



Cambridge City Council Planning

Date: Wednesday, 29 March 2023

Time: 10.00 am

Venue: Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ [access the building via Peashill entrance]

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

Agenda

Timings are included for guidance only and cannot be guaranteed

1 Order of Agenda

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

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

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

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

2 Apologies

3 Declarations of Interest

4 Minutes (Pages 7 - 30)

Part 1: Minor/Other Planning Applications

5 22/05100/FUL-196 Green End Road 10.00am (Pages 31 - 60)

6 22/02657/FUL-237 Hills Road 10.30am (Pages 61 - 84)

7 22/04755/FUL-40 and 42 Natal Road 11.00am (Pages 85 - 108)

8 22/04055/HFUL-90 Roseford Road 11.30am (Pages 109 - 118)

Part 2: General and Enforcement Items

9 TPO/13/2023-1 Brunswick Walk 12.00pm (Pages 119 - 132)

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

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

Information for the public

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

This Meeting will be live streamed to the Council's YouTube page. You can watch proceedings on the livestream or attend the meeting in person.

Those wishing to address the meeting will be able to do so virtually via Microsoft Teams, or by attending to speak in person. You must contact Democratic Services democratic.services@cambridge.gov.uk by 12 noon two working days before the meeting.

Appendix 1 – Planning Policies and Guidance

(Updated September 2020)

1.0 Central Government Advice

1.1 National Planning Policy Framework (NPPF) February 2019 – sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

1.2 Planning Practice Guidance (NPPG)

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

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

Planning Obligations

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

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

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

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

2.0 Development Plans

2.1 The Cambridgeshire and Peterborough Minerals and Waste Plan 2011

2.2 Cambridge Local Plan 2018

3.0 Supplementary Planning Documents

3.1 Sustainable Design and Construction 2020

3.2 Cambridge Flood and Water 2018

3.3 Affordable Housing 2008

3.4 Planning Obligations Strategy 2004

Development Frameworks and Briefs

3.5 The New Museums Site Development Framework (March 2016)

3.6 Ridgeons site Planning and Development Brief (July 2016)

3.7 Mitcham's Corner Development Framework (January 2017)

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

3.9 Land North of Cherry Hinton (February 2018)

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

4.0 Use Classes

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

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

PLANNING

7 February 2023

10.30 am - 5.15 pm

Present:

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

Also present: Councillors Davies and Holloway

Officers:

Interim Development and Planning Compliance Manager: Toby Williams

Area Manager (East): Jane Rodens

Principal Planner: Tom Gray

Senior Planner: Mary Collins

Senior Planner: Charlotte Spencer

Senior Planner: Nick Westlake

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Chris Connor

Other Officers Present:

Historic Environment Team Leader: Christian Brady

FOR THE INFORMATION OF THE COUNCIL**23/8/Plan Apologies**

Apologies were received from Councillor Dryden.

23/9/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Gawthrope Wood	23/12/Plan	Personal: Application in her Ward. Discretion unfettered.
Councillor Collis	23/14/Plan	Personal: Contact with residents as Ward Councillor.

		Would not take part in discussion or decision making.
All Committee	23/16/Plan	Personal: General contact with residents as Ward Councillor. Discretion unfettered.

23/10/Plan Minutes

No minutes of previous meetings were submitted to this meeting for approval.

23/11/Plan Re-Ordering Agenda

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the published agenda.

23/12/Plan 22-03076-FUL Edeva Court

Councillor Page-Croft withdrew from the meeting and did not return.

Councillor Collis joined the meeting at the start of this item.

The Committee received an application for full planning permission.

The application sought approval for construction of a single storey extension at roof level comprising 3 no. self-contained residential flats (Use Class C3), including provision of car parking, cycle parking and associated works.

The Senior Planner updated her report by referring to the amendment sheet.

- i. An amended site plan had been received.
- ii. Comments from Building Control had been received.

The Committee received a representation in objection to the application from the Consultant Solicitor on behalf of the leasehold owners of Edeva Court:

- i. Referred to changes to the general development order two years ago. There were no permitted development rights for the application due to the near location of the airport.
- ii. Referred to Local Plan Policies 52 and 58.
- iii. Residents were concerned about:
 - a. Height.
 - b. Scale.

- c. Massing.
- d. Impact on character of the area.
- e. Lack of car parking.
- iv. The existing development optimises but did not maximise the site. The new application overdeveloped it.

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

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

- i. The removal of the roof and living through that process would affect existing residents.
- ii. Existing housing was optimised for site density/mass without overdevelopment. The new application would over develop the site.
- iii. There had been a lack of consultation between the Applicant and residents.
- iv. Referred to the amendment sheet. Issues would have been picked up beforehand if proper consultation had been undertaken.
- v. Referred to NPPF paragraph 1.32 and Local Plan Strategic Objective 15. Changes to the building would negatively affect existing residents. The application went against their wishes.
- vi. Concerns:
 - a. Construction noise and activity.
 - b. Internal and external changes to the building/estate without existing residents' permission.
 - c. Impact on fire appliances access to building.
 - d. Parking and highway safety issues would be exacerbated.

Councillor Porrer proposed an amendment to the Officer's recommendation that the bedroom window on flat 15 should not be obscured.

This amendment was **carried by 7 votes to 0.**

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. Fire escape should be compartmentalized and building have appropriate cladding.
- ii. Separate water metres for each flat.

The amendments were **carried by 7 votes to 0.**

The Committee:

Resolved (by 5 votes to 2) to reject the Officer recommendation to approve the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, (as amended in debate).

Resolved (by 7 votes to 0) to refuse the application contrary to the Officer recommendation (as amended in debate) for the following reason:

The proposed scheme fails to provide high quality shared or private external amenity space for future residents, including but not limited to children and in combination with the constrained and restricted access and layout of the apartments, including limited outlook for bedroom 2 of flat 15 and lack of inclusive access, would result in an overall poor standard of residential amenity contrary to Cambridge Local Plan 2018 policies 50, 56 and 59.

23/13/Plan 22-02936-FUL 208-208a Cherry Hinton Rd

The Committee received an application for full planning permission.

The application sought approval for erection of new second floor to provide two new dwelling units with balconies.

The Committee:

Resolved (by 5 votes to 1 with 1 abstention) 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.

23/14/Plan 22-01971-FUL 346 Milton Road

Councillors Gawthrope Wood and Smart declared they would participate in the debate and decision of this item; they had clarified they had not undertaken a site visit to 346 Milton Road as stated in January Planning Committee. A different site had been visited. As such their discretion was unfettered.

The Committee received an application for full planning permission.

The application sought approval for demolition of existing double garage and shed, and erection of a detached single storey dwelling to the rear

The Committee received a representation in objection to the application from a representative of Milton Road Residents' Association:

- i. This proposal was for a bungalow at the end of a privately owned, unmade, unlit 100m track, at 3.7m - only wide enough for one car. If the turning circle outside 346 was built on, it would mean that all vehicles (including emergency vehicles) would have to back out onto Kendal Way (which at the exit point, was one way due to the chicane opposite the track).
- ii. The land registry proved the track does not belong to 346. But the Architect had drawn 2 parking spaces and a covered cycle rack there and in one image also showed a table and chairs. 346 only had right of way in that area. There was also not enough space to squeeze in 2 cars and a covered cycle parking and to reverse out of the space.
- iii. The track was the only entrance/exit to 16 Council run allotments. There were no sheds so allotmenters needed to bring their tools each time, usually by car. They tended to park in the turning circle. If that was removed, they would block residents trying to access their back gardens and garages.
- iv. The land registry showed that the boundary between 344 and 346 was a straight line. The Architect plans, showed a 'kink' in the line so it appeared the Applicant was taking land from next door at 344.
- v. The Architect stated that there were no trees or hedges adjacent to the development that could influence the plans. However there was a line of mature trees and hedging at the boundary with 344. It would be impossible to render a property at 346 or to clean the gutters etc.
- vi. The bungalow would be very dark inside. The windows facing northeast would be overshadowed as they were only 1m from the bungalow at 348. The door at 346 would be opposite the one at 348 which opens outwards. Neither household would have privacy.
- vii. There was no outside door in the kitchen so all fumes etc would go into the rest of the bungalow. The bin was a long way from the kitchen.
- viii. When the bungalow at 348 was built, all lorries had to back down the track. This was a very difficult manoeuvre with the chicane opposite the entrance. It caused queues of cars along Kendal Way and was

dangerous to cyclists and drivers alike. The lorries also blocked exits from the rear of houses facing Milton Road and the track which became very muddy with large potholes. This bungalow had been empty for 2 years, the owner put it on the market but could not sell it. Would 346 also be empty long term?

- ix. The layout behind 346 to 364 Milton Road was a mirror image of 368 to 384. Recently there had been applications to build houses or bungalows in 4 of the rear gardens. All had permission refused or had withdrawn planning permission because “they would appear incongruous in this back-land location, resulting in harm to the character and appearance of the surrounding area” and ‘problems with access’.

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

- i. The application did not meet Local Plan criteria of:
 - a. Good quality housing that fitted into neighbourhoods.
 - b. Sustainable development.
- ii. The application overdeveloped a constrained space.
- iii. Referred to paragraphs 10.23 and 10.24 (P66 agenda pack). Questioned if the application could meet this criteria?
- iv. Expressed concern about:
 - a. Impact of construction traffic.
 - b. Access track was unsuitable for current traffic. This situation would be exacerbated if more were added.
 - c. Emergency vehicles would be forced to back down the track.
 - d. Accepting the application would set a precedent for others who would build houses in their gardens.

The Committee:

Resolved (by 6 votes to 0) to defer the application.

23/15/Plan 22-04705-FUL Clare College Sports Ground

The Committee received an application for full planning permission.

The application sought approval for demolition or removal of existing structures, extension of retained storage shed and erection of a single-storey

building to serve as a training facility ancillary to the existing use of the site for outdoor sport. Details of access, parking, drainage, landscaping and associated works included.

The Senior Planner updated his report by referring to text amendments on the amendment sheet.

Mr Tunbridge (Chief Executive at Cambridge United Football) addressed the Committee in support of the application.

The Committee:

Resolved (by 7 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 details on the amendment sheet.

23/16/Plan 22-03811-FUL Kings College Chapel

Councillor Thornburrow left the Committee before this item was considered and did not return.

The Committee received an application for full planning permission.

The application sought approval for installation of photovoltaic panel arrays on the north and south slopes of Kings College Chapel and related infrastructure.

The Senior Planner updated her report by referring to third-party representations on the amendment sheet.

The Committee received a representation in objection to the application from a representative of Historic England:

- i. Referred to the significance of the chapel.
- ii. The interior and exterior were worthy of note.
- iii. Installation of photovoltaic panel arrays would harm the chapel to a modest degree.
 - a. The panels were a reflective screen that were out of character with the building.
 - b. Panels would detract from the character of the building.

- iv. The exceptional significance of Kings College Chapel meant that photovoltaic panel arrays were unacceptable as the costs outweighed the benefits of renewable energy.

The Committee received representations in objection to the application from a Conservation and Design Consultant (written statement read by Committee Manager):

- i. King's College Chapel was a Grade I listed building of outstanding interest and national importance. It was one of the most important architectural, historic and aesthetically iconic buildings in England, Europe and the world. It was a focal building in a highly prominent location within the Cambridge Conservation Area.
- ii. The need for an urgent, effective response to the climate emergency was fully endorsed. Every opportunity to develop sustainable, renewable green technology was to be wholeheartedly encouraged - but only where any impact would be reasonable and not unduly harmful.
- iii. The proposed provision of large arrays of black reflective panels, attached to and above the existing plane of the lead roofs, would damage the integrity of the building. It had been established that there would be some (albeit limited and partly restricted) views to the proposed new roof covering. Even if the black panels could only be glimpsed through or over the pierced parapet, from ground level and around - this would be more than sufficient to diminish the appearance and character of the roof - and contrast with the grey lead roof. Lead was surely the true conservation replacement - re-instating the correct, sympathetic, original historic roofing material.
- iv. The upper part of the Chapel, creating the highly sensitive silhouette skyline, comprising the roof, parapet and distinctive architectural masonry detail, together form a key, defining, intrinsic part of the exterior appearance, special interest, character and significance of the Chapel, itself, and its setting.
- v. The speaker had advised over many years, on proposed photovoltaic panels to roofs of listed buildings. The established good practice approach was always to carefully weigh the balance of the positives of sustainability against the negatives of undesirable change. Just knowing and being aware that such additions had been installed upon the Chapel roof would be detrimental to an image and impression of the special and

wholly unique qualities of the Chapel. Some historic buildings were so important that any degree of such damaging change must result in a disproportionate level of harm and had a clear negative impact to its essential significance, special character and spirit of the place.

- vi. King's College Chapel was such a sacrosanct historic building - and should be preserved inviolate.

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

- i. Would have spoken at this meeting, but am unable to attend the Committee because would be chairing a Board meeting of the Sustainable Traditional Buildings Alliance (<https://stbauk.org>) which brings together sustainability, heritage, and mainstream construction industry interests to tackle the challenges exemplified by this application.
- ii. Strongly supported the officer's report and recommendation. Referred to comments on the amendment sheet that set out further reasons why the College had not made their case.

Professor Proctor (Provost of Kings College) addressed the Committee in support of the application.

The Committee Manager read out the following points on behalf of Councillor Nethsingha (Newnham Ward Councillor):

- i. Supported the application for solar photovoltaic on the roof of King's College Chapel. Had looked at and noted the objections from the Council Conservation Officer and from Historic England, but still urged the committee to approve this application.
- ii. The impact of the solar photovoltaic panels on the visual appearance of the chapel would be minimal, as was recognised in the Conservation Officer's report, but the impact in sending a national message that it was not only possible but desirable for the roofs of historic buildings to help to contribute to the need to tackle the climate emergency would be enormous.
- iii. There was no doubt that King's College Chapel was a building of worldwide architectural importance. For solar photovoltaic to be installed on such a building would demonstrate that it was possible for even

buildings of this level of importance to make their contribution to moving towards a zero carbon future.

- iv. Buildings such as King's College Chapel should not be regarded as to be preserved without change over the centuries. Many changes had been made to the chapel over the centuries, including the installation of the organ and of electric lighting, both of which would have been major changes, moving the chapel forward as times, expectations and technology changed. Both would have made a significant difference to the appearance of the chapel far larger than this proposal, but people would recognise those changes as beneficial to our appreciation of the building and worship within it.
- v. For our time, the greatest emergency we faced was the impact of climate change, which would affect our historic buildings as well as the natural world.
- vi. It was her view that any possible detrimental visual impact of the installation of panels (did not personally believe the panels would cause detriment) was enormously outweighed by the positive benefits of installing panels on the roof. This benefit was not only that of generating electricity on a large south facing surface, but also the perhaps even more important message that was sent to those managing other historic buildings. If King's College could take this step, carefully and wisely, with their chapel, then many other buildings of historic importance could also help to contribute to tackling the biggest challenge of our time, the climate emergency.
- vii. Urged the committee to support the application.

Councillor Holloway (Newnham Ward Councillor) addressed the Committee about the application):

- i. As a Ward Councillor in Newnham, strongly supported this exciting proposal, and was grateful to King's College for the work that had gone into it.
- ii. Placing photovoltaic panels on the roof of such an iconic building would be very powerful as a symbol of Cambridge's commitment to the transition to net zero, and would make a positive contribution to energy production for King's College.
- iii. Policy 1 of the Local Plan was 'The presumption in favour of sustainable development', which includes meeting the city's needs 'now and in the future'. Placing photovoltaic panels on top of King's College Chapel

strikes me as exactly the type of ambitious yet pragmatic project needed to ensure that Cambridge's historic buildings were able to be enjoyed for centuries to come.

- iv. Objections refer to a change in 'character', but he did not believe that this change would be significant - the view of the chapel from the ground would be almost entirely unchanged. Furthermore, the lead roofing was clearly already of a different era to the rest of the chapel, so the addition of photovoltaic panels would not (in his view) compromise the chapel's architectural composition. Indeed, if the character of the area was considered, King's College Chapel would join nearby major landmarks which already had solar panels on their roofs, such as Great St Mary's and the Guildhall.
- v. The danger to passing aircraft should of course be taken into account, but should not (in his view) be enough to refuse this proposal.
- vi. The minor potential harms were outweighed by the major benefits of this scheme. The photovoltaic panels would directly save 23 tonnes of carbon per year over their 30 year life, or 690 tonnes in total. This saving was in itself significant, but it was the indirect impact of this scheme that I believe would be most powerful.
- vii. Carbon Neutral Cambridge calculates that, if the 300,000 paying visitors to Kings Chapel each year were, on average, inspired to reduce their personal carbon footprint by just 1%, it would indirectly save 30,000 tonnes of carbon a year - more than 5% of Cambridge's entire direct carbon emissions.
- viii. King's College Chapel was a world-famous landmark. Adding photovoltaic panels to its roof would be symbolic of the climate leadership Cambridge could and should show on the world stage. Urged the committee to support this application for these reasons.

