



## Cambridge City Council Planning

**Date:** Friday, 14 January 2022

**Time:** 10.00 am

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

**Contact:** [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk), tel:01223 457000

### Agenda

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

1 Order of Agenda

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

- **Part One**  
Major Planning Applications
  
- **Part Two**  
Minor/Other Planning Applications

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  
To follow

## **Part 1: Major Planning Applications**

- 5      21/01625/FUL - Church Hall 6A Chapel Street (Snap Nursery, Chesterton) - 10am      (Pages 9 - 36)

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

- 6      21/02356/FUL - Cambridge Rugby Union Club, Grantchester Road - 10:45am      (Pages 37 - 64)
- 7      21/03340/FUL - 11 Cook Close - 11.15am      (Pages 65 - 74)
- 8      18/1321/OUT - 72-74 St Philips Road - 11.45am      (Pages 75 - 90)

**Planning Members:** Smart (Chair), D. Baigent (Vice-Chair), Dryden, Flaubert, Gawthrop Wood, Porrer and Thornburrow

**Alternates:** Herbert, McQueen and Page-Croft

## Information for the public

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

## Public health and well-being for meeting arrangements

Whilst the situation with COVID-19 is on-going, the Council will be following the latest Government guidance in organising and holding its meetings.

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

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

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

# Appendix 1 – Planning Policies and Guidance

(Updated September 2020)

## 1.0 Central Government Advice

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

1.2 Planning Practice Guidance (NPPG)

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

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

### *Planning Obligations*

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

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

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

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

## 2.0 Development Plans

2.1 The Cambridgeshire and Peterborough Minerals and Waste Plan 2011

2.2 Cambridge Local Plan 2018

### 3.0 Supplementary Planning Documents

3.1 Sustainable Design and Construction 2020

3.2 Cambridge Flood and Water 2018

3.3 Affordable Housing 2008

3.4 Planning Obligations Strategy 2004

#### *Development Frameworks and Briefs*

3.5 The New Museums Site Development Framework (March 2016)

3.6 Ridgeons site Planning and Development Brief (July 2016)

3.7 Mitcham's Corner Development Framework (January 2017)

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

3.9 Land North of Cherry Hinton (February 2018)

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

### 4.0 Use Classes

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

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

<b>Application Number</b>	21/01625/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th April 2021	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	9th July 2021		
<b>Ward</b>	East Chesterton		
<b>Site</b>	Church Hall 6A Chapel Street Cambridge Cambridgeshire CB4 1DY		
<b>Proposal</b>	Refurbishment, reconfiguration and extension of the existing chapel building to create an improved day nursery facility with external play area and 13 residential apartments (following part demolition), together with associated landscaping and infrastructure		
<b>Applicant</b>	N/A		
	c/o Agent N/A N/A		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal will have a harmful impact on the BLI Chapel building and surrounding heritage assets</li> <li>• The proposal fails to provide acceptable external amenity space for residents of all flats</li> <li>• The proposal fails to provide acceptable accessibility for all flats</li> <li>• The proposal constitutes an overdevelopment of the site</li> </ul>
RECOMMENDATION	REFUSAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is no 6A Chapel Street, a former Victorian Baptist Chapel (1842) situated on the western side of Chapel Street. It is a Building of Local Interest (BLI) and located within the Chesterton Conservation Area. Adjacent to the site, to the south, is Chesterton Tower which is a grade I Listed Building and a Scheduled Monument. The site to the north, 6 Chapel Street (Rose Cottage), is also a BLI and to the north east of Church Hall is 1 Chapel Street which is a grade II Listed Building as is 5 Chapel Street to the south east. The building has its main entrance from Chapel Street, but there are clear views of the side elevation from both that road, the High Street and the grounds of Chesterton Tower which contains a row of garages along the shared boundary with the site.

1.2 The site is outside of the controlled parking zone. There are no other relevant site constraints.

## 2.0 THE PROPOSAL

2.1 The proposal is for the *‘Refurbishment, reconfiguration and extension of the existing chapel building to create an improved day nursery facility with external play area and 13 residential*



*apartments (following part demolition), together with associated landscaping and infrastructure.'*

2.2 The proposal is to demolish the existing building at the very rear of the site. The proposal seeks to add a four storey extension to the south west elevation, one or two storeys over parts of the existing building, and to add a clerestory to the triangular pediment. The extensions would accommodate 13 residential units and the nursery would be located at the front of the building across all floors including a roof top play area.

2.3 The application is accompanied by the following:

1. Gawn Associates Structural Report
2. Gawn Associates Drainage Assessment
3. Barton Willmore Heritage Assessment
4. NRAP Design and Access Statement
5. Joel Gustafsson Consulting Energy Statement
6. SLR Consulting Transport Statement
7. MKA Ecology Preliminary Ecological Appraisal and Preliminary Roost Assessment
8. MKA Ecology Nocturnal Bat Survey
9. Carter Jonas Planning Statement
10. Cass Allen Noise Assessment
11. Savills Viability Assessment

### **3.0 SITE HISTORY**

None relevant

### **4.0 PUBLICITY**

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

### **5.0 POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 3, 28, 29, 31, 32, 33, 34, 35, 36, 50, 51, 55, 56, 57, 59, 61, 62, 73, 74, 80, 81, 82

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

Central Government Guidance	<p>National Planning Policy Framework 2021</p> <p>National Planning Policy Framework Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (2020)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

	<p><u>Area Guidelines</u></p> <p>Chesterton and Ferry Lane Conservation Area Appraisal (2009)</p>
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## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 No objection. The streets in the vicinity provide uncontrolled parking, and so, as there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets, a more accurate description of the proposal would be dedicated parking provision-free rather than car-free. Taking the above into consideration any increased demand for on street car parking is likely to appear on-street in competition with existing residential uses. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Recommends the inclusion of conditions regarding traffic management plan and 3.5 tonne time delivery restriction Informative regarding works within the highway.

### **Conservation and Urban Design Team**

- 6.2 Objects. The scale of the proposed building conversions and extensions overwhelms and 'out competes' the original building and sits uncomfortably against the prevailing scale and massing of existing properties on Chapel Street and Church Street. The height, and continual flat roof of the proposed extension, that spans 34m at 3-4 storeys, is excessively larger in bulk and mass than the front section of the retained building, and is much larger than the surrounding fine grain context of the area. For the above reasons, the proposal would adversely affect the character, special interest and setting of the BLI and the setting

of the adjacent grade I Listed Building and would not preserve or enhance the character or appearance of the conservation area contrary to polices 55, 56, 58 , 61 and 62 and paragraphs 197, 199 and 203 of the NPPF.

### **Developer Contributions Officer**

6.3 Planning contributions are recommended.

### **Drainage Officer**

6.4 Supports. Recommends the inclusion of conditions regarding a surface water drainage scheme, long term maintenance arrangements and foul drainage.

### **Environmental Health**

6.5 Objects. Insufficient information has been submitted to demonstrate that the proposed residential units would have an acceptable level of noise from the roof top play space of the nursery and adjacent pub garden.

### **Ecology Officer**

6.6 No objection, subject to a condition regarding biodiversity enhancements.

### **Environment Agency**

6.7 No comment.

### **Lead Local Flood Authority (Cambridgeshire County Council)**

6.8 Objects. On grounds of no permission to discharge into Anglian Water Sewer and discharge rates.

### **Sustainability Officer**

6.9 No objection subject to conditions regarding carbon reduction measures and water efficiency.

### **Design and Conservation Panel**

6.10 On pre-application scheme: Real concern that the current proposals would result in harm to both the character and appearance of the Chesterton Conservation Area and the significance of nearby Listed Buildings through adverse impact on their settings.

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

## **7.0 REPRESENTATIONS**

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

### Support

- 38 Newton Road
- 32 Kathleen Elliott Way
- 23 Iver Close (employee of Snap! 4 Kids)
- 14 Caithness Court
- 109 Union Lane
- 10 Camside
- 18 Chesterfield Road
- 19 Alwyn Close
- 60 Verulam Way
- 2 Somerset Close
- 122 Ditton Fields
- 100 Grange Road
- 52 Mortlock Avenue
- 25 Humphreys Road
- 3 Wilson Court, Anstey Way
- Roebuck House, 28 Ferry Lane
- 9 Chadwick Court, Ordchard Park
- 6 Reynolds Close, St ives
- 23 Willow Way, Hauxton
- 135 Capper Road, Waterbeach
- 18 Burrowmoor Road, March
- 19 Briars End, Witchford
- Flat 8, The Counting House, Limetree Court, Saffron Walden
- 4 Oatlands, Orwell
- 37 Westwood Avenue, March

- Cleveden, Woodmill Road, Dunfermline
- 3 Roise Court, Newnham Street, Ely
- 30 Selkirk Avenue, Glasgow
- 120 The Rowans, Milton
- 7 Huttles Green, Shepreth
- 6 White Field Way, Sawston
- 55 Hollytrees, Bar Hill
- 66 Field View, Bar Hill
- 29 De Freville Road, Great Shelford
- 8 The Lane, Hauxton
- 25 Humphreys Road

#### Object

- 13 Church Street
- 14 Church Street
- Flat 3 Chesterton Towers, Chapel Street
- Flat 7 Chesterton Towers, Chapel Street
- Flat 12 Chesterton Towers, Chapel Street
- 1 Chapel Street
- 2 Chapel Street
- 3 Chapel Street
- 4 Chapel Street
- 14 Earl Street (owners of 3 Chapel Street)
- 10 Unwin Square
- 11 Pye Terrace, Church Street
- 70 High Street, Chesterton
- 72 High Street
- 76 High Street, Chesterton
- 129 High Street, Chesterton
- 165 High Street, Chesterton
- 208 High Street, Chesterton
- 22 St Andrews Road
- 24 St Andrews Road
- 71 Fitzgerald Place
- 5 Scotland Road
- 4 Charles Street
- 33 Waterhouse, Water Lane
- 17 Pakenham Close
- 19 Pakenham Close
- 1 Craister Court
- 185 Campkin Road

- 101 Woodhead Drive
- 60 Kendal Way
- 29A Garden Way
- 51 Frankes Lane
- 295 Chesterton Road
- 297 Chesterton Road
- 15 Izaak Walton Way
- 7 Lynfield Court
- 141 Kings Hedges Road
- 88 Hillcrest, Bar Hill
- 14 Brewhouse Lane, Soham
- 5 Abbots Way, Horningsea

#### Neutral

- 11 Redfern Close
- Pegasus House, Pembroke Avenue, Waterbeach

7.2 The representations in support can be summarised as follows:

- Enhancement to the area
- Sustainability credentials
- Biodiversity enhancements
- Protecting a local community asset
- Putting early years children in the centre of decision making
- Improve early years children facilities
- Plenty of parking within the surrounding streets
- More housing

7.3 The representations in objection can be summarised as follows:

- Overdevelopment
- Out of keeping with surrounding character of the conservation area
- The proposed development is highly intrusive and dramatically extends the bulk
- The impact of the proposed western elevation
- The proposal will significantly than the existing building and compete with surrounding buildings such as Chesterton Tower
- Cramped development

- Lack of parking will result in parking stress on nearby streets
- Inadequate resident and visitor cycle parking
- Inadequate noise assessment
- Noise levels from the nursery roof top garden especially as its adjacent to flats
- Noise from adjacent pub garden could affect the new flats
- It's a commercial venture not a community asset
- Chapel Street is very narrow and busy, the proposed development will result in additional delivery vehicles having to park on Chapel Street causing congestion.
- Construction traffic will cause disruption
- There is no rear access to the proposed flats. The only apparent provision is a narrow alleyway down the side. 13 flats could have 26 occupants all using this alley with their bikes.
- Waste strategy? 13 bins on the street outside on collection day and stored in alleyways.
- Those in support aren't local

7.4 The neutral representations can be summarised as follows:

- The Haymakers is 0m away from the site, the pub garden is adjacent and is 340sqm with a capacity of 100 people.
- Concerned that our existing use of the Haymakers site may be affected by complaints about noise from future residents of the proposed development. Since the applicant is the agent of change introducing a new use for the proposed development site, it is their responsibility to manage the impact of that change (National Planning Policy Framework, February 2019, paragraph 182) and provide suitable mitigation before the development is completed. We suggest that a suitable mitigation might be the creation of a Deed of Easement permitting the pub to continue emitting noise at its present level.

