



Cambridge City Council Planning

Date: Wednesday, 6 September 2023

Time: 10.00 am

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

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

Agenda

Timings are included for guidance only and cannot be guaranteed

1 Order of Agenda

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

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

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

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

2 Apologies

3 Declarations of Interest

4 Minutes (Pages 7 - 18)

Part 1: Major Planning Applications

5 20-01426-FUL Anstey Hall - 10:00am (Pages 19 - 76)

6 20-01427-LBC Anstey Hall - 11:00am (Pages 77 - 94)

Part 2: Minor/Other Planning Applications

7	22-05304-FUL 286 Cherry Hinton Road - 12:00pm	(Pages 95 - 120)
8	22-04976-FUL 26 Barton Road - 12:30pm	(Pages 121 - 150)
9	22-04891-HFUL 25 Devonshire Road - 1:00pm	(Pages 151 - 164)
10	23-01039-FUL 45 Highworth Avenue - 1:30pm	(Pages 165 - 202)
11	22-05070-FUL Land to the Rear of 208 and 210 Queen Edith's Way - 2:00pm	(Pages 203 - 234)
12	22-05599-FUL 132 Hobart Road - 2:30pm	(Pages 235 - 252)
13	23-00600-S73 Calverley's Brewery, 23A Unit 1, Hooper Street - 3:00pm	(Pages 253 - 272)

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

Appendix 1 – Planning Policies and Guidance

(Updated September 2020)

1.0 Central Government Advice

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

1.2 Planning Practice Guidance (NPPG)

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

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

Planning Obligations

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

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

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

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

2.0 Development Plans

2.1 The Cambridgeshire and Peterborough Minerals and Waste Plan 2011

2.2 Cambridge Local Plan 2018

3.0 Supplementary Planning Documents

3.1 Sustainable Design and Construction 2020

3.2 Cambridge Flood and Water 2018

3.3 Affordable Housing 2008

3.4 Planning Obligations Strategy 2004

Development Frameworks and Briefs

3.5 The New Museums Site Development Framework (March 2016)

3.6 Ridgeons site Planning and Development Brief (July 2016)

3.7 Mitcham's Corner Development Framework (January 2017)

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

3.9 Land North of Cherry Hinton (February 2018)

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

4.0 Use Classes

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

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

PLANNING

5 July 2023

10.00 am - 4.30 pm

Present:

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

Officers:

Delivery Manager: Toby Williams

Principal Planner: Katie Christodoulides

Principal Planner: Michael Hammond

Principal Planner: Kate Poyser

Senior Planner: Tom Chenery

Senior Planner: Charlotte Peet

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Chris Connor

Other Officers Present:

Historic Environment Team Leader: Christian Brady

Local Highways Engineer: Jon Finney (Cambridgeshire County Council)

FOR THE INFORMATION OF THE COUNCIL**23/58/Plan Apologies**

Apologies were received from Councillor Carling for whom no Alternate attended.

23/59/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Bennett	23/62/Plan	Personal: Had an exchange with the SOPRA public speaker (Objector) on social media.

		Discretion unfettered.
Councillor Levien	23/62/Plan	Personal: Knows the Applicant socially. Discretion unfettered.
Councillor Porrer	23/62/Plan	Personal: Knew an Objector for the F1 development. Discretion unfettered.
Councillor Smart	23/62/Plan	Personal: Knows the SOPRA public speaker (Objector). Knows two families living in Rosewood Gardens. Discretion unfettered.
Councillor Thornburrow	23/62/Plan	Personal: Application in her Ward. Discretion unfettered.
Councillor Porrer	23/63/Plan	Personal: Application in her Ward. Discretion unfettered.
Councillor Smart	23/63/Plan	Personal: Knows the hairdresser opposite the hotel. Discretion unfettered.
Councillor Baigent	23/64/Plan	Personal: Can see the (application) site from his house and had been a customer. Discretion unfettered.
Councillor Bennett	23/64/Plan	Personal: Had dealings with Calverleys as they were on the Museum of Technology site in her Ward. Had visited the application site. Discretion unfettered.
Councillor Smart	23/64/Plan	Personal: Knows the family who live next door to the site. Discretion unfettered.

Councillor Thornburrow	23/64/Plan	Personal: Application in her Ward. Discretion unfettered.
Councillor Levien	23/65/Plan	Personal: Application in his Ward. Discretion unfettered.

23/60/Plan Minutes

No minutes were presented for review by the Committee.

23/61/Plan 22-02646-REM Eddeva GB2 Land at Newbury Farm

The Committee received a reserved matters application for appearance, landscape, layout and scale for Phase 2 comprising the creation of 80 residential units, hard and soft landscaping including the creation of a central square and associated works. The related partial discharge of Conditions 1, 9, 10, 11, 12, 13, 14, 15, 17, 19 pursuant to outline approval 19/1168/NMA1.

The Principal Planner updated her report by referring to the amendment sheet in relation to:

- i. Corrections and clarifications to report text.
- ii. Revised Condition 4 wording.
- iii. Condition 8 – in the reason for the condition, omit the reference to South Cambridgeshire District Council Local Plan Policies HQ/1 and SC/9.

Ms Delorme (Applicant's Agent) addressed the Committee in support of the application.

Councillor Levien proposed an amendment to the Officer's recommendation that water and energy use should be monitored eg through meters.

This amendment was **carried unanimously**.

Councillor Porrer proposed an amendment to the Officer's recommendation to include an electricity supply to the public square.

This amendment was **carried unanimously**.

Councillor Smart proposed an amendment to the Officer's recommendation to increase the number of green roofs from 45%. All flat roofs should be green unless inaccessible.

This amendment was **carried unanimously**.

Councillors Bennett and Thornburrow proposed an amendment to the Officer's recommendation requiring the application to comply with M42 requirements.

This amendment was **carried unanimously**.

Councillor Thornburrow proposed an amendment to the Officer's recommendation requesting provision of solar shading and alternative ventilation in east facing single aspect homes.

The amendment was **carried unanimously**.

The Committee:

Unanimously resolved to grant approval for the reserved matters in accordance with the Officer recommendation, for the reasons set out in the Officer's report (with delegated authority to Officers to make minor amendments to the conditions as drafted), subject to:

- i. the planning conditions set out in the Officer's report and amendment sheet;
- ii. approve the part discharge of the outline planning conditions (planning application reference 19/1168/NMA1) in so far as they relate to this reserved matters application site according to the recommendations for each condition set out in the table on P33-34 of the Officer's report;
- iii. amended wording to Conditions 4 and 8 as reflected in the amendment sheet;
- iv. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:
 - a. Comply with M4(2) requirements;
 - b. Water and energy monitoring (meter);
 - c. Electricity supply to the square;
 - d. Green roof scheme; and
- v. an informative included on the decision notice in respect of:
 - a. the desirability for the provision of solar shading and alternative ventilation in east facing single aspect homes.

23/62/Plan 23-01474-FUL B2 F2 Devonshire Quarter

The Committee received an application for full planning permission.

The application sought approval for a severable development comprising the erection of two new buildings as follows:

- i. the erection of a building for Class E(g)i/E(g)ii floorspace including ancillary accommodation/ facilities with associated plant and cycle parking (Block F2), and
- ii. the erection of a building for Class E(g)i/E(g)ii floorspace with multi-storey car park for Network Rail, including car and cycle parking, and ancillary Class E(a)-E(c) (Block B2).

The Committee received a representation in objection to the application from a member of South Petersfield Residents Association:

- i. Referred to concerns in written representation from South Petersfield Residents Association.
- ii. The digging of an additional basement would lead to many truckloads of contaminated soil going down Devonshire Road.
- iii. The Committee had given permission for 30% more metres squared for the development than in the outline consent.
- iv. Space allocated to business use above ground was more than the amount in the Local Plan. This would lead to unaffordable house prices as too many offices and too few houses were being built.

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

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

- i. This was not a change of use on its own, the application was also a request for a larger basement. This would lead to more traffic taking more waste from the site.
- ii. This would be a bigger building with more floor space.
- iii. The amount of floor space requested was now more than that applied for in outline planning permission.
- iv. Expressed concern there would be more traffic on the Great Northern Road.
- v. Preferred an Apart-hotel instead of more Airb'n'bs in the area as they caused anti-social behaviour. An Apart-hotel was needed, more offices were not.

- vi. The area between blocks B2 and F2 was a through route for pedestrians and cyclists. Condition 18 appeared inadequate to protect them. More detail was required before building work commenced on how the space would be managed.

Councillors proposed amendments to the Officer's recommendation concerning:

- i. Block B2 façade treatment.
- ii. Groundwater protection.

The amendments were **carried unanimously**.

The Committee:

Resolved (by 5 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 (with delegated authority to Officers to make minor amendments to the conditions as drafted), subject to:

- i. satisfactory completion of a Section 106 Agreement which includes the Heads of Terms (HoT's) as set out in the Officer report with minor amendments to the Heads of Terms as set out delegated to officers;
- ii. the planning conditions set out in the Officer's report;
- iii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:
 - a. Covering Block B2 façade treatment of ground floor retail and co-working space;
- iv. an informative included on the planning permission in respect of:
 - a. ground water protection and liaison with Environment Agency;
- v. delegated authority to officers to include informatives that had slipped off the Officer's report from the previous iteration.

