site.
- 11.45 The proposal would be mainly visible from Long Road, around the enhanced planting on the southern boundary. As existing the site comprises a gap within the built form along Long Road, although the boundary contains statutory protected trees, glimpses of the grass and open area created by the playing fields are visible from the road. The site is designated as an area of protected open space with both recreational and environmental importance and is considered to contribute positively to the character of the area.
- 11.46 The proposal would see a built form located within this gap, that would result in the loss of part of the protected open space. The site has been arranged so that native woodland and wildflower meadow planting can be achieved at the front of the site as to preserve the green appearance of the site and achieve a visual break in the urban framework. It is acknowledged that the introduction of built form would result in some loss of openness from views available from the south east and south west. From these viewpoints, aspects of the built form would be visible, with some open views retained across the site due to the separation from the boundaries of the site around the building. Officers agree with the Landscape Officer that built form would overall have a minimal impact on the character of the area beyond these viewpoints, given that the proposal would be well screened from Long Road.
- 11.47 The layout of the site is considered to be acceptable. In the Design and Access Statement submitted with the application, it explains how the layout of the site has evolved since the initial idea for the application and through pre-application with Officers in order ensure that it reflects the best response to the constraints of the site.
- 11.48 Officers note, that the built form has been slightly set back from the existing building line on Long Road, this is supported as it would reduce the visual impact from Long Road and ensure that it would not over dominate the surrounding residential dwellings in terms of the mass and

bulk. Following this, the access and car parking extends in front of the building and into the northeast corner of the site. Officers suggest that the siting of the access and parking in this manner would allow clear legibility for users approaching from Long Road and ensure that the car parking would be appropriately broken up to ensure that the hard surfacing would not appear excessive.

11.49 The siting and layout of the proposal is considered be acceptable as it would successfully integrate the building into the existing locality.

11.50 Scale/ massing

11.51 The building has been arranged to contain a dry and wet side, reflecting the different internal uses of the building as detailed in the Design and Access Statement. The wet side of the building has been sited closer to the road because the internal elements require lower internal height than the dry elements which have been set at the rear of the building in attempts to minimise the height and massing of the building closest to Long Road.

11.52 The overall scale of the building is significant; however the mass and bulk of the proposal has been broken up so that the external form would correspond with the internal elements of the building. The swimming pool and plant room form the front section of the building and as such would form the elements most visible from Long Road. These elements have been differentiated from each other in terms of their height, width and external finish as to better reflect the scale and mass of surrounding built form. The swimming pool measures a height of 6.8 metres and a width of 30 metres and the plant room measures a height of 8.3 metres and width of 19.7 metres. Officers acknowledge that the widths and height represent a substantial building, however the scale and massing have been appropriately dealt with through the design of the building as to ensure that the building would appear cohesive with the surrounding development. The plant room sits slightly taller than the swimming pool because it contains a parapet to hide the plant equipment on the roof top. This is considered to be a reasonable design solution to reduce any visual clutter that could result from the plant room.

11.53 The sports hall and climbing wall elements to the rear of the building sit taller with a height of 9.6 metres and 12.2 metres. These elements are taller because the indoor court and climbing wall require an increased internal ceiling height in order to accommodate the proposed internal use. These elements would be set back in to the site, by approximately 60 metres from the front boundary so that from the front boundary they would not appear overall prominent or in contrast to the residential dwelling along road.

11.54 Overall, it is considered that the scale and massing of the building has been well articulated as to ensure that the building would appear compatible with the surrounding built form.

11.55 Elevations/ Materials

11.56 As above, the internal elements have differentiated external forms and treatments, and so a variety of materials have been used on each element, the final colour and finish of these will be agreed through condition to ensure that they are of a suitable and high quality finish. On the south elevation, which would be most visible from Long Road, brickwork is used with horizontal glazed windows, these would maintain the privacy of these inside the swimming pool, whilst adding interest to the elevation. The Design and Access Statement has been updated to demonstrate how the materials have been selected, the brickwork proposed forms part of the pallet of the buildings within the school grounds, whilst responding positively to the surrounding brickwork along Long Road. The plant room has been finished with vertical cladding and amended so that it would have a simple appearance that would read as subservient to the main swimming pool elevation and entrance of the building. Officers agree with the Urban Design Officers that the proposal elevational treatments have been duly considered to ensure that the building would respond positively to its surroundings.

11.57 The elevations sited away from Long Road would not be appreciated in full from public views in the same way the Southern elevation would be, however Officers have noted the proposed elevational treatment and materials on each elevation. The western and northern elevations are also broken up by elements with differentiated finishes and heights, although is more limited in terms of openings and active features. Given the constraints of the site in regard to residential dwellings nearby, this is considered to be a reasonable approach for the back and side of the building. The variety of materials that would be presented across the elements would provide glimpses of visual interest from public views that would further activate the building.

11.58 The entrance of the building is located within the east elevation of the building, although would be visible from the entrance at Long Road due to the due to the layout of the climbing wall and swimming pool elements and the canopy that would extend around building. The east elevation is considered to comprise a successful active frontage with well-considered horizontal glazing that would extend around the swimming pool and provide visual link to the connects the atrium feature. The proposed canopy works to further activate this elevation and comprises a feature which would guide the user from Long Road around to the entrance of the building. The lettering above spelling out the name of the school would considered to be an appropriate addition, which would give the building identity without producing over dominating branding.

11.59 The climbing wall would feature a glazed curtain wall further up the building, which helps to break down the scale of the element in particular. The Urban Design Officer has requested a condition to seek final details of this glazing features, which is considered to be a reasonably addition to

any permission granted to ensure this would be visually cohesive to the development and surroundings.

11.60 Landscaping

11.61 The application has been submitted with a Townscape and Visual Impact Assessment and Landscaping plan which demonstrate the impact the impact of the proposed development on the landscape and townscape and how the impact would be appropriately mitigated through hard and soft landscaping. The Landscape Officer has been formally consulted on the application and raised no objections to the proposed development. The Landscape Officer supports the proposed planting on the southern and western boundaries which would reduce the visual impact of the development from Long Road and serve to soften the appearance of the building. Officers agree that overall the proposed landscape would be considered acceptable, the woodland and native species plant would be considered to provide a successful buffer to screen the development from Long Road along the southern boundary and around the southwest corner of the site. From Long Road, the pedestrian/ cycle access road has been set out with block paving to provide a legible route for users to the entrance of the site. The access has been softened with trees and hedging which is considered to be a positive response to the hard surfacing that is located towards this section of the site.

11.62 The Landscaping Officer has suggested that improvements could be made to soften the car parking, Officers agree that the car parking could be improved by additional tree planting between spaces and altering the grasscrete to a pre-grown solution. This detail will be secured through hard and soft landscaping condition that would be added to any permission granted.

11.63 Overall, officers agree that the proposed landscaping has been well thought out and would retain the green character of the protected open space and would appropriately integrate the scheme into its surroundings.

11.64 The proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.

11.65 Trees

11.66 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.

11.67 The proposal site contains trees protected by a Tree Preservation Order on the southern boundary, and mature trees to the east of the site. The

application is accompanied by a Tree Survey and Arboricultural Impact Assessment.

- 11.68 The Council's Tree Officer has advised that they have no objection to the proposal subject to replacement and new tree planting to bolster the verdant screen along Long Road which can be agreed as part of a landscaping condition. In addition, they recommend conditions regarding a Arboricultural Method Statement and Tree Protected Plan in order to protect the existing trees on the site.
- 11.69 Officers have reviewed the information submitted, the plans show that all protected trees would remain on the site and not be harmed by the proposal, and only minimal hedge pruning is required for the connection of drainage to Long Road. I agree with the conditions proposed by the Tree Officer in order to protect the protected trees on the site.
- 11.70 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

11.71 Carbon Reduction and Sustainable Design

- 11.72 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.
- 11.73 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 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.
- 11.74 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.
- 11.75 The application is supported by a BREEAM Assessment and Energy Assessment. The documents confirm that the proposal has taken account of the principles of sustainable design and construction, and that the requirements within policy are met including an achievement of BREEAM excellent for carbon emissions (76.80%) and maximum Wat01 credit for water efficiency.
- 11.76 The application has been subject to formal consultation with the Council's Sustainability Officer, who raises no objections to the application. The Officer notes that the proposal would meet the carbon and water efficiency requirements as above, and notes that in terms of carbon reduction, the energy strategy delivers a 34% reduction in carbon emissions compared to

a Part L compliant baseline, and achieves 6 energy credits under BREEAM, which is an improvement on the number of mandatory energy credits required to achieve BREEAM excellent.

- 11.77 In addition to meeting these requirements, the application seeks to utilise both photovoltaic panels for electricity generation and air source heat pumps for the majority of space heating (60%) and all domestic hot water demand. The Sustainability Officer notes that gas boilers would be used to top up heating at peak times, however, notes that the approach taken allows for these to be replaced with additional heat pumps when these become more commercially viable in future and supports this approach. The applicant makes clear within their Design and Access Statement that the gas elements would be used for back up only in the case that it would be required to maintain the performance or function of the building.
- 11.78 In addition, the applicant has pursued renewable technologies and efficiency measures such as insulation, air tightness measures and natural ventilations which is noted by the Sustainability Officer and supported. The Sustainability Officer has requested two conditions be attached to the application regarding BREEAM design stage and post construction certificates to demonstrate that the proposal has achieved the standards set out. These are considered reasonable and necessary to attach to ensure the building would comply with the sustainability aims of the Cambridge Local Plan (2018).
- 11.79 A representation has been received on the application which raised an objection on the basis that ground source heat pumps may be a more sustainable option for the sports centre. The Energy Statement submitted with the application explores renewable technology options as part of the assessment, giving each source a high, medium or low feasibility score. The ground source heat pump was considered as part of this appraisal and was considered to have low viability due to the cost of installing boreholes. Given that the proposal has utilised other methods of renewable technology which were explained to have higher viability to reach the requirements of BREEAM efficiency, it is not considered to be reasonable to insist on ground source heat pump usage.
- 11.80 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.
- 11.81 Biodiversity**
- 11.82 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.

- 11.83 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out a 29% biodiversity net gain. This net gain is achieved through the woodland, meadow grassland and shrub planting and the incorporation of bird and bat boxes.
- 11.84 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends conditions regarding the landscape and ecological management, an ecological sensitive lighting scheme and details of the bird/ bat boxes to ensure the protection of species and the estimated biodiversity net gain is delivered.
- 11.85 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

11.86 Water Management and Flood Risk

- 11.87 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.
- 11.88 The proposal site is not located within a Flood Zone. The Lead Local Flood Authority were formally consulted as part of the application, and following amendments have no objection to the Drainage Strategy submitted subject to conditions and informatives regarding surface water drainage, surface water run-off during construction, infiltration and pollution controls.
- 11.89 Anglian Water has no objection to the application and does not recommend any conditions. The Council's Drainage Officer has not provided any comments and is not required to comment on major applications.
- 11.90 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

11.91 Highway Safety and Transport Impacts

- 11.92 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.

- 11.93 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.
- 11.94 The proposal would be situated towards the south of the site close to Long Road, and as such would seek to utilise and upgrade the existing access road that serves the site from Long Road. This access point is proposed as it would ensure that from a safeguarding perspective public users of the sports centre would not need to enter the school site as to cause potential conflict between school pupils and public users.
- 11.95 The Highways Authority and Transport Assessment Team have been formally consulted on the application.
- 11.96 The Highways Authority raise no objection to the application, following the submission of a transport note and plan to show a swept path analysis for the Long Road access. The submitted documents show that the proposed development would result in minimal traffic conflict between users arriving at and leaving the site. As such from a highway safety perspective the proposal is considered to be acceptable. The Highways Authority have requested that conditions be added to any permission regarding a traffic management plan and construction hours. Given the scale of development and location close to residential properties these conditions are considered to be reasonable.
- 11.97 The Transport Assessment Team have assessed the application and have now been able to remove their objection to the application following resolution of the matters regarding mitigation of the proposal scheme. Originally, the County Transport Assessment Team requested that the applicant widen the existing footpath to 3 metres along Long Road to the east of the site.
- 11.98 The applicant had concerns about the viability of this improvement given the existing verge levels and potential conflict with tree roots and services along this section of the road and was able to demonstrate that no meaningful widening could take place due to these constraints. The Transport Team have agreed that this mitigation would no longer be required, however the proposed mitigation to upgrade the existing access junction, deliver an internal shared path and submit a travel plan shall be required. The first two points are shown on the approved plans as these have been suggested by the application; however a condition will be required to agree the travel plan as this is additional to the application and has been requested by the Transport Team. The travel plan will look to reduce the need to travel by the site by single occupancy car and encourage sustainable transport modes and will be monitored annually to

ensure the proposal site does not generate unacceptable levels of vehicle movements.

- 11.99 The County Transport Team have reviewed the Transport Assessment submitted with the application which provides details on the trips that would be generating by the proposal, alongside the impact on the surrounding road network and the capacity of the junction serving the site on Long Road. The Transport Team suggest that the proposed development would not result in a significant number of vehicle trips that would adversely impact the surrounding highway network or surpass the capacity of the junction.
- 11.100 It is noted that the access was previously approved for use by construction and for emergency service vehicles only and that there were some concerns raised by residents at this time about the impact of increased vehicle movements (ref. 15/1123/S73). As part of this application, a representation has been received regarding the increased traffic movements that would result from increasing the use of this access. As above, the increased traffic movement has been assessed by the Country Transport Team and is considered to be acceptable. As such, it is not considered that the proposal would result in excessive vehicle movements as to result in adverse impacts to the surrounding area and residents.
- 11.101 The Transport Team support the parking provision for cycle and car parking, this will be assessed in detail in the following section of the report. Overall, the proposal would be considered to have acceptable impacts in terms of the transport network and highway safety.
- 11.102 Subject to conditions and S106 mitigation as applicable, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.
- 11.103 Cycle and Car Parking Provision**
- 11.104 Cycle Parking
- 11.105 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport.
- 11.106 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L. The building would be used by students and staff in school hours who would access the building from the school site, where car and cycle parking is already provided. Outside of these hours, the building would be used by club providers and members of the public which would access the site from Long Road and therefore require car and cycle provision.
- 11.107 Appendix L states that the requirements for sports and recreational facilities, including swimming baths, is 2 spaces for every 5 members of

staff, 1 short stay space for every 25 sq m net floor area or 1 short stay space for every 10 sq m of pool area and 1 for every 15 seats provided for spectators.

- 11.108 At this stage, the applicant cannot provide full details of the staffing levels that would be required to operate the community use of the sport centre because they are yet to have finalised these details with clubs involved and will need to better understand the staffing requirements for the pay and play use. Therefore, Officers consider that the final level of cycle parking should be assessed through a condition to ensure that the provision would be appropriate for these users. Notwithstanding this, Officers would need to be sure that cycle parking can be accommodated within the site.
- 11.109 As submitted, the proposal seeks to provide 12 cycle spaces for staff, and 36 cycle spaces for visitors. The cycle parking for staff is located close to the main entrance, tucked just beyond the climbing wall in order to provide additional security for staff cycles. The plans show there is sufficient space in this area to provide staff parking and so this is considered to be acceptable, subject to a condition seeking full details of the locked and secure cycle store to be installed.
- 11.110 The visitor cycle parking proposed exceeds the requirements of the local plan which would require 30 spaces due to the size of the indoor courts and swimming pool. The visitor parking is located at the front entrance of the building, with cycle hoops sited either side and opposite the entrance. This approach is appreciated as the cycle storage location would ensure the parking is safe and convenient for users. The cycles by the entrance would be covered by the canopy, however a high-quality store would be required to make them secure. The spaces opposite the entrance would be within a standalone store, the details of which will need to be agreed by condition.
- 11.111 The Architectural Liaison Officer has provided comments on the application and requests that cycle parking should be covered, secure and in view for surveillance purposes and covered by CCTV. As above, the detail of cycle parking will be requested by condition. The CCTV and security measures are required to be submitted as part of the landscaping condition and therefore will be agreed through this mechanism.
- 11.112 The cycle parking is considered to meet the requirements set out in the Cambridge Local Plan (2018) and is located in a manner which would ensure cycling is a sustainable option which is convenient for users.
- 11.113 Car parking
- 11.114 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 2 spaces for every 3 staff, plus 1 space for every 4 seats, including disabled car parking, including disabled car parking.

- 11.115 As above the staffing levels are not yet known, the school has been in discussion with providers however more details conversations are required to determine exact staffing levels, this can be finalised as part of the hard landscaping detail which will be required by condition.
- 11.116 The proposal seeks to provide 19 car parking spaces for visitors, including an overflow area to ensure that any pick-up and drop-off when visitors may overlap have sufficient parking space. A concern has been raised about potential conflict here, however Officers consider that the overflow area would be sufficient to control the cross over period whilst not exceeding acceptable parking levels. It is considered that users will rely on sustainable transport methods as well vehicles, therefore the conflict is likely to be minimal. The staff parking is located towards the rear of the site, and provides 8 spaces. 4 disabled car parking spaces have been provided close to the entrance of the building. Whilst exact numbers of staff parking will need to be addressed through a condition, the proposal successfully demonstrates that the site can provide an appropriate level of car parking to allow successful operation of parking.
- 11.117 The parking arrangement is considered to be acceptable, the separation of staff and visitor parking is considered a reasonable approach, and the car parking would be appropriately landscaped to ensure successful integration into the site.
- 11.118 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at 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.
- 11.119 In the Design and Access Statement submitted it is explained that the intention is to install EV Charging, however this has not been shown on the plans submitted and so the details of the provision shall be requested through a condition.
- 11.120 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.

11.121 Amenity

- 11.122 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.

- 11.123 Neighbouring Properties

- 11.124 The school site is surrounded by residential dwellings. Those which sit adjacent the red line are: No. 13, 15, 17, 19 Long Road to the east and No. 37 Long Road and No. 24 Sedley Taylor Road to the west.
- 11.125 Daylight, sunlight and enclosure
- 11.126 The application has been submitted with Sun Path Studies to show the extent of overshadowing from the building in March, December and June.
- 11.127 No. 37 Long Road is located to the west of the proposal site. The dwelling fronts onto Long Road, however, contains an active side elevation with several windows directly facing the site at both ground and first floor level. The proposed built form would be situated within direct view of these windows, with the plant room and swimming pool directly in front of the windows, and the indoor courts within oblique views to the north east.
- 11.128 The swimming pool element contains a flat roof and measures a height of 5.0 metres tall with the plant equipment above. The plant room to the south of this element would measure a height of 8.3 metres, and the indoor courts section at 9.6 metres.
- 11.129 The proposed building would be located 35 metres from the side elevation of the dwelling house, and although would be appreciated as a tall structure from the windows of the dwelling house, the massing and bulk is broken up by the differentiating heights of the building. Given this and the separation distance proposed, the proposal is not considered to result in an enclosing impact and would not give rise to loss of light to the habitable room windows. In terms of light and shadowing, the proposal would result in shadows cast mainly in the surrounding playing field area. From the submitted Sun Path studies, No. 37 would not be unduly overshadowed by the proposal as to result in detrimental amenity impacts.
- 11.130 No. 24 Sedley Taylor sits to the north of No. 37 Long Road, it is set well way from the common boundary, with approximately 30 metres separation distance between the rear of the dwelling and the site edge. The building would be set an additional 25 metres away from this. The tallest element of the building sits towards the north, away from Long Road, so the proposal would be visible to the occupier, however given the distances it would not be an overbearing development. The proposal would result in some shadowing towards the property however these would be mainly retained within the school site, with only very minimal impacts in early morning December, the rest of the year across March and June, the proposal would not give rise to overshadowing and therefore would not conflict with the BRE guidance which states that 50% of the garden should receive at least 2 hours of sunlight on March 21.
- 11.131 No. 19 Hills Road is located to the south east of the proposal site, and sits reasonable close to the common boundary with the school site. The access route is closest to this boundary and as a result the building is set

back and away from the common boundary with approximately 19 metres separation distance at the closest point. As such the building would be visible from the garden space and the rear windows of the property, however it would not result in a harmful enclosing impact to the occupier. The Sun Path studies demonstrate that the proposal would not result in overbearing that would adversely impact amenity at any time throughout the year.

11.132 Loss of Privacy

11.133 The introduction of the sports building would result in intensification of the use of the site, it is currently a disused sports field, however the building would increase the comings and goings both from students and staff and from members of the public. To the east the boundary is served by a tall fence that would protect from any pedestrians viewing into the garden areas. No. 37 is not protected in the same manner at current; however the proposed site plan shows that a school would erect a fence on this boundary of at least 1.8 metres to protect the property. This can be secured through a landscaping condition which includes information regarding boundary treatment. This will be added to any permission granted.

11.134 The majority of windows are located at the front of the building which faces the school to the east. The glazing is predominantly contained at ground floor level, other than the climbing wall facility which contains a glazed curtain wall. Above ground floor level, this area contains a void to serve the climbing wall, therefore it would only be users of the climbing wall who would achieve views out of these windows if glancing around from the other side of the room whilst climbing. The distance from these windows to the closest residential occupier at No. 19 Hills Road would be approximately 25 metres, therefore given the distance and taking into account the nature of the use of the windows the proposal would not be considered to result in loss of privacy.

11.135 The side and rear elevations are more minimal in terms of the glazing provision, and these are mainly at ground floor level which can be screened by appropriate boundary treatment. The windows above this are only sited on the north side of the climbing wall and would look directly into the school site, rather than towards any neighbours.

11.136 Noise, disturbance

11.137 As existing the site forms part of the school playing fields, although it has been made clear through the application that this is currently disused with the better playing fields located further north. The proposal would introduce a sports centre to be used by the students and staff, and members of the community, therefore the level of activity and comings and goings would increase. As well as this, the proposal would introduce plant equipment that would emit noise.

- 11.138 The access is an existing access, however this was previously limited for use by emergency and maintenance vehicles only under planning consent (ref. 15/1123/S73). A representation has been received regarding the usage of this access route for the sports centre given the previous restrictions, the concerns raised relate to traffic movements, noise and lighting. The County Transport Team have assessed the increase of vehicle movements as part of their assessment and have agreed that the additional vehicle movements would not have an adverse impact on the surrounding area in terms of additional traffic movement or otherwise.
- 11.139 The Environmental Health Officer has been formally consulted as part of the application and has reviewed the information that has been submitted with the application including the acoustic report, external lighting assessment, phase I and II contamination reports and energy assessment. The acoustic assessment provides information of the noise levels that would be omitted from the building and plant, these have been found to be in the acceptable range, however the Environmental Health Officer has recommended a condition to seek further detail that would come forward during the detailed phase of the insulation/ mitigation phase of the development. This is considered reasonable to ensure the amenity of the surrounding occupiers is not adversely impacted by the equipment.
- 11.140 The Officer has also requested an artificial lighting condition. The application has been submitted with an external lighting assessment, however the Environmental Health Officer confirms that there is a need to establish the impact of artificial lighting pre and post curfew. The Environmental Health Officer comments that the other issues including air quality and contaminated land are satisfied by the information submitted, and that bespoke conditions for these issues would ensure that the proposal installed as submitted. Officers agree with these recommendations to protect the amenity of surrounding residents.
- 11.141 A concern has been raised about lighting pollution from the building. As above, in consultation with the Environmental Health Officer the external lighting would be controlled by the report submitted and the additional condition. Internally, the hours of use of the building are unlikely to be excessively late or harmful. In addition, the windows are generally at low level, producing minimal light, other than the climbing wall which would not be used by the community and outside school hours. Notwithstanding this, it is considered that a condition would be sufficient to ensure excessive light pollution would not result from the building.
- 11.142 One of the representations received has raised concerns regarding the security approach suggested by the school, suggesting that users of the sports centre may utilise the Hills Road car park if the Long Road gates are locked, creating noise and disturbance in other areas of the school. The Design and Access Statement explains that segregation of visitors will be controlled through the locking of the Long Road gates when the sports centre would be used by the school only, and the main gates on Hills Road being closed outside of school hours when the sports centre would

be used by members of the public. The Architectural Liaison Officer does not raise concerns about this approach. Officers agree that the approach would be sensible and a suitable way to manage users of the pool. The public users of the pool would not be able to use the Hills Road access due to the gates being locked and due to the 'Ring of Steel' that would prevent users from moving through the school site to reach the sports centre.

11.143 Construction and Environmental Impacts

11.144 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.

11.145 Summary

11.146 Whilst it is inevitable that additional noise and disturbance, light, enclosure and privacy impacts to nearby residents will arise from the construction, use and operation of the buildings (in what is no doubt a quiet part of the site), these impacts can be largely mitigated and in any event would not be of a degree sufficient to cause substantial harm to nearby residents. When any such harm is weighed against the wider community benefits that would arise, and in the context that this is a school site and enhancements to the school infrastructure and buildings is to be reasonably expected and is supported by policy, the proposal is considered to adequately respect the amenity of its neighbours and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, 57 and 58.

11.147 Public art

11.148 The applicant has proposed that public art will be installed on the wall of the building. The Design and Access Statement describes that the proposal would be to install the artwork on the south west corner to guide visitors from the access towards the entrance of the building. This would likely to be in the form of integrated coloured or textured brickwork that would be visible for visitors and the school. Officers are supportive of the proposal to create public art for wayfinding and visual interest. A condition will be added to agree the details of the public art and ensure it would fulfil these requirements.

11.149 Third Party Representations

11.150 Third party comments have been assessed within the relevant sections within the report.

11.151 Other Matters

11.152 Bins

11.153 Policy 57 requires refuse and recycling to be successfully integrated into proposals. The Design and Access Statement includes details of how waste has been integrated into the scheme in accordance with the RECAP Waste Management Design Guide SPD and the proposed refuse storage has been detailed on the plans. The Refuse Storage would be located adjacent to the site access and enclosed. In discussions with the Urban Design Officer, it was noted that this storage would need to be high quality, and possibly softened with planting or a natural surrounding, the final detail of this will be required by condition.

11.154 Planning Balance

11.155 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).

11.156 The main harm amounting from the proposal would be the partial loss of high quality protected open space at the school site (SPO 37, quality rating 97.14%). The site is considered to be important for both its recreational and environmental qualities as it contributes to the recreational resources of the city by serving the school site and contributes to the character and environmental quality of the city through providing a green break in the existing urban framework.

11.157 The proposal has significant benefits both in terms of recreation and environmental provision. The proposal would provide a new sports facility for community use that would help to meet a city and district wide demand for indoor sports and also provide significant biodiversity net gain to enhance the importance of the site. The community access benefits arising, which are to be secured via a Community Use Agreement, embed the offer made by the school and provide significant weight in favour of granting the proposal.

11.158 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.

11.159 Recommendation

11.160 **Approve** subject to:

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

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

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

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

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

- 3 The use of the indoor sports facilities shall not commence until a Community Use Agreement (the Agreement) has been submitted to and approved in writing by the Local Planning Authority.

The Agreement shall apply to the swimming pool, sports hall and climbing wall and include the following details: pricing policy; hours of community use; access provisions for non-school users; management responsibilities; review mechanism; advertisement provisions for community use; timetables.

On first use and during term time, the Agreement shall include provision for a minimum of 45 community access hours per week to the swimming pool including:

- 9 hours minimum for pay and play
- 36 hours shared between club swimming and learn to swim provision

On first use and outside of term time (other than in relation to the Christmas Closure and Bank Holidays), the Agreement shall include provision for a minimum of 93 community access hours per week to the swimming pool including:

- 9 hours minimum for pay and play
- 84 hours shared between club swimming, learn to swim and camp swimming

The proportion, times and hours of community use for the swimming pool shall accord with the timetable submitted in Cover Letter by Carter Jonas, dated Thursday 22 September 2022, unless an alternative timetable is otherwise agreed in writing by the local planning authority. The indoor sports facilities shall be made available for community access in accordance with the Agreement and associated timetable(s).

If triggered, the review mechanism shall include consideration of the viability of the agreed timetable(s) at years 1, 2 and 5 following first commencement of use, which shall include feedback from public users and key stakeholders. Any alterations to the agreed timetable(s) in

respect of community use shall first be submitted to and approved in writing by the local authority as part of the review mechanism.

The development shall not be used otherwise than in strict compliance with the most up-to-date approved Agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Cambridge Local Plan 2018 policies 67 and 73.

- 4 No laying of services, creation of hard surfaces or erection of a building above ground level shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing with the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Furness Partnership (ref:6531 Rev P02) dated 29 April 2022 and shall also include:

- a) Full calculations detailing the existing surface water run off rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above reference storm events (as well as 1% AEP plus climate change) inclusive of all collection, conveyance, storage, flow, control and disposal elements and including allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRA C753 SuDS Manual (or any equivalent guidance that may supersede or replace);
- d) Full details on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site investigation and test results to confirm infiltration rates;
- f) Details of overland flood flow routes in the event of system accidents, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- h) Full details of the maintenance /adoption of the surface water drainage system;
- i) Permissions to connect to a receiving water course or sewer.

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 and to ensure that the principles of sustainable drainage can be incorporated into the development noting that initial preparatory and/ or construction works may comprise the ability to mitigate harmful impacts in accordance with the Greater Cambridge Sustainable Design and Construction SPD (2020) and Cambridge Local Plan (2018) policies 31 and 32.

- 5 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/ or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard servicing commence.

To ensure surface water is managed appropriately during the construction phase of the development so as not to increase the flood risk to adjacent land/ properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with the Greater Cambridge Sustainable Design and Construction SPD (2020) and Cambridge Local Plan (2018) policies 31 and 32.

- 6 The surface water and foul water drainage strategy shall be carried out in accordance with the details hereby approved within Drainage Strategy, Furness Partnership, Ref. 6531 Rev P2, dated February 2022 (submitted 29th April 2022) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased risk of flooding on and off site or pollution to the water environment resulting from the proposed development (Cambridge Local Plan 2018 policies 31 and 32).

- 7 No development shall take place above ground level until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include brickwork, rainscreen cladding, curtain walling and glazing. Development shall be carried out in accordance with the approved details.

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

- 8 No brickwork above ground level shall be laid until a sample panel 1.5m x 1.5m size of panel has been prepared on site detailing the choice of brick, bond, coursing, special brick patterning, mortar mix, design and pointing technique. The details shall be submitted to and approved in

writing by the Local Planning Authority. The approved sample panel is to be retained on site for the duration of the works for comparative purposes, and works will take place only in accordance with approved details.

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

- 9 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).

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

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

b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;

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

d) boundary treatments indicating the type, positions, design, and materials of boundary treatments to be erected.

e) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules.

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

11 No development above ground level shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that before any development commences an appropriate landscape and ecological management plan has been agreed. (Cambridge Local Plan 2018 policy 57).

12 Prior to occupation a "lighting design strategy for biodiversity" features including the areas of Biodiversity Net Gain, or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where any external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification)

so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that the proposal would fully conserve and enhance ecological interests in accordance with Cambridge Local Plan (2018) policy 57.

- 13 Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority 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.

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

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197

of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Tree

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

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

- 16 Prior to occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan is to be monitored annually, with all measures reviewed to ensure targets are met. The approved details will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development provides appropriate mitigate the impact on the surrounding transport network, in accordance with Cambridge Local Plan (2018) policies 80 and 81.

- 17 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).

- 18 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).

- 19 No development (including demolition, enabling works or piling shall commence until a demolition/construction noise and vibration impact assessment associated with the development, has been submitted to and approved in writing by the local planning authority. The assessment shall be in accordance with the provisions of BS 5228:2009 Code of Practice

for noise and vibration on construction and open sites and include details of any piling and mitigation/monitoring measures to be taken to protect local residents from noise or vibration. The development shall be carried out in accordance with the approved measures.

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

- 20 No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

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

- 21 If unexpected contamination is encountered during the development works which has not previously been identified, all works shall cease immediately until the Local Planning Authority has been notified in writing. Thereafter, works shall only restart with the written approval of the Local Planning Authority following the submission and approval of a Phase 2 Intrusive Site Investigation Report and a Phase 3 Remediation Strategy specific to the newly discovered contamination.

The development shall thereafter be carried out in accordance with the approved Intrusive Site Investigation Report and Remediation Strategy.

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

- 22 Prior to the installation of any car parking spaces, a scheme for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging point scheme shall be fully installed prior to the first occupation and maintained and retained thereafter. The scheme shall accord with the requirements as set out in Greater Cambridge Sustainable Design and Construction Supplementary Planning Document Adopted January 2020.

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

- 23 No operational plant, machinery or equipment shall be installed until a noise insulation/mitigation scheme as required has been submitted to and approved in writing by the local planning authority. Any required

noise insulation/mitigation shall be carried out as approved and retained as such.

The combined rating level of sound emitted from all fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed the rating level limits specified within the Sharps Redmore Acoustic Planning Assessment dated 2nd February 2022 (project ref: 2120119).

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

- 24 Prior to the installation of any artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01/20 (or as superseded).

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

Reason: To minimise the effects of light pollution on the surrounding area (Cambridge Local Plan 2018 policy 34)

- 25 The energy strategy shall be carried out in accordance with the details hereby approved within Energy Assessment by Silcock Dawson Partners at The Perse School (ref. 200219, Revision V2.2) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 26 Within 6 months of commencement of development, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that BREEAM 'excellent' as a minimum will be met, with maximum credits for Wat 01 (water consumption). Where the Design Stage certificate shows a shortfall in credits for BREEAM 'excellent', a statement shall also be submitted identifying how the shortfall will be addressed. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 27 Prior to the use or occupation of the development hereby approved, or within six months of occupation, a BRE issued post Construction Certificate shall be submitted to, and approved in writing by the Local Planning Authority, indicating that the approved BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 28 No development above ground level, other than demolition, (or in accordance with a timetable agreed in writing by the Local Planning Authority), shall commence until a Public Art Delivery Plan (PADP) has been submitted to and approved in writing by the Local Planning Authority. The PADP shall include the following:

- a) Details of the public art and artist commission;
- b) Details of how the public art will be delivered, including a timetable for delivery;
- c) Details of the location of the proposed public art on the application site;
- d) The proposed consultation to be undertaken;
- e) Details of how the public art will be maintained;
- f) How the public art would be decommissioned if not permanent;
- g) How repairs would be carried out;
- h) How the public art would be replaced in the event that it is destroyed;

The approved PADP shall be fully implemented in accordance with the approved details and timetabling. Once in place, the public art shall not be moved or removed otherwise than in accordance with the approved maintenance arrangements.

Reason: To provide public art as a means of enhancing the development and (Cambridge Local Plan policies 55 and 56 and the Cambridge City Council Public Art SPD (2010).

- 29 No development above ground level, shall commence until a scheme for the on-site storage facilities for commercial waste, including waste for recycling have been submitted to and approved in writing by the local planning authority. The scheme shall identify the specific positions of where wheeled bins, or any other means of storage, will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point.

The approved scheme shall be carried out before the use is commenced and shall be retained as such.

Reason: To ensure that the need for refuse and recycling is successfully integrated into the development. (Cambridge Local Plan 2018 policy 57).

Agenda Item 8



Planning Committee Date	5 th October 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	21/05549/FUL
Site	The Emperor 21 Hills Road
Ward	Petersfield
Proposal	Retention of building frontage facade and introduction of a mixed use development comprising basement and ground floor public house and an office/business Use (Class E(g)) to the rear and on the upper floors along with access, cycle parking and associated infrastructure following demolition of existing buildings.
Applicant	MPM Properties
Presenting Officer	Tom Gray
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	<ol style="list-style-type: none">1. Future viability of the public house2. Design, layout, scale and impact upon the character and appearance of the Conservation Area3. Tree impacts4. Highway safety5. Neighbour amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks consent for the retention of the principal public house façade and a mixed use development comprising basement and ground floor public house and an office/business Use (Class E(g)) following demolition of the existing building.
- 1.2 In principle, the introduction of office use to the rear of the site and on the upper floors of the building is acceptable. The proposed redevelopment of the public house would not adversely impact the future viability of The Emperor.
- 1.3 The proposal's design, layout and scale is compatible with its surroundings and although minor harm is identified to the Conservation Area through loss of the rear parts of the existing building, any harm is outweighed by the public benefits of the scheme.
- 1.4 Trees will be retained to the front of the office building whilst a substantial biodiversity net gain would result. The number of car movements along St Pauls Place would be reduced, whilst any increase in traffic movements along Cambridge Place would be minimal with non-car modes of transport encouraged. Highway safety impacts are considered acceptable.
- 1.5 Other matters including neighbour impacts, drainage, refuse provision, cycle parking and carbon reduction are acceptable.
- 1.6 The application was deferred at the last Planning Committee meeting to allow a fire report strategy to be submitted. This has been undertaken and considered to be acceptable.
- 1.7 Officers recommend that the Planning Committee approve the application.

2.0 Site Description and Context

Conservation Area	X	Tree Preservation Order	X
Surface Water flood risk	X	Flood Zone 1	X
Local Neighbourhood and District Centre	X	Controlled Parking Zone	X
Opportunity Area	X	Safeguarded Pubs	X

- 2.1 The application comprises a public house and private car parking space to the rear. It is located along eastern side of Hills Road, situated within the New Town and Glisson Road Conservation Area, Hills Road Local Centre, and Opportunity Area. Trees to the east of the application site have statutory protection (TPOs). The Grade II Church of St Paul is located near to the application site to the north.
- 2.2 The surrounding area comprises mixed uses of residential flats and ground floor commercial uses to the north-west, commercial uses to the

north and east and residential flats to the south. Further to the northeast is St Pauls Place and to the east is Cambridge Place, both residential areas. This section of Hills Road is characterised by predominately retail and other commercial uses, interspersed with residential flats on upper floors.

3.0 The Proposal

- 3.1 The applicant proposes the retention of building frontage facade and introduction of a mixed-use development comprising basement and ground floor public house and an office/business Use (Class E(g)) to the rear and on the upper floors along with access, cycle parking and associated infrastructure following demolition of existing buildings.
- 3.2 The rear part of the existing pub would be demolished whilst retaining the existing frontage building façade. The new development would provide pub space over the basement and ground floor in the front part of the application site, whilst the new office space would be located to the rear ground floor and on upper floors. The main access to the office space would be via Cambridge Place. Cycle parking would be provided as part of the scheme.
- 3.3 The application has been amended to address representations and further consultations have been carried out as appropriate.
- 3.4 The previous planning application 21/03537/FUL was withdrawn, and pre-application discussions have been carried out with officers.

4.0 Relevant Site History

Reference	Description	Outcome
21/03537/FUL	Retention of building frontage façade and introduction of a mixed use development comprising basement and ground floor public house and an Office/Business Use (Class E(g)) to the rear and on the upper floors along with access, cycle parking and associated infrastructure following demolition of the existing buildings on site.	Withdrawn
20/1135/TTPO	Ash (T3) - fell in order to facilitate access for construction works to 23-25 Hills Road (planning application reference 17/0265/FUL). Please see accompanying Tree Works Plan (drawing no D557-TF-01 rev B), letter from David Brown Landscape	Permitted

Design and Covering Letter for full explanation. The tree will be replaced by a single container grown Tilia cordata x mongolica Harvest Gold in the same position as the existing tree.