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

## 8.0 ASSESSMENT



8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Drainage
8. Biodiversity
9. Sustainability
10. Affordable Housing
11. Third party representations

### **Principle of Development**

8.2 The site contains the existing Chapel building, and is classed as previously developed (brownfield) land. Policy 3 of the Cambridge Local Plan (2018) states that the majority of new development should be focused in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally.

8.3 The applicant's Planning Statement sets out that:

*The scheme comprises the conversion and extensions of the existing Chapel Building. "SNAP! 4 Kids" has run a children's nursery from Chapel for more than 20 years – since 2000. It currently has an Ofsted capacity for 106 children. The Nursery serves the local and wider community offering care and education with a creative focus to children from 0 – 5. The setting currently employs a staff of 14 and currently cares for 38 children each week. In more usual years that number would be between 55 to 60, and this level of provision will be retained within the new facility. As is currently the case the nursery will be likely to operate between the hours of 07:30 – 18.30 daily for 51 weeks of the year (closing for a week between Christmas and New Year as well as Bank Holidays). The refurbished facility is expected to have capacity for 86 children.*

*The nursery focus is on the provision of high quality childcare for the local community. Unfortunately, a multitude of unfavourable economic factors, including the need for investment into the fabric of the building, means there is an urgent need to better utilise the potential of the chapel building to generate funds that are vital to create the ability to continue to provide childcare within the setting.'*

- 8.4 The principle of developing the site (retaining part of the Chapel building) for mixed nursery and housing uses is acceptable as is the principle of supporting enhanced community and educational facilities (such as a Nursery) through policies 73 and 74, subject to the material planning considerations discussed below.

### **Context of Site, Design and Heritage**

- 8.5 The site falls within the Chesterton Conservation Area and is also a Building of Local Interest (BLI). The statutory considerations as set out in section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, are matters to which the determining authority must give great weight to when considering schemes which have the potential to impact on heritage assets.
- 8.6 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for a local planning authority, in the exercise of its planning powers with respect to any buildings or other land within a Conservation Area, to:

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

- 8.7 In respect of development proposed to be carried out within the setting of, or which may impact upon a listed building, or in a conservation area, a decision-maker must, in respect of a conservation area, give a high priority to the objective of 'preserving or enhancing the character or appearance of the area', when weighing this factor in the balance with other

'material considerations' which have not been given this special statutory status.

- 8.8 The respective national policy guidance is set out in paragraphs 199-208 of the NPPF. Para. 199 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation (meaning the more important the asset, the greater the weight should be). Para. 200 makes it clear that any harm to, or loss of significance of a heritage asset should require clear and convincing justification. Para. 202 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. Para. 206 makes it clear that local planning authorities need to look for opportunities for new development within Conservation Areas, World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals which make a positive contribution to the asset or better reveals its significance should be treated favourably.
- 8.9 In respect of non-designated heritage assets para.203 of the NPPF states that the effect that a proposal will have on such an asset should be taken into account in determining the application, and in considering such applications a balanced judgment is required having regards to the scale of any harm or loss and the significance of the heritage asset.
- 8.10 The proposal is to add a four storey extension to the south west elevation, one or two storeys over parts of the existing building, and to add a clerestory to the triangular pediment. All of the additional elements would be in a metal cladding to contrast with the existing gault brick so that the new additions are clearly visible within the proposals.
- 8.11 The proposed extensions would result in additions which would dominate the existing BLI and the other designated and non-

designated buildings close by. The extensions unbalance the chapel by giving greater emphasis to the south west of the building which currently sits more quietly alongside the Chesterton Tower site. The street frontage would be altered in a manner that is not sensitive to the character of the existing building, forming a beacon in the street above the pediment. The proposal would have a negative impact on the setting of the grade I listed building (Chesterton Towers) and scheduled monument by dominating the local area and detracting from it.

- 8.12 The existing building has three distinct elements that are decreasingly subservient forms, with a front section that announces itself and addresses the street, and which is characterised by its pedimented roof and arched window arrangement. The scale of the proposed building conversions and extensions overwhelms and 'out competes' the original building and sits uncomfortably against the prevailing scale and massing of existing properties on Chapel Street and Church Street. The height, and continual flat roof of the proposed extension, that spans 34m at 3-4 storeys, is excessively larger in bulk and mass than the front section of the retained building, and is much larger than the surrounding fine grain context of the area.
- 8.13 Whilst a more contemporary extension could be supported in principle, a scheme that retains the prominence of the existing building frontage and reads as secondary to the original chapel would be considered acceptable in Urban Design and Conservation terms. The scheme should also be subservient to the adjacent grade I listed and scheduled Chesterton Tower so that it does not have a negative impact on the setting and therefore significance of that building. An alteration to the setting of that building should be something that improves the existing situation rather than dominating it.

*Viability*

- 8.14 The applicant has put forward a viability argument, which sets out that:

*‘The residential element of the proposed scheme provides revenue which will facilitate retaining, upgrading and future-proofing the valuable community asset that the established nursery facility provides. As outlined in the above-mentioned report, the cost associated with vital refurbishment work is significant and there is categorically no opportunity for the existing use to support the cost of such works. This situation is not unique to the current use of the chapel and would apply to any community use which generates a low annual income. However, the planning use class of the chapel building is D1 (now Use Class E) and the narrow spectrum of use to which the building could be put, together with the Local Plan policy which resists the loss of a day nursery community facility, ties the viability question to a specific use for the building, however, the granting of consent for this planning application would allow an additional use to coexist alongside that which facilitates the retention of nursery and preservation of the building as this premise forms the basis of the viability assessment’*

- 8.15 If Officers were minded to support the proposal, separate viability advice would be commissioned to objectively advise the Council on the specific enabling argument and whether the revenue assumptions are within acceptable parameters. Any positive recommendation would then have to ensure a comprehensive scheme of repair works, a phasing plan and re-provision of the nursery facility were secured in order to ensure restoration of the retained historic fabric and the provision of the ‘up-graded’ nursery space.
- 8.16 Enabling arguments are ordinarily put forward in respect of listed buildings for otherwise unacceptable development where a LB is in a state of disrepair and an applicant needs to generate revenue. The chapel building is not a listed building, it is a BLI, however, it is clear that it is in a poor state of repair and not efficient in terms of energy use (roofs and floors need

replacing (water ingress), all walls need repointing, no insulation, dry rot is present in wood panelling in the main hall, drainage issues, perimeter wall in poor state of repair and needs complete re-erection). Officers have no reason to dispute the survey outcomes as reported by the applicants or disregard the approach to cross subsidizing the project to retain the nursery. However, in order to address the on-going viability of the business in what is a dilapidated building, significant harm would in turn arise from the proposals on the significance of the BLI heritage asset and those surrounding it.

- 8.17 In coming to this conclusion, officers are mindful that the Design and Access Statement sets out how the applicants have attempted to try and address the earlier negative responses from the Council at pre-application and post submission stages, including the D&C Panel. However, it is clear to officers that the ambitions for the site far exceed the capacity of the BLI building, Conservation Area and adjacent LB's to accommodate. The result of the quantum of residential development proposed leads to a significant shift in the building's current form and the introduction of significant and dominant additions that have the effect of overwhelming the BLI and harming the conservation area especially. It may be the case that the quantum of development proposed to enable the upgrade and refurbishment of the nursery use and the building cannot be reconciled.

*Nursery Layout Concerns.*

- 8.18 The nursery at present operates throughout the ground floor of the existing building, with some first-floor sensory and sleeping room space and an external ground floor garden. The proposal would result in a net loss of nursery space (current 365sqm, proposed 200sqm = loss 165sqm) resulting in a nursery facility which is distributed across 4 floors at the front of the building. The reduced ground floor footprint would accommodate most of the re-provided nursery floorspace and would be entirely wheelchair accessible with a limited external space adjacent.

Upper floors would, however, be much narrower in floor plan, with a raised garden at roof top level providing the majority proposed amenity space for the nursery children. No lift is provided for the children or employees of the nursery, the four flights of stairs would be compliant for ambulant disabled use. As such, officers are concerned that operationally the layout appears partially impractical for the retained nursery use. Whilst not forming a recommended reason for refusal because there is no express local plan standard which this scheme conflicts and it has the support of the current provider, officers would nonetheless want, as part of any revised scheme negotiation (if this proposal were to be refused in line with the recommendation), to explore opportunities to better the nursery layout. Officers note that the maximum number of children that can be catered for - because of the reduction in space – is reduced from 106 to 86.

### *Heritage Summary*

- 8.19 The proposal would adversely affect the character, special interest and the setting of the Building of Local Interest (BLI) Chapel building, harm the setting of the adjacent listed buildings including the Grade I Listed Chesterton Towers and harm the character and appearance of the Chesterton Conservation Area. The level of harm would be moderate, less than substantial. The public benefits arising from the scheme, which would include investment in the repair of the BLI and in helping to secure the retention of a viable nursery use on the site, do not outweigh the level of harm to the heritage assets identified. The proposal is therefore contrary to policies 55, 56, 58, 61 and 62 of the Cambridge Local Plan 2018 and paragraphs 199, 202 and 203 of the NPPF 2021.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

8.20 Given its siting the proposal is not considered to have a significant impact upon the residential amenity of any neighboring properties.

*Wider area*

8.21 It would be standard practice to include various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction if the proposal was being recommended for approval. The impact of additional demand for car parking spaces on residential amenity is assessed in the 'car parking' section below.

8.22 For the above reasons the proposal adequately respects the residential amenity of its neighbours and the constraints of the site, in accordance with Cambridge Local Plan 2018 policies 57 and 35.

Amenity for future occupiers of the site

8.23 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the units would either comply or exceed size requirement. The floor space of the proposed units is presented in the table below against the requirements of policy 50.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit (m <sup>2</sup> )	Difference in size
1	1	1	1	39	42	+3
2	1	1	1	37	37	0
3	1	2	1	50	51	+1
4	2	4	2	70	73	+3
5	1	2	1	50	51	+1
6	1	2	1	50	51	+1
7	1	1	1	39	47	+8
8	2	4	1	70	70	0
9	1	2	1	50	50	0
10	1	1	1	39	47	+8



11	1	1	1	37	38	+1
12	2	4	1	70	70	0
13	1	2	1	50	50	0

- 8.24 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. Within the supporting text of Policy 50 it also states that new homes created through residential conversions should seek to meet or exceed the standards as far as it is practicable to do so.
- 8.25 The applicant has set out within the submitted Planning Statement that the proposal is a conversion scheme and the provision of external balconies would not be an appropriate as it has been judged they would be at odds with the character and appearance of the BLI and would disrupt the form of the proposed extension.
- 8.26 While the majority of the conversion is set within the existing building walls, the proposal includes a substantial 4 storey extension. Within the extension, units 1 & 2, which are ground floor units, have their own front doors facing onto the passageway running along the side of the building. Also within the extension, there is the front door to the stair core which provides access to units 4, 5, 8, 9, 12 & 13.
- 8.27 As the above units are accessed purely from the extensions, they should be considered as new build units. Officers disagree that the whole proposal can be considered as conversion and extension. This would mean that in order for the proposal to be in accordance with policy 50, all of the above mentioned units which are accessed purely from the extension should have direct access to an area of private amenity space. Units 1, 2 & 3 (ground floor units) have access to a private terrace area. However, this would be circa 2m away in depth and would feel very enclosed against the proposed building and back of the garages to the south.
- 8.28 The proposal therefore fails to provide direct access to a private amenity space for units 4, 5, 8, 9, 12 & 13 and fails to provide an acceptable private amenity space for units 1, 2 & 3 contrary to Policy 50 of the Local Plan.

