



Cambridge City Council Planning

Date: Wednesday, 2 August 2023

Time: 10.00 am

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

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

Agenda

Timings are included for guidance only and cannot be guaranteed

1 Order of Agenda

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

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

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

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

2 Apologies

3 Declarations of Interest

4 Minutes

(Pages 7 - 18)

Part 1: Major Planning Applications

5 23/01081/S73 11 Queen Ediths Way 10am (Pages 19 - 68)

Part 2: Minor/Other Planning Applications

6 23/01366/FUL Land Adjacent to 39 Hills Avenue
11am (Pages 69 - 88)

7 22/04891/HFUL 25 Devonshire Road 11:30am (Pages 89 -
102)

8 23/03855/OUT 3-5 Fen Road 12:00pm (Pages 103 -
124)

9 22/05070/FUL Land to Rear of 208-210 Queen
Ediths Way 12:30pm (Pages 125 -
152)

10 22/03731/S106A Land Between Bridewell Rd and
Lucerne Close 1:00pm (Pages 153 -
158)

11 23/01014/FUL 159 Vinery Road 1:30pm (Pages 159 -
182)

12 23/00199/FUL 145 Perne Road 2:00pm (Pages 183 -
210)

Part 3: General and Confidential Items

13 TWA 23/0119/TTPO - St Matthews Centre 2:30pm (Pages 211 -
224)

14 TWA 23/0159/TTPO Howes Place 3:00pm (Pages 225 -
236)

15 Owlstone Croft, Owlstone Road - Planning Appeal -
APP/Q0505/W/23/3323130 - 3:30pm

The report relates to information which following a public interest test the public is likely to be excluded by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 ie. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

Planning Members: Smart (Chair), Baigent (Vice-Chair), Bennett, Carling, Dryden, Levien, Porrer and Thornburrow

Alternates: Flaubert, Gilderdale, Howard, Nestor and Nethsingha

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- Email: democratic.services@cambridge.gov.uk
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Appendix 1 – Planning Policies and Guidance

(Updated September 2020)

1.0 Central Government Advice

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

1.2 Planning Practice Guidance (NPPG)

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

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

Planning Obligations

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

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

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

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

2.0 Development Plans

2.1 The Cambridgeshire and Peterborough Minerals and Waste Plan 2011

2.2 Cambridge Local Plan 2018

3.0 Supplementary Planning Documents

3.1 Sustainable Design and Construction 2020

3.2 Cambridge Flood and Water 2018

3.3 Affordable Housing 2008

3.4 Planning Obligations Strategy 2004

Development Frameworks and Briefs

3.5 The New Museums Site Development Framework (March 2016)

3.6 Ridgeons site Planning and Development Brief (July 2016)

3.7 Mitcham's Corner Development Framework (January 2017)

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

3.9 Land North of Cherry Hinton (February 2018)

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

4.0 Use Classes

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

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

PLANNING

13 June 2023

3.51 pm

Present: Councillors Smart (Chair), Baigent (Vice-Chair), Bennett, Carling, Dryden, Levien and Thornburrow

Officers:

Delivery Manager: Toby Williams

Interim Area Delivery Manager: Jane Rodens

Senior Planner: Laurence Moore

Senior Planner: Amy Stocks

Senior Planner: Alice Young

Senior Planner: Julia Briggs

Senior Planning Officer: Phoebe Carter

Principal Planner: Kate Poyser

Planning Project Officer: Dean Scrivener

Legal Adviser: Keith Barber

Committee Manager: Chris Connor

Meeting Producer: Claire Tunnicliffe

FOR THE INFORMATION OF THE COUNCIL**23/47/Plan Apologies**

Apologies were received from Councillor Porrer (Councillor Flaubert attended as an alternate).

23/48/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Bennett	22/05590/FUL	Personal: Ward Councillor. Discretion unfettered.

Councillor Smart	22/05472/FUL	Personal: Ward Councillor. Discretion unfettered.
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23/49/Plan Minutes

The minutes of the meetings held on 29 March 2023 and 26 April 2023 were approved as a correct record and signed by the Chair.

23/50/Plan 22-02646-REM Eddeva GB2 - Land at Newbury Farm Report

The application was deferred to the next Committee.

23/51/Plan 22-05585-FUL Darwin Green Sports Pavilion Report

The Committee received an application for full planning permission.

The application sought permission for a sports pavilion building and surrounding landscape to serve the sports facilities on the central park at Darwin Green 1.

Mr McLaren (Project Manager, Baarratt David Wilson) addressed the Committee in support of the application.

Councillor Thornburrow proposed an amendment to the Officer's recommendation by way of an informative to increase the number of bicycle parking spaces for future use, due to the likely reduction of motor vehicles used in the city.

The informative was carried **(by 6 votes to 2)**.

Councillor Smart proposed an amendment to the Officer's recommendation by way of an informative to organise the officials' changing rooms into separated sections.

The informative was carried **(by 7 notes to 0 with 1 abstention)**.

The Committee:

Resolved (by 7 votes to 0 with 1 abstention) to grant the application for planning permission in accordance with the Officer recommendation, for the

reasons set out in the Officer's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted delegated to Officers), subject to:

- i. Informative with regards to additional bicycle parking spaces in the future.
- ii. Informative with regards to officials' changing rooms to have separate sections.

23/52/Plan 22-05472-FUL 36 Amwell Road Report

The Committee received an application for full planning permission.

The application sought permission for the demolition on a bungalow with the subsequent erection of 3 dwellings. The site does not have any site constraints.

The Senior Planning Officer updated their report by referring to the amendment sheet as follows:

- Paragraph 1.5: The end of this paragraph should read 'officers consider proposed development to be in keeping with the character of the area and be of acceptable appearance.'

New condition proposed:

- The garage as indicated on plans 12D Rev D titled Plans & Sections of Proposed Dwellings, and plan 13B Rev B titled Elevations including Road Frontage shall be retained for the communal storage of 6 no. cycles for the three permitted dwellings only. The communal store shall not be used by persons who do not reside at the permitted dwellings.

Reason:

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

Councillor Smart proposed a condition to the Officer's recommendation that the building is not built higher than 7.8 metres.

Councillor Thornburrow proposed an amendment to the Officer's recommendation by way of an informative to have the letterbox located in a more convenient location on the front door, for ease of access for post deliveries.

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

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted delegated to Officers), subject to:

- i. Condition with regards to the building not being built higher than 7.8 metres.
- ii. Informative with regards to the letterbox being located in a more convenient location on the front door.

23/53/Plan 22-05590-FUL 25 Rawlyn Road Report

The Committee received an application for full planning permission.

The application sought planning permission for the erection of a detached dwelling in the garden of 25 Rawlyn Road. This application comes after a previous application for 3 terraced properties on a larger plot, comprising the garden of 25 Rawlyn Road and the land to the south and east, was dismissed at appeal on two grounds (21/04190/FUL); the resultant impact on the spacious and verdant character and overlooking to 25 Rawlyn Road. Since this appeal, the application site had been reduced to just the garden of 25 Rawlyn Road, the development reduced to one dwelling and the scale, massing, layout and design altered to reduce the dominance of the development on the sensitive corner location.

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

The Committee Manager read out the following statement on behalf of Abbey Ward Councillors Howard and Tong.

We are addressing the committee to raise objection on behalf of local residents due to the massing, scale, bulk of the proposal and its unsympathetic design. This would be at odds with the established character of the street scene and feel of the neighbourhood which is characterised by long lengths of semi-detached houses and open corners throughout the Whitehill Road estate. This proposal, if approved, would erode the open feel to the residential development and character and appearance of the area.

Unlike the other three quadrants of Barnwell, this area is the only one not to have a dedicated park within the heart of the estate, and therefore these small patches of green space take over the role of amenity space, which, although not protected, are of huge importance to local residents. This has been reflected by the large numbers of objections received to the previous proposal which included a provisional land sale from the city council, and to this most recent proposal, which received also a huge number of detailed objections.

We also have concerns about the proximity and bulk of the property in relation to the nearby two adjacent properties.

Secondly, the proposal is immediately on the boundary with recently funded Environment Improvement Project - wildflower meadow, night blooming scented plants and proposed masonry bee habitat - which would convert this piece of grass into a biodiversity hotspot and public amenity. The presence of a detached house immediately at the boundary of this would negatively impact this amenity for other local residents. The project is well supported by residents who also wish to incorporate a communal memorial bench for certain local families who lost loved ones during lockdown.

We urge the committee to reject this proposal due to the many breaches of the Greater Cambridge Local plan 2018 (policies 52, 55, 56, 57, 59).

Councillor Carling proposed an amendment to the Officer's recommendation that a construction method statement be provided to protect the open space being damaged by the development.

The amendment was accepted **nem con (without a vote)**.

The Committee:

Resolved (by 6 votes to 0 with 2 abstentions) to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted delegated to Officers), subject to the additional condition:

- i. Condition with regards to construction method statement.

23/54/Plan 21-01791-FUL - 190 Green End Road Committee Report

The Committee received an application for full planning permission.

The application was for full planning permission for the construction of a 1 bed bungalow. The bungalow is be of 3.7m in height where the building is to be partially set into the ground. The building is to be 7m wide and 7.6m long.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted).

23/55/Plan 22-04538-FUL 52 Alpha Road

Councillors Baigent and Bennett departed the meeting prior to this item.

The Committee received an application for full planning permission.

The application was for full planning permission for the construction of a new dwelling, following the demolition of the existing double garage, brick shelter and concrete shelter which were no longer in use.

The Planning Project Officer updated their report by correcting an error on P217 (agenda report) in his presentation. The ward for this application was not Castle and Victoria but should have read West Chesterton.

Councillor Carling proposed an amendment to the Officer's recommendation by way of an informative that stated that residents of the new property would not be eligible for a parking permit.

Councillor Thornburrow proposed an amendment to the Officer's recommendation by way of an informative that no future occupants could remove the tree on site, even if it endangered the foundation.

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

The Committee:

Resolved (by 4 votes to 0 with 2 abstention) to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted delegated to Officers), subject to:

- i. Informative with regards to parking permit for the new property.
- ii. Informative with regards to protection of tree. Delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft wording.

23/56/Plan 22-05304-FUL 286 Cherry Hinton Road Report

The Committee received an application for full planning permission.

The application sought the demolition of existing dwelling and erection of 1 No. replacement two storey dwelling.

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

- i. Supported the redevelopment of the site but not the design brought to planning committee.
- ii. Concerned are about overshadowing and loss of light.
- iii. Stated that the design itself does not meet the BRE Guidance (British Research Establishment).

- iv. Stated that she believes that it does not meet Local Plan policy 57.
- v. Had concerns regarding traffic management.
- vi. The proposal overshadowed adjacent homes and would result in an overbearing building.
- vii. There would be reduced light to habitable rooms of both neighbouring properties.
- viii. Did not believe the applicant's daylight study is totally accurate.
- ix. Submitted two independent skyline reports to Officers which would measure the loss of light. Stated that these have been given no weight in the Officer's report.
- x. Stated that both independent daylight studies she submitted failed BRE guidelines.

Mr Fleming (Applicant's Architect) addressed the Committee in support of the application.

Councillor Griffin (Ward Councillor) sent in a written statement read by Committee Manager:

- i. Please register my support for the public speaker's concerns regarding the current plans for the development at 286 Cherry Hinton Rd. I do believe that they have a good reason to be concerned about the loss of light at her home. Could the planning committee please take into consideration the Base Energy study that they have submitted.

The Committee:

Unanimously resolved to defer the application pending a possible site visit and receipt of Officer's comparison of the two light reports from the applicant and public objector.

23/57/Plan 23-00184-S73 85 Coleridge Road Report

Councillors Dryden and Flaubert departed prior to this item.

The Committee received an application for full planning permission.

The application sought the removal of condition 3 (green/biodiverse roof) of planning permission 22/04988/HFUL.

The Senior Planning Officer updated their report by referring to the amendment sheet as follows:

- i. The site plan was amended showing the removal of the proposed widening of the dropped kerb, as the dropped kerb widening was not in the description of development or contained within the redline plan.

The Committee received representation from Councillor Smith on behalf the applicant who spoke in support of the application.

The Committee:

Resolved (by 0 votes to 1 with 3 abstentions to refuse the application contrary to the Officer recommendation for the following reasons:

- i. Was as exceptional case.
- ii. There were material considerations: hardship.

23/58/Plan 22-04718-FUL 34 Cherry Hinton Road Report

The Committee received an application that sought the change of use of a garage building to laundry facility (Sui Generis) and associated storeroom to be used by St Andrews College, with minor external alterations to the unit. The application was being brought to the Planning Committee due to neighbour comments which cannot be conditioned.

The Senior Planning Officer updated their report by referring to the amendment sheet as follows:

Removal of condition 7, as these are internal changes and minor external changes, it was not considered necessary to the application.

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

- i. Stated that the access lane to existing garage was only 3 metres wide and ran between residential homes. This was not wide enough for vans to turn around and exit.
- ii. Stated it was a private lane and not public access driveway as stated in the application. It was intended for residents and resident's guests only.

- iii. Stated that in the application it states that it is a planning category C2 application, but should be category E, which was light industry.
- iv. Stated that a laundry servicing a further six residential institutions would constitute commercial use.
- v. Stated that closest residence to proposed laundry was only 1 metre away and as such was concerned about increased noise, pollution, traffic and fire risk.
- vi. Stated that the issue of vibrations caused by the laundry had not been addressed.
- vii. Asked what conditions would be put in place to ensure that the laundry would only be in use Monday-Friday, 9:00:am-5:00pm with no more than 3 deliveries per week.

Emma Penson (Applicant's representative) addressed the Committee in support of the application.

Councillor Smart advised Officer to change of wording to Condition 3 to include "no use on Saturday, Sunday and Bank Holidays", as it currently only stated "no use on Sundays and Bank Holidays".

Councillor Carling proposed a condition to the Officer's recommendation that states that in Condition 3 the hours of operation would be changed from 8:00am-5:00pm to 9:00am-5:00pm.

The amendment was carried **(by 3 votes to 1)**.

Councillor Thornburrow proposed an alteration to Condition 5 of the Officer's recommendation that requested an acoustics report describing decibel levels to come to Chair, Vice Chair and Spokes in consultation with Environmental Health.

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

Unanimously resolved to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted delegated to Officers), subject to:

- i. Condition with regards to alteration of the hours of operation.

- ii. Condition with regards to acoustics report describing decibel levels.

The meeting ended at 3.51 pm

CHAIR

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Planning Committee Date	02 August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/01081/S73
Site	Land At 11 Queen Edith's Way Cambridge CB1 7PH
Ward / Parish	Queen Edith's
Proposal	S73 to vary condition 2 (approved drawings) of ref: 20/02172/FUL (The erection of new buildings to provide 40 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works) for the following: Removal of the consented basement level and associated infrastructure Revised siting of above ground bin enclosure Revised site of plant room and enclosure Relocation of stair and lift core, and main entrance to block B Minor changes to the arrangement of openings to block B. Amendments to wording of conditions 19 (management plan), 25 (electrical services) and 34 (provision of Blue Badge Parking Spaces) to reflect changes to approved drawings.
Applicant	GCR Camprop Eight Ltd
Presenting Officer	Mary Collins
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Car parking 2. Impact on neighbours
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

1.1 The application seeks planning permission under Section 73 to vary condition 2 (approved drawings) of ref: 20/02172/FUL (The erection of new buildings to provide 40 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works) for the following:

- Removal of the consented basement level and associated infrastructure
- Revised siting of above ground bin enclosure
- Revised site of plant room and enclosure
- Relocation of stair and lift core, and main entrance to block B
- Minor changes to the arrangement of openings to block B.
- Amendments to wording of conditions 19 (management plan), 25 (electrical services) and 34 (provision of Blue Badge Parking Spaces) to reflect changes to approved drawings.

1.2 The development accords with the Development Plan for the following reasons:

- It provides high-quality visitor accommodation fronting a main road in an area with good public transport accessibility.
- Measures to promote non-car modes of travel, all of which can be secured by condition, are sufficient to ensure the development does not put pressure on on-street car parking.
- The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 55 and 56.

1.3 Officers recommend that the Planning Committee Approve

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 The application site is situated on the northern side of Queen Edith's Way. Three trees along the southwest boundary of the site have Tree Preservation Orders (TPO) on them.
- 2.2 11 Queen Edith's Way formerly comprised a detached dwelling, extension and two brick outbuildings, with associated hard surfaced parking and patio spaces. The previous use of the building and site was as a care home. The structures have been demolished down to the foundation pads and portions of the hard surfacing have been removed. The front garden space remains soft landscaping, with a hard-surfaced access drive providing vehicle access to the site. The site is surrounded by adjacent dwellings and gardens on the north, east and west, and Queen Edith's Way to the south. The site features a sunken garden roughly central to the former front garden space.

3.0 The Proposal

Section 73 application to vary condition 2 (approved drawings) of ref: 20/02172/FUL (The erection of new buildings to provide 40 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works) for the following:

- Removal of the consented basement level and associated infrastructure
 - Revised siting of above ground bin enclosure
 - Revised site of plant room and enclosure
 - Relocation of stair and lift core, and main entrance to block B
 - Minor changes to the arrangement of openings to block B.
 - Amendments to wording of conditions 19 (management plan), 25 (electrical services) and 34 (provision of Blue Badge Parking Spaces) to reflect changes to approved drawings.
- 3.1 The application has been amended to address representations and further consultations have been carried out as appropriate.

4.0 Relevant Site History

Reference	Description	Outcome
20/02172/NMA1	Non-material amendment of planning permission 20/02172/FUL (The erection of new buildings to provide 40 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works) changes to the description to read "The erection of new buildings to provide serviced apartments (sui generis) together with hard and soft landscaping, car parking spaces and associated infrastructure and works"	Approved 05.04.2023
20/02172/FUL	The erection of new buildings to provide 40 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works	Refused 12.11.2021. Allowed on appeal 27.09.2022
18/1904/DEMDT	Prior notification of the demolition of the main building (including extension) and two brick outbuildings.	Approved 16.05.2019
17/1317/CLUED	Application for Certificate of Lawfulness under Section 191 for continued use of the property for any permitted Class C2 activity without restriction to 14 residents.	Withdrawn 05.12.2017
16/1913/FUL	Change of use from a residential care home (use class C2) to Guest House (use class C1) - 26 letting rooms plus managers flat and associated external works.	Refused 04.12.2017

4.1 Planning application reference 20/02172/FUL was refused by planning committee and an appeal against the decision has been allowed.

4.2 A copy of the Inspector's Decision letter in relation to the appeal is attached at Appendix A

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 **Cambridge Local Plan**

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 17: Cambridge Biomedical Campus

Policy 28: Sustainable design and construction, and water use

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 47: Specialist housing

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 69: Protection of sites of biodiversity and geodiversity importance

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

5.3 **Supplementary Planning Documents**

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

6.0 Consultations

6.1 County Highways Development Management – Original comments

1. The footway to the front of the property is a shared use facility for both pedestrians and cyclists. While suitable pedestrian visibility splays have been shown and given the roads geometry suitable inter vehicle visibility splays can be achieved the applicant has failed to show suitable motor vehicle to cycle splays from the proposed access, which should comply with those detailed in LTN 1/20, which will be to the detriment of highway safety.
2. The applicant shows the proposed swept path for a medium sized car when entering and leaving the proposed disabled persons parking bays. This clearly show the northern most vehicle overrunning the proposed soft landscape area. The Highway Authority would seek that the swept path analysis is carried out using a large car rather than the medium size one shown as there is a greater likelihood that disabled drivers will require a larger vehicle.
3. No justification for the significant reduction in off street car parking has been provided. The reduction from 14 spaces to five with a similar reduction in disabled accessible bays (2 from 3) has the likelihood to increase on street demand within the surrounding area and to increase manoeuvring through the access as the residents use the proposed turning area for pick up/drop off and or personal deliveries.
4. No dimensions are given for the proposed longitudinal spaces, which should be 5.5m x 2m at the minimum.
5. No details of servicing for refuse collection have been provided (no bin collection point is shown).

Recommended conditions

- Traffic Management Plan
- Proposed motor vehicle access to the development be at least 5m wide for a distance of at least 5m into the applicant's property from the boundary of the adopted public highway, to enable two average sized domestic vehicles

to pass each other with relative ease while both are off the adopted public highway.

- Two pedestrian visibility splays of 2m x 2m shall be maintained in perpetuity free from obstruction exceeding 0.6m above the level of the adopted public highway

- The proposed access 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.

- The proposed access be constructed using a bound material for a distance of not less than 5m into the site from the boundary of the adopted public highway, to prevent debris spreading onto the adopted public highway.

- Demolition and construction vehicles with a gross weight exceeding 3.5 tonnes shall enter and leave only between hours of 9.30 – 15.30 seven days a week.

6.2 Sustainable Drainage Officer – No Objection

6.3 Lead Local Flood Authority – No Objection

6.4 Urban Design Team – Object - The Urban Design Team have reviewed the information submitted in support of the S73. Given the site location, a reduction in parking spaces and subsequent loss of the basement is considered acceptable in principle. The layout of the proposed surface level car parking and access requirements needs further resolve. The five parking spaces along the eastern edge are positioned tight against the adjoining hedge boundary. These spaces will need to be set away (by approximately 500mm), to allow for maintenance of the planted threshold. An increased level of hard landscaping is proposed to the front of Block A for the manoeuvring of large vehicles, and the pedestrian pathway along the eastern elevation of Block A has been lost. A planted boundary along the eastern elevation is needed to provide a threshold and appropriate level of protection here.

Revisions - The layout has been amended to provide this planted strip to offset the spaces from the hedge on the boundary The layout has been amended to provide this planted area

6.5 Access Officer – No response received

6.6 County Archaeology – No response received

6.7 Senior Sustainability Officer –No Objection - There are no material sustainable design and construction issues with the proposed amendments, noting that the requirements of conditions 37 and 38 remain unaltered.

6.8 Ecology Officer – No Objection

6.9 Tree Officer – No response received

6.10 Environmental Health – No Objection

Pollution from the demolition and construction phases has the potential to affect the amenity of surrounding properties if not controlled. In the interests of amenity, recommend the standard construction/demolition/delivery noise/hours and dust conditions.

Scotch Partners (SP) have submitted a “preliminary noise assessment” document dated 20th March 2023 (rev 01).

The criteria to establish the existing background sound level detailed within the SP document advises a noise survey will be undertaken over a minimum 24hr period. It is recommended that at least 48-72 hours of monitoring is undertaken to establish a representative background sound level and reduce the likelihood of any unusual events affecting a shorter monitoring duration.

Air source heat pumps are proposed and are located in very close proximity to noise sensitive receivers within the site.

The SP document has provided typical acoustic enclosures which will likely be implemented on site. This is welcomed.

Noise from ASHPs have been known to harm local amenity and quality of life if poorly selected / located without acoustic mitigation. ASHPs can be relatively noisy because of the four main elements – the compressor, AC condenser, expansion valve and evaporator – which can all be heard operating when in use. Any mechanical system that includes a fan (and compressor) will generate a degree of noise under normal operation.

The level of inherent noise varies depending on the size and manufacturer / model of the ASHP, operating conditions / mode / cycle, sound specifications / characteristics, and siting / location of the proposed units and background noise levels. Multiple sound reflections from the ground and surrounding walls can also increase noise levels at receptors and can be directional. Structural borne vibrations can also be an issue. The dominant frequencies within the noise are typically low frequencies (i.e. 50 – 200 Hertz (Hz)) which travel further and can potentially be heard as an annoying hum / buzzing within buildings, particularly through the night even at low levels.

It is required that amenity / quality of life should be protected providing operational rating noise level (in accordance with BS4142:2014+A1:2019) from the ASHP/s individually or cumulatively is less than or equal to the existing background sound level (LA90) (determined in accordance with the principles of BS 4142:2014+A1:2019 with appropriate acoustic character / features corrections added to the specific sound level to obtain the rating level) at 1 metre from any window, door opening or any other opening of any habitable room in the façade of any residential property and at the legal property boundary of any individual residential property at a height of 1.5 m

or at 1.5m above any adjacent residential property external amenity area such as a garden, terrace, balcony or patio.

6.11 Cambridge Airport – No objection. The proposed development does not conflict with safeguarding criteria.

7.0 Third Party Representations

7.1 Three representations have been received.

7.2 Those in objection have raised the following issues:

- Residential amenity impact (impacts on daylight, sunlight, privacy, noise and disturbance)
- Highway safety
- Car parking and parking stress
- Flooding

Reduction in Parking to 5 spaces (plus 2 for sole disability use per ADA regulations) based on Controlled Parking Zone (CPZ) criteria. In Section 5.20 of the original planning statement the applicant justifies the requirement for 11 spaces based on 1.5 persons per room and 2 staff. The applicant now contradicts this by using calculations for a CPZ.

A CPZ is an area where parking is only allowed on certain parts of the road for a limited time unless you have a permit. By definition, this area of Queen Edith's is not in a CPZ and as such a parking space is required for every 8 guests plus staff per the original application. Therefore 9 spaces are required (not 5). It is noted in the original application, the applicant specifies 2 members of staff at any one time, and now contradicts that by specifying 1 member of staff; 1 person to manage the property plus service 40 apartments would seem somewhat ambitious. In addition, it is unreasonable to expect 5 parking spaces to be sufficient to service 40 apartments plus staff plus maintenance; parking will be pushed to the surrounding uncontrolled streets (the development is nowhere near a CPZ) and the grass verges of QEW. Of note, the planning inspector approved the original plans based on "The provision of 14 car parking spaces would comply with the standard for hotel use at Appendix L of the LP.

With the removal of the basement level, there would be even less parking spaces available on this site (only 7 car parking spaces available for staff, disabled drivers and potentially 40 short term residents), which will result in the excess cars being parked in neighbouring roads such as Holbrook Road.

Immediate neighbours will suffer even more noise, smells, loss of privacy, and the potential for neighbouring roads such as Holbrook Road becoming overflow carparks.

The Site Shadow Study plan shows that the construction of this property will be detrimental to us during winter making us lose all the sunlight that we receive now. This will severely impact mental health and well-being during Winter, therefore we seriously object to the current plan.

The north elevation of Block B shows that the windows on the 2nd floor provide its residents full visibility into adjacent neighbouring houses compromising privacy.

The location of the air source heat pumps for Blocks C1 and C2, located on the west side of Block C2, will create noise and disturbance to neighbours.

Request that the rear walls and side walls of Blocks C1 and C2 remain completely blank, and that all boiler flues, extractor fans and other noise-making appliances do not exit towards the backs or sides of Blocks C1 and C2.

There is no solid wall or fence between Blocks C1 and C2 and our hedges. For security reasons, again request that a solid wall or fence be installed behind Blocks C1 and C2 (allowing through-access for hedgehogs), that access to the space be restricted to maintenance staff only, and that the existing boundary hedges are fully preserved.

Request that a tree be planted in the north-east corner of the site, in the space between Block C1 and the side wall of Block C2, to break up the blank wall.

With regards to the stream which flows from the north-east corner of 11 Queen Edith's Way into a neighbour's garden, concerned about the potential flooding risk to neighbouring properties.

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

8.0 ASSESSMENT

- 8.1 Planning Practice Guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals. [Paragraph: 001 Reference ID: 17a-001-20140306].

- 8.2 The applicant has sought to amend the conditions attached to the planning permission by seeking to make a minor material amendment. Planning Practice Guidance advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development that is not substantially different from the one which has been approved. [Paragraph: 017 Reference ID: 17a-017-20140306] Case law has established the test which governs section 73 cases is to be found in R v Coventry City Council, ex p. Arrowcroft Group plc [2001] PLCR 7, in which Sullivan J held that, under

that section, a local planning authority: "is able to impose different conditions upon a new planning permission, but only if they are conditions which the council could lawfully have imposed on the original planning permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application." (para. 33).

- 8.3 Where an application under section 73 is granted, the effect is the issue of new planning permission, sitting alongside the original permission, which remains intact and unamended [Paragraph: 015 Reference ID: 17a-015-20140306].
- 8.4 The principle of residential development has already been established and approved under the previous approval. This is an extant permission which is implementable. Whilst the effect of a grant of a S73 permission is that a further permission is issued subject to the original time limiting condition (and any applicable revised / removed conditions as such), there have been no significant changes in the policy framework or material circumstances in this case to suggest that the principle of the scheme or any other factors which go the heart of the decision associated with the grant of original planning permission should be reconsidered. The original permission is a strong fall-back position and therefore it is reasonable to consider the external alterations proposed as the key consideration in this case.
- 8.5 The assessment for this application therefore focuses on the changes that are being sought
- 8.6 Modifications include:
- Removal of the consented basement level and associated infrastructure
 - Revised siting of above ground bin enclosure
 - Revised site of plant room and enclosure
 - Relocation of stair and lift core, and main entrance to block B
 - Minor changes to the arrangement of openings to block B.
 - Amendments to wording of conditions 19 (management plan), 25 (electrical services) and 34 (provision of Blue Badge Parking Spaces) to reflect changes
- 8.7 In line with the advice of the PPG, it is considered that the scale and/or nature of the proposed minor material amendments would not result in a development that is substantially different from the one which has been approved. The proposed amendments are therefore within the remit of section 73 of the Town and County Planning Act 1990.
- 8.8 In accordance with the PPG, to assist with clarity, a decision notice for the grant of planning permission under section 73 will also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

8.9 Design, Layout, Scale and Landscaping

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

8.11 The minor changes to the layout of the site relate to additional parking spaces alongside the eastern boundary. These have been set away (by approximately 500mm), to allow for maintenance of the planted threshold. A planted boundary along the eastern elevation of Block A is also proposed to soften this edge and to provide a threshold and appropriate level of protection between the building and the parking areas.

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

8.13 Trees

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

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

8.16 Carbon Reduction and Sustainable Design

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

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

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

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

8.21 **Biodiversity**

8.22 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

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

8.24 **Water Management and Flood Risk**

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

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

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

8.28 **Highway Safety and Transport Impacts**

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

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

- 8.31 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team, who raise no objection to the proposal subject to conditions.
- 8.32 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.
- 8.33 **Cycle and Car Parking Provision**
- 8.34 The consented car parking (as for hotels) required one space for every eight guests plus one space for every two members of staff. Based on an occupancy of two guests per room, there would be 80 guests and this would equate to 10 spaces required. There are two proposed employees. 14 spaces are proposed with 5 being accessible spaces.
- 8.35 With the removal of the basement, parking spaces would be lost. The development now proposes to include 7 car parking spaces with 2 being accessible spaces. The car parking standards set out in Appendix L of the Local Plan are the maximum levels (referred to as no more than) of car parking that the council will permit. This level may be reduced where lower car use can reasonably be expected.
- 8.36 The consented scheme provides a total of 14 car parking spaces. During the determination of the planning permission, it was acknowledged that this level of provision is a substantial over provision when considered against the parking standards within the Council's Development Plan. In this regard table L.2 of the Appendix L of the Development Plan advises that the maximum level of car parking provision should be 1 space for every 10 residents plus 1 space for every 2 members of staff. The development plan's parking standards for sites outside of a controlled parking zone would yield a requirement for a maximum of 8.5 car parking spaces. The revised level of parking spaces has been justified by calculating the number of residents using an average occupancy of 1.5 people per room. This would provide an absolute maximum occupancy of 60 residents. As it is possible that the units are occupied by more than one person, then it is likely that they might be a family. Potential staff parking requirements would equate to no more than a single space (there would not be more than 1 member of staff on site). In total therefore, this equates to a maximum requirement for 7 car parking spaces. As 8.5 are potentially required, the shortfall of 1.5 spaces is considered acceptable in this instance. The units are for short term occupancy and are well located to serve Addenbrooke's and the Cambridge Biomedical Campus. The location of the development provides convenient walkability and cyclability to the City Centre and has high public transport accessibility. The proposal with its reduced amount of available off-street parking, is not considered to result in high demand for parking on streets in the surrounding area owing to the nature of the future occupants. Any increased manoeuvring through the access as the residents use the proposed turning area for pick up/drop off and or personal deliveries is not considered to be detrimental.