The Committee Manager read out the following points on behalf of Councillor Smith (Castle Ward Councillor):

- i. Referred to the core matter for consideration: the planning balance between conservation of the historic environment and mitigating and adapting to climate change (Local Plan Policy 29).
- ii. In this case the balance was between harm to the character of King's College Chapel as perceived from street level and higher and aerial views of the Chapel and the public benefit of renewable energy and consequent reduction in CO2 emissions.
- iii. National Planning Policy Framework para 199 was arguably the most relevant policy which advises Local Planning Authorities:

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

- iv. On the question of harm, the Conservation Officer's assessment concluded there would be modest adverse impact. Given minimal harm, justification to approve rests with the weight to be given to public benefit in the form of renewable energy.
- v. Specialists in the field of historic building conservation had presented cases for refusal based on harm. Less had been said on the public benefits. In approving the Committee would be creating public benefit:
- vi. For the college, the proposal forms an important element of its sustainability vision, strategy, and a comprehensive highly innovative programme to be net zero by 2038.
- vii. For the City, this programme presented an exemplar to property owners and businesses and inspiration to everyone.
- viii. For the world, the generation of renewable energy on the roof of the Chapel would send a message that people needed to take climate change seriously.
- ix. In conclusion, people needed to have at the forefront of their minds that climate change was resulting in catastrophic, irreversible harm to life on Earth, our prime responsibility must be to take every opportunity to reduce Carbon emissions however modest and not be distracted in that mission by minimal harm to a single historic building.
- x. Invited the Planning Committee to support the Conservation Officer's advice to consider a temporary permission for the 25 to 30-year life of the panels, a very modest time frame in the life of this 500 year old building. This would allow for a review of modest adverse impacts of the panels progress against the 2050 target for a net zero world.

Councillor Porrer proposed an amendment to the Officer's recommendation that broken/redundant solar panels should be removed from the roof.

Councillor Bennet proposed an amendment to the Officer's recommendation to draft a specific glint and glare (control) condition with the Airport Authority if required.

The amendments were accepted **nem con (without a vote)**.

The Committee:

Resolved (by 6 votes to 0) to reject the Officer recommendation to refuse the application.

Members were reminded by the Interim Development and Planning Compliance Manager of the public benefit exercise assessment to now be considered relative to a heritage asset and potential harm demanded by the NPPF regarding the balancing exercise and the public benefit a scheme brings against the less than substantial harm identified. Members then discussed the harm vs public benefits the scheme would bring prior to a move to vote to approve the application made by Cllr Smart and seconded by Cllr Baigent.

Resolved (by 6 votes to 0) to approve the application contrary to the Officer recommendation with :

- i. delegated authority to Officers to draft appropriate conditions in consultation with the Chair, Vice Chair and Spokes;
- ii. discretion to Officers to draft a specific glint and glare (control) condition if deemed necessary after a further consultation with the Airport Authority ; and
- iii. discretion for Officers to draft and include a specific condition that broken/redundant solar panels should be removed from the roof.

23/17/Plan 22-03861-S73 1 Mere Way

The Committee received an application for S73 Variation of condition 2 (Approved plans) of planning permission 17/1894/FUL (Demolition of existing garage. Erection of attached dwelling and extension to existing house).

The Senior Planner updated his report by correcting an error on P71 (agenda report) in his presentation.

The Committee received a representation in objection to the application from Arbury Road residents (written statements read by Committee Manager):

- i. The building work that had already commenced at 1 Mere Way predated the current application by some months, and construction was started in April 2020.
- ii. The northern wall of the building work was very close to the hedge that divides 233 and 235 Arbury Road from 1 Mere Way. It was possible to put a hand through the mature hedge and touch this wall. As the wall rises, the impact on the visual amenities in these gardens would be considerable. This would impact use of their gardens by a family with small children, and a very elderly couple (97 and 88 years).

- iii. As building commenced without planning permission, Objectors assumed that the required building regulation checks of footings and foundations had not been undertaken. Thus, the extremely close proximity of this building to the neighbouring properties, where small children were playing and elderly people were gardening or simply sitting, was a major cause for concern.
- iv. The whole project was grossly overbearing and does not accord with the other properties in the area. Comparison with the extension of 239 Arbury Road was invidious: that house was always a 4-bedroom property with a garage, built in the 1960s on a double plot, by the constructor, for his own use. While there had been several extensions and extra houses built at the end of the terraces along Mere Way, none had been of these dimensions with the potential to impact the privacy and security of neighbours. The planning permission originally granted for this site (17/1894/FUL) in January 2018 was very much in accordance with these.
- v. Objectors were further concerned that the Breach of Condition notice of May 2022 had not been complied with, as the part-constructed building and all associated materials remain in place.

Mr Trisic (Applicant) addressed the Committee in support of the application.

The Senior Planner proposed an amendment to his recommendation to include a biodiversity net gain condition.

This amendment was **carried by 6 votes to 0**.

The Committee:

Resolved (by 6 votes to 0) to grant the S73 variation application in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer including the additional biodiversity net gain condition.

The meeting ended at 5.15 pm

CHAIR

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PLANNING

1 March 2023
10.00 am - 2.30 pm

Present:

Planning Committee Members: Councillors Smart (Chair), D. Baigent (Vice-Chair), Bennett, Collis, Dryden, Flaubert, Gawthrop Wood and Thornburrow

Officers:

Interim Development and Planning Compliance Manager: Toby Williams
 Area Manager (East): Jane Rodens
 Senior Planner: Amy Stocks
 Senior Planning Officer: James Truett
 Senior Urban Designer: Nadine Black
 Planning Officer: Laurence Moore
 Legal Adviser: Keith Barber
 Committee Manager: James Goddard
 Meeting Producer: Chris Connor

FOR THE INFORMATION OF THE COUNCIL

23/17/Plan Apologies

Apologies were received from Councillors Page-Croft and Porrer. Councillor Flaubert attended as an Alternate.

23/18/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Collis	23/20/Plan	Personal: Public art came under her portfolio as the Executive Councillor for Open Spaces, Food Justice and Community Development. Discretion unfettered.
Councillor Gawthrop Wood	23/22/Plan and 23/23/Plan	Personal: Application in her Ward. Discretion unfettered.

23/19/Plan Minutes

The minutes of the meetings held on the 7 December 2022 and the 11 January 2023 were approved as a correct record and signed by the Chair.

23/20/Plan 22-02081-FUL Timberworks Public Art

The Committee received an application for full planning permission. The proposal relates to City Council owned land.

The application sought approval for the installation of public art including Bird Boxes, Finger Posts, Tree Stakes, The Hive and Sunray Trellis, Railings and a Pavilion.

Councillor Bennett proposed an amendment to the Officer's recommendation to include an informative that the board walk should be accessible for those with disabilities.

This amendment was **carried unanimously**.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, subject to the conditions recommended by the Officer (with minor amendments to the conditions as drafted delegated to Officers) including the informative to ensure the public art was accessible.

23/21/Plan 22-00265-OUT 72-74 St Philips Road

The Committee received an application for outline planning permission.

The application sought approval for 1 No. one and a half storey dwellinghouse with no matters reserved.

The Area Manager (East) updated her report by referring to the requirement for an unexpected contamination condition on the Amendment Sheet.

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

- i. Seeking the removal of permitted development rights within the curtilage of the property, expressly in regard to hard surfacing (any paving should be permeable).
- ii. To include a construction Management Plan.

The amendments were **carried unanimously**.

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. Hard and soft landscaping.
- ii. Final design of windows in north and east elevations of property and spacing as how they relate to very close fencing.
- iii. Prohibition of car parking within the curtilage of the property.
- iv. Amend the M4(2) (accessibility and adaptability) condition regarding layout because the current plans do not apparently evidence compliance – entrance, wc door as examples.

The amendments were **carried unanimously**.

The Committee:

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

- i. the planning conditions set out in the Officer's report and Amendment Sheet;
- ii. delegated authority to Officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:
 - a. for the provision and implementation of a hard and soft landscaping scheme;
 - b. a requirement for an approved Construction Management Plan;
 - c. the removal of permitted development rights within the curtilage of the property, expressly in regards to hard surfacing (to the extent that any paving shall be permeable);
 - d. requiring approval for the final design of windows in north and east elevations of property;
 - e. prohibition of car parking within the curtilage of the property; and
- iii. delegated authority to Officers, in consultation with the Chair, Vice Chair and Spokes, to amend the M4(2) condition regarding layout.

23/22/Plan 22-05472-FUL 36 Amwell Road

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing bungalow and the erection of 3no 2-bed terrace dwellings.

The Senior Planner updated her report by referring to a correction to paragraph 1.3 of the Officer's report listed on the amendment sheet.

The Interim Development and Planning Compliance Manager proposed amendments to the Officer's recommendation:

- i. To secure access to cycle parking achieved through an additional condition requiring a 1.2m width path.
- ii. The removal of duplicated details within conditions 10 and 15.

The amendments were **carried nem con.**

The Committee:

Resolved (by 6 votes to 0 with 2 abstentions) to defer the application to the next Committee so officers could seek further information about the buildings on site and to discuss bike storage location options with the Applicant.

23/23/Plan 22-02162-FUL 315 Milton Road

Councillor Flaubert left the Committee before this item was considered and did not return.

The Committee received an application for full planning permission.

The application sought approval for the retrospective change of use of the dwelling to a large scale HMO, with conversion of the garage to a habitable space.

The Planner updated his report by referring to revised wording for conditions 3, 4 and 5 on the amendment sheet.

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. Licensing and space standards set by Environmental Health Service should be followed.

- ii. Fire escape and building control issues regarding bedroom 7. (Habitable rooms normally join a stairwell not a kitchen.)

The amendments were **carried unanimously**.

The Committee:

Resolved (by 7 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 (with minor amendments to the conditions as drafted delegated to officers), subject to:

- i. the planning conditions set out in the Officer's report and amendment sheet;
- ii. informatives included on the planning permission in respect of:
 - a. licensing and space standards set by Environmental Health Service;
 - b. fire escape and building control issues identified regarding bedroom 7.

23/24/Plan 22-05430-FUL 2 Elizabeth Way

The Committee received an application for full planning permission.

The application sought approval for the demolition of the car wash and the creation of a charging zone, erection of EV (electric vehicle) chargers, erection of canopy, sub-station enclosure, 4 jet wash bays and associated forecourt works.

The Senior Planner updated her report by referring to revised wording for condition 6 on the amendment sheet.

The Committee received a representation in objection to the application from a resident of Andrew's Road:

- i. Referred to objections from residents and Ward Councillors on the planning portal.
- ii. Suggested that installing 2-3 EV chargers was more appropriate for the site than 4.
- iii. Expressed concern about:
 - a. Noise.
 - b. Driver safety.

- c. Operating hours.
 - d. Overdevelopment of site.
- iv. Tracking information was for 2 cars on site not for 8 who could potentially use it at once.
- v. Suggested:
 - a. A safer turning space.
 - b. Less jet wash bays and associated noise.
- vi. Took issue with Highways Authority comments that no extra traffic was expected (para 10.7) or no objection to the turning circles.
- vii. The Applicant said they would try to mitigate noise concerns by operating during the day, but this lasted until 10pm. Requested:
 - a. Operating hours be limited to 7am-7pm.
 - b. A condition to mitigate the noise of jet wash operation.

Councillor Smart proposed an amendment to the Officer's recommendation that operating hours be limited to between 7am-7pm.

This amendment was **carried unanimously**.

Councillor Bennett proposed an amendment to the Officer's recommendation to include an informative recommending a smart head be used on hoses to reduce water usage and waste.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 7 votes to 0) to defer the application to seek:

- i. confirmation of the ownership of land on which the trees stand;
- ii. comments from the Tree Officer about the impact of the application on trees (call for the Tree Officer to inspect and report back on proposals to cut back, remove trees etc);
- iii. comments from the Water Authority on site water use.

The meeting ended at 2.30 pm

CHAIR

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Planning Committee Date	29.03.2023
Report to Lead Officer	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
Reference Site Ward / Parish	22/05100/FUL 196 Green End Road East Chesterton
Proposal	Construction of 9 No apartments comprising 8 No. 1 bedroom flats and 1 No. Studio flat along with ground floor commercial space, car/ cycle parking and associated infrastructure (Resubmission of 22/01504/FUL)
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. The design and scale of the development is of high quality and would enhance the character of the area2. The proposed development would not have any adverse impacts to the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers3. The proposal would provide residential development on a brownfield site and located within a sustainable location
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks Construction of 9 No apartments comprising 8 No. 1 bedroom flats and 1 No. Studio flat along with ground floor commercial space, car/ cycle parking and associated infrastructure (Resubmission of 22/01504/FUL).
- 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 is therefore currently extant.
- 1.3 This proposal has incorporated 9 apartments (8no 1 bed flats and 1no. studio flat) rather than previously approved 7 apartments (5no. 2bed, 1 3bed and 1no 1bed).
- 1.4 This application is also a re-submission of application 22/01504/FUL which was refused on the 15.11.2022 following consideration at committee and is currently being assessed at appeal under reference number APP/Q0505/W/22/3313724. The refusal was for the reasons of the lack of communal amenity space, the design of the upper third storey and cycle storage not of a sufficient standard.
- 1.5 This re-submitted proposal now includes a community roof terrace amenity area upon the second floor increasing the onsite outdoor amenity space for all residents and utilising the onsite space. The design has been amended to include an upper 1.10 m parapet wall in line with the approved scheme 20/02791/FUL. Finally, the cycle storage now includes a lockable gated access to improve security and a up and over secure roller shutter doors to cycle storage activated via key fob system.
- 1.6 The resubmitted proposal now provides sufficient community space for the occupiers, the design of the proposal has been amended to create a high quality of design and now includes secure accessible adequate cycle storage. The proposal is now considered to overcome the previous refusal reasons and therefore officers' recommendation is for Approval.
- 1.7 It is considered the proposal is in accordance with the Cambridge Local Plan 2018 policies 50, 55, 56, 57, 58, 59, 80 and 82 and the NPPF.
- 1.8 Officers recommend that the Planning Committee **Approve** the Application.

2.0 Site Description and Context

- 2.1 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 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 the construction of 9 No apartments comprising 8 No. 1 bedroom flats and 1 No. Studio flat along with ground floor commercial space, car/ cycle parking and associated infrastructure. The commercial space would have a gross internal floor space of 88.8 square meters. The proposal would have bin storage and cycle storage located upon the northern rear elevation. All units contain private amenity space and a communal amenity space upon the 2nd floor. All 9 units can be accessed by a lift.
- 3.2 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 is therefore currently extant.
- 3.3 This application is a re-submission of application 22/01504/FUL which was refused on the 15.11.2022 following consideration at committee and is currently being assessed at appeal under reference number APP/Q0505/W/22/3313724.
- 3.4 The resubmitted proposal now provides sufficient community space for the occupiers, the design of the proposal has been amended to create a high quality of design and now includes secure accessible adequate cycle storage

4.0 Relevant Site History

Reference	Description	Outcome
22/01504/FUL	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	Refused

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

- 4.1 This application is a resubmission of application 22/01504/FUL which was refused on the 15.11.2022 following consideration at committee and is currently being assessed at appeal under reference number APP/Q0505/W/22/3313724. The application was refused for the following three 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.*

- 4.2 This revised proposal now includes a community roof terrace amenity area upon the second floor increasing the onsite outdoor amenity space for all residents and utilising the onsite space. The design has been amended to include an upper 1.10 m parapet wall in line with the approved scheme 20/02791/FUL. Finally, the cycle storage now includes a lockable gated access to improve security and a up and over secure roller shutter doors to cycle storage activated via key fob system

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

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 58: Altering and extending existing 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

5.5 **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**

6.1 **County Highways Development Management -**

6.2 No objection subject to conditions:

- Pedestrian visibility
- Falls and Levels
- Existing Vehicular Access
- Contractors Parking Plan

6.3 **Sustainable Drainage Officer –**

6.4 The application is acceptable subject to conditions:

- Surface Water Drainage
- Foul Drainage

6.5 **Urban Design -**

6.6 No objection – subject to materials conditions.

6.7 **Access Officer -**

6.8 The access to the second floor is acceptable.

6.9 **Environmental Health -**

6.10 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

6.11 **Natural Conservation –**

6.12 No objection both a Biodiversity Net Gain and Ecological Enhancements can be secured via standard conditions.

6.13 **Archaeological Officer**

6.14 No objection subject to an archaeological condition.

7.0 Third Party Representations

7.1 Three third party representations have been received in objection to the scheme.

7.2 Those in objection have raised the following issues:

- Concerns with the roof terrace being added to the application.
- The communal roof terrace potential overlooks numerous gardens.
- The shared roof terrace will encourage evening gatherings of residents and guests. Noisy gathering would take place at high level with parties and music which would lead to noise and disturbance of the neighbouring residents.

- There is plenty of communal space very nearby several parks. No need for the communal space.
- The junction is at a junction which hosts the meeting of people on Friday nights of parties and anti-social behaviour, it would only be a matter of time before these parties would migrate to the shared balcony causing trouble and noise.