### Accessible homes

- 8.29 The applicant has set out within the submitted Planning Statement that the requirements of Part M4 (2) of the Building Regulations and Policy 51 do not apply to this proposal as it is for a conversion. As set out above, units 1, 2, 4, 5, 8, 9, 12 & 13 are accessed purely from the extension and they should be considered as new build units and served via a lift. It has not been demonstrated that it would not be practicable to provide a lift. These units therefore should meet with the requirements of Part M4 (2) of the Building Regulations in order to comply with Policy 51. The proposal fails to provide accessible units contrary to Policy 50 of the Local Plan.

### Noise Impact

- 8.30 Environmental Health has objected on grounds that insufficient information has been submitted to demonstrate that the proposed residential units would have an acceptable level of noise from the roof top play space and adjacent pub garden. Additional information has been submitted by the applicants. The issue has the potential to manifest itself as a separate reason for refusal relating to policy 35 and it is noted that the nearby PH has made representations to the scheme. Officers will provide an update on this matter on the amendment sheet.

### **Refuse Arrangements**

- 8.31 The bins would be located in a bin stores for the residential element and the nursery element. A condition could be recommended to secure a waste collection strategy. The proposal is therefore compliant with policy 57 of the Cambridge Local Plan (2018).

### **Highway Safety**

- 8.32 Neighbouring properties have raised concern about congestion on Chapel Street with the nursery use, residential use, deliveries etc. Whilst officers have sympathy with residents over these concerns, officers cannot control the behaviour of motorists or prevent motorists from parking illegally. The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon

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

## **Car and Cycle Parking**

### *Car Parking*

- 8.33 The proposal would provide no car parking on site. Neighbouring properties have raised concern about the lack of car parking for the proposed development noting it is a mixed use development.
- 8.34 The site and the streets in the immediate vicinity of the site predominantly fall outside the controlled parking zone. Members should note that the nursery is an existing business on the site. The applicant has submitted a Transport Statement which states a parking beat survey was carried out. This showed that there were 68 spaces out of 112 available. The site is in a highly sustainable location within Chesterton. Therefore, it is officer's view that the proposal would not increase parking pressures on nearby streets to an unacceptable degree and would not therefore be detrimental to the amenity of nearby residents. The proposal would be in accordance with Cambridge Local Plan 2018 policy 82.

### *Cycle Parking*

- 8.35 The proposal would include a secure cycle parking store for the residential units with a total of 16 cycle spaces. The proposal also include a cycle store of 4 spaces for the nursery. It is considered the level of cycle parking provision is policy compliant with appendix L of the Cambridge Local Plan 2018 and the cycle parking arrangements are convenient in accordance with policy 82 of the Cambridge Local Plan 2018.

## **Integrated water management and flood risk**

- 8.36 The Drainage Officer supports the application and recommends conditions regarding a surface water drainage scheme, a maintenance scheme and foul drainage. The Lead Local Flood Authority objected on grounds of discharge rates and sewage undertaker consent. Additional information has been submitted. Officers will provide an update on this matter on the amendment sheet.

## **Biodiversity**

8.37 Given the nature of the existing site, there are limited opportunities to enhance the biodiversity on the site. If the application was being recommended for approval, a condition would be recommended to secure biodiversity enhancement. The proposal therefore complies with Cambridge Local Plan 2018 policy 70.

## **Sustainability**

8.38 The Sustainability Officer has been consulted as part of the application and supports the proposal subject to condition regarding water efficiency and carbon deduction. The proposed approach is as follows:

Key points:

- This is an all-electric scheme, no gas will be used on site.
- The approach to inherently low energy design and is supported through high levels of insulation and a passive approach to overheating mitigation.
- The use of MVHR within the dwellings reducing heat loads.
- An air source heat pump in the nursery reduces electricity usage
- The areas of the scheme with full solar exposure are used to generate electricity using PV panels.
- The configuration of the electrical infrastructure maximises use of the PV generated electricity on site.
- The water efficiency target of 100 l/person/day is to be targeted through a combination of low flow rate fittings and flow limiting isolation valves installed on all final connections to showers within residential apartments.
- Efficient servicing through MVHR
- No gas on site

The general approach being taken to sustainable design and construction is welcomed. The scheme includes a number of measures to enhance environmental performance and future proof the proposals for net zero carbon. The proposal therefore complies with Cambridge Local Plan 2018 policy 28.

## **Affordable Housing**

8.39 The proposal would result in 13 residential units. Taking into consideration, the thresholds set out in the NPPF and the aims of Policy 45 of the Cambridge Local Plan (2018), the scheme should provide a requirement for 3 units to be affordable. The applicant has put forward an argument regarding viability. Para 57 of the Local Plan states:

*'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force'*

8.40 In relation to viability, the applicants set out at paragraph 5.09 that:

*'The viability appraisal submitted with this application confirms that in order to retain the nursery on site, the 13 residential units within the scheme, will effectively cross subsidise the renovation of the building and create an enhanced nursery facility, with associated external open space. The provision of the part third floor residential accommodation is critical to supporting the implementation of the development, without it there is insufficient revenue to allow the scheme to be viable. Similarly, avoiding the need to enlarge the building any more than is necessary, at what combines the minimum level of income-generating residential accommodation with the element of nursery accommodation that strikes a balance between the shape of the building, the need to keep separate the nursery facility from the residential accommodation, the Ofsted and other requirements that have to be met for a given level of nursery provision and the viability issues connected with operating a nursery facility of a certain size (including child spaces provided), redevelopment costs are such that there is no scope for the application scheme to deliver any element of affordable housing.'*

8.41 If an appeal were lodged against a refusal of planning permission, the Council would seek for its own viability appraisal to validate the applicant's findings and as such officers recommend that the Council reserves its position on the

viability of the scheme and provision of affordable housing in the circumstances. Given the significance of the heritage issues raised by this proposal, it was not considered a good use of resource to examine this matter any further at this stage in the process.

## **S106 Contributions**

8.42 The proposal would result in 13 residential units. The Developers Contributions Monitoring Unit has stated that the following contributions are required:

### Community Facilities:

8.43 The proposed development is within  $\frac{3}{4}$  mile of Browns Field Community Centre, which is on the Councils 2016/17 target list of community facilities for which specific S106 contributions may be sought. The Community Facilities Audit 2016 has highlighted local need for additional facilities to help mitigate the impact of development. Given the scale of the proposed development on this site, and in line with the funding formula set out in the Councils Planning Obligations Strategy 2010, a specific S106 contribution of £16,328 (plus indexation) is requested towards the provision of and / or improvement of the facilities and /or equipment at Browns Field Community Centre, Green End Road, Cambridge.

### Indoor Sports:

8.44 The proposed development is within 1300m of Chesterton Sports Centre, which is identified in the Councils 2019 Playing Pitch and Indoor Sports Strategies Update target list of facilities for which specific S106 contributions will be sought. The indoor sports audit (2019) highlights that the capacity of this facility needs to be improved to mitigate the impact of local development, like that proposed by this planning application. Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the Council requests £5,514.50 (plus indexation) towards the provision of and/or improvement of, and/or upgrading of equipment and/or access to, indoor sports facilities to include improvements and upgrading of the sports hall, gym and changing rooms at Chesterton Sports Centre, Gilbert Road.

### Outdoor Sports:

8.45 The proposed development is within  $\frac{3}{4}$  mile of North Cambridge Academy facility, which is on the Council's 2016/17 target list of facilities for which specific S106 contributions will be sought.

The outdoor sports audit (2016) highlights that the capacity of this this facility needs to be improved to mitigate the impact of local development, like that proposed by this planning application. Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the Council requests £4,879 (plus indexation) towards the provision of and / or improvements to sports pitch facilities (including artificial pitches for football and cricket) at North Cambridge Academy, Arbury Rd, Cambridge CB4 2JF.

Informal Open Space:

- 8.46 This proposed development is within 370m of Scotland Road Recreation Ground. Based on the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the Council requests £4,961 (plus indexation) towards the provision of and / or improvements to the informal open space facilities at Scotland Road Recreation Ground.

Play provision for children and teenagers:

- 8.47 This proposed development is within 370m of Scotland Road play area, which is on the Councils target list of facilities for which specific S106 contributions will be sought. The 2016 report that was approved by the Executive Councillor of the Community Services Scrutiny Committee highlights the scope for improving the play area equipment and facilities in order to mitigate the impact of local development. Based on the funding formula set out in the Councils Planning Obligations Strategy 2010, it is proposed that the Council requests £1,896 (plus indexation) towards the provision of and / or improvements to the play area equipment and facilities at Scotland Road Recreation Ground play area.
- 8.48 As per paragraphs 8.39 – 41 the applicant has put forward an argument regarding viability and officers recommend that the Council reserves its position regarding the case for a S106 Planning Agreement securing the identified contributions above subject to an independent appraisal should the scheme be refused and appealed.



## **Third Party Representations**

8.49 The substantive third-party representations have been mainly dealt with in the preceding paragraphs.

## **9.0 CONCLUSION**

9.1 Officers have considered the supporting evidence put forward in respect of the public benefits of the scheme but these do not override the fundamental issues with the proposal in respect of harm to the significance of heritage assets identified, the poor residential amenity standards for future residents that would arise and the access issues resulting from the lack of a lift in the new build extensions.

9.2 Whilst officers recognise that the existing nursery use is a well-established community facility which is operating out of a building in a poor state of repair, the solution put forward, whilst retaining the use and securing repairs to the BLI, would be a clear over-development of the site. Despite negative pre-application advice, the applicants have chosen to pursue a scheme which is clearly unacceptable for the reasons as set out.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. The scale of the proposed building conversions and extensions overwhelms and out competes the original building and would sit uncomfortably against the prevailing scale and massing of existing properties on Chapel Street and Church Street. The height, and continual flat roof of the proposed extension, is excessively larger in bulk and mass than the front section of the retained building and is much larger than the surrounding fine grain context of the area. For the above reasons, the proposal would therefore adversely affect the character, special interest and the setting of the Building of Local Interest (BLI) Chapel building, harm the setting of the adjacent listed buildings including the Grade I Listed Chesterton Towers and harm the character and appearance of the Chesterton Conservation Area. The level of harm would be moderate, less than substantial. The public benefits arising from the scheme, which would include investment in the repair of the BLI and in helping

to secure the retention of a viable nursery use on the site, do not outweigh the level of harm to the heritage assets identified. The proposal is therefore contrary to policies 55, 56, 58, 61 and 62 of the Cambridge Local Plan 2018 and paragraphs 199, 202 and 203 of the NPPF 2021.