23/63/Plan 23-01137-FUL The Varsity Hotel, Thompson's Lane

The Committee received an application for full planning permission.

The application sought approval for installation of a new all-weather lightweight retractable roof canopy and associated works.

The Senior Planner updated her report by:

- i. Correcting a typographical error: At para 10.79 of her report - the proposal would adequately respect the residential amenity of its neighbours and the constraints of the site and therefore would not be compliant with Cambridge Local Plan (2018) policies 35, 58 and 60.
- ii. Referring to updated informative wording details on the amendment sheet.

The Committee received a representation in objection to the application from Objector's Agent – residents:

- i. Took issue with the description of the roof area. The awning may retract, but most of the roof structure would remain in place.
- ii. Referred to sections 16 and 66 of the Listed Buildings Act 1990.
- iii. The City Council must have regard to preserving/enhancing the character or an area. The application should not harm, if it does not actually enhance the area. The application did not meet this criterion or make a positive contribution to the character of the area.

The Committee received a representation in objection to the application from the Objector's Agent - Magdalene College:

- i. Referred to Policy 60 of the Cambridge Local Plan. The application did not meet policy to protect the skyline and would have a negative impact on historic buildings within the central conservation area.
- ii. The report did not show the impact of the building from sensitive view points of the college.
- iii. Concern about overlooking from the application onto surrounding areas, which would be exacerbated when trees shown in Officer's presentation/plans lost their leaves (trees shown had leaves on).
- iv. The Varsity Hotel was a tall building now, the application would add to this. Any 'addition' should have a positive impact and architectural merit which the proposal did not.

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

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

- i. Overall, agreed with the Officer's recommendation to approve the application. Agreed the economic benefits were important and likely to

outweigh any visual harm, which he could not see would be particularly more pronounced than the current situation with the unfinished building already a part of the skyline.

The Committee:

Resolved (by 4 votes to 3) to defer the application to seek further information in respect of views of development from the city; light levels to be used resulting from/by the application and to complete a Members' site visit.

23/64/Plan 23-00600-S73 23A Unit 1, Hooper Street

The Committee received a S73 application to vary conditions 2 (noise management plan) and 3 (external areas) of ref: 20/02619/S73 (S73 to vary condition 5 of ref: 19/0902/FUL (Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities) to vary condition no.2 to read as: "Operation of the premises to be carried out in strict accordance with the submitted/approved Noise Management Plan" and to vary condition no.3 to read as: The external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101, including accessing this seating area from inside. This external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00".

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

- i. There were clear reasons for the existing permission. Took issue with the request for variations. This would cause noise and drinking anti-social behaviour which would affect neighbours' amenities.
- ii. Residents' complaints to Environmental Health Officers ceased when outdoor drinking previously stopped on the site.
- iii. Asked the failed experiment of outdoor drinking not to be repeated. Suggested the Applicant took over a pub in another area.
- iv. Support for the application came from people who were distant from the site, if not out of town. Residents who lived closer had objected.

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

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

- i. Houses in Ainsworth Street near the application would be affected by noise from the pub.
- ii. Referred to representations from local residents. Pub management was good but 'fun' would always be noisy.
- iii. Referred to Environmental Health Officer comments. They had to investigate complaints before planning constraints were put in place to stop outdoor drinking.
- iv. Noise was not an issue when residents moved in. The issue arose when outdoor drinking was allowed by the pub/brewery.

Councillor Bennett proposed an amendment to the Officer's recommendation to include a condition requiring a noise management plan.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 6 votes to 1) to grant the S73 application in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted) including the amendment to draft a new appropriate condition regarding a noise monitoring strategy and to then seek approval afterwards via Chair, Vice-Chair and Spokes.

23/65/Plan 22-04783-FUL Land to Rear of 115 Shelford Road

The Committee received an application for full planning permission.

The application sought approval for erection of eight dwellings along with access, car parking, landscaping and associated infrastructure works.

The Committee received a representation in objection to the application from a resident of Lapwing Avenue. [The Committee Manager read a statement]:

- i. Much tree felling had already taken place on this site and on 26.06.23, major works, reportedly archaeological, were taking place.

- ii. Supported the provision of more house building in Cambridge, not in the green belt, and thus in principle supported some development in Shelford Road.
- iii. The concern with this submission was that it inserted eight three-bedroom dwellings into a very limited area and includes, beyond the buildings themselves, little other than nine car parking spaces (one/property and one visitor space). There was no proper communal outdoor area apparent, the nearest was in Austin Drive.
- iv. Local residents could expect the site to require more parking than this, as a) eight three-bedroom houses will produce more than eight cars and b) restrictive covenants on properties regarding the number of vehicles were unenforceable.
- v. The development with eight properties will inevitably cause 'wild' parking elsewhere, either on Austin Drive or across Addenbrooke's Road on the cycleway/ footway, as happens currently. The problem was likely to be especially acute overnight and at weekends.
- vi. Requested fewer properties be included in the design, perhaps six, but with more space for car parking – and to provide play space for children whose likely existence the design seems to ignore.

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

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).

The meeting ended at 4.30 pm

CHAIR

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Agenda Item 5



Planning Committee Date	6 th September 2023 Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	20/01426/FUL
Site	Anstey Hall, Maris Lane
Ward / Parish	Trumpington
Proposal	Construction of two blocks of retirement accommodation (Class C2) comprising 87 two-bedroom apartments. Change of use of land to public open space. Change of use of Anstey Hall to mixed uses including ancillary use on the lower ground, ground and first floor to serve the residential retirement community; 5x staff accommodation on the second floor; a C3 private flatted dwelling on the second floor; and 7x short -term guest accommodation on the ground and first floor. Demolition of greenhouses and flat-roof building and erection of Orangery to house an ancillary restaurant and swimming pool connected to the hall by an existing link, provision of pedestrian access onto Maris Lane and reconfiguration of wall, hard and soft landscaping, car parking and pedestrian access onto Old Mills Road
Applicant	Trumpington Investments Ltd (Mr John De Bruyne)
Presenting Officer	Tom Gray
Reason Reported to Committee	Called-in by Cllr Hauk Third party representations in support and opposition
Member Site Visit Date	Formal visit date TBC 1. Principle of development

Key Issues

2. Impact upon the character/loss of protected open space
3. Impact upon the character and appearance of the Conservation Area and setting of the Listed Building
4. Tree impacts
5. Biodiversity impacts
6. Other Matters

Recommendation

REFUSE

1.0 Executive Summary

- 1.1 The application proposes the construction of two blocks of retirement accommodation and the change of use of the land to allow public access. In addition, it proposes the change of use of Anstey Hall to ancillary staff/guest accommodation and a private flatted dwelling. Moreover, the existing greenhouses and flat-roof building would be demolished and replaced with an Orangery. New pedestrian accesses are proposed in addition to hard and soft landscaping and car parking.
- 1.2 The existing site comprises a Grade II* Listed Building, located within the Trumpington Conservation Area and adjacent to the Cambridge Green Belt. The site is protected open space for its environmental and recreational qualities. It is located to the north and east of the Trumpington Meadows residential development.
- 1.3 There is mature planting within the site with statutory protected trees along the site's eastern boundaries, and the site is located in close proximity to a City Wildlife Site. The site is subject to high surface water flooding.
- 1.4 Whilst the proposal would provide retirement accommodation for an ageing population, the proposed retirement blocks would consume a substantial portion of protected open space which would not be satisfactorily replaced in terms of quantity elsewhere. Moreover, the open character of this park and garden and setting of this Listed Building (Anstey Hall) would be eroded and the setting of the city would be adversely impacted.
- 1.5 The proposed retirement blocks would fail to appropriately relate to the Anstey Hall in terms of their design, siting and scale and therefore have an adverse impact upon the character and appearance of Trumpington Conservation Area and the setting of the Grade II* Listed Building. Furthermore, the proposed Orangery would fail to be of a high-quality design which would be inappropriate in this location whilst insufficient information in terms of the Maris Lane wall reconfiguration has been provided. Overall, the proposal would fail to positively respond to the surrounding context, existing features of natural, historic and local importance and the setting and special character of the city. The harm to

the character and appearance of the Conservation Area and to the setting and significance of Anstey Hall is identified as a high-level of 'less than substantial' harm and it is not considered that the public benefits arising from the scheme would outweigh this identified harm.

- 1.6 Whilst the proposed car parking is sufficient and traffic movements are considered acceptable, the application fails to provide cycle and mobility vehicle storage for future occupiers, visitors and employees, whilst insufficient information has been submitted with regards an energy strategy to accord with the energy hierarchy. Moreover, insufficient refuse and archaeology information has been submitted.
- 1.7 Proposed block B would be sited in an area of high surface water risk and no sequential test has been submitted to inform the siting of this block.
- 1.8 Whilst the proposed development would achieve a biodiversity net gain within the site, the development would result in a loss of tree canopy cover, and it would have adverse lighting impacts upon protected species.
- 1.9 Whilst the proposed development would result in acceptable amenity impacts for neighbouring dwellings, due to lack of energy strategy, insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact upon future occupiers on account of noise impacts.
- 1.10 Other potential impacts have been considered as part of this planning assessment.
- 1.11 Officers recommend that the Planning Committee refuse the application.