20/01682/S73	S73 to vary condition 21 of ref: 17/0265/FUL (Mixed use development comprising ground floor retail floor space (Use Class A1) with 10 no. residential flats (Use Class C3) on upper floors along with integrated cycle parking following demolition of existing buildings on the site) to read: 'The development shall be carried out in accordance with the submitted 'feasibility for renewable & low carbon technology and 10% calculations assessment' document (Green Heat Ltd, 21 September 2018).	Permitted
17/0265/NMA2	Non material amendment on application 17/0265/FUL for addition of a lift shaft overrun to roof, substitution of brindle bricks on approved upper floor dormer windows with Anthracite Zinc Cladding, amended upper floor dormer window elevation details, use of soldier course headers and cills on all upper first and second floor windows, reconfiguration of the internal entrance to store/riser on all floors and widening of internal and external residential entrance.	Permitted
17/0265/NMA1	Non material amendment on application 17/0265/FUL for minor reduction to the footprint of the building, reconfiguration of ground floor internal layout to provide for an enlarged store room, new demo room and new kitchenette. Reduction in the width of the door serving the ground floor retail unit store.	Permitted
17/0265/FUL		Permitted

15/2380/FUL	Mixed use development comprising ground floor retail floor space (Use Class A1) with 10 no. residential flats (Use Class C3) on upper floors along with integrated cycle parking following demolition of existing buildings on the site.	Appeal Allowed
15/1760/FUL	Mixed use development comprising ground floor retail (use Class A1), with non-speculative student accomodation scheme of 26No. bedrooms on the upper floors to be occupied by Abbey College, along with car and cycle parking, following demolition of existing buildings on site.	Appeal Allowed
18/329/TTCA	Mixed use development comprising ground floor retail (use Class A1), with a non-speculative student accommodation scheme of 26No. Bedrooms on the upper floors to be occupied by Abbey College, along with cycle parking, following demolition of existing buildings on site.	Object
18/330/TTCA	Ash (T3) – fell	Object
18/1216/FUL	Ash (T1) & (T2) – remove	Permitted
10/1211/FUL	The demolition of part of the wall and fence along Cambridge Place	Permitted

- 4.1 Whilst the application site itself has had a limited planning history, the adjacent site of 23-25 Hills Road has had previous approval at appeal for student accommodation and ground floor retail use. Planning consent has since been granted to residential flats (C3 use) on the upper floors along with several amendments to this consented scheme. This adjoining building has now been constructed.
- 4.2 A copy of the Inspector's Decision letter in relation to the adjoining application site has been attached to this report (see appendix 1) and its relevance discussed in the relevant section of this planning assessment.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

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 2: Spatial strategy for the location of employment development

Policy 5: Sustainable transport and infrastructure

Policy 6: Hierarchy of centres and retail capacity

Policy 8: Setting of the city

Policy 14: Areas of Major Change and Opportunity Areas

Policy 25: Cambridge Railway Station, Hills Road Corridor

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 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 40: Development and expansion of business space

Policy 41: Protection of business space

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 61: Conservation and enhancement of historic environment
Policy 62: Local heritage assets
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 72: Development and change of use in district, local and neighbourhood centres
Policy 76: Protection of public houses
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016
Landscape in New Developments SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted January 2009

5.5 Other Guidance

New Town and Glisson Road Conservation Area Appraisal (2012)

6.0 Consultations

6.1 County Highways Development Management – No objection

6.2 No objection subject to traffic management plan, restrictions on weight of construction vehicles and informatives. Issue raised regarding integrated bin/cycle store.

6.3 County Transport Team – No objection

6.4 No objection. Proposed servicing arrangements appear to be as existing. Loss of car parking spaces to rear would constitute a small benefit to St Pauls Place in terms of traffic movements. Minimal increase in traffic along Cambridge Place. Presence of double yellow lines along the length of Cambridge Place will serve to discourage any large vehicles accessing the space to the rear of the office. Vehicle speeds are very low and visits by such vehicles are unlikely to be on a daily basis.

- 6.5 Cambridge Cycle Campaign – No comments received**
- 6.6 Sustainable Drainage Officer – No objection**
- 6.7 No objection subject to condition requiring surface water drainage scheme, long terms maintenance arrangements for surface water drainage system and details of foul water drainage works.
- 6.8 Lead Local Flood Authority – No objection**
- 6.9 No objection subject to condition requiring details of surface water drainage and measures for how additional surface water run-off from the site will be avoided during construction.
- 6.10 Anglian Water – No objection**
- 6.11 No objection subject to informatives.
- 6.12 Environment Agency – No comments received**
- 6.13 Urban Design and Conservation Team – No objection**
- 6.14 2nd comment – Treated larch timber enclosure to screen the ASHP is acceptable subject to details. Mansafe system is acceptable subject to details. Extruded aluminium gutter would be acceptable in design terms subject to detail. Double arched window detail would be secured via condition.
- 6.15 1st comment – 4th storey reads as a mansard roof and is set back. 3rd and 4th storeys do not interfere with views of the pub and surrounding building on approach from Hills Road. Articulation of link building result in a form that sits more comfortably.
- 6.16 Stepped massing on Cambridge Place helps to mitigate the impact to 1st and 2nd floor living rooms of the neighbouring 23 & 25 Hills Road.
- 6.17 Proposed public realm create a positive and legible setting with space between visitor cycle parking, blue badge parking bay and existing tree.
- 6.18 More information required for potential plant kit/enclosure. Unclear whether chimney serves a plant type function. PVs will require some form of working safety railing. Applicant needs to demonstrate this. Cycle and refuse storage details are acceptable.
- 6.19 Suggest proportions and detailing of proposed windows along Hills Road maintain the proportions, appearance of function of traditional sash windows.
- 6.20 Traditional hidden gutter concealed behind a parapet would provide a much cleaner profile to the office building.

- 6.21 Series of large scale detailed bay studies showing junction between materials, brickwork details etc. recommended to be conditioned. Materials are supported subject to finalisation/colour. Subtle variation in tone to avoid it being too similar to redeveloped site of 23-25 Hills Road. Suggest removal of stepped detailing of chimney/floor plans adjoining site of Atlas House.
- 6.22 Clarification required on outstanding points though it is likely this can be addressed via condition. Recommend materials and details, sample panel, PV panels and plant conditions.
- 6.23 Conservation Officer**
- 6.24 Proposal avoids harm to the Listed Church. Remains bulky but detailed design changes have increased articulation and reduced massing.
- 6.25 Retention of main public house building would be the preferable solution but proposals for retained public house frontage are positive. Retaining its form and repainting in a dark colour would have a neutral impact on the Conservation Area.
- 6.26 Remains a degree of harm to the significance of the Conservation Area through the loss of the rear part of the existing public house building. Although this is the case, some of the original character of this commercial section of Hills Road is retained. Any harm is mitigated to a degree by the quality of design and its coherence.
- 6.27 Any harm would be towards the lower end of the 'less-than-substantial' range. This should be weighed against the public benefits e.g. securing viable long-term use for the site, enabling the survival of retained façade.
- 6.28 Recommend conditions including materials, sample panel and method statement for the protection of the retained frontage.
- 6.29 Historic England – No comments**
- 6.30 No comments offered.
- 6.31 County Archaeology – No comments received**
- 6.32 Senior Sustainability Officer – No objection**
- 6.33 Approach is supported. Recommends BREEAM design stage certification and post construction certification conditions.
- 6.34 Ecology Officer – No objection**

6.35 Low biodiversity value. No objection subject to minimum 10% BNG demonstrated which is likely to be achieved within the site. Integrated bird boxes to be conditioned.

6.36 Tree Officer – Objection

6.37 No comments received following updated AIA.

6.38 1st comment: Westernmost tree was approved to be removed as part of redevelopment of 23-25 Hills Road. Easternmost tree was approved to be removed subject to replacement planting – this has not been carried out.

6.39 Objects to proposed redevelopment due to reasonable pressure to allow remaining TPO'd Ash in the future. Insufficient space for a replacement tree of suitable stature to mitigate previous tree removals. Conflict with Policy 71 of the Local Plan 2018.

6.40 Environmental Health – No objection

6.41 No objection subject to conditions requiring plant noise insulation, demolition/noise/vibration impact assessment, construction/demolition/delivery hours, dust, control of odour, unexpected contamination, materials management plan, building insulation, operational delivery hours, artificial lighting and informative.

6.42 Shared Waste – No objection

6.43 2nd comment: Amendments satisfy concerns. No objection.

6.44 1st comment: Cycle and bin store should be kept separate. Suggest reversal of bin capacity for office and pub uses. Other minimum attributes should be met.

6.45 Campaign for Real Ale (CAMRA) – Objection

6.46 Object on the basis that the cellar area in the basement would be a small fraction of the current cellar space. Proposed dining area would be smaller and wouldn't have the views out that are currently experienced. No pub garden. City pubs have limited outdoor space so the loss of any pub garden should be avoided. It would lack licensee accommodation, storage space and parking. Proposal would be less attractive business option and would be more difficult to remain profitable.

6.47 Market Demand report is incorrect regarding existing and proposed floor spaces. Proposed dining area would be smaller than combined area of two upstairs rooms labelled 'restaurant'. Reducing cellar space too much will limit the range of drinks on offer.

6.48 Other nearby pubs e.g. Queen Edith and Jenny Wren have had licensee accommodation included. During construction works, the pub would be closed for significant periods of time.

6.49 Cadent Gas – No objection

6.50 No objection subject to informative.

6.51 Cambridgeshire Fire and Rescue Department – No objection

6.52 Make recommendations to comply with the Construction (Design and Management) Regulations 2015. Both exits within 18m travel distance. The travel distance from the basement is satisfactory as the staircase is within a protected enclosure and leads to an exit out to fresh air or allows escape back through the pub/restaurant on the ground floor. Basement dining occupancy has been confirmed to be below 60 persons and any increase could be potentially justified by a fire engineered approach and/or risk assessment. The kitchen is not an inner-room as escape can be via the dining room or via the store/plant room

6.53 Building Control Department – No objection

6.54 The means of escape from the basement kitchen in the event of fire is acceptable under Part B of the building regulations for the following reasons:

- No more than a total of 60 people using the entire basement storey.
- A max travel distance of 18m to the nearest exit (ground floor level.)
- The kitchen is an inner room, however, there are 2 options of escape from it – via Dining or via Store/Plant. The kitchen would need to comply with the requirements for inner rooms, such as a smoke alarm fitted in the either of these 2 rooms to notify occupants in the kitchen of a fire in either access room.

7.0 Third Party Representations

7.1 10 representations have been received objecting to the proposal

7.2 Those in objection have raised the following issues:

- Principle of development – Site should be residential. It is inappropriate for commercial development. Unacceptable to allow another pub/bar.
- Character, appearance and scale – Lack of landscaping.
- Overdevelopment of the site.
- Noise impacts – Current pub operates until 1.30am on Friday to Saturday nights resulting in noise from garden and queues outside. Special licences are also granted for extended times. Very loud

music. Noise from ASHP would produce noise directly to our bedroom.

- Loss of daylight impacts – Loss of vertical sky component will be substantial and completely unacceptable. No sky line test is not relevant.
- Overlooking impacts – Windows in second and third floors will view directly into our living room and bedroom.
- Highway safety – No off-road parking for visitors or servicing (traffic order in place for no loading at any time for first 34 metres of Cambridge Place). Access junction is inadequate for both vehicles, cyclists and pedestrians. Cumulative impacts on road network would be severe. Will generate more traffic. Cambridge Place is extremely narrow which means vehicles have to reverse either onto Hills Road or Cambridge Place. No pavement for pedestrians. Sightlines onto Hills Road are very poor. Short stay visitor parking and employee drop off will cause congestion. Lack of delivery/servicing space for public house will result in hazard along Hills Road. Bins would block pavement/road access. Those who live and work in Cambridge Place will be put at risk. Emergency service vehicles could be held up by vehicles unloading/loading. Transport assessment response states that encouraging the use of the road by service vehicles would not be desirable.
- Cycle parking provision – no provision for public cycle parking in the area. Needs to be greater cycle storage facility within the site. No spaces for pub customers. Staff cycle provision for pub is inadequate. Spaces for office workers need to be checked.
- Impact on and loss of trees – no replacement tree in accordance with 20/1135/TTPO. Existing Ash tree may incur damage to its root protection area.
- Bins – Lack of capacity will mean bin collectors will not be able to replace bins in designated storage areas. Bins left will result in public health and safety hazard.

8.0 Member Representations

8.1 Cllr Gilderdale has made a representation on the following grounds:

If you are minded to approve this, I would like it to be called in so the planning committee has a chance to hear the residents' concerns before a decision is made. The concerns relate to: Policies 55, 56, 57, and 61 of the Cambridge Local Plan 2018.

9.0 Local Groups / Petition

9.1 Cambridge Place Residents has made a representation objecting to the application on the following grounds:

- No replacement tree in accordance with TPO decision.
- Highway safety issues
- No off-road parking for delivery/service vehicles.

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 – Office Use

10.2 The application comprises the redevelopment of the site to include Class E office use on the ground floor to the rear of the site and upper floors of the building.

10.3 Policy 2 of the Cambridge Local Plan 2018 states that the strategy will be to support Cambridge's economy, offering a wide range of employment opportunities... employment development will be focused on the urban area, Areas of Major Change, Opportunity Areas and the city centre.

10.4 Policy 40 of the Local Plan 2018 states that proposals for new offices, research and development and research facilities elsewhere in the city will be considered on their merits and alongside the policies in Section Three of the plan. Supporting text paragraph 3.14 states that employment proposals in B use class that are situated in sustainable locations will be supported. Evidence suggests that over the past few years demand for office space has contracted to the city centre and down Hills Road to Cambridge Station, and the business parks and Cambridge Science Park on the northern edge of the city. This policy seeks to meet the demand for new office space by supporting the development of business space in areas where there is strong demand.

10.5 Policy 25 of the Local Plan 2018 states that development proposals within the Cambridge Railway Station, Hills Road Corridor to the City Centre Opportunity Area, will be supported if they help promote and coordinate the use of sustainable transport modes, and deliver and reinforce a sense of place and local shops and services.

10.6 Supporting text Paragraph 3.102 states that redevelopment of sites within the area will help improve the environmental quality of the whole area, creating a more inclusive public realm and promoting 'place making'. These improvements will promote the character and distinctiveness of Hills Road and Regent Street to create streets that will foster a sense of community and provide attractive places to live in, work in and travel through. Where redevelopment occurs within the local centre, opportunities should be taken to provide a mix of uses, including residential uses on upper floors.

10.7 Policy 72 states that within local centres, offices are supported on upper floors provided that the use would have a safe and convenient access and would not inhibit the functioning of the ground floor use. Moreover, supporting paragraph 8.8 states that greater flexibility is provided in relation to new development and change of use in local and

neighbourhood centres, to reflect the fact that a mix of uses is important in these smaller centres. Flexibility is also required in order to take account of market conditions and to maintain vitality and viability of the centres.

- 10.8 In this particular instance, the proposal would retain the existing public house (sui generis) located along the frontage to Hills Road. Pedestrian access to this pub facility would remain whilst the office use would be situated to the rear of the site with the main reception area along Cambridge Place. Whilst the existing car park to the rear of the public house will be lost to allow for redevelopment, given that this car park is not essential to sustain the use of the public house and having regard to the pub's position within walking distance to offices and residential areas, it is not considered that the proposed redevelopment of the site and loss of car parking would inhibit the functioning of the existing ground floor public house use. Further discussion concerning the future viability of the pub will be made in the below section.
- 10.9 Whilst Policy 72 steers non-centre uses generally to upper floors, taking into account the adjoining ground floor uses to the north comprising offices and taking into account the site's location within an Opportunity Area close to Cambridge Railway Station where demand for employment space remains high, it is considered that a flexible approach should be utilised to reflect the mix of uses important in these smaller local centres.
- 10.10 Whilst third party comments have been received requesting that the site be used for residential purposes, taking all the above into account, it is considered that proposed office use would maintain the vitality and viability of the Hills Road Corridor Local Centre and the principle of the development is acceptable and in accordance with policies 2, 25, 40 and 72 of the Local Plan 2018.
- 10.11 To ensure that the office space is restricted to business/office use which is appropriate to the local context and to safeguard this use from potential future loss, a condition will be attached to restrict the development to Class E(g), and for no other use within Class E in accordance with policies 40, 41, 72 and 25 of the Local Plan 2018.
- 10.12 Principle of Development – Protection of Public Houses**
- 10.13 The Emperor (21 Hills Road) is listed as a protected public house under Policy 76 (Appendix C) of the Local Plan 2018.
- 10.14 Policy 76 of the Cambridge Local Plan 2018 states that the loss of any part of a public house, or its curtilage will be permitted if it can be demonstrated that:
- d. the viability of the public house use will not be adversely affected, sufficient cellarage, beer garden, parking and dining/kitchen areas will remain to retain a viable public house operation; and

- e. the loss including associated development will not detract from the prevailing character and appearance of the area, including where the building is of merit or has any distinctive architectural features.
- 10.15 Supporting paragraph 8.42 states that when considering proposals for the development of part of a pub, its car parking areas, dining areas, cellarage or pub gardens, the Council will require supporting evidence explaining how the development proposal will support and not undermine the viability of the pub.
- 10.16 Supporting paragraph 8.43 states that developers will need to provide an independent professional assessment by a professional Royal Institution of Chartered Surveyors (RICS) valuer with expertise in the licensed leisure sector and who is not also engaged to market the property.
- 10.17 In terms of criterion e) of this policy, the proposal would retain the existing Hills Road façade and its architectural features. The proposed office use would be situated to the side and rear of the site, and therefore would not detract from the Emperor's historic frontage. The impact upon the character and appearance of the Conservation Area will be discussed in the subsequent section of this planning assessment.
- 10.18 With regards the viability of the public house, the applicant has submitted a market demand report along with pub viability assessments. These documents along with the plans have been reviewed by an independent pub viability expert engaged by the Council.
- 10.19 An initial consultation with the Campaign for Real Ale (CAMRA) raised several concerns with the future viability of the public house. Whilst it is noted that existing premise has three upstairs rooms, only one of these first-floor rooms is used on an occasional basis for events in connection with the current pub offering of Peruvian and South American cuisine. The other two rooms on this floor are used for storage and kitchen facilities in connection with this use.
- 10.20 The market demand report provides a comparison of existing and proposed dining floor plans. It is noted that following subsequent adjustments to allow for improvements to cycle and bin storage, any increase within the basement is marginally less than originally proposed. Nevertheless, the proposal would represent an approximate increase in 3 sq metres in dining floor provision over what is existing on site. This would comprise a full height basement space and ground floor dining areas.
- 10.21 The supporting information from the applicant's commissioned viability consultants has provided examples of four pubs in Cambridge with less floor space than is proposed for The Emperor public house.
- 10.22 An expert consultant commissioned by the applicant states that the current internal configuration and condition of the internal areas is poor, the

garden area small and living accommodation lacking in private kitchen space with a little used car parking space to the rear.

- 10.23 The submitted supporting information states that although the overall total floor space associated with the public house would be less than existing, the proposal would provide an improved configuration of the ground floor storage area, washrooms and larger more useable dining areas. With regards the lack of living accommodation, it is stated that given the city centre location, on-site accommodation would not be required as is true of city centre nightclubs and restaurants. Moreover, having on-site accommodation would incur extra costs for the lessee.
- 10.24 In terms of competition with surrounding pubs, the supporting information advises that the potential operator demand is deemed to be reasonable from operators willing to fund the fit-out cost. This would likely appeal to private operators and given Cambridge's young population and generally high degree of affluence, it is suggested that the city is perceived by operators to be of relatively 'low risk'. It is noted that the current lessee has expressed interest which confirms the demand for the premises.
- 10.25 The applicant's consultant report states that the revised accommodation could achieve a higher level of sales than the previous business due to the improved contemporary standard which will be on offer. Whilst non-ground floor accommodation is generally less desirable compared to ground floor accommodation, it is suggested that it is easier for customers to walk down to a trading space on arrival than up and therefore provides an improved arrangement.
- 10.26 Following a formal consultation with an independent pub viability consultant commissioned by the Council, in their expert opinion, it is agreed that the existing internal areas are poorly configured and would not be chosen as the interior layout for a trading business of this size and type. In addition, the garden is small and not an essential part of the trading area as highlighted in both the applicant's reports, along with the rarely used car park are not considered to be significant negative issues. This is supported by other examples within the city where there are inferior locations on other, often smaller pubs, without beer gardens or car parks which continue to trade well.
- 10.27 Whilst the independent consultant has raised issues with the subject property regularly struggling over the years to attract customers compared to back street pubs which often rely on a loyal customer base which attend into the evening, the Emperor's location in a busy high street particularly during the day would not have to rely on such a local customer base to support its operation.
- 10.28 In addition, although the Council's consultant raises issues with a slightly smaller floor area and a basement trading area which may prove challenging to encourage customers to, it is considered that the same could be said about the existing first floor in the current layout.

- 10.29 The consultant advises that the local market remains very competitive for both food and beverage, however within the immediate area, there are not a large number of competitors which would detrimentally impact any food and beverage led business.
- 10.30 The Council's consultant therefore concludes that the proposed public house configured and fully fitted out in the manner described, in this location, is capable of being traded by a reasonably efficient operator on a viable long-term basis.
- 10.31 No mention of the cellarage space is included within the expert reports nor commented on by the independent viability consultant. This would measure approximately 11.8 sq metres. Additional storage space is indicated on the ground floor measuring approximately 11.4 sq metres. These storage spaces would be comparable to other pubs in Cambridge. Notwithstanding this, the layout of the public house is only indicative, and it would be up to the lessee to decide on their requirements and the amount of space to assign to different functions.
- 10.32 Whilst the objections from CAMRA regarding the loss of views from the first floor, lack of outside space, licensee accommodation, storage space and parking are all acknowledged, the unanimous view of three expert consultants is that the future viability of the public house would not be adversely impacted by the proposed redevelopment.
- 10.33 Whilst it is agreed that the pub would be closed during construction, the proposed redevelopment would in the long term provide a better and more appealing public house likely to attract visitors.
- 10.34 Overall, despite the reduction in cellarage, loss of parking, on-site accommodation and beer garden, following the submission of expert reports and following appraisal by an independent pub viability consultant, it is considered that the proposed redevelopment would not adversely impact the future viability of The Emperor. Therefore, the proposal is compliant with Policy 76 of the Local Plan 2018.
- 10.35 To ensure that the public house facility is provided in good time following demolition of the rear part of the building, a condition will be attached to require a contract to be in place prior to the substantial demolition of the premise in accordance with Policy 76 of the Local Plan 2018.
- 10.36 **Design, Layout, Scale and Landscaping and Impact upon the Character and Appearance of the Conservation Area**
- 10.37 The application site is situated within the New Town and Glisson Road Conservation Area. The existing building has been significantly altered at ground floor level and redecorated sometimes unsympathetically. No mention is made within the Conservation Area Appraisal of this site, however it is noted that buildings opposite the site along Hills Road and to

the east within St Paul's Walk and Cambridge Place are identified as buildings important to the character of the Conservation Area.

- 10.38 Policy 55 of the Local Plan 2018 states that development will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive and high quality places. Development will:
- a. identify and respond positively to existing features of natural, historic or local importance on and close to the proposed development site;
 - b. be well connected to, and integrated with, the immediate locality and wider city; and
 - c. use appropriate local characteristics to help inform the use, siting, massing, scale, form, materials and landscape design of new development.
- 10.39 Policies 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.
- 10.40 Policy 61 states that proposals should (amongst other considerations):
- a. preserve or enhance the significance of the heritage assets of the city, their setting and the wider townscape, including views into, within and out of conservation areas;
 - b. retain buildings and spaces, the loss of which would cause harm to the character or appearance of the conservation area;
 - c. be of an appropriate scale, form, height, massing, alignment and detailed design which will contribute to local distinctiveness, complement the built form and scale of heritage assets and respect the character, appearance and setting of the locality;
 - d. demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits, alongside assessment of the potential impact of the development on the heritage asset and its context; and
 - e. provide clear justification for any works that would lead to harm or substantial harm to a heritage asset yet be of substantial public benefit, through detailed analysis of the asset and the proposal.
- 10.41 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.
- 10.42 Paragraphs 194 – 208 of the NPPF 2021 provide advice on proposals affecting heritage assets and how to consider different levels of harm.
- 10.43 Paragraph 199 states 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). This is irrespective

of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 10.44 Paragraph 200 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'.
- 10.45 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.46 The application proposes the retention of the public house's façade, which is considered to positively contribute to the historic character of the area. The remainder of the building comprises different roof forms and is largely considered to be of poor architectural quality. It is considered that the retention of the public house frontage is positive and repainting it in a dark colour would have a neutral impact on the Conservation Area.
- 10.47 Notwithstanding this, the Conservation Officer has raised concerns with the loss of the rear part of the existing public house building, particularly the gable wall, chimney and pitched roof visible from St Paul's Place which contributes to the original character of this commercial section.
- 10.48 Whilst this is the case, the demolition of the rear part of the building would be mitigated to some degree by the design quality of the replacement building. Whilst third party comments regarding the lack of soft landscaping is acknowledged, the existing site is devoid of these elements and the proposed sedum roof and soft landscaping to the front of the office building will enhance the existing site.
- 10.49 The proposed development would comprise a part 3 storey/part 4 storey building. The 3rd storey would be considerably set back behind the principal façade. Following a formal consultation with the Council's Urban Design Officer, this set back allows this element to sit comfortably along the retained elevation and behind the existing parapet. Whilst third party comments concerning overdevelopment of the site are acknowledged, taking into account the surrounding context and when viewed from Hills Road, it is considered that the scale and massing would reflect the urban grain of adjoining sites including the recent redevelopment of 23-25 Hills Road and the 3rd and 4th storey additions do not interfere with views of the pub on approach along Hills Road either to the south or north.
- 10.50 The proposal would consist of a subservient link addition between the existing façade and the majority of the new office building to the rear. Following a formal consultation with the Council's Conservation Officer, it is considered that this stepped massing results in a coherent design that would successfully reduce its prominence on the Conservation Area. Moreover, subject to conditions regarding materials/details including a

sample panel of brickwork as advised by colleagues, the articulation and details including a series of arches and brick reveals would respond positively to the context of the surrounding area and enhance the public realm.

- 10.51 The primary entrance to the office space would be located along Cambridge Place. This would comprise a combination of pitched and flat roof elements with a single storey element forming the main entrance and shared space encompassing cycle storage, blue badge car space, trees and landscaping area that would result in a positive and legible setting.
- 10.52 The proposed office space has been designed in accordance with Part M4 building regulations. All entrances will be constructed with flush thresholds and the communal staircase is supported by a platform lift for wheelchair users. In addition, levels across the site will be designed to be consistent with recommended gradients for people with impaired mobility. Therefore, it is considered that the proposed office use would ensure inclusive access for its users.
- 10.53 Although the original façade would be retained, no level access is indicated in this instance to accord with Part M4 building regulations. It is therefore considered reasonable and necessary that a scheme to provide level access is provided prior to first use of the public house.
- 10.54 Overall, it is considered that the proposed development is a high-quality design that would contribute positively to its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59.
- 10.55 Notwithstanding this, the Conservation Officer has stated that despite improvements in the design of the building, by virtue of the loss of the rear elements of the existing building there would remain harm to the Conservation Area. In their view, this would be on the lower end of the 'less than substantial' range and therefore Paragraph 202 of the NPPF 2021 and Policy 61 (e) of the Local Plan 2018 are engaged and the harm should be weighed against the public benefits of the proposal.
- 10.56 In this instance, the public benefits include substantial commercial space for employment use within the city. In addition, the proposal would result in an improved internal layout for the public house, therefore ensuring its long-term viable use and the survival of the retained façade. Taking this into account, it is considered that the identified substantial public benefits along with securing its optimum viable use would outweigh any minor 'less than substantial' harm in this instance. Therefore, the proposal is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy 61.
- 10.57 **Trees**

- 10.58 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Paragraph 131 of the NPPF 2021 seeks for existing trees to be retained wherever possible.
- 10.59 The application is accompanied by an Arboricultural Impact Assessment (AIA). This demonstrates that the root protection area (RPA) of the existing TPO'd Ash tree (T1) would be outside the area of the proposed building footprint. Although hard standing has previously been present within this area, the proposal would incorporate a non-dig 3D cellular system to limit any impact upon this retained tree.
- 10.60 The Council's Trees Officer has raised an objection on the basis that the proposed development would result in reasonable pressure to allow future tree removal. Whilst these comments are acknowledged, any tree-related shading is considered to be minimal and given the commercial nature of the building, any loss of light is less notable than a residential scheme. Third party comments concerning possible incursion into the root protection area (RPA) of this tree are acknowledged, however, the existing tree is located closer to the recently built flatted development at 23-25 Hills Road than the footprint of the proposed office building which would be outside of this RPA. Given this context, it is not considered that the proposal warrants refusal on this basis.
- 10.61 Tree works to this protected tree are required to facilitate the new development. This would involve a crown lift of overhanging branch tips to provide a 4.5 metres clearance with the ground.
- 10.62 Therefore, subject to a tree protection plan and method statement conditions to ensure that tree T1 is protected during the construction phase, the proposal is compliant with Policy 59 and 71 of the Local Plan 2018. These pre-commencement conditions have been agreed in writing with the applicant.
- 10.63 Third party comments regarding the lack of suitable replacement tree are acknowledged. The submitted updated AIA includes replanting of a new tree to replace the previous (T3) Ash tree approved to be removed under TPO application 20/1135/TTPO. Whilst original Tree Officer comments concerning insufficient space for replacement tree planting are acknowledged and some future formative pruning would be required, the tree would be located a reasonable distance of approximately 4 metres from the new building. The slight relocation of the tree further to the east than was previously proposed under 20/1135/TTPO would allow for a disabled car parking space to be incorporated into the scheme. Taking into account the recommendations of the AIA and a similar distance between the T1 Ash tree and 23-25 Hills Road to the distance between the T3 replacement tree and the proposed building, it is not considered that it would be reasonable to refuse the proposed development on the basis of

insufficient space taking into account the historical context of the site and adjoining site.

10.64 Therefore, subject to conditions requiring a scheme of replanting in accordance with the AIA, the proposal would accord with policies 59 and 71 of the Local Plan 2018.

10.65 Impact upon the setting of Listed Buildings

10.66 The application is situated a considerable distance from the nearest Listed Building, a Grade II Listed Church to the north.

10.67 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.

10.68 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.

10.69 Whilst views towards this Listed Building's tower from Cambridge Place and glimpse views from Glisson Road would be lost, taking into account, that these would be relatively long range and of the rear of the church building, and given that no objections to the impact on the setting of this Listed Building have been raised by the Council's Conservation Officer, it is not considered that the proposal would result in any harmful impacts upon the significance and character of this Listed Building.

10.70 Therefore, the proposal is compliant with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Local Plan policy 61.

10.71 Carbon Reduction and Sustainable Design

10.72 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

10.73 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 non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.

- 10.74 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.75 The application is supported by a Sustainability Statement and Energy Assessment documentation. The proposal includes the provision of solar PVs on the roof space.
- 10.76 The application has been subject to formal consultation with the Council's Sustainability Officer who raises no objection to the proposal subject to conditions relating to BREEAM design stage certification and post construction certification.
- 10.77 Therefore, the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.
- 10.78 **Biodiversity**
- 10.79 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.
- 10.80 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal and biodiversity net gain report which sets out that the application site has no potential to support legally protected species and given the very low biodiversity value of the existing site, the proposed development would result in an estimated 1500% net gain in biodiversity.
- 10.81 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure that the estimated biodiversity net gain is delivered through landscaping and details of enhancements including bird boxes are provided.
- 10.82 In consultation with the Council's Ecology Officer, subject to appropriate conditions, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and would achieve a considerable biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

10.83 Water Management and Flood Risk

- 10.84 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.
- 10.85 The site is located within Flood Zone 1 and is therefore considered at low risk of flooding. It is also situated within a low risk area of surface water flooding.
- 10.86 The applicants have submitted a Flood Risk Assessment in support of the application.
- 10.87 A green roof is proposed across approximately 169 sq metres of roof area which will assist with the reduction of surface run-off.
- 10.88 The Council's Sustainable Drainage Engineer and the Local Lead Flood Authority have no objection to the proposed development subject to details of a surface water drainage scheme, future management and maintenance details and scheme for management of surface water during the construction phase. These pre-commencement conditions have been agreed in writing with the applicant.
- 10.89 The Council's Sustainable Drainage Engineer has also recommended a condition requiring foul water drainage details.
- 10.90 Anglian Water has advised that they have no objections to the application subject to informatives.
- 10.91 Therefore, it is considered that the applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

10.92 Highway Safety and Transport Impacts

- 10.93 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.
- 10.94 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.
- 10.95 The application is supported by a Transport Assessment and Framework Travel Plan.

- 10.96 The application site is well located within walking and cycling distance from Cambridge Railway Station and positioned along one of the main arterial routes into the City Centre which are well used by bus services with bus stops located nearby. A cycle lane runs along Hills Road to the south of the application site. On-street car parking is available in some of the surrounding streets which are generally controlled by parking restrictions.
- 10.97 Taking into account its location within a highly sustainable location with good access to non-car modes of transport, it is considered that a car-free approach to the redevelopment of the site is acceptable in highway safety terms. The proposed loss of the existing rear car park would reduce the number of potential traffic movements along St Paul's Place and following a formal consultation with the Transport Assessment Team it is considered that this would result in small benefit to St Pauls Place.
- 10.98 The pedestrian access to the public house would remain as existing with cycle access and refuse access via St Pauls Place. Servicing and delivery arrangements for this pub use would be from Hills Road as is the existing setup. Therefore, it is not considered that the proposal would result in significant adverse highway impacts from the public house use in this instance.
- 10.99 Whilst third party comments concerning the servicing arrangements for the proposed office use and lack of designated service car parking area for this use are acknowledged and there is evidence of multiple vehicles loading along Cambridge Place in connection with nearby retail outlets situated within Hills Road, 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.
- 10.100 Given the nature of office use, it is considered that it is unlikely the proposal would give rise to frequent servicing requirement unlike other commercial uses e.g. retail or other uses such as serviced apartments. Third party comments have been reviewed by the Transport Assessment Team and it is considered that the presence of a no-loading area for the first 34 metres of Cambridge Place and presence of double yellow lines along the remaining length of road will continue to serve to discourage any large vehicle accessing the space to the rear of the office. If an occasional van were to visit to unload supplies in the area immediately outside the office space, although illegal and could be enforced, it is not considered that this would impede other users and vehicle speeds are likely to be very low.
- 10.101 A blue badge car parking space would be provided to the front of the office building. If regularly used, this is considered to result in minimal increase in traffic.

- 10.102 Third party comments concerning the inadequate access junction, lack of pavement, the narrow nature of the street, resultant hazard to emergency vehicles and lack of visibility along Hills Road are all acknowledged, however there are no objections from the County Council Highways Department and the Transport Assessment Team in terms of highway and pedestrian safety.
- 10.103 Moreover, the inspector's appeal decision at the adjacent site of 23-25 Hills Road for development of student accommodation and ground floor retail use (APP/Q0505/W/16/3146035 / 15/1760/FUL see Appendix 1) stated that *it would appear that opportunities for loading or parking on surrounding streets, albeit limited by time and location, are not so restricted that it would be essential for the proposed development to provide its own, dedicated servicing or parking area.* For example, it is noted that loading is permissible on the western side of Hills Road between 10am and 4pm and after 7pm in the evening.
- 10.104 The inspector states that *the effects of the existing double yellow lines would be to ensure that vehicle do not cause such problems along Cambridge Place which if they do occur could be appropriately enforced.* Taking this into account and given the additional no loading area for the first part of this street, it is considered that appropriate parking enforcement is in force within the immediate area to discourage this type of activity.
- 10.105 Given that the proposed office use is unlikely to require more servicing than the consented student accommodation (now residential flats), in consultation with the Transport Assessment Team it is considered that the regularity of loading and servicing is unlikely to justify provision of off-street facilities.
- 10.106 Taking all this into account, it is considered that there would be minimal impact of the proposed development in terms of vehicle trips. To ensure that future site users are encouraged to use more sustainable forms of transport rather than rely on car use, a travel plan is considered reasonable to be conditioned on any planning consent granted.
- 10.107 Subject to recommended conditions regarding a traffic management plan and maximum gross weight of construction vehicles, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice. The residual cumulative impacts of the development would not be severe, which the conditions the Framework requires to be met to prevent development on transport grounds. Therefore, the proposal is in accordance with Paragraph 111 of the NPPF 2021.
- 10.108 The pre-commencement traffic management condition has been agreed in writing with the applicant and will ensure that any adverse highway safety impacts are minimised during the construction phase of the proposed development.

10.109 **Cycle and Car Parking Provision**

10.110 Cycle Parking

10.111 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 non-residential food and drink premises states that two spaces per 5 members of staff and 1 short stay space for every 15 sq metres of dining space. This equates to approximately 11 cycle spaces required.

10.112 Whilst this is the case, the existing public house site lacks any formal cycle parking area. Although the existing pub garden could accommodate customers' bikes at present and third party comments concerning the lack of proposed customer cycle parking and general availability in the area are acknowledged, given that the dining space floor areas would only be fractionally increased in size and taking into consideration the limited potential for the siting of additional cycle provision to the front façade close to the main entrance, it therefore would not be reasonable to require dedicated customer cycle parking within the application site itself. Notwithstanding this, two dedicated covered staff cycle spaces would be provided close to the side door staff entrance and there would not be anything to preclude customers utilising the visitor parking within the front entrance area of the office building which is unlikely to be fully occupied particularly at the public house's busiest times operating outside of the usual office use hours. It is therefore considered to be an improvement on the existing situation. Furthermore, given its location within walking distance of residential areas, it is anticipated that most customers would visit the public house on foot or use one of the many bus services. Any customers that do visit by bike could use the visitor parking area as described or undesignated areas within the vicinity as is the existing case.

10.113 For non-residential office uses, Appendix L states that two spaces per 5 members of staff or 1 per 30 sq metres of gross floor area (whichever is greater) is required. It is not known at this stage what the anticipated number of employees would be, however, the development would create approximately 1050 sq metres of office floor space (not including circulation spaces). This would equate to approximately 35 cycle spaces required with the addition of visitor parking.

10.114 In this instance, 20 covered double stackers and 2 covered Sheffield hoops are located within a dedicated cycle store accessed via the rear staff office entrance with additional 4 uncovered Sheffield hoops for visitors at the front of the office building. Overall, the proposed office use would provide 44 covered cycle spaces and 8 uncovered cycle spaces.

10.115 Therefore, on this basis, it is considered that the proposal would provide for sufficient cycle parking provision in convenient locations in accordance with Policy 82 of the Local Plan 2018.

10.116 Car parking

10.117 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. 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.

10.118 Given the site's highly sustainable location with easy access to non-car modes of transport, located within a controlled parking zone and within walking and cycling distance to the Hills Road Local Centre and Cambridge City Centre and close to Cambridge Railway Station, it is considered that a 'car free' development is justified on this basis.

10.119 Notwithstanding this, the proposed office space would consist of a one blue badge disabled car space in accordance with Appendix L of the Local Plan 2018 which is considered to be acceptable.

10.120 Taking all this into account, the proposal is considered to accord with policy 82 of the Local Plan 2018.

10.121 **Amenity**

10.122 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.

10.123 Neighbouring Properties

10.124 The proposed development would be situated within the 45 degree (vertical and horizontal) rule of thumb when taken from the two windows in No.23-25's (Dazeley House) first floor flat, and the closest habitable room window in this building's second floor flat. In addition, the proposed development would be located within the 25 degree rule of thumb when taken from the closest window of the first floor flat in Dazeley House. Following the guidance contained within the BRE, the application is supported by a daylight/sunlight assessment.

10.125 Whilst third party comments concerning the loss of daylight upon windows in the first floor flat of the neighbouring Dazeley House, specifically when measuring the vertical sky component test (VSC) and the relevance of the no sky line test (NSL) are acknowledged, BRE guidance explains that the NSL test is a detailed investigation and should be applied where room

layouts are known (as is the case with this application) in order to assess the impact of a development on the light received by existing neighbouring properties. The BRE guidance explains that both tests are useful for assessing loss of daylight impacts on existing neighbouring properties. The NSL test takes into account the size of the window, room layout and takes into account multiple windows serving one room (as is the case with this proposal). In this instance, the test concludes that the assessed windows retain in excess of 80% of the current values.