2. 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. Units 4, 5, 8, 9, 12 & 13 which are accessed from the extension do not have direct access to an area of private external amenity space. Units 1, 2 & 3 would have a poor quality enclosed private external amenity space. The proposal therefore fails to provide direct access to a private amenity space for units 4, 5, 8, 9, 12 & 13 and fails to provide an acceptable private amenity space for units 1, 2 & 3 contrary to Policy 50 of the Cambridge Local Plan 2018.
3. Units 1, 2, 4, 5, 8, 9, 12 & 13 are accessed purely from the extension and it has not been demonstrated that it would be impracticable or unviable for the scheme to meet with the requirements of Part M4 (2) of the Building Regulations. As such, the proposal fails to provide accessible units contrary to Policies 50 and 51 of the Cambridge Local Plan 2018.
4. As the proposal fails to respect the surrounding heritage assets, provides poor future residential amenity standards for residents and would result in access issues for future residents, it is considered the proposal constitutes an overdevelopment of the site contrary to policies 55, 57 and 58 of the Cambridge Local Plan 2018

<b>Application Number</b>	21/02356/FUL	Agenda Item	
<b>Date Received</b>	20th May 2021	<b>Officer</b>	Tom Gray
<b>Target Date</b>	15th July 2021		
<b>Ward</b>	Newnham		
<b>Site</b>	Cambridge Rugby Union Club Grantchester Road Newnham Cambridge		
<b>Proposal</b>	Extension to the existing rugby club building to create a new children's nursery, together associated infrastructure and landscaping.		
<b>Applicant</b>	c/o Carter Jonas LLP		

<p><b>SUMMARY</b></p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would not result in disproportionate additions over and above the size of the original building nor would the proposed development compromise the purposes of preserving Cambridge Green Belt land.</li> <li>- The proposal would preserve the character and openness of the Green Belt.</li> <li>- The proposal would not lead to a loss of open space.</li> <li>- It has been demonstrated that due to the limited capacity of nearby facilities and the rising birth rates in neighbouring wards, it is considered that the proposal would provide for improved access, range and quality of nursery facilities, is situated in close proximity to the people it serves and there is a local need for this provision.</li> <li>- The proposed extension would reflect</li> </ul>
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	<p>the rural character of the surrounding area and would be sympathetic to its rural context.</p> <ul style="list-style-type: none"> <li>- There is no objection to the proposal on the basis of adverse highway safety impacts nor unacceptable impacts on the highway network.</li> <li>- Parking provision is appropriate for the facilities.</li> <li>- There is no adverse impact upon neighbouring amenities.</li> <li>- The submitted flood risk and drainage strategy is acceptable. Subject to conditions, the development would not be at risk of flooding.</li> <li>- No adverse impacts upon protected trees subject to compliance with the tree report recommendations.</li> <li>- On-site biodiversity net gain has been demonstrated.</li> </ul>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is Cambridge Rugby Union Club, situated within the countryside, the Cambridge Green Belt and Flood Zone 2/3. The application site comprises a designated protected open space. Statutory protected trees (TPOs) are located within and adjacent to the site.

## **2.0 THE PROPOSAL**

2.1 The applicant proposes the extension to the existing rugby club building to create a new children's nursery, together with associated infrastructure and landscaping.

## **3.0 SITE HISTORY**

14/0967/FUL – Erection of replacement changing rooms, replacement dug outs and the retention of the existing temporary changing rooms for a period of 3 years – Permitted

11/1078/FUL – Retention of temporary changing rooms and ancillary floorspace – Permitted

08/0382/FUL – Erection of two storey extension and associated works (amended design to application C/03/0143/FP) – Permitted

08/0179/FUL – Alterations and extensions to existing Clubhouse and facilities (renewal of planning permission C/03/0143/FP) – Permitted

07/1376/FUL – Single storey side extension, re-roofing existing single storey building and erection of detached storage shed – Refused

07/0165/FUL – Amended first floor terrace and staircase plus rear external staircase (amendment to application 04/1352/FUL) – Permitted

04/1352/FUL – Alterations and extensions to existing Clubhouse and facilities – Permitted

#### **4.0 PUBLICITY**

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

#### **5.0 POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
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Cambridge Plan 2018	Local	1 4 5 6 8 28 31 32 33 35 36 55 56 58 67 70 71 73 74 80 81 82
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework 2021</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p> <p>Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015</p>
Supplementary Planning Documents	<p>Cambridgeshire and Peterborough Flood and Water</p> <p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Arboricultural Strategy (2004)</p> <p>Balanced and Mixed Communities – A</p>

	<p>Good Practice Guide (2006)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p> <p>Cambridge City Council Open Space and Recreation Strategy (2011)</p> <p>Cambridge City Council</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge City Wildlife Sites Register (2005)</p> <p>Criteria for the Designation of Wildlife Sites (2005)</p> <p>Cambridge Landscape and Character Assessment (2003)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridgeshire County Council Transport Assessment Guidelines (2017)</p> <p>Cambridgeshire Design Guide for Streets and Public Realm (2007)</p> <p>Cambridgeshire Green Infrastructure</p>
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	<p>Strategy (2011)</p> <p>Contaminated Land in Cambridge - Developers Guide (2009)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Greater Cambridge Sustainable Design and Construction SPD (2020)</p>
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## 6.0 CONSULTATIONS

### 6.1 Local Highways Authority

Comments made on 24<sup>th</sup> September 2021: Ensure transport assessment team are consulted.

Comments made on 6<sup>th</sup> July 2021: While the adopted public highway offers a reasonable level of travel choice in the form of a footway and carriageway the internal layout of the site does not in particular the area enclosed by the red line, has no dedicated pedestrian facilities and the layout/design expects such vulnerable users to mix with motor vehicular traffic for a distance of some 300m or so (using the OS grids as a guide).

Such a layout has the strong potential to encourage carers to bring their children to the nurse by private motor vehicle rather than by non-motorised means.

The site offers the opportunity to provide comfortable motor vehicle free routes from the adopted public highway to the nurse and these should be investigated.

Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that prior to the proposal coming into use that a section of 2m wide footway be provided from the boundary of the adopted public highway at the site access and the existing footway outside number 50 Grantchester Road to enable pedestrians to access the site without having to enter live carriageway.

Reason: in the interests of highway safety.



## 6.2 Transport Assessment Response

Comments made on 8<sup>th</sup> October 2021: No objection. Majority of concerns addressed. Concerns remain regarding the quality of pedestrian and cycle links to the site with reference to vulnerable road users such as parents with children. Therefore considered appropriate that footway links provided to the north and separate pedestrian/cycle access provided from Grantchester Road or as a minimum, facilities provided to avoid having to walk/cycle over the speed humps within the site. Recommend conditions regarding footway link and revised access.

Comments made on 7<sup>th</sup> July 2021: Updated transport statement required. Insufficient information to determine the application.

## 6.3 Environmental Health Officer

No objection subject to construction hours condition. Distance from nursery to sensitive receptors is sufficient. No further information required.

## 6.4 Nature Conservation Officer

Comments made on 11<sup>th</sup> November 2021: Content with BNG assessment, providing a net gain for the proposals. If the applicant were minded then a biodiverse green roof system, offering a greater diversity of plant species would provide further ecological benefits.

Comments made on 6<sup>th</sup> July 2021: Content with survey effort and support recommendation for integration of bird boxes, which can be secured via condition.

I would also propose the development seek a minimum 10% Biodiversity Net Gain (established via the DEFRA metrics 2.0 or 3.0) from the low baseline of habitats within the redline boundary. If this is not achievable within the redline then the applicant may wish to extend the redline to include suitable areas for habitat enhancement or creation, alternatively seek offsite enhancement over the wider land ownership around the perimeter of the club site.

## 6.5 Trees Officer

No objection subject to appropriate tree protection conditions.

## 6.6 Cadent Gas/National Grid

Applicant should contact Plant Protection prior to proposed works. Recommends informative.

## 6.7 Environment Agency

No objection providing development is carried out in line with submitted FRA. Recommends contamination condition, Anglian Water sewage capacity/alternative disposal and informatives relating to other environmental issues.

## 6.8 Drainage Officer

No objection in principle subject to scheme of surface water drainage, finished floor levels compliance, flood evacuation plan, a scheme of flood resilient/resistant construction and details of foul water drainage works.

## 7.0 REPRESENTATIONS

### 7.1 Third party comments (9 representations objecting to the scheme) – 1, 23, 29, 31, 32, 35, 37, 43, 45 Fulbrooke Road

- Creeping encroachment within the Green Belt. Phase 2 of 14/0967/FUL was never built so the exception criteria does not apply. It is a completely new development of an entirely different character and therefore does not apply. Separate building and not an extension. Reference to Para 145 NPPF.
- New building extends the club-house complex beyond the boundary line. Applicant has not provided any explanation as to why the nursery could not be built or acquired on non-Green Belt land. Reference to Para 134 NPPF.
- Not in rural location and therefore Para 84 NPPF does not apply.
- Nursery has no connection with sporting or social activities of the rugby club.
- No guarantee that the future use will be only for a nursery. If nursery closes in the future, likely that the club will look

to exploit space for other purposes. Open ended commercial proposition. Will become easier to justify further extensions.

- Newnham has falling birth rates. Trumpington and Castle wards have rising rates and the provision of a nursery should be accommodated here instead and nearer population centres. Proposal is not close to demand.
- Grantchester Road is already congested. Already a cycling and pedestrian hazard for people crossing this road. Any approval would increase traffic. Current lack of cycle provision along this road. Sustainable transport modes should be maximised and need to travel minimized. With reference to the CWIS and LCWIP. Suggests alternative location for nursery and entry via north lane or south of rugby field.
- Increase in required parking facilities. Disturbance to residents. Additional parking spaces should be provided to south side of proposed development
- Increase in noise and pollution on residents. Affect tranquillity of area. Local fauna and birdlife will be badly affected by noise, activity and car movements all year long.

## 7.2 Newnham Neighbourhood Forum

Highways Safety: Concerns from local residents include traffic along Grantchester Road, speed of cars, lack of visibility for users. Secondary pedestrian point of access at south eastern corner is impractical and not safe whilst western access point is open country and no houses are found along here. No protected crossings along Grantchester Road. Believe that there would be safety issues for walkers/cyclists particularly along Fulbrooke/Selwyn/Grantchester Road junction. Some form of protected crossing and ideally traffic calming measures. Proposed nursery is not well connected and is only possible by vehicle.

Community access and nursery fees: Size of current Rugby Club's shortfall is not clear. No information on how the nursery fees will be structured. Nursery may not be seen as a community asset open to all if some families are not able to access this provision. Issue should be addressed, assurances sought and conditioned to ensure broad community access. Reference to Policy 73 of the Local Plan 2018.

Operational issues: Concerns regarding continual use of access and security/noise impacts upon residents along Fulbrooke Road. Residents can raise this directly with the club so they understand the planned hours when the barrier will be closed.

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

## **8.0 ASSESSMENT**

- 8.1 From the consultation responses and representations received the main issues are as follows:

- 1) Principle of development and impact upon the Green Belt
- 2) Impact upon the openness of the Green Belt and Protected Open Space
- 3) Local need for Nursery Provision
- 4) Impact upon the character and appearance of the Green Belt, countryside and protected open space
- 5) Highway safety and parking provision
- 6) Residential Amenity Impact
- 7) Drainage
- 8) Tree Impacts
- 9) Biodiversity
- 10) Other Matters

### **Principle of Development and impact upon the Green Belt**

- 8.2 The applicant proposes the extension of the existing Rugby Club with provision for nursery facilities.
- 8.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 8.4 Policy 4 of the Local Plan 2018 states that new development in the Green Belt will only be approved in line with Green Belt policy in the National Planning Policy Framework (NPPF). The purposes of the Cambridge Green Belt include preserving the unique character of Cambridge as a compact, dynamic city with a thriving historic centre; maintaining and enhancing the quality

of its setting and preventing communities in the environs of Cambridge from merging into one another and with the city.

- 8.5 Paragraph 138 of the NPPF 2021 states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.6 Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.7 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.8 Paragraph 149 states that the construction of new buildings are inappropriate in the Green Belt. Exceptions to this are (amongst others): c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 8.9 Extant consent exists under 14/0967/FUL for the erection of replacement changing rooms, replacement dug outs and the retention of the existing temporary changing rooms for a period of 3 years. This was put forward as Phase 1 and Phase 2, with Phase 1 for the changing, shower and toilet facilities, alongside gym, physio room, laundry room, toilets and match preparation room with phase 2 being a multipurpose room and unisex changing rooms and showers and toilets. Phase 1 has been implemented and therefore Phase 2 could be implemented at any time. This planning consent was granted on the basis that it would replace an existing structure and relates to the existing sport use of the facilities.