1.12 Site Description and Context

Conservation Area	X	Trees subject to Tree Preservation Orders and within the Conservation Area	X
Protected Open Space	X	Flood Zone 1 and High Surface Water Flood Risk	X
Grade II* Listed Building and within the setting of other Listed Buildings	X	Adjacent to Green Belt	X

- 1.13 The application site comprises a Grade II* Building of Anstey Hall, a 17th Century Country House, and Historic Park and Garden. During the application process, the Hall was downgraded from Grade I. The site is Protected Open Space for both its environmental and recreational qualities.
- 1.14 The site is located approximately 4km west of Cambridge City Centre. Anstey Hall is located within the Trumpington Conservation Area and is adjacent to the Grade I Listed Church of St Mary and St Michael and its

associated Grade II Listed Vicarage. To the northeast of Anstey Hall are several curtilage Listed outbuildings that have largely been converted to businesses with the exception of the garaging and the Grade II Listed Lodge and Gate Piers, in addition to the Grade II Listed Building of Maris House.

- 1.15 The site is located to the south and Maris Lane, to the north/east of the Trumpington Meadows residential development (an area of major change) and Anstey Hall Barns and west of Waitrose supermarket and car park. There is mature tree planting, in particular on the western and eastern boundaries. The trees on the eastern boundaries in which have statutory protection (TPOs).
- 1.16 Trumpington Meadows Country Park, part of the Cambridge Green Belt is located further to the west whilst the application site is situated adjacent to the protected open space of Trumpington Church Cemetery, a public space. Grantchester Road Plantations is located 100 metres further to the northwest, which is designated as a City Wildlife Site.
- 1.17 The application site is located within Flood Zone 1 (lowest fluvial flood risk), however, 1 in 30-year (high) surface water flood risk, 1 in 100 year (medium) surface water flood risk and 1 in 1000 year (low) surface water flood risk exists within the application site.
- 1.18 Vehicular access to the site is achieved from Maris Lane. Uncontrolled parking exists on adjacent streets.
- 1.19 A listed building consent application has been submitted for the demolition of greenhouses and flat-roof building and erection of Orangery to house an ancillary restaurant and swimming pool connected to the hall by an existing link, in addition to the reconfiguration of wall to restore historic access onto Maris Lane. The impact upon the listed building is assessed under listed building consent application 20/01427/LBC.

2.0 The Proposal

- 2.1 The proposed development would consist of two 3 storey accommodation blocks, containing a total of 87 retirement (C2 use) units, each of which would contain 2 bedrooms.
- 2.2 It is proposed to demolish the greenhouses and flat-roof building and replacement with an Orangery to house an ancillary restaurant and swimming pool connected to the hall by an existing link.
- 2.3 It is proposed to change the use of the existing Anstey Hall garden area to public open space, and the provision of pedestrian access onto Maris Lane, reconfiguration of the wall, hard and soft landscaping, car parking and pedestrian access onto Old Mills Road. A public park would be created to the south of the Hall within the grassed open space, which would be connected to the Trumpington Meadows residential development

beyond, through a stone belvedere flanked by two flights of stone steps.

2.4 Internally, Anstey Hall's lower ground floor, ground and first floor are proposed to serve the residential retirement community. On the second floor, five rooms would be provided for staff accommodation whilst elsewhere, a one-bedroom C3 flatted dwelling is proposed. In addition, seven short-term guest rooms are proposed on the ground and first floor.

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

3.0 Relevant Site History

Reference	Description	Outcome
21/02332/FUL & 21/02333/LBC	Change of use of Anstey Hall from a wedding venue Use Class formerly D2 (now sui generis) with associated guest accommodation (Use Class C1) which is now collectively sui generis, to use as student accommodation (Use Class C2) for Sixth Form students taught at Dukes Education's St Andrews College, Cambridge	Withdrawn
21/01696/FUL	Change of use of Anstey Hall from Wedding Venue (D2, now F2) and Hotel (C1) to Residential Institution (C2) with ancillary visitor accommodation	Refused
19/5091/PREAPP	87 retirement apartments, new orangery containing catering and support services, use of Anstey Hall as central facilities and new vehicular and pedestrian accesses.	Advice Given
18/1537/FUL & 18/1538/LBC	Convert existing store rooms into bedrooms with ensuite on ground and first floor loft space, including a roof extension with dormer window on the south elevation. Two new conservation rooflights and internal chimney removed.	Permitted
16/0586/FUL	Installation of a new pedestrian link between Waitrose Store and Barratt development and associated works.	Permitted

15/0871/LBC	Form new door opening within bookshelves of the west wall of the library. Install "art nouveau" stained glass screen in passage.	Permitted
15/0101/ADV	External Seating Banners & Stainless Steel Posts	Permitted
14/0159/FUL & 14/0160/LBC	Demolition of modern barn and outbuildings and removal of temporary structures to allow conversion of barns, cart sheds and stables to eight residential units and erection of four dwellings, the creation of a spur access drive from Anstey Hall Drive and associated works.	Permitted
13/0950/FUL	Extension to front of store building (Use Class A1) and associated works and improvements.	Permitted
12/0504/FUL	Retrospective change of use from B1 (offices) to (D2) wedding venue and associated (C1) hotel and guest use for 12 bedrooms.	Permitted
12/0456/FUL	Request permission to continue use of Marquee for Wedding ceremonies etc for a period of at least 3 years.	Permitted
10/0180/FUL & 10/0181/LBC	Formation of extended vehicular driveway and new opening in boundary wall.	Refused, Appeal Dismissed
08/0631/FUL & 08/0708/LBC	Refurbishment and change of use of storage and greenhouse to office/light industrial.	Permitted
07/1335/FUL	Change of use of redundant carriage house to offices.	Permitted
07/1354/LBC	New south elevation wall and windows, replacement of floors, partitions and roof.	Permitted
07/1092/LBC	Form an opening of 6 metres wide with two new brick pillars constructed from the reclaimed bricks, stone plinths and two reclaimed stone balls.	Permitted

07/1094/FUL	Forming an opening 6 metres wide with two new brick piers in wall on west boundary of Anstey Hall.	Permitted
C/03/1090	Internal and external alterations to building within curtilage of Grade I Listed Building.	
C/03/1092	Retrospective application for the removal of an internal wall within grade I listed building.	
C/03/1093	Internal and external works to grade I listed building.	
C/03/0575	Internal and external alterations to stables (retrospective).	Permitted
C/03/0130	Change of use of ground floor unit of coach house building from B1 offices to D1 clinical practice.	Permitted
C/02/1160 & C/02/1090	Replacement entrance gates adjacent to Anstey Hall annexe retrospective.	Permitted
C/02/0118	Replacement of entrance gates and internal and external alterations to main hall and stable blocks.	Withdrawn
C/01/1031	Change of use of outbuilding within the grounds of Anstey Hall from retail (Class A1) to Ophthalmic Laser Clinic (Class D1) and external alterations to building.	Permitted
C/01/1032	Internal and external alterations to outbuilding within the grounds of Anstey Hall.	Permitted
C/00/0224	Internal alterations to Anstey Hall and part demolition of outbuildings.	Permitted

3.1 The application site's lawful use is as a wedding venue and hotel. Over recent years the applicant has sought alternative uses of the site including as a residential institution which was refused on a number of grounds and as an educational facility which was withdrawn.

4.0 Policy

4.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

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

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

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

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

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 18: Southern fringe areas of major change

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 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 45: Affordable housing and dwelling mix

Policy 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 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 61: Conservation and enhancement of historic environment
Policy 62: Local heritage assets
Policy 67: Protection of open space
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management
Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

4.3 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
Open Space and Recreation Strategy 2011

4.4 Other Guidance

Trumpington Conservation Area Appraisal 2010

5.0 Consultations

5.1 County Highways Development Management – No objection

5.2 Drawing number ZA961-PL-SK-001 P1 is sufficient to overcome objection.

5.3 Previous comments (17th January 2023) – Proposed access point off Maris Lane needs to be shown in more detail. Access width must be shown. Conditions recommended.

5.4 Previous comments (7th September 2020) – Transport statement provided should be reviewed by the County's Transport Assessment Team

5.5 Previous comments (9th April 2020) – Objection. Lack of suitable transport assessment. Inter-vehicle visibility splays required. Recommends Traffic Management Plan and construction vehicle weight conditions.

5.6 County Transport Team – No objection

5.7 No comments to make given the minimal additional traffic impact on the highway network.

5.8 Previous comments (14th September 2020) – Existing pedestrian and cycling links to key facilities and highlight areas for improvement are required. Should describe existing public transport services located at the vicinity of the site. Access junction layout and design should be considered. Accident data should be sought and appended to the transport statement. Proposed parking provision of 52 spaces is very low, as car ownership for residents may be higher than anticipated. Type of accommodation and expected age of residents to fully explain likely demands for parking. Should be considered further by the LPA. Trip forecast data is acceptable.