- 10.126 With regards the VSC measurements, the BRE recommendations state that this figure should be no less than 27 proposed VSC or if reduced below this, no less than 80% of its former value. The updated Daylight and Sunlight Assessment demonstrates that all windows in the adjoining flats of Dazeley House apart from two windows meet at least one of these target parameters in accordance with the BRE guidance. The two windows which do not achieve these values comprise only one of the two windows serving the same dining/living space within the first and second floor flats. Taking this into account and the relatively dense urban environment in which it is located, overall, it is not considered that any loss of daylight impacts upon the flats of Dazeley House are materially significant in this instance to warrant refusal of the proposed scheme.
- 10.127 In terms of sunlight impacts, taking into account the northern orientation of the proposed development and as demonstrated in the supporting daylight/sunlight assessment, the loss of sunlight experienced by residents in neighbouring Dazeley House is considered to be acceptable.
- 10.128 In terms of its impact upon the two flats at No.19 Hills Road, whilst it is the case that the proposal would be within the 25 degree rule of thumb when taken from habitable room windows in this flat opposite, the supporting daylight/sunlight assessment concludes that the impact upon these neighbouring amenities is acceptable.
- 10.129 In terms of potential overbearing impacts, following the previous application, the proposal has decreased the L-shaped element at first and second floor level to improve the relationship and reduce any sense of overbearing impacts when viewed from the first and second floor flats at No.23-25 Hills Road. Whilst this element would still project in line with the northern-most windows in two of the adjacent flats situated approximately 7 metres from this proposed element, given the nature of these flat's open planned layouts consisting of two windows, the southern window's view would be unaffected.
- 10.130 Moreover, the scale of the first storey element in the proposed link building along St Paul's Place has been reduced in height, whilst the third storey element has been recessed back to reduce its sense of prominence on these flat's (No.19 Hills Road) amenity spaces.
- 10.131 Overlooking from windows in the office building towards the habitable room spaces within the second floor and first floor flats of No.19 Hills Road

are likely to result from the proposal. Given the distance of between 4 and 5 metres, these impacts are likely to be significant. Therefore, to safeguard neighbour amenity, it is considered that the pub's ground floor side access, four first floor windows, four first floor second floor windows and one third floor window as shown on the proposed elevation drawing closest to No.19 Hills Road will be conditioned to be obscured on any planning consent granted.

10.132 In addition, overlooking from the proposed roof top terrace towards the second floor flat of No.19 Hills Road would be possible. To ensure that screening on this northern side of the roof terrace is sufficient, a condition will be attached requiring screening details to mitigate any overlooking impacts from this roof terrace.

10.133 Whilst third party comments regarding overlooking impacts upon the flats of Dazeley House are acknowledged, taking into account the orientation of the proposed windows, any overlooking is considered to be at an oblique angle and therefore not significant in this instance.

10.134 Construction and Environmental Impacts

10.135 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.

10.136 The application is supported by a ventilation and extract strategy and a baseline noise survey. Whilst third party comments concerning current noise impacts are acknowledged, the proposal would retain the existing public house use and the same hours of current use. Third party comments concerning the close proximity of the ASHPs from Dazeley House are acknowledged, however, these would be situated on the opposite side of the application site, sited approximately 12 metres from habitable room windows in these adjacent flats. The Council's Environmental Health team have assessed the application and recommended that the proposed development is acceptable subject to full details regarding the plant noise impact, their location and associated mitigation in addition to full details of the proposed noise insulation scheme of the public house and offices. Operational delivery hours to the pub and office space would also be restricted.

10.137 Whilst third party comments concern the hours of use and noise and disturbance from people congregating outside, the proposal removes the outside amenity provision and car parking facility and therefore would largely limit customers to inside the premise arriving on foot, restricting noise impacts upon neighbouring amenities and improving the existing situation. The operating hours would be the same as existing in accordance with the licenced hours permitted.

- 10.138 In addition to other impacts, an artificial lighting assessment to limit light impacts upon surrounding residential amenities will be required via condition. Additionally, odour filtration/extraction information will be required via condition to limit any odour impacts emanating from the cooking extract system at roof level.
- 10.139 In terms of the construction phase, a demolition/construction noise and vibration impact assessment, restricted construction/demolition and collection/delivery hours, and dust mitigation will be conditioned to ensure that impacts upon residential amenities are acceptable.
- 10.140 The application is supported by an intrusive site investigation report. Following a formal consultation with the Council's Environmental Health Officer, it is considered that the application site for the proposed office use is suitable in land contamination terms without further information being required in this respect. The standard materials management condition and unexpected contamination condition are considered reasonable to be attached on any planning consent granted
- 10.141 In terms of air quality impacts, the proposed development would be car free with the exception of a single car space. Following a formal consultation with the Council's Environmental Health Officer, the electric vehicle charge point for this single space is acceptable. A condition will be attached to require the applicant to comply with the requirement of the vehicle charge point as shown. No further information is required in respect of air quality impacts in this instance.
- 10.142 Summary
- 10.143 Taking all this into account, subject to conditions, it is considered that the proposal adequately respects the amenity of its neighbours and has acceptable impacts upon the surrounding environment. It is therefore compliant with Cambridge Local Plan (2018) policies 33, 34, 35, 36, 57 and 58.
- 10.144 **Refuse provision**
- 10.145 Policy 57 requires refuse and recycling to be successfully integrated into proposals.
- 10.146 The bin store for the pub use is located along St Pauls Place and will replace the existing capacity being removed to facilitate the new development. This store will include a set of sliding doors and have sufficient storage space for four 1280 litre bins, two 140 litre bins and two 360 litre bins. The bin store would be integrated within the development and would be located conveniently adjacent to the staff entrance and accessible from the public highway.
- 10.147 The quantity of refuse provision for the office is based on the RECAP

Waste Management Design Guide and would comprise three 1100 litre bins in addition to two 140 litre bins with suitable side access. Whilst third party comments raising concerns regarding the lack of capacity and likelihood of bins being left outside are acknowledged, following a formal consultation with the Council's Waste Officer, there are no objections to the refuse provision. Therefore, the proposal is in accordance with Policy 57 of the Local Plan 2018.

10.148 **Other Matters**

10.149 Councillor comments are acknowledged. Given that this application constitutes a major application with third party objections on planning grounds having been received, this has been referred to planning committee on this basis.

10.150 Following deferral of this application at the last Planning Committee meeting, a formal consultation has been carried out with the Cambridgeshire Fire and Rescue Department and Building Control Department concerning the proposed fire strategy, specifically relating to the basement kitchen facility. Whilst the building is not considered to be a high-risk building to warrant consultation at planning stage, following comments from the relevant departments, there is considered acceptable internal travel distances, escape routes and complies with the maximum occupancy within the basement dining space. Therefore, in terms of internal layout, this is considered to be acceptable under Part B of the building regulations.

10.151 **Planning Balance**

10.152 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).

10.153 The current scheme would provide employment use within the Hills Road Local Centre and in a highly sustainable location achieving BREEAM excellent and a biodiversity net gain. The proposed land uses are acceptable and policy compliant. The application has been amended since the earlier withdrawn scheme to improve its overall appearance and respond to issues raised by officers and third parties. It is appropriate in design, scale and massing, would retain the most important part of the public house facade and would reflect the urban grain of the surrounding context. The scheme has the support of the Council's Urban Design and Conservation Officers.

10.154 Although by virtue of the loss part of the rear part existing pub building minor harm has been identified to the character and appearance of the Conservation Area, the Conservation Officer has noted that any harm is mitigated by the quality of design and its coherence. The benefits of the proposal, in addition to those set out under para. 10.153, are that a long

term reconfigured public house offering can be secured through the development which utilises a retained and restored existing pub façade onto Hills Road. The newly configured public house has been advised by the Council's independent consultant that as fully fitted out in the manner described, in this location, is capable of being traded by a reasonably efficient operator on a viable long-term basis and that the internal layout is improved. Together these benefits are sufficient to pass the public benefit test as set out in NPPF para. 202 and to satisfy the requirement of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

10.156 **Recommendation**

10.157 **Approve** subject to:

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

1.0 **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) Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the office use hereby permitted, shall be used for office/business space under Class E(g)(i), and for no other purpose (including any other purposes in Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
Reason: To ensure that the uses are appropriate in accordance with Policy 40, 41, 72 and 25 of the Local Plan 2018.

- 4) No development shall take place above ground level, except for demolition, until details and samples of all the materials for the external surfaces of buildings to be used in the construction of the development and the repair and redecoration of the retained frontage have been submitted to and approved in writing by the local planning authority. The details shall include large scale drawings and bay studies, brickwork details, non-masonry walling systems; windows, cills, headers and surrounds, arch lintels, sills & jambs; doors and entrances; roof cladding; external metal work, balustrades, rainwater goods, edge junctions and coping details; colours and surface finishes. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 61, 55 and 57).

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The details required to discharge the submission of materials condition above should consist of a materials schedule, large-scale drawings and/or samples as appropriate to the scale and nature of the development in question.

- 5) No brickwork above ground level shall be laid until a sample panel [1.5 x1.5m] has been prepared on site detailing the choice of brick, bond, coursing, special brick patterning [banding, soldier course, projecting header & recessed], mortar mix, design and pointing technique. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved sample panel is to be retained on site for the duration of the works for comparative purposes, and works will take place only in accordance with approved details.
Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area (Cambridge Local Plan 2018 policies 61, 55 and 57).
- 6) No demolition of the existing public house building shall commence until a method statement for the protection of the retained frontage and return has been submitted to and approved in writing by, the local planning authority. Demolition and construction shall proceed thereafter only in accordance with the approved statement. The retained building frontage facade shall thereafter be retained in perpetuity.
Reason: To protect the significance of the conservation area (Cambridge Local Plan 2018 policy 61)
- 7) The roof-mounted and ground level plant/equipment shown on drawing no(s) C212/3021 PL2, SK3017 PL2 & 3018 PL2 shall not be installed until details of the plant/equipment have been submitted to and approved in writing by the local planning authority. The details shall include the type, dimensions, materials, location, and means of fixing. The development shall be carried out in accordance with the approved

details.

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

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

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

- 9) Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager and arboricultural consultant to discuss details of the approved AMS. A record of the meeting will be submitted to the council for its written approval.

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

- 10) 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.

- 11) Prior to first occupation of the office building, the replacement tree, 'Tilia cordata x mongolica 'Harvest Gold' shall be planted to satisfy tree works application 20/1135/TTPO and be planted as shown on drawing P1987-ASP02 V4 contained within the Arboricultural Impact Assessment dated 19th May 2022. If within a period of 5 years from the date of planting, replacement trees are removed, uprooted, destroyed or die another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.
Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity in accordance with Policy 71 of the Local Plan 2018.
- 12) Within 6 months of commencement of development, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that BREEAM 'excellent' as a minimum will be met, with maximum credits for Wat 01 (water consumption). Where the Design Stage certificate shows a shortfall in credits for BREEAM 'excellent', a statement shall also be submitted identifying how the shortfall will be addressed. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.
Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).
- 13) Prior to the use or occupation of the development hereby approved, or within six months of occupation, a BRE issued post Construction Certificate shall be submitted to, and approved in writing by the Local Planning Authority, indicating that the approved BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.
Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).
- 14) 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. This shall also include number, specification and location of integrated bird

boxes. 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).

- 15) Prior to commencement of development (except for demolition), a detailed design of the surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment, Surface, and Foul Water Drainage Strategy prepared by SLR (ref: 406.11959.00001 [version 2]) dated December 2021 and shall also include:
- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b) Full results of the proposed drainage system modelling in the above referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
 - d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
 - e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - f) Demonstration that the surface water drainage of the site is in accordance with DEFRA nonstatutory technical standards for sustainable drainage systems;
 - g) Full details of the maintenance/adoption of the surface water drainage system;
 - h) Permissions to connect to a receiving watercourse or sewer;
 - i) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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 in accordance with policies 31 and 32 of the Cambridge Local Plan 2018.

- 16) Prior to commencement of development (except for demolition), including preparatory works, details of measures indicating how additional surface water run-off from the site will be avoided during the

construction works shall be submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence. Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts in accordance with policies 31 and 32 of the Cambridge Local Plan 2018.

17) 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.

18) No demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority. The Highway Authority requests that the TMP be a stand-alone document separate from any Environment Construction Management Plan or the like, as the risks and hazards associated with construction traffic using the adopted public highway are quite different from those associated with the internal site arrangements. The principal 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 in accordance with the NPPF 2021

19) 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 in accordance with the NPPF 2021

20) No occupation of the building shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking, how the provisions of the Plan will be monitored for compliance and confirmed

with the local planning authority. The Travel Plan shall be implemented and monitored as approved upon the occupation of the development.
Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

21) The development, hereby permitted, shall not be occupied until the proposed windows as identified on drawing C212/3032 Rev PL3 in the northern side elevation have, apart from any top hung vent, been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity) and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the flats at No.19 Hills Rd (Cambridge Local Plan 2018 policies 55, 57/58).

22) Prior to first occupation of the office building, details of the glass balustrade/screening surrounding the third floor terrace shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these details prior to occupation of the office building.

Reason: To prevent overlooking of the flats at No.19 Hills Rd (Cambridge Local Plan 2018 policies 55, 57/58).

23) No operational plant, machinery or equipment shall be installed until a noise assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the local planning authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

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

24) Prior to commencement of development (including demolition, enabling works or piling) a demolition/construction noise and vibration impact assessment associated with the development shall be submitted to and approved in writing by the local planning authority. The assessment shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration on construction and open sites and include details of any piling and mitigation/monitoring measures to be taken to protect local residents from noise or vibration. The development shall be carried out in accordance with the approved measures.

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

25) 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).

26) 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).

27) No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

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

28) No development above ground level shall commence until a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is commenced and shall be retained as such.

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

29) If unexpected contamination is encountered during the development works which has not previously been identified, all works shall cease immediately until the Local Planning Authority has been notified in writing. Thereafter, works shall only restart with the written approval of the Local Planning Authority following the submission and approval of a Phase 2 Intrusive Site Investigation Report and a Phase 3 Remediation Strategy specific to the newly discovered contamination.

The development shall thereafter be carried out in accordance with the approved Intrusive Site Investigation Report and Remediation Strategy.

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

30) No material for the development (or phase of) shall be imported or Reused until a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. The MMP shall include:

a) details of the volumes and types of material proposed to be imported

or reused on site

b) details of the proposed source(s) of the imported or reused material

c) details of the chemical testing for ALL material to be undertaken before placement onto the site.

d) results of the chemical testing which must show the material is suitable for use on the development

e) confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

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

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

31) Prior to the commencement of development/construction (except for demolition), a scheme for the insulation of the building in order to minimise the level of noise emanating from the said building shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the building hereby permitted is occupied and shall be thereafter retained as such.

Reason: To safeguard residential amenities from excessive noise in particular those residing in the flats at 23-25 Hills Road (Cambridge Local Plan 2018 policy 35)

32) All service collections / dispatches from and deliveries to the approved development including refuse / recycling collections during the operational phase shall only be permitted between the hours of 07:00 to 23:00 Monday to Friday, 08:00 to 13:00 on Saturday. Service collections / dispatches and deliveries are not permitted at any time on Sundays or Public Holidays.

Reason: To safeguard residential amenities from excessive noise (Cambridge Local Plan 2018 policy 35)

33) Prior to the installation of any artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01/20 (or as superseded).

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

Reason: To safeguard neighbour amenities for excessive light levels (Cambridge Local Plan policy 34)

34) The electric vehicle charge point and associated infrastructure as

detailed in and as shown on drawing SK3017 PL2 shall be fully installed and operational before first occupation of the office building and shall be retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF 2021) paragraphs 107, 112, 174 and 186, Policies 36 and 82 of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

- 35) No construction of the biodiverse (green) roofs shall commence until The following details have been submitted to and approved in writing by the Local Planning Authority.
- a) The means of access for maintenance
 - b) Plans and sections showing the make-up of the sub-base to be used which may vary in depth from between 80-150mm
 - c) Planting/seeding with an agreed mix of species (the seed mix shall be focused on wildflower planting indigenous to the local area and shall contain no more than a maximum of 25% sedum)
 - d) Where solar panels are proposed, biosolar roofs should be incorporated under and in-between the panels. An array layout will be required incorporating a minimum of 0.75m between rows of panels for access and to ensure establishment of vegetation
 - e) A management/maintenance plan for the roof(s)
- The roof(s) shall be constructed and laid out in accordance with the approved details and planting/seeding shall be carried out within the first planting season following the practical completion of the roof. The roof(s) shall be maintained as such in accordance with the approved management/maintenance plan.
- The roof(s) shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance/repair or escape in case of emergency.
- Reason: To help mitigate and respond to climate change and to enhance ecological interests. (Cambridge Local Plan 2018 policies 28 and 57).

- 36) Prior to first use of the public house, a scheme shall be submitted and approved in writing by the Local Planning Authority requiring that level access is achieved from Hills Road in accordance with M4 building regulations. This shall be installed prior to first use of the public house.
- Reason: To ensure that wheelchair user access is provided in accordance with Policy 56 of the Local Plan 2018.

- 37) Prior to any demolition of any part or parts of any buildings on the site (other than for internal demolition works or works as otherwise agreed in writing by the local planning authority which shall not put the building at risk or give rise to public harm) a development contract shall be secured which provides for the complete redevelopment and delivery of the site in accordance with proposal hereby approved. Such

evidence in relation to the development contract as the local planning authority shall reasonably require to establish compliance with this condition shall be provided to the local planning authority in writing. Reason: To ensure that a public house facility is provided in good time and in the interests of preserving the character and appearance of the Conservation Area in accordance with policies 61 and 76 of the Local Plan 2018.

Informatives

- 1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building Over existing public sewers will not be permitted (without agreement) from Anglian Water. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements
- 2) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 3) The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
- 4) To satisfy and discharge Environmental Health conditions relating to artificial lighting, contaminated land, noise / sound, air quality and odours / fumes, any assessment and mitigation shall be in accordance with the scope, methodologies and requirements of relevant sections of the Greater Cambridge Sustainable Design and Construction SPD, (Adopted January 2020) <https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-andconstruction-spd> and in particular section 3.6 - Pollution and the following associated appendices:
 - o Requirements for Specific Lighting Schemes
 - o The Development of Potentially Contaminated Sites in Cambridge and South Cambridgeshire: A Developers Guide
 - o Further technical guidance related to noise pollution

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

Appeal Decision

Site visit made on 13 June 2016

by Geoff Underwood BA(Hons) PGDip(UrbCons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 August 2016

Appeal Ref: APP/Q0505/W/16/3146035

23-25 Hills Road, Cambridge, Cambridgeshire CB2 1NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JR Properties against the decision of Cambridge City Council.
 - The application Ref 15/1760/FUL, dated 17 September 2015, was refused by notice dated 4 November 2015.
 - The development proposed is mixed use development comprising ground floor retail (use class A1), with a non-speculative student accommodation scheme of 26No. bedrooms on the upper floors to be occupied by Abbey College, along with cycle parking, following demolition of existing buildings on site.
-

Decision

1. The appeal is allowed and planning permission is granted for mixed use development comprising ground floor retail (use class A1), with a non-speculative student accommodation scheme of 26No. bedrooms on the upper floors to be occupied by Abbey College, along with cycle parking, following demolition of existing buildings on site at 23-25 Hills Road, Cambridge, Cambridgeshire CB2 1NW in accordance with the terms of the application, Ref 15/1760/FUL, dated 17 September 2015, subject to the conditions in the attached schedule.

Main Issues

2. The main issues raised by this appeal are the effect the proposal would have on highway safety and the successful functioning of Cambridge Place.

Reasons

3. The appeal site is currently occupied by two buildings with shop units at ground floor fronting onto Hills Road with 3-4 storeys above. There is currently an open area to the rear, accessed off Cambridge Place, which provides off street parking. Cambridge Place is a no through road. Its junction with Hills Road, which is immediately adjacent to the appeal site, is the only vehicular route in and out. Both carriageway and footways are particularly narrow at this point.
4. Cambridge Place has parking restrictions in the form of double yellow lines for most of its length including on both sides of the road in the vicinity of the appeal site. These extend along the east side of Hills Road. Hills Road is a busy thoroughfare leading into the city centre, the west side of which opposite the appeal site also has restricted parking during the day but does permit loading between 1000 and 1600 hours. There is no indication that the existing

- parking and loading restrictions in the immediate vicinity of the appeal site would be likely to change.
5. The Council's objection is principally that the lack of any off street space for vehicles to park whilst servicing the premises would lead to illegal parking with consequent harm to highway safety and the proper functioning of the area. They consider that this would be likely given that nearby on-street parking is heavily used, spaces may not be available and, even if used, visitors may wish to park in excess of the four hour maximum period. Representations from interested parties consider that the area is under parking stress.
 6. The absence of any off-street parking or servicing in the proposed development would have the effect that any visitors in vehicles would have to park in designated or unrestricted parking areas in surrounding streets and proceed on foot or unload on the opposite side of the road within permitted hours.
 7. Parking in contravention of restrictions at, or close to, the junction of Cambridge Place would block or significantly hamper the entry and exit of any vehicles using it. This could have the effect of causing considerable inconvenience to those wishing to enter or exit the street, including residents and those visiting the area for work or other purposes. It may also lead to vehicles blocking other traffic on Hills Road or possibly even attempting to reverse into Hills Road with consequent harm to highway safety. The narrowness of Cambridge Place could also lead to the safety of cyclists and pedestrians being harmed by vehicles moving erratically or in having to negotiate the narrow spaces left by them.
 8. However, one of the effects of the existing double yellow lines would be to ensure that vehicles do not cause such problems which if they do occur could be appropriately enforced.
 9. Even in the circumstances mentioned by the Council where delivery vehicles may have to wait for some time to enable materials or equipment to be moved within the building, there is limited evidence to suggest that such vehicles would not use the on-street loading arrangements to do so. There is also little evidence to suggest that the design of the building itself is one that would require any more intense maintenance than any other in the area, leading to a greater number of visits or increasing the likelihood of illegal parking.
 10. Whilst the arrival and departure of student residents and their possessions may give rise to more intense periods of servicing activity at certain times of the year, the appellants have produced a Student Accommodation Servicing Management Plan (SMP) and intend that the accommodation would have a resident warden whose role would include the management of such arrangements which allows for staggered student arrivals.
 11. The servicing and management arrangements the appellants propose to put in place should ensure that, on the whole, expected and anticipated visits are appropriately controlled and directed. However, there remains a risk that unscheduled visits to the property by those unfamiliar with its access and servicing arrangements, may, in spite to the extensive parking restrictions, decide to park illegally. However, there is an absence of any substantive evidence that this would be likely to occur to any extent beyond that which may already occur in the area. I also note that Cambridgeshire Highways'

- Engineer did not raise any objections to the proposal once he was satisfied that doors to storage areas would not open over the highway.
12. It would therefore appear that opportunities for loading or parking on surrounding streets, albeit limited by time and location, are not so restricted that it would be essential for the proposed development to provide its own, dedicated servicing or parking area.
 13. I therefore consider that with an appropriate serving plan which can be administered by a resident warden, the likelihood of the harm the Council are concerned about being a direct result of the appeal proposal would not be such that would justify refusing permission. Considered with the benefits of the development in providing accommodation for which the Council agree there is a need, this would outweigh any limited harm which may occur and which in any event would be enforceable under other legislation. The proposal would not, therefore, have an unacceptably harmful effect on highway safety or the successful functioning of Cambridge Place.
 14. As the regularity of loading and servicing is unlikely to justify provision of off-street facilities, the provisions in the SMP would make suitable provision for such access and the proposal would not conflict with saved Policy 8/9 of the Cambridge Local Plan, 2006 (CLP) in that respect. For the same reason, the proposal would also provide for the adequate management and maintenance of development as required by criterion k- of saved CLP Policy 3/7.
 15. The proposal would, on balance, meet the National Planning Policy Framework (the Framework) requirements that development be located to accommodate the efficient delivery of goods and supplies whilst giving priority to pedestrian and cycle movements. Furthermore, the residual cumulative impacts of the development would not be severe, which are the conditions the Framework requires to be met to prevent development on transport grounds.

Other Matters

16. The site lies within the Central Conservation Area (CA) and I note that the Council consider that the site is not identified as having any heritage significance in the Area's character and that the configuration of the proposed building reflects that of other buildings in the CA. I have paid special attention to the desirability of preserving or enhancing the CA's character or appearance. Provided that the proposed materials and details are appropriately handled and the adjoining trees are protected, the proposed demolition of the existing buildings and the design, scale and appearance of their replacement is such that it would preserve character and appearance, and therefore significance, of the CA.
17. Interested parties are concerned about the effects on living conditions of both existing and future occupiers which might arise by the absence of any outdoor space. However, there is little reason to disagree with the Council's conclusion that the combination of such a lack of space being a typical city centre arrangement, occupiers on balance being less likely to congregate outside than they do at present and the distance between the site and the majority of existing residential properties, would make the proposal acceptable in that respect.

18. Notwithstanding concerns over a lack of visitor cycle parking, the Council consider that adequate cycle facilities have been provided.

Conditions

19. I have made amendments, including combining requirements, to the conditions suggested (without prejudice) by the Council. I have also added conditions on tree protection and linking demolition to redevelopment which main parties were given the opportunity to comment upon. Given the importance the SMP and arrangements for refuse storage would have and the concerns of interested parties around these issues it would not be appropriate to enable variations to the agreed requirements to be altered without appropriate consideration. I have therefore omitted such provision from these conditions accordingly.
20. In order to ensure that the demolition and construction process does not lead to unacceptable harm to highways safety or existing residents' living conditions (a concern raised by interested parties) it is necessary to approve schemes to control noise, vibration, dust and construction traffic as well as limiting construction hours. To be effective the relevant details will need to be approved before development commences.
21. Given the site's Conservation Area location, conditions to ensure that demolition is not carried out without certainty about the delivery of the replacement building, that full details of windows, doors, shopfronts and brickwork are approved, that existing trees are protected and that existing architectural and streetscape features are effectively reused or recycled are necessary. It is necessary to attach a condition to in order to ensure that any archaeological significance on the site is correctly assessed, recorded and managed.
22. In order to protect the character and appearance of the area, highway safety and occupiers and neighbours' living conditions it is necessary to approve recycling and refuse arrangements which should also address interested parties' concerns over such facilities. Occupiers' living conditions also need to be protected from noise and odour from existing and potential future sources. In order to minimise flood risk details of surface water drainage, including an assessment of whether a sustainable system is feasible, need to be approved, although I have simplified the condition which would allow details of the specification to be approved in appropriate circumstances.
23. It is necessary to ensure that the student accommodation is effectively managed in accordance with an approved management plan and that accommodation for an on-site warden is provided. To ensure that the building is occupied by students in line with identified needs whilst providing flexibility during summer months, to comply with CLP Policy 7/10 it is necessary to restrict the building's occupancy. I have been presented with no reason why including Cambridge and Anglia Ruskin Universities into the list of acceptable educational institutions, as suggested by the Council, would not be appropriate, even though the application sought permission specifically for accommodation to serve Abbey College.

Conclusion

24. For the above reasons, and having had regard to all other matters raised, the proposal would comply with the development plan and the Framework and the appeal is allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 499/101 EX01, 499/102 EX01, 499/104 EX01, 499/200: Rev C PL03, 499/201 PL03 and 499/300 PL03.
- 3) Construction and demolition work, including any collection or deliveries to the site and operation of any plant, shall only be carried out between 0800 and 1800 on Monday to Friday, 0800 and 1300 on Saturday and at not at any time on Sundays or on Bank or Public Holidays.
- 4) No demolition shall take place until arrangements have been put in place to secure the implementation of the development approved under this permission and details of these arrangements have been submitted to and approved in writing by the local planning authority. The arrangements shall include details of the timescale for carrying out the redevelopment approved under this permission.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with Tree Survey Drawing No 4373-D.

All tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).
- 6) No demolition or construction works shall commence on site until a traffic management plan has been submitted to and approved in writing by the local planning authority. All demolition or construction works shall be carried out in accordance with the approved plan.
- 7) No development shall commence (including any pre-construction, demolition, enabling works or piling) until a report regarding the demolition and construction noise and vibration impact associated with this development has been submitted to and approved in writing by the

- local planning authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration, taking account that due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended. The development shall be carried out in accordance with the approved report.
- 8) No development shall commence until a scheme detailing a programme of measures to minimise the spread of airborne dust from the site during the demolition and construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
 - 9) No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
 - 10) Prior to the commencement of demolition, the street name plate for Cambridge Place shall be removed from the flank of No.25 Hills Road. It shall be stored safely, in a location to be agreed beforehand with the local planning authority, and re-erected in an equivalent position on the replacement building before its first occupation.
 - 11) After demolition and prior to the commencement of construction, a noise assessment that considers the impact of airborne and impact sound from the Emperor pub upon the residential units of the proposed development shall be submitted to and approved in writing by the local planning authority. No construction shall commence until a noise insulation scheme, informed by the approved noise assessment, detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to a) reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area and b) for protecting the residential units from noise from the neighbouring Emperor pub, has been submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The approved scheme shall be fully implemented before any of the habitable rooms are first occupied and shall not be altered thereafter.
 - 12) Prior to the commencement of construction works, a comprehensive odour impact assessment and odour control scheme for protecting the residential units from odour shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before any of the habitable rooms are first occupied and shall not be altered thereafter.
 - 13) Prior to the first occupation of the A1 use hereby permitted, a scheme for the insulation of any plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing

- by the local planning authority. The approved scheme shall be fully implemented before the use hereby permitted is commenced.
- 14) Prior to occupation of the development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway. The approved facilities shall be provided prior to the commencement of the uses hereby permitted and shall be retained thereafter for their intended use.
 - 15) Prior to occupation of the development, full details of the storage facilities for the separation of waste for recycling and composting within the individual student flats/clusters shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to the student accommodation being first occupied and shall be retained thereafter for their intended use.
 - 16) Prior to their construction a sample panel of the facing materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall show the brick, detail of bonding, coursing and colour and type of jointing to be used in the development. The development shall be constructed in accordance with the approved sample panel, including maintaining the quality and finish in the approved sample panel, which shall not be removed from the site until completion of the development.
 - 17) Prior to their installation, full details (including large-scale drawings and/or samples) of all windows and doors, as identified on the approved drawings, including materials, colours, surface finishes and textures, 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 unless the local planning authority agrees to any subsequent variation in writing.
 - 18) Prior to installation of any shopfront, full details (including large scale drawings) of all joinery and other elements of the shopfront (including doors and windows) shall be submitted to and approved in writing by the local planning authority. These details shall include timber and other mouldings (to cornices, sills, mullions, transoms, pilasters and other joinery features), stallriser finishes, console and other brackets, doors, thresholds and fanlights, and any other appropriate details. The development shall be carried out in accordance with the approved details.
 - 19) The slate tiles, grills and stone heads and window cills are to be carefully removed from the building and set aside in a safe & secure place. These features are either to be reused on the building or appropriately salvaged for re-use elsewhere (which may include disposal to a salvage merchant) in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to their re-use or salvage. The scheme shall include full details of the method of reuse or details of the means of salvage, including in the case of the latter how proof of appropriate transfer will be provided to the local planning authority.

- 20) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation; and,
 - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 21) Prior to the occupation of the student accommodation building, a student management plan shall be submitted to and approved in writing by the local planning authority. This shall set out measures as to how the student accommodation will be managed on a day-to-day basis, how servicing and deliveries will be managed to avoid unauthorised parking and loading, how it would be managed when let during holiday periods, and how any issues arising from its operation in terms of impact on adjacent neighbours will be handled. It shall include the contact name and number of a College representative, and provision for this to be made available to local residents and placed as information near to the entrance of the building in a prominent and publicly visible location. The accommodation shall thereafter be managed, and contact information provided, in accordance with the approved student management plan.
- 22) One room of the 26no. bedrooms shall be provided for the on-site warden and retained thereafter for use by the warden.
- 23) The student accommodation shall, during the relevant educational institution's term-time, be for the benefit of full-time students attending either Abbey College, Anglia Ruskin University or the University of Cambridge only save for during the summer vacation period only when the accommodation may be occupied by the following persons:
- a) Students of any of the educational institutions above, and/or;
 - b) Students attending summer educational courses in Cambridge.

Agenda Item 9



Planning Committee Date	6 th July 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	21/01065/FUL
Site	Land Adjacent to Sandy Lane Cambridge Cambridgeshire
Ward / Parish	West Chesterton
Proposal	Construction of 26 new private homes
Applicant	Sandy Lane 2021 Limited
Presenting Officer	Alice Young
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Affordable housing and housing mix2. Public realm, open space and landscaping3. Amenity for future occupiers4. Car and cycle parking5. Extant consent
Recommendation	Members endorse officer position of minded to REFUSE in light of non-determination appeal

1.0 Executive Summary

- 1.1 The application seeks planning permission for 26 dwellings with a mix of four 4-bed and twenty two 5-bed and an offer of 9 affordable housing units delivered on a site adjacent. The application has recently been appealed against non-determination and can no longer be determined by the local planning authority. Thus, this report from officers seeks members' endorsement of a minded-to position of refusal. Subject to members' endorsement, officers would then seek to submit a Statement of Case to the Planning Inspectorate recommending the application be dismissed on the grounds specified.
- 1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The site has three extant consents – by virtue of implementation of an access road - which form a patchwork of 24 dwellings (C/03/0406 C/03/1241 and 06/0544/FUL). This is a material planning consideration.
- 1.3 In assessing how much weight to give these extant consents, officers have considered whether there is a realistic prospect of the extant consents being fully implemented. The prospect does not have to be probable or likely to be given weight, it can be just more than theoretical. The correct test to be applied in considering a fallback argument is whether there is a possibility that if planning permission was refused, use of the land, or a development which had been permitted, would take place, and whether such use or development would be less desirable than for which planning permission is sought.
- 1.4 Officers originally considered that there was only a theoretical prospect of the extant permissions (C/03/0406, C/03/1241 and 06/0544/FUL) being fully implemented as officers were uncertain whether the scheme was viable and given the substantial length of time since works started on site. However, the Council has commissioned a third-party Viability Assessment which demonstrates that both the extant and proposed schemes are financially viable. Officers consider that this has tilted the balance for the prospect of implementing the extant schemes to now be considered more than theoretical, despite the length of time since works commenced on site. Therefore, the extant consents are given moderate weight.
- 1.5 When assessed against the development plan, the proposed development conflicts with various local plan policies and aims because of the under delivery of affordable housing, lack of an adequate housing mix, poor outlook and light levels internally at lower ground floor, lack of adequate external amenity space, failure to provide a housing scheme which would create an inclusive and accessible environment and which has demonstrated it would be M4(2) compliant, over provision of car parking

and inconvenient and unsafe cycle parking. These individual conflicts with the development plan are given moderate weight.

- 1.6 As moderate weight was given to the extant consents, the merits and harm arising from the proposed scheme compared to the extant consents were considered. There are limited merits to the proposed scheme compared with the extant schemes and the proposed scheme creates additional harm over and above the extant scheme (such as the overprovision of car parking).
- 1.7 Notwithstanding the moderate weight attributed to the extant consents alongside the merits arising from the proposed scheme compared with the extant consents, the significance of the harm identified needs consideration. The proposal conflicts with the development plan on the following issues; affordable housing provision, amenity for future occupiers, including accessibility and external space, parking provision and modal shift to sustainable and active travel modes and lastly the poor public realm and open space provision. It is also a fact that adopted policy has changed significantly since the extant proposals were permitted which increases the weight attached to the policy conflict. In this time period, there has been two successive local plans and various supplementary planning documents adopted alongside significant changes in national policy. Advances have been made in policy to create more sustainable, inclusive, responsive and less car focused developments which respond to climate change and the changing needs of the population. Moreover, the extant consents cover approximately 2/3rds of the site.
- 1.8 In weighing the substantial harm with the development plan, supplementary planning documents and national policy, against the extant consents and the merits of the scheme compared to the extant consents, officers conclude that the harm outweighs the benefits in this instance.
- 1.9 Therefore, officers recommend that the Planning Committee endorse a minded to **Refuse** position and that the local planning authority ask the Planning Inspectorate to dismiss the appeal for the reasons as set out in this report.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	x
Conservation Area (site borders the conservation area to the south and west)	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	x
Local Neighbourhood and District Centre		Article 4 Direction	

2.1 The application site, 'land adjacent to Sandy Lane', is an area of now vacant land accessed via Sandy Lane to the west from De Freville Avenue and to the east from Elizabeth Way. The site itself is an unconventional angular shape skirting the rear of residential curtilages of De Freville Avenue to the west, Montague Road to the south and Elizabeth Way to the east. While the site has been vacant for many years, the site was formerly occupied by a collection of garage and workshop buildings as part of a builder's yard. Prior to this industrial use, the site was garden land associated with Elizabeth Way properties. The De Freville Conservation Area boundary skirts the application site following the rear boundary of residential properties to the west and south. The site therefore does not fall within the Conservation Area but does form its setting. The trees located in the western corner of the site are protected via individual tree preservation orders, a grouped tree preservation order and by benefit of being located in the Conservation Area. The site also falls within Controlled Parking Zone F. Parts of the site fall within areas which have an intermediate or less risk of flooding, however, areas of intermediate risk are minimal and contained to the east and south.

2.2 The site is predominately surrounded by residential properties. Bordering the site to the west and south are De Freville Avenue and Montague Road properties, two to two and a half storey semi-detached Victorian townhouses with long rear gardens which back onto the site. These all fall within the De Freville Conservation Area. To the east of the site are residential properties fronting Elizabeth Way which are typically two storey hipped roof detached dwellings. To the north of Sandy Lane are the rear gardens of Chesterton Road plots. These plots are predominately residential although there are also two guest houses (C2 use). Fronting Sandy Lane are several mews style annexes and dwellings alongside incidental garages. The site directly north of the application site between Acorn Guest House and 33 Sandy Lane is currently under construction for the erection of 46 serviced apartments.

3.0 The Proposal

3.1 The proposal seeks planning permission for the construction of 26 dwellings with a mix of 4 x 4-bed and 22 x 5-bed properties. The proposed townhouse dwellings, inspired by the Victorian townhouses to the west and south, would be laid out in short terraces orientated surrounding landscaped areas, with two dwellings fronting Sandy Lane adjacent to the far western boundary. The dwellings would be accessed from Sandy Lane which is approximately 5m in width accessible by De Freville Avenue to

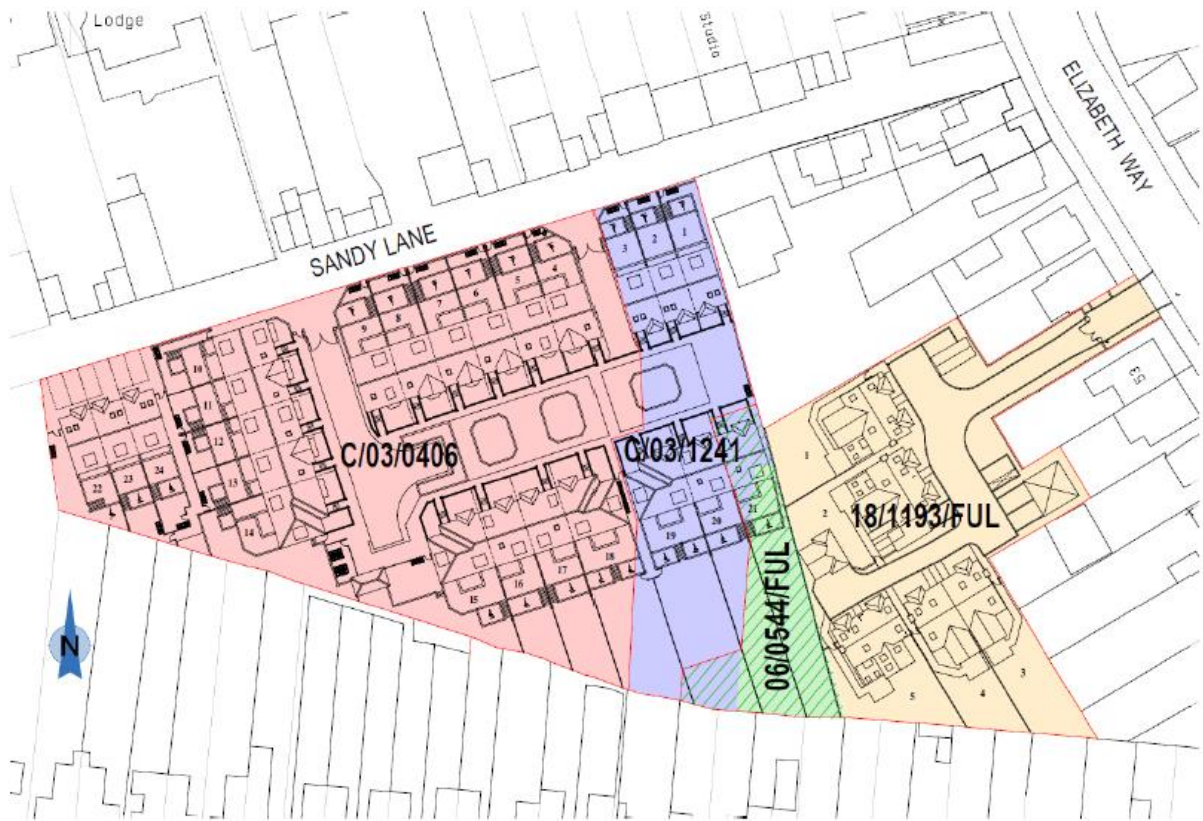
the west or Elizabeth Way to the east. Car and cycle parking would be provided at basement level accessed via a ramp within the site leading from Sandy Lane. Refuse collection would be located between plot 1 and 24 adjacent to the northern boundary with another refuse store sited south of plot 6.