- 8.10 Whilst third party comments regarding the temporary permission of three years for the retention of the existing changing rooms are acknowledged, this forms no basis for the following assessment with regards the principle of development against relevant local and national planning policies and other material considerations including the extant consent granted under 14/0967/FUL.
- 8.11 The original clubhouse as built comprised approximately 520 sq metres in ground floor footprint area. Previous extensions including that built in Phase 1 under 14/0967/FUL, together add up to approximately 340 sq metres. When added to the Phase 2 (approximate 165 sq metres footprint), yet to be implemented, the total footprint comprises 505 sq metres of extensions.
- 8.12 Whilst it acknowledged that in this instance the applicant proposes a larger extension than Phase 2 allowed and in terms of overall footprint, when taken together with previous extensions, would be more than the size of the original building, this addition would only be marginally wider (3.4 metres) and larger in footprint (40 sq metres more) than this extant consent.
- 8.13 Whilst in terms of footprint, when taken together with previous extensions, the proposal is slightly more than size of the original building, in terms of volume and spatial attributes, being also single storey in nature, it is not considered that the proposed extension would result in disproportionate additions over and above the size of the original building. Moreover, although never implemented, it is noted that planning consent under 08/0382/FUL was granted for a two storey extension, which was considered as having an acceptable impact upon the Green belt.
- 8.14 Whilst third party comments have been received questioning whether the proposal could be considered as an extension to the building and it is noted that the proposal comprises a nursery (formerly D1, now Class E) use, the proposal would be physically attached to the existing building, the use of which would be a very small component to the use of the Rugby Club itself. Moreover, extant permission remains for the Phase 2 extension and whilst this was granted on the basis of its use amongst other considerations, in terms of Green Belt impact, should the applicant have applied for a change of use at a later date once this was completed, the impact upon the

purposes/openness of the Green Belt would not be a material consideration given that the structure was existing and no further harm upon this land would result.

- 8.15 In terms of the impact of the proposal on the purposes of including land within the Cambridge Green Belt, the proposed extension would be situated in an area of hardstanding and temporary storage and not virgin Green Belt land and therefore the unique quality of Cambridge and the surrounding countryside are considered to be preserved.
- 8.16 Therefore, on balance, given this material fallback position, the proposed development would meet the criteria within Paragraph 149(c) of the NPPF 2021 and would not result in disproportionate additions over and above the size of the original building nor would the proposed development compromise the purposes of preserving Cambridge Green Belt land in accordance with Policy 4 of the Local Plan 2018. The impact upon the openness of the Green Belt will now be discussed.

### **Impact upon the openness of the Green Belt and Protected Open Space**

- 8.17 Policy 8 of the Local Plan 2018 states that development on the urban edge within Green Belt land should respond to, conserve and enhance the setting and special character of the city.
- 8.18 Policy 67 states that development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless:
- a. the open space can be satisfactorily replaced in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost; and
  - b. the re-provision is located within a short walk (400m) of the original site.
- 8.19 The proposed extension would be similar in scale and design to the extant consent granted under 14/0967/FUL, albeit slightly wider. Given that the proposal would follow the same design principles established under this previous application and the visual impact being appropriate in terms of bulk, mass and scale, it is not considered that the modest increase in width

would materially impact the openness of the Green Belt. Therefore, it is considered that the proposal would respond positively to character and openness of the Green Belt and would conserve the special character and setting of the city in accordance with Policy 8 of the Local Plan 2018.

- 8.20 Whilst the proposal is located within a Designated Open Space, identified for its recreational value as a sport facility, the proposed extension would be located in an area outside the playing fields and would not extend any further east towards these than is already the case. Therefore, it is not considered that the proposal would lead to a loss of open space in accordance with Policy 67 of the Local Plan 2018.

### **Local need for Nursery Provision**

- 8.21 According to the planning statement submission, Cambridge Rugby Club requires investment and diversification to help support and safeguard its future. Whilst third party comments concerning the lack of connection between the proposal and the existing use of the site are acknowledged, the proposed nursery would be situated alongside the existing rugby club and support its continued operation to ensure its future financial viability.
- 8.22 Policy 73 of the Local Plan 2018 states that new or enhanced community, sports or leisure facilities will be permitted if:
- a. the range, quality and accessibility of facilities are improved;
  - b. there is a local need for the facilities; and
  - c. the facility is in close proximity to the people it serves.
- 8.23 Proposals for new and improved sports and leisure facilities will be supported where they improve the range, quality and access to facilities both within Cambridge and, where appropriate, in the sub-region.
- 8.24 The proposal is for a children's nursery that would serve the neighbourhood and other local areas. According to Table 8.3 of Policy 73, a day nursery is considered to fall within the neighbourhood category. The applicant states that the maximum capacity of the proposed nursery will comprise 32 children, would be open 8am to 6pm and would consist of 12 members of staff, likely to be 8 full time and 4 part time.



- 8.25 The applicant has provided evidence to support the identified need in the local area. This demonstrates that of the seven closest facilities within two miles of the application site, only two are currently accepting children. In addition, the proposed nursery would be well placed near to existing business including University Colleges, situated on the north side of Newnham. An education report has been submitted and whilst as third parties identify, within the Newnham Ward, births are slightly falling, there has been a significant increase in births within the neighbouring Trumpington Ward and within the Castle Ward, births are again rising. Overall, within the Cambridge administrative area, the number of births is growing.
- 8.26 Whilst third party comments regarding the lack of evidence to demonstrate that alternative locations for nursery facilities on non-green belt land have been considered, given that the proposal falls within the neighbourhood category of development rather than at a sub-regional level, there is no requirement for a sequential test to be applied in this instance.
- 8.27 Whilst third party comments concerning demand in the immediate area are acknowledged, given that the proposed facilities would be well placed adjacent to the Newnham residential area and there is an identified local need as demonstrated by the limited capacity of nearby facilities and the rising birth rates in neighbouring wards, it is considered that the proposal would provide for improved access, range and quality of facilities, is situated in close proximity to the people it serves and there is a local need for this provision. Therefore, the proposal is in accordance with Policy 73 of the Local Plan 2018.
- 8.28 Third party comments have also been received with regards the future use of the nursery facilities and potential alternative commercial uses for the building. Given that the use class for day nurseries falls within the Class E use which also includes uses such as shops, café/restaurant, offices and gyms, it is considered reasonable and necessary that to ensure the demand within the local and neighbouring areas is met with the provision of this nursery facility and to safeguard the amenities of nearby residences, the development shall be restricted to use as a day nursery/creche only in accordance with Policy 73 of the Local Plan 2018. Any future change of use of this facility would therefore need planning permission.

## **Impact upon the character and appearance of the Green Belt, countryside and protected open space**

- 8.29 The proposal would be modest scale and height, whilst the appearance would be similar to that granted planning consent under 14/0967/FUL, and would comprise a double pitched roof, timber cladding and a small section of flat roof to link with the existing building. In addition, the overall design approach would use similar materials and detailing to the phase 1 extension, already implemented, thereby successfully reflecting the existing built form and materials.
- 8.30 Overall, the proposed extension would reflect the rural character of the surrounding area and would be sympathetic to its rural context. Therefore, it is considered that the proposal would have a positive visual impact upon the existing Green Belt and in relation to the countryside and the protected open space in accordance with Policy 55, 58 and 67 of the Local Plan 2018.

## **Highway safety and parking**

- 8.31 The proposed nursery would use the existing access serving the Rugby Club, off Grantchester Road. Several representations objecting to the proposal have been received on the basis of the cycling and pedestrian hazards particularly associated with the Fulbrooke Road/Grantchester Road/Selwyn Road junction and the congestion along Grantchester Road, particularly at peak times. Whilst these concerns are acknowledged, this application has been subject to formal consultations with the County Council Highways Authority and the Transport Assessment Team and no objection has been raised to the proposal on highway safety impacts nor unacceptable impacts on the highway network. Therefore, the local transport infrastructure is considered to be suitable for the proposed development.
- 8.32 An amended transport statement detailing the proposal would generate approximately 14 two-way trips in the morning peak time and 9 two-way trips in the evening peak time which would be vehicle based, with 7 two-way trips in both the morning and evening hours comprising people walking and cycling. Therefore, this is considered to be modest increase in the

number of trips generated by cars accessing the application site.

- 8.33 Moreover, it is noted that if Phase 2 of planning consent 14/0967/FUL were implemented, as there are no permitted development restrictions placed on this extant consent, under Class F2 (Local Community Uses) of the Use Classes Order 2021, this Phase 2 extension could be used for a wide range of community uses not related to the rugby club, including shop facilities and community halls with the potential to generate a greater amount of vehicle movements that would be generated from the proposed nursery use.
- 8.34 It is noted that the application site is well served by bus routes and pedestrian/cycle access is available along the western boundary in addition to the main north-eastern access. Following formal comments from the Highways Authority and the Transport Assessment Team, it is considered necessary and reasonable in the interests of pedestrian safety that the northern section of the access comprise a 2m footway and provision of a dedicated pedestrian/cycle way be implemented. This would also in turn encourage non-car usage and sustainable transport modes as highlighted by representations and consultees. The potential site access improvement works have been illustrated in the updated transport assessment statement and considered to be appropriate in achieving these aims. Therefore, in the interests of pedestrian/cycle safety, a condition will be attached on any planning consent granted to ensure that prior to first use, a detailed scheme is submitted to the Local Planning Authority and subsequently implemented in accordance with Policy 81 of the Local Plan 2018 and the NPPF 2021.
- 8.35 Appendix L of the Cambridge Local Plan (2018) states for car parking, the policy requires 2 spaces for every 3 staff members. The application form states that the existing 40 car spaces within the site would be retained. A total of 12 members of staff would be employed as part of the proposed scheme. Whilst third party comments are acknowledged, given the amount of parking spaces provided is sufficient for nursery use and this use would be outside the hours of use by the Rugby Club itself, it is considered that the proposal would be in accordance with Policy 82 of the Local Plan 2018.

8.36 Appendix L of the Cambridge Local Plan (2018) states for cycle parking, the policy requires 2 spaces for every 5 staff members, and 1 visitor space per 5 children, plus an area provided for the parking of cargo cycles/trailers. The proposed site plan shows 5 existing cycle hoops and provision for a further 3 cycle hoops, which would equate to providing for up to 16 cycles. This will be conditioned on any planning consent granted. Whilst no dedicated cargo cycle/trailer area is provided as part of the submitted information, the site is considered to be capable of using the space for this use and details will be conditioned regarding such on any planning consent granted in accordance with Policy 82 of the Local Plan 2018.

### **Residential Amenity**

8.37 Due to the nature and the location of the building, it is not considered that the proposal would result in significant overlooking, overbearing or loss of light impacts upon residential amenities.

8.38 Noise impacts have been raised by third parties as a significant concern. Whilst it is recognised that traffic movements would increase, no objection from the Environmental Health Officer has been raised on this application, subject to construction hours condition. Moreover, the principal parking area would be considerable distance from neighbouring dwellings along Fulbrooke Road. Therefore, given the substantial distance of the proposed nursery and its parking areas to these nearest neighbours, it is not considered that the proposal would result in significant noise impacts upon nearby amenities.

8.39 Therefore, taking all this into account, it is considered that the development is compliant with Policy 35 and 58 of the Local Plan 2018.

### **Drainage**

8.40 The application site is situated within Flood Zone 2/3. Following the submission of a flood risk and drainage strategy, including a green roof to assist in surface water attenuation, and subsequent formal consultation with the Council's Drainage Officer, it is considered that the proposals demonstrate that a suitable surface water drainage scheme can be delivered. However, to fully follow the drainage hierarchy, the final surface

water design is subject to infiltration testing. Therefore, it is considered that pre-commencement conditions will be attached on any planning consent granted to ensure that a surface water drainage scheme for the site is appropriate. This condition has been agreed in writing with the applicant.

- 8.41 In addition, the proposed scheme would have raised finished floor levels with flood resilient/resistant measures to ensure that the nursery facility would not be at risk from flooding. Details of this shall be conditioned on any planning consent granted and this has been agreed in writing with the applicant.
- 8.42 Whilst this is the case, some of the external areas used by the proposed nursery will be subject to significant flood depths from extreme rainfall events and therefore a flood emergency plan will be conditioned to ensure safe access and egress in this event, along with compliance with the finished ground floor levels in accordance with the flood risk assessment and drainage strategy.
- 8.43 Finally, to ensure that the foul water drainage is appropriate in relation to the flood risk within the application site, details of such will also be conditioned on any planning consent granted.
- 8.44 Taking all this into account, and subject to conditions, the proposal is in accordance with Policy 31 and 32 of the Local Plan 2018.