5.9 Lead Local Flood Authority – No objection

5.10 No objection. Surface water can be managed through permeable paving, rainwater butts, infiltration basin. Request conditions including a detailed surface water drainage scheme for the site, details for the long-term maintenance arrangements for the surface water drainage system, details of how surface water run-off during construction can be managed, and survey and report to ensure SuDS have been constructed appropriately. Also recommends informatives.

5.11 Previous comments (25th January 2023) – Sequential test is required. Proposed layout must demonstrate safe access and egress. Hydraulic calculations and open basis is attributed for within the impermeable areas of the site. Policy 31 is not fully met.

5.12 Previous comments (21st August 2020) – drainage strategy is required.

5.13 Sustainable Drainage Engineer – Additional information required

5.14 A surface water drainage strategy is required.

5.15 Environment Agency – No comment

5.16 No comment to make on revised application.

5.17 Anglian Water – No objection

5.18 Obligated to accept foul water flows.

5.19 Urban Design Officer – Objection

5.20 No further comments on revisions.

5.21 Previous comments (2nd June 2020). Response to context – The Trumpington Conservation Area Appraisal (pg. 40&41) identifies a number of protected and significant features on the site that make up the special character and setting of Anstey Hall. This includes the Grade I listed Anstey Hall, Walls of Townscape Significance, TPO areas, individual

TPOs, significant tree groups, 8 individual significant trees and a significant viewpoint from the southern boundary of the site looking north towards Anstey Hall. The Trumpington Conservation Area Appraisal describes the gardens and the grounds of Anstey Hall as vital to the setting of the buildings and the character of the Conservation Area as a whole. Setting of Anstey Hall and identified significant view on the site was a key consideration in the master planning for the Trumpington Meadows development, which through the site layout, building form and appearance, responded directly to this view and the special character of the historic core of Trumpington village.

- 5.22 Fails to resolve the key constraints of the site and does not respond positively to the key qualities of the site's natural and historic context.
- 5.23 Layout, movement and access – Blocks B and C span between 85m and 95m in length and which appear to consume almost the entire western and eastern perimeter of the green open space. This along with associated alterations to the site access and parking significantly reduces the open character of this park and garden.
- 5.24 Removal of 8 significant trees identified in the Conservation Area Appraisal form an important part of the setting of Anstey Hall and frame key views from the southern boundary and their removal will erode the existing character of the park setting.
- 5.25 Existing TPO trees towards the eastern boundary may be under threat should the existing access need to be widened. These trees are key to the character and setting of the park and garden and in maintaining a barrier between the site and adjacent Waitrose development. Layout movements and access are unsupported.
- 5.26 Scale, massing and appearance – Blocks' footprints are a much larger and coarser grain than the surrounding fine grain context of Trumpington meadows and the Conservation Area which is characterised by smaller fine grained plot formations with varied pitched roofs and chimneys further articulating roofscapes. Continuous 3 storey flat roof form which appears excessively horizontal and would read as one long intrusive mass bear little resemblance to forms that characterise the Conservation Area nor reflect the key qualities of Anstey Hall itself. Scale, massing and appearance are unsupported.
- 5.27 Functional design – No provision of cycle and mobility scooter storage. Balconies are shallow and upper-level balconies exposed. Ground floor units adjacent to parking areas have poor thresholds between the car park, private amenity and bedroom windows, which we believe will compromise the quality of the amenity space. No demonstration on how accessibility and flexibility has influenced the design and internal arrangement of homes and how these could be adapted to respond to different levels of support. Application is incomplete and no plans for orangery or alterations to Anstey Hall have been provided.

5.28 Conclusion – Significant loss of existing open space and natural features that will harm the character of the site. Layout, scale and massing fail to respond positively to the key qualities of the site’s context. Concerns with functional design. Contrary to policies 55, 56 and 57 of the Local Plan.

5.29 Access Officer – No objection

5.30 Information demonstrating ease of access from entrance to flat doorway, charging points for mobility scooters and electric wheelchairs, wider doorways, lighting/colour, internal design, sliding doors, wet rooms. Part M of building regulations should be adhered to.

5.31 Conservation Officer – Objection

5.32 Elevations now consistent with roof plan. However, scant level of detail in what the appearance/level of quality of the orangery building would be and given its close proximity to the house, this is not an acceptable level of information. Overall level of harm deriving from these applications remains unchanged and in common with Historic England’s assessment.

5.33 Previous comments (3rd March 2023) – Anstey Hall has been regraded to Grade II* and according to the listing description has a group value with the now Grade II listed lodge and gate piers which, along with the other (unlisted) associated outbuildings, form an important architectural and historic context to the Hall. Curtilage buildings apparently would not be used in association with the retirement complex.

5.34 Setting of Anstey Hall has changed recently with the nearby supermarket and housing. Nonetheless, the historical significance of house and its grounds is based in a village context rather than that of a town house. Typically, the church and vicarage and former farm are in close proximity to Anstey Hall. Hall and ground make an important contribution to Trumpington Conservation Area.

5.35 The form and appearance of the two large residential blocks is neither contextual with the house or estate buildings nor an elegant contemporary addition.

5.36 Proposals would encroach into one of the only surviving elements of the historic grounds which continue to contribute to the significance of the Hall and would compromise appreciation of what survives of its open setting.

5.37 Central vista would be framed by the new blocks and so would be of completely alien character (in contrast to the avenue of trees). Limited mitigation would result from the proposed set-back location and subsequent landscaping, in which the new blocks would nevertheless be unrelated to the Hall in terms of design, location and scale.

- 5.38 There is conflict within the submitted application regarding the degree of harm. The submitted DAS identifies 'low' degree of less than substantial harm, whereas the submitted supplementary HIA concludes 'moderate' degree. There is disagreement within the application material itself with the heritage specialist ascribing a greater level of harm.
- 5.39 Historic Environment Good Practice Advice in Planning Note 3 (2nd Edition) advises that enhancement may be achieved by actions including introducing new views (including glimpses or better framed views) that add to the public experience of the asset, or improving public access to, or interpretation of, the asset including its setting.
- 5.40 The proposal would introduce a new view including the belevedere which is included as a 'but of fun' either in redbrick with stone accents or all Portland stone.
- 5.41 The proposal would increase the degree of public access (though there must already be a degree of access from the existing use). However, the access to/interpretation of the heritage asset including its setting would be compromised by, and the public park surrounded by, the large residential blocks.
- 5.42 Whilst the landscaping proposals could be a positive element of the scheme, these do not necessarily have the permanence of the proposed built elements.
- 5.43 Do not consider the demolition of the greenhouses and flat-roof building, erection of Orangery, Maris Lane pedestrian access and reconfiguration of the wall as providing weight in favour of the planning application.
- 5.44 Repairs to the listed building no longer form part of the application.
- 5.45 Principal issues remain despite the regrading of the Hall. Benefits of the scheme would be undermined by the extensive residential blocks within the grounds. Their design/appearance does not weigh in the scheme's favour.
- 5.46 Anstey Hall is listed as a Country House and this entails some contribution of space/grounds to its setting and significance. Regarding the residential blocks (derived according to the DAS from a town square or its piazza concept), this development would be inappropriate.
- 5.47 Level of harm to the setting and significance of Anstey Hall is at a high level of 'less than substantial harm'.
- 5.48 Previous comments (23rd June 2020) – Regrading of Anstey Hall do not change previous comments.
- 5.49 Previous comments (21st August 2020) – Southern meadow and ground make a positive contribution to the significance of Anstey Hall. They are a

historic component of the setting and the significance of the Hall and also still define a spatial relationship with the surrounding settlement. The attributes that contribute to significance include the existing buildings, structures; scale and 'grain' of the surrounding area within the conservation area; and a limited amount of formal design applicable to the garden; the openness of the meadow; the surrounding trees and vegetation. The experience (via its setting) of Anstey Hall is influenced by views from, towards, through, across and including the asset; its role as focal point (from the south); and a sense of privacy related to the house.