- 8.37 Secure and covered cycle parking is to be provided to the western side of the application site. The consented scheme is for approximately 44 cycles. The requirement is as for hotels, two for every five members of staff and two for every ten bedrooms. This would equate to 8 spaces required for guests with two for staff. The amount of secure cycle parking spaces has been increased to 56. The level of cycle parking provided is acceptable.
- 8.38 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 8.39 **Amenity**
- 8.40 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 8.41 The proposed changes do not have any additional impact on neighbours than that of the consented scheme. A condition requiring the first floor side facing windows in the east and west elevation of Block A and the first and second floor side facing windows in the east and west elevations of Block B, to be obscurely glazed will be attached (condition 35).
- 8.42 Construction and Environmental Impacts
- 8.43 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.
- 8.44 The proposal differs from the consented scheme in that air source heat pumps are now proposed for Blocks C1 and C2, located on the west side of Block C2. The air source heat pumps are located in very close proximity to noise sensitive receivers and neighbours have expressed concern regarding noise and disturbance from these.
- 8.45 The Council's Environmental Health team have assessed the application. The applicant has provided details of the typical acoustic enclosures which are likely be implemented on site. Environmental Health are satisfied that the amenity / quality of life can be protected provided operational rating noise level (in accordance with BS4142:2014+A1:2019) from the ASHP/s individually or cumulatively is less than or equal to the existing background sound level (LA90) (determined in accordance with the principles of BS 4142:2014+A1:2019 with appropriate acoustic character / features corrections added to the specific sound level to obtain the rating level). This would be at 1 metre from any window, door opening or any other opening

of any habitable room in the façade of any residential property and at the legal property boundary of any individual residential property at a height of 1.5 m or at 1.5m above any adjacent residential property external amenity area such as a garden, terrace, balcony or patio. Condition 22 (noise assessment and any noise insulation / mitigation scheme) will secure this. Conditions 9 (dust), 10 (demolition / construction noise and vibration impact 23 (external lighting) 24 (unexpected contamination) will be repeated.

8.46 Subject to conditions, the proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35 and 57.

8.47 Refuse Arrangements

8.48 Policy 57 requires refuse and recycling to be successfully integrated into proposals. The consented refuse bin store was on the lower ground floor level of Block A/B. As the basement has been removed from the scheme, the bin store has now been relocated to ground level. It would be in close proximity to the neighbouring property at 13 Queen Edith's Way being located alongside the side wall of this property.

8.49 RECAP guidance states that the walls to bin stores should be impermeable. A condition requiring details of the refuse bin store to be agreed, implemented in accordance with the approved details and made available prior to the first occupation of the serviced accommodation will be attached. An informative will be added to the decision notice to highlight that the refuse store shall be constructed in accordance with RECAP Waste Management Design Guide Supplementary Planning Document Adopted February 2012, Appendix D.

8.50 The scheme for serviced apartments will be a managed facility. Condition 31 of the planning permission requires the submission and agreement of a management plan for waste, including collection. This condition will still apply.

8.51 Subject to condition, the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 56.

8.52 Planning Balance

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

8.54 The principle of serviced apartments is acceptable and has been accepted through appeal. The spatial location of the site is such that it is acceptable and sustainably located. Officers are satisfied that this is a genuine proposal for high-quality visitor accommodation in an appropriate location, and that any future deviation from that use, or that quality, can be prevented by

conditions. The range of measures included to facilitate and encourage the use of non-car modes by guests, both of which can be secured into the future by conditions, are sufficient to ensure compliance with local plan policy 82 on parking management, and to protect local streets against any exacerbation of on-street parking stress. The proposal is also in accordance with local plan policies on sustainability, biodiversity and trees, waste storage, highway safety and parking, and subject to an extensive list of conditions, should be approved. The development accords with the Development Plan and there is no material reason to resist the proposal.

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

9.0 Recommendation

9.1 **Approve** subject to the planning conditions as set out below

1 The development hereby permitted shall be begun before 27.09.2025.

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

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

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

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

Reason: To satisfy the Local Planning Authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with

section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

- 4 Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS. A record of the meeting will be forwarded to the LPA Tt officer for approval.

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

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

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

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

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

- 7 No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority.

The principal areas of concern that should be addressed are:

- i) Movement and control of muck away vehicles (all loading and unloading should be undertaken where possible off the adopted public highway)

- ii) Contractor parking, with all such parking to be within the curtilage of the site where possible
- iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible.)
- iv) Control of dust, mud and debris, and the means to prevent mud or debris being deposited onto the adopted public highway.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that before development commences, highway safety will be maintained during the course of development. (Cambridge Local Plan 2018 Policy 81).

- 8 No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.
- The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Surface Water Drainage Strategy prepared by MTC Engineering (Cambridge) Ltd (ref: 2415-FRA&DS-Rev E) dated November 2020 and shall also include:
- a) Full results of the proposed drainage system modelling for the QBAR, 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 an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - c) Full details of the proposed attenuation and flow control measures;
 - d) Site Investigation and test results to confirm infiltration rates;
 - e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - f) Full details of the maintenance/adoption of the surface water drainage system;
- The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

The maintenance plan shall be carried out in full thereafter.

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. (Cambridge Local Plan 2018 policies 31 and 32).

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

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

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

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

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

- 11 No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences.
(Cambridge Local Plan 2018 policy 61)

- 12 No development shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include brickwork; windows; doors and entrances; porches and canopies; roof cladding; external metal work, rainwater goods, edge junctions and coping details; colours and surface finishes. Development shall be carried out in accordance with the approved details.

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

- 13 No brickwork above ground level shall be laid until a sample panel 1.5x1.5m has been prepared on site detailing the choice of brick, bond, coursing, mortar mix, design and pointing technique. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved sample panel is to be retained on site for the duration of the works for comparative purposes, and works will take place only in accordance with approved details.

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

- 14 The flat roof(s) hereby approved shall be a Green Roof or Brown Roof in perpetuity unless otherwise agreed in writing by the Local Planning Authority. A Green Roof shall be designed to be partially or completely covered with plants in accordance with the Cambridge Local Plan 2018 glossary definition, a Brown Roof shall be constructed with a substrate which would be allowed to self-vegetate.

Reason: To ensure that the development integrates the principles of sustainable design and construction and contributes to water management and adaptation to climate change (Cambridge Local Plan 2018 policies 28 and 31)

- 15 The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: To prevent surface water discharging to the highway, in the interests of highway safety (Cambridge Local Plan 2018 policy 81).

- 16 Prior to the first occupation or bringing into use of the development, hereby permitted, two pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access.

The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

- 17 The vehicular access and driveway hereby approved shall be constructed using a bound material for the first 5 metres from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. The motor vehicle access to the development shall be at least 5m wide for a distance of at least 5m into the applicant's property from the boundary of the adopted public highway, to enable two average sized domestic vehicles to pass each other with relative ease while both are off the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

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

- 18 The premises shall be used for serviced apartments only and for no other purpose (including any other purpose 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 and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt, and because use of the building for any other purpose would require re-examination of its impact. (Cambridge Local Plan 2018 policies 35, 55, 57, and 81)

- 19 The development shall not be occupied until a management plan for the use of the buildings hereby approved has been submitted to, and approved in writing by, the local planning authority. The management plan shall include details of the following matters:

- o Staffing proposals for management of the facility;
- o Control, including timing of 'check ins' and 'check outs';
- o Control of use of the external courtyards and communal areas, and preclusion of their use as an event space with amplified sound;
- o Control of access to the serviced accommodation;
- o Control of access to individual floors of the serviced accommodation, and
- o Control of access from the street to the rear courtyard.

The measures shall be implemented in strict accordance with the approved details prior to the first occupation and shall thereafter be retained as such.

- 20 The maximum cumulative stay in the serviced apartments by any individual occupier shall be 90 days in any twelve months.

Reason: To ensure that the serviced apartments are not used as permanent residential accommodation or student accommodation, which would give rise to substantially different impacts and because the scheme may otherwise require the need for affordable housing, or a formal agreement to occupy with an educational institution. (Cambridge Local Plan 2018 policies 45, 46, 50, 51, 77 and 78.)

- 21 The facility Manager shall keep records of the lengths of stay of all guests and shall retain them for 24 months. The said records shall be made available to the local planning authority on request, within seven days.

Reason: To ensure that use of the proposed building only as visitor accommodation can be satisfactorily monitored (Cambridge Local Plan 2018 policy 77).

- 22 No operational plant, machinery or equipment both internal and external shall be installed until a noise assessment and any noise insulation / mitigation scheme as required to mitigate and reduce to a minimum potential adverse impacts has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved and retained as such.

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

- 23 Prior to the installation of any external artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any external artificial lighting of the site and an external artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken. External lighting on the development must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

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

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 34)

- 24 If unexpected land contamination is encountered whilst undertaking the development, works shall immediately cease on site until the Local Planning Authority has been notified and the contamination has been fully assessed and a remediation strategy has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

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

- 25 Prior to the installation of any electrical services within the site a scheme for the following shall be submitted to and approved in writing by the local planning authority:
- a) An electric vehicle charge point scheme demonstrating a minimum of 50% provision of dedicated active slow electric vehicle charge points with a minimum power rating output of 7kW to the parking spaces, designed and installed in accordance with BS EN 61851;
 - b) The provision of passive electrical charging infrastructure, including cable ducting, to enable the future installation and activation of vehicle charge points to the remaining car parking spaces.

The scheme as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

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

- 26 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).

- 27 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 28 No development above ground level, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

These details shall include proposed finished levels or contours; means of enclosure and boundary treatment including details of planting buffer

and acoustic fence alongside access road adjacent to 13 Queen Edith's Way and brick wall to boundary with Holbrook Close ; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); retained historic landscape features and proposals for restoration, where relevant.

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

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

- 29 Prior to first occupation or the bringing into use of the development, hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be managed in accordance with the approved details.

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

- 30 Prior to the commencement of development above slab level a scheme of biodiversity enhancement shall be supplied to the local planning authority for its written approval. The scheme must include details as to how a 10% net gain in biodiversity has been accomplished.

The scheme shall include:

Gaps in boundary treatments to ensure hedgehog and amphibians can move between adjoining gardens.

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

Tree and shrub planting for nesting birds, integrated bird and bat box provision, planting for pollinators

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

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

- 31 The development hereby permitted shall not be occupied until a management plan for waste storage, which specifies how waste will reach the storage area, how the storage area will be secured, monitored and cleaned, how waste collection teams will access the area and how bins will be returned to storage, has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to thereafter.

Reason: To ensure appropriate waste storage (Cambridge Local Plan policy 57)

- 32 No occupation of any buildings shall commence until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall specify the methods to be used to discourage the use of private motor vehicles and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the local planning authority.

The approved security management plan shall be implemented prior to occupation and maintained thereafter.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81) and to avoid car parking impact in surrounding streets. (Cambridge Local Plan 2018 policy 82)

- 33 Prior to first occupation of the development, hereby permitted, or commencement of the use, full details of facilities for the covered, secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or the use commences and shall be retained in accordance with the approved details thereafter.

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

- 34 Prior to the first occupation of the development, hereby permitted, the Blue Badge Parking Spaces shown on plan reference 2661-10-03-B shall be provided on site in accordance with the approved drawing. The car parking spaces shall be provided in accordance with the approved drawings and shall be retained thereafter.

Reason: To ensure that provision is made for disabled and inclusive parking. (Cambridge Local Plan 2018 policy 82)

- 35 Prior to the occupation of the development, hereby permitted, the first-floor side facing windows in the east and west elevation of Block A and the first and second floor side facing windows in the east and west elevations of Block B, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent to a level of 1.7 metres above internal floor level and shall be non-openable below 1.7 metres. The glazing shall thereafter be retained in perpetuity. No other openings shall be made to the side elevations of the building without the express consent of the Local Planning Authority.

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

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

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

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

Reason: To accord with the provisions of Cambridge City Council Public Art SPD (2010) and policies 55 and 56 of the Cambridge Local Plan 2018.

- 37 The development, hereby permitted, shall not be used or occupied until revised carbon calculations are submitted showing that the proposed development delivers at least a 19% reduction in carbon emissions

compared to Part L 2013. Further information should also be submitted in relation to the proposed communal air source heat pumps, including details of ducting to connect the heat pumps to the outside air. Any associated renewable and/or low carbon technologies shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority before the development is first occupied.

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

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

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

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

- 39 The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of residential safety (Cambridge Local Plan 2018 policy 56).

- 40 Prior to first occupation of the development, hereby permitted, or commencement of the use, full details of facilities for the covered, refuse store for use in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or the use commences and shall be retained in accordance with the approved details thereafter.

Reason: To ensure appropriate provision for the secure storage of waste. (Cambridge Local Plan 2018 policy 56)

- 41 Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall enter or leave the site only between the hours of 09.30hrs - 15.30hrs, Monday to Friday and 09:30hrs - 13:00hrs Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

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

Informatives

- 1 To satisfy and discharge Environmental Health conditions relating to artificial lighting, contaminated land, noise / sound, air quality and odours / fumes, any assessment and mitigation shall be in accordance with the scope, methodologies and requirements of relevant sections of the Greater Cambridge Sustainable Design and Construction SPD, (Adopted January 2020) <https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-and-construction-spd> and in particular section 3.6 - Pollution and the following associated appendices:
 - o 6: Requirements for Specific Lighting Schemes
 - o 7: The Development of Potentially Contaminated Sites in Cambridge and South Cambridgeshire: A Developers Guide
 - o 8: Further technical guidance related to noise pollution
- 2 The waste storage compound shall be constructed in accordance with RECAP Waste Management Design Guide Supplementary Planning Document Adopted February 2012, Appendix D.

Permanent ventilation provided at the top and bottom;
An impervious floor;
Walls constructed of/lined with, a hard impervious material suitable for washing down;
Adequate drainage.
- 3 Given the nature of the proposed development it is possible that a crane may be required during its construction, would draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the Cambridge Airport before erecting a crane in close proximity to an aerodrome.

This is explained further in Advice Note 4, Cranes and Other Construction Issues (available at AN 04 Cranes Other Construction Issues - 2016)

(aoa.org.uk) and CAA CAP1096 Guidance to crane users on aviation lighting and notification (caa.co.uk).

All crane details should be submitted to the following address:
airport.safeguarding@marshalladg.com

- 4 The Sustainability Statement (Ref: TH/CC/P19-1850/02 Rev A) produced by Create Consulting Engineers Ltd and dated March 2020 suggests that a communal air source heat pump (ASHP) and individual ASHPs will be installed for the provision of heating and hotwater. Should this change where new developments produce combustion emissions to air all gas boilers must have low NOx emissions (boilers that meet a dry NOx emission rating of 40mg/kWh).
- 5 The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.

Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs



Appeal Decision

Hearing held on 31 August 2022

Site visit made on 1 September 2022

by Simon Warder BSc(Hons) MA (DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/Q0505/W/22/3298101 11 Queen Edith's Way, Cambridge CB1 7PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by GCR Camprop Eight Ltd against the decision of Cambridge City Council.
 - The application Ref 20/02172/FUL, dated 10 March 2020, was refused by notice dated 12 November 2021.
 - The development proposed is described as 'The erection of new buildings to provide 53 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works.'
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of new buildings to provide 40 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works at 11 Queen Edith's Way, Cambridge CB1 7PH in accordance with the terms of the application, ref 20/02172/FUL, dated 10 March 2020, subject to the conditions set out in the attached schedule.

Application for costs

2. Prior to the hearing an application for costs was made in writing by GCR Camprop Eight Ltd against Cambridge City Council. This application is the subject of a separate decision.

Preliminary Matters

3. During the course of the determination of the application a revised proposal was submitted. Among other things, the revised proposal reduced the number of units to 40. The Council determined the application on this basis. This appeal decision is based on the revised proposal and reflected in the description of development in paragraph 1 above.
4. The appellant submitted an additional drawing (drawing number 3-02 'Street Elevation') shortly before the hearing and submitted a revised version following the hearing. The drawing is for illustrative purposes only and does not alter the proposal determined by the Council. The applicant also submitted an addendum to the Flood Risk Assessment. The Council did not object to either submission and I have taken them into account.

Main Issues

5. The main issues in this case are:

- the effect of the proposal on the character and appearance of the area;
- the living conditions of neighbouring occupiers, with particular regard to noise and disturbance;
- whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to the size of the units and the provision of internal and external community facilities.

Reasons

Character and appearance

6. The appeal site comprises a generally rectangular plot on the north side of Queen Edith's Way and, to that extent, is typical of the area. A group of buildings formerly sat towards the rear of the plot, but have been demolished. Fairly substantial two storey dwellings flank the site to the east (No 13) and west (No 9), although the former is located considerably further back from the road frontage. To the north (rear) is a single storey dwelling accessed from Holbrook Road.
7. Larger, multi-unit developments are located on the north side of Queen Edith's Way. Although some occupy corner locations, others do not and there is no locally distinctive pattern to their distribution. As such, the siting of a larger building on the appeal site would not be at odds with the prevailing pattern of built form in the area.
8. The proposal would include essentially four buildings, albeit that two (Blocks A and B) would be linked. The front of Block A would sit some 4m back from the front of No 9 and Block B a similar distance back from the front of No 13. As a consequence, Block A would project forward of No 13 by a considerable distance. Its eastern flank wall would, therefore, take up the transition in the building lines to the east and west of the site. Although the difference in building lines is particularly pronounced at this point, there are other variations along this section of the road and a uniform building line is not a strong characteristic of this run of buildings.
9. Moreover many of the plots, including the appeal site and those to the east and west, have established planting along their frontage as well as occasional ancillary buildings. This helps to screen the main buildings from street views and blurs the variation in building lines. The flank wall of Block A would be obvious in oblique views from the front windows and gardens of No 13 and, to a lesser extent, Nos 15 and 17. I deal with the effect on the living conditions of occupiers below. However, even taking these views into account, I consider that the siting of Block A would not unduly reduce openness and would not have a harmful effect on the character and appearance of the area.
10. The land in the area generally slopes down from west to east. In particular there is a notable drop in the ground level between the appeal site and No 13. There are also variations on building heights along this section of the road. Whereas most of the more established properties are domestic in scale and two

storeys tall, the most recent multi-unit developments have a larger scale and are two and a half or three storeys high.

11. The appeal proposal would be similar in scale and height to the multi-unit developments. In terms of immediate relationships, at their highest the ridgelines of the proposed buildings would be around 2.4m higher than the ridge of No 13 and some 1.6m taller than the ridge of No 9.
12. On both sides the roofs closest to the respective boundaries would slope down to lower eaves levels. Adjacent to No 13 Block B would be set in from the boundary by some 3.5m and adjacent No 9, the nearest element of Block A would have a single storey flat roof. These features would mediate the difference in height between the appeal buildings and their neighbours.
13. The front elevation of Block A would be composed of two asymmetric gables, each faceted above ground floor level and finished in differing brick colours. The fenestration would make plain the building's three storeys and although the windows would be fairly large and un-subdivided, their positioning within a predominantly brick elevation would help to give the building a domestic appearance. The overall effect would, nevertheless, be something of a departure from the traditional gabled elevations which characterise the established properties in the area. However other, more recent developments, such as Alfred Close and Wessex Court, add variety to the way that gable forms are used. The appeal proposal would fall within this range of forms and the articulation present in the front elevation of Block A would help to break down its scale.
14. Given the variations in height and scale that are present in the relationships between multi-unit buildings and their more established neighbours elsewhere in the vicinity, I find that the height and scale of the appeal proposal would not be out of place or create jarring relationships with neighbouring buildings.
15. The proposal includes a vehicle ramp down to a basement parking area. Again, this arrangement would not be typical of the more established properties in the area, but nor would it be unique in this section of Queen Edith's Way. I saw, for example, a ramp under construction in the development at 291 Hills Road. The proposed ramp would be publicly visible from a short length of the highway at the site entrance, but those views would be curtailed by frontage planting. Given also that most of the structure would be below ground level, the ramp would not be prominent or discordant in the street scene.
16. The proposal would retain the protected trees on the site frontage and make provision to secure the protected tree close to the western boundary. Details of additional planting could be secured by condition. Therefore, I consider that the landscaping proposals would be satisfactory.
17. The Council's statement raises other concerns under the 'character and appearance' reason for refusal.
18. The building entrance would be to the rear of Block A and, therefore, not visible from the site entrance. As such, it would not assist the legibility of the building from the street and may be perceived to create a less welcoming sense of arrival or offer natural surveillance. However, the pedestrian entrance to the site and the route to the building entrance would be clearly defined and I have already found that frontage planting would restrict views of the proposed

building from the street. Consequently an entrance at the front of the building would not be readily apparent from the street and so would not greatly assist in the legibility or the sense of arrival in this case. The front elevation of Block A would contain a number of large windows serving rooms that could be expected to be well used. This would provide natural surveillance of the front of the site.

19. The appellant confirmed that its intention is to provide level access at the building entrances. Notwithstanding what is shown on the submitted elevations, the provision of level access could be secured by condition. The site layout would require cycle users to go through the link building between Blocks A and B in order to get to the cycle parking from the site entrance. Although not ideal, there would be a direct route through the building using directly opposing doors which, together with level access provision, would minimise the inconvenience for users of the cycle parking.
20. The path between the site entrance and the building entrance would be 1.49m wide at one point adjoining a chimney breast. While this would be too narrow to allow wheelchair users to pass one another, it would be an isolated 'pinch point' and users could pass elsewhere along the route without undue inconvenience. Details secured by condition could ensure that the path as it passes round the planted area immediately adjoining the building entrance is sufficiently wide to comfortably accommodate all intended users.
21. The appellant confirmed that there would be no gate or other physical restriction to vehicles entering the proposed underground parking. Security would be achieved through the presence of on-site management staff assisted by CCTV. Further, that the parking area would have spaces reserved for delivery and service vehicles. The height and layout of the basement would allow access by small commercial vehicles. The appellant's Transport Statement (section 5.1) and suggested condition 17 indicate that the site access would be 5m wide for at least 5m in from the site boundary. This would provide space for two vehicles (of the size intended to use the basement parking) to pass one another. The appellant advised that special arrangements would need to be made for any larger vehicles visiting the site and that this would be organised by the on-site management. Given the nature of the proposal, occupiers would be unlikely to require furniture or other bulky items to be delivered by large vehicles.
22. I consider that the proposed access and service and delivery arrangements would be adequate for the type of occupation proposed in this case. In reaching this view, I am mindful that the Council's highways consultee did not object to the application, highway safety was not a reason for refusal and the Council presented very limited substantive evidence in support of its concerns on this matter.
23. The appellant submitted an addendum to its Flood Risk Assessment which finds that the difference between the permeable areas in the originally submitted and revised schemes would not undermine the proposed surface water drainage strategy. The details of the strategy would, in any event, be subject to further approval. The Council did not dispute the findings of the addendum. Nor did it challenge the appellant's contention that the lift overrun in Block B could be contained within the roof slope as shown on the submitted elevation drawing. I have no reason to doubt either proposition.

24. Overall therefore, I find that the proposal would not have a harmful effect on the character and appearance of the area. As such, it would not conflict with Policies 55, 56, 57 or 59 of the Cambridge Local Plan 2018 (LP). Among other things, these policies require proposals to respond positively to their context using appropriate local characteristics to help inform their siting, massing, scale, form and landscape design and retain and protect existing site features which contribute to the character of the area. Proposals should also create attractive and appropriately scaled built frontages and natural surveillance and an integrated approach to the design of routes and spaces, surface water management and cycle parking as well as being convenient, safe and accessible for all users.

Living conditions of neighbouring occupiers with particular regard to noise and disturbance

25. The proposed units would be occupied as serviced apartments with a maximum stay of 90 days. The appellant expects that around two thirds of the occupation would be for business purposes, with the remainder for leisure purposes. The example of the layout of the apartment in the Design and Access Statement shows a kitchen area with a sink, cooker and space for other appliances, a sitting area as well as a bed space and separate shower room. The apartments would, therefore, have a reasonable range of facilities for day-to-day living.
26. The proposal includes a communal area in the link between Blocks A and B which, the appellant anticipates, would be used as a 'break out space' and to provide light refreshments. While this not may add substantially to the on-site facilities available to occupiers, nor am I persuaded that occupiers would need to be unduly reliant on takeaway restaurants, launderettes and the like during their stay.
27. The Inspector in the appeal decision¹ for serviced apartments cited by the appellant came to a similar conclusion. The Council cites an appeal decision² where a different conclusion was reached. However, the proposal in that appeal was for a 'short term C1 use apart hotel' which implies generally shorter stays than is expected in the current proposal. That said, given the proposed occupancy restriction, there would be a greater turnover of people moving into and out of the apartments than would be the case in 'long-term' housing.
28. Some evidence was presented on movements at a generally similar scheme in Leeds (Claremont apartments) and the Council's consideration of other schemes in Cambridge (Chesterton Road and Romsey Labour Club). While there was some dispute over precisely how comparable these schemes are, they appear to involve broadly similar forms of occupation. The evidence does not indicate that such forms of occupation lead to a particularly high number of movements by car or on foot.
29. In particular, the analysis of the Leeds scheme (in the appellant's Transport Statement) does not show a large number of movements in the later evening period and, throughout the day, the majority of movements were on foot. While the analysis is limited to Friday and Saturday movements, the Council did not dispute the appellant's contention that these are likely to be the busiest

¹ Appeal ref: APP/H5390/W/20/3247709

² Appeal Ref: APP/M4510/W/20/3255882

- days. The Council also accepted that the appeal site is reasonably well located for access to local facilities, public transport and employment opportunities.
30. Local objectors argue that the appeal site is not as well served by shops, restaurants and the like as the Leeds scheme. Even if that is the case, leading to relatively more car use, the basement parking provision would help to contain the activity and mitigate the noise effect on neighbouring occupiers of vehicles starting, doors slamming and so on.
 31. The pedestrian and vehicle route from the site entrance to the building entrance would be closer to No 13 than No 9. The proposal includes an acoustic fence on the boundary with No 13 which would reduce noise travel. I also saw on the site visit that there are no windows facing the site in the flank wall of No 13.
 32. Occupiers of Blocks C1 and C2 would need to go to the link building to get to the communal facilities and through it to get to the site entrance. This would involve going through two external doors, although they could be fitted with closing mechanisms to ensure that they do not slam. The siting of Blocks C1 and C2 would, for the most part, span the northern site boundary. As such, although the Holbrook Road property is located fairly close to the boundary, the siting of the buildings would have a screening effect.
 33. There is no substantive evidence to indicate that occupiers would congregate outside of the buildings or be less respectful of neighbours than occupiers of other forms of accommodation. Moreover, a condition has been suggested to secure the implementation of a management plan that would, among other things, control the use of external areas and movements through the site. Noise from proposed mechanical plant could be controlled by condition.
 34. Both parties have referred to appeal decisions³ for serviced apartment schemes where noise and disturbance was a consideration. Although I have had regard to these decisions, such effects tend to be context-specific and so the decisions have not been decisive. Moreover, the proposal in the decision cited by the Council was for a hotel which would likely generate different movement patterns from the appeal use.
 35. In order to ensure the privacy of the occupiers of Nos 9 and 13, a condition could be used to require the use of obscured glazing in the windows of Blocks A and B facing those properties. There would be no windows in the rear elevation of Block C2 or the end elevation of Block C1. The Council advise that the north-facing windows of Block B would be set back from the boundary with the neighbouring Holbrook Road properties by some 23m. This would be sufficient to safeguard the privacy of those occupiers.
 36. While there would be some shadowing of the rear gardens of No 9 in the morning and No 13 in the afternoon, it would occur for a limited period and affect a relatively small proportion of the garden. As such, I consider that it would not have an undue adverse effect on the living conditions of the occupiers of those properties.
 37. Taking all of these factors into consideration, I find that the overall number of comings and goings at the appeal site would not be unduly high and that the living conditions of neighbouring occupiers would not be harmed by noise and

³ Appellant - Appeal ref: APP/Q1445/W/21/3273913, Council - Appeal ref: APP/A5720/W/20/3262296

disturbance. Nor would the proposal have other harmful effects on the living conditions of neighbouring occupiers.

38. Therefore, the proposal would not conflict with LP Policy 35 which requires development to demonstrate that it would not lead to significant adverse impacts on health and the quality of life from noise and that noise impacts can be adequately mitigated. Nor would it conflict with LP Policy 56 insofar as it requires proposals to be inclusive, safe and enjoyable or National Planning Policy Framework (the Framework) paragraph 130 which requires proposals to achieve a high standard of amenity for existing occupiers.

Living conditions of future occupiers

39. The Council's statement refers to LP Policy 50 which reproduces the Nationally Described Space Standards for housing. As such, it is not directly applicable to the approval proposal which is for a 'sui generis use' and the Council acknowledged that the policy should be treated as a source of guidance only.
40. I have already found that the example apartment layout in the appellant's Design and Access Statement shows how adequate facilities for day-to-day living suitable for relatively short stay occupation could be provided. While detailed floor plans for all of the units have not been submitted, the units are broadly the same size and configuration and there is no firm evidence to show that a similar standard of accommodation could not be provided throughout. The appellant advised that the units in the developments approved by the Council at Chesterton Road and Romsey Labour Club are, if anything, slightly smaller on average than those in the appeal proposal. The Council considered that the other schemes provide more on-site communal facilities although, in this case, the communal area would do no more than supplement the facilities within the units.
41. Notwithstanding that the matter does not appear in the third reason for refusal or the committee reports, the Council's statement also raises concerns regarding the lighting and ventilation of the units. The single aspect, 'studio' layout of the units would restrict the direct natural light reaching the bedspaces and around half of the units would be north facing. However, most units would be served by large, full height windows that would provide a reasonable level of indirect light including to the bedspaces. Two of the units would be served by rooflights and so would receive a lower overall level of natural light. However, the height and position of the rooflight would help to ensure that the light would be spread more evenly through the unit. Ventilation and heating would be dealt with separately under the Building Regulations. Consequently I consider that these matters do not justify refusal of the appeal.
42. Overall, therefore, having regard to the nature of the occupation proposed, I find that the size of the units and the level of communal facilities provided would be adequate to achieve satisfactory living conditions for future occupiers. The proposal would not, therefore, conflict with LP Policy 56 to the extent that it requires proposals to be attractive, high quality, useable, safe and enjoyable. Nor would it conflict with Framework paragraph 130 to the extent that it requires proposals to achieve a high standard of amenity for future occupiers.