### **Tree Impacts**

- 8.45 Several statutory protected trees are situated close to the proposed extension. Following a formal consultation with the Council's Trees Officer, it is considered that the principle of the proposal is acceptable in relation to these protected trees. Whilst comments requesting an arboricultural method statement and tree protection plan are noted, given that these have been provided as part of the planning application as submitted, the protection plan and recommendations contained within the tree report will be conditioned on any planning consent granted. Whilst a record of a meeting between the site manager and arboricultural consultant has been requested by the Trees Officer, given that any works will be carried out in accordance with the method statement provided, it is not considered that this condition is necessary in this instance. Therefore, subject to

these conditions, the proposal is in accordance with Policy 71 of the Local Plan 2018.

### **Biodiversity**

8.46 The applicant has submitted an ecological impact assessment as part of the proposal submission. Whilst third party comments concerning effects on birds and wildlife from noise, activity and car movements are acknowledged, following a formal consultation with the Council's Nature Conservation Officer, it is considered that the survey information and on-site Biodiversity Net Gain is acceptable, and no objections to the principle of the scheme are raised. Therefore, subject to conditions in compliance with the Ecological Appraisal recommendations to avoid potential conflict with protected species, biodiversity enhancements including bird boxes and the biodiverse green roof, it is considered that the proposal is compliant with Policy 70 of the Local Plan 2018.

### **Other Matters**

8.47 Whilst other concerns regarding generated pollution are acknowledged, no objection from the Environmental Health Officer has been raised. The proposal would a relatively small number of vehicle movements which would usually be around peak times of day. Given the considerable distances to outdoor amenity spaces of adjacent residences, it is not considered that the proposal would harm neighbour amenities on account of air quality issues in accordance with Policy 36 of the Local Plan 2018.

8.48 Whilst other third party suggestions and comments are acknowledged, it is not considered that these are material planning considerations when assessing this planning application.

8.49 There is sufficient space for bins within the north west area of the existing building, whilst a new ramp would provide good access for disabled users. Therefore, the proposal is in accordance with Policy 56 of the Local Plan 2018.

8.50 In addition, following consultation with the Environment Agency, a condition will be attached in the event that unexpected

contamination is found in accordance with Policy 33 of the Local Plan 2018.

## **Planning balance and conclusion**

8.51 In conclusion, the proposed development is in accordance with the policies contained within the Local Plan 2018.

## **9.0 Recommendation**

9.1 Officers recommend that the Planning Committee approve the application, subject to the following conditions:

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

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

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

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

3. No 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).

4. The development, hereby permitted, shall not come into first

use, until the facilities for the parking of cycles for use in connection with the development, including an area to be provided for the parking of cargo cycles/trailers, have been implemented. The facilities shall be retained as such.

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

5. Prior to the first use of the development, a section of 2m wide footway shall be provided from the boundary of the adopted public highway at the site access and the existing footway outside number 50 Grantchester Road to enable pedestrians to access the site without having to enter live carriageway. In addition, the pedestrian route as detailed within Transport Statement drawing PL01 shall be fully implemented prior to first use of this development.

Reason: in the interests of highway safety in accordance with Policy 81 of the Local Plan 2018 and the NPPF 2021

6. The development hereby approved shall be carried out in accordance with the recommendations/methodology contained within the Arboricultural Impact Assessment (December 2020) and the Tree Protection Plan (dated 30th December 2020) as submitted. The protection measures shall be installed prior to commencement of the works and retained until completion.

Reason: To ensure the protection of trees in accordance with Policy 71 of the Local Plan 2018.

7. All ecological measures and/or works shall be carried out in accordance with the recommendations as contained within the Ecological Impact Assessment (January 2021)

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 70)

8. No development above ground level shall commence until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box numbers, specification and their location. The scheme shall be carried out prior to first use



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 70).

9. Prior to first use, the green roof shall be constructed in accordance with the details/specification contained within the Biodiversity Net Gain report (November 2021), unless otherwise agreed in writing with the Local Planning Authority.

Reason: To conserve and enhance biodiversity interests in accordance with Policy 70 of the Local Plan 2018.

10. Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the use hereby permitted shall not be used for any other purpose than as a creche/nursery (Class E(f)) within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: To ensure that the uses are appropriate to residential amenities and the suitability of its use within this location in accordance with Policy 55, 56, 35, 36 and 73 of the Local Plan 2018.

11. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

12. 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) Full results of the proposed drainage system modelling for the 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) 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;
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- c) A plan of the drained site area and which part of the proposed drainage system these will drain to;
- d) Full details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- i) Formal agreement from a third party if discharging into their system is proposed, including confirmation

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 (Policy 32 of the Local Plan 2018)

13. No development shall commence until a scheme for flood resilient /resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and future occupants (Policy 32 of the Local Plan 2018)

14. Finished ground floor levels shall be set no lower than 11.02 mAOD, in accordance with Cambridge Rugby Football Club-Flood Risk Assessment and Drainage Strategy - prepared by MLM Consulting engineers ltd and dated 01/02/2021.

Reason: To reduce the risk of flooding to the proposed development and future occupants (Policy 32 of the Local Plan 2018).

15. No use of the extension hereby permitted shall commence until a flood evacuation plan has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the proposed development is safe to access and egress in the event of a flood (Policy 32 of the Local Plan 2018)

16. No use of the extension shall hereby commence until foul water drainage works have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

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 (Policy 31 and 32 of the Local Plan 2018)

17. Unless otherwise agreed in writing with the Local Planning Authority, the opening hours of the nursery, hereby permitted, shall be between the hours of 8am and 6pm Monday to Friday only.

(Reason: To ensure that neighbour amenity is preserved and to avoid parking management issues in accordance with Policies

## **INFORMATIVES**

1. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadents' Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadents' Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadents' Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

2. The applicant should be aware of his responsibility to ensure that there is sufficient capacity in the existing surface and foul water drainage systems to cope with any additional loading from the proposed development without detriment to the water environment.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil

interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Foul water drainage (and trade effluent where appropriate) from the proposed development should be discharged to the public foul sewer, with the prior approval of AWS, unless it can be satisfactorily demonstrated that a connection is not reasonably available.

Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), any oil storage tank shall be sited on an impervious base and surrounded by oil tight bunded walls with a capacity of 110% of the storage tank, to enclose all filling, drawing and overflow pipes. The installation must comply with Control of Pollution Regulations 2001, and Control of Pollution (Oil Storage) Regulations 2001.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters

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<b>Application Number</b>	21/03340/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	19/7/2021	<b>Officer</b>	Dean Scrivener
<b>Target Date</b>	28/1/2021		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	11 Cook Close, Cambridge		
<b>Proposal</b>	Conversion of part of the habitable space to a podiatrist and chiropodist practice, extend and later the living, internal alterations, inclusion of sun pipe and change the gravel drive finish to a block paver system- permeable paving		
<b>Applicant</b>	Mr & Mrs Hinton		

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

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is located at the end of Cook Close which is a no through road, connected to Milton Road.
- 1.2 The site is occupied by a single storey dwelling with associated outbuildings to the rear of the property.

## 2.0 THE PROPOSAL

2.1 The proposed development intends to extend the property to the rear and make internal changes to the layout of the dwelling in order to accommodate a podiatrist and chiropodist practice whilst retaining the residential use. Two car parking spaces are provided to the front of the dwelling, as well as a ramp for disabled access and a bicycle stand.

2.2 The application is accompanied by the following supporting information:

1. Design Statement
2. Transport Statement
3. Existing and proposed plans

## 3.0 RELEVANT SITE HISTORY

Reference	Description	Outcome
17/0346/FUL	Orangery to the side	APROVED
20/51505/PREAPP	Conversion of part of habitable space to podiatrist	SUPPORTED

## 4.0 PUBLICITY

4.1 Advertisement: No  
 Adjoining Owners: Yes  
 Site Notice Displayed: No

## 5.0 POLICY

### 5.1 Cambridge Local Plan 2018

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 28 31 32 33 34 35 36 55 56 57 58 59



## 5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	<p>National Planning Policy Framework 2021</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p>
Supplementary Planning Documents	<p>Greater Cambridge Sustainable Design and Construction (Jan 2020)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p>

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 No objections subject to a condition to ensure the driveway is constructed so that its fall and levels are such that no private water from the site drains onto the adopted highway

### **Environmental Health**

- 6.2 No objections and no conditions or informatives are recommended

### **City Council Sustainable Drainage Engineer**

- 6.3 Acceptable subject to conditions/informatives regarding the following:

- No development shall commence until a surface water drainage strategy has been submitted and approved
- Details for the long-term maintenance arrangements for the surface water drainage system to be submitted and approved
- Foul water drainage scheme has been submitted and approved

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations which object to the application:

- 11 Cook Close (Officers consider the customer has inputted the incorrect address)

- 7.2 The representation can be summarised as follows:

- Inadequate space on Cooks Close to allow deliveries for the proposed business use
- A HMO has been built within the Close which has resulted in more cars parking along the road
- Regular damage caused by cars turning at the end of the Close, hitting walls that stop at the end of the footpath
- Hazardous to young children

- Cars parked along the Close, park over the footpath, restricting access for wheelchair users

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

## **8.0 ASSESSMENT**

### **Principle of Development**

8.1 Policy 3 of the Cambridge Local Plan (2018) seeks to ensure that the majority of new development should be focused in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally. Given the location of the site is within a sustainable location and is in walking and cycling distance of Cambridge City centre, the application site is considered suitable to accommodate the proposed development.

### **Context of Site, Design and External Spaces**

- 8.2 The proposal involves a part change of use from residential to a podiatrist and chiropodist use, incorporating a single storey rear extension, internal changes, a ramp for disabled access, two car parking spaces and a bicycle stand to the front.
- 8.3 Firstly, the internal changes would not result in any external change to the dwelling and are therefore acceptable.
- 8.4 The proposed single storey rear extension is both subservient and proportionate to the existing dwelling. In addition, given its siting to the rear, the extension is not considered to be prominent in any street scene views to result in any visual impact upon the local area.
- 8.5 The ramp for disabled access to the front is considered to be a minor feature and is not considered to result in any significant visual impact upon the character and appearance of the local area.

- 8.6 Overall, the proposed development is considered to be of a minor scale and is therefore compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59.

### **Residential Amenity**

- 8.7 The proposal intends to operate a podiatrist and chiropodist use, whilst retaining the residential use. The proposed use will entail people to visit the premises for treatment but this will be limited as only one treatment room will be provided so that only one patient can be seen at any one time. It is estimated that a total of 75 patients will visit per working week on a yearly basis.
- 8.8 In terms of noise impact and operational use, the Environmental Health Officer has been consulted on the application and has raised no objections and no conditions to recommend. Given the location of the site being in close proximity to neighbouring properties, Officers consider it necessary to impose a condition restricting hours of use per day, which will be restricted to be between the hours of 08:00 to 19:00 Monday to Friday, inclusive, as stated on the application form.
- 8.9 Given the modest proportions and scale of the proposed extension, no significant overbearing, overlooking or overshadowing impacts will occur upon the amenities of neighbouring properties.

### **Highway Safety/Parking**

- 8.10 The Local Highway Authority have been consulted on the application and have raised no objections subject to a compliance condition requesting for the driveway to be constructed so that its falls and levels are such that no private water will run off onto the adopted highway. This condition is deemed reasonable and necessary and is recommended. Given the minor scale and nature of the proposed part change of use, a small number of deliveries are anticipated and therefore it is not considered to result in a significant number of additional vehicle trips to result in an impact upon the safe and effective operation of the adopted highway.
- 8.11 There have been concerns raised amongst the representations received in relation to the additional vehicles accessing the site and potentially increasing the level of car parking along Cooks

Close, and the impact this could have upon young children and pedestrians. The proposal includes two car parking spaces to the front of the site which will be used by patients. A condition is recommended to ensure that only one patient is seen at a time and therefore this will alleviate the concern of numerous cars parking along Cooks Close at any one time. A condition is also recommended limiting the business uses to those parts of the building identified expressly and only for these uses.