- 5.50 The development's impact is influenced by the sheer extent of the accommodation blocks which comprise two large three-storey buildings, the magnitude of each being comparable to or greater than the Hall itself and in positions where the open setting of Anstey Hall would be significantly changed and diminished. The experience of the setting /from the south and from the house (including having extensive open space of its own) would be curtailed. There are also spatial historic functional relationships between the layout of hall and grounds, the courtyards, walled garden, and farmyard barns, but the proposed accommodation blocks would disrupt this.
- 5.51 The Conservation Area Appraisal states of Trumpington that, "It maintains its historic context with the link between the manors and the land retained". The area is characterised by the grand manor houses of Trumpington Hall and Anstey Hall and a mixture of smaller buildings of different ages. Trumpington Hall and Anstey Hall are set in substantial private grounds, including parkland and paddocks. These spaces and views into the grounds of Trumpington Hall in particular, are important characteristics of the village. "The gardens and the grounds of Anstey Hall are vital to the setting of the buildings and the character of the Conservation Area as a whole." To diminish the setting of the Hall is also to affect the character and appearance of the Conservation Area.
- 5.52 Concerns with Block A and its proposed external appearance.
- 5.53 The Orangery would step well forward of the established southern boundary of the walled garden. It sits across the boundary at the same time occupying a large part of the walled garden thus reducing the walled garden as a component of the estate layout.
- 5.54 Proposed changes to the proposed Coach House are not sympathetic to the character of this building. It's proposed garden and wall enclosure would also be an arbitrary introduction into the open courtyard.
- 5.55 No details on how Anstey Hall would serve as central facilities for the retirement community nor details of the lift and its impact on historic fabric.
- 5.56 No archaeological assessment has been submitted.
- 5.57 Historic England – Objection**

- 5.58 Comprehensive schedule of renovations and repairs to the Hall and outbuildings no longer forms part of the application.
- 5.59 Anstey Hall is a fine late 17th century house with good interiors from this period and from the 18th century. The surviving landscape illustrates the status of the building and how it functioned, contributing to its significance. It is located on the site of a Medieval manor which had been rebuilt by Edmund Bacchus in the early 17th century. The Hall and grounds make an important contribution to the Trumpington Conservation Area.
- 5.60 Previous concluded that the scheme to build on land to the south of the Hall (one of the surviving elements of the historic grounds) would cause a high level of harm to its significance. The proximity of these blocks would compromise the appreciation of the Hall in what survives of its open setting.
- 5.61 Principle objection to the two new build residential blocks on residential blocks are maintained. They would encroach upon the open space and would cause a high level of less than substantial harm to the Hall's significance and setting.
- 5.62 Anstey Hall is listed as Grade II* for the following principal reasons: Its historic interest being a country house of considerable architectural distinction; its architectural interest including its principal façade, rear garden elevation, panelling and plasterwork; and its group value with the Grade II listed Lodge and other unlisted outbuildings.
- 5.63 Anstey Hall as a mansion house was designed to be seen in a landscape setting with immediate pleasure grounds, beyond which was a wider, largely parkland landscape grazed by cattle. Formal pleasure gardens in the area north of the ha-ha had a functional, domestic relationship with the Hall providing an area of recreation, reflecting the status of the Hall. The area to the south was open landscape space, reflecting how the Hall was used and providing an attractive setting to the building.
- 5.64 Hall is adjacent to the Grade I Listed Church and associated Grade II listed Vicarage. The conservation area is characterised by the grand manor houses of Trumpington Hall and Anstey Hall and a mixture of smaller buildings of different ages, including 19th century houses under the ownership of Trumpington Hall. The LPA's Character Appraisal states that there are a total of 25 Listed Buildings and nine Buildings of Local Interest in the conservation area. There are several notable walls within the area.
- 5.65 The grounds and surrounding landscape of Anstey Hall form an important element of the character of Trumpington Conservation Area. The views into the grounds are an important characteristic of the conservation area, as well as the views along Grantchester Road and Maris Lane towards the

- listed building, which are bordered by boundary walls and the walls of the ancillary buildings.
- 5.66 This contributes to the narrow and enclosed nature that defines the streets within this part of the conservation area. As such, Anstey Hall is considered to make a major positive contribution towards the character and appearance of the conservation area.
- 5.67 The proposed Orangery building would have a moderate impact on the significance of the Hall, which would be mitigated to a certain extent by the 'replacement of a detrimental feature by a new and more harmonious one' (Historic Environment Good Practice Advice in Planning Note 3).
- 5.68 New residential blocks would cause a high level of less than substantial harm to the immediate setting of the Grade II* Listed Building, as the development would encroach into one of the only surviving elements of the historic grounds which continue to contribute to the significance of the Hall. The proximity of the proposed large residential blocks and their contextually inappropriate design would compromise the appreciation of the Hall in what survives of its open setting.
- 5.69 Whilst it is accepted that the wider setting of Anstey Hall has been incrementally eroded over the last 20 years, any development that would further encroach on the grassed open space to the south of the Hall would detract from its overall setting, causing a high level of harm to the significance of the listed building.
- 5.70 Supportive of the high-quality landscaping proposals but the benefits would be wholly undermined by the presence of the large scale residential blocks, with the result that they would not succeed in mitigating against their impact.
- 5.71 Discrepancy between the DAS and supplementary HIA regarding level of harm is noted.
- 5.72 Policy considerations for these proposals include NPPF presumption in favour of sustainable development, Para 197, 199, 200, 202. Setting of a heritage asset is not fixed and its surrounding evolve. More advice in Historic Environment planning notes.
- 5.73 Recommendation is that whilst the wider setting of the Hall is now urbanised, it would not be appropriate to treat the Hall as a town house, and we emphasise the importance of retaining the surviving garden setting. Remaining land in the ownership of the Hall makes a strong contribution to the setting and significance of the Hall itself and it is important that this is not further compromised by additional development.
- 5.74 Positive elements of the proposal including landscaping and connectivity. However, concerned that the refurbishment of the Hall involving works to both the interior and exterior of the Hall and outbuildings which would

assist in safeguarding their historic fabric into the future are no longer included in the proposals.

- 5.75 High level of less than substantial harm. Historic environment benefits resulting from the proposal would in no way outweigh the level of harm caused by the new build residential development.
- 5.76 It is for the LPA to weigh up the public benefits of the scheme however in our view it has not been demonstrated that providing central facilities for the proposed retirement community would constitute optimum viable use of the Grade II* listed Hall, consistent with conservation.
- 5.77 NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The Grade II* listing places it in the top 5.8% of all listed buildings and therefore advise that the weight afforded should be very great indeed.
- 5.78 Substantial encroachment of new buildings and do not meet the requirements of the NPPF, in particular paragraphs 197, 199, 200 and 202. Should bear in mind the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning and Compulsory Purchase Act 2004.
- 5.79 If minded to approve the listed building consent in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with the above Direction.
- 5.80 Previous comments (12th June 2020) – A comprehensive schedule of renovations and repairs to the Hall and outbuildings would include repair and replacement of windows and doors, reinstatement of wooden gates, achieving access for all by installing a lift, installation of central heating to the second floor and a wide range of works to the outbuildings and cobbled courtyard. It is proposed that the Hall itself would provide further resident facilities and visiting guest accommodation associated with the proposed retirement scheme. We are supportive of the proposals for repair provided these are carried out in accordance with best practice and your Council is satisfied with the extent of the work. Where historic fabric survives, this should be repaired where possible rather than replaced. The installation of a lift within the Hall to allow access for all is supported in principle, but no details regarding its location or design have been provided which would enable the impact on the significance of the building to be assessed. Your Council should also be satisfied it has sufficient details of the proposed heating system, including pipe routes. With regard to the landscaping proposals, we are supportive of the new axial approach from the north and reinstatement of the avenue and ha-ha.
- 5.81 County Archaeology – Additional information required**

5.82 Very high archaeological potential. Recommend that the site is subject to an archaeological evaluation and geophysical survey prior to determination.

5.83 Senior Sustainability Officer – Additional information required

5.84 Additional information required. Energy strategy should provide an overview of approach to meet requirements.

5.85 Previous comments (2nd June 2020) – scheme shows a 15.5% reduction compared top Part L 2013 and as such does not meet the Local Plan. No indicative location of the solar panels is shown on any of the roof plans. Revised layout of PV panels and energy strategy is required.

5.86 Landscape Officer – Objection

5.87 Loss of protected open space. LVIA considered. Site contributes to ecological value of the area.

5.88 Previous comments (2nd June 2020) – Loss of protected open space. One of the aspects of public open space is views and visual amenity which was also a key feature of the Trumpington Meadows development. Ecological survey is required to assess ecological value of this large, open, natural area.

5.89 Consider that the site falls within the Environmental Importance category within Appendix I of the Local Plan. The grounds form an important element in the character of the local area/setting of the city.

5.90 Nature Conservation Officer – Objection

5.91 Very little margin of error in BNG in terms of future condition of habitats when viewed against habitats lost to development and increase in disturbance by new residents and visitors. Biodiversity improvements could go further with creation of a biodiverse attenuation pond etc.

5.92 Remain concerned about the proximity of the new buildings to the retained woodland boundaries, particularly with regards external lighting and internal light spill from unit windows. Request lux levels of current and proposed lighting prior to determination.

5.93 If minded to approve, recommend standard conditions.

5.94 Previous comments (26th January 2023) – Objection. BNG is below 10% and leaves little margin of error. Light sensitive bat species are highly likely to be negatively impacted by both external and internal light spill due to proximity of new blocks.

5.95 Previous comments (6th October 2021) – Objection. Acceptable survey effort. Local ecological value due to extensive area of grassland, woodland

and scrub. Biodiversity net gain assessment is required which should take into account greater public access to the site. Green roofs are welcomed but should be biodiverse roofs rather than purely sedum. Nest box provision is supported and can be secured via condition. Adaptation of existing bat roof is supported subject to NE mitigation licence. Ecological sensitive lighting scheme should be secured before determination or via condition.

- 5.96 Previous comments (28th April 2020) – Objection. Insufficient ecological information has been submitted. Required information includes an extended Phase 1 survey; protected species scoping report and any subsequent recommended surveys; a biodiversity net gain assessment; report detailing how biodiversity will be protected, mitigated, enhanced and maintained during the proposed construction and delivery of the scheme.