Other Matters

43. Concern has been expressed locally regarding the lack of consultation at the application stage and the use of the appeal process. There is no substantive evidence to show that the application was not properly publicised at the application stage. Indeed, the number of consultation responses received by the Council suggests a wide awareness of the application. The legislation allows for an applicant to appeal against a refusal of planning permission by the Council and my decision is based on the planning merits of the proposal.
44. It has been argued that the site coverage of the appeal proposal would be greater than other recent multi-unit schemes. While I have no reason to doubt the figures presented, a purely quantitative analysis of a single plot may not tell the whole story. I have considered the specific effects of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupier and found it to be acceptable.
45. It has been suggested that the proposal would not provide the level of facilities and access to local services offered by 'apart-hotel' schemes in Cambridge. However, the proposal is for serviced apartments which I have found would provide for the day-to-day living requirements of occupiers. How attractive the size and quality of the units would be to business occupiers is a commercial matter.
46. The former buildings on the appeal site were used as a care home. It has been contended that the proposal would conflict with LP Policy 47 which presumes against the loss of specialist housing, including care homes. However, as the buildings have been demolished, the loss has already occurred. Policy 77 of the LP supports the provision of high quality visitor accommodation. Although the appeal site is not within the city centre or the locations listed in the policy, it does front a main road and is close to bus services as well as Addenbrooke's Hospital and the bio-medical campus. Notwithstanding that the supporting text to the policy seeks to quantify the need for visitor accommodation, the policy itself does not limit such provision. Policy 77, therefore, supports the appeal proposal.
47. It has been suggested locally that a stream crosses the site and that the development could lead to an increased risk of flooding. A Flood Risk Assessment has been submitted by the appellant and found to be acceptable by Cambridgeshire County Council as lead local flood authority. Details of the surface water drainage system could be secured by condition.
48. The provision of 14 car parking spaces would comply with the standard for hotel use at Appendix L of the LP. Although the appeal proposal is for a somewhat different use, there is nothing to suggest that this standard does not provide a reasonable guide to the number of car spaces required. Refuse and recycling storage would be in the basement with handling and collection organised by the on-site management staff in accordance with a plan to be secured by condition. The Council has not objected to this arrangement and there is no firm evidence to show that it would be unworkable.

Conditions

49. The agreed Statement of Common Ground includes a list of 42 suggested conditions. These were discussed at the hearing and the appellant confirmed

its agreement to the pre-commencement conditions. The parties also agreed that condition 30 repeats some of the requirements of condition 28 and could be deleted. Condition 42 is redundant following the Council's acceptance that the lift overrun could be contained within the roof space of Block B. It was also found that conditions 19 and 33 could be replaced by a single condition and agreed wording was submitted by the parties (condition 19 in the schedule below).

50. A list of approved plans is necessary in the interests of certainty. Conditions to secure the provision, approval and implementation of an Arboricultural Method Statement and Tree Protection Plan, the holding of a pre-commencement meeting on arboricultural matters and to secure the replacement of retained trees are required to ensure the protection of retained trees and the landscape character of the area.
51. A condition requiring the approval and implementation of a construction phase traffic management plan is necessary in the interests of highway safety. Conditions to control the falls, levels and materials of the proposed access and the provision of visibility splays are required for the same reason. In order to ensure the proper drainage of the site and prevent flooding, a condition is required to secure a surface water drainage strategy in accordance with the submitted Flood Risk Assessment as amended.
52. Conditions to secure the approval and implementation of a dust management scheme, an artificial lighting scheme and noise management, assessment and mitigation schemes are necessary to safeguard the living conditions of neighbouring occupiers. Conditions controlling construction working hours and deliveries are required for the same reason, as is a condition requiring the use of obscured glass in the upper floor side windows of Blocks A and B.
53. A condition to secure an archaeological written scheme of investigation is necessary to protect the historic environment. Conditions requiring details of external materials and a sample panel of brickwork are necessary to safeguard the character and appearance of the area. For the same reason, a condition is necessary to secure a public art delivery plan.
54. Conditions to ensure that the proposed flat roofs are 'Green' or 'Brown' and the provision of carbon emission calculations, details of the proposed communal air source heat pumps and water use specifications are necessary in the interests of sustainable design.
55. Conditions to secure the provision and implementation of schemes for electric vehicle charging points and passive charge infrastructure, a Travel Plan and cycle parking are required in the interests of sustainable travel and air quality. A condition controlling the details of disabled parking provision is necessary in the interests of inclusion.
56. Conditions to specify the use of the units, the maximum stay of occupants and a record of stays are required in the interests of certainty of the use and to safeguard the living conditions of neighbouring occupiers. Conditions to secure the approval and implementation of a management plan for the operation of the units and the management of waste are also required to safeguard the living conditions of neighbouring occupiers.

57. A condition dealing with unexpected land contamination and the provision of a remediation strategy is necessary in the interests of environmental and public safety. Conditions to secure details of hard and soft landscaping and a landscape management plan are required to protect the character and appearance of the area. A condition to secure details of boundary treatments is required for this reason and to safeguard the living conditions of neighbouring occupiers.

58. A condition to secure a scheme of bio-diversity enhancement is necessary in the interests of bio-diversity and a condition to secure a scheme for fire hydrant provision is necessary in the interests of public safety.

Conclusion

59. I have found that the proposal would not have harmful effects on the character and appearance of the area or the living conditions of neighbouring or future occupiers. It would accord with relevant development plan policies. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR

Appearances

FOR THE APPELLANT

Richard Turney	Of Counsel
Matt Hare	Planning, Carter Jonas
Glen Richardson	Urban Design, Carter Jonas

FOR THE COUNCIL

Tom Gray	Principal Planning Officer, Cambridge City Council
Gary Young	Urban Designer, Cambridge City Council

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

- Addendum to Flood Risk Assessment and Drainage Strategy
- Updated Street Elevation Drawing
- Suggested revisions to two conditions

Schedule of conditions attached to Appeal Ref: APP/Q0505/W/22/3298101 11 Queen Edith's Way, Cambridge CB1 7PH

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans as follows:
 - 1841-PL-4-10
 - Basement tracking plan
 - 1841-PL-(C1)2-12 REV C
 - 1841-PL-(C2)2-12 REV C
 - 1841-PL-1-10 REV D
 - 1841-PL-2-10 REV D
 - 1841-PL-2-11 REV C
 - 1841-PL-3-01 REV C
 - 1841-PL-3-10 REV C
 - •1841-PL-3-11 REV E
 - 1-01
3. Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any tree works are carried out and before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS

and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

4. Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS. A record of the meeting will be forwarded to the local planning authority Tree officer for approval.
5. The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.
6. If any tree shown to be retained in the approved tree protection methodology is removed, uprooted, destroyed or dies within five years of project completion, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
7. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the local planning authority. The principal areas of concern that should be addressed are:
 - i) Movement and control of muck away vehicles (all loading and unloading should be undertaken where possible off the adopted public highway);
 - ii) Contractor parking, with all such parking to be within the curtilage of the site where possible;
 - iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible.);
 - iv) Control of dust, mud and debris, and the means to prevent mud or debris being deposited onto the adopted public highway.

The development shall be carried out in accordance with the approved details.

8. No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first unit.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Surface Water Drainage Strategy prepared by MTC

- Engineering (Cambridge) Ltd (ref: 2415-FRA&DS-Rev E) dated November 2020 and the FRA & DS Addendum – August 2022 and shall also include:
- a) Full results of the proposed drainage system modelling for the QBAR, 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 an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - c) Full details of the proposed attenuation and flow control measures;
 - d) Site Investigation and test results to confirm infiltration rates;
 - e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - f) Full details of the maintenance/adoption of the surface water drainage system. The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG. The maintenance plan shall be carried out in accordance with the approved details thereafter.
9. No development shall commence until a scheme to minimise the spread of airborne dust from the site, including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.
10. No development shall commence (including any pre-construction, demolition, enabling works or piling), until a written report, regarding the demolition/ construction noise and vibration impact associated with this development, has been submitted to and approved in writing by the local planning authority. The report shall be in accordance with the provisions of *BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites* and include full details of any piling and mitigation measures to be taken to protect local residents from noise and/or vibration. The development shall be carried out in accordance with the approved details only. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.
11. No development shall take place within the site until the applicant, or its agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- a) A statement of significance and research objectives;
 - b) A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

- c) A programme for the analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. The developer shall ensure that in drawing up its development programme, the timetable for the investigation is included within the details of the agreed scheme.
12. No development shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include brickwork; windows; doors and entrances; porches and canopies; roof cladding; external metalwork, rainwater goods, edge junctions and coping details; colours and surface finishes. The development shall be carried out in accordance with the approved details.
13. No brickwork above ground level shall be laid until a sample panel 1.5m x1.5m has been prepared on site detailing the choice of brick, bond, coursing, mortar mix, design and pointing technique. The details shall be submitted to and approved in writing by the local planning authority. The approved sample panel shall be retained on site for the duration of the works for comparative purposes, and works shall take place only in accordance with approved details.
14. The flat roof(s) hereby approved shall be a Green Roof or Brown Roof in perpetuity unless otherwise agreed in writing by the local planning authority. A Green Roof shall be designed to be partially or completely covered with plants in accordance with the Cambridge Local Plan 2018 glossary definition; a Brown Roof shall be constructed with a substrate which would be allowed to self-vegetate.
15. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained in accordance with the requirements of this condition.
16. Prior to the first occupation or bringing into use of the development hereby permitted, two pedestrian visibility splays of 2m x 2m as shown on drawing number 1841/1-10 shall be provided each side of the vehicular access. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
17. The vehicular access and driveway hereby approved shall be constructed using a bound material for the first 5 metres from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. The motor vehicle access to the development shall be at least 5m wide for a distance of at least 5m into the appeal site from the boundary of the adopted public highway. Once constructed the driveway shall thereafter be retained in accordance with the requirements of this condition.
18. The premises shall be used for serviced apartments only and for no other purpose (including any other purpose 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 and re-enacting that Order with or without modification).

19. The development shall not be occupied until a management plan for the use of the buildings hereby approved has been submitted to, and approved in writing by, the local planning authority. The management plan shall include details of the following matters:

- Staffing proposals for management of the facility;
- Control, including timing of 'check ins' and 'check outs';
- Control of use of the external courtyards and communal areas, and preclusion of their use as an event space with amplified sound;
- Control of access to the serviced accommodation and the basement;
- Control of access to the basement lift;
- Control of access to individual floors of the serviced accommodation, and
- Control of access from the street to the rear courtyard.

The measures shall be implemented in strict accordance with the approved details prior to the first occupation and shall thereafter be retained as such.

20. The maximum cumulative stay in the serviced apartments by any individual occupier shall be 90 days in any twelve months.

21. The facility manager shall keep records of the lengths of stay of all guests and shall retain them for 24 months. The said records shall be made available to the local planning authority on request, within seven days.

22. No operational plant, machinery or equipment either internal and external shall be installed until a noise assessment and any noise insulation/mitigation scheme as required to mitigate and reduce to a minimum potential adverse noise impacts has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved and retained as such.

23. Prior to the installation of any external artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any external artificial lighting of the site and an external artificial lighting impact assessment, with predicted lighting levels at proposed and existing residential properties, shall be undertaken. External lighting at the development must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded). The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details/measures.

24. If unexpected land contamination is encountered whilst undertaking the development, works shall immediately cease on site until the local planning authority has been notified and the contamination has been fully assessed and a remediation strategy has been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

25. Prior to the installation of any electrical services within the site a scheme for the following shall be submitted to and approved in writing by the local planning authority:

- a) An electric vehicle charge point scheme demonstrating a minimum of 50% provision of dedicated active slow electric vehicle charge points with a minimum power rating output of 7kW to the basement parking spaces, designed and installed in accordance with BS EN 61851;
- b) The provision of passive electrical charging infrastructure, including cable ducting, to enable the future installation and activation of vehicle charge points to the remaining basement car parking spaces.

The scheme as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

26. No construction or demolition work shall be carried out and no plant or power-operated machinery used 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.

27. There shall be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the local planning authority.

28. No development above ground level shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure and boundary treatment including details of the planting buffer and acoustic fence alongside the access road adjacent to 13 Queen Edith's Way and the brick wall to the boundary with Holbrook Close; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); retained historic landscape features and proposals for restoration, where relevant.

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

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme which shall be previously agreed in writing by the local planning authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

29. Prior to first occupation or the bringing into use of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority. The landscaped areas shall thereafter be managed in accordance with the approved details.
30. Prior to the commencement of development above slab level a scheme of biodiversity enhancement shall be supplied to the local planning authority for its written approval. The scheme must include details of how a 10% net gain in biodiversity will be accomplished. The scheme shall include:
- Gaps in boundary treatments to ensure hedgehogs and amphibians can move between adjoining gardens;
 - Areas of vegetation to be retained and enhanced for nesting birds and proposed new planting;
 - Tree and shrub planting for nesting birds, integrated bird and bat box provision, planting for pollinators.
- The approved scheme shall be implemented in accordance with a programme which shall be previously agreed in writing by the local planning authority.
31. The development hereby permitted shall not be occupied until a management plan for waste storage, which specifies how waste will reach the storage area, how the storage area will be secured, monitored and cleaned, how waste collection teams will access the area and how bins will be returned to storage, has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to thereafter.
32. No occupation of any buildings shall commence until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall specify the methods to be used to discourage the use of private motor vehicles and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the local planning authority.
33. Prior to first occupation of the development hereby permitted, or commencement of the use, full details of facilities for the covered, secure parking of bicycles for use in connection with the development shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details before the development is occupied or the use commences and shall be retained in accordance with the approved details thereafter.
34. Prior to the first occupation of the development hereby permitted, three Blue Badge Parking Spaces shall be marked out as close to the lift core as possible and shall be retained for this purpose thereafter. The car parking spaces shall be provided in accordance with the approved drawings. The lift shall be positioned so that it has a 1.4 metre depth from the doorway and shall be retained thereafter.

35. Prior to the occupation of the development hereby permitted, the first floor side facing windows in the east and west elevation of Block A and the first and second floor side facing windows in the east and west elevations of Block B, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent to a level of 1.7 metres above internal floor level and shall be non-openable below 1.7 metres. The glazing shall thereafter be retained in perpetuity. No other openings shall be made to the side elevations of the buildings without the express consent of the local planning authority.

36. No development above ground level, other than demolition, shall commence (unless in accordance with a timetable previously agreed in writing by the local planning authority), until a Public Art Delivery Plan (PADP) has been submitted to and approved in writing by the local planning authority. The PADP shall include the following details:

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

The approved PADP shall be fully implemented in accordance with the approved details and in accordance with a timetable which shall be agreed in writing by the local planning authority. Once in place, the public art shall not be moved or removed otherwise than in accordance with the approved maintenance arrangements.

37. The development hereby permitted shall not be used or occupied until revised carbon calculations are submitted showing that the proposed development delivers at least a 19% reduction in carbon emissions compared to Building Regulation Part L 2013. Further details shall also be submitted of the proposed communal air source heat pumps, including details of ducting to connect the heat pumps to the outside air. Any associated renewable and/or low carbon technologies shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority before the development is first occupied.

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

38. The development hereby permitted shall not be occupied until a final water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015

edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

39. The development shall not be brought into use until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development.

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Agenda Item 6



Planning Committee Date	02 August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/01366/FUL
Site	Land Adj To 39 Hills Avenue, Cambridge, CB1 7UZ
Ward / Parish	Queen Edith's
Proposal	Change of use of land to allow siting of 4 modular homes to provide accommodation for homeless people, together with associated access and infrastructure, on Land adjacent to 39 Hills Avenue, Cambridge CB1 7UZ.
Applicant	Mr Chris Jenkin (It Takes a City Community Land Trust)
Presenting Officer	Sumaya Nakamya
Reason Reported to Committee	Land within ownership of the Council Application raises special planning policy or other considerations
Member Site Visit Date	TBC
Key Issues	1. Principle of Development 2. Character of the area 3. Residential Amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks the change of use of land to allow siting of 4 modular homes to provide accommodation for homeless people, together with associated access and infrastructure.
- 1.2 In terms of the impact upon the character and appearance of the area, the proposed siting of the development would project forward significantly from the established building line along Hills Avenue. This would in turn would result in a loss of openness created by the corner gardens at the junction of Hills Avenue and Baldock Way. It is therefore, considered that the siting of the development is out of character with the area and does cause a degree of visual harm to the streetscene. This carries moderate weight against the proposal in the overall planning balance.
- 1.3 The proposal will result in the loss of a community recreation area (Joy's garden) which has been established since 2019, although this is an unauthorised use of the land and therefore, carries negligible weight in the planning balance. Prior to this the site formed part of the garden of no.39, although this ceased in 2015. It is important to note this was not a fully enclosed space and therefore, was not completely private. Whilst the reduction in garden area for no.39 has impacted upon the overall quality of amenity space provision for these occupants, the property still benefits from a small rear garden and reasonably sized front garden. A 1.8m high front fence and gates has been built across the driveway to create a more private front garden. Given the length of time that the site has been severed from no.39 as a garden area, the impact upon the amenity of occupants of no.39 is not considered harmful and is neutral in the overall planning balance.
- 1.4 The proposal would provide a form of specialist housing to meet an acute need for homeless people. The standard of accommodation, which includes suitable internal living space and a balcony/patio for each pod, is considered to be of an acceptable design and of appropriate quality for the proposed occupants. This is considered to weigh significantly in favour of the proposal in the overall planning balance.
- 1.5 The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers by way of overlooking, loss of light or an unreasonable sense of enclosure.
- 1.6 Whilst the decision is finely balance, Officers recommend the Planning Committee **Approve** the development subject to conditions.

2.0 Site Description and Context

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

2.1 The application site is located on the corner north of Hills Avenue and east of Baldock Way. The site is on the land west of No. 39 Hills Avenue which was formerly a residential garden for this property. Since 2015 the land has been used as a community garden named Joys Garden.

2.2 The site is predominantly in a residential area and is characterised by two storey terrace and semi-detached houses with pitched roofs. There is general consistency in appearance in respect of building heights and widths, with each property having a discernible set back from the road. There is also a notable variety of designs and materials in the area. The gardens of neighbouring properties immediately south, southwest and northeast of the application site have notable large side and front gardens creating an openness on the junction of Hills Avenue and Baldock Way.

3.0 The Proposal

3.1 The proposal is for the change of use of land to allow siting of 4 modular homes to provide accommodation for homeless people, together with associated access and infrastructure, on Land adjacent to 39 Hills Avenue, Cambridge CB1 7UZ.

3.2 The proposed modular homes would be positioned in a staggered layout to the western boundary of the site facing towards Baldock Way (west of the site). The units will have a setback of approximately 5.3m from Baldock Way and approximately 1.2m to 2.6m from Hills Avenue. From the common boundary with No.39 Hills Road and the northern boundary with No.11 Baldock Way, a gap of approximately 1m is proposed.

3.3 Along the southwest is a sweetgum which has a tree preservation order (TPO), this tree will be retained. On the western side of the site is the apple tree, which is proposed for removal and, south of the site is the holly which will also be removed. Soft landscaping will be provided along this boundary. In the north-western corner of the site a covered bin storage

and 2no.sheffield hoop cycle stands are proposed, these will be next to the existing access to the site.

- 3.4 The proposed units would have a total internal space of approximately 32.6sq.m. A small patio/balcony on each unit will be provided for private amenity space. The units would be single storey constructed from combined oak and black timber effect cladding.

4.0 Relevant Site History

- 4.1 There is no relevant planning history on the application site.

5.0 Policy

5.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2021
Technical Housing Standards – Nationally Described Space Standard (2015)
ODPM Circular 06/2005 – Protected Species
Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
Policy 3: Spatial strategy for the location of residential development
Policy 28: Sustainable design and construction, and water use
Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 35: Human health and quality of life
Policy 47: Specialist housing
Policy 50: Residential space standards
Policy 52: Protecting Garden land and subdivision of dwelling plots
Policy 55: Responding to context
Policy 57: Designing new buildings
Policy 59: Designing landscape and the public realm
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 71: Trees
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Supplementary Planning Documents

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

5.4 Other Guidance

None relevant.

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 The Highways Authority has no objection to the proposal subject to the following conditions to be attached to the permission:

- A Contractors Parking Plan to be submitted for approval.
- Paved areas constructed with falls and levels for private water from the site drains across or onto the adopted public highway.
- Use of bound material for the paved areas.
- Requiring hedge or planter to the new buildings be set back at least 1m from the boundary.

6.3 Sustainable Drainage Officer – No Objection

6.4 The Council drainage Officer requested a condition to be attached to the permission:

- Details of surface water drainage scheme.

6.5 Ecology Officer – No Objection

6.6 The Ecologist Officer requested a condition to be attached to the permission requiring:

- An ecological enhancement, including bee lawn, bird and bat boxes and hedgehog gaps are detailed on a plan.

6.7 Tree Officer – No Objection

6.8 The Tree Officer requested a condition to be attached to the permission requiring:

- Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) for approval.
- A site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS.
- Compliance condition of approved tree protection methodology and its implementation.

6.9 Environmental Health – No Objection

6.10 The Council Environmental Health Officer requested the following condition to be attached to the permission:

- Construction hours

6.11 **Housing Advise Service – Support**

6.12 The Councils Housing Advise Service Officer supports the proposed development and have stated that the management of the site will be run by ITAC and all residents will be provided with a tenancy to give them security. At the time of writing, the tenancy will be an assured shorthold tenancy following the relevant legislation and case law. The Officer also explained that the modular homes will have staff for the residents to contact for tenancy related issues and should there be any issues outside of tenancy related issues, ITAC have assured us that additional support can be provided. In this unlikely event, patrols can be provided by a security company that both ITAC and the Council have used in the past. This is not used at any of the other modular homes sites; however, it provides the Officers with confirmation that there is a plan should the need arise.

7.0 **Third Party Representations**

7.1 Seventeen (17) representations have been received.

7.2 Those in objection have raised the following issues:

- Inappropriate used of land for homeless housing; it should be used for family housing.
- Character, appearance, and scale is out of keeping of the area due to single storey nature of the buildings and sited in front of the existing building lines of Hill Avenue.
- Nature of the development would lead to antisocial behaviour and safety on school children at Morley School.
- Inappropriate private amenity of No.39 Hills Road due to a reduced rear garden.
- The Tree Survey was made available on the 24 April 2023 therefore insufficient for public consultation.
- Impact on and loss of trees; the removal includes a TPO of the apple tree and impact on the canopy of the retained tree; there is also limited landscaping around the units.
- Climate crises
- Development of 4 modular units on a small plot of land is overdevelopment and would result inappropriate outdoor amenity space.
- The units on Barnwell Road are comparably different to the application site due to the significant constraints of the site.
- Residential amenity impact of future occupiers (impacts on enclosure and privacy)
- Loss of biodiversity as a result of the loss of the community garden
- Drainage issues

7.3 Those in support have raised cited the following reasons:

- Land used for homeless housing or council housing is an appropriate use of land.
- Limited loss of community garden; there is sufficient public amenity in the area.

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

8.0 Assessment

8.1 Planning Background

8.2 Based on information provided by the applicant, the site was subdivided off from the curtilage of no.39 in 2015 and, in 2019 began to be used by Queen Edith's Community Forum as a community garden known as Joy's Garden.

8.3 The Housing Strategy vision and objectives takes into account the objectives and priorities of the Homelessness and Rough Sleeping Strategy adopted by the Council for 2021 to 2026 when considering homes for the homeless. The Housing Strategy aims to prioritise the need to prevent and tackle homelessness and rough sleeping within Cambridge by providing secure homes with personalised support for individual challenges. The priorities are based on meeting objectives which are:

- Support those at risk of homelessness to remain in their homes where possible or to find a new home without an intervening period of homelessness.
- Improve access to a range of permanent accommodation.
- Minimise the use of temporary and emergency accommodation.
- Improve access to, and effectiveness of, support services.
- Prevent rough sleeping.
- Break the cycle of chronic and repeat street homelessness and rough sleeping.

8.4 The Planning Statement explains that the operation of the proposed units will be managed through referrals and each resident will be very carefully considered against a set of criteria that ensures the safety and peace of the other residents and of neighbours. The Planning Statement explains that those with high level needs will be directed elsewhere for accommodation. It states that the proposed development is unlikely to suit someone coming directly from rough sleeping. Therefore, the proposed modular homes will be ideal for occupiers that have spent time with either the It Takes A City (ITAC's) Crossways winter emergency accommodation project or similar settings. Also, those seeking to move-on from a hostel or coming from sofa-surfing to find their first home.

8.5 It is clear that ITAC will be responsible for the selection of occupiers at the application site. The comments from the Housing Advice Service Officer

and in line with the applicants supporting documents that there will be a local connection criterion used for the tenant is consistent with other Council policies. The Officer also explained that for modular houses like the proposed development the expected amount of time that a resident will stay will depend on their individual circumstances. However, move on times throughout supported accommodation generally last up to 2 years. Officers are of the view that at the end of the tenancy, avenues from Housing First through Home Link will be made available where the tenant can bid for a permanent accommodation.

8.6 Principle of Development

- 8.7 Policy 47 of the Cambridge Local Plan 2018 states that the development for specialist housing, subject to the development being:
- a. supported by evidence of the demonstrable need for this form of development within Cambridge;
 - b. suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and/or care;
 - c. accessible to local shops and services, public transport and other sustainable modes of transport, and community facilities appropriate to the needs of the intended occupiers; and
 - d. in a location that avoids excessive concentration of such housing within any one street or small area.
- 8.8 As part of the application information has been submitted by the applicant that outlines statistical evidence of issues relating to homelessness in the City. Accordingly, the Councils Housing Strategy and the Homelessness and Rough Sleeping Strategy outlines the acute need for homes specifically for homeless people within the Cambridge area. Officers acknowledge that there is a lack of suitable housing available for homeless people within Cambridge. However, the modular homes such as the proposed development will be designed so that they are suitable for the intended occupiers by providing supported and independent living that can be easily managed by the occupant. Therefore, Officers consider that the proposal responds to a clear need for such houses and as such, meets criteria (a) of the policy. Criteria (b) of the policy will be assessed in detail under sub-title 'Amenity of future occupiers.' Criterion (c) and (d) will also be assessed under subheading 'Context, Design, Layout, Scale and Landscaping' in the body of the report.
- 8.9 Policy 52 is relevant to this application given that the proposed development will be within a former garden of a residential dwelling. It states that development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:
- a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;
 - b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy

of retention due to their contribution to the character of the area and their importance for biodiversity;

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

8.10 As noted above in the Planning Background, the application site was part of the garden (curtilage) of No.39 Hills Avenue. However, since 2015 the site has not been used as a private residential garden, and was changed to a community garden (Joy's Garden). Although this is unauthorised in planning terms, an extensive period of time has passed since the existing garden has been used in association with a residential dwelling. Nevertheless there are concerns in terms of the impact upon the character and appearance of the area which is discussed in more detail below, along with the remaining criteria.

8.11 The principle of providing accommodation for the homeless is considered to outweigh the harm in terms of the loss of garden land.

8.12 Context, Design, Layout, Scale and Landscaping

8.13 Policies 52, 55, 57 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

8.14 A noticeable characteristic in the area is the openness at the road junction as a result of the garden spaces for these dwellings. The proposed pods would be located north of Hills Avenue facing towards Baldock Way. The existing building line along Baldock Way would be largely maintained due to a proposed set back of 5.3m from the road. However, along the frontage of Hills Avenue the proposed units will project significantly beyond the existing building line. Given the extent of the forward projection, Officers acknowledge that the prominence of the proposed modular houses will create a degree of visual harm in the street scene. However, the design of the modular house will be contemporary, single storey with a flat roof design and the entrances would be designed to add a domestic feel. Also, the combination of dark oak and black timber effect for the external cladding will create a lightweight appearance. Furthermore, a landscaping scheme within the site and an existing mature street tree in Hills Avenue will help mitigate the visual impact.

8.15 The applicant has confirmed that the proposal would be for a temporary period and has requested a condition for 10 years. This is not an insignificant period of time and is considered by Officers to be in excess of what can reasonably considered temporary for this type of

accommodation. A similar proposal in Newmarket Road was given a temporary period of 3 years. Officers recognise the need for a reasonable period of time to provide a meaningful period time to accommodate the pods, balanced against the visual impact upon the character of the area. On this basis a condition of 5 years is considered reasonable and a condition is proposed to this effect.

- 8.16 The siting of the proposed development is within a residential area where there are no such homes of this kind and, it will be in a sustainable location where nearby local shops and services are provided. The pods are located approximately 8 mins walk to a convenience store and 12 mins walk is a GP Surgery. There are frequent bus services along Hills Road which is 8 mins walk from the site. The proposed layout of the development will incorporate cycle store to further encourage sustainable modes of transportation.
- 8.17 The proposed development would not maintain the existing building line on Hills Avenue, resulting in a loss of openness and the development appearing out of character with the street scene. Although the pods are single storey and smaller in scale than existing dwellings, their appearance is not considered unacceptable. They would also be partly screened by existing and proposed vegetation. Nevertheless, the openness of the corner plots at this junction is a strong characteristic of the streetscene and the proposal will cause harm to this openness. On this basis the proposal is contrary to Cambridge Local Plan (2018) policies 55, 57 and 59 and the NPPF.

8.18 Trees

- 8.19 Policies 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.20 The application is accompanied by a Tree Survey prepared by Ligna Consultancy. The survey identified three trees on site and one tree that is on the public footpath in close proximity to the site. The apple tree (T3) and the Holly (T4) will be removed. The Hornbeam (T1) and the Sweetgum (T2) which has a tree protection order (TPO) will be retained.
- 8.21 The Council's Tree Officer has advised that based on the submitted Tree Survey, it is unclear why trees T2 and T4 have been given a quality assessment C1. The category given to these trees suggested that they are unremarkable trees of very limited merit or such impaired condition that they do not qualify for a higher category. The Officer advised that T2 is especially of a significant presence and its life expectancy means that it has the potential to provide amenity for decades.

8.22 The Officer supports the proposed trees for removal, however there is concerns with respect to the potential impact on the remaining tree T2 during the construction period and its viability post construction. The Officer has assessed that the proposed drainage pipes of 100mm diameter will be only 2m from the tree trunk. This would potentially affect almost a quarter of the tree's root protection area (RPA). Therefore, for the development to be arboriculturally acceptable it is recommended that the surface water drainage strategy is submitted for approval. A drainage strategy that avoids the root protection area (RPA) or use trenchless technology for installation is recommended. A condition will be imposed requiring the submission of a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP).