- 8.12 A bicycle stand is also proposed to the front of the site as most of the patients will be arriving by bicycle. Details of the bicycle parking is recommended to ensure that a secure and lockable enclosure is provided prior to the use commencing.
- 8.13 There is a concern raised regarding the existing car parking arrangements along Cooks Close in that cars park over the footway, restricting access for wheelchairs. This is not a material planning consideration under this application and would need to be addressed by County Highways.
- 8.14 Another concern raised is the conflict with cars using the HMO use on Cooks Close. It is unclear as to which property the objector is referring to however as mentioned above, the number of vehicle trips generated by the proposal is not considered to be significant in this instance and therefore the level of congestion along Cooks Close would be minimal. The Local Highway Authority have not raised any objection in respect of additional vehicle traffic using Cooks Close in association with the proposed use.

### **Integrated Water Management and Flood Risk**

- 8.15 The application has been assessed by the City Council Sustainable Drainage Engineer and has been considered acceptable subject to conditions to secure a surface water drainage strategy, a maintenance plan and foul water strategy. Given the application is for a part change of use only, with the addition of a single storey extension and internal alteration, Officers consider that these conditions are not deemed reasonable or necessary in this instance and shall not be recommended.

## **9.0 CONCLUSION**

- 9.1 In conclusion, the proposed part change of use and associated development is of a minor scale and form of development which would not result in any significant impacts upon the local area and adequately respects the amenities of neighbouring properties.

## **10.0 RECOMMENDATION: APPROVE subject to the following conditions and informatives:**

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

Reason: To maintain the safe and effective operation of the highway, in accordance with the NPPF.

4. The use, hereby permitted, shall only be in use between 08:00 hours and 19:00 hours Monday to Friday and not be in use on weekends and Bank Holidays.

Reason: To safeguard the amenity of the occupiers of neighbouring residential dwellings from any significant noise disturbance in accordance with policy 35 of the Cambridge Local Plan 2018.

5. There shall only be one patient receiving treatment on the site at any one time.

Reason: To prevent any potential noise disturbance upon the amenities of the neighbouring properties, in accordance with policy 35 of the Cambridge Local Plan 2018.

6. Prior to the commencement of the use hereby approved, a Sheffield style cycle hoop or similar shall be installed at the front of the property in the approximate position indicated on the approved site plan.

Reason: To ensure the proposed cycle parking is secure and lockable, in accordance with policy 82 of the Cambridge Local Plan 2018.

7. The business use(s) shall be limited to a chiropodists / podiatrists use only and no other use within the same use class or alternative use class(es) as set out in the Use Classes Order 1987 (as amended) and shall be confined only to those allocated areas as set out on the approved plans.

Reason: To ensure the business use is limited in scale to respect residential amenity.

## **INFORMATIVES**

1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.
2. There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.
3. 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.



<b>Application Number</b>	18/1321/OUT	<b>Agenda Item</b>	
<b>Date Received</b>	27th August 2018	<b>Officer</b>	Jane Rodens
<b>Target Date</b>	22nd October 2018		
<b>Ward</b>	Romsey		
<b>Site</b>	72 - 74 St Philips Road Cambridge		
<b>Proposal</b>	Outline application for the development of 3 studio flats.		
<b>Applicant</b>	Mr & Mrs Watters Bell Close Meldreth Royston SG8 6LE		

<b>SUMMARY</b>	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>• Does not comply with residential space standards</li> <li>• Does not comply with accessibility standards</li> <li>• Would adversely impact residential amenity</li> <li>• Would harm the visual amenity and would not preserve or enhance the character of Mill Road Conservation area</li> </ul>
<b>RECOMMENDATION</b>	<b>REFUSAL</b>

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site comprises of an area of land approximately 120 square metres in size. Directly to the east of the site is no.76 St Philips Road, a two-storey semi-detached dwelling, and the site abuts the rear garden of no. 50 Hemingford Road to the west. To the rear (south) of the site is the residential garden of no. 48 Hemingford Road. To the north the site faces the public highway. The application site falls within the Mill Road Conservation Area.

1.2 Within the site is a small shed with a pitched roof and an open lean-to. The boundary to St Philips Road is marked by a corrugated metal fence. The remainder of the site is open and appears to have been used in connection with storage of building materials.

## **2.0 THE PROPOSAL**

2.1 The application is in Outline with all matters reserved and proposes the demolition of the existing structures and the erection of a building to contain three studio flats and associated bin and cycle stores, and an area of shared outdoor amenity space.

2.2 Although all matters are reserved detailed plans and elevations have been submitted showing the building as a two-storey flat roofed structure, fronting St Philips Road with a shared garden to the west of the building, and attached bin and cycle stores.

2.3 The application is presented to the City Planning Committee as a representation from a third party has been received in support of the proposed development contrary to the Officer recommendation of refusal.

2.4 The application was taken to Committee on the 3rd February 2021, the item was deferred to enable the Applicant time to amend the scheme to address some of the issues raised in the Officer's report in relation to the new Cambridge Local Plan 2018. These changes have not been made and the proposal is therefore brought back to committee.

2.5 The application is accompanied by:  
1. Design and Access Statement  
2. Plans and elevations

2.6 The plans have been amended throughout the course of the application process.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1223/OUT	Outline planning permission for 4 new 1 bedroom flats.	Withdrawn

C/90/0373 Use of vacant land for a builders yard Refused

C/66/0406 Use for wireless rental set storage Refused

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 28 31 35 36 50 51 55 56 57 61 82

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

Central Government Guidance	National Planning Policy Framework July 2021 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A) Technical housing standards – nationally
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	described space standard – published by Department of Communities and Local Government March 2015 (material consideration)
Material Considerations	<u>City Wide Guidance</u> Cambridge and Milton Surface Water Management Plan (2011) Cambridge Air Quality Action Plan (2018). Greater Cambridge Sustainable Design and Construction SPD (2020) Cycle Parking Guide for New Residential Developments (2010)

## 6.0 CONSULTATIONS

### **Councillor Dave Baigent (Cambridge City Councillor for Romsey)**

- 6.1 I have looked at the plans and in particular the comments by the conservation officer and consider that if officers were to be minded to approve the application it should be called into full planning committee.

### **Cambridgeshire County Council (Highways Development Management)**

- 6.2 The proposal provides no dedicated off-street car parking. The streets in the vicinity provide uncontrolled parking, and so, as there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets this demand is likely to appear on-street in competition with existing residential uses. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity.

### **Environmental Health**

- 6.3 No objections subject to conditions relating to airborne dust, piling, limitation of demolition/construction collection and

delivery hours, and installation of low NOx boilers in order to minimise emissions from the development that may impact on air quality.

### **Refuse and Recycling**

- 6.4 It is unclear whether the residents will be expected to put the bins out at the kerbside for collection, or if the bin collection crew will need to access the bin store. If it is the latter the bin store door must not have an access code, but instead can have a Fire Brigade FB2 lock.

### **Urban Design and Conservation Team**

Conservation Officer response to original plans:

- 6.5 There have been a number of applications to develop gardens of properties that face the streets that cross St Philips Road with new dwellings. These have taken various forms, not all of which have been very successful in terms of preserving or enhancing the character or appearance of the conservation area. The Conservation Team is concerned that by developing a large proportion of these gardens, the character and appearance of the conservation area will be degraded further, and therefore has an 'in principle' objection to such developments. Where such developments are approved, they need to ensure that they are appropriate to the location, reflecting the context or providing a successful contrast to it.
- 6.6 There are other buildings that face St Philips Road in this part of the street and have been here for a long time. They are generally set back from the pavement with an appropriately sized garden to the rear. This proposed development is set back from pavement edge by 400mm whereas the adjacent semi-detached pair of houses is greater than 1 metre. This minimal amount for the proposal would not reflect or successfully contrast with the character or appearance of this part of the conservation area. It is proposed to plant this area with hedging which would add some greenery to the street, but would it be able to flourish in this northern aspect, in such a small area?
- 6.7 There are concerns about the materials for the proposed development. The examples used within the Design and Access

Statement, the one-bedroom houses further along St Philips Road, are not considered to be of appropriate character for the conservation area and were not supported by the Conservation Team. They do not conform to the general pattern of development and should not be taken as a precedent for other such designs within this conservation area.

- 6.8 As stated above, it is not considered that building in the garden of this property would conform to the pattern of the development in this part of the conservation area.
- 6.9 The eaves height and the flat roof help to keep the scale and massing below that of other properties in the area. However there is still an objection to the principle of development in this area in terms of impact on the character of the conservation area.
- 6.10 There is minimal external space associated with this building and the landscaping appears to be the topiary hedges in between the building and St Philips Road.
- 6.11 The 2017 pre-application response suggested that the applicants look to an outbuilding style and materials. With the large amounts of glazing on the front elevation, with the frosted glazing for the privacy screens, that is not the character that has been submitted. The use of render on the first floor is also not typical of the character of the conservation area or outbuildings as a whole. The use of real timber cladding may be more appropriate to outbuildings in the area.
- 6.12 The proposed design and materials do not conform to the character or appearance of the conservation area in this location, and do not form a successful contrast to it.

**Conservation Officer response to amended plans:**

- 6.13 The construction of a two-storey building in the garden of this house does not conform to the pattern of development in this part of the conservation area and therefore does not comply with policy 61 of the Cambridge Local Plan 2018. The amended plans show that the agent has taken on board the previous Conservation comments regarding materials and the proposed character of the proposed development. They may be appropriate subject to approving samples. However, the

amendments do not deal with the in principle objection to a development of this type in this location which means that the proposals are unacceptable in terms of impact on the character and appearance of the conservation area.

### **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.14 It is not possible to comment on the proposed development and the additional information set out below will be required in order to provide comments. Sufficient surface water drainage details proving the principle of draining the site still have not been submitted to the local planning authority. An assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority.
- 6.15 If infiltration is chosen as a mean of disposing of surface water then infiltration testing results should be submitted to prove it is feasible. If the developer prefers to do the infiltration testing at a later date, then a written confirmation that Anglian Water is satisfied with the surface water drainage proposal must be provided as an alternative.
- 6.16 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

Object: Numbers 49, 61, 65 St Philips Road, Camcycle 140 Cowley Road, 17 Romsey Road (x2), and 48, 50 (x2) Hemingford Road).

Support: 93 Hobart Road.

- 7.2 The representations can be summarised as follows:

Object:

- Lack of onsite parking would pressurise street parking on St Philips Road
- No evidence submitted that residents would not own cars
- Use of vertical cycle stands contrary to Cycle parking standards in Cambridge Local plan 2018
- Overbearing and causing loss of light to neighbouring dwellings
- Overlooking of existing dwellings
- Contrary to character of the area, would cause harm to Conservation Area
- Overdevelopment in a densely populated area
- Lack of bin storage

Support:

- Would contribute to available housing in Cambridge
- Promotes cycle use with secure storage
- Provides communal outdoor space for occupants
- Improved design over recent developments in the area

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

## **8.0 ASSESSMENT**

### **Principle of Development**

8.1 This application is proposed to erect 3no studio flats within the application site, which once formed part of the rear garden of number no.50 Hemingford Road. The site is currently separated from the residential curtilage of no.50 and appears to have been used for storage of building materials.

8.2 Policy 41 of the Cambridge Local Plan 2018 states that there will be a presumption against the loss of any employment uses outside protected industrial sites. Development (including change of use) resulting in the loss of employment uses will not be permitted unless:

- c. the loss of a small proportion of floorspace would facilitate the redevelopment and continuation of



employment uses (within B use class or sui generis research institutes) on the site and that the proposed redevelopment will modernise buildings that are out of date and do not meet business needs; or  
d. the site is vacant and has been realistically marketed for a period of 12 months for employment use, including the option for potential modernisation for employment uses and no future occupiers have been found.