5.97 Tree Officer – Objection

- 5.98 For a tree to be considered in category A, it would normally require a remaining life expectancy of 40+ years. There are 11 category A trees in the schedule. Proposal would result in a material loss of canopy. Limited space in which future trees will grow and therefore pressure for additional tree removal is anticipated. Elements of Block B will further impact on natural light to parts of remaining belt. Not clear where proposed new planting to compensate for loss of trees and habitat within the belt could be located. Additional tree removals would be required to accommodate access and parking in the northwest corner.

- 5.99 Previous comments (7th February 2023) – Removal of lower value central trees is acceptable subject to suitable replacement planting. However, significant concerns regarding level of tree removal to accommodate the proposal and impact of development on trees and woodland habitat to be retained and relationship between trees and building once complete. Tree life expectancy and greater value than suggested in AIA should be attributed.

- 5.100 Tree belts on part of boundaries are key characteristic of the site and offer very significant amenity to both the site and surrounding landscape. Proposals will narrow these belts and have a detrimental impact on their current and potential condition. Additional tree removals would be required to accommodate access and parking in the northwest corner and new footpaths.

- 5.101 Previous comments (1st May 2020) – Full Arboricultural Impact Assessment is required prior to determination.

5.102 Planning Policy Team – Additional information required

- 5.103 Verbal comments – Addressed access and need. Clarification over access to public open space required.

- 5.104 Previous comments (2nd June 2020) – Site is protected area of open space for both its environmental and recreational qualities. It's environmental attributes warranting its protection include the major contribution it makes to the setting, character and the environmental quality of Cambridge. It is an important green break in the urban framework and has significant historical interest. Site contains a number of positive features such as mature trees and open grassland which gives it a sense of place sufficient to make a major contribution to the character of the local area.
- 5.105 The site's recreational attributes warranting its protection include its size, quality and accessibility.
- 5.106 Strategic objectives of local plan state that all new development should amongst other matters protect and enhance the city's biodiversity and network of habitats. Policy 8 does not support development on open spaces that fails to respond to, conserve and enhance the setting and special character of the city, in accordance with the Cambridge Landscape Character Assessment 2003 etc. Similarly, proposals will only be support that include landscape improvement proposals that strengthen or re-create the well-defined and vegetated urban edge, improve visual amenity and enhance biodiversity.
- 5.107 Policy 47 requires evidence of a demonstrable need for this form of development, and to avoid an excessive concentration of such housing within one area. 87 2-bed units would be an excessive concentration. Needs to have a very detailed understanding of the type of elderly people who would be interested in living in the proposed units. Evidence needs to be submitted to demonstrate that the accommodation is suitable for intended occupiers.
- 5.108 Compliance with Policy 51 needs to be demonstrated to ensure accessible homes.
- 5.109 Policy 69 – result in a loss of a number of trees, potentially lead to a negative biodiversity net gain. Additional information required.
- 5.110 Policy 61 and 67 needs consideration. Loss of open space occupied by a small woodland. Proposed open space mitigation includes the creation of a green break along the site's southern boundary and new trees in front of the residential properties. Lost open space would only be partially replaced in terms of a smaller area with similar features and made publicly accessible. No proposals to increase number of public entry points. If public access is in anyway restricted during the day or night, then the whole area cannot be considered as public open space. Any restriction will reinforce the opinion of local people that the open space is private. Site's environmental qualities will also be adversely affected.
- 5.111 Several trees would be lost and potentially improved green boundary treatments using native species. Detailed assessment required to

determine if the public benefits from the replacement trees will have a positive impact on the townscape and landscape including maintenance, measured in terms of health, well-being, social and microclimate.

5.112 County Adult Social Care – No comment

5.113 Primary Care Team (Cambridge and Peterborough Commissioning Group) – No objection. Seeks developer contribution

5.114 Additional primary healthcare provision required to mitigate the impacts of development. Total of £295,800 sought.

5.115 Ambulance Service – No objection. Seeks developer contribution

5.116 Total of £28,449 sought to absorb patient growth generated by this development.

5.117 Environmental Health – Additional information required

5.118 Proposed energy strategy remains outstanding. Further information required on whether ASHPs are proposed and that noise levels can be achieved for all noise sensitive receptors.

5.119 Insufficient data to support the statement of no higher noise emissions from the plant/car park. However, given that the plant impact reduces at night, on balance I consider the reasoning and justification around the monitoring duration and justification of the existing operational plant being 'low impact' is acceptable.

5.120 Further information is required on ASHPs in terms of energy strategy to inform noise impacts. Wider on-site noise from the community park has been clarified and whilst there is still potential conflict between park users and residents, the proposed opening hours and types of activities would go a long way in minimising this. Recommend controlling opening hours of the park.

5.121 Recommend that EV charging points are conditioned given lack of clarification and detail.

5.122 Previous comments (5th February 2023) – Clarification is sought on revised noise impact assessment including plan noise impacts, energy strategy and public park activities. Full suite of contaminated land conditions and external lighting details required via condition.

5.123 Previous comments (17th September 2021) – Revised noise impact assessment should be submitted prior to determination.

5.124 Previous comments (28th April 2020) – Additional information on proposals for public park; information to support conclusion that there are no significant noise sources including from Waitrose; submission of the

transport survey; and clarification on the number of car parking spaces and how they will be allocated.

5.125 Shared Waste Team Officer – Additional information required

5.126 Original advice has not been followed – refused swept path analysis have used the incorrect vehicle. Waste management plan showing residential walk distance to bin stores and collection crew distances has not been provided.

5.127 Previous comments (27th April 2020) – Refuse strategy and vehicle tracking is required. Information on bins stores.

5.128 Police Architectural Liaison Officer – No objection

5.129 Although crime figures for this ward are high, this area and surrounding streets have low risk to the vulnerability of crime. External lighting plan, well-lit and secure residential and visitor cycle storage. Information on storage of mobility scooters required. Design of bin stores should be considered. Footpath through open space should have good visibility and lighting. Lighting for parking court. Balcony supports should be considered. Other suggestions made to achieve secured by design standards.

5.130 Fire Authority – No objection

5.131 Provision of fire hydrants required.

5.132 S106 Monitoring Officer – No objection

5.133 No financial contributions required. Monitoring fee of £2,200 plus a further £500 for each and any obligation held.

6.0 Third Party Representations

6.1 Representations from 35 addresses have been received (19 in objection, 13 in support, 3 neither supporting/objecting)

6.2 Those in objection have raised the following issues:

Public park proposals

- Land in the Anstey Hall Barns development is private residential land and can't be used as alternative protected open space
- Who will have access to area of open space?
- Security of public park and its impact upon neighbours
- Anti-social behaviour as a result of cut through from Waitrose and onto Piper Road
- Not clear how biodiversity net gain calculations have been applied
- East-west public access route is inappropriate. What justification is there for this?

- Lack of indicative design of these routes for all users and proposed lighting strategy
- Does the applicant have all the necessary access rights and land ownership to be able to make the access route connections?
- Alternative protected open space hatched blue should be provided

Biodiversity/Tree impacts

- Bat barn mentioned within PEA is part of Anstey Hall Barns development
- Destruction of woodland. Access road should be built on the Anstey Hall side of the wood
- No detail regarding lighting restrictions to protect bat species
- Damage to trees during construction
- Few mature trees proposed
- Thriving habitat for a number of species
- Area of woodland should be preserved

Car parking/highway safety

- How will parking be managed to prevent people parking at Waitrose?
- Insufficient parking provision for residents. Likely to have limited mobility so access to nearby shops and the park and ride unlikely to be achievable
- No parking for visitors/members to the swimming pool or restaurant
- Current road does not have capacity for proposed use either during construction or operation. How will current access road to Anstey Barns be modified?
- Shared access likely to increase traffic flow along access road. Already dangerous.
- May lead to increased parking on other streets such as Old Mills Road
- Concerns about waste disposal and access
- Traffic should be routed to the east side of Anstey Hall
- New access would pose road safety issues
- Effectively single carriageways with local roads offering little capacity for any overflow parking
- Lack of vehicular/pedestrian separation
- Increase traffic
- Residents would need transport assistance and significant delivery activity would be expected
- Missing traffic report

Scale/siting of development

- Ample room for Block C to be relocated more centrally
- Suggest removal of north west wing of Block C which is unnecessary
- Excessive heights in semi-rural location
- Intrusive/overbearing development
- Close proximity of Piper Road boundary and residents
- Cramped/high density development
- Scale, repetitive and monolithic appearance of the scheme is in stark contrast to the character of both the Grade I listed Anstey Hall as wider

conservation area and Trumpington Meadows estate. Detracts from surroundings

- Harmful impacts on setting and wider setting of listed building
- Blocks would destroy the garden which is an integral part of this English house
- Adverse visual impact and impact upon the Conservation Area
- Any view of the Hall would be permanently changed by the blocks' presence
- Important to retain protected open spaces
- Single storey building might work in this context
- Blocks are some distance from Hall's main facilities
- More erosion on setting of Hall is not acceptable
- Tranquil area would be adversely impacted