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

8.0 Assessment

8.1 Principle of Development

8.2 Policy 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.

8.3 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.

8.4 The principle of the development is acceptable and in accordance with policies 3 and 72 of the Cambridge Local Plan (2018).

8.5 Design, Layout, Scale and Landscaping

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

8.7 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.

- 8.8 The proposal is a maximum of 3 storeys (approximately 9m) at the corner of Green End Road and then scales 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's Officer considers that the scale and massing of the proposals has been configured to respond appropriately to the prevailing context. The upper floor is set back, and the flat roof form means that the overall height is lower than the adjacent ridge height of the Nisa Local Shop. The overall curved corner and articulated form further reduces the perceived scale and massing of the proposals. 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.
- 8.9 The proposed materials palette, as shown on the drawings are within the DAS (pg.27 & 28) are considered to be acceptable in design terms and a materials condition is recommended.
- 8.10 The previously refused application (reference number 22/01504/FUL) raised concerns with regards to the upper storey not containing a parapet wall and therefore the upper storey appearing as an overly elongated, dominated and prominent addition when viewed within the street scene. However, the re-submitted scheme now contains 1.10 m parapet wall in accordance with the approved scheme (reference number 20/02791/FUL). The inclusion of the parapet wall helps to conceal the upper floor and helps to reduce the upper visual upper floor prominence of the proposal in the wider context and the street scene. The inclusion of the parapet wall re-design helps to keep the three-storey structure visual appearance in keep with the surroundings noting the plot being within a highly visible corner plot.
- 8.11 The design of the proposal has been amended to meet officer's previous concerns and is of a similar like nature of the approved scheme (reference number 20/02791/FUL). The proposal is considered to be a high-quality design that is acceptable within the design and context. The upper floor is not considered to lead to any harmful dominating effects since the include of the parapet wall.
- 8.12 The proposal is recommended to include the conditions of Soft Landscaping, Hard Landscaping and a Landscape Maintenance Plan, to help maintain enhance the landscape and character of the area.

- 8.13 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.
- 8.14 **Carbon Reduction and Sustainable Design**
- 8.15 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 8.16 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.
- 8.17 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 8.18 Conditions are recommended in order to secure carbon reduction and water conservation measures in accordance with Cambridge Local Plan 2018 policies 28 and 29.
- 8.19 **Biodiversity**
- 8.20 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.
- 8.21 Noting the nature of the site it is not considered the proposal would lead to harm upon the biodiversity of the area. The application proposes that all roofs are sedum roofs with sedum matting containing 6-8 species. The edges of the site are to be planted with native planting.

8.22 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends the conditions of biodiversity net gain and ecological enhancements. A flat green roof condition is also recommended.

8.23 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).

8.24 **Water Management and Flood Risk**

8.25 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.

8.26 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.

8.27 The applicants have submitted a Flood Risk Assessment.

8.28 The Council's Sustainable Drainage Engineer has advised that the application is acceptable subject to conditions of surface water drainage and foul drainage conditions.

8.29 It is considered the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

8.30 **Refuse Arrangements**

8.31 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 are segregated between residential and commercial. A condition of waste collection arrangement and a condition that waste storage shall be provided before occupation is recommended.

8.32 The proposal would therefore provide convenient and accessible waste storage for the properties and is in accordance with 57 of the Cambridge Local Plan 2018.

8.33 **Highway Safety and Transport Impacts**

8.34 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that

developments will only be permitted where they do not have an unacceptable transport impact.

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

8.36 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.

8.37 The proposal would therefore be compliant with policies 81 and 82 of the Cambridge Local Plan (2018) and the NPPF's advice.

8.38 **Cycle and Car Parking Provision**

8.39 *Cycle Parking*

8.40 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.

8.41 The application proposes 8no. visitor cycle 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 rear storage area 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 does meet the required cycle dimension standards set within the Cycle Parking Guide for New Residential Developments (2010).

8.42 The previously refused application under (reference number 22/01504/FUL) raised concerns that the roller shutter doors would face upon a footpath that could be accessed by non-residents and that the scheme has a roller shutter roller spanning a proportion of the rear elevation that is likely to be impractical for

use and as could of lead to theft given this part of the site is poorly surveyed. This resubmitted proposal contains as lockable gated access with pedestrian side gate to the bike storage and the flats access door. Which would be accessed via a fob/key system. Further, the roller shutter door has been divided into four access areas which are shown to be activated via a key/ fob system. Although it is still acknowledged that this area of the site is poorly surveyed, the introduction of the security measures including the gated access and the roller shutter doors shown to be accessed by a key/fob systems is considered to improve the on-site cycle storage. There is an access to the flats from the rear access pathway. A condition is recommended that cycle storage is provided prior to occupation and then retained.

8.43 *Car parking*

8.44 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.

8.45 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 to the northeast of the site.

8.46 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 are recommended on EV charging.

8.47 The proposal would be in accordance with Cambridge Local Plan 2018 policy 82.

8.48 **Amenity**

- 8.49 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 8.50 Neighbouring Properties
- 8.51 *200 Green End Road*
- 8.52 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 approved application contained shadow studies (reference number 20/02791/FUL) 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.
- 8.53 *Wider Area*
- 8.54 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.
- 8.55 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
- 8.56 *Future Occupants*
- 8.57 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit (m ²)	Difference in size
1	1	2	1	50	51.8	1.8
2	1	2	1	50	50.1	0.1
3	1	2	1	50	51.8	1.8
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	50.1	0.1
8	1	2	1	50	53.1	3.1
9	1	2	1	37	37.1	0.1

8.59 All of the proposed units comply with the size requirements for internal space standards under Policy 50 of the Local Plan.

8.60 *Amenity Space*

8.61 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers.

8.62 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'.

8.63 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 site. The private amenity spaces appear to be of sufficient space to accommodate table and chairs. This application now contains a roof top communal amenity space area similar to the approved scheme under (reference number 20/02791/FUL) measuring approx. 42.6m². The lack of communal amenity space was included as a refusal reason on the previously refused scheme. The inclusion of the communal amenity space is welcomed as the private amenity spaces are of a relatively small scale and size and the ground floor terraces are close to the roadside edge providing limited privacy. The site now maximises its on-site

communal space and the proposal now provides a higher level of on-site-amenity space in what is a densely populated part of the city. The inclusion of the communal outdoor amenity space will significantly improve the amenity of the future occupiers of the site.

8.64 Third party comments have been received in relation to the scheme in objection due to concerns with the roof top communal area. Concerns are the roof top communal area would lead to overlooking impacts to the surrounding area and could lead to harm by noise and disturbance of the use of the amenity space. The proposal would not lead to any overlooking impacts. The proposal includes a parapet wall on the upper roof which is due to be constructed at 1.1m high with obscure glazing giving a height of 1.8m high ensuring that there will be no overlooking impacts. A condition is recommended to ensure that there the glazing is obscure glazing and installed prior to occupation and thereafter retained.

8.65 The presence of the shared roof terrace and the increased comings and goings resulting from the intensification of the site may lead to an increase in noise impact to no. 200, as well as other surrounding residential units. 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. In addition, the part of the site closest to No. 200 would be residential units, and the 1.8m combined height of the parapet wall and obscure glazing of the shared roof terrace would help to contain noise emanating from the use of the terrace. Further, the previously approved extant scheme (reference number 20/02791/FUL) contained an outdoor amenity area of a similar nature.

8.66 The need for sufficient communal outdoor space is considered necessary in this instance. The application site with this re-submission now maximises its potential on site amenity space improving the amenity of the occupiers. The use being proposed is residential and there is no evidence the space would be used for partying or anti-social behaviour. In any event, there is Environmental Health legislation that protects residents from such impacts. The application is in accordance with Policy 50 of the Cambridge City Local Plan 2018

8.67 *Accessible homes*

8.68 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 proposed alterations to the second floor was acceptable. The Access Officer had no objections to the previously refused scheme. The proposal is therefore considered to comply with the requirements of Part M4 (2) of the Buildings Regulations and Policy 51.

8.69 *Construction and Environmental Impacts*

8.70 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.

8.71 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

8.72 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, 56.

8.73 **Other Matters**

8.74 Cambridgeshire County Council Archaeological Officer commented on the application that the proposed development is within an area of high archaeological potential. Therefore, a condition of a Written Scheme of Investigate has been recommended.

8.75 **Third Party Representations**

8.76 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
Anti- Social Behaviour of the Area	Matters relating to anti-social behaviours of the area are matters for the police and / or Environmental Health and outside of the planning system.
Concerns that the parties and gathering on the site currently	The application site is noted to be unused. The proposal would help to restore the site. Only residents would be able to access the roof

would migrate to the roof terrace	terrace and therefore any exiting unauthorised gatherings would not be able to gain access.
There is plenty of communal space very nearby several parks. No need for the communal space.	The communal roof terrace would increase the wellbeing and amenity of the occupiers noting the relatively small private amenity areas. The communal roof terrace maximises the on-site space which is very different in nature to publicly accessible spaces / parks in the area.

8.77 **Planning Balance**

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

8.79 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. The proposed re-submission is considered to have adequately provided onsite communal space, improvements to the design and context and improvements to the secure cycle storage.

8.80 The proposal is considered to be in accordance with policies 50, 55, 56, 57, 58, 59, 80 and 82 and the NPPF.

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

9.0 **Recommendation**

9.1 **Approve** subject to:

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

10.0 **Planning Conditions**

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

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

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

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

3. No development shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include brickwork, standing seam zinc cladding, windows, doors and entrances, external metal work, balustrades, rainwater goods, edge junctions and coping details. 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).

4. 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).

5. 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).

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

noise sensitive locations shall be assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites.

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

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

7. 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).

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

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

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

9. 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 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 minimise the effects of light pollution on the surrounding area (Cambridge Local Plan 2018 policy 34).

10. The commercial space hereby permitted shall only be open to customers between the following hours:- Mon-Fri: 07:00 and 19:00, Saturdays: 09:00 until 19:00 and Sundays: 10:00 and 16:00.

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).

11. All service collections / dispatches from and deliveries to the commercial unit as approved including refuse / recycling collections shall only be permitted between the hours of 07:00 to 21:00 Monday to Friday and 08:00 to 19:00 on Saturdays. Service collections / dispatches from and deliveries to the commercial unit are not permitted at any time on Sundays or public holidays.

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).

12. No permanent connection to the electricity distribution network shall be undertaken until a residential dedicated electric vehicle charge point scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate:
- i. Dedicated active slow electric vehicle charge points with a minimum power rating output of 7kW to serve a minimum of 50% of the approved communal parking spaces
 - ii. Additional passive electric vehicle charge provision of the necessary infrastructure including capacity in the connection to the local electricity distribution network and electricity distribution board, as well as the provision of cabling to parking spaces for all remaining residential car parking spaces to facilitate and enable the future installation and activation of additional active electric vehicle charge points as required.

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

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

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

a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;

- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
- d) A plan of the drained site area and which part of the proposed drainage system these will drain to;
- e) Full details of the proposed attenuation and flow control measures;
- f) Site Investigation and test results to confirm infiltration rates;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- i) Formal agreement from a third party if discharging into their system is proposed, including confirmation that sufficient capacity is available. The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.

14. 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.

15. No development above ground level, other than demolition, shall commence until details of soft landscape works have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason To ensure that proposals are in accordance with Policies. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

16. No development above ground level, other than demolition, shall commence until full details of hard landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g.

drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant.

Reason To ensure that proposals are in accordance with Policies. (Cambridge Local Plan 2018; Policies 55, 57 and 59).

17. No development above ground level, other than demolition, shall commence until details of the proposed future landscape maintenance have been submitted to and approved in writing by the local planning authority. The maintenance specification will typically include a description of the work to be carried out, the standards required, the frequency of maintenance visits, the quantities of the landscape to be maintained and a plan indicating areas of open space. Typical landscape maintenance issues will include:

- a) Watering to establish new planting, trees and grass areas, and maintain good growth.
- b) Weeding of planting areas and topping up mulches – a good choice of plant material and a high standard of implementation will assist here. Application of herbicides should be kept to a minimum.
- c) Formative pruning of trees, cutting back and pruning of shrubs and herbaceous plants according to species.
- d) Thinning of planted areas to allow unrestricted growth.
- e) Replacement of dead or failing trees, plants and grass areas.
- f) Mowing of lawns, informal grass and meadow areas.
- g) Adjusting ties, stakes and guards and replacement as necessary.
- h) Maintenance of special landscape features such as Sustainable Drainage Systems.
- i) Maintenance of hard surfaces including patching or re-roiling (e.g. hoggin or gravel areas) as re-pointing of block or stone areas.
- j) Maintenance of street furniture, fencing and landscape lighting.
- k) Litter collection.

Reason To ensure that proposals are in accordance with Policies. (Cambridge Local Plan 2018; Policies 55, 57 and 59).

18. Two pedestrian visibility splays of 2m x 2m as shown on drawing number PL(90) 01 Rev. P1 be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.

Reason: In the interests of highway safety.

19. The proposed driveway be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. 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

20. Prior to the occupation of the new dwellings that the existing vehicular access be narrowed to accommodate the proposed access width within the site and the redundant dropped kerb be removed and the footway returned to having a full face kerb.

Reason: for the safe and effective operation of the highway

21. No demolition or construction works shall commence until a contractors parking plan has been agreed in writing with the Planning Authority. The aim of the plan should be to demonstrate how the developer will control and regulate on street motor vehicle parking for the contractors and sub-contractors undertaking the works.

Reason: in the interests of highway safety.

22. No development shall commence, apart from below ground works and demolition, until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the local planning authority. The BNG Plan shall target how a minimum net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:

- i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;
- ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the appropriate DEFRA metric in force at the time of application for discharge;
- iii) Identification of the existing habitats and their condition on-site and within receptor site(s);
- iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the appropriate DEFRA metric in force at the time of application for discharge;
- v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v)

shall be submitted to the local planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, Cambridge Local Plan 2018 policies 59 and 69 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

23. No development above ground level shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

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

24. Notwithstanding the approved plans, all flat roofed elements (except those identified as private amenity areas) within the development shall be green or brown roofs. No development above ground level, other than demolition, shall commence until full details of these green or brown roofs have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and the green or brown roof(s) maintained for the lifetime of the development in accordance with the approved details. The details shall include details of build-ups, make up of substrates, planting plans for biodiverse roofs, methodologies for translocation strategy and drainage details where applicable. The green roofs shall be installed in accordance with the approved details and shall be maintained thereafter for the lifetime of the development. The development shall be retained as such thereafter.

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

25. No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations. Where

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

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

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

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

26. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings and occupiers within them are able to achieve and individually measure a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

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

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

28. Prior to the occupation of the development, hereby permitted, the balcony belonging to the shared roof terrace, identified as having obscured glass on the approved plans shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent. The glazing shall thereafter be retained in accordance with the approved details. The shared roof terrace shall be fully completed and made available to future residents for the lifetime of the development prior to first residential occupation.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55, 57)

29. No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

a) the statement of significance and research objectives;

b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

c) The timetable for the field investigation as part of the development programme;

d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Partial discharge can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of condition 30 shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

30. Prior to the occupation of the development, a management company shall be appointed to ensure that waste generated by the development is adequately managed, collected and stored away promptly after collection.

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

31. The bin and bike stores, gates, lighting provision and fob access, including shuttering associated with the proposed cycle parking, shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter. Additionally, prior to first occupation, the rear access area shall be covered by an external security camera installation available to residents and maintained thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and refuse, (Cambridge Local Plan 2018 policies 31 and 82).

Informatives

1. Fire Service vehicle access should be provided in accordance with Approved Document B Volume 1 of the Building Regulations. There should be vehicle access for a pump appliance to within 45m of all points within the dwelling-house in accordance with paragraph 11.2 of Approved Document B Volume 1. Where the proposed new dwelling cannot meet access requirements for fire appliances, compensatory feature(s) should be provided.
2. In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that 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.
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.