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

8.24 Biodiversity

8.25 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

8.26 For several years the site has been cultivated as a community amenity garden creating an area for biodiversity and a distinct openness and green landscaping character in this area. The supporting documents with the application confirm that the use of the site as a community garden was intended for a temporary period.

8.27 In consultation with the Council's Ecology Officer and is satisfied with the survey and recommends an appropriate condition. Officers are satisfied that the proposed development would achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with policies 57, 69 and 70 of the Cambridge Local Plan (2018).

8.28 Water Management and Flood Risk

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

8.30 The Drainage Officer raised no objection to the application and advised that a condition requiring details of a surface water strategy be submitted

for approval. Officers are therefore satisfied that the proposal would not amount to significant water drainage issues.

8.31 Subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

8.32 Highway Safety and Transport Impacts

8.33 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions requiring a contactors parking plan for approval. The site is located within a controlled parking zone and given the plot size, it is necessary for the applicant to demonstrate how vehicles will be controlled and regulated during construction.

8.34 Subject to conditions, Officers are satisfied that the proposal would not amount to any harm to highway safety. The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

8.35 Cycle and Car Parking Provision

8.36 Cycle Parking

8.37 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

8.38 The proposed cycle storage will be located north-western corner of the site in front of unit 1, abutting the boundary with Baldock Way. The proposed cycle storage would be covered and secure to ensure theft is minimised. Nevertheless, Officers are satisfied that the provision is adequate for the number of units proposed on site.

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

8.40 Residential Amenity

8.41 The NPPF and policies 35 and 52 of the Local Plan seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and

disturbance, overshadowing, overlooking, or overbearing and through providing high quality internal and external spaces.

Impact on amenity of neighbouring occupiers

- 8.42 The application site was formally part of the private garden of No.39 Hills Avenue. After the subdivision, the remaining rear private garden for No. 39 Hills Avenue is approximately 39.5 sqm. There is also a large front garden which measure approximately 89 square metres. This has been partly enclosed to the front to improve privacy and therefore, provides further amenity space for the occupier of No.39 Hills Avenue. It should be noted that given the location of the garden, it was not a fully enclosed private space, even when it was within the curtilage of no.39. The loss of the private garden space does detract from the overall quality of amenity space available to the occupiers of no.39 however, this has been the arrangement since 2015. Given the passage of time that has passed and the level of outdoor amenity space that is still available, on balance, the existing situation is not considered to be harmful to the amenity of the occupiers of no.39.
- 8.43 The 4 pods would occupy a significant proportion of the total site area which is 327sqm. However, by virtue of the proposed location, height and massing of the proposed development, they would not result in a form of development which causes an unreasonable sense of enclosure, overshadowing and overlooking of neighbouring properties.
- 8.44 With regard to noise and disturbance resulting from the proposed development, the proposed modular homes will be used for residential living for single persons and will be well insulated. Furthermore, most of the external activities from the occupiers will be largely towards the western side away from amenity of No.39 Hills Avenue. By virtue of the siting, design and layout, and the number of occupiers on site would not result in a significant noise and disturbance to neighbouring properties.
- 8.45 In terms of the loss of the community garden, whilst local residents may have enjoyed the benefit of this space, it has never received planning permission and is therefore, unauthorised. Its loss is therefore, considered to carry negligible weight. Furthermore, the Holbrook Road recreation ground is within walking distance of the site (approximately 600m).
- 8.46 Future Occupants
- 8.47 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 8.48 The gross internal floor space measurements for units in this application will be 32.6sqm. Officers acknowledge that the modular homes would be slightly below the internal space standard set out in policy 50. However, the proposed units fall within specialist housing for homeless people under

the Housing First model. The intension of the proposed modular units is to provide suitable and independent housing for a single occupant. The intention of the proposed development is to provide a small housing community as a first instance of “Somewhere to Call Home”, for homeless people at risk of rough sleeping but without high levels of need. The standard of accommodation is therefore, considered appropriate for the intended users.

8.49 Garden Size(s)

8.50 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. Each unit will have a small patio/balcony area providing outdoor private area for each occupier. Again this is considered appropriate to allow the occupants access to an area of outdoor space.

8.51 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) - accessible and adaptable dwellings to be met. As these are a temporary form of accommodation, it is not considered the pods should be required to meet M4(2) standards.

Other Matter

Sustainability

8.52 Policy 28 encourages principles of sustainable construction and seeks that carbon reduction is achieved for new development. The submitted Planning Statement explains the reasons why such renewable technologies have not been incorporated in the development. The issues of budgetary constraints and the temporary nature of the proposed development are reasons that Officer are satisfied not to request renewable technologies to be provided.

8.53 Third Party Representations

8.54 Matters relating to principle of development, impact of the character and appearance of the area, biodiversity, impact and loss of trees, drainage, loss of the community garden and residential impact have been addressed in the body of the report. The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Nature of the development would lead to antisocial	Although the application will not provide an onsite warden, the intended user of the proposed modular homes will be subject to a

behaviour and safety on school children at Morley School.	code of behaviour and will be quickly moved on to more suitable accommodation if unable to meet the expectations. Additionally, the intended occupiers of the modular homes will be suited for those not requiring high level support; those with high level needs will be directed elsewhere for accommodation. In the unlikely event of ASB, patrols can be provided by a security company that both ITAC and the Council have used in the past
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8.55 Planning Balance

- 8.56 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 8.57 The proposal for 4 pods by reason of their forward projection towards Hills Avenue would result in the loss of openess which is a strong characteristic of this part of the streetscene and will, consequently, cause a degree of visual harm to the character and appearance of the area. Although it is recognised the pods would be low scale, of an acceptable appearance and screened by existing and proposed landscaping, this does not outweigh the harm in relation to the loss of openess. As such, the proposal is considered contrary to policies. 52, 55, 57 and 59 of the Local Plan which require new proposals to respect existing character of the area and surrounding pattern of development. However, as the proposal is of a temporary nature, this carries moderate weight against the proposal in the overall planning balance.
- 8.58 The garden space to be occupied is currently in use as a community garden which will no longer exist. However, the loss of this as a community space carries negligible weight in the planning balance as its use as a community recreation area is unauthorised. There is also public open space in close proximity to the site on Holbrook Road. The space was formerly part of the garden of no.39 Hills Avenue however, this has not been the case since 2015. Whilst the loss of this garden area does detract from the overall quality of outdoor space for no39, occupiers do still have access to other amenity areas to the front and rear of the site which are in excess of 100m² combined. Given the passage of time that has passed, on balance, the amenity space afforded to occupiers of this dwelling is considered acceptable. This matter is considered to be neutral in the overall planning balance.
- 8.59 The proposal will provide 4 modular pods for homeless people in Cambridge for which there is an acute need. Such facilities are critical for housing homeless people by providing safe and secure accommodation.

The provision of such housing, albeit for a temporary period of 10 years, is afforded significant weight in the overall planning balance.

8.60 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposal is considered to be finely balanced. However, in this instance the benefits of the proposal are considered to outweigh the harm and therefore, it is recommended for approval.

9.0 Recommendation

9.1 **Approve** 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. Prior to first occupation of the first unit, hereby permitted, the Local Planning Authority shall be formally notified of the commencement date and five years from the date of notification the use of the proposed units shall cease, and the units together with associated car and cycle parking shall be removed from site within one month from the cessation of use and the land restored to its former state.

Reason: Due to their modular form, the structures would not be appropriate as permanent units of accommodation, and also to ensure the use does not prejudice the comprehensive redevelopment of the site for housing (policies 3, 35, 55, 57 of the 2018 Cambridge Local Plan).

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

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

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

Reason: in the interests of highway safety.

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

Reason: for the safe and effective operation of the highway

7. The development hereby permitted; the proposed paved areas be constructed using a bound material to prevent debris spreading onto the adopted public highway.

Reason: in the interests of highway safety

8. The development hereby permitted, the centre line of any proposed hedge or planter to the new buildings be set back at least 1m from the boundary of the adopted public highway (in this case the back of the footway), to enable the hedge/planting to grow without obstructing pedestrian movements.

9. Reason: For the safe and efficient use of the highway.

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

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

11. Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS. A record of this meeting is to be submitted to and approved by the LPA.

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

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

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

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

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

14. No development hereby permitted shall be commenced until a detailed 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 detailed scheme shall include:

- a) Full details of the proposed attenuation, of all SuDS features and flow control measures;
- b) Full details of the maintenance/adoption of the surface water drainage system;

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. (Cambridge Local Plan 2018 policies 31 and 32).

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Planning Committee Date	2 nd August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/04891/HFUL
Site	25 Devonshire Road, Cambridge, CB1 2BH
Ward / Parish	Petersfield
Proposal	Single storey rear extension, first floor rear extension and addition of rooflights.
Applicant	Mr and Mrs Oliver Banks
Presenting Officer	Beth Clark
Reason Reported to Committee	Called-in by Councillor Richard Robertson
Member Site Visit Date	-
Key Issues	<ol style="list-style-type: none">1. Impact of character and appearance2. Impact on conservation area3. Neighbouring amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks to extend to the rear at ground floor level, replace an existing first floor rear extension and add roof lights to the roof of the existing end of terrace property known as 25 Devonshire Road, Cambridge.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area
- 1.3 The proposal is not considered to cause unacceptable harm to the amenity or living conditions of neighbouring occupiers.
- 1.4 The proposal is not considered to cause harm to the conservation area, subject to appropriate conditions.
- 1.5 The application has been subject to amendment which removed the rear roof dormer, altered the first-floor extension, materials and fenestrations, and the width of the ground floor extension. A subsequent formal re-consultation followed. Additional plans and a daylight and sunlight assessment were submitted at a later date, and another formal consultation period followed this.
- 1.6 Officers recommend that the Planning Committee **APPROVE** the application.

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 25 Devonshire Road is an end of terrace dwelling in the Mill Road Conservation Area and categorised in the Conservation Area Appraisal as a positive unlisted building. It is part of a terrace which is stated in the appraisal as fairly continuous and cohesive on the west side of the road. It is set back from the road, is adjoined by another dwellinghouse to the north, and has a passage to the south leading to a modest sized garden.

- 2.2 Devonshire road consists of residential terraced dwellinghouses along the west side of the road, stretching from Mill Road to the north and towards Cambridge Train Station to the south. There are a number of modern residential dwellings located on the south-east of Devonshire Road. To the north-east of Devonshire Road is an industrial site, which has permission for redevelopment of the site, to include a mixture of residential and commercial spaces.
- 2.3 Houses down Devonshire Road have a fairly consistent frontage with low walled gardens and bay windows. The rear of these dwellings are inconsistent and there are many examples of single-storey extensions, first floor extensions and roof dormers to the rear.

3.0 The Proposal

- 3.1 Single storey rear extension, first floor rear extension and addition of rooflights.
- 3.2 The single-storey rear extension projects just over 2.2m from the existing rear of the dwelling, features a dual pitched roof with ridge measuring approximately 3.7m, and eaves height at approximately 2.8m. The extension will extend to the width of the original dwelling, maintaining the side passage to the garden. The development is proposed to be clad in vertical timber. The overall combined replacement and new depth of extension adjacent to no. 24 Devonshire Road (north elevation) would be approximately 4.5m.
- 3.3 The proposed first floor extension will replace an existing glass and timber structure with a brick structure, occupying a similar footprint as what is existing. The brick extension will have a dual-pitch roof. The projection will match the existing 2.3m deep structure.
- 3.4 The application has been amended to address representations made by the Conservation Officer and third party concerns and further consultations have been carried out as appropriate. Revised plans were received, and a description change was agreed on 20th April 2023. The amendments removed a proposed rear dormer, reduced the width of the ground-floor extension and added the dual-pitch roof at first floor level, alongside some fenestration and materials changes.

4.0 Relevant Site History

- 4.1 No relevant site history

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 **Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 35: Human health and quality of life

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 61: Conservation and enhancement of historic environment

5.3 **Neighbourhood Plan**

N/A

5.4 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

5.5 **Other Guidance**

Mill Road Conservation Area Appraisal

6.0 Consultations

6.1 Conservation Officer – No Objection

6.2 Comments follow on from those made previously on 16 January 2023 and are in response to revisions made since.

6.3 No objection in principle, there remains a couple of details raised in previous comments that have not yet been adequately addressed relating to windows and materiality which could be controlled by condition.

6.4 Timber cladding is considered an incongruous material choice on an extension in this context, it is not part of the material pallet for the positive traditional buildings in the conservation area.

6.5 The proposed change of style to the first-floor windows is considered out of character with the house and conservation area and any replacement should be kept similar to the existing sashes.

6.6 The removal of the side part of the ground-floor extension and overly large dormer from the plans, are welcome. The revisions to the first-floor extension are now acceptable as is the matching brickwork and slate roof. The ground floor rear extension is a modern addition, but if appropriate materials are used, it is not thought likely to harm the conservation area. Flush rooflights are advised.

6.7 Conditions: 1. Non-masonry walling system, 2. Roof tiles and brickwork to match existing, 3. Windows at first floor to be similar to existing

7.0 Third Party Representations

7.1 Multiple and detailed representations have been received in objection to the scheme as submitted and as revised in respect of the impact of the scheme on no. 24 Devonshire Road and the wider character and appearance of the area.

7.2 The following issues have been raised:

- Character, appearance and scale
- Density and overdevelopment
- Heritage impacts
- Residential amenity impact (impacts on daylight, sunlight, enclosure)

8.0 Member Representations

8.1 Cllr Richard Robertson has made a representation objecting to the application on the following grounds:

- Loss of light and overbearing and dominant impact on neighbouring property. Fails to comply with Local Plan Policy 58.

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

9.0 Assessment

9.1 Heritage Assets, Character and Appearance

9.2 The application falls within the Mill Road Conservation Area.

9.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

9.4 Para. 199 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.

9.5 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area.

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

9.7 The application site comprises a two-storey end of terrace dwelling. The proposal seeks to add a single-storey rear extension, replacement first floor extension and additional roof lights. The proposal would not be visible from the street scene, other than roof lights to front of the property.

9.8 Devonshire Road is a largely residential street with a row of historic terraced houses along the west side of the road and a line of trees along the east with some modern dwellings behind. There is a fairly distinctive building line featuring small garden frontages retained by low walls, most dwellings have a bay window to front and modest rear gardens. A large majority of the dwellings have benefitted from extensions to the rear, including roof dormers, single-storey and first floor extensions and there is little uniformity to the rear of the properties on Devonshire Road.

- 9.9 A number of key characteristics are set out in the Mill Road Conservation area appraisal, which exclusively relate to the street facing elements of Devonshire Road. The document outlines the key special characteristics of the area highlighting the trees on the eastern side of the road, the cohesive and continuous terrace of houses which are set back from the road with low boundary walls, ground floor canted bays with sash windows, and slate roofs with large brick chimneystacks. There are no elements of this proposal which threaten the key special characteristics of the Mill Road Conservation Area that are outlined in the appraisal.
- 9.10 The Appraisal does point out areas where some houses have been adversely affected by the use of modern details and materials. Namely, uPVC windows and doors, roof lights, artificial slate for roofs and the loss of front boundaries. The Conservation Officer has raised issue with the style of windows and materials proposed in this application, which can be controlled via condition if deemed necessary. However, this proposal does not set out other than to maintain the key special characteristics of these positively listed Devonshire Road properties as set out within the wider Mill Road Conservation Area.
- 9.11 The proposed ground floor extension will project approximately 2.2m from the existing rear of the dwelling, has an eaves height of approximately 2.8m and builds to a total height of approximately 3.7m. It features a contemporary dual-pitched roof design, with a gable end and is proposed to be clad in timber. Whilst timber is not a traditional material found in this location, as noted by the Conservation Officer, there are a number of developments to the rear of the Devonshire Road which use timber cladding. Most notable is the “Tree House” behind numbers 35-37 Devonshire Road, which is a contemporary two-storey dwelling fully clad in horizontal timber. In officers view, it would not be inappropriate or in any way visually harmful for a modest ground-floor extension of this size to be clad in timber in the manner proposed; the material is already utilised in the Conservation Area and given the contemporary shape and design of the extension, it would be perceived as to successfully contrast with the original building.
- 9.12 The proposed ground floor extension will largely cover an area of existing patio and will extend down the south side of the site, in line with the original dwelling. A previous iteration of the scheme showed the ground-floor extension to stretch beyond the width of the original house, however following officer recommendation this was amended, and revised plans were submitted in April 2023 with a re-consultation following. The Conservation Officer welcomed this amendment and stated no objections to the size and form of the ground-floor extension. Following the amendments, the ground floor extension is thought to be an appropriately sized and designed addition which relates well to the host dwelling.
- 9.13 The first-floor extension would be better described as a replacement extension as there is an existing structure at the rear of the dwelling, at first-floor level. Although there are no records pertaining to planning

permission of the original structure, Google Earth imagery demonstrates that it has been there for at least 20 years and is therefore outside the enforceable period.

- 9.14 The proposed first floor extension seeks to replace the existing flat-roofed wood and glass construct, with a brick structure that features a dual-pitched roof with slate tiling. The eaves line would be below that which is existing at this first floor interface with the boundary with no. 24 Devonshire Road. Previous iterations of this development proposed render and a large picture window at first-floor level. Following advice from the Conservation Officer, materials have been revised to matching brickwork on the original dwelling and a reduced window size to be more sympathetic towards the original windows of the dwelling.
- 9.15 Following the aforementioned revisions, the Conservation Officer has raised concerns regarding the change of style of window at first floor, as they remain to be considered out of character with the dwelling and Conservation Area. As such, it would be appropriate to secure details of the windows via condition to ensure any harm to heritage assets is limited.
- 9.16 As previously mentioned, there are a number of other dwellings on Devonshire Road which have extended at first floor level. These include nearby no. 28, and groups of properties at either end of the road (nos. 40-43 and nos. 5-6). Whilst each application is assessed on its own merit, it can be argued that a first-floor extension would not be out of character with the area due to the existence of other similar developments in this context.
- 9.17 It has been stated that due to the materials used in the existing first-floor structure, there is a certain level of visual permeability and light allowed to the neighbouring window. This is accepted, however, it would be impossible to control instances of blinds or window coverings that could be erected inside the existing structure, which would partially block views and light to the neighbouring window. Officers do not consider this to be determinative factor in the consideration of the proposal given the relatively poor appearance of the existing extension and the lack of control over the internal treatment of it.
- 9.18 Overall, the proposed development is a high-quality design that would respond positively to its surroundings. The proposal is reflective of other residential developments to the rear of Devonshire Road and is not considered out of character or an overdevelopment of the site. By virtue of its scale, massing and design, and with the support of conservation specialists, it can be considered that there would be no harm to the character and appearance of the Conservation Area. The proposal is therefore compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 61 and with the provisions of the Planning (LBCA) Act 1990 and the NPPF.
- 9.19 **Amenity**

- 9.20 Policies 35 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 9.21 Immediate neighbouring properties are no. 24 Devonshire Road adjoined to the north of the application site and no. 26 Devonshire Road located to the south of the site, separated by a passage.
- 9.22 Concerns have been raised by the neighbouring property no. 24 Devonshire Road regarding the ground-floor extension having an unacceptable overbearing and enclosing impact on their garden amenity space and outlook from rooms at the rear of the property, due to the proposed extension coupled with the existence of an outbuilding at the rear. A distance of over 3.2m will be retained between the proposed extension and the outbuilding and does not result in an unacceptable level of built form and enclosure along the boundary.
- 9.23 Third party representatives have called into question a sunlight, daylight and overshadowing study conducted by EAL Consult and submitted by the applicants. More specifically, an objection has been received which relates to the fact that the windows assessed within the study are not numbered, and therefore cannot be identified. It can be assumed without reasonable doubt that the four windows in question, relate to the two windows at first floor level and two sets of French doors at ground floor level, which are in situ at the rear of no. 24. The two windows/doors closest to the application site are the ones that will be affected the most by the proposed development and the study demonstrates that there will be a negligible impact of less than 0.7% difference post-construction. For Annual Probable Sunlight Hours, all four windows/door identified will continue to receive more than the recommended sunlight hours in both summer and winter months.
- 9.24 It has also been disputed that the Overshadowing Assessment to neighbouring amenity area contained within the report by EAL Consult is inaccurate. The objection is concerned that the existing rear outbuilding in the garden of the application site has not been considered within the overshadowing assessment to the amenity area. Officers consider that the outbuilding has been included in the assessment as the gradient of colour on the resultant heatmap is a darker shade (indicating some shadowing), in the area of garden land adjacent to this outbuilding. As a result, it is rational to conclude that both neighbouring amenity spaces either side of the application site will receive more than the minimum BRE requirement of two hours of sunlight on 21st March (equinox), to at least 50% of the garden.
- 9.25 Objections have been noted in relation to the loss of light to a habitable ground-floor room at no. 24 Devonshire Road, which will be adjacent to the proposed rear extension. A 45-degree loss of light analysis has been

conducted and demonstrated the development would not break the vertical measurement and as a result, daylight and sunlight levels are unlikely to be adversely affected.

- 9.26 Concerns have been raised regarding the impact on light to the neighbouring properties first-floor window, situated to the north of 25 Devonshire Road and adjacent to the first-floor extension. The proposed brick extension is considered to be an improvement on the existing structure and has a better relationship to neighbouring no. 24 Devonshire Road. It will appear less overbearing due to the dual-pitched roof bringing the tallest part of the structure away from the boundary. Additionally, the eaves are proposed to be lower than what is existing, and the design and materials are an improvement on the wood and glass structure. The replacement structure would greatly reduce any instances of overlooking, as the only proposed window would face towards the sites own garden. Crucially, the proposed extension would not break the 45-degree rule of thumb for loss of light, when measured vertically. Following BRE guidance, where the centre of the neighbour's window lies outside of the 45 degree lines, daylight and sunlight levels are unlikely to be adversely affected because light will continue to be received over the dual-pitched roof.
- 9.27 A site visit was completed by officers on two occasions, once to the application site (25 Devonshire Road) and once to the adjoined neighbouring property (24 Devonshire Road). A thorough assessment has been made with regards to impact on loss of daylight, enclosure and overbearing and it can be demonstrated that the proposed development does not give rise to any significant amenity impacts on the neighbouring properties either side of the development site. The proposal does not break the 45-degree rule of thumb for loss of light and the submitted daylight and sunlight study (whilst not absolutely necessary to demonstrate the acceptability of the proposal) further establishes that these impacts would be negligible. There is an appropriate amount of space along the northern boundary of the site where there would be no built form, and as such any additional enclosure of neighbouring amenity space would not be significant enough to warrant a recommendation of refusal. The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policy 58.
- 9.28 The scheme is relatively small in scale and construction impacts are likely to be limited to a temporary period. Whilst there may be impacts arising from construction related activities that would give rise to some harm to the amenity of nearby occupiers, the level of harm would not be significant. The proposal is compliant with Local Plan policy 35.
- 9.29 **Other Matters**
- 9.30 Objections have been received about the lack of planning permission for a garden outbuilding at the application site. The outbuilding on site could

have been completed in line with permitted development rights, for which planning permission is not required. Furthermore, the outbuilding appears to have been in situ since 2017 according to Google Earth imagery, and there are no records of enforcement action on the site. The outbuilding is likely to have become immune from enforcement action through the passage of time.

- 9.31 Concerns have been raised regarding the water run-off and maintenance from the proposed extensions. For the ground floor extension, the area where the proposed extension would project is currently paved. Given this alongside the modest scale of the development, officers consider that the surface water risk resulting from the development would not be significant. The first-floor extension is a replacement and therefore run off rates are likely to be similar to what is existing. Access for maintenance is a civil matter between neighbours and not a planning consideration.
- 9.32 Objections have been noted that the proposed development erodes the back garden, which is an important wildlife corridor harbouring local biodiversity. The area where the proposed ground-floor extension would project is currently paved and due to the minor scale of the development, it is considered that the levels of biodiversity in this area will be maintained, and a condition requesting a scheme of biodiversity enhancement would be onerous.
- 9.33 Objections have stated that the proposed development would block views to gardens to the south and west of the site. Availability of views is a private matter and not a material planning consideration.
- 9.34 There are concerns raised about procedural issues including the lack of consultation. However, appropriate consultation has been confirmed and this has been carried out following changes in April 2023 and upon receipt of additional information in June 2023. Officers are satisfied that neighbouring occupiers / owners have had sufficient notice of changes.
- 9.35 Bin Storage and Car/Cycle parking arrangements at the site will be unaffected by the proposal.
- 9.36 Officers have no other concerns regarding the impact of the scheme on any other residential neighbours.
- 9.37 The proposal does not seek to amend the existing access or result in any highways safety implications. As a result, the proposal would comply with Paragraphs 110-111 of the NPPF.
- 9.38 **Planning Balance**
- 9.39 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise

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

- 9.40 The proposed application is of high-quality design and is appropriate in terms of scale, form, siting, design, proportion and materials in relation to the surrounding area. The scheme would preserve the character of the local urban area and responds well to its context and the Conservation Area. Strong and detailed objections have been received from the neighbouring owner of no. 24 Devonshire Road to the north of the site relating to the impact of the proposal on their property and the wider character of the area including the Conservation Area. Whilst these objections are noted, officers consider the perceived impacts to be overstated and in fact the scheme to be a modest and respectful addition to the existing house which has been amended to overcome concerns and its impact. There are no significant harmful neighbour amenity impacts arising.
- 9.41 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

10.0 Recommendation

10.1 Approve subject to:

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

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

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

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

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

3. The materials to be used in the external construction of the ground-floor extension, hereby permitted, shall follow the specifications in accordance with the details contained within the application form, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55 and 58).

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

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 58 and 61).

5. No proposed new windows shall be constructed, nor existing windows altered, until details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To avoid harm to the Conservation Area. (Cambridge Local Plan 2018, policy 61).

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Agenda Item 8



Planning Committee Date	2 August 2023
Report to Lead Officer	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
Reference	22/03855/OUT
Site	3-5 Fen Road Cambridge CB4 1BS
Ward / Parish	West Chesterton
Proposal	Outline application for the development of 2 No. dwellings and associated works in rear garden of 3-5 Fen Road with some matters reserved except for access, layout and scale.
Applicant	Mr. Peter Pope
Presenting Officer	Alice Young
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Principle of development 2. Character
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks application seeks outline planning permission to erect two one and a half storey attached dwellings and associated works in the garden of 3-5 Fen Road with all matters reserved except for access, layout and scale.
- 1.2 The proposed dwellings would be of an appropriate scale and massing, drawing from the surrounding context, namely the Primeva and Jane Brown Close. Given the scale and site layout with the dwellings sited centrally within the plot and set back from Fallowfield, the development would be compatible with the spatial layout of the area without leading to a cramped development form. Sufficient space surrounding the dwellings is provided to retain the openness and suburban character of the site. A vehicular access and garage is proposed in the southern portion of the site which has been agreed with the Highway Authority. The proposal would preserve the residential amenity of surrounding neighbours while providing a high-quality living environment for the future occupiers of the proposed dwellings, accommodating sufficient space for adequate bin and bike storage within each respective plot. The proposed dwelling would achieve the carbon emissions reduction and water efficiency policy requirements, while providing biodiversity enhancements on site which will all be secured via conditions.
- 1.3 Officers recommend that the Planning Committee grant outline planning permission for the development, subject to the recommended conditions outlined at the end of this report.

2.0 Site Description and Context

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

- 2.1 The site is located to the rear of 3-5 Fen Road, on the north-eastern side of Fallowfield, and forms the rear garden of 3-5 Fen Road. The site is surrounded by residential dwellings except for a substation being located to the north-west of the site boundary. The site lies outside of the conservation area and controlled parking zone. There are no other relevant site constraints.

3.0 The Proposal

3.1 The proposal seeks outline planning permission for the development of 2 No. dwellings and associated works in rear garden of 3-5 Fen Road with some matters reserved except for access, layout and scale.

3.2 Article 2 of the Town and Country Planning Development Management Procedure Order 2015 define the matters as follows:

- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. *Forms Part of the Application
-
- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*Reserved for future approval, indicative plans submitted
- 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features; . *Reserved for future approval, indicative plans submitted
- 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. *Forms Part of the Application
- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings. *Forms Part of the Application

3.3 Only scale, layout and access are for consideration under this outline application.

4.0 Relevant Site History

4.1 No relevant site history.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

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

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use

Policy 31: Integrated water management and the water cycle

Policy 35: Protection of human health and quality of life from noise and vibration

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 52: Protecting garden land and the subdivision of existing dwelling plots

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 71: Trees

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

Landscape in New Developments SPD – Adopted March 2010
Open Space SPD – Adopted January 2009
Trees and Development Sites SPD – Adopted January 2009

6.0 Consultations

6.1 County Highways Development Management – Objection.

6.2 1st Comment: Objection on three grounds:

- The 3D images show the garage extending onto adopted public highway
- Failed to provide 2m by 2m pedestrian visibility splays
- Inconsistent drawings

6.3 Also notes that there is no car or cycle parking on site.

6.4 Sustainable Drainage Officer – No objection.

6.5 1st & 2nd Comment: Insufficient information. Flood risk assessment required.

6.6 3rd Comment: No objection subject to a condition requiring finished floor levels to be in accordance with the FRA, submission of a flood resilience scheme, a surface and foul water scheme. The submitted flood risk assessment demonstrates that with suitable finish floor levels and flood resilient measures, the proposal is acceptable with regards to flood risk.

6.7 Environmental Health – No objection.

6.8 No objection subject to conditions.

6.9 Recommended conditions:

- Construction hours
- Piling

7.0 Third Party Representations

7.1 1 representation has been received.

7.2 Those in objection have raised the following issues:

- Lack of parking will lead to on street car parking pressure
- 3 buses a day, all not in peak times, poor for commuting.

8.0 Member Representations

8.1 Not applicable

9.0 Local Groups / Petition

9.1 Not applicable

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

10.0 Assessment

10.1 The assessment will be structured as followed:

- i. Principle of development
- ii. Reserved Matters: Layout and scale
- iii. Reserved Matter: Access
- iv. Amenity
- v. Other Matters: Trees
- vi. Other Matters: Carbon Reduction and Sustainable Design
- vii. Other Matters: Biodiversity
- viii. Other Matters: Water Management and Flood Risk
- ix. Other Matters: Cycle and Car Parking Provision
- x. Third Party Representations

10.2 Principle of Development

10.3 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

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

10.5 The proposal seeks outline planning permission for the development of 2 No. dwellings and associated works in rear garden of 3-5 Fen Road with some matters reserved consisting of appearance and landscaping. Matters such as access, layout and scale are for consideration as part of the outline. Officers consider that the proposal would adhere to this criterion and this will be discussed under the relevant headings below.