Residential/Neighbour amenity and environmental impacts

- Conflict between visitors and residents
- Overshadow residents within Trumpington Meadows
- Impact upon Anstey Barns' views
- Overlooking from belvedere
- Light, noise and air pollution due to proximity of western access road during both construction and operation. Access road next to Waitrose would be better
- Anti-social behaviour due to unrestricted access
- Privacy of residents along Piper Close will be affected

Other matters

- Inaccurate drawing of current access road
- Misleading drawing of woodland
- Request site visit along Piper Road
- Light pollution needed for cycle stores, parking and security lighting
- Scheme should be consulted upon more widely
- Unsupported assertions in Design and Access statement
- Not clear about how some of the facilities would work with the retirement complex
- Visitors to facilities would conflict with the use of residential apartments
- No details of Anstey Hall internal changes
- Not clear if existing entrance will remain open
- Unsustainable demands on local services and utilities
- Development needs for housing have already been met
- Bins likely would need collecting from the roadside which a considerable distance away
- Inadequate community involvement
- Water feature could be a hazard for children
- Confusing consultation process
- House value will be affected
- Contradictory information provided

6.3 Those in support have raised cited the following reasons

- Interested in flats if they are affordable/social housing

- Would like to see a small supermarket, hairdresser and café open to the public
- Swimming pool should be restricted to the public at certain times/day so that it is reserved for residents
- Location of clinic and health centre will be of benefit to development
- Provision of dedicated housing is supported
- Opening up of revised access would offer improved view of front elevation
- Wider community benefits through additional facilities
- Blocks would sit comfortably with Trumpington Meadows development
- Remedial work to Anstey Hall and surroundings
- Suggest variety of options from 1 bed flats to 3 bed houses
- Imaginative layout. Landscape opens up Anstey Hall to the north and south
- Well thought out and nicely framed views

6.4 Other third parties neither supporting/objecting have commented:
Following amendments

- Overlooking from belvedere to houses on Old Mills Road
- Flats would overlook houses along Proctor Drive
- Number and arrangement of flats adjacent to Listed Building is a concern
- Use of facilities by residents of Trumpington Meadows such as a swimming pool would be appreciated
- Not able to view plans
- Provision of 40 parking spaces for 87 apartments is inadequate and makes no allowance for visitor parking
- Maris Lane would not cope with additional traffic
- One toilet per 2-bed apartment is inadequate
- Uncontrolled access to park
- Prefer restricted access to public park at night as this would deter vandalism

7.0 Member Representations

7.1 Cllr Hauk has made a representation calling in the application to Planning Committee on the following grounds:

- Access for heavy vehicles
- Parking Spaces
- Future use of open spaces

8.0 Local Groups / Petitions

8.1 Cambridge Past Present and Future has made a representation objecting to the application on the following grounds:

- Principle of subservience to the main building should be rigorously observed.
- Benefits of purpose-built accommodation of increasing population of elderly residents, opening up of southern end to provide clearer views and creation of new public park, availability of some (limited) public

access to swimming pool and creation of the new driveway from Maris Lane restoring views of the house from the public street, and general tidying up of buildings to the side of hall.

- Orangery will read of modern extension from the south. Reduction in scale is required and greater separation.
- Blocks need to be reduced in height and be broken up more. Currently the very dominant facades of brickwork introduce a strong urban feel. More rural setting on the edge of the city rather than at its heart so comparison with residential squares in major cities is unconvincing. Would compromise garden/park setting but could be mitigated to some extent by creating several smaller but separate blocks with garden spaces between them,
- Substantial residential activity from approximately 150 residents. Number of units need to be reduced.
- Negative impact on trees and vegetation. Inadequate information on site's ecological value and proposed biodiversity net gain. Arboricultural impact assessment is required. Greenspace is more valuable and no mitigation or public benefit.
- More information of public park provision needed. Safeguarding issues may require park night time closure. Swimming pool open to the public and fee information required.
- No offset for existing staff employed in Anstey Hall is provided.
- Lack of transport assessment. Entrance from Maris Lane into the site which is shared with Anstey Hall Barns is highly unsatisfactory. With considerably increased volumes of traffic that can be anticipated, these problems will only increase. More comprehensive analysis of access to and movement around the site is needed.
- Gas boilers are proposed but no consideration of alternatives. Insufficient information provided.

8.2 Trumpington Residents' Association comments as follows:

Use/public open space

- Limited information on public use of facilities
- 24 hour access to the park would have security and crime implications
- Clarification of access paths
- Unclear about the use of the Hall by residents
- Little information about public membership and parking provision for orangery facilities

Design/Scale/massing/siting and loss of open space

- Concerns with height and massing buildings. Block C would be very intrusive on woodland belt and houses along Piper Close. Should be reduced in scale and footprint
- Intrusive impact on green space
- Overbearing on the setting of the Hall and adjacent homes
- Scale is not justified in this location
- Sight lines across the park to House are important by this has largely been ignored in the application

- Views from Trumpington Meadows important. Adjacent development was conceived around a sensitive relationship with the Hall and grounds
- Belvedere will reduce the existing view of the Hall from the south
- Mitigation for the loss of existing open space is not convincing as this could happen anyway
- Orangery roofscape seems out of keeping with Hall and proposed apartments

Biodiversity/Tree impacts

- Trees and grassland important habitat and local landscape
- Loss of too much open space and trees with some trees having TPOs. Seek reassurance about the impacts on the existing tree belts
- Ecological impacts
- Support replanting of trees

Parking/highway safety impacts

- Significant increase in traffic
- Parking allocation is insufficient
- Risk of off-site parking during construction
- Transport assessment and travel plan not provided
- Construction route needs to be clarified and to the east of Hall
- Access route needs to be clarified

Other Matters

- Affordable housing?
- Hatched blue land should be designated protected open space
- Waste disposal access need clarifying
- Impact on residential amenities
- Future of clinic concerning
- Buildings to front should be improved
- Archaeology evaluation should be provided
- Unclear about the standard of support available for residents
- Proposed access route to Piper Road would negatively impact amenities
- Safety of children given that there is an open pool
- Little detail on Coachman's House, Coach House and Outbuildings

8.3 Cam Cycle object and comments as follows:

- 73 cycle spaces should be provided for residents and visitors, greater than the 50 spaces proposed
- 64 staff expected to be employed and therefore would require 26 spaces, considerably more than the 10 proposed
- Apart from the Block A plan, no proposed cycle parking shown. Cannot see whether the locations are convenient and suitable for residents and staff
- Some users will require more space for non-standard parking and 5% of spaces should be suitable for these
- Detailed design of intended cycle parking provision should be provided in addition to how the amount of provision has been calculated

- 8.4 Trumpington Meadows Community Group comments as follows:
- Concerned about the scale of development being incompatible with Anstey Hall
 - 40% affordable housing?
 - Inaccurate drawings
 - Proximity of Block C to Piper Road and loss of wooded area
 - Block C would be an unwelcome addition
 - Prefer limited access to park rather than night time access
 - Excessive height of blocks
 - Some of planting would take a while to be established and may not be achievable
 - Overlooking from belvedere
 - Questions on management of space
 - Overlooking of houses along Proctor Drive
 - Way through to church would be appreciated
 - Access to swimming pool would be appreciated

8.5 Trumpington Meadows Delivery & Action Group Ltd (TMDAG) comments as follows:

- Concerns regarding proximity to Piper Road
- Application is thorough and accommodation needed
- Retirements homes are better than 6th form boarding house
- New facilities would be appreciated
- Access route and northwest corner needs amending
- Green barrier needed on west as the loss of privacy is a concern
- Existing residents need additional facilities

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

9.0 Assessment

9.1 Principle of Development – Spatial Strategy

9.2 The application site is designated as a Protected Open Space. The proposed development would be located adjacent to the Cambridge Green Belt and adjacent to the Protected Open Space of Trumpington Church Cemetery.

9.3 Policy 8 of the Local Plan 2018 states that:

Development on the urban edge, including sites within and abutting green infrastructure corridors and the Cambridge Green Belt, open spaces, and the River Cam Corridor, will only be supported where it (amongst other considerations):

- a. responds to, conserves and enhances the setting, and special character of the city, in accordance with the Cambridge Landscape

Character Assessment 2003, Green Belt assessments, Cambridgeshire Green Infrastructure Strategy and their successor documents;

- b. promotes access to the surrounding countryside/open space, where appropriate; and
- c. safeguards the best and most versatile agricultural land unless sustainable development considerations and the need for development are sufficient to override the need to protect the agricultural value of land; and
- d. includes landscape improvement proposals that strengthen or re-create the well-defined and vegetated urban edge, improve visual amenity and enhance biodiversity.

Proposals where the primary objective is to conserve or enhance biodiversity, particularly proposals for landscape-scale enhancement across local authority boundaries, will also be supported. The Council will support proposals which deliver the strategic green infrastructure network and priorities set out in the Cambridgeshire Green Infrastructure Strategy.