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Planning Committee Date	29 March 2023
Report to Lead Officer	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
Reference	22/02657/FUL
Site	237 Hills Road, Cambridge, CB2 8RW
Ward / Parish	Cambridge City
Proposal	Erection of two dwellings with garage, parking, landscaping and associated ancillary works to replace the existing dwelling and garage
Applicant	Mrs Hutchinson
Presenting Officer	Nick Westlake
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Impact on the Character of the Area 2. Neighbour Amenity 3. Poor Design
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The application involves the demolition of the existing single detached dwelling on the site and the creation of two detached dwellings. One of the dwellings would be accessed via the existing access off Hills Road, the other via a new access created off Hills Avenue.
- 1.2 Although there are other dwellings located nearby, the southern aspect in particular, forms a verdant gap in the streetscape along Hills Avenue. There have in the past two years been the legal removal of four TPO'd trees, two adjacent to Hills Avenue. There is not considered enough space for replacement planting of these two TPO'd trees in the current designs. Furthermore, the remaining TPO'd tree within the site, would be at pressure for removal or reduction due to the proximity to and shadowing it creates over proposed Plot 2.
- 1.3 Separate to these concerns, there are significant overlooking concerns from the first floor of Tirnalia House into the rear patio area of Plot 2. This cannot be overcome via boundary screening and is considered to represent a substandard residential amenity arrangement for future occupiers of Plot 2.
- 1.4 Finally, Officers object to the oversized boxed dormer proposed at Plot 2. Such a box dormer design is not a feature of the immediate area and is considered poor urban design, contrary to policy and supplementary design guidance.
- 1.5 Officers have no objections to Plot 1 however, cannot support the proposed Plot 2 due to the environmental harm detailed above, such a development would cause.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	x
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 existing dwelling is a detached house, known as 237 Hills Road. Adjacent to the house is a detached garage building with store and glass house. The host site is set back from Hills Road with an existing access from Hills Road and has a garden that extends in a southerly direction to Hills Avenue. The site is L shaped and wraps around the development of flats at Homerton Court and three recently constructed, 3 storey town houses, at the corner of Hills Road and Hills Avenue.
- 2.2 The section down to Hills Avenue is currently the garden to the dwelling, the site is level. Adjacent to this rear garden area to the east is No1 Hills Avenue,

a substantial traditional detached dwelling, set in a large plot. While to the west of the garden area is the recently built Tirnalia House (via 13/1685/FUL), a three-storey detached dwelling set over three floors. This building has a modern appearance and is closely matched by nearby Velen House and Calidore House.

- 2.3 Within the garden of the host plot, there are 6 TPO orders, (4) four of these trees have been removed in the last 2 years due to the trees becoming seriously ill and posing a danger to nearby by houses and infrastructure. Although the original TPO'd trees are removed they must be replanted in accordance with Section 206 of the Town and Country Planning Act 1990. This has not yet happened.
- 2.4 With regards to the remaining TPO'd trees, in the southern half of the site is a Walnut tree that is protected under Tree Preservation Order, ref: TPO 0004 (2021), known as T1 in the AIA (Arboricultural Impact Assessment). Another nearby protected tree, (TPO No: 4), a Nootka Cypress is located on neighbouring property, 1 Hills Avenue, and not within the curtilage of 237 Hills Road as shown in the City Council's TPO Order (T3 in the AIA). Finally, there is a large Beech Tree in the grounds of neighbouring Beech House. The tree is healthy and present on site. In 2017 permission was obtained to have the crown reduced to be 3m away from the dwelling, via 17/087/TTPO. This tree has a canopy over the part of the south aspect of the garden. This tree is known as T5 in the AIA and is protected via TPO 11/1978.
- 2.5 In relation to the four TPO'd trees that have been removed in the last 2 years. There was a Holly (TPO 004) and a Cedar (TPO 004) in the northern half of the plot and a Pine and a Spruce both (TPO 004) near to the southern boundary adjacent to Hills Avenue. All these trees have been removed due to them being in ill health and a danger to the public. This application effectively proposes three replacements (2) to the north and (1) to the south although this is not detailed in the submitted AIA.
- 2.6 The Tree Officer has confirmed an application to remove three of the trees (2 in the north, 1 in the south) via 22/0285/TTPO, was submitted on the 7th March 2022. The application was returned as the removal of dead trees does not require formal application. The case was treated as a 5 day notice and replacement planting is a statutory requirement. (See letter below).

Mr Edward Peters
EWP Consultancy Ltd
48 Queens Road
Felixstowe
IP11 7QU

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

www.scambs.gov.uk | www.cambridge.gov.uk

Dear Mr Peters

**CAMBRIDGE CITY COUNCIL
5-DAY NOTICE**

Proposal: T12: Norway Spruce - Remove and replace dead tree
T19: Cedar - Remove and replace dead tree
T20: Holly - Remove and replace dead tree

Site address: 237 Hills Road Cambridge Cambridgeshire CB2 8RW

Your client: Mr Edawrd Peters

I acknowledge receipt of your application/notification of 7th March 2022 informing us that you propose to carry out the above described tree work.

Under Sections 14 and 15 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012, the removal of dead trees or the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm are excepted from the requirement to serve the LPA with a formal 211 Notice prior to the works being carried out. Instead the Regulations require notice in writing be given to us as soon as practicable after the works become necessary (in the case of dangerous trees) or at least five working days prior to the date on which the works are to be commenced (5-Day Notice). Your Application/Notice has been accepted as a 5-Day Notice.

We have five days to assess your notification. If you do not hear from us within five days you may proceed with the works.

Under Sections 206 (1) and 213 (1) of the Town and Country Planning Act 1980 there is a duty on the owner of the land to plant another tree of an appropriate size and species at the same place as soon as is reasonable following removal.

Please notify us again when the replacement has been completed or if you or your client would like us to consider alternative replacement planting please send in details to be approved. Planting details should include, species, size and location.

2.7 The remaining Pine to the south that was protected under TPO No: 0004 (2021) was approved to be removed subject to replacement planting via 22/0329/TTPO. A large Hornbeam tree is sited in the highway verge on the Hills Avenue frontage outside the application site. This is not currently protected via a TPO order.

2.8 The site is in a Flood zone 1. The site is not within a Conservation Area and there are no Listed Buildings nearby. The site falls outside the Controlled Parking Zone.

3.0 The Proposal

3.1 The proposals include the replacement of the existing detached dwelling with a larger 6 bed detached dwelling (known as Plot 1) located at the end of the

existing driveway from Hills Road. The application also involves the creation of a new 5 bed dwelling (known as Plot 2), with a new access from Hills Avenue.

- 3.2 With regards Plot 1. The existing dwelling is found at the end of the driveway from Hills Road and has a front elevation facing north and rear elevation facing south beyond which the rear garden lies. The dwelling is a standard 1970 dwelling of no architectural merit, with a pitched roof and two flank gables. The existing dwelling has an eaves of 4.8m, ridge 7.7m, width 12.7m and depth circa 7.3m. The two-storey dwelling has an approximate internal floor area of 155 sqm.
- 3.3 The proposed replacement would be accessed via the same driveway as the existing. However, the front elevation would face west and the rear, east. The proposed replacement dwelling has two side gables, an external chimney stack, pitched front and rear dormers, overhanging eaves, a string course and window lintels. The style could be considered as traditional.
- 3.4 The proposed new dwelling remains as a two-storey family dwelling house, although includes accommodation in the converted roof space, thus creating three floors. A detached garage is proposed to the side of the access drive to provide two car parking spaces and a car turning area.
- 3.5 In summary, Plot 1 consists of the following:
- Plot size of 960 sq ms.
 - House area of 367 sq ms. Main body of the house is 10m x 15m (with a 3m central two storey rear outshot and three, two storey front outshots 1.2m in length). Therefore, the total width of the dwelling is 14.2m at its widest point.
 - Ridge 8.8 m, eaves 4.9m
 - Main garden area is 12.3m deep by 21.0m wide. Total amenity space area is 280 sq m
 - Two car parking spaces within the detached garage of 2.5m x 5.0m each.
 - There is additional space in the front of the house for further vehicles.
 - There is access to the south and north of the house to the rear garden.
 - Bins store to the south side of the house along with a secure area to store cycles (5 No.)
- 3.6 With regards, to Plot 2. This is a new 5 bedroom detached dwellinghouse with a new access off Hills Avenue. The house is two storeys with accommodation in the converted roof with a large rear dormer extension, creating three floors. The front elevation faces south and the rear faces north. The house has two off road car parking spaces and a garden to the rear. The dwelling is traditional in appearance, offering a string course, lintel detailing, over hanging eaves and large four casement windows.
- 3.7 In summary, Plot 2 consists of the following:
- Plot size of 630 sq ms.

- House area of 211sq ms. The ground floor of the dwellings is 9.65m wide x 12.2 m deep. The main body of the house is 8.2m deep.
- The ridge is 8.0m and the eaves is 4.8m
- A large rear box dormer is proposed circa 8.5m wide, 0.9m set back from the eaves
- Main garden area is 20.6m long and 14.8m wide. Total amenity space area is 340 sq ms.
- Two off road car parking spaces of 2.5m x 5.0m each in front and side of the house via new access off Hills Avenue.
- Access to the east side of the house to access the garden at the rear.
- Bins store to the east side of the house behind a timber fence and gate.
- To the south side of the house on the boundary with Tirnalia House is a secure area to store cycles (4 No).

3.8 Revised drawings have been received showing the rear single storey element to Plot 2 reduced in size and the footprint and internal layout re-configured. The north elevation of Plot 1 has also been amended and now confirms that the north facing first floor window in Bedroom 3 bay will be obscurely glazed. Also, obscure glazing to first floor rear ensuite window.

4.0 Relevant Site History

Reference	Description	Outcome
22/0329/TTPO	The requested work involves the removal of Pine tree, T7 that is currently protected under TPO No: 0004 (2021). The tree is in very poor health (very little live wood in evidence), assessed to be in a state of declining health and unlikely to recover. The tree is a large specimen, 16m in height and located on the southern boundary of 237 Hills Road, Cambridge, directly adjacent to the Public Highway of Hills Avenue. The tree is also located close to the nearby residential property of Tirnalia House, please refer to Grid Ref: Easting / Northing (546432.28 / 256082.12). The probable cause of decline is Phytophthora disease, which is known to be a soil borne disease and therefore likely to have entered the tree via its roots causing damage to the root system. In a state of ill health (rapid decline) and with a weakened root system, the tree is predisposed to tree failure / wind throw, especially in high gales. Being positioned close to the Public Highway and residential property, if the tree were to fail, the potential for significant damage to property or injury to persons are assessed as significant	Permitted

21/02357/FUL	Replace the existing house with two detached houses which is to be located at the end of the drive where it widens and adjacent to where the existing house is located. The new houses are two storeys with 4 bedrooms. A detached carport building is proposed to the side of the access drive to provide two car parking spaces for each house with adequate car turning area in front to manoeuvre cars in and out of the car port and so cars can return down to the highway and join the road in a forward gear.	Refused
20/51418/PREAPP	Proposed development to build 3 dwellings, one a replacement detached dwelling and 2no new semi-detached dwellings.	Sensitive
13/1685/FUL Neighbouring Plot to the south west	Demolition of existing 3 bedroom property, construction of 3no. townhouses with associated parking, bin and cycle storage, landscaping.	Permitted
C/85/0600	Outline application for the erection of a detached dwelling unit.	Permitted

5.0 Policy

5.1 National

National Planning Policy Framework 2021 National Planning Practice
Guidance National Design Guide 2019
Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)
Technical housing standards – nationally described space
standard – published by Department of Communities and Local Government
March 2015 (material consideration)

5.2 Supplementary Planning Documents

Greater Cambridge Biodiversity – Adopted February 2022

5.3 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
Policy 28: Carbon reduction, community energy networks, sustainable design
and construction, and water use
Policy 29: Renewable and low carbon energy generation
Policy 30: Energy-efficiency improvements in existing dwellings
Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 34: Light Pollution Control

Policy 35: Protection of human health and quality of life from noise and vibration
 Policy 50: Residential space standards
 Policy 51: Accessible Homes
 Policy 52: Protecting garden land and subdivision of existing dwelling plots
 Policy 55: Responding to context
 Policy 56: Creating successful places
 Policy 57: Designing new buildings
 Policy 58: Alerting and extending existing building
 Policy 59: Designing landscape and the public realm
 Policy 69: Protection of sites of biodiversity and geodiversity importance
 Policy 70: Protection of priority species and habitats
 Policy 80: Supporting sustainable access to development
 Policy 81: Mitigating the transport impact of development
 Policy 82: Parking management

5.4 City Wide Guidance

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001).
 Buildings of Local Interest (2005)
 Cambridge and Milton Surface Water Management Plan (2011)
 Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (2010)
 Greater Cambridge Sustainable Design and Construction SPD (2020)
 Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste
 Cambridgeshire Design Guide For Streets and Public Realm (2007)
 Cycle Parking Guide for New Residential Developments (2010)
 Roof Extensions Design Guide (2003)

6.0 Consultations

6.1 Cambridgeshire County Council (Highways Development Control) – No objections, subject to conditions

6.2 Conditions relating to a traffic management plan, hours of construction traffic, pedestrian visibility splays, parking space drainage, bound driveway material for parking areas, bound material within 5m of the highway

6.3 Streets and Open Spaces (Tree Officer) – Objection

6.4 Remain concerned about the layout of the proposed redevelopment of 237 Hills Road and the relationship between plot 2 and trees protected by TPO. Following the serving of the TPO a number of the protected trees declined rapidly, have since been removed or are due to be removed and replaced.

6.5 The position of the canopy of T1 and T5 creates a conflict between the trees and the new dwelling and materially limits the plot's useable outside space around the house. While the extent of hardstanding does not accommodate replacement planting for trees lost along the Hills Avenue frontage.

6.6 Following the submission of the daylight report, Paragraph 3.7.7 of the reports states that “For the purpose of our assessment, we have therefore discounted the overshadowing effect of deciduous trees”. This is typical because it is very difficult to assess the impact of trees on light levels but would seem to suggest that there is no information provided in the report that should allay my previously cited concerns.

6.7 Environmental Health, no objections subject to conditions

6.8 Conditions regarding construction/demolition/delivery hours and piling conditions. A noise impact assessment, an EV charge point in at least one of the car parking spaces, per dwelling. An informative for plant insulation.

6.9 Drainage, no objections, subject to conditions

6.10 Relating to Surface Water Drainage, Management and maintenance of drainage elements and foul water drainage.

6.11 Ecology, no objections, subject to conditions

6.12 A requirement to achieve a measurable biodiversity net gain using the small site BNG metric. The proposed integrated nest boxes and green roofs are supported and recommend securing these with conditions.

7.0 Third Party Representations

7.1 4 representations have been received.

7.2 The 4 objections have raised the following issues:

- Plot 1 is too close to the neighbouring dwellings, appear oppressive and overbearing
- Plot 1 negative impact on Residential amenity impact in terms of overlooking in particular.
- Will the fern trees on the existing access be cut down to an acceptable height?

7.3 One neutral comment requests appropriate measures to protect the trees adjacent to the property (including the mature street tree on the verge outside the property on Hills Avenue) during any building works.

8.0 Member Representations

8.1 Not applicable

9.0 Assessment

9.1 Principle of Development

9.2 The principle of development for housing in this location is acceptable in accordance with Policy 3 of the Cambridge Local Plan 2018 subject to compliance with Policy 52 of the Cambridge Local Plan 2018.

9.3 Policy 52 in the Cambridge Local Plan October 2018 "Protecting garden land and the subdivision of existing plots" states:

"Proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:

a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;

b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity;

c. the amenity and privacy of neighbouring, existing and new properties is protected;

d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties; and there is no detrimental effect on the potential comprehensive development of the wider area"

9.4 The previous application 21/02357/FUL for 3 dwellings on the site was refused for the following seven (7) reasons:

9.5 *Reason 1. The application proposes to use the existing access from Hills Road to serve the two dwellings on Plots 1 and 2. There is insufficient space available to achieve an access width of at least 5m for the first 5m from the back of the adopted public highway (in this case the rear of the grass verge behind the footway). As such it is considered that two average sized domestic vehicles would not be able to pass each other while both are wholly off the adopted public highway and as a result the increased likelihood of unnecessary manoeuvring within the adopted public highway would be detrimental to highway safety in particular to cyclists using the cycle lane along the street. The proposal is therefore contrary to Policy 81 of the Cambridge Local Plan 2018.*

9.6 This is considered to be addressed by the current application as only one dwelling is now proposed to replace the existing dwelling.

9.7 *Reason 2. The two proposed dwellings on Plots 1 and 2, by reason of their two-storey scale and siting in close proximity to each other with minimal spacing between them, and their close proximity to the common boundaries with properties at 3 and 4a Cavendish Avenue, 1 Hills Avenue and Homerton Court, would result in an overly cramped form of development in this backland location that would fail to respond positively to its context and be out of keeping with the*

character of the area. The proposal would therefore not be compliant with policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.