- 3.2 The applicant also owns a site adjacent to the application site, 51-55 Elizabeth Way which was granted an outline consent for 9 x 1-bed apartments under 19/0819/OUT on the 11th of October 2019. The applicant proposes the Elizabeth Way site (19/0819/OUT) would form the affordable housing contribution for the appeal development (21/01065/FUL). A reserved matters application has been submitted under application reference 22/03584/REM for the remaining reserved matters of appearance and landscaping. This application was validated on 5th August 2022.

4.0 Relevant Site History

Reference	Description	Outcome
18/1193/FUL	Construction of five dwellings on land behind 43-59 Elizabeth Way following demolition of no. 57 Elizabeth Way	Permitted
06/0544/FUL	Erection of one 5-bedroom house.	Permitted
C/03/1241	Erection of five dwelling houses following demolition of existing industrial buildings.	Permitted
C/03/0859	Demolition of existing workshops and erection of 22No. dwellings.	Withdrawn
C/03/0406	Erection of 18No. 4 and 5 bedroom dwellings following demolition of existing workshops.	Appeal Allowed

- 4.1 The proposal is similar to a patchwork of extant consents. This is illustrated by the figure below (extract from the submitted Planning Design and Access Statement):



Plan showing the existing consents together

- 4.2 The 2003-2006 consents (mentioned in paragraph 4.0 above) have all been partially implemented. In the Decision notice for the appealed application C/03/0406 the Inspector imposed a Grampian condition which secured the resurfacing, lighting and other improvements to Sandy Lane (condition 2). These works have been carried out which therefore means the development has been partially implemented and can go on to be fully implemented. This condition was subsequently imposed in both planning consents for C/03/1241 (condition 10) and 06/0544/FUL (condition 5). Therefore, any of these consents can be fully implemented.
- 4.3 Application 18/1193/FUL was approved on 4 Feb 2019 and no evidence of works commencing on site have been submitted with the application. No. 57 Elizabeth Way has not been demolished. The three pre-commencement conditions have been discharged. However, condition 7 which requires submission of a material management plan prior to the importation or reuse of material has not been discharged yet. Several other conditions which require submission of information for works above ground level have also not yet been discharged. Within the Housing Trajectory the agent states drainage works have been implemented causing a material start to the works. No evidence has been submitted to demonstrate this is the case. It is therefore unclear whether works have been carried out to trigger the implementation of this consent.

4.4 A copy of the Inspector's Decision letter in relation to the C/03/0406 appeal and the Decision notices for C/03/1241, 06/0544/FUL and 18/1193/FUL are attached at Appendix A. Also attached is the Decision notice for 19/0819/OUT (proposed under this application under 21/01065/FUL) plus the approved plans.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

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

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 5: Sustainable transport and infrastructure

Policy 8: Setting of the city

Policy 9: Review of the Local Plan

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 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 45: Affordable housing and dwelling mix

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 59: Designing landscape and the public realm
Policy 61: Conservation and enhancement of historic environment
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
Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

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
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

Draft Planning Obligations Strategy SPD 2014
Draft Affordable Housing SPD 2014

5.5 Other Guidance

The Greater Cambridge Housing Strategy 2019-2023
De Freville Conservation Area

6.0 Consultations

6.1 County Highways Development Management – No objection

6.2 The proposed development will be gated and internal roads will not be adopted by the Highway Authority. The Highway Authority will not seek the adoption of Sandy Lane as it will serve no highway function.

6.3 Recommended conditions:

- Future management and maintenance plan for streets
- Traffic management plan
- Restricted access for larger construction vehicles
- Residents' parking informative

6.4 Lead Local Flood Authority - Objection resolved, no objections.

6.5 1st Comment: Objection. The applicant proposes to discharge surface water to a 300mm diameter sewer in Sandy Lane. An agreement in principle should be submitted with the application to demonstrate that this is a viable point of discharge from the site. Until permission to discharge to this sewer has been submitted, we are unable to support this application.

6.6 2nd Comment: Objection resolved following submission of a technical note (Response to LLFA Comments, MTC Engineering (Cambridge) Ltd, Ref: SEC/2589, Dated: 25 May 2021). The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving over the access and pedestrian areas, with surface water being attenuated within cellular storage, before discharge from the site to an Anglian Water surface water sewer at a rate of 1.5 l/s. Surface water which may end up in the basement area and from the sunken terraces will be pumped up to the subbase of the permeable paving for attenuation before discharge from the site. The roofed area of the basement will be planted with 200mm deep storage below the surface to provide suitable attenuation. Infiltration is possible in parts of the site, however due to the constraints from the proximity to buildings and use of basement parking, this is limited to a number of dwellings.

6.7 Recommended conditions:

- Surface water drainage scheme
- Surface water management during construction
- Pollution control informative

6.8 Environment Agency – No objection.

6.9 The site is underlain by a superficial secondary aquifer over bedrock unproductive strata. The site is not located within a groundwater source protection zone (SPZ) meaning that it does not lie within the catchment of a protected groundwater abstraction used for water supply. The current and former land uses (including as a builder's yard) are potentially contaminative and could present potential contaminant linkages to controlled waters. However, on the basis of the information provided, the site is not considered to present a high polluting potential. We concur with the MLM recommendation that investigation be undertaken in the eastern area of the site and note that our review of historical mapping presented in the Tier 1 report indicates that former uses in the south-eastern area may have included yard related activities.

6.10 Based on the information provided, we do not consider this proposal to be high priority and advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management.

6.11 Anglian Water – No objection.

- 6.12 There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. Foul drainage is within the catchment of Cambridge Water Recycling Centre which does not have capacity, but Anglian Water are obligated to accept flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Anglian Water has reviewed the submitted documents (Flood Risk Assessment and Drainage Strategy) and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted
- 6.13 Suggested conditions and informatives:
- Flood Risk Assessment and Drainage Strategy compliance condition
 - Notification of connection informative
 - Protection of existing assets informative
 - Building near a public sewer informative
 - Sewer adoption agreement informative
- 6.14 Urban Design – Unsupportive.**
- 6.15 1st Comment: objection.
- 6.16 *Response to context and character.* The proposal consists of a large number of three storey (above ground) terraced blocks which have a larger urban grain, scale, massing and built form which is at odds as compared to its immediate surroundings. This would fail to respond positively to the existing character and therefore contrary to policy 55 of Cambridge Local Plan (2018).
- 6.17 *Layout and public realm.* The two semi-public spaces are fragmented, linked with a bottleneck and are not well integrated, overlooked and do not have attractive frontages. Spaces fronting plots 1-6 are compromised.
- 6.18 *Sandy Lane frontage.* Sandy Lane has a mews type of character. Yet, is the main access and address of this development. The proposal does not demonstrate how it will positively enhance the townscape where the development adjoins streets and public spaces.
- 6.19 *Private amenity.* Plots 1-5 & 20-24 have very limited private amenity space given their size which is also uncharacteristic of the area. Overshadowing to plots 20-26. Additional information is required to demonstrate that these areas are not overshadowed.
- 6.20 *Scale, height and massing.* Bigger scale than that approved. No visual representation showing the development within its context. Officers consider there to be a negative impact on the character. Plots 7-12 & 13-16 are closer to each other and existing properties, which because of the

- proposed height would impact upon these spaces. Additional information required.
- 6.21 *Car parking and cycle stores.* Number of car parking per house is higher than extant consents and is contrary to policy particularly given the sites sustainable location. Layout of car parking and cycling parking is inadequate as there is not enough space to manoeuvre. Pedestrians would have to move through cycle parking to get to the stairs.
- 6.22 *Elevations, materials and details.* Architectural approach is acceptable. High quality materials required.
- 6.23 *Solutions.* Consolidating open space, aligning blocks parallel to rear of Montague Road properties away from the boundary/ trees. Smaller scale buildings. Relandscape and remove surface level access.
- 6.24 2nd Comment (after submission of Urban Design Appraisal): Objection.
- 6.25 Comprehensive redevelopment of the site, consolidating the layout, however the proposal creates additional issues beyond the extant consents.
- 6.26 *Access, connectivity and impact on Sandy Lane.* Segregating the pedestrian and vehicle access has resulted in locating two points of access into the development next to each other, negatively impacting the frontage/character of Sandy Lane which has few properties fronting it. The new access arrangement also compromises the layout and quality of the open space provided on the site. In our view, the current scheme is weaker than the extant schemes in this regard, contrary to policy 56 of Cambridge Local Plan (2018), as it fails to successfully integrate routes and spaces between buildings, allowing vehicular traffic to dominate and does not enhance the townscape on Sandy Lane. It should also be noted that the extant schemes frontage to Sandy Lane is unsuccessful and in compliance with other elements of policy 56 if assessed today. Whilst the principle of segregating pedestrians and vehicles maybe useful, it could be achieved in a similar manner to the extant schemes proposal thereby reducing the impact on Sandy Lane and providing an opportunity to improve the overall layout and quality of open space.
- 6.27 *Character.* Reorientating plots 13-16 has created more uniform rear gardens but has resulted in two issues. 1) It has created a back-to-side arrangement, bring buildings closer to the rear of houses within the conservation area which is not reflective of the urban grain. This impact is accentuated by the three storey scale which is not reflective of the surrounding character. 2) Extant schemes are stepped down to 2.5 storeys closer to the southern boundary, is sited further away and has a back-to-back relationship, which is more respectful of the surrounding pattern of development and character and increases residential amenity for future occupiers. Therefore, it is considered that the current proposal does not represent an improvement to the extant schemes in the character

terms and will fail to respond positively to its context. This is contrary to policy 50, 55-57 & 60 of Cambridge Local Plan (2018).

- 6.28 *Communal green space.* A comprehensive approach to the development of the site has the potential to provide a communal open space that can be accessible to all residents which is not the case with the extant schemes. However, the extant schemes benefits from one central green space running east-west and this space is well integrated into the development and adequately overlooked by the surrounding houses. However, the proposed open space is fragmented and partially compromised due to the access arrangement. Two open spaces: the northern one is highly engineered, dominated by the service yard and hard surfacing, resulting in small pockets of leftover green areas, limiting their use/function, and having poor natural surveillance; the eastern open space is not well integrated due to the shape of the site and layout of dwellings creating a bottleneck and lacks legibility. the open spaces within the proposed scheme would fail to provide a comprehensive approach that successfully integrates buildings, routes and open spaces, lacking natural surveillance in instances, resulting in an unsatisfactory layout limiting its use/function. This is contrary to policy 56 of Cambridge Local Plan (2018).
- 6.29 *Daylight, sunlight and shadowing.* The mature trees along the southern boundaries which have grown since the extant schemes were permitted would likely restrict daylight and sunlight to plots 20-26 and overshadow rear gardens. Further information required to demonstrate no harm here.
- 6.30 *Car and cycle parking.* Ratio of car parking per dwelling has increased from the extant schemes and no justification has been given for this increase despite the sustainable location.
- 6.31 *Conclusion.* Although we accept that the comprehensive development of the site has the potential of delivering a better outcome than each site developed separately, the proposals in the way they have been executed have created additional issues in terms of negative impact on the character of the conservation area, the design of the communal green space and the impact on Sandy Lane. The proposals would fail to represent an improvement to the extant schemes as they create new unresolved issues and would be contrary to Policy 50, 55-57 & 60 of Cambridge Local Plan (2018)
- 6.32 Conservation Officer – Objection.**
- 6.33 The site lies adjacent to the De Freville Conservation Area. Any development on this currently open site will impact on the setting of the rear of these houses and it needs to be assessed as to whether this amounts to a harmful impact.
- 6.34 In 2003 permission was granted for 18 houses on the western section of the site. This was allowed at appeal and featured houses of a similar scale and design as is now proposed but the houses close to the

boundary with Montague Road had longer gardens which allowed space between the built form and the conservation boundary.

- 6.35 In 2018 permission was granted for 5 houses on the eastern part of the site behind Elizabeth Way. Again the style of houses was very similar however the proposal was not supported by the conservation team due to both the impact of these houses on the setting of the adjacent conservation area and the layout not taking cues from the surrounding traditional streets. In this application the houses closest to the boundary along the rear of Montague Road had larger gardens.
- 6.36 The current proposal brings development much closer to the rear gardens of Montague Road than previous iterations. This is especially apparent to the south east of the site where plots 12 and 13 are now gable on to the rear gardens and much closer than those approved under the 2018 application. In addition, the separation provided in the 2003 application between plots 17-19 has also been reduced.
- 6.37 Overall, the scale and massing of these large three storey houses is now too close to the conservation boundary and will have an overbearing impact on the setting of the rear gardens in Montague Road within the conservation area. The layout and form of the development still does not reflect the surrounding traditional grid development of the De Freville conservation area which sees houses separated by back-to-back gardens.
- 6.38 Taking the above into account I consider that these proposals would neither preserve or enhance the character of the adjacent conservation area and would not comply with Local Plan Policy 61. In terms of the NPPF the proposals would amount to moderate less than substantial harm to the setting of the De Freville conservation area and para 196 would apply
- 6.39 Senior Sustainability Officer – No objection.**
- 6.40 Given that some of the dwellings have west facing orientation, I would recommend consideration be given to whether these may require the use of solar control glazing, to reduce the risk of overheating. The energy strategy utilises air source heat pumps to provide both heating and domestic hot water, combined with the use of underfloor heating and radiators. The external unit for the heat pumps will be located in the private gardens. This approach is supported, although it is considered important that the proposed location of the heat pump units is shown on the site and ground floor plan (drawing number SL/068/20/02/Rev.2). The proposed approach, alongside fabric improvements, is predicted to reduce regulated emissions by 22% compared to a building regulations compliant scheme. When the updated carbon intensity figures from SAP10 are used, this emissions reduction increases to 62%. This reduction, which represents a significant improvement on the requirements of policy 28 is supported.

- 6.41 Recommended conditions:
- Water efficiency
 - Carbon reduction implementation
- 6.42 **Landscape Officer – Not supportive.**
- 6.43 1st Comment: Not supportive, insufficient information.
- 6.44 *Context and character.* The character of Sandy Lane has changed since the first of the applications was put forward and improvements could be made. The development should address the lane with some frontage gardens and ensure that it is overlooked to improve the overall mews character and safety for the residents.
- 6.45 *Private amenity.* Unclear if the proposed amenity spaces are compliant with policy 50; there should be adequate space for table and chairs for the respective bedspaces and children’s play space for dwellings of this scale. These private amenity spaces could also be overshadowed, a daylight sunlight assessment is required.
- 6.46 *Car and cycle parking.* Cycle parking should be located on each plot at ground level. Cycling into a shared use, two-way ramp is risky, should be avoided and semi-public stands are less convenient and safe. Access to cycle parking is a maze and difficult to manoeuvre. Stacked car parking is difficult to use on your own. Access to space 45 is cramped if all other spots are used. No space is available to say, load a child into a car seat etc. Convenience and ease of use is necessary to ensure rogue parking does not clutter surrounding streets, particularly Sandy Lane.
- 6.47 *Waste management.* Bin stores very far away from each unit, not convenient. Should be contained within each plot. It is unclear how waste collection would be carried out as Sandy Lane is unadopted, collections may occur within the site.
- 6.48 *Open space and play.* Open space provision within the scheme is mostly limited to hard landscaped walkways and visual landscapes with little opportunity for interaction or play. There could be scope to include a LAP and some grassed areas for informal recreation within the scheme, perhaps in place of one or both tree groves, or within one of the parterre spaces. There is a general concern that the public realm is very sterile and gentrified without much opportunity for recreation or play.
- 6.49 *Landscape and planting.* Not entirely convinced of the tree grove areas without evidential sections which clarify the amount of root volume and stability trees can achieve atop the podium. Buxus for hedging is not preferred as it suffers from box blight. A more resilient and robust landscape hedging is needed.

6.50 2nd Comment (after submission of Urban Design Appraisal): Current scheme is not of the same quality as other Cambridge developments and it is only the presence of an extant consents that has led to a scheme which, while a small betterment, is not of the quality expected from schemes in Cambridge. The comments provided below do not prejudice the scheme but seek to produce minor changes which can be considered under condition.

6.51 Recommended conditions:

- Hard and soft landscaping
- Play provision
- Cycle parking

6.52 Ecology – No objection.

6.53 Given the scale of the site, I would request a Preliminary Ecological Appraisal including a BNG baseline assessment and proposed BNG plan.

6.54 Housing Team – Objection.

6.55 To be Local Plan compliant and to help meet the considerable need for affordable housing in Cambridge we would expect 40% affordable housing to be delivered on the Sandy Lane site. Our Greater Cambridge Housing Strategy 2019-2023 prioritises the delivery of affordable housing in Cambridge, highlighting the importance of providing homes which are affordable to people on all incomes. It also recognises the importance of delivering mixed, balanced and inclusive communities.

6.56 We have been in discussion previously with the applicant to consider options for providing 9 affordable units on the adjacent site at 51-55 Elizabeth Way. Whilst we are supportive of affordable housing being delivered at Elizabeth Way it is also important to secure affordable housing on the Sandy Lane site.

6.57 In line with our Housing Strategy our starting point would be to expect any affordable housing brought forward to be 75% housing for rent and 25% aimed at the ‘intermediate’ middle-income market. Affordable housing should be delivered in line with our Clustering and Distribution of Affordable Housing policy and Affordable Rent homes should comply with our Affordable Rents policy, both annexes to the Greater Cambridge Housing Strategy. The size mix would also need to be agreed with the council to meet local needs.

6.58 Environmental Health – No objection.

6.59 Contaminated land: Happy with methodology, results, conclusions and proposals for remediation and verification. Eastern area of the site has not been subject to intrusive investigation however, given the history (former

garden land), the contaminated land investigation can progress as proposed.

6.60 Air Quality: The development site is located within the existing Air Quality Management Area (AQMA). However, on review of the proposed plans, when operational, the development is unlikely to have a detrimental impact on local air quality in terms of vehicle trip generation and subsequent vehicle emissions.

6.61 Demolition / Construction Noise and Vibration and Dust: The construction activities have the potential to cause significant disturbance and loss of amenity at nearby / adjoining premises. Therefore, conditions are recommended to minimise such impacts.

6.62 Recommended conditions:

- Construction hours
- Collection during construction
- Construction/demolition noise/vibration & piling
- Dust condition
- Contaminated land implementation of remediation
- Contaminated Land Submission of Validation/Verification Report
- Contaminated Land: Unexpected Contamination
- Contaminated Land: Material Management Plan
- Plant/machinery/equipment (ASHPs)
- Electric Vehicle Charge Point Condition – New Dwellings. Privately Allocated
- Electric Vehicle Charge Point Condition – Unallocated spaces
- Artificial Lighting
- plant noise insulation informative
- Demolition / Construction Noise and Vibration
- Dust Informative
- LOWNOXI - Low NOx Boilers Informative

6.63 Police Architectural Liaison Officer – No objection

6.64 The site is an area of low risk to the vulnerability to crime at present. The layout is acceptable providing reasonable levels of natural surveillance. Vehicle parking is secure as are the residential gardens. Would be good to see:

- An External lighting plan including calculations and lux levels when available including the car park lighting. Home security lights should be LED dusk to dawn bulkheads.
- Boundary treatments
- External bin and cycle store security.

6.65 S106 Officer – No objections.

- 6.66 Given the scale of the proposed development on this site, and in line with the funding formula set out in the councils Planning Obligations Strategy 2010, the Council should request:
- £45,168 (plus indexation) towards the provision of and / or improvement of the facilities and /or equipment at Browns Field Community Centre, Green End Road, Cambridge
 - £25,824 (plus indexation) towards the provision of and/or improvement of, and/or upgrading of equipment and/or access to, indoor sports facilities to include improvements and upgrading of the sports hall, gym and changing rooms at Chesterton Sports Centre, Gilbert Road
 - £22,848 (plus indexation) towards the provision of and / or improvements to sports pitch facilities (including artificial pitches for football and cricket) at North Cambridge Academy, Arbury Rd
 - £23,232 (plus indexation) towards the provision of and / or improvements to the informal open space facilities (including fit kit, benches and a communal meeting point) at Chesterton Recreation Ground
 - £30,336 (plus indexation) towards the provision of and / or improvements to the play area equipment and facilities at Chesterton Recreation Ground play area

6.67 Cambridgeshire County Council Education, Library and Strategic Waste S106 – No objection.

	Contribution	Project	Indexation date	Trigger
Early Years	£82,852	To be determined	1Q2020	50% prior to first occupation AND 50% prior to 50% occupation of development
Primary				
Secondary	£192,104	Expansion to Chesterton Community College	1Q2020	
Libraries	N/A			100% prior to occupation of 50% of the development
Strategic Waste	N/A			

7.0 Third Party Representations

7.1 25 representations have been received.

7.2 Those in objection (18) have raised the following issues:

- Character, appearance and scale
- Gated community
- Proximity of proposed development to existing buildings
- Affordable housing provision is too low – should be 40%
- Affordable housing is segregated from the development, highlighting social inequalities of the development
- Affordable housing is in the area with the highest pollution
- Air pollution exceeds WHO limits
- No provision for sustainable/ renewable energy provision
- Tree impact
- Impact on biodiversity
- Residential amenity impact
 - Loss of light
 - Overbearing / visual intrusiveness
 - Overlooking
 - Construction impacts
- Lack of parking
- Too much parking
- Traffic pressure
- Inadequacy of Sandy Lane
- Sandy Lane should be adopted

7.3 Those in support (1) have raised cited the following reasons:

- High quality development
- Locally sourced materials
- Supports off street parking
- Supports EV Charging

7.4 Those who submitted neutral comments (5) have raised cited the following issues which have not been previously raised:

- Size and proximity of dwellings compared with existing is out of character
- Landscaping proposed on land not in ownership of developer
- Sandy lane not adequate for access
- Design is poor
- Supports provision of affordable housing
- Supports amount of parking
- Supports construction access from Elizabeth way
- Sandy lane is inadequate for site access
- Industrial weedkiller used on site by developers
- Gardens are too small for families, where will children play?

- Affordable housing provision is too low
- Traffic pressure
- Sandy lane should be adopted
- Has environmental study been submitted?
- Could swift bricks be used instead to provide increase breeding sites for birds, due to loss of biodiversity on site.

8.0 Member Representations

8.1 Not applicable

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 Background

10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and NPPF paragraph 47 states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, given there are three extant consents (C/03/0406, C/03/1241 and 06/0544/FUL) these need to be borne in mind when reaching a view as to the merits of the proposal as part of the determination process. In order to ascertain how much weight is given to the extant consents, Officers are required to assess whether (i) there is a realistic prospect of these consents being fully implemented and (ii) what the benefits and disbenefits between the extant and proposed developments might be. These factors will together determine how much weight should be given to the fallback position.

10.3 As introduced in paragraphs 4.1-4.2, the site has three extant consents for a total of 24 dwellings because the Sandy Lane improvement works conditioned as part of them have been carried out, resulting in the three consents being partially implemented. Each are live and any application is capable of being built out. A fourth consent 18/1193/FUL for Elizabeth Way was permitted for the erection of 5 dwellings which is on land adjacent to the east of the land on which the other three consents subsist. However, there is uncertainty about whether this permission has lapsed. No evidence has been submitted to demonstrate works have started on site. Despite the uncertainty of 18/1193/FUL, Officers do not disagree that there is a fallback position for majority of the site: that is to say planning permissions which are capable of being built out to completion of the development in question.

- 10.4 In relation to the fallback principle and weight to be given to any extant consent, the courts have introduced and upheld the concept of 'real prospect'. When this is demonstrated, it allows a decision maker to attribute material weight to the 'real prospect' of implementation of a permission as a fall-back position. The basic principle is that for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice. Therefore, a realistic prospect of fully implementing a consent occurs where the chances of it occurring are considered more than theoretical, even if it is not probable or likely; the possibility of implementation will suffice.
- 10.5 The applicant states that there has been clear intent on delivering the residential development because planning permissions have been implemented on site. While it is noted the three original consents could be seen to indicate an intention to develop at the time the improvements were undertaken to Sandy Lane, these were actually carried out in 2007 - 15 years ago. The applicant states that the most recent consent (Elizabeth Way - 18/1193/FUL) indicates an intention to develop the site and that all four consents have progressed to RIBA stage 4 and are subject to earlier Building Regulations approval applications. The whole site is in single ownership. The applicant also states that the consents realise very significant Residual and Gross Development Values.
- 10.6 Officers had concerns regarding the development viability of the extant and proposed consents and therefore requested a Viability Assessment. The applicant provided a Viability Assessment in March 2022 on the extant consents only including 18/1193/FUL. This concluded that the patchwork scheme for 29 private dwellings is financially viable. On receiving the appeal, Officers also commissioned a viability consultant to independently assess the extant and proposed schemes.
- 10.7 The viability appraisal undertaken for the Council concludes that the extant schemes for 24 dwellings are deliverable and will generate a positive residual land value of £6,728,050 and are therefore viable. It also concludes that the proposed scheme would generate a significant RLV with a surplus of over £2.7 million and that the alterations to the design (additional car parking, revised layout and landscaping) could increase values between 5-10% on top of this. Given these values, the proposed scheme is considered viable.
- 10.8 It is the opinion of officers that it has been demonstrated that the three original extant consents do have a more than theoretical prospect of being implemented. Therefore, weight must be given (by the decision maker) to these permissions when assessing the proposed scheme before Members.

Structure of Assessment

10.9 After concluding there is a more than a theoretical prospect of the proposal being implemented, an assessment of the proposed development is required against the Cambridge Local Plan (2018) and other development plan policies. After this assessment identifying any conflict with the development plan, the assessment will continue by considering the benefits and disbenefits arising from the extant and proposed schemes to then weigh this in the planning balance.

10.10 Principle of Development

10.11 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 seeks to redevelop a brownfield site, which is supported by NPPF guidance and contribute to housing supply and thus would be compliant with policy 3.

10.12 The principle of the development is therefore acceptable. The acceptability of the principle of developing brownfield land for housing in such a location must be given significant weight.

10.13 Housing Provision

10.14 Policy 45 of the Cambridge Local Plan 2018 requires residential development of 15 units or more to provide a minimum of 40% of affordable housing on site unless exceptional circumstances are demonstrated as to why this should not be the case. The policy only allows for a reduction in the level of affordable housing to be provided subject to robust evidence in the form of an independent viability appraisal being provided which justifies and supports any such reduction

10.15 The Local Plan (Appendix A) states that further details on the practical implementation of this policy would be set out in an up-to-date Affordable Housing SPD. The draft Affordable Housing SPD 2014 remains unadopted and therefore is of limited weight. Para. 3.34 of this draft SPD and para 11.1.8 of the draft Planning Obligations Strategy SPD 2014 advise that the full costs of an independent viability appraisal should be borne by the applicant. Whilst never progressed for adoption, neither draft SPD is a material consideration as set out at Appendix A of the Local Plan moreover both carry limited weight due to their unadopted status.

10.16 The applicants have not been willing to bear the costs of an independent viability appraisal despite having submitted their own Viability Assessment in March 2022. The applicant's position delayed the determination of the application by the Council. Officers maintain the view that the independent analysis of the applicant's own Viability Assessment was necessary to help inform the appropriate level of weight to the fallback

scenario which is an essential feature necessary for the decision maker to reach a planning judgement.

- 10.17 Policy 45 requires that developments should include a balanced mix of dwelling sizes, types, and tenures to meet projected future household needs within Cambridge. Whilst not being prescriptive, policy 45 requires dwelling mix and tenure types to have regard to the different needs for different unit sizes of affordable and market housing, which is further detailed in the draft Affordable Housing SPD (June 2014).
- 10.18 The Greater Cambridge Housing Strategy 2019-2023 Annex 10: Clustering and Distribution of Affordable Housing Policy sets out that clusters of affordable housing should include a mix of tenure and sizes to create tenure blind clusters and increase opportunities for different sized households to mix. Clusters should not exceed 12 units for blocks of flats. The proposed development comprises 4 x 4-bed and 22 x 5-bed dwellings. The mix of units is not in accordance with the aims of the policy – Annex 10 - , which means it fails to provide a balanced mix of dwelling sizes.
- 10.19 As part of the proposal, the applicant's agent has confirmed that the approved development neighbouring the Sandy Lane application site (51 - 55 Elizabeth Way 19/0815/OUT) which is in the ownership of the applicant could secure affordable housing for the Sandy Lane site via a section 106 Agreement. This would be regarded as off-site provision albeit that such provision is on land adjacent.
- 10.20 Para 3.23 of the draft Affordable Housing SPD sets out that 'in exceptional circumstances, if both the Council and the developer agree that it is not appropriate to provide affordable housing on a particular site, then an off-site provision or a financial contribution in lieu may be agreed. This will only be considered where there is certainty that such an arrangement will actually result in the provision of affordable housing.'
- 10.21 The development proposes, as stated above, what would be an off-site provision in the form of nine 1-bed units on an adjacent site. No justification for this approach has been submitted to the Council. The Local Plan's starting point is that affordable housing should be provided on site, as per paragraph 3.23 of the draft Affordable Housing SPD and policy 45. The Council has not agreed an on-site affordable housing provision is inappropriate in this case. The Council's Housing Team has stated that whilst they are supportive of affordable housing being delivered at Elizabeth Way under 19/0819/OUT, it is also important to secure affordable housing on the Sandy Lane site as a stand-alone development proposal to secure what the site should independently deliver for a policy compliant scheme when any development proposal comes forward. The applicant is now stating that if the Council prefers an affordable housing contribution could be made for 21/01065/FUL. However, to date no rationale or justification for an off-site provision has been offered.

- 10.22 The neighbouring site fronting Elizabeth Way under 19/0819/OUT has consent for 9 x 1-bed flats. A reserved matters application has been submitted to the Council for this site and is currently under consultation. This application will be assessed on its own merits. These 1-bed affordable dwellings, when combined with the proposed 26 dwellings, would not equal 40% affordable housing policy provision: it equates only to a 26% affordable housing provision. Moreover, all of these affordable dwellings would be clustered in one location accessed from Elizabeth Way (a noisy distributor road), would not benefit from any on-site amenity such as open space contrary to the aspirations of the draft Affordable Housing SPD. Moreover, the affordable housing provision is limited to 1-bedroom units which means the aspirations of policy 45 to provide a balanced mix of sizes, types and tenures would fall well short of being secured.
- 10.23 As set out in policy 45, the starting position for the provision of affordable housing for a scheme of this size is for a 40% on-site provision. The proposal does not include any on-site provision and the compensatory offered level of off-site affordable housing provision suggested for siting on the Elizabeth Way site falls well below the 40% requirement. Furthermore, given the lack of smaller private units and larger affordable units for which there is a need, Officers consider that the proposal does not result in a balanced mix of dwelling tenures.
- 10.24 The applicant has not raised a viability argument with the Council as an exceptional circumstance. The reasoning for a lower level of on-site provision and their alternative offer (to provide it off-site on Elizabeth Way) is premised on the basis that it is better than that secured under the extant consents which was for off-site affordable housing contributions secured via a S106 Agreement. The applicant is seeking to rely on the extant consents (C/03/0406 C/03/1241 and 06/0544/FUL) to determine the affordable housing provision on the appeal site (21/01065/FUL).
- 10.25 The independent Viability Appraisal which Officers have taken up at its own cost concludes that the proposed scheme is viable, generating a surplus of between £2.2 to £5 million. Given this, Officers can see no justification for any under provision of affordable housing. While the proposed scheme would result in the physical provision of off-site units as opposed to the financial contribution which was secured under the S106 Agreement of the extant consents, the quantum, mix and tenure is in direct conflict with policy.
- 10.26 Setting aside the S106 comparison, on its face Officers consider that the proposal fails to provide an appropriate amount and mix of on-site affordable housing to meet identified affordable housing needs and is thus contrary to (i) Policy 45, (ii) the Greater Cambridge Housing Strategy 2019-2023 and (iii) to both the 2014 Affordable Housing and Planning Obligation draft SPDs. Furthermore, the affordable housing provision on the Elizabeth Way site (19/0815/OUT) would not result in integration into the wider housing scheme (21/01065/FUL). The Elizabeth Way (affordable

units) would be accessed from the noisy and air polluted Elizabeth Way which is dominated by vehicular traffic, as opposed to Sandy Lane.

- 10.27 The precise S106 obligation mechanism to deliver the affordable housing units off-site offer would need to be worked out – given the outline consent – to understand what is to be delivered. With the lack of a reserved matters approval, there is uncertainty at this stage that the offer of the adjacent site within 19/0815/OUT on Elizabeth Way could be policy compliant and deliverable. It may well be the case that a financial contribution might be necessary as a contingency to be triggered in the case that a reserved matters scheme does not come forward. With this degree of uncertainty and with no justification for an off-site provision alongside the inappropriate amount and dwelling mix proposed, Officers consider that the applicant has failed to demonstrate the proposal would create a balanced mix of dwelling sizes, types, and tenures to meet projected future household needs within Cambridge envisaged by policy 45 in order to create a policy compliant scheme.
- 10.28 Taking the foregoing into account, the proposed development would be contrary to (i) policy 45 of the Cambridge Local Plan (2018) (ii) the aspirations of the draft Affordable Housing SPD (June 2014) and (iii) the Greater Cambridge Housing Strategy 2019-2023.

10.29 Amenity for Future Occupiers

- 10.30 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).
- 10.31 All houses meet the internal space standard for 4 or 5 bedroom three storey properties. However, on all dwellings aside from plots 25 and 26, the kitchen / breakfast rooms and dining rooms would be located at lower ground floor level. The distance between the rear habitable rooms and the lower ground floor garden wall ranges from 2m (plot 13) to 3m (plot 15 & 18) with walls enclosing this lower patio at a height of 4.1m from lower ground level. Given this, officers have concerns that the lower ground floor habitable rooms, particularly to plots 3, 5-13, 16-17, 19, 24, would be enclosed and lacking in daylight and sunlight.
- 10.32 The lower ground floor front facing habitable rooms would also experience an even poorer outlook (onto the wall enclosing the basement level car park, between 1.6m [plot 5] and 2.4m away [plot 11], at a height of 5.3m from lower ground level with the boundary wall) and light levels. Moreover plot 22 would only be 8.1m away from the flank wall of plot 1 (8.6m from lower ground level to plot 1's eaves). While these habitable rooms are served by bay windows, this would not mitigate against the impact. While it is acknowledged that there are alternative living areas at ground floor which would receive better outlooks and light levels, the kitchen dining areas should still require adequate light and outlooks to provide a good standard of living for future occupiers. Officers also have concerns

regarding the overshadowing impact arising from the mature trees along the southern and western site boundary particularly on the lower ground floor and ground floor habitable rooms of plot 20-26. No daylight and sunlight assessment study has been submitted to demonstrate that these rooms would receive sufficient light levels.

10.33 Garden Size(s)

10.34 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.

10.35 The rear gardens associated with the dwellings are split level, with a patio area at lower ground floor and steps leading up to a grassed garden at ground level. These vary in size depending on the plot. Officers consider that the layout of the gardens is contrived and not fully accessible to those with mobility difficulties. These are 4-5 bedroom houses which should be proportionate to the number of occupants and should provide a rear garden which enables space for children's play, socialising, drying washing and other family activities. Officers consider that some plots (particularly plot 3-5, 21-24, see table below) are of insufficient size to accommodate all of these activities and meet the day to day needs of the intended occupants (families). There is also no usable communal open space which could make up for this deficiency. Given the garden sizes, proximity to the mature trees along the southern and western boundaries and their maturity/ size, officers have concerns regarding these trees restricting daylight / sunlight to the rear gardens of plots 20-26, creating an overshadowed rear amenity area. Accessibility of the gardens is also poor but will be expanded upon in the following section.

Plot	Patio size	Garden size (grass)	Total
3	2.2m depth L shaped 19m ²	5.1m and 5.4m depth width 6m Area 26m ²	45m ²
4	2.2m depth L shaped 19m ²	3.4m decreasing to 3.1m depth 6m width 22m ²	41m ²
5	2.3m depth 14m ²	5-5.1m in depth 32m ²	46m ²
21	2.2m L shaped 18m ²	4.7m depth 23m ²	41m ²
22	2.8m depth 18m ²	4.7m L shaped 23m ²	41m ²
23	2.8m depth 18m ²	4.7 L shaped 23m ²	41m ²

24	Depth 1.9m L shaped 17.7m2	4.7 L shaped 24m2	41.7m2
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10.36 Accessibility

10.37 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings.

10.38 Officers are concerned that the dwellings may not comply with Building Regulations M4(2) and that even if they technically passed, the access and levels arrangements across the site are so poor that future residents with disabilities would be prejudiced in not being allowed inclusive access across the development to meet their day-to-day needs (policy 56). The proposed dwellings do not have level access from their principal ground floor thresholds, rather every ground floor access to each plot aside from plots 25 and 26 would be via several steps. There are also steps up from the lower ground floor up to the rear garden. As a result, the dwellings would be inaccessible for those with mobility difficulties from this principal threshold level and would not be inclusive or create future proof properties. As 6.37 states '*an accessible home supports changing needs of residents from raising children through to mobility issues faced in old age or through disability*' so it is imperative that dwellings provide flexibility to adapt to the occupiers / visitor's needs. The accessibility of the wider site too is contrived with all open space being raised, inaccessible for play or socialising. The proposal provides disabled car parking spaces yet people who may use these spaces cannot access any areas of the site apart from the car park and ground level walkways. Officers consider that the layout and configuration prevents inclusive access and future proofing of the proposed dwellings and wider site.

10.39 Taking the factors into account, officers consider that the proposed development fails to provide a high quality, inclusive and accessible living environment for future occupiers, contrary to policies 50, 51 and 56 of the Cambridge Local Plan (2018).

10.40 Cycle and Car Parking Provision

10.41 Cycle Parking

10.42 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

three cycle spaces should be provided for a four bedroom dwelling and four spaces for a five bedroom dwelling as a 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.

10.43 The proposed cycle parking would be located within the basement level car park and would form 38 Sheffield stands and one singular cycle stand, resulting in a total provision of 77 cycle spaces. There are free standing cycle stores within certain plots which measure 2.2 x 2.35m approximately. According to the Council's Residential Cycle Parking Guidance, this would be of a size to accommodate three cycles per store, totalling 30 spaces. Given the dwelling mix is 4 x 4-beds and 22 x 5-beds, this equates to a minimum provision required by policy of 100 cycle parking spaces. The proposal provides sufficient levels of cycle parking. However, the layout and convenience of the cycle parking is poor.

10.44 The cycle parking is predominately located at basement level which should be avoided unless it can be shown to be convenient and easy to use. Any basement level cycle parking must also provide alternative parking at ground floor for less able users and those with non-standard cycles (Appendix L L.16). The cycle parking is accessed via a shared ramp (it is unclear what the gradient of this would be) with motor vehicles at a basement level. This ramp is 4m in width and the cycle parking provision is scattered around and, in some circumstances, located at the end of areas of car parking (e.g. spaces outside of unit 23, 12 and 19). Given the narrow shared ramp access, compact and overly complicated layout, the provision could lead to potential conflict between transport modes, particularly as cyclists travel to different areas to find a space. Moreover, the cycle parking at basement level is located further away from the respective dwellings than car parking, whereas cycle provision should be incorporated into each plot and as conveniently located if not more conveniently located than car parking to ensure sustainable modes are prioritised. The natural surveillance afforded to these cycle spaces is lacking also. Taking this into account, given the location and layout of the proposed cycle parking, the proposal fails to provide convenient cycle parking provision and prioritise active and sustainable transport modes.

10.45 Car parking

10.46 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 application site falls within the Controlled Parking Zone. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The

Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.