10.6 The principle of the development is acceptable and in accordance with policies 3 and 52.

10.7 Layout and Scale

- 10.8 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 10.9 The application site is in a relatively prominent location adjacent to Fallowfield and visible from Fen Road and is currently residential garden land with several mature trees and a small garden shed along the rear boundary. Given the presence of Pimavera (to the rear of 179-181 Water Street and 1 Fallowfield) adjacent to the site and that the proposed dwellings would front Fallowfield, officers consider that developing the rear garden of 3-5 Fen Road would not be contrary to the prevailing pattern of development.
- 10.10 While the Pimavera development is within the context of the application site, this site has never been developed and significantly contributes to the rear garden environment which is visible from surrounding rear gardens and Fallowfield. So, any development must respond to this character.
- 10.11 The proposed dwellings would be sited fronting Fallowfield with a small set back from the street frontage providing an opportunity to create an area of soft landscaping to the front of the dwellings. These dwellings would be one and a half storeys in scale which noting the layout and the development at Pimavera (one and a half storeys hard on the boundary) is considered to respond to the surrounding context. The dwellings are relatively modestly scaled with sizeable side gardens which provide relief to the built form, retaining a degree of openness and provides the opportunity respond to the existing well vegetated character. Taking these factors into account, it is concluded that the proposal would respond to the prevailing character of the area and, subject to the reserved matters of appearance and landscaping, could make a positive contribution to the street scene.
- 10.12 It is important to ensure both landscaping and materials are carefully considered at reserved matters stage. Therefore, officers recommend conditions to secure these details.
- 10.13 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57, 58 and 59 and the NPPF.

10.14 Access, Highway Safety and Transport Impacts

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

- 10.16 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.17 The proposal includes the relocation of the vehicular access for no. 3 Fen Road further south alongside the demolition and erection of a new garage. Originally the plans included a 3D image where the garage extended beyond the red line onto the pavement (highway land). This has since been amended to address both the Highway Authority's and Officer's concerns. Pedestrian visibility splays of 2m by 2m have been provided and the plans are now accurate. Therefore, the proposal addresses and overcomes the Highway Authority's comments and officers now consider that the proposal would not adversely impact upon the safe operation of the highway. The Highways Authority have recommended several conditions which officers consider are reasonable and necessary to secure a safe site egress and ingress and the safe operation of the highway.
- 10.18 Subject to conditions and S106 mitigation as applicable, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

10.19 Amenity

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

10.21 Neighbouring Properties

- 10.22 Matters of appearance and landscaping are reserved for later approval, however, scale and layout are to be considered at this stage which in turn would have the potential to impact upon neighbours. The proposed dwellings are proposed to be one and a half storeys in scale approximately 4m to the eaves and 6m to the ridge. The footprint of the building would be sited 3m from the eastern boundary with no. 7 Fen Road. No. 7 Fen Road has a long rear garden approximately 45m in length. A sheltered patio is proposed between the boundary and no. 7's rear garden. Given the proposed dwellings siting in relation to no. 7 Fen Road and its modest scale, officers consider that no significant overshadowing or overbearing impact would result from the development.

10.23 Host dwelling

- 10.24 No. 78 Fallowfield is sited at a 45 degree angle and the proposed northern dwelling would be located parallel to Fallowfield, set back approximately 1m within the site. Given this relationship and the scale of the dwellings, the development would be 13.75m away from no. 78 Fallowfield at its closest. The south-western elevation of no. 78 contains no windows to

habitable rooms and adjacent to the site within the curtilage of no. 78, is no. 78's driveway. Furthermore, a substation is located to the north-west of the site fronting Fallowfield between no. 78 and the application site. For these reasons, officers consider that the proposal would not result in an overbearing or overshadowing impact to no. 78.

- 10.25 The proposed dwellings would be sited opposite no. 79 Fallowfield and separated by over 10m. While officers note that the proposed development would result in a change in outlook for no. 79, officers consider that the proposal would not result in a harmful overbearing or overshadowing impact by virtue of the scale, massing, and layout of the development.
- 10.26 In terms of overlooking, appearance is a matter reserved for later approval. However, officers recommend a condition to restrict the insertion of windows on the north and eastern elevation to protect amenity.
- 10.27 Future Occupants
- 10.28 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 10.29 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m²)	Proposed size of unit	Difference in size
1	2	3	2	70	71.9	+1.9
2	2	3	2	70	71.9	+1.9

- 10.30 The proposed plans show that two dwellings can be accommodated on site that meet the minimum internal floor space required in policy 50 and all habitable rooms would receive good light levels and outlooks.
- 10.31 Garden Size(s)
- 10.32 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. A good-sized external amenity space for each dwelling will be provided to accommodate a table, a proportionate number of chairs, space to play / socialise and a cycle and bin store. For these reasons the proposal would result in a high standard of amenity for future occupiers.
- 10.33 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2)

accessible and adaptable dwellings to be met. This can be achieved on site but compliance will be secured via condition.

10.34 Construction and Environmental Impacts

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

10.36 The Council's Environmental Health team have assessed the application and recommended two conditions to restrict construction hours and require the submission of further information if piling is proposed. These conditions are to protect the amenity of surrounding residents and are considered reasonable and necessary to impose.

10.37 For the reasons detailed above, the proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, and 57.

10.38 Other Matters

10.39 Trees

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

10.41 Along the western boundary fronting Fallowfield is a mature high hedge which is proposed to be retained to the north and south of the dwellings as this hedge, alongside the trees lining Fallowfield, contribute to a green and suburban character. While landscaping is reserved for later approval, to ensure that this hedge is retained, officers consider it necessary and reasonable to secure this via condition. A hard and soft landscaping condition is also recommended to ensure a high-quality landscaping scheme is included in a reserved matters application.

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

10.43 Carbon Reduction and Sustainable Design

10.44 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to

minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

- 10.45 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.
- 10.46 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.47 No detailed information has been submitted to demonstrate compliance to this. It is considered that water efficiency and carbon reduction could be achieved on site and therefore, this detailed information could be secured via condition.
- 10.48 The proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

10.49 Biodiversity

- 10.50 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 10.51 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal.
- 10.52 The site comprises residential garden land and proposed development includes the demolition of an existing garage. The garage due to be demolished is of brick construction and in good condition. Officers consider that given the sites location, in a residential area with no nature reserves in close proximity, and the condition of the garage, the demolition of the garage is unlikely to give rise to an adverse impact to wildlife. It is also noted that this could be demolished under permitted development.

- 10.53 Nonetheless, officers recommend several conditions to ensure the protection of species and biodiversity net gain is delivered on site. Given the scale and layout of the proposed development, officers consider it is achievable to meet the biodiversity net gain 10%.
- 10.54 Subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

10.55 Water Management and Flood Risk

- 10.56 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 10.57 The site is in Flood Zone 2 and is therefore considered at medium risk of flooding.
- 10.58 The applicants have submitted a Flood Risk Assessment which has been subject to consultation with the Council's Sustainable Drainage Engineer who has advised that the measures proposed are acceptable and recommends several conditions. These conditions include a condition requiring finished floor levels to be in accordance with the submitted FRA alongside conditions requiring the submission of a flood resilience scheme, a surface water drainage and foul water scheme. These conditions are considered reasonable and necessary to impose.
- 10.59 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

10.60 Cycle and Car Parking Provision

- 10.61 Cycle Parking
- 10.62 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

- 10.63 The proposal is in outline form with matters such landscaping and appearance reserved for later approval. However, officers consider that high quality cycle storage that complies with the quantum required in policy could be accommodated on site for the proposed dwellings. To ensure these matters are provided at reserved matters stage, details of a secure and covered cycle store for each property is required by condition.
- 10.64 Car parking
- 10.65 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.
- 10.66 The proposal would include demolishing the existing garage for no. 3 Fen Road and erecting a new garage adjacent to the boundary with no. 3 Fen Road. This is considered acceptable. There would be no car parking provision for the proposed dwellings, the site would be car free. Policy 82 states that car -free developments can be acceptable provided there is good, easy walkable and cyclable access to a district centre or the city centre, there is high public transport accessibility and the car-free status of the development can be realistically enforced by planning obligations and/or on-street parking controls. The application site is within close proximity to Arbury Road/ Milton Road Local centre and Chesterton High Street and Green End Road Neighbourhood centres. The site falls outside of the controlled parking zone and Fen Road and Fallowfield are areas which have no parking controls. Officers consider that this level of provision is acceptable, given the sustainability of the site's location, the number of proposed dwellings, and the ability to provide high quality cycle storage on site.
- 10.67 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking.
- 10.68 Officers consider it reasonable and necessary to impose a condition to secure EV charging for the car parking spaces on site.

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

10.70 Third Party Representations

10.71 The third-party representations have been addressed in the preceding paragraphs.

Third Party Comment	Officer Response
Car parking / sustainability of location	Addressed in paragraph 10.68-10.77.

10.72 Other Matters

10.73 Bins

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

10.75 Two refuse stores can be accommodated on site in a convenient location for future occupiers. To ensure these matters are provided at reserved matters stage, details of a refuse store for each property is required by condition.

10.76 The proposal is compliant with Cambridge Local Plan (2018) policy 53.

10.77 Planning Balance

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

10.79 Summary of harm

10.80 Officers consider that there is no significant harm arising from the development.

10.81 Summary of benefits

10.82 The proposed development would deliver two dwellings in a sustainable location, making sustainable use of land and a minor contribution to housing supply. A high-quality design here could contribute positively to its surroundings and increase the design standard of the area, while meeting the carbon reduction and water efficiency requirements and enhancing biodiversity. Given the scale and layout proposed, the proposal would

provide a good standard of amenity for future occupiers whilst maintaining surrounding residents' amenity.

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

10.84 Recommendation

10.85 **Approve** subject to:

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

11.0 Planning Conditions

1 Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2 No development shall commence until details of the appearance and landscaping, (hereinafter called the 'reserved matters') have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: This is an Outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

3 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.

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

of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

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

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

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

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

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

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

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

7 The reserved matters submission in respect of landscaping shall include details of a hard and soft landscaping scheme These details shall include:

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

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

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

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

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

e) a detailed plan for retaining the existing hedge along the western site boundary.

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

8 No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling

shall be completed before that/the dwelling is occupied in accordance with the approved details and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59).

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

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

- 10 The development hereby permitted shall be in accordance with the Flood Risk Assessment submitted 2nd May 2022 [514 FRA-001 Rev 1]. For the avoidance of doubt, the floor levels within the proposed development shall be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate.

Reason: To prevent the increased risk of flooding in accordance with Policy 31 of the Cambridge Local Plan 2018.

- 11 The development shall not be occupied or the permitted use commenced, until details of facilities for refuse and the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout of the refuse and cycle stores. A store proposed with a flat / mono-pitch roof shall include plans providing for a green roof. Any green roof shall be planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick. The refuse and cycle store and green roof as appropriate shall be provided and planted in full in accordance with the approved details prior to occupation or commencement of use and shall be retained as such.

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

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

a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design; and

b) Details of any mitigation measures required to maintain amenity and prevent nuisance.

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

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

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

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

- 14 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).

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

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

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

- 17 The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway and uses a bound material to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall be retained as such.

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

- 18 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless they are set back a minimum of 5 metres from the public highway.

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

- 19 The development, hereby permitted, shall not be occupied or brought into use, until visibility splays have been provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No [INSERT]. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

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

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

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

Reason: In the interests of protecting residential amenity.

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

Reason: In the interests of protecting residential amenity.

23 Prior to the installation of any electrical services, an electric vehicle charge point scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall make provision for 1 active charge point for 3 Fen Road. The active charge points should have a minimum power rating output of 3.5kW.

The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling and retained thereafter.

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

24 No works to erect the garage hereby approved shall commence until full details of the single storey garage have been submitted to and approved in writing by the Local Planning Authority.

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

25 Prior to first occupation, each dwelling shall be fitted with a means for future occupiers to monitor / measure all of their own energy consumption (electric / water / gas) including the extent of the contribution made to energy consumption from on-site renewable energy sources. The fitted device(s) shall be retained and maintained thereafter.

Reason: In the interest of promoting sustainable development (Cambridge Local Plan 2018 policy 28)

26. No dwelling, hereby permitted, shall be occupied until the curtilage of that dwelling has been fully laid out and finished in accordance with the approved plans. The curtilage shall remain as such thereafter.

Reason: To ensure an appropriate level of amenity for future occupiers and to avoid the property being built and occupied without its garden land (Cambridge Local Plan 2018 policies 50, 52, 55 and 56).

Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs



Planning Committee Date	2 nd August 2023
Report to Lead Officer	Joint Director of Planning and Economic Development
Reference Site	22/05070/FUL Land to the rear of 208 and 210 Queen Edith's Way
Ward / Parish	Queen Edith's
Proposal	Erection of 8 new homes, car parking, landscaping, bin and bike stores and associated works
Applicant	Cambridge Investment Partnership
Presenting Officer	Aaron Coe
Reason Reported to Committee	Third party representations have been received which are contrary to the officer recommendation; Cambridge City Council has a direct interest in the application as part applicant.
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. The design and scale of the development is of high quality and would enhance the character of the area2. The proposed development would not have any adverse impacts to the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers3. The proposal would provide residential development on a brownfield site which is located within a sustainable location
Recommendation	APPROVE subject to conditions/informatives

1.0 Executive Summary

- 1.1 This planning application has been submitted by Cambridge Investment Partnership (CIP) which is a joint venture company set up by Cambridge City Council and Hill Investment Partnership founded in 2017. The partnership aims to deliver high quality homes in sustainable locations. The application is being determined at Planning Committee because Cambridge City Council has a direct interest in the application as part applicant.
- 1.2 The application seeks consent for the erection of 8 new homes, car parking, landscaping, bin and bike stores and associated works.
- 1.3 It is considered the proposal is in accordance with the Cambridge Local Plan 2018 policies 50, 55, 56, 57, 58, 59, 80 and 82 and the NPPF.
- 1.4 Officers recommend that the Planning Committee **Approve** the Application.

2.0 Site Description and Context

- 2.1 The application site is the land to the rear of 208 and 210 Queen Edith's Way. The surrounding area is primarily residential in character. The site sits immediately to the rear of the long, linear gardens of the residential properties along Queen Edith's Way. To the northwest of the site is the garden land of No.208 Queen Edith's Way, to the north east is an open field and to the south east beyond the hedgerow and tree belt are the Netherhall School playing fields.
- 2.2 The application is a previously developed (brownfield) site which was last used as a builders yard for the storage of machinery and building materials. The applicants submitted a separate prior approval application for the demolition of the dilapidated sheds/ buildings that previously occupied the site, prior approval was granted under reference 22/03969/PRIOR.
- 2.3 In terms of site constraints the site is within the built up boundary of the City, not within a conservation area and there are no designated heritage assets within or near to the site. The site is not located within the Cambridge Green Belt, however, the land adjacent to the south east and north east is designated as Green Belt and the land immediately to the south is protected open space.
- 2.4 The site is located within flood zone 1 (low risk of flooding) and an area with very low risk of surface water flooding. Beyond the Netherhall school playing fields to the east of the site is the Cherry Hinton Chalk Pits SSSI and the Limekiln Close and East Pit local nature reserve.

3.0 The Proposal

- 3.1 The proposed development comprises 8 market dwellings, including 6 detached dwellings and 2 semi-detached. The dwellings are proposed to consist of 3 x 3-bedroom properties, 4 x 4-bedroom properties and 1 x 5-bedroom property. The proposed development would be served by an existing access road between No's 208-210 Queen Edith's Way. Car parking is proposed at 2 spaces per dwelling (tandem parking layout) which would be located between the dwellings. Cycle parking for future occupants and dedicated visitor cycle parking is proposed for each unit.

4.0 Policy

4.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

4.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 8: Setting of the City

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 33: Contaminated land
Policy 34: Light pollution control
Policy 35: Human health and quality of life
Policy 36: Air quality, odour and dust
Policy 42: Connecting new developments to digital infrastructure
Policy 50: Residential space standards
Policy 51: Accessible homes
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 64: Shopfronts, signage and shop security measures
Policy 65: Visual pollution
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

4.3 **Neighbourhood Plan**

N/A

4.4 **Supplementary Planning Documents**

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

4.4 **Other Guidance**

Arboricultural Strategy (2004)
Cambridge Landscape and Character Assessment (2003 Cambridge City Nature Conservation Strategy (2006)
Cambridge City Wildlife Sites Register (2005)
Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)
Strategic Flood Risk Assessment (2005)
Cambridge and Milton Surface Water Management Plan (2011)
Cycle Parking Guide for New Residential Developments (2010)
Air Quality in Cambridge – Developers Guide (2008)

5.0 Consultations

5.1 County Highways Development Management – No Objection

5.2 The proposed development is acceptable subject to conditions relating to the following:

- Compliance with the submitted access arrangement drawing.
- Visibility splays.
- Management and maintenance arrangements for the streets within the development site.
- Traffic management plan.
- Falls and levels.
- Maximum vehicle size during construction and hours.

5.3 Sustainable Drainage Officer – No Objection

5.4 The application is acceptable subject to conditions relating to the following:

- Surface Water Drainage
- Foul Drainage

5.5 Urban Design Officer – No Objection

5.6 No objection – subject to conditions securing details of materials, boundary treatments and hard/ soft landscaping.

5.7 Landscape Officer – Raises Concern

Concerned by the large area of hardstanding to the east of the site and defensible space to the front of plots 7 and 8 and the lack of cycle parking located to the front of the dwellings.

Cambridge City Council Environmental Health – No Objection

5.8 No objection subject to conditions relating to the following.

Standard Conditions

- Plant noise
- Construction/ demolition hours
- Demolition/construction collections deliveries
- Construction noise and piling
- Dust condition
- External lighting
- Remediation

- Phase 4 verification report
- Unexpected contamination
- Material Management Plan

Bespoke Conditions

- Phase 2 intrusive site investigation
- Phase 3 remediation based on the findings of the phase 2 report.

5.9 **Cambridge City Nature Conservation Officer – No Objection**

5.10 **Scheme As Amended (ii) (latest comments received 10/07/2023)**

5.11 The submitted survey data for June and July demonstrates that there has been no significant change in the identified low level of use by light sensitive species. The survey data that has been collated over 4 months (April-July) is sufficient and proportionate to allow determination of the application.

5.18 The proposed boundary low lux levels appear to be achievable from the submitted lighting specification and lux contour plans. An ecological sensitive lighting scheme condition should be imposed which should include a requirement to consult the local planning authority prior to the installation of on any additional external lighting to ensure light levels remain suitable for continued use by low numbers of light sensitive bat species.

5.12 **Tree Officer – No Objection**

5.13 Acceptable subject to conditions securing an Arboricultural Method Statement, and Tree Protection Plan.

5.14 **Shared Waste Service**

5.15 No formal comments received.

5.16 **Sustainability Officer – No Objection**

5.17 No objection subject to the imposition of conditions to secure details of secure compliance with the submitted energy statement and implementation of water efficiency measures.

5.18 **County Archaeological Officer – No Objection**

5.19 No objection subject to an archaeological condition.

6.0 **Third Party Representations**

6.1 Representations were received from the following two addresses raising objections to the application:

-222 Queen Ediths Way
-234 Queen Ediths Way

- Density and designs of the buildings within the proposed development.
- Absence of affordable housing/scheme does not meet affordable needs
- Impact of additional traffic generated by the development.
- Details of the fencing along the boundary
- The principle of amending the red line boundary during the course of the application and the ownership of land within the red line

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

7.0 Assessment

7.1 Principle of Development

7.2 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

7.3 The site was previously used as a builders merchant yard (sui generis) and is therefore considered a brownfield site. The proposed development would make efficient use of a previously developed site that is well connected and situated in a sustainable location which is in accordance with paragraph 119 of the NPPF.

7.4 The application site is an urban edge site and adjoins the Green Belt on the south eastern and north eastern boundaries. Therefore, it is necessary to consider Local Plan policy 8 (Setting of the City). The site is bounded by mature vegetation along these boundaries which helps to provide screening and ensures the proposed development would not be highly visible from the street scene. Additionally, design features such as the use of dark cladding and relatively narrow house types with a gable-end orientation towards the street together with generous gaps between buildings helps retain views through the development when viewed from a distance. For these reasons the development proposals are considered to respect the urban edge character and comply with the requirements of policy 8.

7.5 The principle of the development is acceptable and in accordance with policy 3 and 8 of the Cambridge Local Plan (2018) and the NPPF.

7.6 **Context of the Site, Design, Layout, Scale/ Density and Landscaping**

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

7.8 The site consists of a rectangular strip of land which is located to the south of 8 semi detached homes along Queen Edith's Way. In terms of materials the dwellings are predominantly brick and tile with render on the upper floors. Other predominant features include full height curved or boxed bay windows and arched entrances. In recent years within the wider Queen Edith's ward there have been a number of developments which have introduced more contemporary architectural styles. Various developments nearby have been approved at 2.5-3 storeys in height, gable fronted with floor to ceiling windows. In terms of materials the contemporary developments nearby have retained traditional brickwork but have also introduced a mixture of timber and metal cladding. As a result of the recent developments officers consider there to no longer be a strict uniform character within the Queen Edith's area and the addition of another more contemporary scheme in this location would not be at odds with the surrounding character.

7.9 In terms of the level of harm caused by introducing a contemporary development to the rear of the traditional housing along Queen Edith's Way. The site is not overly visible from the street scene. Part of the development will be visible between No's 208-210 Queen Edith's Way but the majority will not be visible due to the site being set back a significant distance (approximately 78m) from Queen Edith's Way (to the rear of the existing properties) and due to the location of the dense tree belt to the north of the site. The applicants have presented several iterations of the scheme through the pre application process and engaged positively with the Council's Urban Design officer. In terms of the impact on character the urban design officer has considered this to be acceptable as the views of the dwellings will be very limited and the designs have positively considered features of other developments nearby which has resulted in a scheme is not considered to have a detrimental impact on the overall character of the local area. Overall, in terms of design and appearance officers consider that the proposed design would provide a successful contrast to the existing properties immediately to the north of the site.

7.10 In terms of layout the proposed development would introduce a back land residential development in a part of Queen Edith's Way where residential uses are generally positioned in a linear form fronting directly onto Queen Edith's Way. The proposed development introduces a linear pattern of development which would run south-west to north east following a similar grain of development to the properties to the north along Queen Edith's Way. The proposed layout creates courtyard feel by positioning units 7 and 8 in the proposed locations. The car parking spaces

have generally been set between the dwellings to ensure a car dominated frontage is avoided. These features of the layout are supported by officers.

- 7.11 It is noted that representations have been received which raises concerns over the design and density of the proposals. However, based on the layout, spaces between buildings, appearance, massing and scale, the proposal is considered to be appropriate in terms of level of development.
- 7.12 As set out above officers consider the proposed development to contrast to the existing pattern of development immediately to the north along Queen Edith's Way. However, on balance officers are of the view that the scheme has successfully introduced architectural features/ details from developments nearby such as Chalk Glade (to the north east of the site) and the development at the Queen Edith's Way and Cherry Hinton Road junction.
- 7.13 Overall, given the wider surrounding character, the limited views of the site from the public realm and the fact the proposed development would make efficient use of a previously developed site in a sustainable location, the proposal is supported in terms of design and is considered compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.
- 7.14 **Carbon Reduction and Sustainable Design**
- 7.15 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 7.16 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve water use of no more than 110 litres per person per day and a 44% on site reduction of regulated carbon emissions.
- 7.17 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 7.18 The energy statement submitted has demonstrated a 62.6% reduction in emissions compared to a Part L 2021 compliant baseline. No details have been submitted in relation to water efficiency, however, a condition is recommended to ensure the policy 28 requirement of water use of no more than 110 litres per person per day is achieved. An informative is recommended to advise the applicants to achieve less water use than the policy requirement of 110 litres per person per day and a condition to install a means for future occupiers to monitor and measure their own water consumption within each dwelling.

- 7.19 The application is supported by a Sustainability Statement which sets out that the scheme will incorporate a number of energy efficient and sustainability measures as part of the proposal. These include but are not limited to:
- High standards of insulation
 - Air Source Heat Pumps
 - EV charging points
- 7.20 Conditions are recommended in order to secure compliance with the carbon reduction and to secure water conservation measures in accordance with Cambridge Local Plan 2018 policies 28 and 29. (conditions 4 and 5)
- 7.21 **Biodiversity**
- 7.22 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 7.23 The application is accompanied by a preliminary ecological appraisal (PEA) and a Biodiversity Net Gain Assessment (BNG). As originally submitted the application did not include any bat survey data, however, during the course of the application the Council's nature conservation officer requested the submission of bat surveys prior to determination due to the location of the mature wooded hedgerows and tree belts along the boundary of the site.
- 7.24 Following a request for bat survey data during the course of the application the applicants carried out four months of data collection between April and July. Initially two months of survey data (for April and May 2023) were submitted for review and then it was requested that further surveys were undertaken prior to determination. The submitted survey data for June and July demonstrated that there was no significant change in the identified low level of use by light sensitive species. The Council's Ecology officer has advised that the survey data submitted over the 4 months (April-July) is sufficient and proportionate to allow determination of the application. The applicants also submitted a lighting specification and lux contour plans which demonstrated low lux levels along the boundary is achievable. Subject to the imposition of an ecological sensitive lighting scheme the Council's ecology officer has advised the light levels will remain suitable for continued use by the low numbers of sensitive bat species (condition 32).
- 7.25 Taking this into account, the proposed lighting impacts are considered acceptable, and an ecologically sensitive lighting scheme will be conditioned on any planning consent granted to ensure that the changes to the lighting levels on the boundaries

of the application site in terms of both the impacts upon biodiversity are minimised. Subject to conditions, the proposal is in accordance with Policies 34, 69 and 70 of the Local Plan 2018 and the NPPF 2021.

- 7.26 In terms of BNG the applicants have through methods such as landscaping and native tree planting achieved a 26.5% biodiversity net gain.
- 7.27 In consultation with the Council's Ecology Officer, subject to appropriate conditions to secure biodiversity net gain enhancements and an ecological sensitive lighting scheme officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and will achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

8.0 Water Management and Flood Risk

8.1 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant. The site is in Flood Zone 1 and is therefore considered at low risk of flooding. The applicants have submitted a Flood Risk Assessment.

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

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

8.4 Trees

8.5 Policies 59 and 71 of the Local Plan 2018 seek to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Paragraph 131 of the NPPF advocates that existing trees are retained wherever possible.

8.6 The application is accompanied by a tree survey and arboricultural impact assessment. The tree survey found 16 individual trees, 5 groups and 3 hedges within the site, none of the trees are subject to tree preservation orders and are not located within a conservation area. The trees on site were all categorised to fall within either BS 5837:2012 category C (low quality) or U (unsuitable for retention). The mature trees along the northern boundary are proposed to be retained and the hedge along the eastern boundary which provides screening is also retained. The southern trees comprise a double row, the outer of which is outside the application site and would be retained and protected but the poor-quality inner row are proposed be removed. Additional tree planting is proposed

across the site, including along the southern boundary as shown on the submitted landscape plans.

8.7 The details submitted have been assessed by the Councils tree officer and considered acceptable subject to the imposition of an arboricultural method statement and tree protection plan condition. Officers agree with the recommended conditions and these will be imposed on any consent granted.

8.8 **Refuse Arrangements**

8.9 The proposed site plan indicates bin stores in the rear gardens for each dwelling, sufficient for general waste, recycling and compostable waste bins. The proposed bin store locations are considered to be within an acceptable and easy drag distance to the front of properties for collection. The applicants engaged with the Greater Cambridge Shared Waste service at pre application stage and were advised on the required refuse vehicle tracking., which was submitted as part of the application. Whilst the access road is proposed to be private (unadopted) it is proposed to be built to adoptable standards with the intention to be serviced by the Councils waste team. The tracking demonstrates that the waste vehicle can enter and exit the site in forward gear. Whilst officers note that this would require a 3 to 5 point turn within the eastern courtyard, this inconvenience is considered acceptable and in accordance with Policy 57 of the Cambridge Local Plan 2018.

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

8.11 **Highway Safety and Transport Impacts**

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

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

8.14 The Highway Authority was consulted on as part of the application and does not consider there would be any adverse impact upon highway safety subject to the suggested conditions of pedestrian visibility, falls and levels, existing vehicular access, and contractors parking plan.

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

8.16 **Cycle and Car Parking Provision**

Cycle Parking

8.17 In accordance with Policy 82 the application proposes one cycle parking space per bedroom for the units with up to three bedrooms, three cycle parking spaces for the four bedroom dwellings and four spaces for the five bedroom unit. A condition will be imposed to secure the final detail of the design, appearance and location of the proposed cycle stores. The cycle parking for all plots will be secure and covered, for plot 1 the cycle store is proposed within the frontage, for plots 2-7 the cycle parking is located to the side of the dwelling and will be accessed via a separate gate to give increased security. The cycle parking for plot 8 is located within the rear garden. Visitor cycle parking spaces in the form of Sheffield stands are also proposed within the frontage of plots 2-5. The justification for the location of the cycle parking provided by the applicant set out that the arrangement will provide increased security and enable the future occupants the opportunity to increase the size of the cycle parking stores if required. The rationale for the proposed arrangement is accepted and the proposed cycle parking arrangement is considered to be convenient and practical for future occupants. Overall, the proposal is considered to be in accordance with the requirements of policy 82 and is acceptable.

Car parking

8.18 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. The proposed development includes two dedicated car parking spaces per dwelling which meets the maximum standards set out in policy 82. Given the sustainable location of the site the level of car parking proposed is considered to be an over provision. However, in this instance given that no visitor parking is proposed and the design intention is to prevent any car parking along the main street/ access to the site the level of car parking proposed is accepted.

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

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

8.21 **Amenity**

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

8.23 **Neighbouring Properties**

8.24 In terms of the impact on neighbouring properties the closest residential properties to the site are No's 210 to 224 Queen Edith's Way. These are all existing two storey residential properties to the north of the site which have extensive long rear gardens which back onto the application site. The front elevations of Plots 1 to 6 all face northwards towards the rear of the Queen Edith's Way properties. However, given that the proposed dwellings are set approximately 10 metres from the rear boundaries of the gardens of these properties and a minimum distance of approximately 48m between the rear elevations of the neighbouring properties and the front elevations of the proposed units. Given the significant distances between the proposed development and the existing dwellings it is not considered to have a detrimental impact in terms of overbearing/ overshadowing or overlooking.

8.25 Plot 8 is proposed to be located to the rear of the garden of No's 222 and 224 Queen Edith's Way. The dwelling would be set approximately 4metres from the common boundary and there would be approximately 45 metres between the flank wall of the proposed dwelling and the rear elevation of the nearest Queen Edith's Way property. The plot 8 dwelling does not have any windows on the north elevation and therefore there would not be any additional overlooking or loss of privacy impacts on the existing dwellings or their private garden spaces.

8.26 Officers have assessed above the potential impact on the residential amenity of the surrounding occupiers in terms of overlooking, overbearing sense of enclosure and overshadowing. Given the relationship of the proposed dwellings to existing dwellings and boundaries officers are satisfied that there would not be a significant adverse impacts on the residential amenity of the neighbouring occupiers such that it would warrant refusal. In the opinion of officers, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 52, 55 and 56.