- 9.8 The existing dwelling is now proposed to be replaced by a single dwelling rather than two. The dwelling is now inset at a distance of approximately 4 metres from the boundary with Cavendish Avenue
- 9.9 *Reason 3. The proposed dwelling on Plot 2 by reason of its proximity to the common boundary with Homerton Court, 239 Hills Road would lead to a detrimental loss of privacy to this adjacent property's outside amenity areas, through overlooking from a first floor bedroom window on the western elevation of the proposed dwelling. The proposal would therefore not be compliant with policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.*
- 9.10 *Reason 4. The proposed dwelling on Plot 3 by reason of its proximity to the common boundary with Tirnalia House, 2 Hills Avenue, would lead to an unacceptable loss of light to the east facing ground floor windows and outdoor amenity space enjoyed by occupiers of this neighbouring property. The proposal would therefore not be compliant with policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.*
- 9.11 There is now a section of flat roof to the rear of the proposed new dwelling to be sited next to this property. This is further discussed in the sections below.
- 9.12 *Reason 5. The proposal has failed to demonstrate that the erection of three detached dwellings can be achieved whilst ensuring there would not be detrimental harm to protected trees under a Tree Preservation Order (ref TPO 0004 2021). The dwelling on Plot 3 would result in the loss of protected walnut and spruce trees, significant pruning to a protected beech tree to accommodate construction, and would be too close to a protected pine to allow for future growth. The proposed dwelling on Plot 2 is located close to and within the RPA of a TPO'd cypress, and the health of this tree would be threatened both during construction activity and through likely pressure from future occupiers to allow works to the tree to reduce perceived nuisance. The development, by resulting in the loss of valuable trees and compromising the realistic retention of others, would be harmful to the amenity value of the trees and their contribution to the amenity and character of the surrounding area. There are not considered to be sufficient public benefits to outweigh the current and future amenity value of the trees. The proposal would therefore not be compliant with policies 52, 55, 56, 57, 59 and 71 of the Cambridge Local Plan 2018.*
- 9.13 The proposal is now for the erection of one dwelling off Hills Road and one from Hills Avenue. There are still concerns regarding the impact of the development on TPO'd trees both on site and removed from the site. This will be discussed later in this report.
- 9.14 *Reason 6. The planning application proposes the demolition of the existing dwelling at 237 Hills Road. The applicant has not provided any ecological assessments. There is bat potential in the existing building, and a preliminary Ecological Appraisal and Protected Species Scoping Survey for the whole site*

is required. In the absence of any surveys, the proposal does not accord with policy 70 of the Cambridge Local Plan 2018 which requires the protection of priority species and enhancements of their habitats.

9.15 There has been a Bat survey submitted in the current application. The LPA Ecologist is content with the level of survey work submitted.

9.16 *Reason 7. The proposed dwellings meet the overall gross internal floor area standard for 4 bedroom, 8 person bedspace as required by Policy 50 of the Cambridge Local Plan 2018. However the individual room sizes for Plot 1 and Plot 2 do not meet the internal space standards for a double (or twin bedroom) of a floor area of 11.5m² with Bedrooms 3 and 4 of each of these proposed dwellings below this floor area. The proposal has therefore failed to comply with the Government's Technical Housing Standards, Nationally Described Space Standard (2015) or successor document and Policy 50 of the Cambridge Local Plan (2018).*

9.17 This has been overcome in the current application.

9.18 Appearance, Layout and Scale

9.19 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.

9.20 With regards to the proposed Plot 1. The proposed replacement dwelling would result in a larger dwelling on site than the existing dwelling. Indeed, the proposed dwelling is approximately 212 sqm larger, (over double the size) of the existing property. However, the proposed dwelling is located in a sizable plot. Also, the footprint is well off set from the boundaries of the site (4.6m off the west and 4.5m off the north). While the footprint / building lines are moving further away from Homerton Court and 1 Hills Avenue than the existing dwelling. Officers also note the eaves is similar to the existing dwelling and the ridge only circa 1m taller. Overall, in Officers opinion, an acceptably designed replacement dwelling within a spacious layout has been achieved. The impact on residential amenity and landscape is discussed in the sections below.

9.21 With regards to Plot 2. The application proposes to subdivide the original plot, creating a secondary access from Hills Avenue. The principle of the subdivision of the existing L shaped plot of land to provide an additional dwelling with access from Hills Avenue is considered, subject to impact on trees, acceptable. There appears to be ample width of frontage on Hills Avenue to allow this to take place.

9.22 However, if this change were permitted, there would be a clear change in character to the host plot from the perspective from Hills Avenue. Current views from Hills Avenue towards the host plot offer pedestrians and the like, a verdant tree lined boundary, albeit adjacent to a circa 1.8m high wooden fence. The existing trees would largely be removed other than the TPO'd tree (within the

site) that is cited to be kept, and the tree within the grass verge adjacent to the road. The replacement planting shows one replacement tree to the south, a *Betula pendula* (Silver Birch). Taking a pragmatic view, Officers would conclude that the non TPO'd trees could be removed without requiring planning permission, also, the opening up of the front of the site could be considered more in keeping with the street scene. This is instead of having a 1.8m high timber fence that runs across the frontage of the site. Such a fence can attract graffiti, also it is poor for on street natural surveillance. As such, subject to the retention of the TPO'd trees, acceptable replacement TPO planting and retention of the tree within the grass verge. Officers do not object to the principle of a new dwelling in this location with access from Hills Avenue.

- 9.23 The proposed dwelling fronting Hills Avenue (front elevation only) is considered to relate well to the street frontage and the staggered building line. The siting respects the neighbouring building lines to the west in particular. The proposed dwelling has a ridge approximately 0.9m lower than that of the immediate neighbour to the west, Tirnalia House. The 1.0m separation to the western boundary allows the proposed dwelling to assimilate well into the street scene. To the east, there is 7.6m gap to the common boundary, this provides a suitable offset to No. 1 Hills Avenue that is a larger, slightly taller, impressive detached neighbouring dwelling.
- 9.25 The proposed dwelling would have a small expanse of flat roof to the rear. This is acceptable subject to being a Green or Brown roof. A condition could be attached to any permission to ensure that this flat roofed area is not used as a terrace or outside amenity space. This would also provide a habitat for biodiversity.
- 9.26 With regards to the rear dormer window. This is however considered grossly over scaled, disproportionate with the rest of the roof slope. Although the proposal is not strictly an 'extension' and is part of a new build. The Roof Extensions Design Guide within appendix E of the 2018 Local Plan provides a good guide to what could be considered acceptable. The guidelines within appendix E states, roof extensions should relate well to the proportions, roof form and massing of the existing house and neighbouring properties. They must be appropriate in size, scale and proportion to the existing house and adjoining properties and must not be so large as to dominate the existing roof or to overwhelm their immediate setting. The guidelines go on to say (E6) 'Proposals for roof extensions are unlikely to be acceptable where they perpetuate forms of existing, but poorly designed roof extensions in particular; or are insensitively designed large 'box type' roof extensions which show little respect for the existing roofline or for the scale, design and proportions of the existing property and its neighbours.'
- 9.27 In this case, the large box dormer proposed to the rear does not replicate the dormer architecture witnessed locally and is considered poorly designed. The dormer would be visible from neighbouring dwellings set to the north of the rear building line and glimpses from the street scene. As such, Officers object to this aspect of the proposal. The impact on residential amenity and the Landscape is provided in the sections below.

9.28 Residential Amenity

9.29 Policy 34, 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.

9.30 239 Hills Road - Homerton Court and 235 Hills Road

9.31 From Plot 2, there would be some oblique overlooking from the first and second floor bedroom windows into the communal outdoor space of Homerton Court. However, not to a significant degree so as to warrant a reason for refusal. Officers are also mindful that the previously refused application 21/02357/FUL, did not have a reason for refusal on these grounds and the relationship was similar.

9.32 In relation to overlooking from Plot 1 towards 239 Hills Road - Homerton Court. The nearest first floor and second floor window on the front elevation of the proposed dwelling is not directly opposite the rear garden space of Homerton Court but some 3.4m to the north, and 4m set off the boundary. There would be some overlooking into the rear garden space of this communal block, however, on balance the level of harm caused is considered moderate to low. In terms of mitigation, there is considerable mature vegetation between the host plot and the flats, that is shown on the Landscaping plan to be retained. Also, with the rooms in question being bedrooms, ie used mainly at night with curtains. Officers consider that on balance a reason for refusal on overlooking into the rear outdoor space of Homerton Court cannot be sustained. The elevation to elevation distance is 21m and considered acceptable. The impact with regards overshadowing, loss of light and over dominance is considered acceptable given the separation distances.

9.33 With regards, views from the Plot 1 into the rear of 235 Hills Road. The nearest first and second floor front facing bedroom windows are at an oblique angle. There could be some overlooking into this rear garden space. However, there is a double garage proposed in between for Plot 1, with a height of 4.1m this is considered to in part, obscure views across. Given this mitigation, the oblique angle, the mature planting on the boundary and the 32m elevation to elevation separation distance, no objection is raised in terms of overlooking, over dominance, loss of light or overshadowing.

9.34 3 and 4A Cavendish Avenue

9.35 The proposed dwelling (Plot 1) would present a side elevation to the rear boundary of both these neighbouring properties. However, the proposed dwelling would be inset by approximately 4.5m from the common boundary. While the distance to the common boundary from 3 Cavendish Avenue is 29m and from 4A Cavendish Avenue the distance is 22m.

9.36 The proposal includes two, first floor north facing windows. One is in the front gable which would face towards the garden of 3 Cavendish Avenue, the other a side facing window to an ensuite. The submitted drawings have been amended to show that these would be obscurely glazed and a condition would be imposed to ensure that these first floor north facing windows remain obscurely glazed to prevent loss of privacy through overlooking. Overall, there is not considered to be a significant detrimental loss of privacy through overlooking, overshadowing or over dominance; to either of these two neighbouring dwellings. The submitted daylight and sunlight report backs up this assessment.

9.37 4 Cavendish Avenue

9.38 The proposed replacement dwelling (Plot 1) would overlook the far end of the garden of 4 Cavendish Avenue. There would be 4 rear bedroom windows and a one bathroom window facing east. However, No. 4 Cavendish Avenue has a rear garden depth of some 45m.

9.39 The proposed new dwelling (Plot 1) has a rear garden depth at its closest of approximately 8.97 metres. This is between the two-storey rear outshot and the common boundary to the east (serving a 1st bathroom only, no 2nd floor). The remaining section of rear garden is inset by approximately 12 metres (housing the 4 rear bedroom windows). Given this offset from the common boundary with 4 Cavendish Avenue, it is considered that there would not be a significant detrimental loss of amenity and privacy through overlooking into the most usable parts of the garden space of 4 Cavendish Avenue or the dwelling No. 4 Cavendish Avenue itself. The owner of this property has raised concerns regarding overlooking and detrimental loss of privacy. However, as the closest first floor window serves an ensuite. On balance, it is not considered a significant loss of residential amenity with occur.

9.40 Officers are also mindful of the 2021 refusal for 3 dwellings on the site. In this instance overlooking was not given as a reason for refusal and the impact was similar on No. 4 Cavendish Avenue. Indeed, the delegated report concluded:

'there would not be a detrimental loss of amenity through overlooking into the garden of this property'.

Officers shall, in the event of an approval, condition the nearest first floor bathroom window to be obscurely glazed and non-openable for perpetuity and the drawings have been amended to show this.

9.41 1 Hills Avenue

9.42 The proposed new dwelling (Plot 2) would be sited to the south west of No. 1 Hills Avenue. There are no first or second floor windows on the eastern elevation facing this property. There is a 7.6m offset from the common boundary with this property. As a result, there is not considered to be any significant loss or residential amenity in terms of overlooking, over bearing, loss of light or over shadowing.

9.42 Plot 1 would be to the north of the rear garden of this property. Given the location of the flank and rear building lines of the proposed dwelling, only very oblique views towards the rear most garden space would be available. Overall, Plot 1 is not considered to harm the amenities of this neighbouring property.

9.43 Tirnalia House

9.44 This property is sited to the west of Plot 2 and has a side facing dining room and kitchen windows at ground floor and a small patio area to the side. To the rear it has two windows and double door to the kitchen area which look onto a small area of amenity space to the rear of the dwelling. At first floor level Tirnalia House has a double casement study window facing the side of the proposed dwelling on Plot 2. There is a distance of approximately 4.8m between the side wall of this dwelling and the side wall of the proposed dwelling. The ground floor side facing windows do not pass the Vertical Sky Component test. However, the VSC test is applied on a window by window basis and does not take into account that a room may benefit from multiple light sources. In the case of the ground floor windows, they are part of an open plan dining/kitchen room which has five other windows, which are essentially unaffected by the development.

9.45 The net effect of the above, is that because the room has windows which are unaffected by the development, the loss of daylight to the room is unlikely to be noticeable. This is further confirmed by the fact that the room exceeds the daylight distribution recommendations by a significant margin. Officers therefore accept that the proposal would not be detrimental to light levels reaching the ground floor rooms of this property. Given the offset, the impact on the first floor study window of Tirnalia House is considered acceptable. The Sunlight Study submitted indicates that the exterior amenity space would not be further harmed by the proposal.

9.46 Proposed Plot 2 has no first floor western flank fenestration. Overall, Plot 2 is considered to give rise to an acceptable level of residential amenity to Tirnalia House in terms of loss of light, over dominance, overshadowing and overlooking.

9.47 However, Officers have concerns that the first floor study area within Tirnalia House that faces eastwards would look across into the useable rear garden space (patio area) of Plot 2. This distance from this first floor window is only 5m. This is an unfortunate biproduct of the design of Tirnalia House, that Officers consider would represent a poor standard of outdoor amenity area for the future residents at Plot 2 and is thus objectional. Boundary screening at Plot 2 could not be achieved without additional harm on the neighbouring dwelling.

9.48 In the event of an approval, Officers would recommend the removal of permitted development rights for both dwellings, classes A (extensions), B (roof alterations) and E (outbuildings) for the new dwelling to further control developments at the site that could affect residential amenity and appearance.

9.49 Amenity of future occupiers

9.50 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015). Both proposed dwellings meet the overall space standards exceeding the policy size significantly. The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	6	12	3	138	Exceeds 327	189
2	5	10	3	134	Exceeds 211	77

9.51 The applicant has provided a Day and Sunlight Lighting assessment. This report confirms that the proposed design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'. With regards to the internal room spaces. The ground floor rooms are or can be dual aspect, the first and second floor rooms are bedrooms, where light would not be as important. Officers accept the findings of the report however, are of the view that the large Beech (T5) in neighbouring 1 Hills Avenue has not been included in the calculations. The trees included in the internal lighting assessment are not given.

9.52 With regards to the external areas. The Day and Sunlight Lighting assessment confirms in Paragraph 3.7.7

"For the purpose of our assessment, we have therefore discounted the overshadowing effect of deciduous trees".

All the nearby trees affecting light levels are deciduous, therefore the findings of the report must be taken with caution. Officers have concerns that the rear garden patio space and adjoining kitchen and dining room spaces, would be affected by overshadowing from the substantial tree canopies and therefore increase pressure for their removal. Taking into account the movement of the sun, the overshadowing would be in the mornings whereas the enclosure provided by the tree canopies themselves would be for 6 months of the year. Therefore, it is considered there would be pressure to reduce or remove the nearby TPO'd walnut tree (T1), its impact compounded also by the larger canopy of the T5 Beech. As such, this forms a reason to objection to the application.

9.53 Size of external amenity space

9.54 The proposal provides an adequate size of private outdoor amenity area to each proposed property. However, in the case of Plot 2, the most usable parts

of this outdoor space would be overlooked. Also, the proximity of the nearby TPO'd Walnut tree is considered problematic for the amenity of future residents. As such, although the overall size is acceptable, the usability of this space for Plot 2 is not considered compliant with Cambridge Local Plan (2018) policies 50, 52 and 56 in this respect.

9.55 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible 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. Both dwellings have a ground floor toilet and living space. This could be converted to a bedroom if required. Officers consider that the layout and configuration enables inclusive access and future proofing.

9.56 Refuse Storage Arrangement

9.57 The refuse storage arrangements can be secured via Planning Condition.

9.58 Construction and Environmental Impacts

9.59 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance.

9.60 The Council's Environmental Health team have assessed the application and recommended that they have no objections subject to standard conditions relating to construction/demolition/delivery hours and piling conditions. A noise impact assessment, an EV charge point in at least one of the car parking spaces, per dwelling and an informative for plant insulation. These conditions are considered reasonable and necessary to impose.

9.61 Highway Safety and Transport Impacts

9.62 Policy 82 states that planning permission will not be granted for developments that would be contrary to the parking standards set out in Appendix L. The site is located outside of a controlled parking zone. The Policy states outside of controlled parking zone no less than a mean of 0.5 spaces per dwelling, up to a maximum of 2 spaces per dwelling. At least two parking spaces are available per plot and a turning area for both.

9.63 The Highway Authority was consulted on the application and stated no objections subject to the standard Highways conditions that shall be applied in this case. 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. It is considered that this can be achieved via a planning condition for the new dwelling. Cycle provision is made available for both dwellings, again this can be controlled via planning condition.

9.64 The proposal is compliant with Cambridge Local Plan (2018) policy 80, 81 and 82.

9.65 **Biodiversity**

- 9.66 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 minimizing, 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.
- 9.67 The planning application proposes the demolition of the existing dwelling at 237 Hills Road. The applicant has provided an ecological assessment and there is the potential for bats in the existing building that was established in the 2021 refusal. As a consequence, a Bat Report and Bat Surveys in the existing house and garage have been submitted.
- 9.68 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions to ensure the protection of species and ensure a measurable biodiversity net gain is achieved using the small site BNG metric. The proposed integrated nest boxes and green roofs are supported and recommend securing these with conditions.
- 9.69 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).