- 10.47 The car parking provided would too be at basement level, an undesirable form with no natural surveillance from dwellings. The proposal provides 48 basement level car parking spaces and 4 at ground level, which equates to two car parking spaces per dwelling and exceeds the maximum stated in Appendix L. The application site falls within a highly sustainable location, 300 metres from the closest District Centre of Mitchams Corner (6 min walk, 3min cycle), 200 metres from the closest Neighbourhood Centre on Hawthorn Way and approximately 1.1 miles to the city centre (21 min walk, 5min cycle). Moreover, there are several bus stops along Chesterton Road, 200 metres from the site, which go to the city centre, both rail stations and elsewhere in the city and the wider area. The frequency of these buses is between every 15-30 minutes. Therefore, regardless of the dwelling size, there is no justification for the over provision of car parking as services that meet day to day needs are so easily accessible. The proposal exceeds the maximum car parking standards, which would be excessive in this sustainable location and would not support the Council's aim for the prioritisation of access by walking, cycling and public transport, over the private motor car. Accordingly, the proposal would encourage and increase unsustainable transport modes, against the desired modal shift to active and sustainable modes, contributing to traffic and pollution levels. Officers do not consider that a decrease in car parking would result in a significant spill over to surrounding streets because of the Controlled Parking Zone which is in place on surrounding streets.
- 10.48 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.
- 10.49 EV charging would be provided at a ratio of one point per dwelling which meets the standard for slow charge. While passive provision to the rest of the site is not proposed, this could be secured via condition. EV charging however does not offset the harm arising from the overprovision of car parking and provision within the basement.

Overall

- 10.50 The proposal would not provide accessible, safe or convenient cycle parking for all proposed dwellings which would, alongside the overprovision of car parking, not align with the Councils move towards prioritisation of sustainable and active transport modes. By failing to comply with the cycle parking design requirements and the maximum standards of car parking detailed Appendix L, the proposal would be contrary to policies 80 and 82 of the Cambridge Local Plan (2018).

10.51 Public Realm, Open Space, Accessibility and Landscaping

- 10.52 Policy 56 and 59 seek to create public realm, open space and landscaped areas that respond to their context and development as a whole and are designed as an integral part of the scheme. These spaces should be clearly defined, inclusive, usable, safe and enjoyable. Policy 68 requires all residential development to contribute to open space provision and recreation sites/facilities on-site.
- 10.53 The open space within the site is limited to four raised landscaped areas; one to the north of plot 18 and 19; one to the north of plot 16; a raised parterre between plots 14-16 and 7-10 and another raised landscaped area between plot 13 and 11-12. These areas are raised with no access via steps or ramp so landscaped areas are purely visual landscaping. The impact of this on the patterns of movements through the site means the public areas within the site are transient spaces to get from A to B, not areas where people stop and congregate, play or socialise. While the proposed spaces provide visual landscaping to soften the built form, these spaces are not usable, functional or inclusive. The Landscape Officer has described these spaces as very sterile and gentrified without much opportunity for recreation or play. This limits social interaction and integration. No Local Area of Play has been provided on site which should be provided for this quantum of development at a minimum of 75m². Therefore, the proposal underprovides play space for children of the development, harming amenity for future occupiers. No off-site contributions to open space are recommended by the Developer Contributions Unit.
- 10.54 The legibility of the proposed site layout is poor, with the main entrances from parked vehicles being at lower ground / basement level. Car and cycle parking is predominately located at basement level therefore a large proportion of the movement within the site would be at basement level. The patterns of movement and activity would indicate that the basement level entrance to the dwellings would a main entrance, limiting visual activity at ground level and the legibility of the site. Moreover, there is a visual and physical pinch point between plot 16 and the north-eastern site boundary which limits visual and physical routes through the site to aid wayfinding.
- 10.55 The site is a gated development, and by default is not an inclusive site. This limited accessibility is extended to the landscaping, layout and physical design of the proposed dwellings. As highlighted in previous paragraphs, landscaping is on raised platforms, inaccessible for use, and several sets of steps prevent ease of access to dwellings and one of the refuse stores (west). The accessibility of the site is poor, excluding those who have mobility difficulties which is directly in conflict with policy 56, 57 and 59.

10.56 The proposal, by failing to be accessible for all users, providing good quality usable, accessible and enjoyable open space and creating a legible public realm, is contrary to policies 56, 57, 59 and 68 of the Cambridge Local Plan (2018).

10.57 Refuse Arrangements

10.58 Policy 57 requires refuse and recycling to be successfully integrated into proposals. The proposed development has communal refuse arrangements, aside from separate bin stores for plot 25 and 26. The communal facilities comprise two refuse buildings, one east of plot 24 (referred to as the western bin store) and another south of plot 6 (referred to as the eastern bin store). The bin stores are located at either end of the development within a cluster of terraced dwellings. However, this arrangement is not convenient for the occupants of the dwellings in terms of having to travel, in some cases, over 50m to empty the bins (distance from plot 12 to the eastern bin store for example). Furthermore, the western bin store has stepped access, not being accessible for all users. At the time of writing, no details have been submitted detailing refuse collection arrangements, but officers assume that this would take place from Sandy Lane or within the site. Yet these details could be secured via condition, if the proposal were approved.

10.59 The proposal would not provide convenient bin storage for future occupiers. By failing to adequately provide for the functional needs of future occupiers, the proposal would be contrary to policy 57 of the Cambridge Local Plan (2018).

Other Matters

10.60 Design, Layout, and Scale

10.61 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.

10.62 The Urban Design Team have been consulted on the application and raised concerns regarding specifically the impact on the character of the area and on Sandy Lane.

10.63 The proposed development comprises discrete blocks of two and a half storey terraces (with basements) which are designed to appear as Victorian villas. The Urban Design has raised concerns regarding the pattern of development not reflecting existing development to the south and west. The proposed layout, whilst not mirroring the grid formulaic pattern of development present to the south and west, provides groups of terraces arranged around areas of public realm and allows for the odd shape of the site. The shorter terraces allow for larger gaps within the streetscape, breaking up the large proportions of the dwellings and

allowing views through the site to the mature trees along the southern boundary and to properties within the conservation area to the south.

- 10.64 Whilst dwellings are orientated inwards, with the rear gardens fronting Sandy Lane, not having active frontages onto Sandy Lane, this arrangement has been considered acceptable within the extant consents (C/03/0406 C/03/1241 and 06/0544/FUL). The two accesses from Sandy Lane sited directly adjacent one another with the surface level turning head is not desirable, creating a large area of hard landscaping and built form visible from Sandy Lane. This was a concern of the Urban Design Officer. However, given the appearance of the lower ramped access building, its similarity to other structures along Sandy Lane and the character of Sandy Lane (subsidiary route, no footpaths or soft landscaping other than in the residential gardens behind built form), officers consider that the two accesses together would not be detrimental to this character of Sandy Lane.
- 10.65 The architectural appearance of the dwellings is similar to the character and appearance of the De Freville Conservation Area, responding to the character of the dwellings to the south and west of the site, the character in which the site is most closely related, and has been considered acceptable previously. The scale of the dwellings is comparable to the surrounding residential dwellings and too is similar to the extant consents. As a result of the visual appearance of the dwellings and their scale, officers consider that the proposed development adequately responds to the character of the surrounding area.
- 10.66 By virtue of the sub-ground level car and cycle parking, these matters are not visible at ground level, minimising the visual clutter throughout the site. This has created space within the layout for some areas of open space and planting to the front of dwellings.
- 10.67 Overall, the proposed development is considered a design that would be compatible with its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 59.

10.68 Heritage Assets

- 10.69 The application site does not fall within the De Freville Conservation Area, but the southern boundary of the site runs along the boundary of the Conservation Area to the rear of the houses on Montague Road and part of De Freville Avenue.
- 10.70 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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.

- 10.71 Para. 199 of the NPPF informs local planning authorities 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. Para 200 informs that any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.
- 10.72 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.
- 10.73 The Conservation Officer objects to the application advising that the proposal would not preserve or enhance the conservation area and would lead to moderate less than substantial harm. This is as a result of the built form of the development being located within close proximity to the conservation area boundary (most notably the gable ends of plot 12 and 13) and causes an overbearing impact to the setting of the conservation area. The Conservation Officer also notes that the layout and form of the development does not reflect the grid pattern of the De Freville Conservation Area.
- 10.74 While Officers note that the pattern of development has brought development closer to the conservation area boundary, Officers consider that this proposal would not result in significant harm. The proposed development is and would still be separated from the conservation area by a line of mature trees along the southern and western boundary. This boundary treatment contributes to the character and appearance of the conservation area and its setting, providing a green backdrop to the Victorian villas on Montague Road and De Freville Avenue. These trees will remain as part of the development and the development would provide sufficient space between the built form and trees for visual and physical separation to respect this characterful tree line and the health of the trees (ranging from 5.2m – 8.6m for plots 12 and 13).
- 10.75 Visually the proposed dwellings have been designed to be of a similar character to the properties to the south and west within the conservation area. Officers consider that for these reasons, from views within the conservation area, the development would not look at odds with the character and appearance of the conservation area which is characterised by large Victorian villas interspaced with large mature boundary treatments. From views looking into the conservation area, these trees will still be visible providing a backdrop to the proposed development, in a similar way to those properties within the conservation area.
- 10.76 While it is acknowledged that the development does not follow the grid pattern of development within the conservation area, this allows for the mature tree boundary to be seen at regular intervals given the gaps in the proposed terraces. Obstruction of views of the conservation area from within the site and the surrounding area would be minimised so far as

possible. Although it is acknowledged by officers that an increase in the separation between the southern boundary and the proposed dwellings would lessen the impact on the setting of the conservation area, officers consider that there are other benefits arising from this pattern of development, namely increased views through the site to the conservation area, that would outweigh this harm arising from the closeness of the built form. Therefore, weighing the harm against the benefits, officers consider that the proposed development would have a neutral impact to the conservation area.

- 10.77 The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy 61.

10.78 Trees

- 10.79 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.

- 10.80 The application is accompanied by an Arboricultural Impact Assessment (AMS).

- 10.81 While the Tree Officer has not commented on the application, the AMS states that with the mitigation measures recommended, the impact of the proposed development is considered low. There are 35 individual trees and 2 groups of trees which are significant within the context of the development proposal. Only one of these is proposed to be removed, several would be pruned and/ or subjected to root protection area incursions and several to be protected through special measures. Officers consider that the loss of T28 is unfortunate, particularly as it is part of a tree protection grouping (05/2003). However, this loss of a tree would not impact upon the overall visual character of the area as this tree falls within a large grouping and is not the most mature in this grouping. Moreover, the extant schemes would have resulted in a greater impact upon these protected trees given its proximity to the trees root protection zone. Accordingly, Officers are satisfied that the mitigation measures detailed in the AMS can be conditioned to prevent any harm on the trees.

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

10.83 Carbon Reduction and Sustainable Design

- 10.84 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

- 10.85 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions.
- 10.86 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.87 The application is supported by a Planning and Design and Access Statement and Energy Statement which outlines the approach to sustainable design and construction.
- 10.88 The submitted energy statement sets out the hierarchical approach to reducing emissions. The energy strategy utilises air source heat pumps to provide both heating and domestic hot water, combined with the use of underfloor heating and radiators. The external unit for the heat pumps will be located in the private gardens. Through these and other measures, the proposed approach, alongside fabric improvements, is predicted to reduce regulated emissions by 22% compared to a building regulations compliant scheme. When the updated carbon intensity figures from SAP10 are used, this emissions reduction increases to 62%. No information has been submitted as to the water efficiency of the proposed dwellings.
- 10.89 The application has been subject to formal consultation with the Council's Sustainability Officer who raises no objection to the proposal subject to conditions requiring details of the water efficiency to be submitted and approved by the Local Planning Authority and requiring the scheme to comply with the carbon reduction approach has been implemented. The Sustainability Officer has requested a ground floor plan / site plan detailing the locations of the heat pumps which officers consider could be secured by condition.
- 10.90 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.
- 10.91 Biodiversity**
- 10.92 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.

- 10.93 The Ecology Officer has not objected to the application but has requested that a Preliminary Ecological Assessment which includes biodiversity net gain calculations should be submitted to the Council. Officers consider that this should have been submitted prior to determination of the application, however, officers consider that these details can be submitted prior to commencement of development if the Council finds the proposal acceptable. This will prevent works starting before a detailed assessment of the impact on species and habitat and proposed mitigations is submitted and approved by the Council. No biodiversity enhancements have been proposed, however, officers are satisfied that enhancements can be secured via conditions.
- 10.94 Subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

10.95 Water Management and Flood Risk

- 10.96 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.
- 10.97 The site falls outside the Flood Zone and is therefore considered at low risk of flooding.
- 10.98 The applicants have submitted a Flood Risk Assessment and Sustainable Drainage Strategy and a subsequent technical note.
- 10.99 The surface water will be managed through permeable paving over the access and pedestrian areas, with surface water being attenuated within cellular storage, before discharge from the site to an Anglian Water surface water sewer at a rate of 1.5 l/s. Excess surface water (e.g. that which may end up in the basement or lower ground patios) will be pumped up to the subbase of the permeable paving for attenuation before discharge from the site. The roofed area of the basement will be planted with 200mm deep storage below the surface to provide suitable attenuation.
- 10.100 The Local Lead Flood Authority (LLFA) has, upon submission of the technical note, no objection to the application subject to conditions relating to surface water drainage scheme, its management during construction and a pollution control informative.

10.101 Anglian Water also has no objection and recommends a condition to secure compliance with the flood risk assessment and drainage strategy and several informatives.

10.102 Technical consultees are satisfied that the proposal would result in adequate drainage of the site, therefore, officers consider that the applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

10.103 Highway Safety and Transport Impacts

10.104 Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.

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

10.106 The application is supported by a Highway Access and Parking Statement.

10.107 Access to the site would via Sandy Lane an un-adopted road. The extant consents secured improvements to Sandy Lane proportionate to the quantum of development previously proposed which have already been carried out.

10.108 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority who have no objections to the proposed development subject to conditions relating to the future management and maintenance of the streets, traffic management, restricted access for larger construction vehicles and a residents' parking informative. The Highway Authority note that as the proposed development will be gated and thus un-adoptable by the Highway Authority, the Highway Authority will not seek the adoption of Sandy Lane as it will serve no highway function.

10.109 Taking the above into account, officers consider that the proposed development would not have a significant highway safety impact. Therefore, subject to conditions, the proposal accords with the objectives of policy 81 of the Local Plan and is compliant with NPPF advice.

10.110 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.

10.111 Amenity of Neighbouring Properties

10.112 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.

- 10.113 The application site borders the side garden of 3 Montague Road to the west. Plot 26 is set off the boundary with this neighbour by approximately 8m. Given the length of this rear garden and the built form being sited off the common boundary, officers consider that overshadowing and overbearing here would not significantly impact upon the amenity of no. 3.
- 10.114 To the south of the side are the rear gardens of 5-55 Montague Road, these property's rear gardens decrease in length from 39m at no. 5 to 16m at no. 55. Given the proposed layout alongside the length of the rear gardens, the most impacted by the development would be 25, 37, 39, 49, 51 and 53 Montague Road.
- 10.115 Plot 19 is orientated south-east sited at an angle 4.7m away from the southern boundary, increasing to 8.8m, with the terrace increasing to 16m away from the boundary. The rear of no. 25 would therefore be 29m away from the rear of plot 19. While the plot 19 is two and a half storeys from ground level, given this separation distance and ridge sloping away from the boundary, officers consider that limited overbearing and overshadowing would arise. The proposal would be visible however officers do not consider that it would appear visually dominant. This impact would be lesser to 27-31 Montague Road.
- 10.116 Plot 13 faces north-east so is orientated at an angle to the southern boundary resulting in the gable end being oriented south-east. The separation distance between plot 13 and the southern boundary is approximately 5.7m, increasing to 8.6m. Plot 13 would be 22.4m from the rear of no. 37. BRE guidance states that if development transects the 25 degree plane from the lowest habitable room window directly opposite the development, it could have an impact on light levels received to this room. The proposal would not break this 25 degree plane, therefore, officers are satisfied that no significant overshadowing impact would arise here. Similarly, officers consider that, by virtue of the separation distance alongside the hipped roof form proposed, that plot 13 would not unduly dominate no. 37's outlook. Given the increased separation distance between plot 13 and no. 39, this impact would also not be significant. It is noted that the impact to the primary outside space (patio) too would not be significant for the same reasons.
- 10.117 Plot 12 is situated 5.2m, increasing to 8.3m from the southern boundary given the angled orientation. No. 51 would be located 20.4m away from the corner of plot 12, and no. 53 would be 23.6m. Taking a 25-degree BRE plane from these rear rooms, the proposal would not break this line and therefore indicates that these rooms would not be significantly overshadowed. Here due to the significant separation distance, officers consider that overbearing / impact on outlook would also not be significant particularly as additional planting is proposed along this boundary.

- 10.118 The impact of plots 7-10 to properties along Elizabeth Way would not be significant by virtue of the separation distance, scale and massing of the proposal and hipped roof proposed. Properties would be a range of 24m – 26m away from this terrace, therefore sufficient distance to mitigate against a significant overbearing or overshadowing impact.
- 10.119 2 Sandy Lane lies to the north-east of the site. Plot 6 would be set off the common boundary with no.2 by between 2m-2.3m given the angled siting of plot 6. This would mean that no. 2 would be located between 3.6-3.9m away. Plot 6 would not project beyond no. 2 aside from the projecting bay window sited further west. Officers consider that the proposal would not significantly impact upon the habitable rooms of 2 Sandy lane, given the internal arrangements of no.2 and the scale massing and relative siting of the plot 6.
- 10.120 Overlooking to surrounding properties, given the respective separation distance, would not be significant and limited to the rearmost points of gardens.
- 10.121 By virtue of the scale, massing and siting of the proposed dwellings in relation to the surrounding residential occupiers, the proposed development is considered not to have a significantly harmful impact on amenity. By respecting the amenity of surrounding occupiers, the proposal would be compliant with 56 and 57 of the Cambridge Local Plan (2018).
- 10.122 Construction and Environmental Impacts
- 10.123 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 were recommended by the Council's Environmental Health team and are considered reasonable and necessary to impose. Environmental Health also recommended conditions relating to the control of dust, submission of a noise assessment prior to installation of plant, machinery or equipment and submission of an external lighting scheme. These too are considered reasonable and necessary to impose to preserve amenity.
- 10.124 A Contamination Assessment was submitted in support of the application which has been subject to consultation with the Environmental Health Team. Environmental Health are satisfied with the methodology, results, conclusions and proposals for remediation and verification. While the eastern area of the site has not been subject to intrusive investigation, given the history (former garden land), the contaminated land investigation can progress as proposed. Environmental Health have recommended conditions relating to implementation of the Remediation Strategy an Verification Plan, submission of a verification/ validation report demonstrating compliance, the cessation of works if unexpected contamination is encountered and a material management plan to be

submitted. These conditions are considered to pass all six of the tests set out in guidance and would ensure safe handling of potentially contaminated land.

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

10.126 Third Party Representations

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

Third Party Comment	Officer Response
Air pollution exceeds WHO limits	The Environmental Health Officer has no objections to the proposal and has stated that the is unlikely to have a detrimental impact on local air quality in terms of vehicle trip generation and subsequent vehicle emissions.
No provision for sustainable/ renewable energy provision	The proposed development seeks to reduce carbon emissions by 62% through the use of fabric improvements and air source heat pumps (a sustainable energy generator).
Inadequacy of Sandy Lane	Sandy Lane has been improved to an acceptable level to accommodate the proposed development.
Sandy Lane should be adopted	The Highway Authority have stated that they will not adopt Sandy Lane.
Landscaping proposed on land not in ownership of developer	No conclusive evidence has been put to the Council to demonstrate that the applicant does not own all the land within the application site. The applicant(s) have confirmed that the correct certificate of ownership has been served.
Could swift bricks be used instead to provide increase breeding sites for birds, due to loss of biodiversity on site.	The development could utilise these types of biodiversity enhancement measures on site and these would be detailed in the biodiversity enhancement report conditioned, if the proposal is deemed acceptable.

10.128 Planning Obligations (S106)

- 10.129 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (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.

10.130 The applicant has indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Council’s Local Plan and the NPPF.

10.131 Policy 85 states that planning permission for new developments will only be supported/permited where there are suitable arrangements for the improvement or provision and phasing of infrastructure, services and facilities necessary to make the scheme acceptable in planning terms.

10.132 Heads of Terms

10.133 The Heads of Terms (HoT’s) as identified are to be secured within the S106 and are set out in the summary below:

Obligation	Contribution / Term	Trigger
Education:		
<i>Pre-school</i>	£82, 852	50% prior to first occupation and 50% prior to 50% occupation of the development
<i>Primary</i>	N/A	
<i>Secondary</i>	£192, 104	50% prior to first occupation and 50% prior to 50% occupation of the development
Open Space: -Provision -Management -Access -Sports pitches -Allotments -Drainage management	£23,232 (plus indexation) towards the provision of and / or improvements to the informal open space facilities (including fit kit, benches and a communal meeting point) at Chesterton Recreation Ground £30,336 (plus indexation) towards the provision of and / or improvements to the play area equipment and facilities at Chesterton Recreation Ground play area	TBC

Indoor community facilities	£45,168 (plus indexation) towards the provision of and / or improvement of the facilities and /or equipment at Browns Field Community Centre, Green End Road, Cambridge	TBC
Community facilities	£25,824 (plus indexation) towards the provision of and/or improvement of, and/or upgrading of equipment and/or access to, indoor sports facilities to include improvements and upgrading of the sports hall, gym and changing rooms at Chesterton Sports Centre, Gilbert Road	TBC
Outdoor sports	£22,848 (plus indexation) towards the provision of and / or improvements to sports pitch facilities (including artificial pitches for football and cricket) at North Cambridge Academy, Arbury Rd	TBC
Affordable Housing	19/0815/OUT as affordable units (9 1-bed units) – subject to agreement [or alternative affordable housing provision]	Subject to agreement

10.134 The contributions sought for early years and secondary education were recommended by Cambridgeshire County Council Education, Library and Strategic Waste S106 Team and contributions sought for community and sports facilities were recommended by the Council's Developer Contributions Monitoring Unit. These contributions are considered reasonable and proportionate to the scale of the application.

10.135 The planning obligations are necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010 in are in accordance with policy 85 of the Cambridge Local Plan (2018).

10.136 Planning Balance

- 10.137 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; and NPPF Paragraph 47). Members are reminded that the correct approach to be applied in considering a fallback argument is whether there is a possibility that if planning permission was refused, use of the land, or a development which had been permitted, would take place, and whether such use or development would be less desirable than for which planning permission is sought.
- 10.138 In relation to the fallback position officers have concluded there is a more than a theoretical prospect of implementing the three extant consents (C/03/0406, C/03/1241 and 06/0544/FUL). Members are reminded these have been partially implemented. The question for Members, as the decision maker is how much weight should be attached to the three extant consent(s). Officers recommend that the weight to be attached to the extant consents is moderate.
- 10.139 In comparing the extant three schemes for 24 dwellings (C/03/0406 C/03/1241 and 06/0544/FUL) and the proposed scheme for 26 dwellings, whilst there are similarities, there are several differences. The most prominent is that the proposed scheme incorporates more land to the east in the red line boundary. The siting / layout of the dwellings has changed. The proposed consent has broken the southern terrace into two shorter terraces and sited the eastern terrace facing east which has resulted in the gardens of plots 16-13 being smaller in size with the orientation changing from south facing to west facing. Moreover, the height of the proposed dwellings has increased from between 0.8-1m in height. Together, these gardens have therefore less sunlight and are smaller. Notably too the makeup of these gardens has changed: there are larger patios at lower ground floor with less garden space, leading to a more departmentalised garden area. The public realm has also been broken up as a result of the proposed layout changes. The footprint and house types have also been enlarged. In terms of affordable housing, the extant consents secured £1,095,050 off-site financial contributions. The proposed scheme seeks to deliver an off-site provision of nine 1 x bed units through 18/0891/OUT. These are not minor changes and give rise to different impacts.

Merits of the scheme compared to extant consents (C/03/0406, C/03/1241 and 06/0544/FUL)

- 10.140 The proposed scheme, instead of providing affordable housing contributions such as the extant consent, offers up for affordable housing a site adjacent to the application site and outside the red line application site boundary. This site has an outline consent for nine residential 1-bed flats with private outside space for each flat. The delivery of these units, whilst being below the 40% required by current policy, would result in a larger public benefit than the affordable housing contribution (totalling

£1,095,050) given that the expense of delivering the units would likely be greater than the financial contribution and would result in affordable housing being delivered nearby as opposed to a financial contribution for the future delivery of units. It is noted that these units are all 1-bed units and do not result in the required 40% being provided so does not provide a balanced mix or a sufficient percentage. However, the provision of affordable housing units off-site is a benefit of the proposed scheme over and above the provision afforded by the extant consents. This is therefore given moderate weight.

10.141 Urban Design Officers consider that the proposal, through amalgamating the site area, has led to a more comprehensive, less piecemeal pattern of development. However, planning Officers do not share this opinion given the shape of the site. The extant consents have a more cohesive layout, given the more uniform orientation of the extant terraces. It is noted that the proposed layout would allow more views of the conservation area through the site however, the extant schemes would create a better relationship between conservation area boundary and the proposed built form. These counter impacts are considered to result in a neutral impact when weighed together.

10.142 By virtue of the changes in the siting of the (proposed) plots 25 and 26 closer to Sandy Lane and associated car parking, both plots in the proposed scheme would have larger rear gardens. The shared car parking would be sited to the west of the semi-detached pair which, alongside the built form being closer to the street, has increased the rear garden size and moved built form further away from the mature TPOs along the western site boundary. While it is noted this would improve amenity for the future occupiers of these plots compared to the extant consents, this merit is given limited weight.

10.143 It is not doubted the proposal would result in significant carbon emissions reductions (of 62%) in terms of sustainable design and construction which exceeds the policy requirements detailed in policy 28. This is given limited weight. It is unclear whether changes in Building Regulations would account for carbon reductions equally between the extant and proposed schemes based upon which stage the applicants have reached with Building Control approval.

10.144 The applicant states that the proposed development also provides lift access from the basement car and cycle parking to ground level. While this is the case, the overall accessibility of the site is poor with stepped access to the properties at ground floor level to the front and to the rear garden from the rear of the properties. This is given very limited weight.

10.145 Harm of the scheme compared to the extant consents

10.146 By combining the extant sites with permission to create a new layout, there has been unintended consequences. The proposed development will create a disjointed public realm. The extant schemes created one central

green space running east-west which is well integrated into the development and adequately overlooked by the surrounding houses. on the other hand, the open space on the proposed scheme is fragmented and partially compromised due to the access arrangements. There are two open spaces with the northern one being highly engineered, dominated by the service yard and hard surfacing. As a result, the leftover greenspaces are minimal limiting their usability and function They would have poor natural surveillance. Given the shape of the site and the layout of the dwellings, the eastern open space is compromised, not well integrated and lacks legibility. The open spaces and legibility of the proposed scheme would fail to provide a comprehensive approach which successfully integrates buildings, routes and open spaces, lacks natural surveillance in instances resulting in an unsatisfactory layout limiting its use/function. This is given moderate weight.

- 10.147 The proposed scheme, given the revised layout, results in a reduction in the quality of the rear garden spaces for some units. As the terrace has been split and the one part of which is orientated west, as opposed to south, the proposed scheme would lead to smaller rear gardens for these units (most notably for plots 14-16) and given the orientation and the built form to the west, would receive less sunlight and to a more enclosed outlook. The composition of the rear gardens has also been altered to have larger patios at lower ground floor level, leading to departmentalising of the garden and a less rational and usable rear garden for family use.
- 10.148 Officers also note the increase in car parking per dwelling from the provision as part of the extant consents. Provision for the extant 24 dwelling scheme was 33 car parking spaces totalling 1.375 per dwelling, whereas the proposed scheme provides 52, 2 spaces per dwelling. The site is in a highly sustainable location within both a District and Neighbourhood centre very close by and the City centre within easy walk, cycle or bus journey away. While the site is within the Controlled Parking Zone, Officers consider there is no justification for exceeding the maximum standards stipulated in policy and do not consider there would be a spill over impact on surrounding streets if car parking were reduced to an acceptable level. By an over provision of car parking spaces, the proposal promotes unsustainable transport patterns and disincentivises sustainable and active travel modes. This would not support the Council's aim for the prioritisation of access by walking, cycling and public transport, over the private motor car, designed to create a modal shift to active and sustainable modes, resulting in the proposals contributing to traffic and pollution levels.
- 10.149 In weighing the merits of the scheme against the harm arising from the scheme compared to the extant consents, Officers consider that taken as a whole the harm created by the proposed scheme would outweigh the benefits. Nonetheless, consideration of the scale of the harm is required.

10.150 *Scale of the harm resulting from the proposed scheme*

- 10.151 As identified throughout paragraphs 10.13-10.56, the proposed development directly conflicts with the Cambridge Local Plan and the NPPF in a number of areas of policy.
- 10.152 The proposal has failed to justify the off-site approach taken to the provision of affordable housing and also fails to provide 40% affordable housing or of an appropriate mix of housing sizes, mix and tenure. By failing to create a balanced and responsive housing development, the proposed development would therefore be contrary to (i) policy 45 of the Cambridge Local Plan (2018), (ii) the Greater Cambridge Housing Strategy 2019-2023, (iii) the Cambridge City Council Affordable Housing draft SPD (2014) and (iv) the NPPF paragraph 62-63.
- 10.153 The proposed development would fail to create a high-quality living environment which meets the needs of the intended occupiers. Internally, given the basement design, height of external boundary walls and dwellings, the internal configuration, all lower ground floor habitable rooms would have poor outlooks and light levels which would lead to dark and enclosed habitable spaces to the detriment of the occupiers' amenity (particularly for plots 3, 5-13, 16-17, 19, 24). Externally, rear gardens would have a contrived, disjointed layout of insufficient in size to cater for family needs such as socialising, drying of clothes and play space for children concurrently. These outdoor spaces, particularly for plot 22 would be overshadowed and enclosed. Given the stepped accesses into the dwellings and out onto the rear gardens, as well as the bin stores, both internally and externally, the proposed development would not be accessible, inclusive or future proofed, failing to demonstrate that it would meet the requirements of Building Regulations Part M4(2) and more generally and significantly provide an inclusive layout. The proposal therefore would not create a high quality, inclusive and accessible living environment for future occupiers and would be contrary to policies 50, 51 and 57 of the Cambridge Local Plan (2018) and NPPF paragraphs 92 and 130.
- 10.154 The proposed development would significantly exceed the maximum car parking requirements, providing 2 spaces per dwelling. The site is within a highly sustainable location within short walking distances to district and local centres, an easy cycle distance to the City centre and in very close proximity to bus stops along Chesterton Road. Furthermore, the proposal fails to provide accessible, safe or convenient cycle parking for all the proposed dwellings. These factors combined would not align with the Council's move towards the prioritisation of sustainable and active transport modes and would likely lead to an increase in traffic and pollution. The development would therefore be contrary to policy 80 and 82 of the Cambridge Local Plan (2018) and NPPF paragraph 110.
- 10.155 The proposal, given the site layout, basement level and landscape design, would create a poor public realm. The site is not easily legible, with the main entrances being at basement level and the pinch-point between plot 16 and the north-eastern site boundary. The proposal would also under

provide public open space with the open space which is provided being poor quality being limited to raised landscaped areas only. These raised areas are not usable or accessible, providing visual landscaping which are not conducive to recreation or social activities taking place. The proposal would therefore fails to create a high-quality public realm and open space and would therefore be contrary to policy 56, 57, 59 and 68 of the Cambridge Local Plan (2018) and NPPF 92 and 130.

- 10.156 Taking this harm together, Officers consider that the scale of harm arising from the proposed scheme would be considerable. Since 2004 when the extant schemes (C/03/0406, C/03/1241 and 06/0544/FUL) were permitted, national planning guidance and local plan policy has substantially changed. The extant consents were assessed against the 1996 Cambridge Local Plan; the Cambridgeshire and Peterborough Structure Plan 2003; various SPDs and documents dating from 1999-2002; and the Planning Policy Statement 2003. Since this policy, the structure of the planning system has changed with the introduction of the NPPF 2012 (and its successor versions) Policy now demands a greater focus on health, wellbeing, inclusivity, community resilience and cohesion, sustainable development. Transport has new policy aims and objectives; adaption to and mitigation for climate change are policy priorities as is accessibility brought about and positively supported by the introduction of lifetime homes now reflected in Building Regulations Part M4(2).
- 10.157 Furthermore, through the adoption of various national and local policy (most recently the NPPF 2021), there is more emphasis and demands on local planning authorities o delivering high-quality design and green spaces. The importance of these objectives and the strength of policy wording on these objectives has increased since 2004. Policy now emphasises how these objectives can be delivered in housing developments through the inclusion of good quality open spaces to increase community resilience; health and wellbeing; reduced car parking provision and higher quantity and quality cycle provision alongside contributions to transport infrastructure projects to encourage and prioritise sustainable access to goods and services as well as decreasing the stress on the existing road network; provision of higher levels and enhanced mixes of affordable housing to better respond to changing housing needs; responsive design principles to create accessible, inclusive and distinctive places.
- 10.158 Gated developments with limited and poor open space provision, an under provision and poor mix of affordable housing; an over provision of car parking spaces and substandard cycle parking provision; and poor amenity for future occupiers do not align with the current policy aims and objectives. It is for these reasons that considerable weight is given to the change in policy since the granting of the first extant consent.
- 10.159 The extant consents contribute to the Council's joint five-year housing land supply by providing 35 dwellings (see table below). This is a brownfield site redeveloping disused land. This is given weight, however, the amount

of weight attributed to this is reduced for several reasons. The Council has a healthy five-year housing land supply (6.5 years). The site is not a strategic site but rather a small windfall site. Its contribution to the five-year housing supply is limited to 35 units and its loss would not be significant as to cause undue concern. Moreover, the extant consents can still be implemented so the decision to refuse planning permission for the proposed scheme would not prejudice the five-year housing land supply particularly as the extant schemes are deemed viable and deliverable.

Conclusion

- 10.160 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. Officers have considered the extant consents relative to the fallback principle and conclude there is a more than theoretical prospect of them being fully implemented and that they are a material consideration to take into account when assessing and determining the proposed scheme in front of Members today.
- 10.161 As discussed throughout section 10.13-10.56 of this report, Officers have identified harm arising from the proposed scheme when assessed and measured against the development plan and national planning policy. That harm includes:
- The under provision of affordable housing
 - No justification for an off-site provision in respect of affordable housing as opposed to the policy specific requirement for on-site provision
 - Inappropriate mix of housing sizes, mix and tenure
 - Poor outlooks and light levels to the lower ground floor habitable spaces
 - Poor external garden space provision which is insufficient to meet the needs of a family, the intended occupiers
 - Poorly accessible dwellings which fail to create inclusive and future proof houses and gardens capable of easy adaptation to the changing needs of potential occupiers
 - Over provision of car parking spaces in what is a highly sustainable location, alongside poor cycle parking provision thereby not aligning with the prioritisation of sustainable and active travel modes
 - Poor legibility given the site layout and predominately activity taking place at basement level
 - An under provision of open space and poor open space that has been provided, not useable for socialising or play
- 10.162 The level of harm arising from the proposed scheme would be substantial and would generate greater harm than building out the extant consents combined. The conflict with both the current adopted development plan and national planning policy is considered as substantial contrasting significantly with the policy framework in place at the time the three extant consents were permitted. Indeed, it is worthy to note the current local plan was adopted in 2018. The preparations are now well advanced for consultation on the new draft Joint Local Plan for both Cambridge City and

South Cambridgeshire District Councils – but very little weight can be given to it in the determination of the proposed scheme. Since the extant consents were permitted (C/03/0406 C/03/1241 and 06/0544/FUL), there has been two successive local plans (1996 and 2006) with various supplementary planning documents adopted alongside significant changes in national policy. Advances have been made in policy and practice to create more sustainable, accessible, inclusive, responsive and less car focused developments which adequately respond to climate change. These policy advances at both national and local levels should not be disregarded and should be given considerable weight.

10.163 Having taken into account the provisions of the Cambridge Local Plan 2018, the NPPF and NPPG, the statutory requirements of sections 66(1) and 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.

10.164 Recommendation

10.165 **(A) That Members endorse a minded to REFUSE** position for the purposes of defending the appeal against non-determination for the following reasons:

1. The proposed development, which comprises four 4-bed and twenty two 5-bed dwellings, would only provide 9 affordable units on a site adjacent to the application site and would be 1-bedroom flats accessed via Elizabeth Way. Therefore, the proposal would fail to provide 40% affordable housing on site and have not justified off-site provision to help meet housing need. Moreover, the proposal fails to be of an appropriate mix of housing sizes, mix and tenure. By failing to create a balanced and responsive housing development, the proposal is contrary to Policy 45 of the Local Plan, the Greater Cambridge Housing Strategy 2019-2023 and the Cambridge City Council Affordable Housing Draft SPD (2014).
2. The proposed development would create substandard accommodation which would not adequately meet the needs of the intended occupiers. Internally, given the basement design, height of external boundary walls and internal configuration, all lower ground floor habitable rooms would have poor outlooks and light levels which would lead to dark and enclosed habitable spaces to the detriment of the occupiers' amenity. No information has been submitted to demonstrate otherwise. Externally, rear gardens would have a contrived layout and be insufficient in size to cater for family needs such as socialising, drying of clothes and play space for children. Both internally and externally, the proposed development would not be easily accessible, appropriately inclusive or future proofed and neither has it been demonstrated that it would meet the requirements of Building Regulations Part M4(2). By failing to provide a high quality, inclusive and accessible living environment for future occupiers, the

proposed development is contrary to policies 50, 51, 56 and 57 of the Cambridge Local Plan (2018).

3. The proposal would not provide accessible, safe or convenient cycle parking for all proposed dwellings and would lead to a significant overprovision of car parking spaces at two per dwelling, exceeding the maximum parking car parking standards outlined in Appendix L in a highly sustainable location. As a result, the proposal would not align with the Councils move towards prioritisation of sustainable and active transport modes. In highly sustainable locations such as this, developments should seek to maximise the use of sustainable and active forms of transport. By failing to comply with the cycle parking design requirements and the maximum standards of car parking detailed Appendix L, the proposal would be contrary to policy 80 and 82 of the Cambridge Local Plan (2018).
4. The proposed development, by virtue of the site layout and design, would create a poor public realm where there is an under provision of public open space, the open space provided is poor quality and the site is not easily legible. Open space is limited to raised landscaped areas, only providing visual landscaping, preventing recreational and social activities taking place. These spaces would not be usable, functional or inclusive. Given the visual and physical pinch-point between plot 16 and the north-eastern site boundary and that the main entrances would be via the lower ground level, the visual and physical permeability of the site layout at ground level has resulted in a less legible site layout. By failing to be accessible for all users, providing good quality usable, accessible and enjoyable open space and creating a legible public realm, the proposal is contrary to policy 56, 57, 59 and 68 of the Cambridge Local Plan (2018).

10.166 In the event that the application recommendation is endorsed by Members, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development.

Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs

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Appendices

1. Viability report
2. C/03/0406 Inspector's Decision letter for the erection of 18No. 4 and 5 bedroom dwellings following demolition of existing workshops.
3. C/03/0406 S106 agreement

4. C/03/1241 Decision notice for the erection of five dwelling houses following demolition of existing industrial buildings.
5. C/03/1241/ S106 agreement
6. 06/0544/FUL Decision notice for the erection of one 5-bedroom house
7. 18/1193/FUL Decision notice for the construction of five dwellings on land behind 43-59 Elizabeth Way following demolition of no. 57 Elizabeth Way.
8. 19/0819/OUT Decision notice plus the associated approved plans for the demolition of 51-55 Elizabeth Way and construction of a new two & a half storey block of flats comprising nine apartments, associated amenity space and cycle parking provision (outline application -layout, scale and access not reserved)



Planning Committee Date	7 th September 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	19/1453/FUL
Site	Shah Jalal Mosque, 107 Darwin Drive, Cambridge, CB4 3HQ
Ward	Arbury
Proposal	<p>(1) A two-storey extension with single storey projecting bay for a Mimbar pulpit.</p> <p>(2) Increase in the total number of occupants permitted at any one time for the community use of the ground floor of the premises on:</p> <p>(i) Saturday to Thursday between 09:00 hrs and 23:00 hrs with up to a maximum of 29 occupants;</p> <p>(ii) Friday between 09:00 hrs and 12:00 hrs with up to a maximum of 29 occupants and;</p> <p>(iii) on Friday between 12:00 hrs to 16:00 hrs with up to a maximum of 37 occupants and;</p> <p>(iv) on Friday between 16:00 hrs and 23:00 hrs with up to a maximum of 29 occupants.</p> <p>(3) (i) The community use on the ground floor of the premises between 09:00 hrs and 23:00 hrs Monday to Sunday inclusive</p> <p>(ii) A 30 minute opening for morning prayer between 02:50 hrs and 07:00 hrs, Monday to Sunday inclusive, with up to a maximum of 29 occupants and</p> <p>(iii) during the period of Ramadan only between 23:30 hrs and 02:30 hrs the following day, for up to 2 hours, Monday to Sunday inclusive, with up to a maximum of 37 occupants.</p>
Applicant	Shah-Jalal Islamic Centre
Presenting Officer	Jane Rodens
Reason Reported to Com. Member Site Visit Date	Application raises special planning policy or other considerations Formal site visit likely to be arranged
Key Issues	<ol style="list-style-type: none">1. Principle of development2. Context of site, design and external spaces3. Residential amenity4. Highway safety5. Car and cycle parking
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The application seeks full planning permission for an extension to the current building, an increase in the hours of use and the increase in the number of attendants to the community use. The proposal in full appears on the covering page of this report.
- 1.1 An application was previously brought to this Planning Committee on the 1st December 2021, which, contrary to the Officer recommendation was approved by Planning Committee. The application was then subsequently quashed through a successful Judicial review. Further detail is covered in the history section on this particular matter.
- 1.2 A further consultation was undertaken for a change in the description of the development to correct part (2) (i) to include Saturday, as this was an omission.
- 1.2 It is considered that the proposed extension, Part (1) of the description, to the building is acceptable, subject to a condition. There would be no harm to the character of the area and minimal harm to the amenity of the neighbouring properties.
- 1.3 Concerns have been raised by the Environmental Health Officer in regards of the impact on the amenity of the neighbouring properties through the increase in the hours of use in the early hours that are being proposed in Part (3) of the description, also with the amount of occupants that are being proposed at this time of the night part (2).
- 1.4 It is therefore considered that the proposal is not in conformity with Policy 35 of the adopted Cambridge Local Plan 2018 and Paragraph 130 f) of the National Planning Policy.
- 1.5 There are no objections to the application in regards of Highways Impact and other material planning considerations that are covered in this report.
- 1.6 Officers' recommendation is that the Planning Committee refuses the grant of planning permission for the reasons given in this report.

2.0 Site Description and Context

- 2.1 The application site comprises of a semi-detached two storey building, the Shah-Jalal Islamic Centre, at 107 Darwin Drive. It accommodates a community and prayer hall on the ground floor and residential accommodation at first floor for the resident Imam. The site is accessed by car from Darwin Drive, with a hardstanding car and cycle parking and turning area to the side. There is an outbuilding and garden to the rear.
- 2.2 The host building is attached to 105 Darwin Drive (a residential unit) which is to the north-east of the site. To the south of the site is 109 Darwin Drive

also a residential unit. To the east of the site is 85 Stretten Avenue, to the west of the site is Darwin Drive, an adopted highway.

- 2.3 The site is not in a Conservation Area nor is it in the controlled parking zone.

3.0 The Proposal

- 3.1 This application for full planning permission is for:

(1) A two-storey extension with single storey projecting bay for a Mimbar pulpit.

(2) Increase in the total number of occupants permitted at any one time for the community use of the ground floor of the premises on: (i) Saturday to Thursday between 09:00 hrs and 23:00 hrs with up to a maximum of 29 occupants; (ii) Friday between 09:00 hrs and 12:00 hrs with up to a maximum of 29 occupants and; (iii) on Friday between 12:00 hrs to 16:00 hrs with up to a maximum of 37 occupants and; (iv) on Friday between 16:00 hrs and 23:00 hrs with up to a maximum of 29 occupants.

(3) (i) The community use on the ground floor of the premises between 09:00 hrs and 23:00 hrs Monday to Sunday inclusive (ii) A 30 minute opening for morning prayer between 02:50 hrs and 07:00 hrs, Monday to Sunday inclusive, with up to a maximum of 29 occupants and (iii) during the period of Ramadan only between 23:30 hrs and 02:30 hrs the following day, for up to 2 hours, Monday to Sunday inclusive, with up to a maximum of 37 occupants.

- 3.2 The description has had a minor amendment to it due to a typing error. This is to remove the second (i) in part (3) and replace it with a (ii) this is for clarity.

- 3.3 A further consultation was undertaken for a change in the description of the development to correct part (2) (i) to include Saturday, as this was an omission.

- 3.4 Part (1) of the proposal, a two storey extension, will be 6.8m in height and 4.7m deep from the rear elevation of the host building and 5.4m wide. The single storey element (Mimbar pulpit) will be 1.4m deep and 2.9m in height and 2.1m wide.

- 3.5 The extension is to provide, on the ground floor, a ladies' prayer area, a gent's prayer area, a library and a community meeting area, including a disabled toilet, lobby and Mimbar pulpit. On the first floor it will provide two bedrooms, a bathroom, study and living/kitchen area for the resident Imam.

- 3.6 Part (2) of the proposal is for an increase in the number of occupants to the community use on the ground floor from planning permission reference

06/0473/FUL, (the 2006 Permission) to twenty-nine from twenty (the 2006 Permission) for most of the time and days. This is proposed to be increased to thirty-seven occupants between 12:00 and 16:00 on a Friday reverting to twenty-nine occupants for the remainder of the opening hours on a Friday, from twenty (the 2006 Permission).

- 3.7 Part (3) (i) of the proposal is for the hours of the community use to change from the 2006 Permission. This is to be between 09:00 hrs and 23:00 hrs Monday to Sunday.
- 3.8 Part (3) (ii) is for an additional 30 minute prayer Monday to Sunday between the hours of 02:50 and 07:00, with the same twenty–nine occupants.
- 3.9 Part (3) (iii) will only come into effect during the months of Ramadan, the community use be permitted to be open between the hours of 23:30 and 02:30 for 2 hours with a maximum of thirty-seven occupants.
- 3.10 The 2006 permission allowed for the following opening hours, 09.00 and 21.00 Monday to Sunday and 09.00 and 22.30 Monday to Sunday throughout the months of June and July.
- 3.11 A Table in Appendix 1 of this report gives a visualisation in the form of a table of the proposed opening hours and attendees as proposed, including the error detailed above.

4.0 Relevant Site History

Reference	Description	Outcome
06/0743/FUL	Change of use from single family residential space to community house for the Bangladeshi community, including residential space for key worker.	Approved
07/1458/FUL	Part single, part two storey side and rear extension to incorporate first floor 2 bed flat	Refused
09/0731/FUL	Two storey rear extension and single storey side extension to community house and first floor flat (key worker).	Refused
10/0730/S73	Removal of condition 5 of planning permission 06/0473/FUL to allow occupancy of more than 30 people at any one time, and 50 people at Friday prayer time	Withdrawn
18/0272/FUL	Two storey rear extension with single storey projecting bay for a Mimbar pulpit, increase in the maximum number of attendees for the community use to 37 (Friday afternoon only), and extension to the opening hours	Withdrawn

Quashed Decision

4.1 A challenge against the Council's decision to grant planning permission (under reference number 19/1453/FUL) was brought on three grounds in advance of a claim for a Judicial Review of the Council's decision, namely:

Ground 1: unfairness by reason of a failure to include in the Planning Officer's report a complete or accurate history of breaches of planning control;

Ground 2: bias, or in the alternative, apparent bias by reason of an independent site visit undertaken by some Members of the Planning Committee and,

Ground 3: the granting of permission would lead to loss of amenity for neighbouring residents, contrary to development plan and national planning policy.

4.2 None of these grounds were accepted by the Council as having any merit. However, a material error with regard to the conditions. Specifically, condition 6, was considered to go beyond the description of the development, a point which was accepted by the Council leading to it agreeing to quash the permission on that basis.

4.3 As a direct consequence of the quashed decision this application must now be determined as *a fresh application* in the light of the information now submitted and consulted upon. This report assesses the application afresh on that basis. Members will note that, as a consequence of the judicial challenge, the description of development has been refined to more accurately describe the nature and extent of the proposal.

5.0 Policy

5.1 National

National Planning Policy Framework July 2021

National Planning Practice Guidance

National Design Guide 2019

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

Circular 11/95 (Conditions, Annex A)

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

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

5.2 Cambridge Local Plan 2018

Policy 35: Human health and quality of life

Policy 58: Altering and extending existing buildings

Policy 73: Community, sports and leisure facilities

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

6.0 Consultations

6.1 County Highways Development Management

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

6.3 Waste Officer

6.4 None received

6.5 Environmental Health

6.6 “Summary

I have fully reviewed the details relating to this application alongside previous applications for the premises. There are existing planning conditions in place (under planning permission 06/0743/FUL) controlling the number of visitors allowed to the premises and also controlling the allowable hours that the premises can be open to members of the public. When considering this application, we have taken into account the supporting information / documents submitted and the existing noise climate in what is a quiet residential area. The original conditions controlling number of visitors to the premises and the hours of use were recommended to ensure protection of local residential amenity from noise and disturbance, especially at the more sensitive times of the evening (21.00hrs – 23.00hrs) and during the night-time hours (23.00hrs – 07.00hrs). From an Environmental Health perspective, these considerations have not changed over the years.

We have no objection in principle to the proposed rear extension. However, this new application also seeks to increase the number of visitors to the premises and to extend the hours of access to the premises into the evening and night-time periods on a permanent and daily / nightly basis. Given the potential for adverse impacts on local amenity to arise (particularly the potential noise and disturbance that may be caused by

people arriving at / departing the premises and / or gathering outside at night-time / in the early hours of the morning), it is our view that the original conditions included on planning permission 06/0473/FUL were recommended for good reason and remain relevant. To this end, we cannot support this application in its' current form.

Please see detailed commentary with full justifications for our recommendation below.

EH: Background information/additional comments:

Original Planning Consent (06/0473/FUL)

Planning Consent was granted for the “*Change of use from single family residential space to community house for the Bangladeshi community, including residential space for key worker*” at 107 Darwin Drive, Cambridge in July 2006. The Consent incorporates two Conditions which were imposed in order to protect residential amenity in the locality. These are:

Condition 5:

The community house shall not be occupied by more than 20 people at any one time, unless otherwise agreed in writing by the local planning authority.

Condition 7:

The ground floor of the premises shall only be in operation between the hours of 09.00 and 21.00 Monday to Sunday and 09.00 and 22.30 Monday to Sunday throughout the months of June and July unless otherwise agreed by the local planning authority.

Previous Applications

Two similar applications have been submitted in the past, specifically: 09/0731/FUL – “*Two storey rear extension and single storey side extension to community house and first floor flat (key worker)*”. The Environmental Health Officer at that time had no objection in principle to the extension but recommended that the conditions on approval 06/0473/FUL relating to hours of use and maximum number of people able to use the site remain in place.

- In addition to this, we also consider that Condition 2, restricting occupation of the first floor residential use to persons associated with the ground floor community use should also be retained.
- 18/0272/FUL – “*Two storey rear extension with single storey projecting bay for a Mimbar pulpit, increase in the maximum number of attendees for the community use to 37 (Friday afternoon*

only), and extension to the opening hours". The Environmental Health response to this application sought clarification on the acoustic assessment submitted but also concluded that whilst there was no objection in principle to the extension, the conditions on approval 06/0473/FUL relating to hours of use and maximum number of people able to use the site remain in place.

There are currently no planning conditions that allow the use of the premises outside the hours stipulated in Condition 7 and as such, temporary variations are submitted for approval during the month of Ramadan to allow extended hours during this month.

Latest Application (19/1453/FUL)

This latest planning application builds on the previous applications mentioned above and requests an extension to the building, an increase in the number of users / occupiers and increase in the hours of use of the premises (including use during the night-time hours). The description specifically details the hours applied for. I am aware that at present during the month of Ramadan, the Shah-Jalal Islamic Centre is open between the hours of 12:30 – 03:30 which is permitted by the Planning Department on an annual basis when applied for. These temporary Permissions extend only for the hours of use of the premises during Ramadan and at no other time of year.

Within this recent application, a variety of extended opening hours has been applied for, most notably the following permanent hours:

- A 30-minute opening for morning prayer between 02:50 hrs and 07:00 hrs, Monday to Sunday inclusive
- During the period of Ramadan only between 23:30 hrs and 02:30 hrs the following day, for up to 2 hours, Monday to Sunday inclusive

In terms of noise, and in support of the application, the applicant has submitted the following documents:

- "Darwin Drive, Cambridge; Noise Report"; Ref 2184_FP01.0 V2 (Lustre Consulting, September 2018),
- "Shah-Jalal Islamic Centre, 107 Darwin Drive; Acoustic Memo – Addendum to Noise Impact Assessment"; Ref 2184_AC_2.0 (Lustre Consulting, 4th May 2022)
- "Management Plan" (Shah-Jalal Islamic Centre, June 2022).

In providing this commentary, I have considered the residential location / setting of the premises, the evidence provided by the applicant (including the acoustic assessment and addendum) and the existing procedures for the extension to hours during Ramadan.

On review of the supporting documents relating to noise, I can confirm that:

- The noise report provides details on the internal activities within the Centre that may create noise. It is confirmed that human voice will

- be the only source of noise, no amplification is required and further to this, only the Imam will speak during recital of the Quran,
- All assumptions used in the calculations are evidenced / clarified,
 - Calculations have been provided for noise break-out from the premises due to the internal activities and are shown to be of negligible significance, and
 - All relevant acoustic parameters have been provided in the time-history graphs (L_{A90}, L_{Aeq} and L_{AMax}) within the report,

Notwithstanding the above, whilst I have no objection in principle to the rear extension to the premises or indeed extension to hours into less sensitive times of the day / evening (with an increase in numbers), I consider that the original condition controlling the allowable hours of use of the premises remain relevant, especially when considering the night-time period (23:00hrs – 07:00hrs) and it is my view that allowing visitors to visit the premises nightly throughout the year and at all hours of the night could quite feasibly result in adverse impact on local amenity, which would be contrary to Policy 35 of the Cambridge Local Plan 2018 – “*Protection of human health and quality of life from noise*”.

For clarity, our concerns are due to the potential for noise and disturbance to arise during the most noise-sensitive times of day / night as a result of people outside the premises whether gathering, arriving or leaving. This has the potential to wake neighbours / disturb sleep and may result in complaints of noise being made to the Council which we are then duty bound to investigate. It should be noted that noise from voices / people in the street is not something that is usually actionable by Environmental Health under the Environmental Protection Act 1990 and therefore, we consider that this is an issue that requires consideration by Planning at the planning stage in terms of potential loss of amenity.

Notwithstanding the above, noise from people arriving and leaving any premises is inherently difficult to quantify. In practice, no one night / morning may be the same as the next in terms of how people behave and it is not possible to accurately predict behaviour from one visitor to the next. I note that the applicant has submitted a Noise Management Plan to aid in the control of such issues. This is welcomed but Noise Management Plans for such scenarios rely heavily on human behaviour, which is difficult to predict, control and manage. As such, the issue of noise from people potentially gathering / arriving at and departing the premises in the early hours of the morning / at night in a residential location becomes more a matter of principle. The Environmental Health stance is that there is potential for significant adverse noise impacts during the night-time period that cannot be accurately quantified at this stage and with no guarantee over control of behaviour of visitors to the premises. Therefore, it remains a proposal that we cannot support in its' current form.”

7.0 Third Party Representations

7.1 Those representations in objection to the application raise the following issues;

- There is a concern that there would be an impact on the significant additional noise at sensitive hours of the night might easily be caused and result in local people's sleep and rest being disturbed.
- The Environmental Health Officer is supported as there would be harm to the neighbouring properties in regards of noise from the comings and goings of people.
- The occupants of the people attending the community centre will try to be quiet, but this is not always possible.
- This disturbance will not be for the odd night, or even the odd month - it will for every night throughout the year.
- Concerns are raised about the reasons why the application was approved previously at Planning Committee.
- The conditions that have been on the previous application have been ignored in the past.
- The previous applications for similar proposals have been refused by the Planning Officers.
- Is there a need for the numbers to be increased to 29 or 37 for the early hours, as the comments on the application state that it would be between 2 or 3 attendee's.
- The Cambridge Local Plan 2018 focuses on the safeguarding of residential uses of dwelling properties.
- This is located in a highly populated area
- The majority of the visitors to the site are by car. There is already a parking concern in this area. The management company will do their best to stop others from attending outside of the area, but this will not be possible.
- Overnight prayers could be carried out in the other mosques and or suitable buildings where parking is not an issue which is not in the centre of a closely built residential area.
- Concerns are that once permission is granted then it would be hard to enforce the conditions.

7.2 Those representations in support of the application have raised cited the following reasons:

- The increase in facilities, space and opening hours is required for the community.
- There are not many people that will attend the early hour prayers
- The disturbance to the surrounding would be minimal.
- The Shah Jalal offers valuable services to the local community. It acts as a hub of the community and teaches moral and spiritual development which will benefit all.
- The Shah-Jalal has been offering services for nearly 20 years and this application looks to develop the property and allow for those services to meet the needs of those that use it.

- It is important that the application is considered on merit and the benefits it provides a community to continue to receive services they have for nearly two decades.
- The services offered are not the cause of issues in neighbouring streets or antisocial behaviour. There is no evidence that the Shah-Jalal has been associated in any investigations from law enforcement.
- Those associated with the applicant are fully aware of their neighbours and have maintained or attempted dialogue to address any concerns that may arise. There has been regular engagement with local authorities as well as neighbourhood associations
- The judicial process has been unfair to the applicants and the LPA has been at fault.

8.0 Petition

8.1 A petition with 25 signatures, has been submitted objecting to the application on the following grounds:

- There will be noise and disturbance at the most noise-sensitive times of the day and night.

8.2 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.

9.0 Assessment

9.1 Principle of Development

9.2 Policy 73 of the Cambridge Local Plan 2018 (CLP) states that enhanced community, sports or leisure facilities will be permitted if:

- a. the range, quality and accessibility of facilities are improved;
- b. there is a local need for the facilities; and
- c. the facility is in close proximity to the people it serves

9.3 The application site falls within the definition of a community facility as set out in the supporting text for Policy 73 as listed in Table 8.2 of the Policy, as the use of this building is a place of worship and has a provision for education.

9.4 This is confirmed by the layout plans (107 (02)-01 Issue A) that have been provided and in the submitted Management Plan June 2022 (25th July 2022).

9.5 The Use Class Order 1987 has been updated. What was use Class D has been revoked and is now replaced with a new Class F (Local Community and Learning). Therefore, this application as a community facility is captured by the following use Classes.

- provision of education – Class F1(a)
 - public worship or religious instruction (or in connection with such use) – Class F1(f)
- 9.6 Due to the wording of the policy and its supporting text, it is considered that this policy is material to the application.
- 9.7 Part (1) of the description is to be considered, this is for the extension to the building on the ground floor to allow for an extension to the community use providing a ladies prayer area, a gent's prayer area, a library and a community meeting area including a disabled toilet, lobby and Mimbar pulpit. Currently there is one community/prayer hall and washroom. This extension will provide a flexible space for a greater community use.
- 9.8 The first-floor extension accommodation is proposed for the resident Imam. This residential use is linked back to the community use and the additional space, two bedrooms, bathroom, study and living/kitchen area allowing for greater use of the space and for the resident Imam.
- 9.9 The extension is considered to be acceptable in principle and meets the requirements of CLP Policy 73. This extension would be an improvement in the range and the quality of the facilities that are being provided to the people that it serves. As it would increase the amount of floor space giving greater flexibility to the building and the current use to ensure that a larger section of the community can use it. It has been confirmed by the supporting information that this is a well-used site, and the facility is in close proximity to the people that it serves.
- 9.10 Part (2) of the description refers to the increase in the number of occupants to the community use on the site during the proposed opening hours. This is for twenty-nine attendees, apart from between the hours of 12:00hrs and 16:00hrs on a Friday which will increase to thirty-seven occupants. It will also increase to thirty-seven during Ramadan - more detail is given in Appendix 1 of this report.
- 9.11 The increase in the amount of occupants is in reflection of the extended floor space that is being proposed in part (1). The increase in the number of occupants is considered to be acceptable in principle and in accordance with Policy 73 as the improved facilities would ensure that it is open to the wider community as there is a need for the facilities.
- 9.12 The proposed extended hours detailed in Part (3), are to allow for the education use and the prayer use not to clash, allow space between the uses and to accommodate the lunar calendar, which the prayer times are based upon as they will vary throughout the year and at different times of the day.
- 9.13 Part (3) (i) would allow the opening hours for the community use to be between 09:00 hrs and 23:00 hrs Monday to Sunday inclusive. During the

summer months the evening prayer, Ish'a, at the latest does not commence until 22:30. In the winter, Ish'a prayers will conclude by 20:00, after which the Centre would not be in use. Having the closing time set for 23:00 allows individuals unable to attend the congregational prayers, due to work and other commitments to have a place to complete their individual prayers.

- 9.14 Part (3) (ii) is for the first prayer of the day (Faj'r) which takes place before sunrise, allowing the Centre to be open for 30 minutes between 02:50 hrs and 07:00. During this time enabling congregational prayers to be held. During the spring/summer months (April - August), the commencement of the prayer will be between 03:00 – 04:00. In the autumn/winter months (September – March) the start of the prayer will be between 05:00 – 07:00.
- 9.15 Part (3) (iii) is to allow the community use to be used between 23:30 hrs and 02:30 hrs the following day, for up to 2 hours, Monday to Sunday inclusive but only during the month of Ramadan.
- 9.16 All three elements of this third part of the description deal with the opening hours of the community use and the educational provision of the site. This is also considered to be acceptable in principle and in accordance with Policy 73 of the CLP. Allowing for a greater flexibility of the opening hours to meet the requirements of the Luna Calendar and Ramadan it is considered that this would increase the accessibility of the facilities and the range that can be provided by the community use of site.
- 9.17 The principle of the development is acceptable and in accordance with Policy 73 of the CLP. The other material planning considerations and policy considerations are detailed below.

9.18 Amenity

- 9.19 The impact on the amenity of neighbouring occupiers will be considered below with each different part of the description considered separately.
- 9.20 Policies 35 and 58 of the CLP 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.
- 9.21 CLP Policy 35 states that development will be permitted where it is demonstrated that:

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

b. adverse noise effects/impacts can be minimised by appropriate reduction and/or mitigation measures secured through the use of

conditions or planning obligations, as appropriate (prevention through high quality acoustic design is preferable to mitigation).

9.22 CLP Policy 58 states that:

Alterations and extensions to existing buildings will be permitted where they:

- a. do not adversely impact on the setting, character or appearance of listed buildings or the appearance of conservation areas, local heritage assets, open spaces, trees or important wildlife features;*
- b. reflect, or successfully contrast with, the existing building form, use of materials and architectural detailing while ensuring that proposals are sympathetic to the existing building and surrounding area;*
- c. ensure that proposals for doors and windows, including dormer windows, are of a size and design that respects the character and proportions of the original building and surrounding context;*
- d. create altered or new roof profiles that are sympathetic to the existing building and surrounding area and are in keeping with the requirements of Appendix E (Roof extensions design guide);*
- e. do not unacceptably overlook, overshadow or visually dominate neighbouring properties;*
- f. respect the space between buildings where this contributes to the character of an area; and g. retain sufficient amenity space, bin storage, vehicle access and cycle and car parking.*

9.23 Paragraph 130 f) of the NPPF states that there should be a high standard of amenity for future and existing users.

Extension

9.24 Part (1) of the application description, the proposed two storey rear and single storey extension is considered below in light of the relevant policies of the CLP.

9.25 The extension is proposed alongside an existing extension of similar scale and proportions of that of 105 Darwin Drive so would not unduly overshadow or dominate the adjacent dwellings. Two first floor rear facing living room windows are proposed which would face towards the middle rear of the garden of 109 Darwin Drive. There are currently first floor bedroom and bathroom windows facing in this direction. The proposed first floor windows would be closer to the boundary with 109 Darwin Drive and serve a living room space.

9.26 The first floor would remain residential. Given the orientation, proximity and continued residential use of the windows to the boundary, officers consider the impact of the extension on the residential amenity of the adjacent neighbours to be acceptable. Some inter-looking between properties is to be expected in this area; views from the proposed new windows would not be significantly harmful in this context.

- 9.27 A first-floor side window is proposed to serve a study, which would introduce additional views towards the rear patio of 109 Darwin Drive. As this window serves a study rather than a habitable room, it is considered that a condition should be attached to any consent granted to ensure this window is obscure glazed to mitigate any overlooking.
- 9.28 The proposed extension (on the ground floor) is to increase the floor spaces of the proposed gent's prayer area and to provide a designated area for the Mimbar/Pulpit. In turn this allows for a marginally greater library / community meeting area / ladies prayer area. On the rear elevation there are proposed to be two vertical glazed windows and a three paned bay window for the pulpit. All the ground floor windows are shown on the plans to be triple glazed and fixed shut. The extension will increase the depth of the rear of the building to a level that is similar to 105 Darwin Drive, which is attached to the building. It is stated in the noise report that the materials of this element would be optimized to reduce the impact to the neighbouring properties. It has been confirmed by the Environmental Health Officer that there is no concern over the impact on the surrounding area through the implementation of the extension.
- 9.29 In regards of the physical and overlooking impacts to 109 Darwin Drive, it is considered that this would be minimal. This application will bring the built form and the use closer to these neighbouring windows. There would be no direct overlooking, it is recommended a condition should be attached to any consent granted requiring the proposed study window is obscurely glazed. It is considered that there would be minimal overshadowing as there is to be a separation distance of approximately 4m between the closest point of the proposed extension and the common boundary with no.109 Darwin Drive.
- 9.30 It is considered that Policy 58 e) of the CLP is applicable to the extension, part (1) of the application. As detailed above there would be no adverse impact on the amenity of the neighbouring properties due to overlooking, overshadowing or visual domination, subject to the recommended condition above. Therefore, this element of the application is considered to be policy compliant.

Increase in Occupants to the community use – Part (2)

- 9.31 Part (2) of the proposal is for the increase in the number of occupants for the community use on the ground floor from the original permission, the 2006 Permission, to twenty-nine. This would be on a Saturday to Friday afternoon. This is proposed to be increased to thirty-seven occupants between 12:00 and 16:00 on a Friday reverting to twenty-nine occupants for the remainder of the opening hours on a Friday. During the opening hours for Ramadan it would increase to thirty-seven occupants.
- 9.32 Current restrictions to the site in respect of the occupant numbers and the hours of use are restricted through the 2006 Permission. This gave consent for the "Change of use from single family residential space to

community house for the Bangladeshi community, including residential space for key worker”.

Condition 5:

The community house shall not be occupied by more than 20 people at any one time, unless otherwise agreed in writing by the local planning authority. Reason: To ensure that there is no intensification in the use of the building in order to safeguard the amenity of adjacent residential properties (Cambridge Local Plan 1996 Policies EO1 and BE2).

- 9.33 Therefore the current maximum number of occupants (2006 permission) for the community use at any given time is twenty (including Friday) and the opening hours are 09.00 and 21.00 Monday to Sunday and 09.00 and 22.30 Monday to Sunday throughout the months of June and July.
- 9.34 In the supporting information which was submitted with the application it states that the reason for the increase in the number of occupants to the site is to allow for greater flexibility through the school holidays and the working patterns of the local residents that attend the congregation. There would be management of the attendees to the site through a request to be able to attend, this would be through verbal reminders, locking the door when numbers are reached. Conducting additional classes when numbers increase, inside the permitted opening hours. Also monitoring logs to track the number of attendees per activity. As per the supporting information this would be managed by the Management Committee, as detailed in the Management Plan June 2022.
- 9.35 In regards of the noise impact as a result of the intensification of the use it has been recommended in the submitted noise report that [the] optimal building materials would be used to increase the sound insulation and ensure that windows are closed during potentially noisy activities. Also, to limit the use of motorised vehicles for access and egress during the early morning prayer late at night when changes in noise levels are most sensitive. The noise report produced by Lustre Consulting (2184_FP01.0 V2) and Addendum to Noise Impact Assessment (4th May 2022) concludes that [in the mitigation measures,] the adverse impact of the change of hours and extension of the mosque is considered significant. However, the implementation of mitigation measures and a period of monitoring following completion of the extension and change in hours could help to enhance control measures.

Increase in opening hours – part (3)

- 9.36 The current restrictions to the site in regards of the hours of use were restricted through the 2006 Permission, granted on the 6th July 2006. This gave consent for the “Change of use from single family residential space to community house for the Bangladeshi community, including residential space for key worker”.

Condition 7:

The ground floor of the premises shall only be in operation between the hours of 09.00 and 21.00 Monday to Sunday and 09.00 and 22.30 Monday to Sunday throughout the months of June and July unless otherwise agreed by the local planning authority. Reason To protect the amenity of adjoining residential properties (Cambridge Local Plan 1996 policies EO1 and BE2).

- 9.37 Part (3) of the proposal is for the hours of the community use to be altered from the 2006 Permission, this is to 09:00 hrs and 23:00 hrs Monday to Sunday.
- 9.38 With an additional 30 minute prayer Monday to Sunday between the hours of 02:50 and 07:00, this is to have the same amount of occupants as the rest of the opening hours.
- 9.39 Only during the months of Ramadan will the community use open between the hours of 23:30 and 02:30 for 2 hours with a maximum of thirty-seven occupants.
- 9.40 There has been a request over the previous years for the increase in opening hours between 00:30 – 03:30 for Ramadan each year which the Council has allowed. Including for these proposed additional hours formally through this application, would ensure it is no longer necessary for similar annual requests.
- 9.41 The management plan submitted with the application refers to methods that will help to protect the amenity of the neighbouring properties. This includes requesting occupants to travel to the site either on foot or by bike and if there is no parking on the site to park elsewhere in the residential street, also the other restrictions detailed above.

Conclusion on Parts 2 and 3 of the application description

- 9.42 This section will be assessing the impact on the neighbouring properties and uses in regards of noise as they are linked in their impact and the comments from the Environmental Health Officer.
- 9.43 An acoustic assessment (Lustre Consulting (2184_FP01.0 V2) and Addendum to Noise Impact Assessment (4th May 2022)) has been submitted in support of the application. The assessment indicates that noise transmission from inside to outside (or into the adjoining house) and a further addendum to include the Ramadan opening hours. These have concluded that it is likely to be acceptable even with increased capacity and in the early hours of the morning.
- 9.44 Part of the mitigation designed to protect the amenity of the neighbouring properties through the sensitive hours is to keep the windows and doors closed. The ground floor windows are proposed to be fixed shut and this could be conditioned in the event of planning permission being granted framed in such a manner as to not prohibit the doors being opened on

humid / hot nights for thermal comfort particularly if there are a large number of attendees to a prayer session.

- 9.45 The following two previous applications have been submitted to the Council: Firstly, 09/0731/FUL (Refused) for a two storey rear extension and single storey side extension to community house and first floor flat (key worker); and secondly, 18/0272/FUL (withdrawn) Two storey rear extension with single storey projecting bay for a Mimbar pulpit, increase in the maximum number of attendees for the community use to 37 (Friday afternoon only), and extension to the opening hours
- 9.46 In both of those cases the Council's Environmental Health Officer (EHO) recommended that the limitations on numbers of visitors and opening hours conditioned in the 2006 Permission, should remain in place at the site due to the overall residential nature of the area and the likelihood of adverse impacts of an intensified use on neighbouring residents during noise-sensitive hours. Concerns were also raised that noise complaints had been received in respect of the permitted use.
- 9.47 The EHO has stated that the conditions included on the 2006 Permission remain relevant, as the fundamental constraint to the site, which is its location within a predominantly residential area, has not changed.
- 9.48 With this particular application there are concerns that it is in a quiet residential area and there are no other noise sources in the immediate vicinity, that is above the residential noises. The original conditions were applied to the application to ensure there is protection of the local amenity. It is considered that these circumstances have not changed. The property was originally built as a semi-detached house for residential use, not a purpose-built place of worship comprising standard residential construction with no consideration of noise outbreak as a consequence of any other uses.
- 9.49 The EHO concern is that by allowing visitors to attend the premises nightly, throughout the year and at all hours of the night could result in adverse impact on local amenity, which would be contrary to Policy 35 of the CLP – "Protection of human health and quality of life from noise".
- 9.50 For clarity, the EHO concern is due to the potential for noise and disturbance to arise during the most noise-sensitive times of day / night as a result of people outside the premises whether gathering, arriving or leaving. This has the potential to wake neighbours / disturb sleep and may result in complaints of noise being made to the Council which its EHO's are then duty bound to investigate.
- 9.51 It should be noted that noise from voices / people in the street is not something that is usually actionable by Environmental Health under the Environmental Protection Act 1990 and therefore, they consider that this is an issue requiring consideration as a material consideration at the planning stage in terms of potential loss of amenity.

- 9.52 Notwithstanding the above, EHO's advise that noise from people arriving and leaving any premises is inherently difficult to quantify. In practice, no one night / morning may be the same as the next in terms of how people behave, thus, it is not possible to accurately predict behaviour from one visitor to the next or one time period from another.
- 9.53 It is noted by the EHO that the applicant has submitted a Noise Management Plan to aid in the control of such issues. This is welcomed but Noise Management Plans for such scenarios rely heavily on human behaviour, which is difficult to predict, control and manage.
- 9.54 As such, the issue of noise from people potentially gathering / arriving at and departing the premises in the early hours of the morning / at night in a residential location becomes more a matter of principle. The Environmental Health stance is that there is potential for significant adverse noise impacts during the night-time period which cannot be accurately quantified at this stage with no guarantee over the control of behavior of visitors to the premises. Therefore, it remains the proposal cannot be supported in its current form by the Council's EHO.
- 9.55 Therefore, it is considered that the application will not conform to either Policy 35 of the CLP or Paragraph 130 f) of the NPPF as there is identified harm to the amenity of the neighbouring residents of the site that would likely arise. Whilst a proposed management plan has been put forward, it is not considered to be robust and sufficient to overcome EHO policy objections to the application proposal.
- 9.56 Design, Layout, Scale and Landscaping**
- 9.57 CLP Policies 55, 56, 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.
- 9.58 The proposed two storey extension would be located to the rear of the existing property and would mimic the scale and design of an existing two storey rear extension on the neighbouring attached dwelling, at 105 Darwin Drive. The proposed extension would be subservient to the existing building and due to its location at the rear would not be overly prominent in the street scene.
- 9.59 It would be constructed from brick and tile to match the existing materials.
- 9.60 It is considered that the proposed extension would not result in a significant adverse impact on the character and appearance of the area or the existing building and would comply with CLP Policy 58.
- 9.61 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 CLP Policies 55, 56, 58 and 59 and the NPPF.

9.62 Highway Safety and Transport Impacts

Highway Safety

9.63 No objections have been received from the Local Highway Authority (LHA) on the grounds of highway safety.

9.64 The proposal is compliant with CLP Policy 81.

Car and Cycle Parking

9.65 It has been concluded in the supporting information that the majority of the users of the site will travel to the facility by either foot or bicycle. This is not disputed. However, these travel modes are not considered to overcome the noise issues that have been identified and raised by the EHO. A condition requiring all users of the site to arrive either by foot or cycle would be both unreasonable and difficult to enforce - to the point of being unenforceable. Vehicular arrivals, whilst less likely, could not be ruled out, particularly in times of poor weather or for users with mobility needs.

9.66 The management plan submitted as part of the application refers to the cycle parking which is to be installed. The existing cycle parking on site could be conditioned (in the event planning permission is granted) requiring improvement to ensure there is adequate, appropriate cycle parking for the envisaged additional users of the site.

9.67 Planning Balance

9.68 It is considered that the principle this application presents is acceptable as it meets a community need as demonstrated in the supporting information of the application. This meets the requirements of CLP Policy 73.

9.69 However, concerns have been raised by the neighbouring properties through the application's consultation. Furthermore, the Council's EHO advises if approved the application would impact on the amenity of the neighbouring properties through the noise brought about by the intensification of use resulting from the increase in the number of attendees at any given time and the extended hours of use.

9.70 The proposed mitigation that has been submitted in the application is not considered to overcome the concerns that have been raised.

9.71 Therefore, on balance, it is recommended that this application is refused, due to the noise and disturbance impacts of comings and goings to the mosque that would be likely to be created to the neighbouring properties and in particular such impacts arising at unsociable hours. In coming to this conclusion, Officers recognise the benefits of the mosque in its

present form and use brought about since it began operating from the site. However, the site's sensitive location in a residential area with adjacent residential properties and in particular the orientation of habitable windows in 109 Darwin Drive directly towards the mosque's main entrance weighs against the acceptability of the proposal.

9.72 This relationship (i.e. to 109 Darwin Drive) tips the balance of the application to the extent that this conflicting relationship is considered to outweigh any benefits the application would bring about to the community.

9.73 Having taken into account the provisions of the development plan, the NPPF, the views of statutory consultees and wider stakeholders, all other material planning considerations, the proposed development is recommended for refusal as being contrary to CLP Policy 35 and Paragraph 130 f) of the NPPF.

9.74 Recommendation

9.75 **Refuse** for the following reason:

1. The application is contrary to Policy 35 of the adopted Cambridge Local Plan 2018 and Paragraph 130 f) of the National Planning Policy Framework due to the intensification of the use of the site and the building within the site brought about by the increase (a) of attendees/occupiers; and (b) the hours of use which would harm the amenity of neighbouring properties. The application site is in a residential area consequently the use of the site and the building is not considered appropriate for any further intensification of their use. The mitigation measures being proposed to overcome harm are not considered appropriate or sufficiently robust to overcome the identified to the amenity of the neighbouring properties

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

Appendix 1 – Table of the proposed hours and occupants to the community use as proposed by the application.

Day	Early Morning Opening Times (Occupants)	Morning Opening Times (Occupants)	Afternoon Opening Times (Occupants)	Evening Opening Times (Occupants)	Ramadan Only
Monday	02:50 – 07:00 30 minutes only (29 Occupants)	09:00 – 12:00 (29 Occupants)	12:00 – 16:00 (29 Occupants)	16:00 – 23:00 (29 Occupants)	23:30 - 02:30 2 hours only (37 Occupants)
Tuesday	02:50 – 07:00 30 minutes only (29 Occupants)	09:00 – 12:00 (29 Occupants)	12:00 – 16:00 (29 Occupants)	16:00 – 23:00 (29 Occupants)	23:30 - 02:30 2 hours only (37 Occupants)
Wednesday	02:50 – 07:00 30 minutes only (29 Occupants)	09:00 – 12:00 (29 Occupants)	12:00 – 16:00 (29 Occupants)	16:00 – 23:00 (29 Occupants)	23:30 - 02:30 2 hours only (37 Occupants)
Thursday	02:50 – 07:00 30 minutes only (29 Occupants)	09:00 – 12:00 (29 Occupants)	12:00 – 16:00 (29 Occupants)	16:00 – 23:00 (29 Occupants)	23:30 - 02:30 2 hours only (37 Occupants)
Friday	02:50 – 07:00 30 minutes only (29 Occupants)	09:00 – 12:00 (29 Occupants)	12:00 – 16:00 (37 Occupants)	16:00 – 23:00 (29 Occupants)	23:30 - 02:30 2 hours only (37 Occupants)
Saturday	02:50 – 07:00 30 minutes only (29 Occupants)	09:00 – 12:00 (29 Occupants)	12:00 – 16:00 (29 Occupants)	16:00 – 23:00 (29 Occupants)	23:30 - 02:30 2 hours only (37 Occupants)
Sunday	02:50 – 07:00 30 minutes only (29 Occupants)	09:00 – 12:00 (29 Occupants)	12:00 – 16:00 (29 Occupants)	16:00 – 23:00 (29 Occupants)	23:30 - 02:30 2 hours only (37 Occupants)



Planning Committee Date	5 th October 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00778/FUL
Site	The Varsity Hotel And Spa, 24 Thompsons Lane, Cambridge, Cambridgeshire.
Ward / Parish	Market
Proposal	Installation of a new all weather lightweight retractable roof canopy and associated works
Applicant	Mr Will Davies
Presenting Officer	Charlotte Peet
Reason Reported to Committee	Significant Public Interest
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Design, Scale, Layout and Landscaping2. Heritage Assets3. Amenity
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The application seeks permission for the installation of a new all weather lightweight retractable roof canopy and associated works. The proposed canopy would sit above the existing roof top, which operates as part of the existing restaurant.
- 1.2 The report details that the proposed canopy structure is an unacceptable addition to the building and would adversely impact the high-quality Skyline of Cambridge and the surrounding heritage assets due to its insensitive scale, form, bulk, mass and appearance. It is outlined that the proposal has failed to meet the policy requirements for a structure of this height, and that the proposal would detract from several important listed building and the central conservation area.
- 1.3 Officers recommend that the Planning Committee REFUSE the application.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building	X	Flood Zone	
Building of Local Interest	X	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 Varsity Hotel is a seven-storey building used as a hotel and restaurant within the centre of the city adjacent to the quayside area. The Glassworks gym occupy the converted warehouse which adjoins the application site to the north. Other than this, to the northeast of the site, the character is predominantly residential and defined by consistent rows of two-storey terraced properties which are designated buildings of local interest. To the southwest, the character shifts, and is defined by taller, commercial use buildings which form part of the quayside area. Beyond this, is the River Cam.
- 2.2 The proposal is located with the Central Conservation Area, within the setting of a number of listed buildings and buildings of local interest which are summarised in the heritage section of this report.