8.27 *Future Occupants*

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

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit (m ²)	Difference in size
1	3	6	3	108	124.5	+16.5
2	3	6	3	108	124.5	+16.5
3	4	6	3	112	139	+27
4	4	6	3	112	139	+27
5	4	6	3	112	139	+27
6	4	7	3	121	145	+24
7	5	9	3	134	188	+54
8	3	6	3	108	137	+29

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

8.31 *Amenity Space*

8.32 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. All of the proposed units would have private external gardens. Plots 1 to 6 would have south facing gardens and the gardens of plots 7 and 8 would be east facing. The proposed gardens are smaller than the expansive gardens that serve the existing properties along Queen Edith’s Way. However, the sizes of the gardens proposed for 3 to 5 bedroom units are still considered to be of sufficient size to offer future occupants a high quality usable private external space. The garden sizes range from 76m² to 135m².

8.33 All dwellings are designed to M4(2) accessibility standards as a minimum so that they are accessible and adaptable for all occupants. A condition is recommended to secure this requirement.

8.34 In the opinion of officers, the proposal provides a high-quality and accessible living environment and an appropriate standard of residential amenity for future occupiers, and in this respect it is compliant with Cambridge Local Plan (2018) policies 50, 51, 53 and 56.

8.35 **Other Matters**

8.36 The Environmental Health Officers have recommended various construction related conditions in order to protect the residential amenity of the nearby occupiers during the construction. Officers accept this recommendation and would add them to any consent granted. This could be in the above section.

8.37 The Cambridgeshire County Council Historic Environment Team (Archaeological Officers) have recommended a condition to ensure no development approved by this application takes place until a programme of archaeological works and written scheme of investigation has been submitted and approved in writing by the Local Planning Authority.

8.38 **Third Party Representations**

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

Third Party Comment	Officer Response
Concerned by the density and designs of the buildings within the proposed development.	Please refer to sections 8.2-8.9
Concerned that the scheme fails to meet local needs and does not provide affordable housing.	The proposed development is for a scheme of 8 units. Policy 45 of the Cambridge Local Plan (2018) states that affordable housing provision should be calculated on the basis that the thresholds are to be considered against the net increase in the number of units on the site. As the proposed net increase of units on the site would be below the threshold of 10 units, there is no policy basis to require affordable housing provision as part of this application. The proposal is compliant with policy 45 of the Cambridge Local Plan (2018).
Concerned by the additional traffic that would be generated by the development.	Please refer to sections 8.37-8.40.
Question how the fence will be installed	The details of the proposed boundary treatments are to be secured by planning condition (condition 30) and a tree protection

along the boundary with the trees in place.	plan condition (conditions 27 and 28) have also been imposed. These conditions will ensure an appropriate boundary treatment is provided and the trees to be retained are protected during construction and installation of the boundary treatments.
The red line boundary should not be amended during the course of the application and the revised site plan appears to encompass land owned by a third party and a certificate B notice should be submitted.	The consultation process met the requirements of the legislation and our Statement of Community Involvement. All neighbours adjacent the proposal have been notified and a site notice was displayed. All information in relation to the application has been uploaded to the application file for the public to view. Officers therefore consider that the consultation was satisfactory and compliant.

9.0 Conclusion

9.1 Officers consider the proposed development would make efficient use of a brownfield site which is located in a sustainable location. The scheme is acceptable in terms of its impact on character, neighbouring properties and in terms of future occupants' amenity.

10.0 Recommendation

10.1 **Approve** 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 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

- 4 No dwelling shall be occupied until the approved carbon reduction strategy for that dwelling as set out in Energy Assessment, Land to the rear of 208 and 210 Queen Edith's Way, Cambridge. Eight Versa, 16/11/2022 Issue 2 has been implemented in full. Any associated renewable and / or low carbon technologies shall thereafter be retained and remain fully operational in accordance with the approved details. Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised approach to meeting the required reduction in carbon emissions shall be submitted to and approved in writing by the local planning authority. The approved revised approach shall be fully implemented and thereafter maintained in accordance with the approved details prior to occupation of any dwelling.

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

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

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

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

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

- 7 No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on

Saturday and at no time on Sundays, Bank or Public Holidays, , unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 8 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

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

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

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

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

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

- 11 No external lighting shall be provided or installed until an artificial lighting impact assessment and mitigation scheme if required has been submitted to and approved in writing by the local planning authority. The assessment shall include the following:

i) the method of lighting (including luminaire type / profiles, mounting location / height, aiming angles / orientation, angle of glare, operational controls, horizontal / vertical isolux contour light levels and calculated glare levels to receptors)

ii) the extent/levels of illumination over the site and on adjacent land and predicted lighting levels at the nearest light sensitive receptors All artificial lighting must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notices for the Reduction of Obtrusive Light - GN01/20 (or as superseded).

Where required, the mitigation scheme shall be carried out as approved and retained as such.

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

- 12 The development (or each phase of the development where phased) shall not be occupied until the approved Phase 3 Remediation Strategy has been implemented in full.

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

- 13 The development (or each phase of the development where phased) shall not be occupied until a Phase 4 Verification/Validation Report demonstrating full compliance with the approved Phase 3 Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

16 No development (or phase of) shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

(a) A supplementary Phase 2 Intrusive Site Investigation Report based upon the recommendation of Section 7.6.1 of Geoenvironmental Report by Enzygo, ref: CRM.1993.002.GE.R.002.C, rev C, dated September 2022.

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

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

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

The scheme shall include:

- a) Details of the existing surface water drainage arrangements including runoff rates for the

QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;

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

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

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

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

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

- 19 No development above ground level shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be

maintained in accordance with the approved management and maintenance details for the life time of the development.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

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

Reason: in the interests of highway safety

- 21 Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between the hours of 09.30hrs -15.30hrs, during the term time of the Netherhall School, Queen Ediths Way, Cambridge.

Reason: in the interests of highway safety.

- 22 The proposed access 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: for the safe and effective operation of the highway

- 23 The proposed access as shown on drawing number 847738-5501-014 Rev P03 (submitted as part of the Updated Transport Statement Drawing Pack) shall be laid out and fully constructed prior to the occupation of any of the dwellings.
Reason: For the safe and efficient operation of the adopted public highway.

- 24 The two pedestrian visibility splays of 2m x 2m as shown on drawing number 847738-5501-014 Rev P03 (submitted as part of the Updated Transport Statement Drawing Pack) shall be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway for the lifetime of the development.

Reason: In the interests of highway safety

- 25 No development shall take place above ground level until full details including samples of all the materials to be used in the construction of the external

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

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

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

Reason: To ensure that the appearance of the external surfaces is appropriate and that the quality and colour of the detailing of the facing materials maintained throughout the development in accordance with Cambridge Local Plan 2018 policies 55 and 57.

- 26 The development shall not be occupied or the permitted use commenced, until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout of the cycle store. A cycle store proposed with a flat / mono-pitch roof shall include plans providing for a green roof. Any green roof shall be planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick. The cycle store and green roof as appropriate shall be provided and planted in full in accordance with the approved details prior to occupation or commencement of use and shall be retained as such.

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

- 27 Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority and written approval given, before any tree works are carried and before equipment, machinery

or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

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

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

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

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

- a) The statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

30 No development above ground level, other than demolition, shall commence until alternative details of a hard and soft landscaping scheme, to those shown in submitted plans 'Outline Hard and Soft Landscape Masterplan' by Garda Landscape, dwg no.223-001-P09' and 'Proposed Boundary Plan' by Hill, dwg no. 139-PS-004 Rev C., have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

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

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

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

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

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

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

- 31 No development above slab level shall commence until a biodiversity enhancement scheme has been submitted to and approved in writing by the Local Authority. It shall include the consideration of native planting, hedgehog habitat and connectivity and the proposed specification, number and locations of internal and / or external bird and / or bat boxes on the new buildings and any other measures to demonstrate that there will be a net biodiversity gain on the site of at least 10%. The biodiversity enhancement scheme as agreed shall be carried out prior to the occupation of the development and subsequently maintained in accordance with the approved scheme for the lifetime of the development.

Reason: To ensure ecological interests will be fully conserved and enhanced. (Cambridge Local Plan 2018 policy 57).

- 32 Prior to the occupation of the development hereby permitted an ecological sensitive lighting strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive to light disturbance for bats and invertebrates
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory
 - c) Demonstrate through building design, material and lighting specification that internal lighting spill from the new development will not adversely impact the areas / features identified as sensitive.

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

Reason: To ensure ecological interests will be fully conserved and enhanced. (Cambridge Local Plan 2018 policy 57).

33. Prior to first occupation, each dwelling shall be fitted with a means for future occupiers to monitor / measure all of their own energy consumption (electric / water / gas) including the extent of the contribution made to energy consumption

from on-site renewable energy sources. The fitted device(s) shall be retained and maintained thereafter.

Reason: In the interest of promoting sustainable development (Cambridge Local Plan 2018 policy 28)

34. Prior to the installation of any electrical services, an electric vehicle charge point scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall make provision for active charge point(s) for each house. The active charge points should have a minimum power rating output of 3.5kW. The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling and retained thereafter.

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

INFORMATIVES

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

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

- 2) The applicant is advised to develop a scheme that achieves less water consumption than 110 litres per person per day and to assist future occupants by installing a means of monitoring and measuring their own water consumption within each dwelling.
- 3) The applicant is encouraged to include electric spurs for the charging of electric cycles within the development.



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Planning Committee Date	2 nd August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/03731/S106A
Site	Land Between Bridewell Road and Lucerne Close
Ward / Parish	Cherry Hinton
Proposal	Modification of planning obligations contained in a Section 106 Agreement dated 20 December 1993 made between (1) Cambridge City Council and (2) Granta Housing Society Limited
Applicant	Jignesh Hirani
Presenting Officer	Tom Chenery
Reason Reported to Committee	Delegated authority does not extend to include Deeds of Variation
Member Site Visit Date	N/A
Key Issues	1.Housing Provision
Recommendation	APPROVE subject to S106 deed of variation

1.0 Executive Summary

- 1.1 The application seeks to modify the planning obligations contained in a S106 Agreement dated 20th December 1993 pursuant to planning permission S/1451/93/F.
- 1.2 The application seeks to modify the S106 agreement specifically in relation to the Mortgagee in Possession (MIP) clause. The MIP clause is a requirement of financial lenders to Registered Providers for the development of affordable housing, to ensure that they have some security against the money they are lending.
- 1.3 The reason for the requested change is that the applicant would like to ensure that they receive a Market Value subject to Tenancy valuation (MV-STT) to be able to increase the funding available for investment into affordable housing. This requires the Mortgage Exclusion Clause to be added to take out any ongoing requirement for a lender to use the property as affordable housing.
- 1.4 The S106a application has been subject to consultation with the Housing Officer who has no objections to the obligation being modified
- 1.5 Therefore, officers recommend that the Planning Committee approve the proposed modification of the planning obligation.

2.0 Site Description and Context

- 2.1 The site comprises a parcel of residential land which covers land both within Cambridge City and South Cambridgeshire. The site includes a residential cul de sac known as Primrose Close. The application site is located to the east of Bridewell Road, Cambridge and to the west of Lucerne Close. There is a footpath that connects Primrose Close to Lucerne Close.
- 2.2 The proposal specifically relates to 8 dwellings within the application site.

3.0 The Proposal

- 3.1 The application has been made under the Town and Country Planning Act 1990 (S106A) and the Town and Country (Modification and Discharge of Planning Obligations) Regulations 1992.
- 3.2 The application seeks the Modification of planning obligations contained in a Section 106 Agreement dated 20 December 1993 made between (1) Cambridge City Council and (2) Granta Housing Society Limited.
- 3.3 The application seeks modification of the planning obligation contained in a S106 Agreement dated 20th December 1993 pursuant to planning permission S/1451/93/F. This would include the following clause:

3. mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a “Receiver”)) of the whole or any part of the Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:

(1) such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Housing Units and shall have used reasonable endeavours over a period of three (3) months from the date of the written notice to complete a disposal of the Housing Units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and

(2) if such disposal has not completed within the three (3) month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Housing Units free from the affordable housing provisions in this Agreement which provisions shall determine absolutely”

4.0 Relevant Site History

Reference	Description	Outcome
S/1451/93/F	23 DWELLINGS	Approved

5.0 Policy

5.1 National

Town and County Planning Act 1990 (s106a)

Town and County Planning (Modification and Discharge of Planning Obligations) Regulations 1992

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

5.2 Cambridge Local Plan 2018

Policy 45: Affordable housing and dwelling mix

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

5.3 Neighbourhood Plan

N/A

5.4 Other Guidance

Homes England Capital Funding Guide (2016)

6.0 Consultations

6.1 S106 Officer – No Objection

6.2 Affordable Housing Officer – No Objection

7.0 Third Party Representations

7.1 No representations have been received.

8.0 Member Representations

Not applicable

9.0 Assessment

9.1 Housing Provision

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

9.3 The applicant has submitted a S106 (A) application to modify the terms of the S106 agreement through a deed of variation, specifically in relation to the Mortgagee in Possession (MIP) clause. The Mortgagee in Possession clause is a requirement of financial lenders to Registered Providers for the development of affordable housing, to ensure that they have some security against the money they are lending.

9.4 The reason for the requested change is that the applicant would like to ensure that they receive a Market Value subject to Tenancy valuation (MV-STT) to be able to increase the funding available for investment into affordable housing. This requires the Mortgage Exclusion Clause to be added to take out any ongoing requirement for a lender to use the property as affordable housing.

9.5 The Council's Affordable Housing Team has confirmed that their support of the application. Therefore, Officers are satisfied that the proposal would accord with Cambridge Local Plan (2018) policy 45.

9.6 Planning Balance

9.7 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004). No material considerations indicate that the deed of variation proposed should not be supported by the Council.

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

10.0 Recommendation

10.1 Agree the proposed Deed of Variation

- Satisfactory completion of a deed of variation to the Section 106 Agreement which includes the wording as recommended by the Housing Officer as set out in the report with minor amendments delegated to officers.

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Planning Committee Date	2nd August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/01014/FUL
Site	159 Vinery Road, Cambridge
Ward / Parish	Romsey
Proposal	Demolition of an existing dwelling and outbuilding, and the construction of 3no. four bedroom houses and 1no. five bedroom house, with associated external works, including a new dropped kerb road access, and bicycle, refuse and recycling stores
Applicant	Mr Fred Walemba
Presenting Officer	Tom Chenery
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Impact on the Character2. Impact on Neighbouring Amenity3. Highways Safety/Parking
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks to demolish the existing bungalow at 159 Vinery Road and erect 4 dwellings within the site.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area and is designed appropriately.
- 1.3 The proposal is not considered to cause undue harm to the amenity or living conditions of neighbouring occupiers and would provide an acceptable level of amenity for future occupiers.
- 1.4 The proposal would not have any significant adverse effect upon the Public Highway and would not result in any undue highways safety implications.
- 1.5 Officers recommend that the Planning Committee Approve the application.

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 The application site comprises a bungalow style dwelling and its associated outbuildings, parking and rear garden space. Access is available from Vinery Road to the east.
- 2.2 To the north of the site is a bungalow style dwelling known as 161 Vinery Road. Further to the north are three newly constructed two storey dwellings known as 248 a, b and c Coldhams Lane. These were approved under planning reference 20/01318/FUL.
- 2.3 To the south of the site is a recently constructed cul-de-sac known as Vinery Place which comprises 7 residential dwellings which are two storey in height. These were approved under planning reference 14/1634/FUL.

3.0 The Proposal

- 3.1 “Demolition of an existing dwelling and outbuilding, and the construction of 3no. four bedroom houses and 1no. five bedroom house, with associated external works, including a new dropped kerb road access, and bicycle, refuse and recycling stores”
- 3.2 The proposal seeks to demolish the existing bungalow style dwelling at the front of the site as well as its associated outbuildings and erect 4 dwellings within the site.
- 3.3 Three of the dwellings would comprise three storey terraced dwellings which would be located towards the rear/west of the site, these will be referred to as Plots 1, 2 and 3. The 4th dwelling would be located towards the south eastern portion of the site and would be three storeys in height. This shall be referred to as Plot 4. They would all benefit from associated garden space and car parking
- 3.4 Access will be to the east of the site on to Vinery Road.
- 3.5 The application has been amended to address concerns regarding the proposals impact on neighbouring properties and its impact on the character of the area.
- 3.6 The proposal is similar to planning application 17/1793/FUL which gained permission for the erection of 6 x 1 bedroom apartments and 3 x 1 bedroom apartments. This application was determined through delegated powers.

4.0 Relevant Site History

Reference	Description	Outcome
17/1793/FUL	Demolition of existing buildings and construction of two new buildings containing 6 x 1 bedroom apartments and 3 x 2 bedroom apartments. Provision of on-site parking and bin & bike storage.	Approved
22/05554/FUL	Demolition of an existing dwelling and outbuilding, and the construction of 3 No. four bedroom houses and 3 No. two bedroom flats, with associated external works, including a new dropped kerb road access, and bicycle, refuse and recycling stores	Withdrawn
C/93/0692	Change Of Use From Residential (Class C3) To A Mixed Residential/House In Multiple Occupation Use (Class C3/ Sui Generis).	Approved

Relevant Neighbouring History

Reference	Description	Outcome
14/1634/FUL	Demolition of the existing dwelling houses and the erection of a terrace and semi-detached dwellings and creation of new access	Approved
20/01318/FUL	Demolition of existing single storey bungalow and erection of a terrace of 3no. 3bedroom houses along with new parking arrangements and associated works	Approved

- 4.1 Planning permission was granted for the redevelopment of the site under planning application reference 17/1793/FUL. This approved development allowed for three storey development at the front and rear of the site.
- 4.2 There have also been several approvals for the redevelopment of similar sites to the north and south of the site under application references 14/1634/FUL and 20/01318/FUL. These developments are similar to the proposal in terms of their design and styling.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
Policy 3: Spatial strategy for the location of residential development
Policy 28: Sustainable design and construction, and water use
Policy 29: Renewable and low carbon energy generation
Policy 31: Integrated water management and the water cycle
Policy 33: Contaminated land
Policy 34: Light pollution control
Policy 35: Human health and quality of life
Policy 36: Air quality, odour and dust
Policy 50: Residential space standards
Policy 51: Accessible homes
Policy 52: Protecting garden land and subdivision of dwelling plots
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 59: Designing landscape and the public realm
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016
Trees and Development Sites SPD – Adopted January 2009
Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste

6.0 Consultations

6.1 County Highways Development Management –No Objection

6.2 Subject to recommended conditions

6.3 Environmental Health –No Objection

6.4 Subject to recommended conditions

6.5 Sustainable Drainage Engineer – No Objection

6.6 Subject to recommended conditions

7.0 Third Party Representations

7.1 1 representations has been received.

7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Density and overdevelopment
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Construction impacts
- Highway safety
- Car parking and parking stress
- Biodiversity

8.0 Member Representations

Not applicable

9.0 Local Interest Groups and Organisations / Petition

Not applicable

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

10.0 Assessment

10.1 Principle of Development

10.2 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

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

- 10.4 Planning permission was granted for the redevelopment of the site under planning application reference 17/1793/FUL. This planning permission has not been implemented and has expired. Nonetheless, it still holds weight within the planning balance.
- 10.5 The principle of the development is acceptable subject to the proposal's compliance with policies 3 and 52 of the Local Plan.
- 10.6 A concern has been raised regarding the acceptability of such a development within the locale and its potential use as a House of Multiple Occupation (HMO). The proposed development as a residential use in principle, is considered acceptable as indicated. The application is not seeking to use the dwellings as a HMO's and as such this application can only consider what is being proposed. Whilst it is accepted that there would be an intensification of the use of the site, its acceptability in principle and acceptability of such an intensification is reliant on its compliance with material considerations and policies within the local plan. This is considered in turn and in detail below.

10.7 Design, Layout, Scale and Landscaping

- 10.8 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 10.9 The surrounding context of Vinery Road is mixed in character with a variety of bungalows and two storey dwellings. The recent development to the south comprises two storey townhouses along the Vinery Road frontage, with detached and semi-detached properties arranged around a shared access at the rear. The Vineyard Place development is contemporary in style but domestic in character. The Vineyard Place scheme has a mixture of pitched roofs on the front townhouses and gable ends on the rear dwellings. .
- 10.10 Immediately to the north of the site is a single storey bungalow dwelling which gains access from Vinery Road. Further north are recently constructed terraced dwellings which front Coldhams Lane.
- 10.11 The proposed site layout would consist of 1No. three storey detached dwelling at the front of the site which would have a similar building lineage to No's 151 to 155 Vinery Road to the south. Located to the western/rear portion of the site would be 3No. three storey terraced dwellings which would have a similar building lineage to the properties to the south of the site at No.1-4 Vineyard Place. There would be an access road that would run along the northern part of the site and would provide entrance to the parking area which would be located centrally within the site.

- 10.12 The dwellings would be three storeys in height with Plot 4 at the front of the site benefitting from an apex gable roof design which would face Vinery Road as well as a three storey outrigger on the northern elevation which would have a hipped roof, set down from the ridge height and set back from the front of the main dwelling to appear subservient. The scale of the dwelling would be commensurate to the adjacent dwellings to the south on Vinery Road and the recently approved dwellings to the north of the site.
- 10.13 As indicated previously, residential development on the site has been previously approved under application reference 17/1793/FUL, particularly a three storey building which is similar in appearance to the proposed development especially in scale and appearance.
- 10.14 Given that the dwelling at the front of the site (Plot 4) would be of a similar scale to the adjacent dwellings to the north and the immediate locale as well as to the previously consented scheme (17/1793/FUL), this aspect of the proposal is considered acceptable in terms of its impact on the character and appearance of the area.
- 10.15 The dwellings at the rear of the site (Plots 1-3) would be three storey, would benefit from apex gable frontages and are all uniform in appearance. They would also be similar in scale and massing to the dwelling at the front of the site as well as those to the south on Vineyard Place and Vinery Road.
- 10.16 The proposed dwellings are an alteration to the previously consented scheme which originally benefitted from 2no.three storey gable aspects linked by a central aspect. This originally consented structure appeared as an apartment block. The dwellings to the rear of the site would be of a design more similar to that of the adjacent buildings to the south and north and would not be any greater in height massing or scale than that of the approved apartment block. As such this aspect of the development is considered to relate acceptable to the character and appearance of the area.
- 10.17 The proposed landscaping scheme provides a domestic setting for the buildings, including planting along the frontage and the access, and providing buffers within the car parking area and around private amenity spaces.
- 10.18 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57 and 59 and the NPPF.
- 10.19 Amenity**
- 10.20 Paragraph 130 of the NPPF states that all new development should always seek to secure high quality design and a good standard of amenity

for all existing and future occupants of land and buildings, and that the space provided should be usable

Impact on amenity of neighbouring occupiers

- 10.21 Policy 35, 50, 52, and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 10.22 Impact on No. 155 Vinery Road
- 10.23 Plot 4 would be situated on the shared southern boundary with No.155 Vinery Road and would be located some 1.3m from the adjacent dwelling itself. The scheme has been amended since its originally submitted form with the reduction in scale of this part of the development. The originally submitted design of Plot 4 extended beyond the rear two storey building line of No.155 Vinery Road. The amended proposal has been reduced in scale particularly at the rear of Plot 4 so that it's two storey element does not extend beyond the rear two storey building line of No.155 Vinery Road. This is evident on submitted plan no. 21045(A)wd12.15 Rev B.
- 10.24 The single storey outrigger proposed on Plot 4 would also not extend beyond the single storey rear building line of No.155 Vinery Road.
- 10.25 It is considered that as Plot 4 does not extend beyond the building line of No.155, the proposed development would not cause any undue loss of light, outlook or appear overbearing to No.155 Vinery Road.
- 10.26 The adjacent dwellings to the rear are far enough removed from this adjacent neighbour that it would not cause harm to its amenity or living conditions.
- 10.27 A concern has been raised regarding the impact that the roof windows would have on the rear bedroom of the adjacent property (no.155). Due to the reduction in scale of Plot 4 from the originally submitted design, views from the roof windows to the rear of No.155 would not be possible. The proposed rooflights would serve bedrooms but would be more than 1.7m above floor level and it is considered that due to their positioning would not result in any loss of privacy
- 10.28 No.155 benefits from a window on the northern elevation which approved plans on application 14/1634/FUL indicates that this window also serves a bathroom and is obscurely glazed. As both windows would serve bathrooms, it is not considered that the proposed windows on the southern elevation of Plot 4 would result in any undue loss of light or privacy to No.155 Vinery Road.
- 10.29 A concern has also been raised regarding an Air Source Heat Pump (ASHP) which was originally located close to the boundary with No.155.

The amended plans have since altered the location of this ASHP which is now located further to the north of the site and as a result should not result in any harmful noise impacts upon this adjacent neighbour.

- 10.30 Due to the reasons highlighted above, the proposed development would not result in any undue impacts to the amenity or living conditions of No.155 Vinery Road.
- 10.31 Impact on No. 161 Vinery Road
- 10.32 The proposed development (Specifically Plot 4) would be located approx. 6.5m from No.161 Vinery Road itself and 5.2m from the shared northern boundary.
- 10.33 The demolition of the existing bungalow would reduce the immediate enclosure on this property. The proposed front property would be taller than the adjacent property.
- 10.34 No.161 benefits from 5 rooflights that would directly face the application site. There is no evidence available to the Council to confirm what rooms they serve. Nonetheless, due to the separation distance between Plot 4 at the front and adjacent dwelling No.161, the proposal will not cause any undue loss of light, overbearing impact or loss of privacy to this adjacent neighbour. This is evident from the submitted sun path analysis drawings 20145(A)wd2.12 and 20145(A)wd2.14 which considers its impact in March and September.
- 10.35 The adjacent part of the application site would be used for the new access which would run alongside the shared boundary. No.161 is situated close to the adopted highway of Vinery Road. Although it is accepted that there will be an increase in the intensification of the access road, it would not be any greater than the existing noise and disturbance from Vinery Road and as such is unlikely to result in any excessive noise impacts to this adjacent neighbour.
- 10.36 The proposed first floor windows on the side elevation serving the stairwells would be obscure glazed and I am satisfied that there would be no loss of privacy from views from the roof lights on the northern roof slope.
- 10.37 Due to the reasons highlighted above, the proposed development would not result in any undue impacts to the amenity or living conditions of No.161 Vinery Road.
- 10.38 Impact on No. 4 Vineyard Place
- 10.39 Plots 1-3 would extend across the width of the rear/western portion of the site. The southernmost dwelling (referred to as Plot 1) would be located some 0.7m from the shared boundary with No.4 Vineyard Place and 2.2m from the dwelling itself. The proposed built form would slightly protrude

from the front and rear building lines of No.4 by approx. 1m at the front and 0.5m to the rear. The single storey outriggers as proposed would not extend beyond that at No.4.

- 10.40 Due to the scale and positioning of the proposal, the proposal is not considered to cause any undue loss of light, outlook or appear overbearing to No.4 Vineyard Place.
- 10.41 No.4 does benefit from a window on its northern elevation that would directly face the development but as indicated on the approved plans of application 14/1634/FUL, this window serves a stairwell and is obscurely glazed. As a result, the proposal would not result in any undue loss of light or privacy to this adjacent window/neighbour.
- 10.42 Due to the reasons highlighted above, the proposed development would not result in any undue impacts to the amenity or living conditions of No.4 Vineyard Place.

Ross Street Properties

- 10.43 The proposal backs on to the rear gardens of a number of properties on Ross St, to the west of the application site. The Ross Street properties are two storey semi-detached or terraced properties with long rear gardens including several outbuildings within the rearmost part of some of the gardens. Plots 1-3 would be located approx. 9.5m from the rear shared boundary and 27.5m from the properties themselves.
- 10.44 The applicant has provided a shadow study that indicates that the proposal would not result in any undue overshadowing of the rear gardens of these properties over and above the current site.
- 10.45 Given the separation distance between the proposed dwellings at the rear of the site to the rear gardens of the properties on Ross Street, the proposal would not appear overbearing to these residential properties.
- 10.46 Moreover, due to the length of rear gardens, the proposal would not cause any undue loss of light, privacy or overlooking to the residential amenity of the occupants of these properties.

Coldhams Lane Properties

- 10.47 The proposal would result in development close to the rear boundaries of a number of properties along Coldhams Lane to the north of the site. The side elevation of the rear dwellings would align with the end of the gardens of Nos. 234-238 Coldham's Lane.
- 10.48 The dwellings along Coldhams Lane are a mix of semi-detached or detached two or one-and a-half storey dwellings, again with long rear gardens which abut a shared access path along the northern boundary of the site. There are some outbuildings in the rear garden.

- 10.49 The proposed dwellings would have a ridge height of approx. 9m and an eaves height of 6m with an overall three storey depth of approx. 9m.
- 10.50 The applicant has provided a shadow study that indicates that the proposal would not result in any significantly harmful overshadowing of the rear gardens of these properties over and above the current site.
- 10.51 Due to the scale and design of the dwellings as well as their separation distance from the dwellings along Coldhams Lane, the proposal would not result in any undue harm to the amenity or living conditions of these adjacent neighbouring properties.
- 10.52 Overall, the proposed development is not considered to result in any undue impacts to the amenity or living conditions of neighbouring occupiers and would accord with policies 35, 52, 56, 57 and 59 in this regard.

Future Occupants

- 10.53 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 10.54 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	4	7	3	121	151	+30
2	4	7	3	121	151	+30
3	4	7	3	121	151	+30
4	5	7	3	125	182	+57

- 10.55 The bedrooms and other habitable rooms provided by the proposed development are in line with the space standards set out in Policy 50 and the Technical Housing Standards – Nationally Described Space Standards and benefit from at least one main source of light.

External Amenity Space

- 10.56 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers.
- 10.57 The proposal would provide private rear gardens for all properties which are designed to be of a shape, size, and location to allow effective and

practical use of the space by residents. Plots 1-3 at the rear of the site would have a rear garden space of between 42m² and 55m² with a minimum depth of approx. 8m. Plot 4 at the front of the site would have approx. 55m² of external amenity space. The proposal would comply with Policy 50 in regard to external amenity space.

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

Construction and Environmental Impacts

- 10.60 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance.
- 10.61 The Council's Environmental Health team have assessed the application and has raised no objection to the proposal subject to conditions on Construction hours, Piling, Dust, Plant Noise Insulation and artificial lighting
- 10.62 Noise and disturbance during construction would be minimized through these recommended conditions and would help protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.
- 10.63 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52 and 58.

10.64 Carbon Reduction and Sustainable Design

- 10.65 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 10.66 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat

01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.