9.70 **Impact on protected trees**

- 9.71 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.
- 9.72 A Walnut tree on site is protected under Tree Preservation Order (TPO), ref: TPO 0004 (2021). There is a mature Copper Beech tree at 1 Hills Avenue which is also protected by a TPO. A Hornbeam is sited in the highway verge on the Hills Avenue frontage, this not protected by a TPO although makes a positive contribution to the local area.
- 9.75 The Tree Officer is of the view that the position of the proposed dwelling on Plot 2, at the edge of the canopy of T1 (Copper Beech) and T5 (Walnut) creates a conflict between the trees and the new dwelling and materially limits the plot's

useable outside space around the house. Officers agree with this concern. Indeed, the Day and Sunlight Lighting assessment confirms in Paragraph 3.7.7

“For the purpose of our assessment, we have therefore discounted the overshadowing effect of deciduous trees”.

All the nearby trees effecting light levels are deciduous, therefore the findings of the report in terms of outdoor lighting must be taken with caution.

- 9.76 Revised plans have been submitted showing the footprint of the house on plot 2 reduced in size to allow the patio area directly to the rear to be clear of the tree’s canopies. This should allow the use of this external amenity space for future occupiers whilst minimising the potential nuisance from this tree. However, Officers agree with the Tree Officer in that given the proximity of the Walnut Tree and the shadow it creates. There would be significant pressure for this tree to be removed for reduced. As the health of this tree would be threatened through likely pressure from future occupiers to allow works to the tree to reduce perceived nuisance, Officers object to the proposal.
- 9.77 Separate to this objection is the fact that the extent of hardstanding for Plot 2, does not accommodate enough room for replacement planting for trees lost along the Hills Avenue frontage. In particular, the two lost TPO’d trees. Only one tree is proposed to be replaced.
- 9.78 As such, the proposal has failed to demonstrate that the erection of the proposed dwelling on Plot 2 can be achieved whilst ensuring there would not be detrimental harm to trees protected under Tree Preservation Orders.
- 9.79 The development, by compromising the realistic retention and replanting of TPO’d trees would therefore be considered harmful to the amenity value of the trees and their contribution to the amenity and character of the surrounding area. There are not considered to be sufficient public benefits to outweigh the current and future amenity value of the trees. Officers are therefore of the opinion that the proposal would not be compliant with policies 50, 52, 55, 56, 57, 59 and 71 of the Cambridge Local Plan 2018.

9.80 Carbon Reduction and Sustainable Design

- 9.81 The Council’s Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimize their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 9.82 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.

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

9.84 To ensure compliance with Cambridge Local Plan (2018) policies 28 and 30 and the Greater Cambridge Sustainable Design and Construction SPD 2020, conditions will be attached to any consent granted requiring submission of a Carbon Reduction Statement to meet part L of Building Regulations, and a water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations.

9.85 Other Matters

9.86 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimize flood risk. The site lies within Flood Zone 1 (low risk). The Council's Drainage Officer has been formally consulted in this application and offers no objection subject to conditions on foul water drainage and surface water drainage. Subject to conditions no objection is raised.

9.87 The concern with regards the Fern trees along the entrance to Plot 1 can be controlled via planning condition in the event of a positive recommendation.

9.88 Planning Balance and Conclusion

9.89 The Local Authority benefits from a 6.5 year housing land supply as evidenced by the Greater Cambridge Housing Trajectory and Five Year Housing Land Supply Report (1 April 2022). As such, due to the positive housing figures in the District, the local plan takes primacy in decision making, however the NPPF is a significant material planning consideration.

9.90 Although there are other dwellings located nearby, it is clear that the host site has over the years formed a verdant green gap in the streetscape especially from the Hills Avenue elevation. Officers are mindful that the removal of the fence line along Hill Avenue could be considered a betterment of the street. However, there has not been shown to be enough space for replacement planting (of the lost TPO'd tree to the south). While the existing Walnut tree in the south of the site is considered to be at risk by future occupiers. Thus, the proposal fails 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.

9.91 Further to these concerns the overlooking issue from Tirnalia House into the patio area at Plot 2 also is considered a substandard arrangement that Officers do not support. Equally, the incongruous design of the rear box dormer in Plot 2 is objectional and considered contrary to Local Policy.

9.92 Such environmental harm is given significant weight in the planning balance. Officers accept that there would be some economic uplift during the

construction period. However, there are no significant social community benefits from allowing two residential dwellings in this location (net gain of one). Especially given the healthy housing figures achieved by the local authority. Members should also remember that residential garden space is not considered 'Previously Developed Land' either locally or by the NPPF.

- 9.93 Ultimately, the environmental harm would clearly and demonstrably outweigh any benefits accrued from the proposed development. Having taken into account the provisions of the 2018 development plan, the 2021 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. As the benefits to do not outweigh the harm identified, detailed above.

9.96 Recommendation

Refuse

1. The proposal has failed to demonstrate that the erection of two detached dwellings can be achieved whilst ensuring there would not be detrimental harm to protected trees under a Tree Preservation Order (ref TPO 0004 2021). The proximity of the existing protected Walnut Tree and Beech Tree to the rear of Plot 2 is considered to result in unacceptable levels of overshadowing, enclosure and loss of light to the usable parts of the rear garden space and associated internal living and dining room spaces and their primary outlooks. Also, the close proximity of this protected tree to plot 2 is also likely to give rise to pressure from future occupiers to allow works to the tree to reduce or remove the perceived nuisance, thus comprising any future growth. Separately, the planting proposed along the southern boundary with Hills Avenue does not provide enough room to replace the lost protected trees, (a Pine and a Spruce) in that location. The development, by compromising the realistic retention and replanting of protected trees, would be harmful to the amenity value of the trees and their contribution to the amenity and character of the surrounding area. There are not considered to be sufficient public benefits to outweigh the current and future amenity value of the trees. The proposal therefore is considered contrary Policy 50, 52, 55, 56, 57, 59 and 71 of the Cambridge Local Plan 2018 that 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. The development is also considered contrary to Para. 131 of the NPPF that seeks for existing trees to be retained wherever possible.

2. The existing first floor study windows of Tirnalia House to the west of Plot 2 would overlook into the most useable rear garden / patio of area of Plot 2. As such, a substandard level of residential amenity is achieved for future occupiers of Plot 2. The application is therefore considered to be contrary to Policy 34, 35, 50, 52 and 58. Collectively, these policies 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. The NPPF requires developments to have a high standard of amenity for existing and future residents (Paragraph 130). This is not achieved in this instance.

3. The proposed rear facing box dormer window at Plot 2 is considered excessively large and disproportionate to the roof slope in which it is proposed. The rear box dormer is not reflective of the local area and is considered poor urban design. The development is contrary to policies 55, 56, 57, 58 and 59, also the Roof Extensions Design Guide within appendix E of the 2018 Local Plan and paragraph 130 of the NPPF. Collectively, these policies 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.

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Agenda Item 7



Planning Committee Date	29 th March 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/04755/FUL
Site	Land R/O 40 and 42 Natal Road, Cambridge
Ward / Parish	Romsey
Proposal	Erection of new dwelling following demolition of existing garage
Applicant	Mr. Natu Pankhania
Presenting Officer	Tom Chenery
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Impact on the Character and Appearance of the area2. Neighbouring Amenity3. Highways
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks to demolish the garage associated with No.40 Natal Road and erect a new two storey dwelling in its place.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area and is designed appropriately.
- 1.3 The proposal is not considered to cause undue harm to the amenity or living conditions of neighbouring occupiers and would provide an acceptable level of amenity for future occupiers.
- 1.4 The proposal would not have any significant adverse effect upon the Public Highway and would not result in any undue highways safety implications.
- 1.5 Officers recommend that the Planning Committee Approve the application.

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 The applications site comprises the rear garden space, single storey garage building and parking area associated with No.40 Natal Road, Cambridge. Access is available from Perne Road to the west.
- 2.2 To the north of the site are No's 40 and 42 Natal Road, which are two storey semi-detached dwellings with frontages on to Natal Road to the north.
- 2.3 Immediately to the south of the site is a parcel of land is 200 Perne Road which is currently under construction for two semi detached dwellinghouses which was approved under application reference 21/04797/FUL.

2.4 Further to the south are residential dwellings with frontages on to Perne Road which are two storey semi detached dwellings and modest rear gardens.

3.0 The Proposal

3.1 Erection of new dwelling following demolition of existing garage.

3.2 The proposal seeks to demolish the existing single storey garage outbuilding which is associated with No.40 Natal Road to the north and erect a two storey dwelling. The dwelling would have a floor area of 132m² and a garden amenity area of 115m². Access would be gained from Perne Road to the west.

4.0 Relevant Site History

Reference	Description	Outcome
22/03492/FUL	Erection of 2no. dwellings following demolition of existing garage	Refused
C/81/0759	The erection of one detached single storey dwelling unit	Refused – Appeal Dismissed
C/83/0508	Erection of detached bungalow	Refused
C/83/0787	Erection of two-storey extension to existing dwellinghouse	Approved
C/02/0253	Change of use from residential to Guest House including minor alterations and additional car parking layout	Refused
10/0796/FUL	Conversion and alterations to roof to create 2no one bedroom flats	Refused
14/0050/FUL	Change of use from HMO to four flats(one x 2-bed and three x 1-bed), works to include a side extension and a rear dormer. Erection of one (1-bed) bungalow to rear (following demolition of existing garage) and erection of bin and bike storage facilities	Refused
21/04797/FUL	Erection of 2no. dwellings following demolition of existing bungalow	Approved
C/87/0090	Erection of Double Garage in rear garden	Approved

- 4.1 Planning permission was sought for the erection of two dwellinghouses under application reference 22/03492/FUL which was refused for two reasons:
1. The proposed development by virtue of its excessive scale and unsympathetic design would result in an unduly intrusive form of development that would be cramped and contrived within the plot, would be at odds with the established streetscene and would be an overdevelopment of the site which would cause harm to the character and appearance of the area. The proposal would be contrary to Section 12 of the NPPF and Policy 57 of the Cambridge Local Plan (2018).
 2. Due to the excessive scale of the proposal and its close proximity to the neighbouring property (No.40 Natal Road) the proposal would result in an unacceptable overbearing impact to the rear garden amenity space of this adjacent neighbour and would cause an unacceptable impact on their amenity and living conditions. The proposal would be contrary to Section 12 of the NPPF as well as Policy 58 of the Local Plan.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

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 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:	Protection of human health from noise and vibration
Policy 36:	Air quality, odour and dust
Policy 37:	Airport safety and safeguarding
Policy 50:	Residential space standards
Policy 51:	Accessible Homes
Policy 52:	Protecting garden land and the subdivision of existing 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 69:	Protection of sites of biodiversity and geodiversity importance
Policy 70:	Protection of priority species and habitats
Policy 71:	Trees
Policy 80:	Supporting sustainable access to development
Policy 81:	Mitigating the transport impact of development
Policy 82:	Parking management

5.3 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
 Trees and Development Sites SPD – Adopted January 2009

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 No Objection subject to recommended conditions

6.3 Cambridge Airport – No Objection

6.4 The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

6.5 Sustainable Drainage Officer – Comments Made

6.6 Further information required regarding flood resilience

6.7 Environmental Health – No Objection

6.8 Subject to recommended conditions

7.0 Third Party Representations

7.1 1 representation has been received.

7.2 Those in objection have raised the following issues:

- Highway safety
- Car parking and parking stress

8.0 Member Representations

8.1 Cllr Baigent has made a representation neither objecting to or supporting the application on the following grounds:

- Location of car on submitted plans

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 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 52 requires proposals for the subdivision of existing residential curtilages to be of a form, height and layout appropriate to the surrounding pattern of development and character of the area whilst retaining sufficient garden space and balancing protecting the amenity and privacy of neighbours with creating high quality functional environments for future occupiers.

9.4 Policy 37 of the Local Plan sets out that development, including change of use, which is likely to lead to an increase in the number of people living, working or congregating on land within the Cambridge Airport Public Safety Zone, as identified on the Policies Map, will not be permitted. The

purpose of the Public Safety Zone (PSZ) is to restrict development in order to minimise the number of people on the ground at risk in the event of an aircraft crash on take-off or landing. The site falls within the safety zone as identified on the Local Plan and at face value is therefore unacceptable in principle. However, the Department for Transport (DfT) provided an update (DfT Circular 01/2010) in October 2021 which altered the way PSZ's are drawn and the as such the application site is now outside of the newly defined PSZ criteria. Cambridge Airport have also confirmed the proposal does not conflict with safeguarding criteria. This matter is further assess in section 9.93 of the report.

9.5 The application is a further submission to previously refused planning application 22/03492/FUL which was refused on the grounds that the proposal cause harm to the character and appearance of the area as well as the amenity of neighbouring occupiers. Although the scheme is now for one dwelling, this application is a material consideration to which the reasons for refusal must be overcome.

9.6 The principle of the development is in accordance with policies 3 and 52 of the Local Plan and is acceptable in principle provided the proposal overcomes the previous reasons for refusal of planning application 22/03492/FUL. It is therefore important to assess the proposals impact on the character and appearance of the area, impact upon neighbouring properties and any other material impacts.

9.7 Design, Layout, Scale and Landscaping

9.8 Policies 55, 56, 57 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.

9.9 The proposal seeks to demolish the existing garage associated with No.40 Natal Road and erect a single dwelling within the rear garden space to the rear of No's. 40 and 42 Natal Road.

9.10 The site is located near the junction of Natal Road and Perne Road. The surrounding streetscene (Perne Road and Natal Road) and context ranges in scale and architectural stylings. The site would have an access and frontage on to Perne Road from which dwellings are set back from the highway by virtue of grassed public amenity space and a footpath. They benefit from modest frontages of which most dwellings have converted to off street allocated parking. The dwellings on Perne Road are predominantly two storey in scale with similar architectural stylings.

9.11 Natal Road straddles either side of Perne Road and also has a variety of dwelling types, some bungalow style dwellings but predominantly consists of two storey terraced dwellings.

- 9.12 A recent planning application (Reference 21/04797/FUL) at the adjacent site to the south recently gave approval for the demolition of an existing bungalow and the erection of 2 no. two and a half storey dwellings. The proposal seeks to be similar in scale and appearance to the approved dwellings to the south.
- 9.13 A planning application on the same site sought to erect two semi-detached dwellings on the site, one bungalow one bungalow style dwelling which was closest to the northern boundary of the site and a two storey dwelling which was located closest to the southern boundary. This was refused due to its impact on the character and appearance of the area.
- 9.14 The development within this application seeks to remove the bungalow style dwelling on the northern boundary so that the development would consist of one two storey dwelling which benefits from a single storey outrigger to the side/northern elevation. The proposal would be highly visible to the streetscene from the front and from public views.
- 9.15 The proposed dwelling itself would be a scale and design similar to the recently approved dwellings to the south although would be slightly smaller in scale and would benefit from a single storey side outrigger.
- 9.16 The proposal would be within a plot size similar to those to the south as well as other dwellings to the east No. 46a Natal Road and No.200b Perne Road. As a result, the proposal is considered to be of a height, scale and form that would have a positive impact on their setting and would relate acceptably to the immediate and wider character and appearance of the area.
- 9.17 Due to the scale of the dwelling, its plot size and highly prominent location, it is necessary to remove permitted development rights for extensions (Class A), roof extensions (Class C) as well as outbuildings (Class E) so that any additions permitted under these classes in the General Permitted Development Order 2015 does not cause harm to the character and appearance of the area.
- 9.18 Overall, the proposed development would overcome the previous reason for refusal 1 of application 22/03492/FUL by reason of its reduced scale and is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 59 and the NPPF.
- 9.19 Amenity**
- 9.20 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.