3.0 The Proposal

- 3.1 The application seeks permission for installation of a new all weather lightweight retractable roof canopy and associated works
- 3.2 The proposed development comprises a structure made with a steel frame and glass which would sit across the over the entire rooftop area to provide year-round use of the rooftop bar. It would involve the removal of the existing balustrade and become a permanent fixture, although small parts of the structures glazing would be retractable, as well as a fabric roof.
- 3.3 The application was given the opportunity to submit further information/ amend the application following the concerns raised by the Conservation Officer, the following were submitted:
- Heritage Impact Assessment
 - Covering Letter
 - Response to Conservation Letter
- 3.4 Given that these responses failed to address the concerns raised or amend the application, the applicant was given one further chance to make amendments to the proposed structure. The applicant did not amend the proposal, however submitted the verified views to further demonstrate the result of the proposal on the surroundings.

4.0 Relevant Site History

Reference	Description	Outcome
21/05201/NMA1	Non-material amendment of planning permission 21/05201/FUL (Creation of new basement/s for Hotel and Spa) Amendment of basement level, increasing depth by approx 2m	Pending decision
21/05201/FUL	Creation of new basement/s for Hotel and Spa	Permitted
21/03682/FUL	Creation of new basement/s for Hotel and Spa	Permitted
20/02622/S73	S73 to remove condition 4 (car parking layout) of ref: 09/0447/FUL (Change of use from two residential apartments on 6th floor to six hotel rooms).	Pending consideration
20/02504/S73	Removal of condition 2 (vehicle parking) of planning permission 08/1610/FUL	Permitted
18/1933/FUL	Erection of a lightweight retractable fabric awning system, together with minimalist sliding glass curtains above the existing glass balustrade on the 6th Floor.	Permitted
15/0396/S73	S73 application to remove the prohibition of restaurant, cafe, bar use on the sixth floor -	Permitted

	removal of condition 3 of planning permission 09/0447/FUL.	
14/0499/S73	S73 application to vary condition 2 of planning permission 08/1610/FUL to remove the part relating to the provision of a disabled parking space to amend to 'provision would be made offering valet parking free of charge for disabled guests'.	Refused
09/0775/S73	Variation of Condition 3 of planning permission 08/1610/FUL to allow the possibility of a restaurant	Permitted
09/0498/S73	Variation of Condition 3 of planning permission 08/1610/FUL to allow the possibility of a restaurant.	Refused
09/0447/FUL	Change of use from two residential apartments on 6th floor to six hotel rooms.	Permitted
09/0344/S73	Variation of condition 3 of planning permission 08/1610/FUL to allow the possibility of a restaurant.	Refused
08/1610/FUL	Change of use which involves conversion of an existing apartment block in the centre of Cambridge into a Hotel, with no change to the top floor which will remain residential.	Permitted
04/1270/FUL	Amendments to approved planning permission C/03/0808/FP to achieve acoustic improvements and minor internal changes and increase size of Flat 19, to accommodate these changes by varying Northern, Eastern and Western elevations.	Permitted

4.1 The building was originally built as a residential building, however was later converted to a hotel through subsequent applications which first converted the lower floors to hotel use and then the top floor and then added the restaurant. The most recent alterations to the building have been in the form of the creation of a basement for the hotel/spa.

4.2 In regard to this application, it is worth noting that no pre-application has been undertaken regarding any addition to the roof.

5.0 Policy

5.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2021
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design
Circular 11/95 (Conditions, Annex A)
Conservation of Habitats and Species Regulations 2017

Environment Act 2021
ODPM Circular 06/2005 – Protected Species
Equalities Act 2010

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
Policy 2: Spatial strategy for the location of employment development
Policy 10: The City Centre
Policy 11: Development in the City Centre Primary Shopping Area
Policy 28: Sustainable design and construction, and water use
Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 34: Light pollution control
Policy 41: Protection of business space
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 60: Tall buildings and the skyline in Cambridge
Policy 61: Conservation and enhancement of historic environment
Policy 62: Local heritage assets
Policy 80: Supporting sustainable access to 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

Central Conservation Area Appraisal (2017)

6.0 Consultations

6.1 Conservation Officer - Objection

- 6.2 The application site is within the Central conservation area, and forms part of the setting of a number of statutorily and locally listed buildings, including the Grade I Pepys and First Court buildings at Magdalene college, the Chapel and the New Court buildings at St John's College, which are also Grade I, the Bright's building at Magdalene College, and Magdalene Bridge, which are both listed Grade II, and the Buildings of Local Interest on the east side of the north section of Thompson's Lane, both sides of St John's Street, and the west side of Park Parade. The Design and Access statement does not identify these heritage assets, nor does it make any reference to possible impacts on their setting, or on the significance of the conservation area. It is therefore clearly in conflict with Para 194 of the NPPF, and with part b of Cambridge Local Plan policy 60, both of which require applicants to identify heritage assets and assess potential impacts in this way.
- 6.3 The application documents are unclear on exactly how much of the proposed structure would remain permanently in place, and how much would be removed or retracted at times of good weather. Both the awnings and the roofing columns are described as retractable, but how cumbersome this process would be, and how frequently the applicants expect retraction to take place is not stated. The perimeter panels are explained as replacing the present glazed balustrade, so they would presumably have to stay in place at all times for safety reasons, but whether any other part of the structure would remain in place in good weather is not stated. The birds-eye image included in section 6 of the Design Access and Heritage Statement implies that the overall metal roof structure would remain in place even on a day when the canopy itself was retracted or removed. Given normal weather conditions, however, it is clear that the whole of the proposed structure would be in place most of the time, especially as it is clearly intended to provide shade in bright sunshine as well as protection from rain. The effect of the proposal would therefore be to create an enclosed eighth storey to the building. The additional storey would be more lightweight than the existing seven storeys, but no less visible, as the submitted CGI of the [proposed view from Jesus Green makes clear. During twilight and darkness, the additional storey would be lighted within, and would hence appear as a very prominent illuminated volume against the darkening sky.
- 6.4 The existing roof terrace restaurant is already a very prominent feature. The Historic Core conservation area appraisal notes that:
- ‘The rooftop terrace of the new hotel and restaurant use can be seen from a wide surrounding area but is regarded as having detracted from the historic character of Cambridge's collegiate skyline’.
- 6.5 The photographs submitted in the application demonstrate the way in which the hotel substantially overtops all the surrounding buildings. It is also a visually discordant element in views from surrounding streets, because it reads anomalously against the predominantly pitched roofs of

the nearby domestic buildings, and introduces human activity and movement at rooftop level, in contrast to the wholly ground-level activity in its immediate environs. Seen across Jesus Green from the east, the building is prominent on the skyline, bulky and rectilinear, its massing and uncompromising modern materials contrasting aggressively with the delicate articulation of the pinnacle of St John's New Court, and the tower of St John's Chapel, and its scale overpowering both the collegiate buildings and the locally listed houses along Park Parade.

- 6.6 Additionally, in views from Magdalene College, especially from Second Court and the Fellows' Garden, the upper floors of the hotel building, and especially the roof terrace and its balustrade, are positioned directly against the listed Pepys and Bright's buildings, creating a jarring contrast with the profiles of those buildings, filling and towering over the opening revealed between the two.
- 6.7 The proposed additional structure would considerably exacerbate all these impacts, raising the effective height of the building, making it more prominent, more bulky, even more discordant in terms of form and materials, and more illuminated. It would thus erode the setting of all the nearby buildings cited above and harm the domestic character of the Thomson's Lane enclave, the collegiate and historic significance of Magdalene College, and the contribution which the western skyline makes to the quality of Jesus Green.
- 6.8 Recently published advice from Historic England: Historic Advice Note 4: Tall Buildings (March 2022) is relevant to this case. Paragraph 3.2 states:
- 'If a tall building is not in the right place, by virtue of its size and widespread visibility, it can seriously harm the qualities that people value about a place'.
- 6.9 This proposed canopy is not in the right place: the present building intrudes aggressively into the skyline and overwhelms nearby buildings. The proposed canopy would make it a taller and more intrusive building, even more inappropriately sited than it is at present.
- 6.10 Paragraph 4.5 of the advice states:
- 6.11 Understanding local context (including its evolution) is critical to achieving good design. This includes considering how the tall building relates to neighbouring buildings. It is important that the massing and scale of the building is appropriate in relation to its surroundings and responds to context to avoid or minimise harm to the significance of heritage assets.
- 6.12 The proposal to increase the height of this building has not considered how that development will relate to neighbouring buildings or its surroundings. It is not good design, because it does not acknowledge the domestic character of the Thompson's Lane enclave, the quality of the collegiate skyline seen across Jesus Green, or the historic collegiate

character of Magdalene’s Second Court and Fellows’ Garden. The canopy would be inappropriate in this context and would cause significant harm to heritage assets.

- 6.13 Policy 60 of the Cambridge Local Plan 2018 states in part (b) that tall building proposals must ensure that ‘the character or appearance of Cambridge, as a city of spires and towers emerging above the established tree line remains dominant’. The proposed canopy would further erode this specific aspect of the city’s character, going beyond the damage already done to the dominance of towers and spires by the existing building.
- 6.14 The parallel drawn in Section 3 of the submitted Design Access and Heritage Statement between this proposal and the lightweight system previously approved on the hotel balconies is not valid, because those balconies are not a feature of the skyline, and their visual impact is far more limited.
- 6.15 The harm already done to heritage assets by the existing upper floors of the hotel and its roof terrace does not provide any justification for this project. There is no basis in local or national policy for accepting harmful impacts on heritage assets because a lesser level of harm has already been done. The proposed canopy would considerably exacerbate the harmful impact of this building.
- 6.16 I do not see any scope for mitigating the impact of this proposal through conditions. Any proposal to limit the amount of time the canopy could be in place would still allow the extensive harm to heritage assets detailed above and below to be caused for substantial periods of time. It would also be extremely difficult, if not impossible, to enforce. Proposals to alter the materials, reduce the extent of lighting, or limit the proposed canopy to only part of the roof terrace would similarly fail to have any substantial impact on the harm caused by the canopy.
- 6.17 The proposal would conflict with Cambridge Local Plan policies 55, 58, 60, and 61, and with government guidance in paragraphs 199, 200, 202 and 203 of the NPPF. It would cause ‘less-than-substantial’ harm to a number of heritage assets. The degree and nature of such harm is indicated in the table below.

Asset affected	Degree of harm	Nature of harm
Pepys Building, Magdalene College	Serious harm, towards the top of the ‘less-than-substantial’ range	Jarring juxtaposition of the proposed canopy area with the profile of the building when seen from Second Court. Further erosion of the enclosed and historic character of the space in front of this building. Jarring juxtaposition of the proposed canopy with the

		rear profile of the building when seen from the Fellows' Garden. Erosion of the character of this space, which is important to the setting of the Pepys Building.
Bright's Building, Magdalene College	Serious harm, towards the top of the 'less-than-substantial' range	Jarring juxtaposition of the proposed canopy area with the profile of the building when seen from Second Court. Further erosion of the enclosed and historic character of the space in front of this building.
St John's College chapel	Significant harm, beyond the mid-point of the 'less-than-substantial' range	Competing with and overtopping this landmark building; eroding the prominence of historic college towers and spires in the skyline.
New Court, St John's College	Significant harm, beyond the mid-point of the 'less-than-substantial' range	Competing with and overtopping the landmark pinnacle of this building; eroding the prominence of historic college towers and spires in the skyline.
BLIs in Thompson's Lane, St John's Street and Park Parade	Significant harm, beyond the mid-point of the 'less-than-substantial' range	Dominating the skyline; contrasting awkwardly with the patterns of the domestic roofscape; exacerbating the hotel's existing distraction from the street-based focus of this residential enclave.
Central conservation area	Serious harm, towards the top of the 'less-than-substantial' range	Cumulative impacts on the small-scale character of surrounding streets, the collegiate character of Magdalene College, the western skyline when seen from Jesus Green, and the view east along the river from Magdalene Bridge.

Further comments following submission of Heritage Impact Assessment and Response Letter

- 6.18 Comments subsequent to the additional (June) submission of an HIA, & response/letter:
- 6.19 The submitted HIA acknowledges harm to certain heritage assets:
- harm to the visual contribution the Magdalene College Brights Building makes to the adjacent riverscape;
 - harm to the Fellows Garden;
 - harm to the significance and character of this part of the river Cam corridor within the Conservation Area, and the skyline of Cambridge as seen from within Jesus Green.

- 6.20 The HIA considers that these harms would be “less than substantial” and at a minor level (in contrast to the Officer’s comments about the various buildings/places affected and levels of harm).
- 6.21 It then states that,
- “From within Jesus Green, the proposed rooftop canopy will alter the skyline from a small area within the parkland where there are vistas of The Varsity Hotel & Spa and St John’s College New Court and Chapel Tower. It is considered that that these views will not cause substantial harm to the overall character and appearance of the Cambridge skyline, as from many other areas within the historic core of Cambridge, these university buildings are still the prevailing tall features within the horizon.”
- 6.22 The latter is at issue. In terms of prevailing tall features, the proposed canopy would make it a taller building. Impact during twilight and darkness – when it would be lighted from within, would increase its prominence, and the introduction to the townscape, of a roof at high level, opening and closing would also be a feature uncharacteristic of the taller buildings of the historic core.
- 6.23 The applicant’s letter puts forward a justification (for in effect, the harms identified by the HIA) based on benefits to the business. However, NPPF para 202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...
- 6.24 The historic core is a very significant asset of the city. It has a distinctive skyline that combines towers, turrets, chimneys and spires with large trees. The aims of the Council’s Local Plan policy include to “maintain the character and quality of the Cambridge skyline” (page 329).
- 6.25 Notwithstanding the agent’s protestation that Council policy on tall buildings should not be applied to the proposal, the applicant’s HIA itself considers (at 8.4) Local Plan Apdx F “Tall Buildings” to be relevant.
- 6.26 The HIA in its methodology section, notes Historic England’s (2017) The Setting of Heritage Assets: Good Practice Advice Note 3 notes that ‘it is important that, at the preapplication or scoping state, the local authority, indicates considers approaches such as a ‘Zone of Visual Influence’ (ZVI) in order to better identify heritage assets and settings that may be affected.’
- 6.27 Nevertheless, various impacts are not given consideration in the HIA – for example, the impact on the character & appearance of the conservation area – viewed from the Castle Mound and from Great St Mary’s Church.

- 6.28 The Council as Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Taking into account the June submissions, it remains the case that the proposal would harm (preserve or enhance) the conservation area.
- 6.29 Section 66 of the Planning (LB & CAs) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting.....
- 6.30 The NPPF provides that irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm, 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) - Para 199.
- 6.31 Given these provisions, the proposal is not considered acceptable.
- 6.32 Further Comments Following Submission of Verified Views**
- 6.33 The Verified Views.
- 6.34 The images submitted confirm that there would be impacts from the viewpoints concerned. They confirm how out of character the retractable roof canopy would appear – the combination of its uncharacteristic form/volume, and its position atop the building resulting in an incongruous presence and intrusive (ref from Magdalene Bridge) appearance.
- 6.35 They illustrate impacts on the conservation area such as in the experience of Jesus Green (where the structure would also detract from the significance of the tower of St John's College chapel in the view). From Great St Mary's, the structure would also be seen in the setting of St John's College chapel and against a tree belt beyond.
- 6.36 The introduction of the structure (bare or covered) into the vista from The Castle Mound cannot be said to be sympathetic with the important characteristics of the cityscape there.
- 6.37 Comments on the 17th August 2022 LanPro assessment.
- 6.38 At the river Cam corridor, the suggestion the design and shape of this canopy would be in keeping with the overall character of the juxtaposition between the old and new, with the historic grounds of Magdalene College to the north and the repurposed industrial and more modern developments along the south bank of the river whilst the canopy will simply result in a slightly taller ridgeline, does not take into account the nature of this metal and glass structure.

- 6.39 From within Jesus Green they say the tower of St John's College Chapel is still the dominant feature within the historic core skyline and that there will be only less than substantial harm (minor level) harm. Even if this were so, this does not account of the character of the structure nor dynamic aspects of its operation which would in both cases increase its impact.
- 6.40 Whilst the verified views produced from Castle Mound indicate that the retractable roof canopy would not break the existing treeline, this does not mean it would not compete (as a volume/form) with the spires and towers. Therefore, it is not accepted that the proposed development will result in less than substantial harm (minor level) to the views across the historic core of Cambridge from Castle Mound.
- 6.41 I have referred above to the view from Great St Mary's, the structure would also be seen in the setting of St John's College chapel and against a tree belt beyond. The structure is referred to as simply a "grey-coloured rooftop canopy almost entirely blending in with the Chapel roof when either closed or open" but this does not take into account that this is an opening and closing "lightweight" structure of quite different appearance to the masonry and slate it would be seen in conjunction with.
- 6.42 Overall, I consider that whilst the verified views submitted are indicative of the proposed development resulting in what the NPPF terms "less than substantial harm", the level of this harm would be significant and therefore more than the minor level the agents suggest.

6.43 Urban Design Officer

Background information/additional comments

- 6.44 The site is located within the Central Conservation Area and documented within the Historic Core Appraisal, 'Thompson's Lane'.
- 6.45 The proposals seek to introduce a retractable roof canopy, that covers the footprint of the existing roof, and has an overall ridge height of 4m.
- 6.46 As far as we are aware, the applicant has not engaged with the Local Planning Authority (LPA) in pre-application discussions. Pre-application discussions are recommended for all sites, particularly where there are contextual and amenity issues to be addressed. Engaging in pre-application discussions is consistent with paragraphs 39-42 of the NPPF.

Tall buildings and the skyline in Cambridge

- 6.47 The proposals break the existing skyline, and as such trigger Policy 60 of the Cambridge Local Plan (CLP 2018). The applicant has failed to satisfy the criteria set out in Policy 60 for assessing the impact of tall buildings on the Cambridge skyline.

- 6.48 The applicant will need to use the criteria in Policy 60 & Appendix F (CLP 2018) to assess the sensitivity of the upper floor, and to inform the extent of any additional massing.
- 6.49 Given the footprint and height of the proposed canopy frame, the proposals effectively add an additional floor to the existing building. As such, we will need to see comparative CGIs and accurate visual representations, which have been chosen using the methodology set out in Policy 60 & Appendix F (CLP 2018) and in response to the sensitivity of the surrounding context. The technical parameters of the two views provided, from New Park Street and from Jesus Green, have not been provided, nor do they show comparative views (existing and proposed), and as such they cannot be used to make an accurate judgement about the likely impact of the proposals on the surrounding context.

Scale, massing, and appearance

- 6.50 The proposed scheme creates a single large massing to the existing hotel with an apex form rising to a proposed ridge height of 4m. The proposed form lacks any meaningful articulation, and we are concerned that the proposed form and materials will create a visually dominant addition on the skyline that negatively impacts on available views. As such the proposed scale and form are not supported in urban design terms.
- 6.51 In our view, it should be possible to add a canopy to the upper floor that creates a visually interesting roofscape and adds interest to the Cambridge skyline. The proposals are located on a building that is already breaking the prevailing skyline in terms of height and massing. An addition to the building has, subject to careful assessment and sensitive design, the ability to create a more sculptural and well-articulated form that makes a positive contribution to the skyline.
- 6.52 The Hyatt, Eddington is a good example where the design of the rooftop canopy appears lightweight and recessive and is successful in creating a sculptural and articulated form.

Conclusion

- 6.53 In the absence of an adequate assessment against Policy 60 (CLP 2018) and given the resulting bulky scale and appearance of the proposals, the scheme does not comply with Policy 55, 56, 57 & 60 (CLP 2018) and cannot be supported in urban design terms. A more successful response to the challenge of creating the canopy is needed and a design brief where the scale, massing, and appearance of the proposals combine to create an addition that makes a positive contribution to the skyline.
- 6.54 **Further Comments Following Submission of Verified Views**
- 6.55 We previously raised concerns about the bulky scale and appearance of the proposals, and the absence of an adequate assessment against Policy

60 of the Cambridge Local Plan (CLP) 2018. The proposed form lacks any meaningful articulation and has the potential to create a visually dominant addition on the skyline that negatively impacts on available views.

- 6.56 We concluded that it should be possible to add a lightweight canopy to the upper floor of the existing building and that an addition has, subject to careful assessment and sensitive design, the ability to create a more sculptural and well-articulated form that makes a positive contribution to the skyline.
- 6.57 The applicant has now submitted a set of Verified Views (15th August 2022) in line with Policy 60 (CLP 2018) but has not amended the proposals in response to the concerns raised. Having reviewed the Verified Views, our prior concerns remain.
- 6.58 The Verified Views show that the proposals are creating a large volume, which by virtue of the overall height, footprint, and detailing, results in a form that is bulky and heavy in appearance. The Urban Design comments provided by Raquel Leonardo on behalf of the applicant, fails to acknowledge the level of impact that the proposals can be seen to have, particularly from more local views. This can be seen in the Verified View taken from Magdalene Bridge, which shows the uncomfortable juxtaposition between the volume and bulk of the proposals against the finer, more articulated surrounding roofscape.
- 6.59 Given the resulting bulky scale and appearance of the proposals, the scheme does not comply with Policy 55, 56, & 60 (CLP 2018) and cannot be supported in urban design terms. We acknowledge that an additional form to the existing hotel roof top could be achieved, but a design led approach, that delivers a more articulated and slender form is needed to make a positive contribution to the skyline.

7.0 Third Party Representations

- 7.1 The applicant has submitted two petitions in support of the application with over 400 total signatures, from people living both within and outside of the city.
- 7.2 In addition, representations have been received in objection and in support of the application. Those in objection have raised the following issues:
- Character, appearance and scale
 - Cambridge skyline
 - Highway safety and traffic movement
- 7.3 Those in support have raised cited the following reasons:
- Year-round use of hotel facilities
 - Provide entertaining and event space
 - Wider benefits including tourism and employment

- Character, appearance and scale

8.0 Member Representations

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 Design, Layout, Scale and Landscaping

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

10.3 Policy 60 states that any proposal for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form will be considered against the following criteria: a. location, setting and context; b. impact on the historic environment; c. scale, massing and architectural quality; d. amenity and microclimate; e. public realm.

10.4 Appendix F (Tall Buildings and the Skyline) of the Cambridge Local Plan 2018, states that Cambridge has a distinctive skyline that combines towers, turrets, chimneys and spires with large trees with notable buildings including St John's College Chapel and others forming some of the important view to Cambridge.

10.5 It defines a tall building as any structure that breaks the existing skyline and/or is significantly taller than the surrounding built form, and states that within the historic core any proposal with six storeys or more and a height above 19 metres would need to address the criteria set out the guidance.

10.6 In regard to part (a), the applicant is required to demonstrate through a visual assessment or appraisal with supporting accurate visual representations, how the proposals fit within the existing landscape and townscape. Appendix F (paragraph F.29) expands on this criteria to suggest that the relationship of the proposed building, or buildings, to the surrounding context needs to be carefully examined through a townscape, landscape and urban design appraisal.

10.7 As submitted, the application did not provide any information to understand how the proposal had been informed by the surrounding

context, nor did it provide any assessment to understand how it would fit into the existing townscape and landscape. The examination of the visual impact was limited to two visualizations of the proposal from Jesus Green and New Park Street with no assessment or consideration of these views and the impacts that would result to the surrounding area. Following the comments made by the Conservation and Urban Design Officers the applicant sought to submit further information.

- 10.8 The information that was submitted includes a heritage impact assessment to assess the harm to heritage assets and zone of visual influence to demonstrate where the proposal would be visible within the surrounding context. In addition, further to this the applicant also submitted verified views of the proposed development to demonstrate its impact upon the surroundings.
- 10.9 Whilst Officers appreciate the additional information submitted, the information focuses on the highlighting where the proposal would be visible both in respect of heritage assets and its surroundings. It does not demonstrate how the proposal has been informed by an examination of the surrounding townscape and landscape. The zone of visual influence is partially helpful in its examination of potential viewpoints, however visibility or lack thereof does not justify the proposals siting, form or design. In addition, the verified views are helpful to assess how the proposal would appear from a variety of viewpoints, including in regard to some heritage assets, however these do not justify the approach taken. Instead, they highlight that the concerns raised by the Conservation Officer and Urban Design Officer are well-founded as they make clear the significant impact that the proposal would have on its surroundings and the skyline of Cambridge due to its poor articulation.
- 10.10 The information submitted does not demonstrate how the proposal has been informed by the surrounding context and the impact it would have in terms of the impact to the character and appearance of the area. It is considered that the application fails to meet criteria (a) of Policy 60.
- 10.11 Criteria (b) aims to preserve and enhance heritage assets and requires the applicant to demonstrate and quantify the potential harm of proposals to the significance of heritage assets or other sensitive receptors. The information submitted does provide an assessment of heritage assets, including surrounding listed buildings and buildings of local interest, however I agree with the Conservation Officer that the harm would be significant and the justification given for the harm is insufficient. This will be assessed in detail in the following section. The proposal fails to comply with criteria (b) of Policy 60.
- 10.12 Criteria (c) requires that the applicant to demonstrate through the use of scaled drawings, sections, accurate visual representations and models how the proposals will deliver a high quality addition to the Cambridge skyline and clearly demonstrate that there is no adverse impact not considered to be a high quality addition.

- 10.13 Appendix F (paragraph F.36) states that the appropriate scale and massing of buildings is an important consideration in achieving the good integration of new buildings within established urban areas and the wider landscape. An understanding of the surrounding context, as required in Policy 55 of the Cambridge Local Plan, is an important step in achieving appropriately scaled buildings.
- 10.14 As above, as submitted, the information originally submitted with application was extremely limited in regard to the assessment of the visual impact of the proposal. Whilst there continues to be no justification or demonstration provided into the choices made surrounding the scale, massing and architectural quality of the proposal, verified views have been submitted. These were submitted following the continuing concerns being raised by the Conservation Officer and Urban Design Officer. The submission of verified views is welcome given the requirements of Policy 60 as above, however the applicant has failed to make any amendments to the scheme following these views in order to address the concerns raised. Instead, the verified views demonstrate that the concerns raised are accurate to the proposal and that the proposed development would appear as a poor-quality, ill-considered addition that would be detrimental to the skyline and surrounding context.
- 10.15 As existing the hotel building already intrudes into the skyline above surrounding buildings, it unfortunately appears dominant above these due to its height and contemporary materials which differ from those more traditional examples in the surrounding context.
- 10.16 The proposed development would significantly exaggerate the dominating impact to the skyline and surrounding area, due to its poorly considered scale, form, mass, bulk and appearance. In terms of scale, the proposal would seek add a 4 metre tall glass structure over the entire top floor of the building to effectively create an additional storey that would reach to the edges edge of the roof top.
- 10.17 Appendix F describes that the Cambridge Skyline is defined by an established tree line with spires, cupolas, chimneys and towers reaching above this. The elements are generally slender, with minimal and historically appropriate massing. In this case, the proposal would appear totally incongruous with these existing features and comprise an inconsiderate proposal with excessive and blocky massing which would over dominate the skyline. As in the views submitted, it would span a length of 23.4 metres, and be completely out of proportion with the existing features. It is considered that the proposal would represent a gross intrusive into the skyline due to the excessive scale and massing.
- 10.18 From the information submitted, it appears that little consideration has been given to the architectural detailing of the proposal. The proposal comprises a boxy structure, with a wide steel frame and glazing to cover this. The steelwork on the floor below appears to be much more slender and infrequent, however the proposal would have the steelwork be very visible and a significant part of the proposal. No detail has been given to

the proposed fabric roof, and how this would visually impact the wide ranging views from which the proposal would be visible.

- 10.19 Overall, the proposal would be considered to be a poor quality addition to the Cambridge skyline, that would aggressively disrupt the delicate articulation of the existing features. The proposal fails to comply with part (c).
- 10.20 In regard to part (d), the applicant has submitted no information regarding any consideration of the amenity and microclimate of neighbouring buildings and open spaces. The amenity impacts of the proposal will be considered more fully in the amenity section of this proposal, however the applicant has failed to provide any evidence that demonstrates that this has been considered. The applicant fails to meet criteria (d).
- 10.21 Finally, in reference to criteria (e) of policy 60, no information has been submitted regarding how the proposal would impact the public realm and street level, the application fails on this criterion also.
- 10.22 Policy 55 states that development will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive and high quality places.
- 10.23 Policy 58 supports alteration or extension to existing buildings where the addition is carefully designed to avoid them destroying the character or integrity of the existing building or negatively impacting on the amenity of neighbouring properties or area.
- 10.24 As existing, the building contains a brick facade with openings to serve the hotel from ground floor to the fourth, above this the building finish is a more contemporary grey zinc. The fifth floor contains balconies to serve the hotel rooms, the sixth comprises the restaurant with a covered balcony. Above this, is the roof top level which comprises a glass balustrade which wraps around the edge of the building. The existing glass balustrade projects only 1 metre above the existing roof top, and so appears as a minimal and modest element above the existing building.
- 10.25 The application seeks to install what is described as a retractable roof canopy at this level, so that the roof top can be used year-round. The proposal seeks to utilise motorised guillotine perimeter windows which would slide down to open up the upper section of the side panels. It is detailed that a wide steel framework would hold these and the fabric roof with glazed corners, although no specific detail has been given of the steel frame, glazing or fabric to be used. From the additional information submitted, it has been made clear that the canopy structure would be a permeant addition as the glass balustrade would be removed to accommodate this proposal.
- 10.26 It is noted by Officers that some representations have commented that the proposal would not be a solid structure nor permanent, however this is not

the case, the proposal would be permeant structure with a significant frame and glazing that would not easily be removed. The retractable elements are small areas of glazing within the sides of the structure and the fabric roof.

- 10.27 Through the course of the application, the applicant has submitted a letter to explain that the proposal will allow seasonal staff to be employed all year round and allow for better job security and career progression. They suggest the guests will be able to enjoy the roof top more as the weather variations can be dealt with.
- 10.28 As existing, the Varsity Hotel projects well above the surrounding buildings including the residential properties to the north and the commercial buildings which form part of the quayside to the south. The building comprises a height of 21 metres with the balustrade above projecting an additional metre, which is significantly taller than the adjacent buildings which are closer to 14 metres in height. The upper floors which protrude above the surrounding built form comprise a modern grey zinc materials which adds to the buildings prominence from various local and short distance.
- 10.29 The proposal would sit above the existing building, and with an additional height of 4 metres sit well above the surrounding buildings and protrude into the skyline of Cambridge. As have been described above, the proposed addition would result in a poorly considered, insensitive, addition to the building that is considered to be excessive in its scale, mass, bulk and height. The addition lacks any meaningful articulation and is instead in the form of a poorly considered box which does not preserve the high quality nature of the Cambridge Skyline nor the surrounding area. The details given surrounding the steel framework suggest that it would be significant in width and be quite visible as a substantial structure above the rooftop.
- 10.30 Officers note that representations have been received about the proposal, with commentors suggesting that the proposal would be better than alternatives such as using umbrellas which could be blown away. Officers, note that these residents would enjoy increased use of the rooftop, however the proposed scheme in entirely unacceptable in its visual impact and therefore the benefits of having year-round use do not outweigh the harm in this case.
- 10.31 The applicant has been invited to amend the application in order to address the visual concerns of the proposal twice through the course of the application, however they did not amend the proposal and chose to submit further information instead. As above, the further information is appreciated but does not address the concerns raised regarding the visual impact of the proposal.
- 10.32 Overall, the proposed development is fails to contribute positively to its surroundings and be appropriately landscaped. The proposal is not

compliant with Cambridge Local Plan (2018) policies 55, 56, 58, 59, 60 and the NPPF (2021).

10.33 Heritage Assets

10.34 The application falls within the Central Conservation Area (Historic Core). The application is within the setting of a number of listed buildings and other heritage assets both within the surrounding area and within the skyline which are summarised within the table below.

Address	Historic Listing
29 Thompsons Lane	Grade II
30 Thompsons Lane	Grade II
Brights Building, Magdalene College	Grade II
Pepys Building, Magdalene College	Grade I
First Court, Magdalene College	Grade I
Second Court Magdalene College	Grade II
Magdalene Bridge	Grade II
No. 1-3 St Johns Road	Building of Local Interest
5-12 St Johns Road	Building of Local Interest
No 16-22 St Johns Road	Building of Local Interest
No 1-14 Thompson's Lane	Building of Local Interest
Park Parade	Building of Local Interest
St John's College Chapel	Grade I
New Court, St Johns College	Grade I
Central Conservation Area	C/A

10.35 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.

10.36 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.

10.37 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.

- 10.38 The Conservation Officer has been formally consulted on the application on three occasions, first as it was originally submitted, then following the submission of the heritage impact assessment and finally upon the submission of the verified views. The Conservation Officer objected on all occasions to the proposal.
- 10.39 As submitted, the application contained no information regarding the impact of the proposal on the surrounding heritage assets, and the Conservation Officer concluded that the proposal would result in less than substantial harm to a number of heritage assets without justification. The harm was summarized within a table in their comments which I have inserted within the consultation section of this report. The consultation response included recognition of mid to the top level of less than substantial harm to several listed buildings, buildings of local interest and the conservation area.
- 10.40 Following the significant concerns raised, the applicant requested the opportunity to submit further information in the form of a heritage impact assessment which Officers allowed. The heritage impact assessment makes regard to the significance of the heritage assets and the impact, however argues that the proposal would result in differing levels of harm than concluded by the Conservation Officer including no harm where less than substantial harm was found to some buildings of local interest and listed buildings (Section 8.9 – 8.60 of the heritage impact assessment).
- 10.41 Officers agree with the assessment made by the Council Conservation Officer in regard to harm, and notwithstanding this, note that the applicant has failed to demonstrate significant public benefit that would outweigh the less than substantial harm as is required in paragraph 202 of the NPPF (2021). The applicant has provided a brief statement detailing that the benefits of the scheme would mainly be private in terms of the business and there may be some opportunity to support staff being employed on a more permeant basis rather than just seasonal. Unfortunately, no further details of this have been given regarding this, and the applicant has failed to undertake an exercise to weigh any benefit against the harm that would result from the proposal and so the proposal fails to comply with both Policy 61 and the NPPF (2021).
- 10.42 In addition to the above, Officers agree with significant concerns raised regarding the visual impact to the Conservation Area, setting of several listed buildings and buildings of local interest and the Cambridge skyline of the proposal as is detailed in the previous section. The verified views that have been submitted within the second round of re-consultation confirm that the impact to the heritage assets would be significant as is detailed below.
- 10.43 The proposal is significantly visible both within the Cambridge skyline and from views surrounding the proposal site.

- 10.44 To the east of the proposal site are the Thompson Lane, St John's Street and Park Parade buildings of local interest, which positively contribute to the Conservation Area due to their consistent two storey scale and uniformity in appearance. As existing these buildings sit within the setting of the taller and more varied buildings at the former brewery. Beyond these buildings is Jesus Green from which there are important views of the Cambridge skyline above the existing tree line. From this point the chapel of St Johns College and the spire of All Saint's Church can be seen, and positively inform the skyline. The rooftop of the Varsity hotel is also visible, but this is understood to be a negative feature which detracts from the skyline and character of the area. The proposal would protrude into views within this skyline, above the existing buildings of local interest, and as such would detrimentally impact the heritage assets. Due to the buildings insensitive form, bulk, height and poor quality architectural detail it would dominate these views and erode the high quality of the collegiate skyline.
- 10.45 The verified views submitted demonstrate this further and show how the built form would protrude above the existing tree line and dominate views from Jesus Green. The building would have a poor and detrimental relationship with existing historic features which inform the skyline.
- 10.46 To the east of the site is Magdalene College as the associated listed buildings and Magdalene Bridge, from which the proposal would also be visible as shown in the verified views. As existing the rooftop area sits well above the quayside buildings' rooftops, and is again recognized for having had an adverse impact on the city skyline and conservation area due to its height, bulky form and contemporary appearance. Officers agree with the Conservation Officer that the proposal would exarate these impacts through the imposition of a tall, poorly considered structure which would aggressively intrude into the skyline and over dominate the surrounding rooftops and the views from the listed buildings which surround this area to the east.
- 10.47 As seen in the verified views, the proposal would intrude in the skyline above the surrounding buildings and appear as a bulky and squat addition that would fail to preserve to enhance views from the existing heritage assets.
- 10.48 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 the setting of several listed buildings and buildings of the local interest. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.
- 10.49 Amenity**
- 10.50 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.

- 10.51 Policy 60 requires the applicant to demonstrate that there is no adverse impact on neighbouring buildings and open spaces in terms of the diversion of wind, overlooking or overshadowing, and that there is adequate sunlight and daylight within and around the proposals.
- 10.52 The applicant has failed to make any assessment regarding the impact of neighbouring buildings in terms of the surrounding urban microclimate and impacts in regard to wind, overlooking, overshadowing and sunlight and daylight. Given this, the proposal would fail in regard to amenity, as Officers are not satisfied from the information submitted that the proposal would not result in adverse impacts to neighbouring occupiers.
- 10.53 Notwithstanding this, Officers will consider the proposal with the information available. The proposal seeks to install a glazed structure surrounding the entire top floor of the building. The proposal would be located on the rooftop of the building, which is used as part of the existing restaurant within the sixth floor of the building. It appears from the information submitted that the rooftop is used in a seasonal manner when the weather allows, and that the proposal seeks to install the structure to allow use of the rooftop year-round. The details of how often the roof top is used and how often it would be used do not form part of the application, however given the existing use of the sixth floor restaurant year-round and the existing use of the roof top, the proposal would not be considered to contribute to a significant increase in terms of noise and activity that would be detrimental to the surrounding occupiers.
- 10.54 As well as this, Officers note that the proposal site is situated adjacent to the quayside area, with the closest buildings comprising commercial uses and therefore these are not considered to be significantly sensitive to an any increase in noise and activity.
- 10.55 The proposal front onto Thompsons Lane which does contain residential properties, closest to the site are No. 28 and No. 29 Thompsons Lane. As these buildings have a height of only two and two and half storeys, and taking into account that the proposal which sits above the sixth floor at roof top level the proposed structure would not be considered to result in adverse impacts in terms of loss of light or overbearing.
- 10.56 The proposal fails to demonstrate that it would adequately respect the residential amenity of its neighbours and the constraints of the site and therefore would not be compliant with Cambridge Local Plan (2018) policies 35, 58 and 60.

10.57 Highway Safety and Traffic

- 10.58 The proposal would seek to create a glazed canopy structure over the existing roof-top bar area to allow for the roof-top to be used year-round. One representation raised that the increased use of the roof top would

contribute to increased traffic difficulties along Thompsons Lane due to potential additional users.