- 10.67 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.68 The proposal seeks to add Solar PV panels to the roof of all dwellings as well as use ASHP's in order to achieve a more renewable and low carbon generation development. In order to ensure the proposal achieves the Carbon and Water reduction requirements as set out in Policies 28 and 29 it is necessary to add conditions to any permission given that would require the proposed dwelling to comply with these policies.
- 10.69 Subject to these conditions, the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

10.70 Biodiversity

- 10.71 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 10.72 The application site consists of a residential dwelling with several outbuildings and a garden amenity area. It is considered that the site at present provides limited ecological benefits.
- 10.73 The Greater Cambridge Biodiversity SPD indicates that proposals should aim to maintain enhance and restore or add to biodiversity and should obtain a Biodiversity Net Gain of 10%. No information has been provided with the application which relates to Biodiversity Net Gain. Nonetheless, given the proposal seeks to develop a residential garden which has limited biodiversity impacts, in order to secure a 10% Biodiversity Net Gain a condition could be added to any permission given requiring this information prior to any above ground development.
- 10.74 Officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with policies 57, 69 and 70 of the Cambridge Local Plan (2018).

10.75 Water Management and Flood Risk

- 10.76 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 10.77 The site is in Flood Zone 1 and is therefore considered at low risk of fluvial flooding. The site is also not located within an area at risk of surface water flooding.
- 10.78 The application is supported by a Flood Risk Assessment
- 10.79 The Council's Sustainable Drainage Engineer has commented on the proposal and have stated no objection subject to the imposition of several conditions including flood resilience measures, and surface and foul water drainage details.
- 10.80 The conditions recommended are considered necessary to ensure the site can be adequately drained and there is no increased flood risk on or off site resulting from the development
- 10.81 Overall, the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

10.82 Highway Safety and Transport Impacts

- 10.83 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 10.84 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.85 The application is supported by a Transport Assessment.
- 10.86 Access to the site would be via Vinery Road to the east of the site.
- 10.87 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways who raise no objection to the proposal subject to conditions regarding further details of the construction access. This condition is considered necessary to ensure the safe and effective operation of the highway.
- 10.88 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

10.89 Cycle and Car Parking Provision

- 10.90 Cycle Parking
- 10.91 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision.
- 10.92 The proposal would provide 9 cycle parking spaces to the front of the three terraces dwellings (Plots 1-3) and would not be visible to the streetscene as it would be located behind the dwelling at the front of the site (Plot 4).
- 10.93 The cycle storage areas, although in one cycle block, would be individually accessed and would provide 3 cycle spaces per dwelling which is in line with the cycle parking guidance set out within Policy 82 and Appendix L of the Cambridge Local Plan.
- 10.94 The cycle parking for Plot 4 at the front of the site would also be located to the front of the dwelling adjacent to the bin storage area. The
- 10.95 Car parking
- 10.96 An objection has been raised regarding the level of car parking on the site.
- 10.97 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms.
- 10.98 The application site is located outside of a controlled parking zone and all the dwellings would be 4 bedroom properties. The provision of 4 off street parking spaces in total for the development is within the LP standard. The proposal would provide an adequate amount of parking in line with the parking guidance set out in Policy 82.
- 10.99 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking, one slow charge point for every two dwellings with communal parking (at least half of all non-allocated parking spaces) and passive provision for all the remaining car parking spaces to provide capability for increasing provision in the future. No details of EV charging points have been provided, however, a condition can be added to any permission given that would require details of this to be provided.

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

10.101 Third Party Representations

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

Third Party Comment	Officer Response
Access to rear garden for construction	Access to the rear garden of adjacent properties to enable construction is a civil matter and is not a consideration for this planning application.
Access to rear garden for maintenance	The restriction of access to a residential property for maintenance purposes is a civil matter and is not a consideration for this planning application.
Maintenance of green spaces	The maintenance of any green spaces within the site can be controlled by condition specifically a landscape management plan.

10.103 Other Matters

10.104 Bins

Policy 57 requires refuse and recycling to be successfully integrated into proposals. The submitted plans show Bin Stores and Recycling points which are in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP) Guidance.

10.105 Planning Balance

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

10.107 The proposal provides an effective use of land which is located in a sustainable location and would contribute towards the Council's housing provision, all of which are benefits which weigh in favour of the proposal. The proposal would be sensitively and appropriately designed with limited impact upon the character and appearance of the area and the amenity of neighbouring occupiers.

10.108 The proposal would enhance the appearance of the current dilapidated dwelling on the site and would enhance the overall character of the area.

10.109 The application is a variation to the consented scheme which holds weight within the planning balance. The proposal would not be substantially different to this consented scheme and would also be similar in appearance to adjacent developments to the north and south of the application site.

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

11.0 Recommendation

11.1 **Approve** subject to:

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

12.0 Planning Conditions

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

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

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

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

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

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

- 4** Prior to the installation of any artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial

lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01/20 (or as superseded).

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

Reason: To protect the amenity of future occupiers in accordance with Policy 52, 56 and 57 of the Local Plan

- 5** 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).

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

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

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

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

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

- 8** No operational plant, machinery or equipment shall be installed until a noise assessment and any noise insulation/mitigation as required has

been submitted to and approved in writing by the local planning authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

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

- 9** Finished ground floor levels should be to be set in accordance Flood Risk Assessment - 159 Vinery Road, prepared by EPS, reference UK23.6382, dated 10th March 2023.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Section 14 of the NPPF.

- 10** 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.

- 11** No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

The scheme shall include:

- a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above referenced storm events (as well as 1% AEP plus climate change)
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
- d) A plan of the drained site area and which part of the proposed drainage system these will drain to;
- e) Full details of the proposed attenuation and flow control measures;
- f) Site Investigation and test results to confirm infiltration rates;

g) Full details of the maintenance/adoption of the surface water drainage system;

h) Measures taken to prevent pollution of the receiving groundwater and/or surface water Rev A

i) Formal agreement from a third party if discharging into their system is proposed, including confirmation that sufficient capacity is available. The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

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

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

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

- 13** No demolition or construction works (for clarity this shall include any enabling works) shall commence on site until details of the proposed construction access to the site have been submitted and approved by the Planning Authority. The details must include the timeframe for implementation, layout and internal construction (any construction within the adopted public highway will have to conform to the Highway Authority Specification). The approved details shall be fully implemented prior to any other works commencing on site.

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

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

i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;

ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the appropriate DEFRA metric in force at the time of application for discharge;

iii) Identification of the existing habitats and their condition on-site and within receptor site(s);

iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the appropriate DEFRA metric in force at the time of application for discharge;

v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.

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

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

- 15** No above ground development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall also include a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details and retained as approved thereafter. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping and to ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy in accordance with Policies 52, 56 and 58 of the Local Plan

- 16** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no development within Classes A, B, C, D and E of Part 1 of Schedule 2

of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

Reason: To minimise the impact of the development upon the countryside and neighbouring amenity in accordance with Policy 52, 56, 57 and 59 of the Local Plan

17. Prior to first occupation, each dwelling shall be fitted with a means for future occupiers to monitor / measure all of their own energy consumption (electric / water / gas) including the extent of the contribution made to energy consumption from on-site renewable energy sources. The fitted device(s) shall be retained and maintained thereafter.

Reason: In the interest of promoting sustainable development (Cambridge Local Plan 2018 policy 28)

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

The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling and retained thereafter.

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

19. The bin and bike stores associated with the proposed development, including any planting associated with a green roof, shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter. Any store with a flat or mono-pitch roof shall incorporate, unless otherwise agreed in writing by the local planning authority, a green roof planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.

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

20. No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority.

The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations. Where on-site renewable or low carbon technologies are proposed, the Statement shall include:

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

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

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



Planning Committee Date	02/08/2023
Report to Lead Officer	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
Reference Site Ward / Parish	23/00199/FUL 145 Perne Road Coleridge
Proposal	Change of use of existing HMO to 4 No. flats including two storey rear extension and new bin and bike store.
Applicant Presenting Officer Reason Reported to Committee	Mr P Sodha Laurence Moore Third party representations
Member Site Visit Date	N/A
Key Issues	1.Previous Permissions 2.Residential amenity of future occupiers 3.Residential amenity of neighbouring occupiers
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks Change of use of existing HMO to 4 No. flats including two storey rear extension and new bin and bike store.
- 1.2 The flats are intended for the sole use of persons subject to physical disabilities, learning disabilities, and autism and mental health problems.
- 1.3 The previous application was refused by the Council yet allowed at appeal. The permission granted under appeal has not lapsed, and so still holds a considerable amount of weight within this assessment.
- 1.4 The current proposals constitute limited changes to the scheme approved under appeal. The changes include the internal addition of a second storey to the approved two-storey extension, the addition of two additional bedrooms to flat 3 be contained within the additional storey of the approved two-storey rear extension and the addition of Velux windows to the north and south roof slopes of the approved two-storey rear extension.
- 1.5 The proposed additional bedrooms will allow for 3 additional bedspaces for flat 3 which is considered a marginal increase in use.
- 1.6 The proposed Velux windows are not considered to grant any additional overlooking opportunities.
- 1.7 Bikes and bins are located as approved under appeal.
- 1.8 Several conditions relating to sustainability, landscaping arrangements, privacy, access, design and biodiversity have been recommended as part of this recommendation.
- 1.9 Officers recommend that the Planning Committee approve this application subject to the conditions outlined within this report.

2.0 Site Description and Context

None-relevant	x
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*X indicates relevance

- 2.1 The property is a detached two-storey dwelling on Perne Road which is in use as a house in multiple occupation containing six bedrooms. There are two large outbuildings to the rear of the property. There is hardstanding to the front of the property which can accommodate three vehicles.
- 2.2 The site is within a primarily residential area in the Cambridge Local Plan (2018). The site is not situated within a conservation area or controlled parking zone.

2.3 North of the site consists of neighbouring property 147 Perne Road, further north of the site consists of residential properties Perne Road. East of the site consists of Perne Road and associated residential properties, whereas further east of the site consists of Tiverton Way, a residential street. South of the site consists of the Perne Road, Birdwood Road, Radegund Road roundabout. West of the site consists of Coleridge Community College and Ridgefield Primary School which front Radegund Road.

3.0 The Proposal

- 3.1 Change of use of existing HMO to 4 No. flats including two storey rear extension and new bin and bike store.
- 3.2 Limited changes to the scheme approved under appeal which was allowed in 2022 for a change of use of existing HMO to 4no flats, (2x 2bed, 2x 1 bed) including two storey rear extension. New bin and bike store.
- 3.3 The changes made to the approved scheme include an increase in maximum occupancy of flat 3 from 2 bedrooms to 4 bedrooms, with an additional storey added within the previously approved two storey extension.
- 3.4 The external changes made to the approved scheme include additional windows within the north and south roof slopes of the approved extension, to ensure the additional bedrooms proposed can be habitable.
- 3.5 The application has been amended as the previously submitted floorplans did not account for the 1.5m minimum floor height and the implications on space standards. To ensure the development complies with spaces standards, the maximum occupancy of flat 3 has been decreased by 1no. persons

4.0 Relevant Site History

Reference	Description	Outcome
22/05005/S73	S73 application to vary conditions 2 (Approved plans) and 3 (Materials) of planning ref 19/1467/FUL (Change of use of existing HMO to 4no flats, (2x 2bed, 2x 1 bed) including two storey rear extension. New bin and bike store) Flat 3 modified to 4 bedroom unit	WDN

19/1467/FUL

Change of use of existing HMO to 4no flats, (2x 2bed, 2x 1 bed) including two storey rear extension. New bin and bike store

Allowed at appeal

- 4.1 Application reference 19/1467/FUL, was refused by a previous officer in 2021, due to concerns over adverse impacts to the residential amenity of neighbouring occupiers caused by overlooking, in addition to concerns over the amenity of neighbouring occupiers stemming from issues relating to external amenity space.
- 4.2 The application was then allowed under appeal in 2022, and the concerns outlined above were not considered to allow for adverse impacts on the amenity of neighbouring occupiers or future occupiers of the site.
- 4.3 Application reference 22/05005/S73, sought the changes submitted as part of this application. Whilst the changes are limited, they would constitute a material change and would require an alteration of the approved description of development, the application was withdrawn as the changes could not be achieved within a s73, which allows for minor material amendments only and does not allow for description changes.
- 4.4 A copy of the Inspector's Decision letter in relation to the appeal is attached at appendix 1.
- 4.5 The application proposed seeks limited changes to the scheme approved under appeal, which has not lapsed and so still holds considerable weight as part of this assessment.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Equalities Act 2010

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

Technical Housing Standards – Nationally Described Space Standard (2015)

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

- Policy 1: The presumption in favour of sustainable development
Policy 3: Spatial strategy for the location of residential development
- Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use
Policy 29: Renewable and low carbon energy generation
- Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
- Policy 35: Protection of human health from noise and vibration
Policy 36: Air quality, odour and dust
- Policy 47: Specialist housing
Policy 50: Residential space standards
Policy 51: Accessible Homes
Policy 53: Flat conversions
- Policy 55: Responding to context
Policy 56: Creating successful places
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
- Policy 72: Development and change of use in district, local and neighbourhood centres
- Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

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

5.5 Other Guidance

North West Cambridge Area Action Plan (adopted October 2009)
Cambridge East Area Action Plan (adopted February 2008)
Cambridge Southern Fringe Area Action Plan (adopted February 2008)

N/A

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 “Following a careful review of the documents provided to the Highway Authority as part of the above planning application, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.”

6.3 Environmental Health – Object / No Objection

6.4 No objection subject to the condition outlined below:

Construction Hours

7.0 Third Party Representations

7.1 1 representation has been received.

7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Density and overdevelopment
- Residential amenity impact (foot traffic, loss of light)
- Ownership/Party Walls

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 Principle of Development

8.2 The application proposes the conversion of existing HMO into 4 no. flats to include two storey rear extensions and loft extension/ conversion.

8.3 Policy 3 of the local plan states that new residential development should be located in and around the urban area of Cambridge and should make the most of previously developed land. The applications seeks the creation of additional residential space on a previously developed site and so is compliant with policy 3 of the local plan.

8.4 Policy 53 states that applications for proposed flat conversions will be permitted where:

- a. the proposed development (the original building including acceptable extensions and roof conversions) has an internal gross floor area of at least 120 sq m (excluding stairwells, balconies, external open porches,

conservatories and areas with a floor to ceiling height of less than 1.5m), and proposed room sizes meet minimum room sizes (see Policy 50);

b. the ground or lower ground floor includes a family unit (two bedroom plus) with garden access;

c. the proposal, in terms of the number of units and scale of associated extensions, would not have a negative impact on the amenity or character of the area or on highway safety in streets already experiencing parking stress;

d. the proposal would result in a good standard of amenity for its occupiers and is designed to avoid cumulative and negative impacts on neighbouring residential properties; and

e. the proposal includes appropriate refuse, recycling and cycle storage to serve the development.

8.5 The development is compliant with policy 3 and 53 and so the principle of development is considered acceptable. The following sections of this report will present the application's compliance with policy 53 of the local plan, and shall explain why the principle of development is acceptable

8.6 Design, Layout, Scale and Landscaping

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

8.8 The application site consists of an existing two-storey detached property fronting Perne Road. The site has been subject to a previous application for a similar scheme as the current proposals, which was refused. The appeal was then allowed by the inspector. This approved permission on site is still live, which means the previous scheme holds weight in support of this application.

8.9 The applications seeks the change of use from an existing HMO to 4no. flats. The proposed change of use is acceptable in principle as outlined above, due to the proposals compliance with policy 3. In addition to the above, several properties along Perne Road have been converted into self-contained flats, this point alongside the previous approval for a change of use to flats on site supports the proposed change of use as in keeping with the character of the site and surrounding areas. The proposed change of use is considered compliant with policies 3, 55, 56 and 58 of the local plan and is acceptable.

8.10 The proposed two-storey rear extension has been established as acceptable and in keeping with the character of the area within the appeal, and so are considered acceptable as other than the addition of windows and velux windows along the north and south elevations, there have been no changes to the external design elements of the scheme from the plans

previously approved. In addition to the above, the proposed two-storey rear extension is situated to the rear of the site and is primarily obscured from view of the public realm, and so is not considered to have adverse impacts on the character of the area. The proposed two-storey rear extension is not considered to result in adverse impacts on the character of the area and the drawings remain as approved, other than the addition of windows, meaning the two-storey extension is considered to be in keeping with character of the site and is therefore compliant with policies 55 and 58 of the local plan and is acceptable.

- 8.11 The two-storey side extension and associated balcony screening proposed remain as approved under appeal and so are considered acceptable.
- 8.12 The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 59.
- 8.13 Carbon Reduction and Sustainable Design**
- 8.14 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 8.15 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.
- 8.16 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 8.17 A condition will be added to any permission granted requiring the submission of a Carbon Reduction Statement prior to the commencement of the use, in the interest of sustainability.
- 8.18 A condition will be added to any permission granted requiring the submission of details relating to water efficiency prior to the occupation of the development hereby approved, in the interest of minimising water consumption.
- 8.19 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with

Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

8.20 Biodiversity

- 8.21 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 8.22 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out that (set out estimated net gain)...
- 8.23 The application constitutes a conversion and so it is not considered appropriate to request the submission of details relating to biodiversity.
- 8.24 Taking the above into account, the proposal is compliant with policies 69 and 70 of the Cambridge Local Plan (2018).

8.25 Highway Safety and Transport Impacts

- 8.26 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 8.27 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.28 Access to the site would be retained as existing and so is not considered to allow for any adverse impacts on the adjacent highway.
- 8.29 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection and recommend no conditions
- 8.30 The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

8.31 Cycle and Car Parking Provision

- 8.32 Cycle Parking

- 8.33 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.
- 8.34 The applications makes reference to the provision of a secure covered cycle storage shelter with enough space to sufficiently accommodate 12no. bicycles. The location of cycle storage to the rear is contrary to local plan policies requiring the situation of cycle storage to be to the foront of residential properties, however, the cycle storage location proposed is as approved under appeal and so is considered acceptable.
- 8.35 Car parking
- 8.36 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status cab be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.
- 8.37 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking, one slow charge point for every two dwellings with communal parking (at least half of all non-allocated parking spaces) and passive provision for all the remaining car parking spaces to provide capability for increasing provision in the future. OR# 1 per 1,000m² of floor space for fast charging points; 1 per 2 spaces for slow charging points and passive provision for the remaining spaces to provide capability for increasing provision in the future.
- 8.38 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

8.39 Amenity

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

8.41 Neighbouring Properties

8.42 Concerns have been raised from neighbouring occupiers with regards to impacts on residential amenity which would be caused by the proposed development. These concerns will be addressed below.

8.43 Concerns have been raised with regards to loss of light. The size, scale and overall design of the two-storey rear extension proposed remain as approved under appeal. In addition to this, the officer has conducted a 45-degree rule of thumb overshadowing assessment, which shows no loss of light impacts to the rear amenity space of no's 143 or 147 Perne Road. Furthermore, no.143 Perne Road is situated due south of the application site, and so is not subject to a sunlight path which could be blocked by the application site.

8.44 Concerns have been raised from neighbouring occupiers with regards to noise implications arising from increased foot traffic on site stemming from additional entrances to the property along the south elevation of the site adjacent to no.143 Perne Road. The proposed entrances remain as approved under appeal, and so are considered acceptable.

8.45 The officer had concerns with potential loss of privacy to neighbourhood properties from increase overlooking opportunities. From the site visits conducted, the proposed windows within the south roof slope of the two-storey rear extension proposed will not have any direct overlooking opportunities of neighbouring property no.143 Perne Road, due to the existing outbuilding at the neighbouring property, which would obscure any view of the rear amenity space serving no. 143 Perne Road.

8.46 The two no. velux windows in the north elevation are considered to unacceptably overlook the amenity of 147 Perne Road. As these windows serve toilet/shower rooms, it is deemed acceptable to require the windows to be obscured glazer and fixed shut via condition. A condition will be applied to this affect.

8.47 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 56 (58) and 35.

8.48 Future Occupants

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

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	1	1	37	37	-
2	1	1	1	37	37	-
3	4	7	2	106	110	+4
4	2	1	1	61	62.75	+1.75

8.51 Policy 50 paragraph 6.32 states that residential units created through conversions should seek to meet or exceed the internal space standards as so far as practicable to do so.

8.52 All flats and associated bedrooms proposed meet or exceed the national space standards outlined in policy 50 of the local plan, which is supported.

8.53 Garden Size(s)

8.54 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. However, the application constitutes a conversion, and so this requirement is not considered practicable in this instance.

8.55 Size of external amenity space:
 Private Amenity Flat 1 = 6sqm
 Private Amenity Flat 2 = 4sqm
 Private Amenity Flat 3 = 42sqm
 Private Amenity Flat 4 = 19sqm (Terrace)
 Communal Amenity Flats 1, 2 & 4 = 160sqm

8.56 The proposed garden sizes are considered to be an improvement when compared with the previously approved scheme and are acceptable and in line with the requirements of policy 50 and 53.

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

meeting Building Regulations requirement part M4(3) wheelchair user dwellings.

8.58 The proposal is a conversion and would utilise the existing stairwells, the proposed units would not be housed completely within a new building envelope. Therefore, it would not usually be practicable to require part M4(2) compliance, however, the development is intended for use by persons subject to physical disabilities, learning disabilities and autistic/metal health problems, and so it is considered reasonable to require M4(2) compliance via condition in this instance, despite the nature of the proposals being a conversion.

8.59 A condition will be applied requiring the development to comply with Building Regulations requirement part M4(2) accessible and adaptable dwellings, to ensure the property can be suitably used by those in which the development is intended for.

8.60 Construction and Environmental Impacts

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

8.62 The Council's Environmental Health team have assessed the application and recommended a condition restricting construction hours to reasonable times. The officer agrees with the use of this recommended condition

8.63 Summary

8.64 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 53, and 58.

8.65 Third Party Representations

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

Third Party Comment	Officer Response
Density/Overdevelopment	<p>The concerns raised with the high density nature of the application have been addressed by the inspector within appeal reference 21/00087/REFUSL.</p> <p>The proposed scheme will allow for 3 additional persons compared with the</p>

	<p>approved scheme, which is considered a marginal increase in use, and so is not considered to allow for any adverse impacts on the amenity of neighbouring occupiers when compared with the scheme approved under appeal</p> <p>The concerns with density are therefore not considered to give rise to adverse impacts of neighbours and is not considered to contribute to an overdevelopment of the site, and shall not effect the outcome of this application.</p>
Foot Traffic	<p>The concerns raised with foot traffic have been addressed within the residential amenity section of this report, and by the inspector.</p> <p>The proposed scheme will allow for 3 additional persons compared with the approved scheme, which is considered a marginal increase in use, and so is not considered to allow for any adverse impacts on the amenity of neighbouring occupiers from increased foot traffic, when compared with the scheme approved under appeal</p> <p>The concerns with foot traffic are therefore not considered to give rise to adverse impacts of neighbours and is not considered to contribute to an overdevelopment of the site, and shall not effect the outcome of this application.</p>
Right to light	<p>A right to light is a civil matter between different landowners and a planning permission would not interfere with a right of light. The local planning authority has no jurisdiction in checking or enforcing a right to light. This is not a material planning consideration.</p>
Party walls	<p>This is a civil matter between different landowners in which the local planning authority has no role. The Party Wall Act 1996 governs the process by which party walls and associated disputes are handled.</p>

Ownership	No conclusive evidence has been put to the Council to demonstrate that the applicant does not own all the land within the application site. The applicant(s) have confirmed that the correct certificate of ownership has been served.
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8.67 Other Matters

8.68 Bins

8.69 The bin storage proposed is situated in the same location as the bin store proposed as part of approved appeal reference , and is considered o comply with the RECAP guidance on bin storage, providing x amount of bins for future tenants.

8.70 The bin store proposed is acceptable in terms of design, size, provision of bins, and location and is acceptable.

8.71 Planning Conditions

8.72 Members attention is drawn to following key conditions that form part of the recommendation:

Condition no.	Detail
1	Time Limit
2	Drawings
3	Carbon Reduction (PC)
4	Boundary Treatments (PC)
5	Hard and Soft Landscaping (PC)
6	Biodiversity Enhancement (PC)
7	Water efficiency (PO)
8	Balcony Screens (PO)
9	Bikes and Bins Compliance
10	M4 (2) Compliance
11	Materials Compliance
12	Construction Hours Compliance

8.73 Planning Balance

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

8.75 The previous approval on site has not lapsed and so holds considerable weight within this assessment. The application proposed is the same size, scale and design as the development approved under appeal, with the addition of windows and 2no. additional bedrooms, which is considered a marginal increase in use compared with the development previously approved.

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

9.0 Recommendation

9.1 **Approve** subject to:

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

10.0 Planning Conditions

1 – Time Limit

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 - Drawings

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 – Carbon Reduction

No dwelling shall be occupied until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning authority.

The Statement shall include SAP calculations which demonstrate that all dwelling units will achieve carbon reductions as required by the 2021 edition of Part L of the Building Regulations. Where on-site renewable or low carbon technologies are proposed, the Statement shall include:

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

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

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

4 - Boundary Treatments

No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59).

5 – Hard and Soft Landscaping

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

- a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;
- b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at

the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

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

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

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

6 - BNG

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

- i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;
- ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the appropriate DEFRA metric in force at the time of application for discharge;
- iii) Identification of the existing habitats and their condition on-site and within receptor site(s);
- iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the appropriate DEFRA metric in force at the time of application for discharge;
- v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate. The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the local planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

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

7 – Water Efficiency

No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of

water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

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

8 – Balcony Screens

The development, hereby permitted, shall not be occupied until the proposed first floor privacy screen in the north side elevation of the development has been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the adjoining properties (Cambridge Local Plan 2018 policies 55, 58).

9 – Bike and Bin Storage

The bin and bike stores associated with the proposed development, including any planting associated with a green roof, shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter. Any store with a flat or mono-pitch roof shall incorporate, unless otherwise agreed in writing by the local planning authority, a green roof planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.

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

10 - M4(2) Compliance

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

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

11 - Materials

The materials to be used in the external construction of the development, hereby permitted, shall follow the specifications in accordance with the details specified within unless otherwise agreed in writing by the Local Planning Authority.

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

12 – Noise Construction Hours

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)

13. Prior to first occupation, each dwelling shall be fitted with a means for future occupiers to monitor / measure all of their own energy consumption (electric / water / gas) including the extent of the contribution made to energy consumption from on-site renewable energy sources. The fitted device(s) shall be retained and maintained thereafter.

Reason: In the interest of promoting sustainable development (Cambridge Local Plan 2018 policy 28)

Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs



Appeal Decision

Site visit made on 4 May 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/Q0505/W/21/3284771
145 Perne Road, Cambridge CB1 3NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Sodha against the decision of Cambridge City Council.
 - The application Ref 19/1467/FUL, dated 22 October 2019, was refused by notice dated 28 June 2021.
 - The development proposed is described on the application form as 'Conversion of existing dwelling currently operating as C4 use into 3 no. flats for C3(b) use. To include two storey rear extension and internal alterations to provide 3 x flats'.
-

Decision

1. The appeal is allowed and planning permission is granted for Change of use of existing HMO to 4no flats, (2x 2bed, 2x 1 bed) including two storey rear extension. New bin and bike store at 145 Perne Road, Cambridge CB1 3NX in accordance with the terms of the application, Ref 19/1467/FUL, dated 22 October 2019, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council has described the development as 'Change of use of existing HMO to 4no flats, (2x 2bed, 2x 1 bed) including two storey rear extension. New bin and bike store'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides an accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of the neighbouring occupiers of no. 147 Perne Road having regard to privacy and noise; and
 - whether the proposed development would provide suitable and useable outdoor amenity space for its future occupiers having regard to access and sunlight.

Reasons

4. The proposal would convert the existing house in multiple occupation (HMO) into extra-care accommodation comprising two one bedroomed flats and two two-bedroomed flats. This accommodation would be managed by a healthcare provider. To facilitate this the existing building would be substantially extended

to the rear with a smaller side extension at ground floor level. Other elements such as external private courtyards, shared outdoor amenity space, a bike store and bin store would be installed at ground floor level as well as a roof terrace/balcony being installed to the side of the building at first floor level.

Living Conditions

5. The council have raised a concern that the proposed first-floor roof/terrace balcony would cause a degree of overlooking of the rear amenity space of the neighbouring property no. 147 if it provided unobstructed views of this private amenity space. However, according to the submitted plans the proposed balcony would be obscure glazed up to a height of approximately 1.7 metres on its elevations that would face no. 147 which would in my view largely mitigate any potential adverse impact in this regard.
6. In the officer report the Council have also stated that the occupiers of no. 147 would be able to see and hear the users of the proposed balcony through the obscure glass and that this would affect the use of their amenity space. However, I given the proposed obscure glazing I consider it unlikely that the users of the proposed balcony would be fully visible from such a vantage point.
7. Furthermore, given the nature of the proposed accommodation and the fact that its future occupiers would require a degree of medical care I also consider it unlikely that they would make so much noise while using the balcony as to cause any unacceptable disturbance to neighbouring occupiers. Indeed, the Council have not provided any substantive evidence that noise disturbance is currently an issue given its existing use as a HMO which is likely used as student accommodation in this university city. Moreover, for similar reasons I also consider that the proposal's future occupiers would be likely to only use the proposed balconies occasionally.
8. I therefore conclude that the proposed development would not materially harm the living conditions of the neighbouring occupiers of no. 147 Perne Road having regard to privacy and noise. Accordingly, it would not conflict with the relevant requirements of policies 53 and 58 of the adopted Cambridge Local Plan (CLP).

Outdoor Amenity Space

9. The Council has raised concerns that the shared outdoor amenity space that the proposal would provide would be accessed indirectly from the flats whose occupiers would use it, i.e., flats 1, 2 & 4, and that the ground floor private amenity spaces for flats 1 and 2 would be on the north side of the building meaning that they would be in shadow for a majority of the time. However, even though the proposed private amenity spaces/courtyards for flats 1 and 2 are on the north side of the appeal property this does not necessarily mean that they would not receive any sunlight at all. In addition, the future occupiers of flats 1 and 2 could also use the proposed rear shared amenity area if they so wished should their courtyards become overshadowed. In any event, the Council has not submitted any substantive evidence to show that there would be an unacceptable degree of overshadowing to these amenity areas in any event.
10. Furthermore, just because the proposed communal/shared amenity area for flats 1, 2 and 4 is located on the other side of the paved area where the bin

and bike stores would be situated does not mean that they could not be easily accessed either on foot or by wheelchair given the relatively short distance between it and these flats. Moreover, the supporting text to policy 50 states that external amenity space could accommodate space for refuse and recycling bins and circulation space as well as an area for children to play in which the proposed paving area and lawn to the rear of the proposal would provide.

11. The future occupiers of flats 1 and 2 would be able to directly access this amenity space and although the future occupiers of flat 4 would have to go round the front of the property and navigate the parking spaces they would still be able to access it, nonetheless. In any event, even if for some reason they were occasionally unable to directly access the amenity space to the rear, the occupiers of flat 4 would be able to make use of their terrace/balcony on the first floor. Therefore, while not all future occupiers would have a fully direct access path to the proposed external amenity space, I consider that in overall terms the proposal would provide its future occupiers with enough external amenity space to meet their needs which would also be readily accessible to them.
12. I therefore conclude that the proposed development would provide suitable and useable outdoor amenity space for its future occupiers having regard to access and sunlight. As a result, it would not conflict with the relevant requirements of policies 50, 53 and 58 of the CLP.