- 9.21 The previous application 22/03492/FUL was refused on the grounds that the scale of the proposal and its proximity to the neighbouring property would cause harm to the amenity of the neighbouring occupier.
- 9.22 The original proposal was located some 1.2m from the shared boundary with No.40 Natal Road and had a greater height than the proposal (ridge height of 6.6m and 3.3m to the eaves). The scheme within this application is located some 3.3m from the shared boundary and would have a ridge and eaves height of some 3m.
- 9.23 Neighbouring Properties
- 9.24 The principal dwellings to be impacted by the proposal are No's 40 and 42 Natal Road, and the approved dwellings to the south under application reference 21/04797/FUL. Work has commenced on the approved dwellings and as such the impact upon them is a material consideration. For the purposes of this application the approved dwellings will be referenced as 200 and 200a Perne Road.
- 9.25 *Impact on No. 40 and 42 Natal Road.*
- 9.26 The proposal would be located some 3.3m from the shared boundary with No.40 and 42 Natal Road to the north and some 10m from the dwellings themselves.
- 9.27 Due to the reduction in scale of the proposal, coupled with the siting of the proposal, its design and the separation with the adjacent neighbours to the north, the proposal is not considered to cause any undue loss of light, outlook or appear overbearing to the neighbouring properties No.40 and No.42 Natal Road.
- 9.28 The proposal would seek to have a window at ground floor level which would face No.40 and No.42 Natal Road. Due to the height of this window and the 2m high boundary treatment that would separate the proposal, this window is not considered to cause any undue loss of privacy to either No.40 or No.42 Natal Road.
- 9.29 As outlined above, the proposal is not considered to cause any undue harm to the amenity or living conditions of No's.40 and 42 Natal Road.
- 9.30 *Impact on No's 200 and 200a Perne Road*
- 9.31 The proposed dwelling would be located some 1.2m from the approved dwellings to the south No.200 and 200a Perne Road. The proposed

- dwelling would not extend from the rear building line of either of the approved dwellings and as such would not result in any undue loss of light or appear overbearing to these adjacent properties.
- 9.32 The proposal would seek to have two high level windows which would directly face the side/northern elevation of the approved dwellings. The submitted plans indicate that these windows would be obscurely glazed and as such they would not result in any loss of privacy to the adjacent approved dwellings to the south.
- 9.33 For the reasons outlined above, the proposal would not cause any undue harm to the amenity or living conditions of No's 200 and 200a Perne Road.
- 9.34 *Impact on other neighbouring properties*
- 9.35 To the rear/east of the application site are a number of residential dwellings (No.44, 46 and 46a Natal Road). The proposal is far enough removed from these neighbouring dwellings so that it would cause any undue loss of light, overshadowing or appear overbearing to these nearby properties.
- 9.36 The proposal would benefit from a window/rooflights on the rear elevation that would directly face the rear gardens of these adjacent properties. The proposed window would face the back of the rear gardens and would not directly face the assumed garden amenity area of these neighbouring properties. In addition to this, No.46a is located 28m to the rear of the site. This dwelling is located far enough away that the window would not cause any undue loss of privacy to this neighbouring property.
- 9.37 Although the proposal would likely not cause any harmful overlooking impact, in order to protect ensure privacy of adjacent neighbouring properties, it is necessary to add a condition to any permission given that would restrict the rear window to be obscurely glazed and non opening 1.7m above floor level.
- 9.38 Therefore, for the reasons outlined above and subject to conditions, the dwelling would not cause any undue harm to the amenity or living conditions of No's 44, 46 or 46a Natal Road. All other neighbours are far enough removed from the proposal that it would not cause harm to their amenity or living conditions.
- 9.39 Future Occupants
- 9.40 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).

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	3	5	2	93m ²	132m ²	+39m ²

9.42 Garden Size(s)

9.43 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.

9.44 The proposal would provide 115m² of private garden amenity space and as such would comply with this policy regarding outdoor private amenity space.

9.45 The proposal would result in the subdivision of the rear garden space of No.40 Natal Road. No.40 benefits from a large garden space compared to that of adjacent neighbouring properties. The proposal would result in No.40 Natal Road having a total of 61m² of rear garden space which is similar to adjacent dwellings within the immediate area and would be of a scale that would provide an acceptable level of external amenity to the occupiers of this property.

9.46 The proposal would not alter the garden space associated with No.42 Natal Road and as a result, this garden size would remain the same.

9.47 The proposal would comply with Policy 50 regarding private amenity space.

9.48 Due to the scale of the dwelling, its plot size and its relationship with adjacent properties, it is necessary to remove permitted development rights for extensions (Class A), roof extensions (Class C) as well as outbuildings (Class E).

9.49 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 proposal would comply with requires set out in Building Regulations part M4(2).

9.50 Construction and Environmental Impacts

- 9.51 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.
- 9.52 The Council's Environmental Health team have assessed the application and has not objected to the scheme subject to the imposition of several conditions regarding construction and demolition hours as well as details regarding piling. These conditions are considered necessary in order to protect the amenity of neighbouring properties and should be applied to any permission given.
- 9.53 Summary
- 9.54 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.

9.55 Highway Safety and Transport Impacts

- 9.56 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.
- 9.57 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.
- 9.58 Access to the site would be via Perne Road to the west of the application site. The proposal would utilise the existing access from Perne Road and this would not be altered as a result of this application.
- 9.59 An objection has been received from a local resident regarding further vehicular access at the site and that the proposal would result in an intensification of the use which would cause highways safety implications.

- 9.60 The access at present allows for the residents of No.40 Natal Road to use their garage and parking to the rear. Although the proposal would result in an additional dwelling, the access will only be used by 1 residential dwelling and would not increase ingress or egress than what already exists. As such it would not result in an intensification of this access.
- 9.61 The Local Ward Councillor, Cllr Baigent has commented on the scheme querying whether the location of the car parking. The proposal is located in such a location in order for the proposal to achieve the required visibility splays and for any vehicle to not encroach on to the public highway.
- 9.62 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions. These conditions are considered to be reasonable and necessary to ensure the proposal does not result in any highways safety implications.
- 9.63 Subject to conditions as applicable, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

9.64 Cycle and Car Parking Provision

9.65 Cycle Parking

9.66 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.

9.67 Plan No. P(011) Rev P2 indicates that the cycle parking will be located at the front on the northern boundary. The proposal would be a 3 bedroom property and as such would be required to provide 3 cycle parking spaces. The proposed plans indicate that there would be 3 cycle parking spaces and as such would comply with Policy 82 and appendix L of the Local Plan.

9.68 Car parking

9.69 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.

- 9.70 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.
- 9.71 The proposal would provide 1 off street allocated parking space. Plan Number P(011) Rev P2 highlights that there would be a EV charging point at the front of the dwelling. As the dwelling provides 1 allocated parking space for a 3 bedroom dwelling outside a controlled parking zone, the proposal would comply with Policy 82 and Appendix L in this regard.
- 9.72 Overall, 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.

9.73 Water Management and Flood Risk

- 9.74 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.
- 9.75 The site is in Flood Zone 2 and is therefore considered at medium risk of flooding.
- 9.76 The applicants have submitted a Flood Risk Assessment with the application.
- 9.77 The Council's Sustainable Drainage Engineer has advised further information regarding flood resilience measures and a plan is required.
- 9.78 The Sustainable Drainage Engineers comments are noted, however this information can be required by condition and it is therefore necessary to add a condition which requires the applicant to provide this detail prior to the commencement of any development.
- 9.79 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.

9.80 Carbon Reduction and Sustainable Design

- 9.81 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.
- 9.82 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.
- 9.83 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.
- 9.84 Section 4.4 of the applicants Design and Access statement highlights how the proposal will be a sustainable property. It indicates that the proposal will achieve a reduction in CO2 emissions of 19% below the Target Emission Rate stated within Part L of the Building Regulations. It states that this will be achieved through high levels of thermal insulation, Mechanical Ventilation Heat Recovery, Waste Water Heat Recovery and the potential for Solar Panels on the roof.
- 9.85 It is accepted that the proposed sustainability actions to reduce carbon emissions are acceptable and may achieve the required reductions in order to comply with Policies 28 and 29 of the Local Plan. In order to ensure this is the case, it is necessary to add a condition which requires the applicant to provide a sustainability statement which provides further information regarding how the proposal would achieve the reduction in CO2 emissions.
- 9.86 In order to ensure the proposal achieves the Carbon and Water reduction requirements as set out in Policies 28 and 29 it is necessary to add conditions to any permission given that would require the proposed dwelling to comply with these policies.
- 9.87 Subject to these conditions, the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.
- 9.88 Biodiversity**
- 9.89 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.

- 9.90 The application site is located on an area of hardstanding and currently does not provide any ecological benefits.
- 9.91 The Greater Cambridge Biodiversity SPD indicates that proposals much aim to maintain enhance and restore or add to biodiversity and should obtain a Biodiversity Net Gain of 10%. No information has been provided with the application which relates to Biodiversity Net Gain. Nonetheless, given the proposal seeks to develop a residential garden which has limited biodiversity impacts, in order to secure a 10% Biodiversity Net, Gain a condition could be added to any permission given requiring this information prior to any above ground development.
- 9.92 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).
- 9.93 **Airport Safeguarding Zone**
- 9.94 The application site is located within the Cambridge Airport Public Safety Zone, as identified on the Policies Map.
- 9.95 Policy 37 of the Local Plan sets out that development, including change of use, which is likely to lead to an increase in the number of people living, working or congregating on land within the Cambridge Airport Public Safety Zone, as identified on the Policies Map, will not be permitted.
- 9.96 The site falls within the safety zone as identified on the Local Plan. The Department for Transport (DfT) provided an update (DfT Circular 01/2010) in October 2021 which altered the way PSZ's are drawn and the as such the application site is now outside of the newly defined PSZ criteria.
- 9.97 An application directly adjacent to the application site at 200 Perne Road (21/04797/FUL) also fell within this Cambridge Airport Public Safety Zone. The site now falls outside due to the amended government guidance. Cambridge Airport were consulted on that scheme and raised no objection.
- 9.98 Cambridge Airport have been consulted as part of this application and have also raised no objection stating that the proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

9.99 As the application site is now outside of the newly defined PSZ criteria Policy 37 does not apply. Cambridge Airport have also confirmed that there is no conflict with the safeguarding criteria. The proposal is acceptable in this regard.

9.100 Other Matters

9.101 Bins

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

9.103 The submitted plans indicate a bin storage area to the rear of the site and as such the proposal is considered to comply with Policy 57.

9.104 Planning Balance

9.105 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).

9.106 The proposal is considered to be acceptable in terms of its impact on the character and appearance of the area and would not cause harm to the amenity and living conditions of neighbouring properties as well as future occupiers. The proposal would provide a sustainable dwelling. The development would provide an acceptable amount of car and cycle parking.

9.107 Due to the revisions of the government guidance regarding Public Safety Zones, the proposal is not considered to fall within an area at risk and Policy 37 does not apply.

9.108 The proposal is located in Flood Zone 2 but a condition requiring resilience measures would ensure the proposal is not at risk of any fluvial flooding or would impact on any other adjacent properties.

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

10.0 Recommendation

10.1 **Approve** subject to:

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

11.0 Planning Conditions

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

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

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

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

3. No development shall take place above ground level, other than demolition, until details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations.

Where on-site renewable or low carbon technologies are proposed, the Statement shall include: a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design; and b) Details of any mitigation measures required to maintain amenity and prevent nuisance. The proposed renewable or low carbon energy technologies and associated mitigation shall be fully implemented in accordance with the measures set out in the Statement prior to the occupation of any approved dwelling(s).

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

5. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

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

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

7. The proposed green/biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:
 - a) Planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.
 - b) With suitable access for maintenance.
 - c) Not used as an amenity or sitting out space and only used for essential maintenance, repair or escape in case of emergency.

The green biodiverse roof(s) shall be implemented in full prior to the use of the extension and shall be maintained in accordance with the Green Roof Organisation's (GRO) Green Roof Code (2021) or successor documents, unless otherwise agreed in writing by the Local Planning Authority.

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). The Green Roof Code is available online via: green-roofs.co.uk

8. No development shall commence, apart from below ground works and demolition, until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the local planning authority.
The BNG Plan shall target how a minimum net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include: i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site; ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the appropriate DEFRA metric in force at the time of

application for discharge; iii) Identification of the existing habitats and their condition on-site and within receptor site(s); iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the appropriate DEFRA metric in force at the time of application for discharge; v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the local planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, Cambridge Local Plan 2018 policies 59 and 69 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

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

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

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

Reason: In the interests of protecting residential amenity.

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

Reason: In the interests of protecting residential amenity.

12. No above ground development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance

for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

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

13. 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).

14. In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved statement.

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

15. Two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the highway boundary. The splays shall be within land under the control of the applicant and not within the adopted public highway. The splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway for the lifetime of the development.

Reason: In the interests of highway safety. (Section 9 NPPF)

16. The proposed drive way must be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. 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. The proposed slot drain has the potential to easily block and thus permit water to flow directly onto the adopted public highway, also no connexion to a drain or infiltration system is shown.

Reason: for the safe and effective operation of the highway (Section 9 NPPF)

17. Prior to commencement of development a scheme providing details of the flood resilience measures and a flood resilience plan that can be maintained for the lifetime of the development shall be provided to and agreed in writing with the local planning authority.

Reasons: To reduce the risk of flooding to the proposed development and future occupants. Section 14 NPPF and Policy CC/9 of the Local Plan

18. The development shall not be occupied or the permitted 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 of the cycle store. A cycle store proposed with a flat / mono-pitch roof shall include plans providing for a green roof. Any green roof shall be planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick. The cycle store and green roof as appropriate shall be provided and planted in full in accordance with the approved details prior to occupation or commencement of use and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles, to encourage biodiversity and slow surface water run-off (Cambridge Local Plan 2018 policies 31 and 82).

19. Prior to the occupation of the development, hereby permitted, the first floor windows on the rear/eastern elevation shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent. The glazing shall thereafter be retained in accordance with the approved details.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55, 57)

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 SPD

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Agenda Item 8



Planning Committee Date	29 th March 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/04055/HFUL
Site	90 Roseford Road, Cambridge, CB4 2HE
Ward / Parish	Arbury
Proposal	Two Storey Side Extension
Applicant	Mr & Mrs Szelag
Presenting Officer	Tom Chenery
Reason Reported to Committee	Called-in by Councillor Todd-Jones
Member Site Visit Date	N/A
Key Issues	1. Impact on the Character and Appearance 2. Neighbouring Amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks to erect a two storey side extension to the existing two storey semi detached property known as 90 Roseford Road, Cambridge.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area and is designed appropriately.
- 1.3 The proposal is not considered to cause undue harm to the amenity or living conditions of neighbouring occupiers.
- 1.4 The proposal would not have any significant adverse effect upon the Public Highway and would not result in any undue highways safety implications.
- 1.5 Officers recommend that the Planning Committee **APPROVE** the application.

2.0 Site Description and Context

None-relevant	X	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	

*X indicates relevance

- 2.1 90 Roseford Road comprises a two storey semi detached dwellinghouse which benefits from parking to the front and a modest rear garden.
- 2.2 The prevailing character of Roseford Road consists of two storey semi-detached dwelling on a linear building line and are set back from the main road. A number of dwellings on Roseford Road benefit from two storey side extensions.
- 2.3 To the west of the site is attached to the host dwelling and part of the pair of semi detached dwellings. This dwelling benefits from a single storey side extension forming a garage.

2.4 To the east of the site is No. 92 Roseford Road, which is a two storey semi detached dwelling which benefits from a single storey side and rear extension up to the boundary.

3.0 The Proposal

3.1 The proposal seeks to erect a two storey side extension to the eastern elevation of the host dwelling. The proposal would extend up to the shared boundary with No.92 Roseford Road at ground floor level and would be set off this shared boundary by 250mm. The proposal would have the same ridge height as the host dwelling.

3.2 The application has been amended to address representations.

3.3 When submitted the proposal extended up to the shared boundary with No.92 Roseford Road, however, through positive engagement, the proposal has been reduced in width so that it is now set off the boundary at first floor level by 250mm.

4.0 Relevant Site History **None relevant**

Relevant Neighbouring Site History

Reference	Description	Outcome
C/79/0664	Erection of 2 storey extension to existing dwelling house	Approved
C/72/0376	Erection of single storey extension to existing dwelling house	Approved

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Technical Housing Standards – Nationally Described Space Standard (2015)

Circular 11/95 (Conditions, Annex A)

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 30: Energy-efficiency improvements in existing dwellings
Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 33: Contaminated land
Policy 34: Light pollution control
Policy 36: Air quality, odour and dust
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 58: Altering and extending existing buildings

5.3 Supplementary Planning Documents

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

6.0 Consultations

None Relevant

7.0 Third Party Representations

7.1 1 representation have been received.

7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Density and overdevelopment
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Devaluing Property
- Issues extending in the future

8.0 Member Representations

8.1 Cllr Todd-Jones has made a representation objecting to the application on the following grounds:

- The proposal will result in the terracing effect
- Proposal would cause harm to character and appearance of the area
- Proposal is overbearing and causes overshadowing.

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 Impact on the Character and Appearance of the area

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

9.3 The application site comprises a two storey semi-detached dwelling. The proposal seeks to erect a two storey side extension on the eastern elevation of the host dwelling. The proposal would be highly visible to the streetscene from the front and from public views.

9.4 Roseford Road comprises a residential area of two storey semi-detached dwellings on a similar building line with garden frontages and modest rear gardens. Dwellings are of a similar architectural stylings with an absence of any notable design features. A number of dwellings have benefitted from extensions to the side both at single storey and two storey level.

9.5 The proposed extension would be the same ridge height 7.8m as the host dwelling (5.1m to the eaves) and would extend some 3.1 from the side elevation of the existing dwelling at first floor level and approx. 3.4m at ground floor level.

9.6 The proposal would protrude up to the shared eastern boundary with No.92 Roseford Road to the east.

9.7 The originally submitted scheme sought for the proposal to extend up to the boundary at both single storey and second storey, however, through positive engagement with the applicant, the scheme has been reduced in scale at first floor level to be set off the boundary by 250mm.