- 8.3 Officers note that a 1990 application at the present application site sought the change of use of 'vacant land' to builder's storage and was refused (ref. C/90/0373). There have been no subsequent planning applications approved for any change of use at the site. As such there is no compelling or substantive evidence to suggest that the lawful use of the site is a commercial/employment use, or that there is any ensuing conflict with Policy 41 of the Local Plan 2018.
- 8.4 Officers therefore consider the principle of residential development at this site to be acceptable, subject to all other material planning considerations.

### **Design and impact upon the character of the area and Heritage assets**

- 8.5 The application is in outline only with all matters reserved, however detailed plans and elevations have been submitted with the application and amended versions of these plans have been provided by the applicant's planning agent during the course of the application. Although the application is in outline only, officers must be satisfied that the proposed amount of development can be accommodated within the site without causing significant adverse impacts upon the character of the area and the historic significance of the Conservation Area.
- 8.6 Residential development within the vicinity of the site largely comprises of two storey dwellings with narrow frontages, set slightly back from the footway, and with good sized gardens to the rear. Along the southern side of St Philips Road, the vast majority of dwellings are aligned to face northwest or southeast, and dwellings generally front roads that bisect St Philips Road, rather than fronting St Philips Road itself. Where there is a small number of dwellings that front St Philips Rd, these (as noted by the Conservation Officer) have been present within the

street scene for a long time and are set back from St Philips Road with appropriately proportioned rear gardens.

- 8.7 There are a number of outbuildings and structures within rear gardens in the vicinity of the site and on St Philips Road, however these are generally of a scale that is lower than, and subservient to, the main dwellings fronting Hemingford Road and Belgrave Road.
- 8.8 This proposed development would have a minimal setback from the footway and would have a wide frontage on to St Philips Road, due to the rectangular shape of the site and its alignment parallel to St Philips Road. Furthermore, in order to accommodate the floor space of the proposed 3no flats and cycle and bin storage, within this small and constrained site, the proposed building would need to be two storeys high as shown on the submitted plans.
- 8.9 Even if the flats were constructed with a flat roof as shown on the proposed plans, Officers consider that the construction of a two-storey building of the proposed form, scale, and massing, in this location to the rear of a residential garden and fronting St Philips Road would not conform to the pattern of development in this part of the Conservation Area as described above, and would appear overly prominent within the street scene.
- 8.10 While the amendments made in respect of materials are more appropriate than the render originally proposed, it is considered that in this instance use of such materials would not be sufficient to mitigate the bulk, scale and massing and ensuing prominence of the proposed development.
- 8.11 Therefore, while matters of appearance, layout and scale are reserved, the submitted plans do not provide sufficient comfort that a development of the scale proposed could be accommodated within the site without resulting in a significant adverse impact on the character of the area and the special interest and significance of the Conservation Area.
- 8.12 The proposed development would therefore fail to respond to the context and prevailing character of built form in the area and would fail to comply with Policies 55, 56 and 57 of the Cambridge Local Plan 2018.
- 8.13 For these reasons the proposed development would also fail to preserve or enhance the significance and character of the Mill

Road Conservation Area and would result in less than substantial harm to the heritage asset.

- 8.14 Public benefits of the proposal include the provision of housing which would contribute modestly towards housing need, but the Council can demonstrate a five year housing land supply and with such a small quantum of housing, the level of provision is not considered significant and not sufficient to outweigh the harm identified. The proposed development would therefore be contrary to Policy 61 of the Cambridge Local Plan 2018 and paragraphs 201 and 202 of the NPPF 2021.

### **Residential Amenity**

- 8.15 Officers consider that the proposed development could be designed in such a way as to mitigate any overlooking impacts towards neighbouring properties. The submitted plans show a first-floor bathroom window facing west, towards the rear garden of number 50 Hemingford Road. Obscured glazing should be fitted, in order to mitigate overlooking impacts. There are two other side windows shown on the submitted plans, that would face the blank side elevation of no. 76 St Philips Road, and so would not result in a significant overlooking impact.
- 8.16 The proposed development is not considered to result in a significant loss of light towards neighbouring dwellings. While the building would need to be two storeys in height to accommodate the proposed number of flats within the constrained site, the site is oriented to the north of gardens of Hemingford Road, and as such would not result in a significant loss of light impact to those dwellings.
- 8.17 Officers acknowledge that all matters are reserved however due to the scale, massing and length of the building that would be necessary to accommodate the proposed number of flats, and because of the relatively confined nature of the site and its close proximity to the rear gardens of numbers 48 and 50 Hemingford Road, it is considered that the proposed development would result in a dominating and overbearing presence in the garden areas of both these properties, resulting in a significant adverse impact upon residential amenity.
- 8.18 The Council's Environmental Health team has been consulted and has no objection to the proposed development subject to conditions relating to demolition/construction hours piling,

demolition and construction collection, delivery hours and airborne dust. These conditions would be added to any consent granted in the interests of residential amenity.

8.19 Insofar as the impact on the amenity of neighbouring dwellings is concerned, the proposed development would not comply with Policies 56 and 57 of the Cambridge Local Plan 2018.

### **Amenity of future occupants**

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

<b>Unit</b>	<b>Number of bedrooms</b>	<b>Number of bed spaces (persons)</b>	<b>Number of storeys</b>	<b>Policy Size requirement (m<sup>2</sup>)</b>	<b>Proposed size of unit</b>	<b>Difference in size</b>
1	1	1	1	37	37	0
2	1	1	1	37	37	0
3	1	1	1	37	37	0

8.20 Policy 50 requires the gross internal floor areas of new residential development to meet or exceed the residential space standards set out in the Government's Technical Housing Standards. Under these standards the smallest permissible residential unit is a 1 person 1 bed unit at 37m<sup>2</sup>, with a shower room. The submitted plans show 3x 1 studio flats with an area of 37m<sup>2</sup> each, with shower rooms, therefore this meets the internal space standards of Policy 50 of the Local Plan.

8.21 External residential space standards are to be met under Policy 50 of the Local Plan, this states that there should be an area of direct access to amenity space. There is only one communal amenity space which has no direct access from the 1<sup>st</sup> floor studio's. This is therefore not considered to be acceptable and not in conformity with Policy 50 of the Local Plan.

8.22 Policy 51 states that all new housing development should enable Building Regulations requirement M4 (2) 'accessible and adaptable dwellings' to be met. M4(2) requires step free access to new residential units. Officers note that for any first-floor flats this would necessitate inclusion of a lift. Taking into account the small size of the site and the constraints above, officers are not satisfied that the proposed development would be capable of

accommodating a lift/level access to any first-floor flats, in accordance with Policy 51 of the Cambridge Local Plan.

- 8.23 Due to the presence of residential gardens and boundary treatments to the north and the rear of the site. The only windows serving habitable rooms for the proposed ground floor flats would be in very close proximity to the pedestrian footpath, and are only separated by a very narrow strip which would not provide adequate buffering or defensible space from the public realm. This would provide an unacceptable outlook and level of privacy and amenity for future occupants.
- 8.24 Overall, it is considered that for the above reasons the proposed development would result in an unsatisfactory standard of external amenity for the future occupants of the dwelling, and would not comply with Policies 50, 51 and 56 of the Cambridge Local Plan 2018 and Paragraph 130 of the NPPF 2021.

### **Access and Highway safety**

- 8.25 The Local Highway Authority has no objection to the proposals on the grounds of Highway Safety, but notes that there is no vehicle parking provided on site and that this may increase parking pressure on nearby streets, potentially adversely impacting residential amenity.

### **Car and Bicycle Parking**

- 8.26 As noted in the preceding section, the proposed development would not provide any on-site parking. Policy 82 of the Cambridge Local Plan 2018 states that car-free and car-capped development is acceptable in the following circumstances:
- d. where there is good, easily walkable and cyclable access to a district centre or the city centre;
  - e. where there is high public transport accessibility; and
  - f. where the car-free status of the development can realistically be enforced by planning obligations and/or on-street parking controls.

- 8.27 The application site does not fall within a controlled residents parking area however it is located within walking distance of The Mill Road District Centre, and a number of bus stops, the closest of which is 0.2 miles from the site on Mill Road. As such the site is considered to benefit from high public transport accessibility and good access to a District Centre, and given the small scale of the individual units proposed, is not likely to result in additional on-street parking to a degree that would result in a significant adverse impact on residential amenity.
- 8.28 Sufficient space is set aside for cycle parking, which is shown on the submitted plans as 3no Sheffield stands; this would satisfy the requirements of Policy 82 for 1 cycle parking space per bedroom.

### **Drainage**

- 8.29 The Council's Drainage Officer has been consulted and has stated that it is not possible to comment on the principle of development with regards to surface water drainage due to the lack of drainage information provided within the application. While the application is in outline form only with all matters reserved, officers must be satisfied that the site can accommodate adequate measures for disposal of surface water, in accordance with Policy 31 of the Cambridge Local Plan.
- 8.30 This information would have been requested were it not for the significant issues identified in regard to visual and residential amenity. The information has not been requested as providing it would put the applicant to additional expense without addressing the aforementioned issues, however it remains that the application does not demonstrate that disposing of surface water by means of a sustainable drainage system is possible, contrary to Policy 31.

### **Carbon reduction and sustainable design**

- 8.31 To ensure compliance with Cambridge Local Plan (2018) policies 28 and 30 and the Greater Cambridge Sustainable Design and Construction SPD 2020, conditions would be attached to any consent granted requiring submission of a Carbon Reduction Statement to meet part L of Building Regulations, and water efficiency specification, based on the

Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations.

## **Air Quality**

8.32 Cambridge City Council recommends the use of low NOx boilers; appliances that meet a dry NOx emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality. The Council's Environmental Health Officer has recommended an informative to advise that any boilers installed should be low NOx and meet a dry NOx emission rating of 40mg/kWh. This would be attached to any consent granted.

## **9.0 CONCLUSION**

9.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be refused in this instance. The development is not able to accommodate the relevant space standards, high standard of amenity for the future and current users of the stie. Also the location and the scale of the development is not acceptable in this Conservation Area.

## **10.0 RECOMMENTATION**

10.1 **REFUSE** for the following reasons:

1. It has not been demonstrated that the proposed development would be capable of providing space for acceptable private amenity areas for the proposed flats. As such the proposed development would result in a poor standard of amenity for future occupants and would fail to comply with Policies 50 and 51 of the Cambridge Local Plan 2018 and Paragraph 130 of the NPPF 2021.
2. The application fails to demonstrate that the quantum of development proposed could be satisfactorily accommodated within the site, whilst maintaining a high standard of amenity for users and occupiers of neighbouring land and buildings. By virtue of the cramped nature of the site and its close proximity to existing residential properties and gardens the proposed

development would be of a scale and siting that would be overbearing in relation to neighbouring dwellings and which would create a heightened sense of enclosure towards adjacent dwellings, resulting in a significant adverse impact upon residential amenity. The proposed development would fail to comply with Policy 56 of the Cambridge Local Plan 2018 Paragraph 130 of the NPPF 2021.

3. The location and scale of the proposed development is such that it would fail to respond to the context of the area and the prevailing pattern of development, and would appear out of character and over prominent within the street scene and in relation to surrounding built form, resulting in a significant adverse impact upon the character and appearance of the area. For these reasons the proposed development would also fail to preserve or enhance the significance of the Mill Road Conservation Area, causing less than substantial harm to the designated heritage asset. There are no public benefits to the proposal that would outweigh the identified harm. Therefore, the proposed development would not comply with Policies 23, 55, 56, 61 and 82 of the Cambridge Local Plan 2018, the National Design Guide 2019 and paragraphs 201 and 202 of the NPPF 2021.