- 10.59 Officers have had regard for the proposal and the increased use from season to potential year-round use, however note that the restaurant is already used year-round. In addition, Officers note that the building is sited in the centre of the city where sustainable transport methods are highly available and likely to be used.
- 10.60 It is acknowledged that the proposal may result in some additional traffic and pedestrian movements to use the roof-top area outside of the usual season, however given the roof-top and restaurant is already in use and the building is located in a sustainable location it is unlikely this would result in significant car movements along Thompson Road as to result in adverse impacts to highway safety.
- 10.61 The proposal is considered to be acceptable in highway safety terms in compliance with Cambridge Local Plan (2018) policy 80.

10.62 Planning Balance

- 10.63 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).
- 10.64 The proposal fails to comply with the requirements of the Cambridge Local Plan (2018) policies 55, 56, 58, 59, 60, 61 and 62 and the NPPF (2021). The proposal is considered to harm the character of the area, the surrounding heritage assets and the Cambridge Skyline.
- 10.65 The proposal has presented limited benefits including private business benefits, and the increase of staff working hours, however these are insufficient to overcome the significant harm that would result from the proposal.
- 10.66 The applicant has been given multiple opportunities to make meaningful amendments to the application, however, has failed to make any amendments to the scheme, instead choosing to submit further information which has only further increased concerns regarding the visual and heritage impacts of the proposal.
- 10.67 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.

10.68 Recommendation

10.69 **Refuse** for the following reasons:

1. Policy 60 requires that any proposals for a structure that breaks the existing skyline and/or is significantly taller than the surrounding built form must demonstrate that the proposal would result in a high-quality addition to the Cambridge Skyline, that would preserve the character of the surrounding area, heritage assets, amenity and the public realm. The proposed development would be considered to result in a poor quality, insensitive addition to the Cambridge skyline that would aggressively contrast with the existing delicate and historic features through its excessive scale, bulk, mass, height and form. The application is accompanied by very little information to demonstrate that the proposal would successfully fit within the existing townscape. In addition, the proposal fails to meet the criteria of Policy 61 including a consideration of amenity and microclimate. The proposed development fails to contribute positively to its surroundings and the Cambridge Skyline. The proposal is not compliant with Cambridge Local Plan (2018) policies 55, 56, 58, 59, 60 and the NPPF (2021).
2. Policy 61 aims to ensure that proposals preserve or enhance the significance of the heritage assets of the city, their setting and the wider townscape, including views into, within and out of conservation areas. In this case the proposal would result in less-than-substantial harm to a number of heritage assets across the city, both within the immediate setting of the proposal and within wider views towards the city skyline, including the Central Conservation Area, grade I and grade II listed buildings and buildings of local interest. The applicant has failed to justify the harm through public benefits which are considered to be limited. The proposal by virtue of its scale, massing and design, would harm the character and appearance of the Conservation Area and the setting of listed buildings and buildings of local interest. The proposal would give rise to less than substantial harm on the identified heritage assets and is not compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Cambridge Local Plan (2018) policies 60 and 61.

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Planning Committee Date	05.10.2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/01504/FUL
Site	196 Green End Road
Ward / Parish	East Chesterton
Proposal	Demolition of Nos 196 and 198 Green End Road and construction of 9no. Apartments (8no 1bed flats and 1no. studio flat) along with ground floor commercial space and associated parking
Applicant	Mr S Dudley
Presenting Officer	Nick Yager
Reason Reported to Committee	Third party representations contrary to Officer's Recommendation.
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Communal Amenity Space2. Design and Context3. Cycle Storage
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The proposal seeks planning permission for demolition of Nos 196 and 198 Green End Road and construction of 9no. Apartments (8no 1bed flats and 1no. studio flat) along with ground floor commercial space and associated parking.
- 1.2 The application site has benefited from planning permission under reference number 20/02791/FUL. Whereby planning permission was granted for the demolition of no. 196 and No. 198 Green End Road and construction of 7no. Apartments (5no. 2bed, 1 3bed and 1no 1bed) and commercial space. The permission was granted on the 10.02.2021 and therefore currently extant.
- 1.3 The resubmitted proposal has incorporated 9 apartments (8no 1 bed flats and 1no. studio flat) rather than previously 7 apartments (5no. 2bed, 1 3bed and 1no 1bed).
- 1.4 The resubmitted proposal fails to contain a communal amenity space for the occupiers, the design of the proposal leads to harm to the character and context of the area and the proposal fails to provide adequate cycle storage. It is considered the proposal is not in accordance with the Cambridge Local Plan 2018 policies 50, 55, 56, 57, 58, 59, 80 and 82 and the NPPF.
- 1.5 Officers recommend that the Planning Committee refuse the application.

2.0 Site Description and Context

None-relevant	x	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone	
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 comprises of 196 and 198 Green End Road and associated land, located in the ward of East Chesterton. The site sits on the corner of Green End Road which intersects with Scotland Road to the west. Although the surrounding area is primarily residential in character, it is located adjacent to an

off-licence to the immediate northeast of the site and is opposite Chesterton Methodist Church.

- 2.2 Green End Road has limited parking, with with-flow cycle lanes on both sides of the road. The site falls within a Neighbourhood Centre. There are no other relevant site constraints

3.0 The Proposal

- 3.1 The proposal seeks planning permission for demolition of Nos 196 and 198 Green End Road and construction of 9no. Apartments (8no 1bed flats and 1no. studio flat) along with ground floor commercial space and associated parking. The commercial space would have a gross internal floor space of 88.8 square meters. The proposal would have in storage and cycle storage located upon the northern rear elevation. All units contain private amenity space however, the scheme does not contain a communal amenity space. All 9 units can be accessed by a lift.
- 3.2 The scheme has been amended by minor alterations in order to address comments by the urban design officer. A re-consultation with the urban design officer then followed. A further, amended floor plan was received showing the Studio Flat to have a single bedspace.
- 3.3 The previously submitted application 20/02791/FUL was brought to Planning Committee on 3rd of February 2021. Whereby it was granted planning permission subject to conditions.

4.0 Relevant Site History

Reference	Description	Outcome
20/02791/FUL	Demolition of no. 196 and No. 198 Green End Road and construction of 7no. Apartments (5no. 2bed, 1 3bed and 1no 1bed) and commercial space.	Granted
19/1516/FUL	Demolition of no. 196 and No. 198 Green End Road and construction of 7no. Apartments (4No. 1 Bedroom and 3No. 2 Bedroom) and commercial space.	Withdrawn
15/0395/FUL	Proposed demolition of 2x flats and development of site to form 1x Cycle shop and 2x2 bed apartments, 3x1 bed apartments and 1x studio	Withdrawn

08/0802/FUL	Change of use from one dwelling house to two flats including existing external staircase	Withdrawn
05/0728/FUL	Proposed extension and alterations to create 2 No. 1bed flats and showroom and UPVC Products	Refused
C/03/1158	Proposed extension and alterations to create 2No.1 bedroom first floor flats and ground floor glass/mirror retail unit in association with adjacent glass manufacturing unit	Refused
C/03/0704	Erection of single storey extension to create retail unit (class A1).	Refused
C/02/0316	Demolition of existing garage and erection of stand alone replacement garage. Erection of two storey side and rear extension and enlargement of roof	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 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 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 42: Connecting new developments to digital infrastructure

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 64: Shopfronts, signage and shop security measures

Policy 65: Visual pollution

Policy 69: Protection of sites of biodiversity and geodiversity importance

Policy 70: Protection of priority species and habitats

Policy 71: Trees

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

Policy 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
Trees and Development Sites SPD – Adopted January 2009

Other Guidance

Arboricultural Strategy (2004)
Cambridge Landscape and Character Assessment (2003 Cambridge City Nature Conservation Strategy (2006)
Cambridge City Wildlife Sites Register (2005)
Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)
Strategic Flood Risk Assessment (2005)
Cambridge and Milton Surface Water Management Plan (2011)
Cycle Parking Guide for New Residential Developments (2010)
Air Quality in Cambridge – Developers Guide (2008)

6.0 Consultations

Environmental Health Officer

No objection subject to the conditions.

Standard Conditions

- Construction/ demolition hours
- Demolition/construction collections deliveries
- Piling
- Dust condition

Bespoke Conditions

- Alternative ventilation scheme
- Artificial lighting
- A1 Hours of Opening
- A1 Collections and Deliveries
- EV charging

6.1 Access Officer

I am very pleased with this proposal, much better than the one it replaced.

6.2 County Highways Development Management

No objection subject to conditions;
- Pedestrian visibility

- Falls and levels
- Existing vehicular access
- Contractors parking plan

6.3 Sustainable Drainage Officer

The application is acceptable subject to conditions;

- Surface water drainage
- Foul drainage

6.4 Urban Design

04.05.2022

The overall design in terms of elevations and materials is considered acceptable in design terms. However, we have raised some concerns/queries in relation to the functional design, including access to private amenity, natural ventilation, boundary treatment and shopfront treatment.

08.08.2022

The urban designs team have reviewed the revised drawings and the proposed resolve the previous concerns.

6.5 Landscape Officer

Plans are generally acceptable, but some amendments to the landscape layout could improve the scheme. Amendments suggested on the Disabled Car Parking Space, Hard Landscape and Soft Landscape.

Conditions suggested;

- Soft Landscaping works details
- Hard landscaping
- Landscape Maintenance Plan

6.6 Policy Officer

Policy 50 deals with all the private amenity areas only accessible to residents, either private to the dwelling or to the development such as a rooftop area. In this case, just because all the dwellings are flats it doesn't mean to say it shouldn't provide a communal private area available to whole development, it just means that it is unlikely to be of a form that involves children's play space, however it could be a rooftop space.

If the site is in a densely populated area, then there will already be significant pressure on local spaces and should be a consideration of the site's impact by not maximising on-site communal spaces.

7.0 Third Party Representations

7.1 Support representations have been received from the following addresses;

- 202 Green End Road
- 200 Green End Road
- 141 Scotland Road
- 204 Green End Road

- Support of the proposal which does not have the large roof terrace. Removal of the roof terrace is a bonus as removes any chance of noise nuisance.

- A space designed for hosing communal activities (i.e parties) is surely going to level a great level of nuisance and antisocial behaviour.

- The current site in a state of disrepair for a while and a new scheme will make the area more attractive.

- The redesigns elevations present a much more compatible and subtle look than the previously approved scheme, which was bulk and heavy in appearance. New design is refined and will sit well in street since.

- Better scheme for the site.

- Matters relating to anti-social behaviour in the area.

8.0 Member Representations

No member representations

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

9.0 Assessment

9.1 Principle of Development

9.2 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.

- 9.3 Policy 72 aims to promote and retain an appropriate mix and balance of uses for the day-to-day needs of local people. The application site is within a defined neighbourhood centre and proposes commercial shop usage on ground floor level. Policy 72 sets out acceptable ground floor level uses for development within designated Neighbourhood Centres, which includes shops (A1 use). Therefore, the principle of A1 (now class E) use at ground floor level is considered to be acceptable.

The principle of the development is acceptable and in accordance with policies 3 and 72 of the Cambridge Local Plan (2018).

9.4 Design, Layout, Scale and Landscaping

- 9.5 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.
- 9.6 The proposal would sit on the corner of a primarily residential area and in a prominent position. It would have a curved form facing the corner of Green End Road extending out to the close to the corner of the bend in the road. The application incorporates a number of balconies and a recessed upper floor. The surrounding residential dwelling generally are two stories in height, of a semi-detached or detached nature with pitched roof forms.
- 9.7 The proposal is a maximum of 3 storeys (approximately 9m) at the corner of Green End Road and then scale down to 2 storeys (approximately 6.2m) adjacent to the No.200 Green End Road. The upper floor is set back, and due to a flat roof form means that the overall height is lower than the adjacent ridge height of the Nisa Local Shop. The Urban Design Officer confirmed that they considered the scale and massing of the proposal to be configured appropriately and the overall curved corned and articulated form further reduced the perceived scale and massing of the proposal. The building line to the north-west picks up on that of the Nisa Local Shop at 192 Green End Road. The building line for the lower 2 storey section to the south-west steps in to be consistent with No.200 Green End Road
- 9.8 The Urban Designs Officer then asked for some concerns/queries in relation to the functional design, including access to private amenity natural, ventilation

boundary treatment and shopfront treat. Amended plans were provided by the applicant in order to address these matter and then urban designs officer was re-consulted. The Urban Designs confirmed that the amended plans adequately addressed these concerns.

- 9.9 The proposed materials palette, as shown on the drawing elevations and within the DAS (pg.25) are considered acceptable in design terms and can be approved by way of a Materials Condition if the application was recommended for an approval.
- 9.10 Although Urban Designs have commented in support of the scheme. Planning Officers have raised concerns with regards to the upper storey. This application site is located on the corner of highly visibly plot, and the proposal is asking a lot from the site as the size of the site is within a reasonably tight area. The previous application accommodated a parapet wall which helped to reduce the visual upper floor prominence of the proposal in the wider context and street scene. The resubmitted scheme does not contain this element. The third upper storey therefore appears as an overly dominating and prominent addition when viewed within the street scene. The third storey appears as elongated and prominent to a scale that is harmful. Although the third upper storey is set back this is only at 0.9 meters along the corner and 2.0 metres in the areas of the balconies. The increase of the parapet wall in order to conceal the upper floor could help to improve the design and context however, in this instance this has not been provided.
- 9.11 Third party comments have been received that the redesigned elevations present much more compatible and subtle look that the previous approved scheme. However, it is considered by officer's that the upper floor presents a dominant form that is not acceptable within its surrounding context.
- 9.12 It is therefore considered by officers that the upper third storey would lead to an overly dominating roof form within the design and context. The proposal would therefore not lead to a high-quality design that would not contribute positively to the surroundings. The proposal is not considered to be compliant with Cambridge Local Plan (2018) policies, 55, 56, 57, 58 and 59 and the NPPF.
- 9.13 Carbon Reduction and Sustainable Design**
- 9.14 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 9.15 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water

management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions 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.

9.16 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.

9.17 If the application was being recommended for approval, conditions regarding water efficiency and renewable would have been required. The proposal therefore complies with Cambridge Local Plan 2018 policy 28 and 29.

9.18 Biodiversity

9.19 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

9.20 Noting the nature of the site it is not considered the proposal would lead to harm upon the biodiversity of the area. The application does not contain any biodiversity information. Conditions would be applied to the proposal to secure green roofs of the flats and biodiversity net gain if the proposal was recommended for approval.

9.21 Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

9.22 Water Management and Flood Risk

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

9.24 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.

9.25 The Council's Sustainable Drainage Engineer has advised that the application is acceptable subject to conditions of surface water drainage and foul drainage conditions.

9.26 It is considered subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

9.27 Highway Safety and Transport Impacts

9.28 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.

9.29 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.

9.30 The Highway Authority was consulted on as part of the application and does not consider there would be any adverse impact upon highway safety subject to the suggested conditions of pedestrian visibility, falls and levels, existing vehicular access, and contractors parking plan. The proposal would therefore be compliant with policies 81 and 82 of the Cambridge Local Plan (2018) and the NPPF's advice.

9.31 Refuse Arrangements

9.32 Two covered bin storage areas have been integrated into the building footprint and accessed from Green End Road serving both residential and commercial units. The storage areas appear to be segregated between residential and commercial. A condition requiring details of waste collection arrangements would be required if the application was recommended for approval.

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

9.34 Cycle and Car Parking Provision

9.35 Cycle Parking

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

9.37 The application proposes 8no. visitor stands which are located upon the front entrance near the Commercial Shop Space. The application also proposes a cycle storage area located to the rear side of the application site. The application proposes 12. No cycle parking spaces for residents and 4 cycle parking spaces for the commercial unit. The application site meets the required cycled space standards set under Appendix L. The cycle storage would be accessed by a form of roller shutters with a locking mechanism which officers are concerned would be impractical for day-to-day use. The cycle storage does meet the required cycle dimension standards set within the Cycle Parking Guide for New Residential Developments (2010). However, concerns are raised by Officer's on the nature of the storage. The cycle storage could potentially be broken into and this part of the site is not well-overlooked. The roller shutter doors face upon the footpath that could be accessed by non-residents. The previous extant scheme contained an internal cycle storage area accessed via an entrance door. This scheme has a roller shutter roller spanning a proportion of the rear elevation. It is therefore considered the current proposal does not contain a level of cycle storage that is considered appropriate. Further, concerns are raised that the cycle storage nature could be of a cramped nature. Lastly, the previous scheme contained a fold down bike maintenance work top for repairs which this application does not.

9.38 The application therefore raises concerns with regards to cycle storage and therefore not in accordance with policy 80 and 82 of the Cambridges Local Plan 2018.

9.39 *Car parking*

9.40 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. The Council strongly

supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.

- 9.41 The application site does not fall within the Controlled Parking Zone. The development would provide two car parking spaces for the shop as well as three spaces for residents at the southwest corner of the site, which are adequate dimensions. The proposal has one disabled car parking space for residents to the northeast of the site.
- 9.42 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. Conditions would be applied on EV charging if the application was recommended for approval.
- 9.43 The proposal would be in accordance with Cambridge Local Plan 2018 policy 82.

9.44 Amenity

- 9.45 Policy 35, 50, 52 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.
- 9.46 Neighbouring Properties
- 9.47 *200 Green End Road*
- 9.48 To the southeast of the site is 200 Green End Road, which would be the property most affected by the proposal. The building line of the proposal would be set back from the common boundary with no.200 by approx. 1.01 and the existing side of elevation of no.200 is set back approximately 3.16m from the common boundary. 198 Green End Road as existing meets the common boundary with No.200. The proposal at second floor which is nearest the shared boundary would not exceed the height of No.200. Is it therefore considered that the proposal would not lead to significant overbearing impacts to the occupiers of No. 200. Further, the application is of a similar scale and size to the previous application. The previous application contained shadow studies which confirmed that there would be limited overshadowing to No. 200 as a result. There are no windows proposed on the south elevation. The proposed rear fenestration is located away from the boundary of No.200 so that it would lead to significant overlooking impacts of the amenity area of this property.

- 9.49 *Wider Area*

The front and northern side elevation faces upon Green End Road due to separation by distance there will be no harm to the neighbouring amenity. The rear elevation faces upon the Nisa shop, outbuilding and yard area. By virtue of the nature of the area it is not considered the proposal would lead to significant harm by overlooking.

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

9.51 *Future Occupants*

9.52 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).

9.53 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 (m ²)	Difference in size(m ²)
1	1	2	1	50	51.8	1.8
2	1	2	1	50	50.1	0.1
3	1	2	1	50	50.1	0.1
4	1	2	1	50	50.1	0.1
5	1	2	1	50	51.4	1.4
6	1	2	1	50	50.1	0.1
7	1	2	1	50	63.6	13.6
8	1	2	1	50	53.2	3.2
9	1	1	1	37	37.1	0.1

9.52 All of the proposed units comply with the size requirements for internal space standards under Policy 50 of the Local Plan.

9.54 *Amenity Space*

9.55 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.

- 9.56 All of the proposed flat units have a direct access to an area of private amenity space located upon the southern and northern side of the proposal. The private amenity space appears to be of sufficient space to accommodate table and chairs. The application does not contain a communal outdoor amenity space. The previous application 20/02791/FUL contained a second-floor shared roof terrace communal amenity space. This was requested by officer's due to the small size of the proposed private amenity spaces for the future occupiers.
- 9.57 Para 6.35 of the Local Plan states; 'One-bedroom dwellings would not be expected to provide space for children to play, due to the lower likelihood of children occupying these units. Dwellings with more than one bedroom would need to take space for children to play into account. In addition to private amenity space, developments with flats will need to provide high-quality shared amenity areas on site to meet the needs of residents, including play space for children'.
- 9.58 The Policy Officer was consulted on the application and stated Policy 50 deals with all the private amenity areas only accessible to residents, either private to the dwelling or to the development such as a rooftop area. In this case, just because all the dwellings are flats it doesn't mean to say it shouldn't provide a communal private area available to whole development, it just means that it is unlikely to be of a form that involves children's play space however it could a rooftop space. If the site is in a densely populated area, then there will already be significant pressure on local spaces and should be a consideration of the site's impact by not maximising on-site communal spaces.
- 9.59 The application site will lead to a form of densely populated arrangement with the potential of 9 flats and the potential of up to 17 occupiers. This could create significant pressure on the local public spaces within the area by the application site not maximising its on-site communal spaces.
- 9.60 It is acknowledged that there are two public amenity areas located at approx. 200 and 277 metres of the application site along Scotland Road and Green End Road. However, it is considered that the application should still provide sufficient outdoor amenity space of high quality that future occupiers could easily and readily enjoy, and this would take local pressure off the public amenity spaces which in any event provide a type of open space that is not at all private or primarily for the benefits of the future residents. In this respect the application before members is a 'poor cousin' of its predecessor on the site. The private amenity balcony areas are of a small scale and relatively exposed to the relatively busy road upon which the site sits. A terraced communal amenity area, set above and partially behind the facade would help to significantly improve the amenity of future occupiers and the site has the capacity to provide this. The flat roofed area could accommodate a green roof. However, in this instance, the need to provide the occupiers with sufficient outdoor amenity outweighs this.

Further, the top roof above the second floor could still contain a green roof which would ensure biodiversity net gain is achieved. The proposal therefore fails to provide a high quality and sufficient shared amenity space that policy 50 requires.

9.61 Third party comments have been received in relation to the scheme as neighbouring residents prefer this scheme without the roof top terrace communal area. This is acknowledged; however, the application site does not contain any overlooking impacts. The last application contained obscured glazing condition upon this terraced area to ensure this. Further, previously a parapet wall on the upper floor level was constructed at 1.1m high with an 0.7 strip of the obscure glazing, giving a height of 1.8 to ensure overlooking would not occur. It is also further, noted that the applicant site has benefited from an extant permission whereby the roof terrace has been approved. Comments regarding the noise and disturbance of the roof terrace are noted to neighbouring residents particularly no 200. However, the site is located on a busy corner and the hard-standing belonging to 196 Green End Road is often use for car parking and other associated activities. Further, a condition of obscure glazing would help to mitigate this if the application was recommended for approval.

9.62 The need for sufficient communal outdoor space is considered necessary in this instance. The application site does not maximise its potential on site and this therefore is a reason for refusal. The application is therefore not in accordance with Policy 50 of the Cambridge City Local Plan 2018.

9.63 *Accessible homes*

9.64 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2). The Access Officer was consulted on the application and stated that the proposal was acceptable and was better than the previous it replaced in terms of access. The proposal is therefore considered to comply with the requirements of Part M4 (2) of the Buildings Regulations and Policy 51.

9.65 *Construction and Environmental Impacts*

9.66 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.

9.67 The Council's Environmental Health team have assessed the application and recommended and confirmed the application is acceptable subject to construction/ demolition hours, demolition construction collection deliveries, piling and dust. Further, the Environmental Health also suggested conditions of alternative ventilation scheme, artificial lighting, A1 hours of opening, A1 collections and deliveries and EV charging. The application is therefore considered to be in accordance with 35 of the Local Plan.

9.68 **Landscaping**

9.69 The landscaping officer was consulted on the application and stated that the proposal is acceptable but suggested some amendments. The Landscape Officer suggested amendments to the Disabled Car Parking Space stating the access should be from Green End Road from the north-east rather than the using the adjacent track. This is not considered to be reasonable noting the previous extant approval has a similar arrangement to this proposal. The Landscape Officer suggested the conditions of Soft Landscaping, Hard Landscaping and Landscape Maintenance Plan, which would be applied reasonable if the application was recommended for approval.

9.70 **Third Party Representations**

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

Third Party Comment	Officer Response
The site is current state of disrepair for a while and a new scheme will make the area more attractive	This is noted by officers. However, for the concerns raised above due to the design, lack of communal space for the occupiers and cycle storage. It is noted the proposed will redevelopment previously development brownfield land. However, in this instance this does not overcome the material harm to amenity and the conflict with Local Plan policy as previous explained above.
Comments received in relation to the scheme presents a better scheme for the site	Officers have concerns raised in relation to the proposal. Therefore, on balance it is not considered to be suitable application and therefore recommended for refusal.

Anti- Social Behaviour of the Area	Matters relating to anti-social behaviour of the area are matters for the police and outside of the planning system.
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9.72 Planning Balance

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

9.74 The development proposal has been considered against the relevant Local Plan Policies the objectives of the National Planning Policy Framework and the government’s agenda for growth.

9.75 The proposal would make a small contribution to the local economy including the provision of construction jobs and some additional local spend. Further, the proposal would contribute to a higher density of accommodation within the area and development of a previously developed and partially brownfield site. Whilst these are benefits of the scheme, they are not considered to outweigh the harm as identified above. The development will lead to material harm to the amenity of the future occupiers by failing to provide appropriate amenity space for future residents and conflicts with the local plan.

9.76 It also raises concerns with regard to its design and its impact on the character and context of the area and does not provide appropriate cycle storage. The proposal is contrary to policies 50, 55, 56, 57, 58, 59, 80 and 82 and the NPPF.

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

9.78 Recommendation

9.79 **Refuse** for the following reasons:

1. The proposal fails to provide appropriate communal amenity space, does not maximise its potential for on-site communal space and as such future occupiers would have a poor level of on-site amenity space in what is a densely populated part of the City. The application is therefore not in accordance with Policy 50 of the Cambridge City Local Plan 2018.

2. The proposal would create an upper third storey that would have an overly dominating appearance and roof form within the surrounding character and context of the area. The proposal would therefore not lead to a high-quality design that would not contribute positively to the surroundings. The proposal is not considered to be compliant with Cambridge Local Plan (2018) policies, 55, 56, 57, 58 and 59 and the NPPF.

3. The proposal fails to provide adequate cycle storage to a sufficient standard. The roller shutter doors face upon a footpath that could be accessed by non-residents. This scheme has a roller shutter roller spanning a proportion of the rear elevation which is likely to be impractical for use and could lead to theft given that this part of the site is poorly surveyed. It is therefore considered the current proposal does not contain cycle storage that is considered appropriate. The application is therefore not in accordance with the requirement of appendix L of the Cambridge Local Plan 2018 and policy 82 of the Cambridge Local Plan.



Planning Committee	5 th October 2022
Date	
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	22/0669/TTPO
Site	76 De Freville Avenue
Ward / Parish	West Chesterton
Proposal	T1 – Acacia : Dismantle to near ground level and replant with Liquidamber Worplesdon. T3 Birch : Reduce height by 2m.
Applicant	Canopy Tree Specialists on behalf of 76 De Freville Avenue
Presenting Officer	Joanna Davies
Reason Reported to Committee	Third party representations and Cllr objections
Key Issues	Justification for the removal of a TPOd tree Justification for remedial works to a TPOd tree
Recommendation	APPROVE removal of T1 subject to conditions REFUSE crown reduction of T3

1.0 Executive Summary

- 1.1 This tree work application was previously brought before committee on 7th September 2022. At that time committee agreed to defer the decision until third party commissioned reports could be fully considered.
- 1.2 The application seeks permission for the removal of a False acacia (T1) and the crown reduction by 2m of a Silver birch (T3). Both trees are located in the rear garden of the 76 De Freville Avenue.
- 1.3 Officers are satisfied that there is sound arboricultural justification for the removal of T1 given the decay located in the lower canopy and the associated risk of structural failure. Replacement planting is proposed to mitigate in the long-term the loss of amenity.
- 1.4 Officers are not satisfied that there is sound justification for a crown reduction of T3.
- 1.5 Officers recommend that the Planning Committee approve the removal of T1 subject to replacement planting and refuse the crown reduction of T3.

2.0 Site Description and Context

Conservation Area	X	Tree Preservation Order	X
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- 2.1 T1 and T3 are located in the rear garden of 76 De Freville Avenue. Both trees can be viewed from a public perspective through the gap between 76 and 78 De Freville Avenue and through gaps between houses on Belvoir Road. They contribute significantly to the verdant character of the conservation area but the wider impact, as perceived by the public, is limited due to the presence of surrounding houses and additional trees.

3.0 The Proposal

- 3.1 T1- Acacia : Dismantle to near ground level. Eco plug stump to prevent regrowth. Re plant with (Liquidambar Worplesdon) on left side of the garden further down the garden away from the properties. The reason for dismantle is the pollard heads look to be quite decayed near the top. There is also a V shaped union near ground level, because of this the client is worried about it failing as it is overhanging the neighbour's property and is very close to their property.
- 3.2 T3- Silver birch : Reduce height by approximately 2m to secondary growth points. Reduce lateral branches by approximately 2-2.5m to secondary growth points, to a more compact size and shape. Reducing the amount of overhang to neighbours on right boundary. Remove any dead wood.

3.3 In April 2022 section 211 Notice 22/0475/TTCA was received, which proposed the following works. Front garden - 1 Cypress: Dismantle to near ground level. Rear garden- 2 Cypress: Dismantle to ground level. 3 Silver birch: Dismantle to ground level. 4 Spruce : Dismantle to near ground level. 5 Dead apple : Fell to ground level. 6 Acacia: Dismantle to ground level.

3.4 Insufficient justification was given and some of the removals would have had a significant impact on amenity. A TPO was served therefore to protect trees including both the False acacia and Silver birch that are the subject of this application.

4.0 Policy

4.1 National

Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012.

4.2 Other

De Freville conservation area
Citywide Tree strategy

5.0 Consultations

5.1 Ward Councillors and near neighbours were consulted on the application and a Site Notice was issued for display.

6.0 Representations

6.1 Representations have been received from residents in De Freville Avenue, Humberstone Road and Belvoir Road. These are available to view in full via Public Access. In addition, third parties have commissioned reports on the condition of T1. These are also available via Public Access and commented on below. Cllr Jocelyne Scutt, Cllr Sam Carling and Cllr Richard Swift objected to the removal of T1 and requested a deferral to allow assessment of third party commissioned reports and a site visit, which was carried out on 20th September.

6.2 The below tables objections and officer responses.

Third Party Comment	Officer Response
No good reason for removal, trees appear healthy with nothing “wrong” with them	It is agreed that T3 is showing no signs of significant defect. T1 is showing good vitality but closer inspection reveals decay and bark necrosis, which is compromising the tree’s structural integrity and significantly increasing the risk of branch failure. Given the location of

	T1 the risk of harm and/or damage resulting from limb failure is significant
Threat/nuisance concerns not shared by affected neighbours	Following inspection, officers are satisfied that the structural condition of T1 is sufficiently compromised to pose a threat and that is sufficient reason to grant consent for the tree's removal.
Replacement by non native species reprehensible	False acacia trees are not native to the UK. With changes in climate resulting in prolonged periods of drought and flooding successful urban forestry requires a diverse range of species and those that thrive in our changing climate are often not native
Not all residents consulted so how can decision be taken	There is no legal requirement to consult on tree works applications but consultation was carried out in accordance with council policy
The trees are important for wildlife, climate change and their removal would be contrary to policy	The removal of trees with significant defects resulting in an unacceptable risk of harm/damage from failure is not contrary to any national or local policy. Trees are living organisms susceptible to age, pests and diseases. The contribution they make to amenity, wildlife and landscape character is everchanging. The loss of individual trees is inevitable but with appropriate replacement planting to safeguard future populations justified removals need not result in a negative impact on the overall contribution any individual makes to the city's tree population
The tree should not be removed when its size can be managed	It is the upper canopy of T1 that makes the greatest contribution to visual amenity. Decay is located relatively low in the crown, just above the primary bifurcation. The reduction required to make the tree "safe" would significantly reduce its visual prominence. Furthermore, the removal of regrowth would need to be repeated regularly to manage the risk of failure, so restricting the tree's future amenity value. A replacement tree however could be allowed to grow with very limited remedial work.

- 6.3 A third party has submitted two reports prepared to support the tree's retention. The first is an email prepared by Neil Gale PhD from Aberystwyth. It is not clear when the tree was inspected by Dr Gale but no outward sign predicting bough failure or anything that would raise concern for safety issue were noted during his assessment.

- 6.4 The above is contrary to the defects noted during a site visit of 14th July 2022. Please see paragraph 8.11 for details.
- 6.5 The second report was prepared by Acacia Tree Surgery Ltd, who carried out a site visit from 74 De Freville Avenue. This report cites decay at the points to which the tree was previously reduced and advises that the tree be reduced to form a smaller compact crown to alleviate pressure on old pruning points.
- 6.6 The above confirms the defects noted during the officer site visit of 14th July 2022. Please see paragraph 8.11 for details.

7.0 Member Representations

- 7.1 The application was previously brought before committee on 7th September when members voted to defer the decision to allow assessment of third party commissioned reports.

8.0 Assessment

8.1 Planning Considerations

- 8.2 Amenity - Does the tree make a significant contribution to the character and appearance of the area.
- 8.3 Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with regulations 14 and 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.
- 8.4 Justification for Tree Works - Are there sound practical and/or arboricultural reasons for the works proposed?

8.5 Principle of Works

- 8.6 T1 and T3 contribute significantly to the verdant character of the conservation area but the wider impact, as perceived by the public, is limited due to the presence of surrounding houses and additional trees.
- 8.7 The removal of T1 will be sufficiently detrimental to amenity to warrant sound justification.
- 8.8 The crown reduction of T3 will be sufficiently detrimental to tree health and amenity value to warrant sound justification.
- 8.9 The long-term contribution the collection of trees within 76 De Freville Avenue makes to the verdant character of the conservation area can be safeguarded with replacement planting, if T1 is removed.

- 8.10 The risks associated with confirmed decay in T1 are at present not considered to be imminent therefore the works proposed are not excepted from the requirement to apply for permission.
- 8.11 Information provided with the application was subjective and lacked detail. An officer site visit was carried on 14th July 2022. The tree was previously reduced to a height of approximately 6m. The reduction resulted in large diameter pruning wounds. Decay is visible at the points of reduction with a cavity and bark necrosis formed below on the northernmost limb. The regrowth above these weak points is substantial and the risk of failure, significant. Please see photos at appendix 3.
- 8.12 Crown reduction to reduce the risk of failure to an acceptable level would need to be below the decay. Such a reduction would materially reduce the tree's public amenity value and the need for repeated removal of regrowth would ensure that the reduction in amenity value would be permanent. The tree is located approximately 4m from the rear elevation of number 76. At its current height much of the canopy is at a height that does not conflict with adjacent houses or use of the garden. A crown reduction will lower the canopy and increase conflict with neighbouring structures. As is typical of the species a heavy reduction could result in prolific thorny epicormic growth. Removal of the tree allows replacement planting to be enforced so preserving long-term amenity.
- 8.13 **Planning Conditions**
- 8.14 Members attention is drawn to the following conditions that form part of the recommendation:

Condition no.	Detail
1	<p>No works to any trees shall be carried out until the LPA has received and approved in writing the full details of replacement planting. Details are to include number of replacements, species, size, location and approximate date of planting.</p> <p>Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity</p>
2	<p>Trees will be planted in accordance with the approved planting proposal. If, within a period of 5 years from the date of planting, replacement trees are removed, uprooted, destroyed or die another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.</p> <p>Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity</p>

8.15 Planning Balance

- 8.16 Government guidance states that in considering an application the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified. Policy 2 of Cambridge City Council Citywide Tree Strategy sets out the criteria against which amenity is considered.
- 8.17 In certain circumstances, compensation may be payable by the local planning authority for loss or damage which results from the authority refusing consent or granting consent with conditions.
- 8.18 On balance officers believe that the risk of harm and/or damage associated with a refusal outweighs the negative impact the removal of T1 will have on the verdant character of the conservation area.
- 8.19 However, there is insufficient justification to support the crown reduction of T3, which would also be detrimental to the verdant character of the conservation area.
- 8.20 Replacement planting is required to safeguard the long-term contribution the site makes to amenity.

9.0 Recommendation

9.1 **Approve** removal of T1 subject to:

- The planning conditions as set out above.

9.2 **Refuse** the crown reduction of T3 for the following reasons:

9.3 There is insufficient justification for the works to T3 in the manner proposed and these works would be detrimental to tree health and amenity contribution and therefore to the character and appearance of the area. The Council recognises the need for periodic works to some trees to maintain a reasonable relationship between trees and property and would be minded to approve considered tree work proposals made for sound arboricultural and/or practical reasons.

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.

- [Tree strategy - Cambridge City Council](#)
- [Simple Search \(greatercambridgeplanning.org\)](#) 22/0669/TTPO, including application submissions, photos and third party representations.

- TPO 0020 (2022) – contact Joanna Davies

Appendix 1 Tree Location

Appendix 2 View of trees from De Freville Avenue

Appendix 3 Reduction points and decay

Appendix 1

Tree Location



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Appendix 2

T1 from De Freville Avenue



T1 and T3 from De Freville Avenue



Appendix 3

Photo 1



Large red arrows show flat top of reduction points.

Blue circle is a decay column

Small pink arrows indicate large diameter wood above decay.

Appendix 3

Photo 2



Large red arrows show flat top of reduction points.

Blue circle is an area of necrosis

Small pink arrows indicate large diameter wood above decay.

Appendix 3

Photo 3



Red line indicates reduction below decay.

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REPORT TO: Planning Committee City 5th October 2022

LEAD OFFICER: Joint Director of Planning and Economic Development

Enforcement Report

Executive Summary

1. On 30th August 2022 there were 146 open cases, including 61 Short Term Visitor Accommodation investigations.

In August 2022, 20 new cases were opened, and 10 investigations were closed.

In August 2022, one formal enforcement notice was served.

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

Updates to Service Delivery

The month of August has seen numbers of complaints and investigations concluded and closed snap at a consistent level seen in previous months.

August has seen the continuation of a soft launch of new ways of alleged breaches of planning control being reported online, alongside the introduction of a real time updated enforcement register being made available. This sits alongside new online web content explaining the enforcement process is also being launched which will enable residents to determine if their enquiry is likely to be determine a breach of planning control.

Three posts within the Compliance Team have been out for recruitment. One of the two Senior Enforcement Posts have been filled and recruitment has concluded for the Principal Planning Enforcement Lead Officer.

Updates to significant cases

Previous updates requested by Members in August will be sent out this month. Should Members wish for specific updates to be added to the Enforcement Report then please request these from the Lead Principal Planning Compliance Officer and they will be added to the next available Planning Committee.

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

Updates are as follows:

8 Kelsey Crescent, Cherry Hinton.

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

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

Update August: Still awaiting both decisions from Planning Inspectorate.

Appendices

Appendix 1: Enforcement Cases Received and Closed.

Appendix 2: Notices Served.

Report Author: John Shuttlewood – Principal Planning Enforcement Officer

Date: 22/09/2022

Appendix 1

Enforcement Cases Received and Closed

Month	Cambridge City							LPA Total
	Received	No Breach	Resolved	Not Expedient	Application Approved	Other		
August 2022	20	5	0	1	1	3	10	
July 2022	21	10	0	4	1	14	29	
June 2022	1	2	0	2	0	0	4	
May 2022	19	10	0	10	2	11	33	
April 2022	29	6	0	3	1	4	14	

Jan 2021 – July 2022

Quarter	Cambridge City							LPA Total
	Received	No Breach	Resolved	Not Expedient	Application Approved	Other		
Qtr 2 2022	41	15	0	5	2	17	39	
Qtr 1 2022	52	18	0	15	3	15	51	
Qtr 1 2021	53	17	5	10	5	11	48	
Qtr 2 2021	65	8	1	4	2	2	17	
Qtr 3 2021	52	41	10	13	8	18	90	
Qtr 4 2021	51	41	9	21	6	14	91	

Appendix 2

Public Notices served

August 2022

Reference	Ward	Parish	Address	Notice Issued
EN/00328/22	Trumpington		10 Southbrooke Close Cambridge Cambridgeshire CB2 9HX	Breach of Condition Notice

July 2022

Reference	Ward	Parish	Address	Notice Issued
EN/00206/22	Newnham		10 Grantchester Road Newnham Cambridge Cambridgeshire CB3 9ED	Breach of Condition Notice
EN/00044/22	Petersfield		H Gee 94A Mill Road Cambridge Cambridgeshire CB1 2BD	Section 215 - Condition of land Notice

June 2022

Reference	Ward	Parish	Address	Notice Issued
EN/00281/22	Queen Ediths		291 Hills Road Cambridge Cambridgeshire CB2 8RP	Breach of Condition Notice

May 2022

Reference	Ward	Parish	Address	Notice Issued
EN/00264/22	Arbury		1 Mere Way Cambridge Cambridgeshire CB4 2JP	Breach of Condition Notice