Other considerations

13. According to the evidence, the proposal would provide extra care accommodation for which there is an identified need in accordance with policy 47 of the CLP. As a result, this consideration carries significant weight in favour of the appeal scheme.

Other Matters

14. Interested parties have raised concerns relating to highway safety. However, the Highway Authority have not objected to the proposal and according to the evidence the appeal site is not within a controlled parking zone. I also have no substantive evidence before me to suggest that this is an area of parking stress. Furthermore, according to the officer report the proposal would the three existing parking spaces would be retained for the use of carers, ambulances, and the proposal's future occupiers. The appeal site is also well served by public transport and the proposal would also provide bicycle parking. I am therefore satisfied that the proposal would not have an adverse impact on highway safety.
15. Interested parties have also raised concerns relating to the removal of trees from the appeal site, overcrowding and safety/security. However, I have no substantive evidence of the proposal having an adverse visual, biodiversity or safety/security impact. As a result, these concerns are not of sufficient weight to warrant refusal of the proposal.

Conditions

16. I have imposed conditions as set out in the attached schedule in light of the use of planning conditions set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance).

17. Consequently, in the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions as suggested by the Council.
18. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a necessary condition specifying that the proposal be constructed of the materials on the approved plans in the interests of the character and appearance of the area.
19. In the interests of the character and appearance of the area, the promotion of biodiversity, promoting sustainable construction and the reduction of carbon dioxide emissions, I have imposed necessary conditions requiring the submission and approval of details of: a hard and soft landscaping scheme; a biodiversity enhancement scheme; a carbon reduction statement; and a water efficiency specification.
20. I have also imposed necessary conditions requiring the provision of the external communal garden area and bin and bike stores prior to the first use of the proposal in the interest of the living conditions of its future occupiers.
21. In the interest of the living conditions of neighbouring occupiers I have imposed necessary conditions limiting the hours of construction and also requiring obscure glazing and opening restrictions on windows on the relevant side elevation of the proposed development.
22. In the interest of the living conditions of the proposal's future occupiers, who would require a degree of medical care, I have imposed a necessary and relevant condition requiring that the proposal meets the relevant accessible and adaptable dwellings building regulations optional requirement. Given the nature of the proposal the imposition of such a condition should not come as a surprise to the main parties.

Conclusion

23. The proposal would provide extra care accommodation for which there is an identified need to which I have afforded substantial weight and it would accord with the development plan as a whole. There are also no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

C Coyne

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plans and Elevations Drawing No. 2021/02 Revision F; Site Location Plan Drawing No. 2021/03; Proposed Block Plan Drawing No. 2021/04 Revision F.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved plan Proposed Floor Plans and Elevations Drawing No. 2021/02 Revision F and shall match those of the existing building.
- 4) No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;
 - b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.
 - c) boundary treatments indicating the type, positions, design, and materials of boundary treatments to be erected.
 - d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.
- 5) No development above slab level shall commence until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning. This shall demonstrate that all new residential units shall achieve reductions in CO2 emissions of 19% below the Target

Emission Rate of the 2013 edition of Part L of the Building Regulations, and shall include the following details:

- a) Levels of carbon reduction achieved at each stage of the energy hierarchy; and
- b) A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit.

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

- c) A schedule of proposed on-site renewable energy technologies, their location, design and a maintenance schedule; and
- d) Details of any mitigation measures required to maintain amenity and prevent nuisance There shall be no occupation of the development until the carbon reduction measures have been implemented in accordance with the approved details.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

- 6) No development above slab level shall commence until a biodiversity enhancement scheme has been submitted to and approved in writing by the Local Authority. It shall include the consideration of native planting, hedgehog habitat and connectivity and the proposed specification, number and locations of internal and/or external bird and/or bat boxes on the new buildings and any other measures to demonstrate that there will be a net biodiversity gain on the site of at least 10% (unless an alternative target is otherwise agreed by reason of viability).

The biodiversity enhancement scheme as agreed shall be carried out prior to the occupation of the development and subsequently maintained in accordance with the approved scheme for the lifetime of the development.

- 7) The development hereby approved shall not be occupied until a water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority.

This shall demonstrate that the dwelling is able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

- 8) The bin and bike stores associated with the proposed development shall be provided prior to the first occupation of the development hereby permitted and in accordance with the approved Proposed Block Plan Drawing No. 2021/04 Revision F and shall be retained thereafter.
- 9) The external communal garden area as shown on the approved drawings shall be provided prior to occupation of the building for the proposed use and retained for communal uses and used for no other purpose(s).

- 10) Demolition or construction works shall take place only between 0800 - 1800 on Mondays to Fridays, between 0800 - 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 11) The development, hereby permitted, shall not be occupied until the proposed first floor privacy screen in the north side elevation of the development has been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.
- 12) The development hereby permitted shall not be occupied until the Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' has been complied with.

End of Schedule

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Planning Committee Date	2 nd August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	23/0119/TTPO
Site	St Matthews Centre, Sturton Street
Ward / Parish	Petersfield
Proposal	Remove (fell) to ground level and treat stumps to prevent regrowth
Presenting Officer	Joanna Davies
Reason Reported to Committee	Objections to the proposed removals have been received from residents, ward cllrs and Friends of St Matthew's Piece
Recommendation	Grant consent subject to replacement planting conditions

1.0 Executive Summary

- 1.1 In 2022 a tree work application was received to reduce the height by 5m and spread by 4m of three London Plane trees located within the grounds of St Matthews Centre opposite 193 Sturton Street. This application was refused at committee because of incomplete data supporting the application, the lack of heave assessment and the lack of information regarding the installation of a root barrier.
- 1.2 The current application concerns the same three trees. It is alleged that following additional movement of foundations the removal of the three trees is now necessary.
- 1.3 Numerous objections to the trees' removals have been received from residents, councillors and Friends of groups. Officers have been requested to seek independent expert assessment of the application submissions.
- 1.4 Expert opinion has been requested from an independent structural engineer. The structural engineer has confirmed technical data supports a causal link between the trees and damage to the building and that the risk is heave associated with tree removal is minimal.
- 1.5 Consideration has been given to underwriting possible cost associated with refusing permission and it is confirmed that Cambridge City Council is not minded to accept the full financial responsibility.
- 1.6 Members may refuse consent or grant consent subject to conditions/informatives

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 The St Matthews Centre is located on the corner of Sturton Street and New Street within the Mill Road conservation area. The TPOd trees on the west, north and east boundaries of St Matthews Centre form part of a larger group that extends into the adjacent St Matthews Piece, one of the three open spaces cited to have significance in the conservation area appraisal.
- 2.2 The three subject trees are located on the west boundary of St Matthew's Centre. They form part of the visually significant group that bounds the Centre and the adjacent St Matthew's Piece. The three subject trees are located within the line of 13 trees that run the full length of the combined boundary with Sturton Street.

3.0 Relevant Site History

Reference	Description	Outcome
22/0271/TTPO	Reduce the height of 3 London Plane trees by 5m and spread by 4m	Refused

4.0 Legislation and Policy

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

5.0 Consultations

- 5.1 The application was published on public access in addition to standard cllr and extended resident consultation. A Site Notice was issued for display.

6.0 Third Party Representations

- 6.1 Comments have been received from a large number of local residents, councillors, Cambridge Past, Present and Future and The Friends of St Matthew's Piece. These can be viewed in full via Public Access using the reference 23/0119/TTPO. Objections are consolidated and summarised in the below table and a response provided.

Comment	Officer Response
Mature trees are incredibly important for the health of the local ecosystem, for mental health, in capturing storm water, in absorbing carbon dioxide, in providing shelter for wildlife and shade during increasingly hot summers. These trees are especially important given their location in Petersfield which is a densely populated ward with limited public open space.	Agreed. The three subject trees make a significant contribution to amenity, the character of St Matthew's Piece and the surrounding street-scape.
193 Sturton St was constructed in 1995/1996 the foundations should have been designed and constructed to a standard which would have withstood any subsoil shrinkage associated with the long-established plane trees opposite and the applicant has no	NHBC foundation depth calculation, considering mature height of trees, distance to property, soil volume change potential and water demand, is between 1m and 1.45m. The property foundations are at a depth of 1.45m and 2.1m.

grounds for damaging a highly valued public amenity just 30 years later.	
TPO implies a presumption against removal	A TPO is served to prevent unjustified and harmful works to trees of value.
Felling the tree would breach Local Plan Policies 14, 23, 55, 56, 61, 67 and 71 and National Planning Policy Framework sections 91, 92 and 96. In December 2020 Cambridge Council signed up to the National Tree Charter for Trees, Woods and People (2017). Permitting this application would counter the council's commitment to the charter.	The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act 1990 and the 2012 Regulations (The Act) When assessing the impact of any tree work application consideration should be given to all relevant plans, policies and charters. Any plans, policies and charters do not however outweigh the responsibilities placed on councils under The Act. The council must therefore determine whether or not sufficient justification has been submitted to permit consent for works that will result in the loss of trees of value.
T1, T2 and T3 are an important part of the ecosystem of 24 mature trees surrounding St Matthew's Piece. The cutting down of these three trees impacts other trees in this urban forest ecosystem.	The removal of T1, T2 and T3 will have no material impact on the health of the remainder of the group.
The insurer's Technical Report from Aug 2019 did not detect any movement consistent with subsidence. As the trees have co-existed with the residences for decades the proposed removal is illogical.	Tree related subsidence can occur at any time. A lack of history of subsidence does not mean subsidence cannot occur.
Previous application was for a reduction what is justification now for removal.	Continued Level monitoring shows significant foundation movement continued following the removal of T4, from within the property boundary, through the summer and autumn of 2022, this can only be attributable to the influences of trees T1, T2 & T3.
The list of consultees is less than the neighbours and interested parties.	In addition to the standard consultation, notifications were sent out in February to all those who objected to 22/0271/TTPO. There are no legal requirements for a council to consult on tree work applications therefore the extent of consultation is not a reason for refusal.
The trees were there first and there seems to be little real evidence	Any justification for tree work is not outweighed by the age of a tree in

<p>for the claim that damage has been caused by them.</p>	<p>relation to the age of any property affected. The evidence has been independently verified.</p>
<p>Changes in a Conservation area must show that public benefit outweighs public harm</p>	<p>The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act 1990 Part VIII, Chapter I and the 2012 Regulations. In this context public harm does not outweigh nuisance associated with tree related subsidence</p>
<p>Removing the trees in not proportionate to the damage alleged.</p> <p>Trees should be retained and property underpinned or root barrier installed. Cheapest option should not be automatically chosen without consideration of the value of the trees.</p>	<p>The subject trees are a significant asset. A preliminary assessment using CAVAT (Capital Asset Value for Amenity Trees) calculated their combined value to be in the region £200,000.</p> <p>There are options available, not exceeding the above cost, that would allow the retention of the trees and officers would welcome the use of underpinning or root barriers by the tree owners and/or applicant to avoid the need for removals.</p>
<p>CCC have declared biodiversity and climate change emergency permitting removal would be a contradiction.</p>	<p>Granting permission in accordance with The Act would not be a contradiction. As living organisms trees decline and are lost naturally, they can fail structurally in extreme conditions and their removal can be justified for sound practical reasons. The removal of individuals from any population is inevitable and in any year new trees are planted, existing trees establish and grow and trees are lost. Key to the continuity of tree cover is limiting losses where possible and proving new and replacement trees where possible.</p>
<p>Insufficient information as requested in previous application.</p>	<p>Additional level monitoring was provided, a heave assessment undertaken and the possible installation of a root barrier explored. The heave assessment was updated following confirmation of the age of the building.</p>
<p>Removing the trees is not proportionate to the damage alleged. Level monitoring data is still patchy, incomplete and suggests the greatest movement in December 2022. Cracking is described as “slight” which is insufficient</p>	<p>An independent structural engineer was provided with all application documents. It was concluded that;</p> <p>The technical site inspections are in accordance with current best practices</p>

<p>justification to remove the trees. Cracking is reported to have been worsening during summer 2022 but no evidence is presented. Heave assessment makes assumption trees are younger than the house</p>	<p>and no further inspection methodologies would provide additional benefit to the technical assessment and conclusions.</p> <p>On balance there is a casual link between the trees, the underlying geology, and the damage to the building.</p> <p>The heave assessment methodologies are in accordance with current best practices in relation to tree related subsidence and</p> <p>The conclusion that the risk of heave is minimal is concurred with.</p>
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7.0 Member Representations

- 7.1 A formal objection to the removal of the trees has been received from the Green Party.
- 7.2 Cllr Thornburrow expressed concerns over the accuracy of the evidence provided and requested that the submitted evidence be reviewed by an independent structural engineer.
- 7.3 The above representations are a summary of the comments that were received. Full details of the representations are available on the Council's website.

8.0 Assessment

8.1 Planning Considerations

Amenity - Do the trees still make a significant contribution to the character and appearance of the area?

Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Justification for Tree Works - Are there sound practical or arboricultural reasons to carry out tree works?

- i. What is the justification
- ii. Is there a financial consideration
- iii. Is there a health and safety consideration
- iv. Does the nuisance out way the benefit of retention

8.2 Officer Assessment

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

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

Justification for Works – It is alleged that the trees are responsible for root induced clay shrinkage subsidence damage to 193 Sturton Street.

Foundations are bearing on a clay subsoil with a Low to High potential for volumetric change relating to changes in soil moisture. Moisture content comparisons suggest moisture depletion on two locations to the west (TP/BH2) and north (TP/BH3) of the property. Roots from London Plane trees were recovered from samples in TP/BH3. The subject trees are located to the east of the property. Level monitoring has recorded a pattern of seasonal soil drying below the property foundations.

Submitted evidence has been reviewed by an independent structural engineer who has concluded that;

- the technical site inspections are in accordance with current best practices and no further inspection methodologies would provide additional benefit to the technical assessment and conclusions.
- on balance there is a casual link between the trees, the underlying geology and damage to the building.
- the heave assessment methodologies are in accordance with current best practices in relation to tree related subsidence and
- the conclusion that the risk of heave is minimal is concurred with.

8.3 Observations and Implications

With reference to the structural engineer opinion, the tree team is satisfied that the evidence provided supports the claim that trees are a causal factor in damage to the subject property and that the work proposed will remove the

trees' influence on soil moisture beneath the subject property's foundations allowing the property to stabilise and superstructure repairs to be carried out with the estimated cost of £16,000. Officers also accept that the risk of heave associated with the trees' removal is minimal.

There are two alternatives to tree work, underpinning the property to allow for future changes in soil volume without additional damage to the building or the installation of a root barrier to restrict root growth in the vicinity of the property foundations. Both these solutions could have financial implications for Cambridge City Council and/or the property owners if permission for tree removal is not granted. The trees make a significant contribution to amenity, sufficient that consideration should be given to underwriting the cost of alternatives to removal. The cost of underpinning has been estimated at £120,000 and the cost of installing a root barrier has been quoted at £79,571.40 + VAT. CCC is not minded to underwrite the cost of underpinning or the full costs of installing a root barrier. The trees are, however, located in third party property and, notwithstanding any permission granted by the council, permission from the property owner will be required before their trees may be lawfully removed. Regarding the council's obligations under The Act, if it is determined that sufficient evidence has been presented to support the application to fell the trees and permission from the council is subsequently granted, the tree owner is not legally obliged to carry out the work or permit its completion and could consider alternatives to minimising the influence of their trees on the subject property.

9.0 Recommendation

Grant consent subject to replacement planting conditions and an informative highlighting the value of the trees and recommending the use of alternative measures to stabilise 193 Sturton Street.

Background Papers:

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

- [22/0271/TTPO 22/0271/TTPO | T1, T2 & T3: London Plane - Reduce height by ~5m and spread by ~4m balancing crown of all 3 trees. Prune on a triennial cycle to maintain broadly at reduced dimensions. | St Matthews Centre And St Matthews Piece Sturton Street Cambridge Cambridgeshire CB1 2QF \(greatercambridgeplanning.org\)](#)
- [23/0119/TTPO 23/0119/TTPO | T1 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove \(fell\) to ground level and treat stumps to prevent regrowth. T2 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove \(fell\) to ground level and treat stumps to prevent regrowth. T3 London Plane of the Crawford's Addendum Report - Arboricultural Recommendations Works: Remove \(fell\) to ground level and treat stumps to prevent regrowth. Reason: Clay shrinkage subsidence damage at 193](#)

[Sturton Street, CB1 2QH | St Matthews Centre Sturton Street Cambridge
Cambridgeshire CB1 2QF \(greatercambridgeplanning.org\)](#)

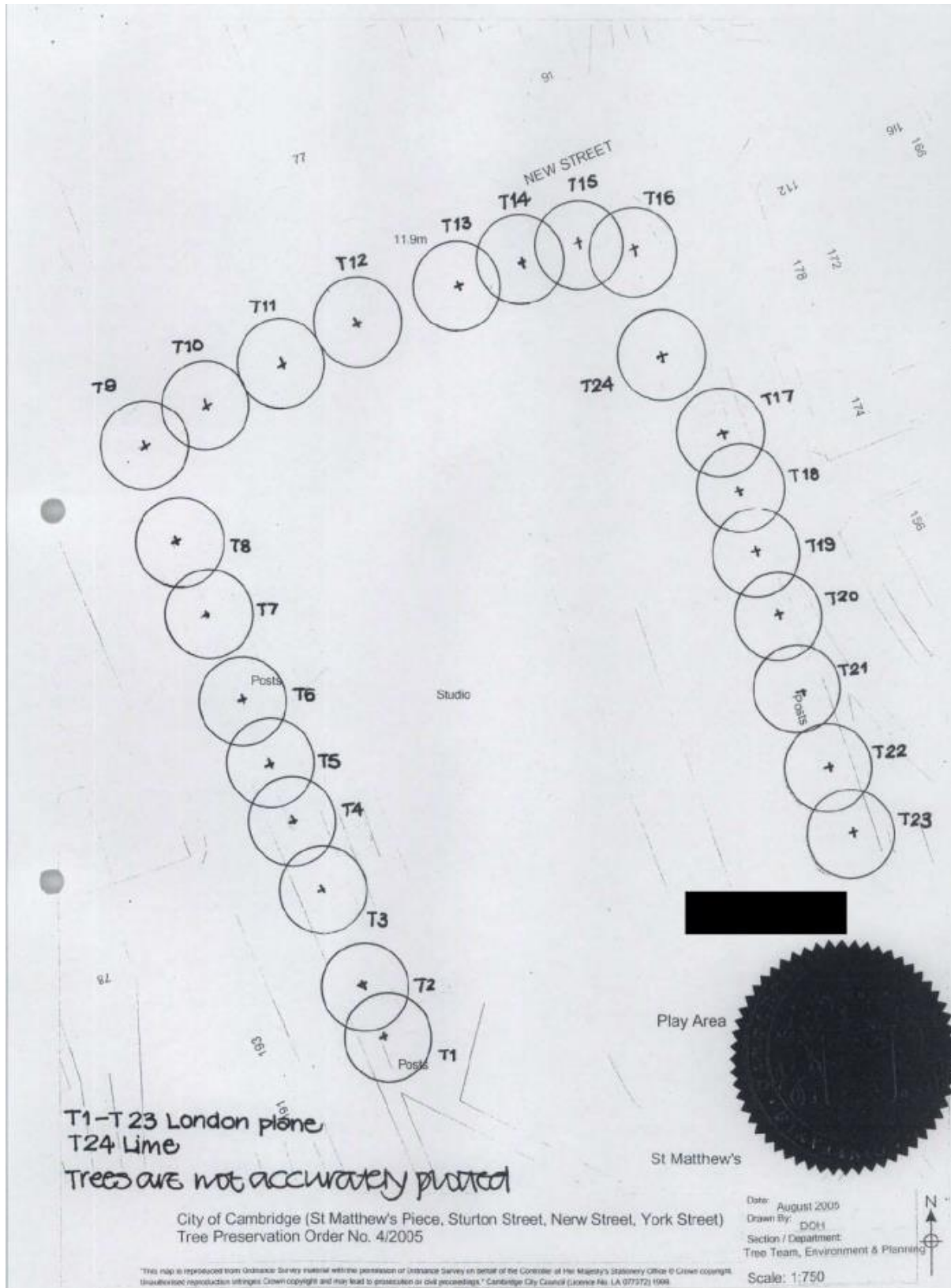
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Appendix A



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Appendix B



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Planning Committee Date	2 nd August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	23/0159/TTPO
Site	18 Howes Place
Ward / Parish	Castle
Proposal	TG1 Lime and Beech Group. Remove (fell) closest 5x Lime stems to near ground level and remove regrowth as it emerges.
Presenting Officer	Joanna Davies
Reason Reported to Committee	Objections to the proposed removals have been received from residents.
Recommendation	Grant consent subject to replacement planting conditions

1.0 Executive Summary

- 1.1 A tree work application has been received to fell 5 lime stems from a group of pleached limes that contribute to the double avenue that borders Howes Place. The reason given is clay shrinkage subsidence damage to 18 Howes Place, Cambridge, CB3 0LD.
- 1.2 Objections to the trees' removals have been received from residents of Howes Place.
- 1.3 Evidence has been submitted with the application supporting the claim that the subject trees are contributing to damage to the adjacent house.
- 1.4 Members may refuse consent or grant consent subject to conditions/informatives.

2.0 Site Description and Context

Conservation Area		Tree Preservation Order	X
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*X indicates relevance

- 2.1 Howes Place is a private no-through road off Huntingdon Road and adjacent to NIAB. Tree Preservation Order (TPO) 10/1991 protects individual trees and six groups of pleached limes within NIAB and along Howes Place. Along Howes Place the TPOd trees form four groups that collectively form an avenue that is in locations double.
- 2.2 The 5 subject trees are located to the front of 18 Howes Place where there is a double row of pleached trees, G5 and G6 on the TPO. It is in the row closest to the house that contains the 5 subject stems. It is proposed to retain G5 with a continuation of existing management.

3.0 Relevant Site History

- 3.1 In 2020 similar applications were received for the removal of stems from with G6 to the front or 2 Howes Place and 3 Howes Place. The application references are 20/1065/TTPO and 20/1276/TPO. In both applications permission was granted for the removal of trees from TPO reference G6

4.0 Legislation and Policy

- 4.1 Town and Country Planning Act 1990 Part VIII Chapter I and Town and Country Planning (Tree Preservation)(England) Regulations 2012. Tree Preservation Order number 010/1991.

5.0 Consultations

5.1 The application was published on public access in addition to standard councillor and resident consultation. A site notice was issued for display.

6.0 Third Party Representations

6.1 Comments have been received from residents within Howes Place. These can be viewed in full via Public Access using the reference 23/0159/TTPO. Objections are consolidated and summarised in the below table and a response provided.

Comment	Officer Response
The application should be rejected because the trees are protected	A TPO is served to prevent unjustified and harmful works to trees of value. It is not intended to prevent tree works regardless of justification.
The groupings of mature pleached lime trees form a critical and integral part of the formal landscaping of Howes Place.	Agreed. The three subject trees make a significant contribution to the appearance and character of Howes Place
Policy 62 of the Cambridge Local Plan 2018 states that "The Council will actively seek the retention of local heritage assets, including buildings, structures, features and gardens of local interest	<p>The Council is obliged to consider the merits of any tree work application in accordance with The Town and Country Planning Act 1990 and the 2012 Regulations (The Act)</p> <p>When assessing the impact of any tree work application consideration should be given to all relevant policies but local plan policies do not outweigh the responsibilities placed on councils under The Act. The council must therefore determine whether or not sufficient justification has been submitted to permit consent for works that will result in the loss of trees of value.</p>
Underpinning would remedy the subsidence problem, but at a cost to the householders and their insurance company. Surely the protection of the trees should be prioritised over these costs.	There may be options available that would allow the retention of the trees and officers would welcome the use of underpinning or root barriers by the tree owners and/or applicant to avoid the need for removals.
The previous removal of previous lime trees has had a significant negative impact on the local environment in Howes Place and further removal must be refused.	As with previous applications the proposal needs to be assessed on the justification presented for works and not historic tree removal.
Have other investigations taken place to explain the subsidence	The applicant has submitted evidence supporting the claim that damage is

	related to moisture uptake from nearby trees and on balance the evidence shows a causal link between the trees, the underlying geology, and the damage to the building, negating the need for investigation of alternative causes.
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7.0 Member Representations

7.1 No representations has been received from members.

8.0 Assessment

8.1 Planning Considerations

Amenity - Do the trees still make a significant contribution to the character and appearance of the area?

Condition/Nuisance – Are the works proposed excepted from the requirement to apply for permission in accordance with 14 and 15 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Justification for Tree Works - Are there sound practical or arboricultural reasons to carry out tree works?

- i. What is the justification
- ii. Is there a financial consideration
- iii. Is there a health and safety consideration
- iv. Does the nuisance out way the benefit of retention

8.2 Officer Assessment

Amenity – The pleached limes that surround NIAB and line Howes Place make a significant contribution to the character and appearance of Howes Place. Howes Place is however a private, no-through road and the trees are necessarily managed to control their size. The wider contribution the trees make to the surrounding area is therefore more limited.

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

Justification for Works – It is alleged that the trees are responsible for root induced clay shrinkage subsidence damage to 18 Howes Place.

Damage in the form of cracking is evident throughout the property internally and externally. The timing of the damage, the presence of shrinkable clay beneath the foundations and the proximity of vegetation where there is damage indicates the shrinkage to be root induced. Foundations are bearing on a clay subsoil with a high potential for volumetric change relating to changes in soil moisture. Conditions necessary for clay shrinkage subsidence to occur related to moisture abstraction by vegetation have been confirmed by site investigations and the testing of soil and root samples. Roots from lime trees were recovered from samples in TH2, at the front of the house. The subject trees are located to the front of the property. Level monitoring has recorded a pattern of seasonal soil drying below the property foundations. Following initial reporting of damage trees including ash and false acacia were removed. Movement to the front of the property has continued since these trees were removed

8.3 Observations and Implications

The tree team is satisfied that the evidence provided supports the claim that trees are a causal factor in damage to the subject property and that the work proposed will remove the trees' influence on soil moisture beneath the subject property's foundations allowing the property to stabilise and superstructure repairs to be carried out. Officers are also of the opinion that the risk of heave associated with the trees' removal is minimal.

Alternatives to tree work may be possible but information in this regard has not been provided. Alternative solutions are expected to be more costly and could have financial implications for Cambridge City Council if permission for tree removal is not granted. The trees are, however, located in third party property and, notwithstanding any permission granted by the council, permission from the property owner will be required before their trees may be lawfully removed. If it is determined by committee that sufficient evidence has been presented to support the application to fell the trees and permission from the council is subsequently granted, the tree owner is not legally obliged to carry out the work or permit its completion and could consider alternatives to minimising the influence of their trees on the property.

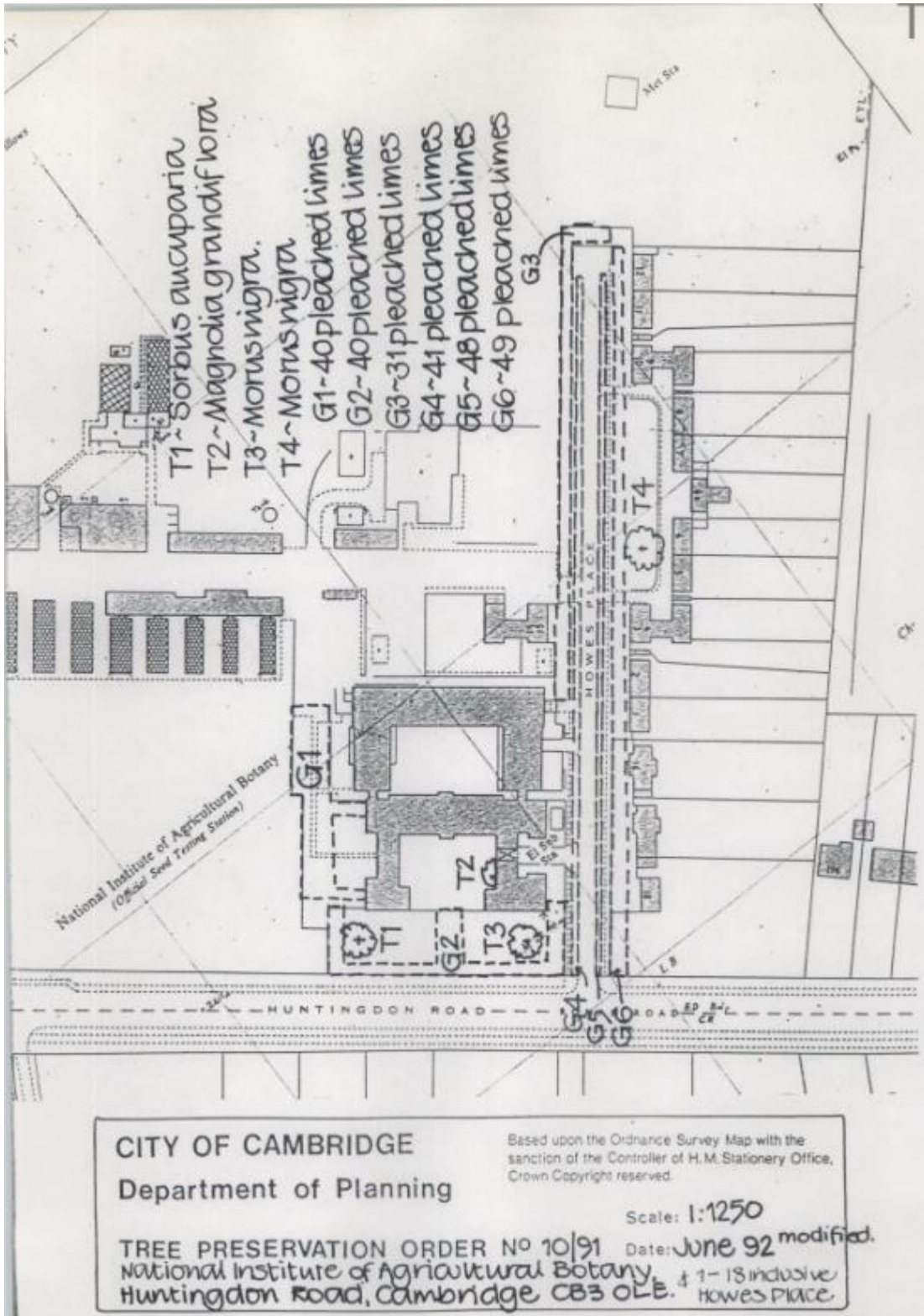
9.0 Recommendation

Grant consent subject to replacement planting conditions.

Background Papers:

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

- 23/0159/TTPO



TPO Plan 10/1991

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View of the TPO group G5 with G6 shaded to the right.



View of G4, G5 and G6 from Huntingdon Road.