9.8 Concerns have been raised by the Local Councillor as well as a neighbouring property regarding the proposals impact on the character and appearance of the area and would cause harm. The object also notes that the proposal would lead to the terracing effect and would reduce the distances between houses.

- 9.9 As highlighted Roseford Road is characterised by two storey dwellings of a similar scale and style with similar spaces between dwellings. A number of dwellings have benefitted for planning permission for side extensions both at ground floor and first floor which significantly reduces the gap between buildings with a number of instances that are evident within the immediate streetscene.
- 9.10 The applicant has provided a number of examples of these types of development at first floor level up to the boundary within the immediate streetscene. These include No.87 and 89 Roseford Road which have both gained permission (under application references C/88/1074 and C/72/0185 respectively) for two storey side extensions up to/close to the shared boundary with the adjacent neighbour. This has resulted in a gap between the dwellings of some 750mm. No.93 Roseford Road has also benefitted from a two storey side extension up to the shared boundary with the neighbour (application reference C/85/0115) which results in a gap of some 750mm but is attached at ground floor level. There are other examples within the streetscene where properties have been allowed to extend up to the boundary at first floor level and at ground floor level.
- 9.11 It is therefore considered that although previously there may have been a prevalent gap between dwellings, as a result of development and built form over the years, this is not a prominent feature within the streetscene and does not form part of the established character.
- 9.12 In regard to the terracing effect, the proposal would be set off the boundary at first floor level by 250mm and as such there would be a clear separation between the development and the boundary with the adjacent neighbour. The neighbouring property (No.92) currently benefits from a two storey side extension which is located some 1.2m from the shared boundary with the application site. This would result in a 1.45m separation distance between the proposal and the adjacent dwelling, a distance that would result in the separation between the two dwellings and would not result in the terracing effect. This distance is greater than others observed within the immediate streetscene and highlighted above. The proposal is therefore considered to maintain an acceptable distance between dwellings and would not be against the grain of the established character of the area.
- 9.13 Within the registered objection, it also notes that the development would restrict them from extended at first floor level. Although it is not possible to materially consider potential development in the future, the proposal has been designed as such so that irrespective of the scale of any proposed future development at the adjacent property (No.92), there would still be a gap between the dwellings and would not result in the terracing effect.
- 9.14 It is therefore considered that due to the scale and design of the proposal, it would be similar to other examples within the immediate streetscene and

as such would relate acceptably to the host dwelling and wider character and appearance of the area. The proposal would not cause harm to the character and appearance of the area and would be compliant with Cambridge Local Plan (2018) policies 55, 56 and 58 as well as the NPPF.

9.15 Amenity

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

9.17 Neighbouring Properties

9.18 The principal dwelling to be impacted by the proposal is No.92 Roseford Road located to the east of the application site.

9.19 A site visit has been undertaken.

9.20 *Impact on No. 92*

9.21 The proposed development would be located on the shared boundary with No.92 Roseford Road at ground floor level but be set off the shared boundary by some 250mm. The proposal would be located some 1.45m from the dwelling itself.

9.22 No.92 benefits from a two storey side extension (approved under application reference C/72/0376) which is located some 1.2m off the shared boundary with the application site.

9.23 The proposed development would not protrude from the existing front building line of the host dwelling or from No.92. The proposal would also not protrude from the rear building line of the host dwelling. No.92 also benefits from a single storey rear extension which is located on and forms the shared boundary with No.90 Roseford Road.

9.24 The proposal would not extend beyond this rear extension and as such would not result in any loss of light, privacy or outlook to the windows on the rear elevation of No.92 Roseford Road.

9.25 In addition to this, as the proposal would not extend to the rear garden of the site, the proposal is not considered to cause any overbearing impact or overshadowing impact to the rear garden space of No.92 Roseford Road.

9.26 No.92 benefits from a window on the side/western elevation that direct faces the application site. The host dwelling at present also benefits from a window on the side elevation which directly faces this adjacent neighbour (No.92). The proposed development although extending closer to the

shared boundary would result in the removal of this window facing No.92 and as such the proposal is not considered to cause any undue loss of privacy to this adjacent neighbour.

- 9.27 A concern has been raised regarding the loss of light to the upper level side window mentioned above. Conversations with the neighbouring property indicate that this window serves a landing on the first floor. A landing is not considered to be a habitable room and as such although there would a degree of light lost to this window as it is not a habitable room, it is not considered to cause demonstratable harm to the amenity and living conditions of the neighbouring property.
- 9.28 Moreover, this upper level window experiences a loss of light by virtue of its relationship and orientation with the existing dwelling irrespective of any extensions/development.
- 9.29 A concern has also been raised by the registered objector and within the representation from the Local Councillor regarding the proposal would result in an unacceptable overbearing impact which would visually dominate the side entrance along the boundary.
- 9.30 This area is not considered to be a habitable area nor is it the main garden amenity space used by the neighbour. The area would still benefit from light from the front of the site. In addition to this, the host dwelling within the application site is already located in relatively close proximity to this area and result in a degree of overbearing impact already.
- 9.31 Therefore, for the reasons outlined above, the proposal is not considered to cause any undue loss of light, privacy, outlook, appear overbearing or result in any overshadowing to the adjacent neighbouring property No.92 Roseford Road.
- 9.32 All other neighbours are far enough removed from the property that it would not impact upon their amenity or living conditions.
- 9.33 Given the adjacent context, location, size, and design of the proposal it is compliant with Local Plan policies 55 and 58 regarding the amenity of neighbouring occupiers.
- 9.34 Third Party Representations**
- 9.35 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
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Devaluing of property	The loss of value to a property or neighbouring property is not a material consideration and as such can not be considered as part of the planning assessment.
Future Planning Applications	The submission of future planning applications and a proposals impact on these is purely speculative and are not a material planning consideration. As such it cannot be considered within the planning assessment
Right to light	A right to light is a civil matter between different landowners and a planning permission would not interfere with a right of light. The local planning authority has no jurisdiction in checking or enforcing a right to light. This is not a material planning consideration.

9.36 Other Matters

9.37 Car/Cycle Parking

9.38 The application site currently only benefits from 1 allocated parking space. There is ample space at the property for the parking of a vehicle. There is also space for cycle parking to be situated at the front of the site. The proposal would comply with Appendix L of the Local Plan.

9.39 Bin Storage

9.40 The Bin Storage arrangements at the site will be unaffected by the proposal.

9.41 Highways

9.42 The proposal does not seek to amend the existing access or result in any highways safety implications. As a result, the proposal would comply with Paragraphs 110-111 of the NPPF.

9.43 Planning Balance

9.44 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).

- 9.45 A strong and detailed objection has been raised by the neighbouring occupier at no.92 Roseford Road. However, despite the character, appearance and amenity issues raised, including but not limited to the personal circumstances of the objector's disabled aunt, officers do not consider that the additional enclosure of the side of the extended house and its impact on the street scene or the neighbouring amenity of no. 92 would be significantly harmful to warrant a refusal of planning permission.
- 9.46 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for Approval.

10.0 Recommendation

10.1 Approve subject to:

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

11.0 Planning Conditions

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

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

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

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

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

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 58 (for extensions))

Agenda Item 9



Planning Committee Date	29 th March 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	TPO/13/2023
Site	1 Brunswick Walk
Ward / Parish	MAR
Proposal	Confirmation of provisional TPO
Presenting Officer	Joanna Davies
Reason Reported to Committee	Objection received to provisional TPO
Recommendation	APPROVE the confirmation of TPO/13/2023

1.0 Executive Summary

- 1.1 Following receipt of section 211 Notice 22/0765/TTCA, a TPO was served to protect trees on the rear boundary of 1 Brunswick Walk.
- 1.2 The current provisional TPO protects a Cherry tree that contributes significantly to the verdant character of the conservation area.
- 1.3 An objection to the TPO has been received.
- 1.4 Officers recommend that the Planning Committee approve the confirmation of TPO/13/2023 subject to amendment.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	X
Conservation Area	X	Listed Building	X

*X indicates relevance

- 2.1 1 Brunswick Walk is a Grade II listed house located in the Historic Core Conservation Area.
- 2.2 The rear garden of the house backs on to Brunswick Gardens and vegetation within the garden contributes to the verdant character of road.
- 2.3 The Conservation Area Appraisal recognises the importance of trees visually and for wildlife and that they act as '*foils for buildings*' softening their impact.

3.0 Relevant Site History

Reference	Description	Outcome
21/04173/LBC	Demolition of existing extensions, single storey rear extension and altered access from Brunswick Gardens	Refused
21/04172/HFUL	Demolition of existing extensions, single storey rear extension and altered access from Brunswick Gardens	Refused
22/0765/TTCA	Fell, Cherry, Walnut, Elder, Privet, Apple, Laurel, Bay and Beech	Part approval/Part objection

- 3.1 22/0765/TTCA was submitted following a tree team objection to 21/04173/LBC and 21/04172/HFUL on the grounds that the proposal required the removal of trees that made a significant contribution to amenity and the character of the conservations area.

- 3.2 21/04173/LBC and 21/04172/HFUL were refused by virtue of excessive height scale and massing, proposed fenestration on the southern flank wall of the first elevation and the impact on the cherry protected by TPO/13/2023.

4.0 Legislation and Policy

- 4.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make trees, groups of trees or woodlands the subject of a TPO

Expedience - If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to amenity it may be expedient to serve a Tree Preservation Order. In some cases, the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO.

Amenity - While amenity is not defined in the Town and Country Planning Act, government guidance advises authorities develop ways of assessing the amenity value of trees in a structured and consistent way. Cambridge City Council Citywide Tree Strategy 2016 – 2026 sets out the criteria for assessing amenity in Policy P2 and considers visual, wider impact, atmospheric, climate change, biodiversity, historic/cultural and botanical benefits when assessing the amenity value of trees.

Suitability - The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

5.0 Consultations

- 5.1 As soon as practicable after making an order, a TPO must be served on anyone who has an interest in land affected by the TPO. This includes neighbours, who may have a common law right to prune overhanging branches back to the boundary and agents who have sought permission for tree works.
- 5.2 TPO/13/2023 was served on the owner/occupier and their arboricultural consultant (agent).

6.0 Third Party Representations

- 6.1 An objection has been received from Hayden's Arboricultural Consultants on behalf of the property owner.

6.2 The objections raise the following issues:

- The trees' retention is not compatible with the proximity to the rear boundary wall
- In the coming years the trees will cause damage to the boundary wall.
- It is not considered to be good arboricultural practise to protect trees that will be a future cause of nuisance or have the potential to compromise the structural integrity of adjacent structures
- The TPO was backdated to 15th February but not served until 16th.
- Email from officer of 16th February did not include a copy of the TPO.
- The Hard copy was received on 20th February, was incorrect and not signed or sealed
- To date (10th March 2023) the owner has not received a copy of the TPO

6.3 No comments were submitted in support of the TPO but an objection was received from a local resident to the removal of trees as set out in s.211 notice 22/0765/TTCA. It is the council's formal objection to the removal of trees, set in this s.211 Notice that resulted in the serving of a TPO.

6.4 The objection raised the following issues:

- The application should be refused on the basis of the loss of trees in the conservation area. A TPO on the larger trees should be outcome.

7.0 Member Representations

7.1 Cllr Copley made a representation objecting to the s.211 Notice and the removal of trees due to the contradiction with biodiversity and climate change mitigation.

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

8.0 Assessment

8.1 Planning Background

In September 2021 concurrent listed building and householder applications, 21/04173/LBC and 21/04172/HFUL, were made for the demolition of existing rear extensions and outbuildings (sheds). Single storey rear extension including altered access from Brunswick Gardens and two storey rear extension including the remodelling of existing roof pitch and new pedestrian access from Brunswick Walk.

8.2 A consultation request was issued to Streets and Open Spaces. Because the proposal required the loss of most of the vegetation in the rear garden and some of that vegetation made a positive and material contribution to amenity and the verdant character of the conservation area the application was not

supported. At this point trees in the garden were already protected by their conservation area location, which ensured that they would remain to be a material consideration when determining the planning applications.

- 8.3 In July 2022 Section 211 Notice, 22/0765/TTCA, was submitted for the removal of 9 trees. The reasons provided for the works are as follow.

T1 Winter flowering Cherry - Fell - Semi-mature tree is growing from base of boundary wall and will in time structurally damage the wall if not removed.

T2 Walnut - Fell - Immature tree is growing from base of boundary wall and will in time structurally damage the wall if not removed.

T3 Elder - Fell Small tree with limited visual amenity rubbing and over hanging wall.

T4 & T5 Japanese Privet - Fell Two small trees leaning heavily and in poor condition

T6 Crab apple - Fell Small tree with limited visual amenity

T7 Laurel - Fell Young tree with high growth potential that needs to be controlled

T8 Bay - Fell Small tree growing close to wall with limited visual amenity

T9 Beech - Fell Small tree growing close to wall with limited visual amenity

The number of trees within the limited rear garden of the property are becoming overbearing and if not managed/removed will in the near future damage the boundary wall.

- 8.4 Photographs showing the position of the trees in relation to the rear boundary wall were submitted with the s.211 Notice and these can be viewed via public access. The photos of T1 and T2, the two trees made the subject of a TPO, are also included at Appendix 1 along with a picture of the trees taken from Brunswick Gardens during our site visit.

- 8.5 As the Council cannot refuse or approve works to trees detailed in a conservation area notification (s.211 Notice) a TPO was served to protect two of the 9 trees, the removal of which the tree team had a formal objection to because the trees contributed significantly to the character of the conservation area.

- 8.6 The original TPO was not confirmed before the deadline which meant that if the protection for the trees was to continue a new TPO needed to be served. The request was made on 15th February and the TPO was served late morning on 16th February. The replacement TPO was not served in time to continue the protection for T2, which was felled in the morning of 16th February. The removal of the tree is not considered to constitute an offence because it was felled immediately after the original TPO lapsed and immediately before the new was TPO served.

- 8.7 The TPO can be confirmed with an amendment to reflect the loss of T2.

- 8.8 **Response to Objections**

8.9 Objections are summarised and responded to in the table below:

Objection	Officer Response
The trees' retention is not compatible with the proximity to the rear boundary wall and in the coming years will cause damage to the wall. It is not considered to be good arboricultural practise to protect trees that will be a future cause of nuisance or have the potential to compromise the structural integrity of adjacent structures	The proximity of the trees to the garden wall was considered when determining the S.211 notice and a TPO's expediency. As both trees, T1 and T2, were not damaging the wall at the time of the application wall damage was not considered to be an immediate risk. Therefore, the positive contribution the trees made to amenity and the character of the conservation area was considered to outweigh any potential future nuisance and it was considered expedient to protect the trees in the knowledge that should the relationship between the trees and the wall change and the removal of one or both trees become necessary, the long-term amenity afforded to the character of the conservation area could be protected through a requirement to replace them.
The TPO was backdated to 15 th February but not served until 16 th .	The TPO was requested and made on 15 th February and, in accordance with regulation 5 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012, "served as soon as practicable after making the order".
Email from officer of 16 th February did not include a copy of the TPO.	The TPO was served by technical support officers. The officer email of 16 th was intending to explain the re-serving of a lapsed TPO.
The Hard copy was received on 20 th February, was incorrect and not signed or sealed	The TPO was incorrect because T2 was removed under the supervision of the arboricultural consultant. As soon as TPO/13/2023 went live tree works were halted. The TPO can be amended at confirmation to reflect this.
To date (10 th March 2023) the owner has not received a copy of the TPO	The TPO was served on the owner/occupier. Following receipt of the objection an additional copy has been issued.

9.0 Recommendation

9.1 **Approve** the confirmation of TPO/13/2023 subject to:

The removal of T2 from the schedule and TPO Plan.

Background Papers:

The following list contains links to the documents on the Council's website.

- [22/0765/TTCA | T1 Winter flowering Cherry, T2 Walnut, T3 Elder, T4 & T5 Japanese Privet, T6 Crab apple, T7 Laurel, T8 Bay and T9 Beech - all trees to Fell. | 1 Brunswick Walk Cambridge Cambridgeshire CB5 8DH \(greatercambridgeplanning.org\)](#)
- [21/04173/LBC | Demolition of existing rear extensions and outbuildings \(sheds\). Single storey rear extension including altered access from Brunswick Gardens and two storey rear extension including the remodelling of existing roof pitch and new pedestrian access from Brunswick Walk. | 1 Brunswick Walk Cambridge Cambridgeshire CB5 8DH \(greatercambridgeplanning.org\)](#)
- [21/04172/HFUL | Demolition of existing rear extensions and outbuildings \(sheds\). Single storey rear extension including altered access from Brunswick Gardens and two storey rear extension including the remodelling of existing roof pitch and new pedestrian access from Brunswick Walk. | 1 Brunswick Walk Cambridge Cambridgeshire CB5 8DH \(greatercambridgeplanning.org\)](#)

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Appendix 1 Photos



T1 Cherry



T2 Walnut



T1 on the right and T2 on the left/middle. T2 has since been removed.

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Appendix 2 TPO Plan



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