9.4 Supporting text to Policy 8 at paragraph 2.75 states that:

Cambridge is characterised by its compact nature, well-defined and vegetated edges, open spaces, and the green corridors that extend into the city centre from the countryside. These green corridors are protected as part of the Cambridge Green Belt or as Protected Open Space...studies have all highlighted that the interface between the urban edge and the countryside is one of the important and valued landscape features of the city, contributing to the quality of life and place enjoyed here.

9.5 Supporting text to Policy 8 at paragraph 2.77 states that:

Development on the urban edge of the city, adjacent to the Green Belt, has the potential to have a negative effect on the setting of the city. As such, any development on the edge of the city must conserve and enhance the city's setting.

9.6 The Trumpington Meadows residential development, built to the south and west of the application site following planning consent granted in 2009 replaced an otherwise rural landscape. Nevertheless, the Cambridge Green Infrastructure Strategy states that throughout the residential development, it was intended that areas of open space ('green fingers') that extend into the development from the arable fields to the south and the country park to the west would result.

9.7 Although it is recognised that its wider setting has changed somewhat over the years, the application site itself remains adjacent to Green Belt land and protected open space to the northwest along which mature trees penetrate its boundaries and are key feature from the which along with its open landscape provides a degree of biodiversity interest. The application

site's environmental qualities are recognised in the site's designation as a Protected Open Space. Whilst the applicant contends that the site is no longer on the urban edge, it is clear that on the basis of Policy 8 and the supporting text and taking into account the site constraints and open landscapes, this policy would directly apply to this development proposal.

- 9.8 With regards criterion a of Policy 8, this is discussed in detail within a subsequent design section of this planning assessment and concerns the impact of the development upon the setting and special character of the city. In this regard, it is considered that the proposed development would have an adverse impact.
- 9.9 With regards criterion b of Policy 8, the application proposes to change the use of the Hall's private grounds into a public space. A new pedestrian gate is proposed to the south to connect with the Trumpington Meadows residential development. A pedestrian gate is also proposed to connect with the Waitrose car park to the east whilst. A new pedestrian access would connect Maris Lane to the north through the grounds of the Hall. The proposed development would also connect to Trumpington Meadows Country Park via the existing Anstey Hall Barns drive. In so doing, the proposed development would meet the criteria within Policy 8(b) of the Local Plan 2018.
- 9.10 The existing land use is an historic park and garden and therefore it is not considered that the proposal would result in a loss of the best and most versatile agricultural land and therefore there is no conflict with Policy 8(c) of the Local Plan 2018.
- 9.11 Notwithstanding the presence and visual impact of the proposed residential blocks, the proposed development would provide some landscape improvements in terms of the reinstatement of Anstey Hall's pleasure gardens and ha-ha which could potentially improve the visual amenity of the space for the public. However, it is noted that significant numbers of tree removals would be required particularly on the western and eastern boundaries of the site which would reduce the current vegetated urban edge. In addition, whilst biodiversity net gain would be improved within the site, it is considered that as a whole, the proposed development would have an adverse impact upon protected species. This criterion (Policy 8(d)) is considered in more detail later within this planning assessment.
- 9.12 Therefore, by virtue of the adverse impact upon the setting and special character of the city, the loss of boundary vegetation and adverse impact upon biodiversity, the principle of this development on the edge of the city and within the Protected Open Space is contrary to Policy 8 of the Local Plan 2018.

9.13 Principle of Development – Flood Risk

- 9.14 The application site is located within Flood Zone 1 (low risk); however, residential Block B would be located within a 1 in 30 year event (high risk) of surface water flood risk.
- 9.15 Paragraph 159 of the National Planning Policy Framework (NPPF) 2021 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 9.16 Paragraph 162 of the National Planning Policy Framework (NPPF) 2021 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 9.17 Paragraph 023 of the PPG 2022 states that the sequential approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.
- 9.18 The application is accompanied by a flood risk and drainage assessment which states that whilst the site is subject to overland surface water flooding with the provision of adequate mitigation and resistance measures the risks can be reduced and considered low within the development design.
- 9.19 Whilst the findings of this report are acknowledged, no sequential test has been carried out to inform siting of the residential blocks by investigating alternative locations within the site at lower flood risk that would be more appropriate for Block B. It is therefore considered that the application fails

to comply with the sequential test as required by paragraph 162 of the NPPF 2021 and PPG national guidance.

9.20 Officers therefore consider that the principle of development is fails to accord with Policy 32 of the Local Plan 2018 and paragraphs 159-163 of the NPPF 2021. This is discussed further in the water management and flood risk section of this report.

9.21 Principle of Development – Protected Open Space

9.22 Policy 67 of the Local Plan 2018 states that:

Development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless:

- a. the open space can be satisfactorily replaced in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost; and
- b. the re-provision is located within a short walk (400m) of the original site.

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

9.23 The application site is designated as a Protected Open Space within the Cambridge Local Plan 2018. It is designated for both its environmental and recreational importance (Appendix 2 – List of Protected Open Spaces - Open Space and Recreation Strategy 2011). Following a formal consultation with the Council's Policy Team, it is considered that the existing site makes a major contribution to the setting, character and the environmental quality of Cambridge in that it is an important green break in the urban framework and has significant historical interest. A number of positive features such as mature trees and open grassland which gives it a sense of place is sufficient in making a major contribution to the character of the local area.

9.24 Furthermore, it's recreational attributes warranting its protection includes its size, quality and accessibility.

9.25 The proposed development would consist of two 3 storey residential blocks and associated car parks within the historic park and garden of Anstey Hall. In addition, an Orangery would be erected to the side of the Anstey Hall itself. Therefore, on this basis, the proposed development would result in a loss of protected open space.

- 9.26 Supporting text to Policy 67 at paragraph 7.47 states that there is a clear presumption against the loss of open space of environmental or recreational importance. However, there may be circumstances where development proposals can enhance the character, use and visual amenity of open space, and provide ancillary recreational facilities, such as changing facilities, or materially improve the recreational or biodiversity value of the site.
- 9.27 The submitted Landscape and Visual Impact Assessment (LVIA) states that the site at present is not used for recreation nor is it covered by any ecological designations. The applicant's submission also argues that many views do not extend beyond the vegetation on the site boundary whilst it would increase public access to the site.
- 9.28 Whilst increasing public access to the site is welcomed and would be beneficial, it is considered that the existing site already has recreational value as the Open Space and Recreation Strategy 2011 attests. Nevertheless, in this instance, the development proposals are considered to increase the use of the site to the wider public outside of the existing use as a hotel and wedding venue.
- 9.29 As Policy 67 states, there is a presumption against the loss of open space of environmental or recreational importance. Elsewhere with the Local Plan, within Appendix D which refers to the Southern Fringe Development Area (Policy 18), it is noted that one of the key development principles of Trumpington Meadows development is to maximise opportunities for views of Anstey Hall and garden from the public realm, while protecting and enhancing its setting.
- 9.30 In this instance, the proposed development would encroach upon a substantial portion of this protected space. Moreover, the character of this protected open space including the setting of Anstey Hall would be severely impacted through the siting of the residential blocks which would be highly visible particularly from the south. The proposed development therefore would undermine the approach taken with the adjacent Trumpington Meadows development.
- 9.31 The applicant claims that the existing open space would be more publicly accessible by providing multiple pedestrian access points. Third party and local member comments concerning the use of this space are acknowledged. Some details of opening times have been submitted which would restrict the public from accessing the public open space during night-time hours. This is to ensure that lighting is minimised and the potential for anti-social behaviour within the vicinity reduced. Notwithstanding this, this approach would reinforce the opinion that the open space is for private use as it would be more restricted than other public parks within the city and therefore only limited weight to the provision of this space for the public's use can be afforded.

- 9.32 In addition, the applicant claims that the new planting, water feature and belvedere would increase the quality of this space. Whilst some aspects of the landscaping scheme are supported, following a formal consultation with the Council's Policy Team and Landscape Officer in addition to a site visit, by virtue of its inappropriate siting, excessive scale and incongruous design, the proposed development would adversely impact the character and visual amenity of the protected open space.
- 9.33 Moreover, following a formal consultation with the Council's Trees Officer, it is considered that tree removals necessary to accommodate the development would result in a narrowing of the tree belt, therefore adversely affecting character of the site and the site's amenity value. Improvements to the green boundary treatments are not considered to outweigh the overall loss associated with the development. In addition, following a formal consultation with the Council's Nature Conservation Officer, it is noted that the site contributes to the ecological value of the area and insufficient information has been submitted to demonstrate that protected species on the site would not be adversely impacted by the proposed development including the effects of lighting on bat species.
- 9.34 Paragraph 7.48 states that replacement sites/facilities should be no more than a short walk (400m) from the site that is to be replaced unless it can be proved that a more accessible area of open space can be provided. Replacement sites/facilities should not increase any identified deficiencies in open space in the ward where the original site is located. Consideration should also be given to how they link with the wider ecological network and enhance biodiversity.
- 9.35 The applicant claims that the proposal would compensate for the loss of protected open space with an area to the west of the application site, within the applicant's ownership. However, this area is relatively small compared to the area developed for the new residential blocks and therefore the quantity of space would not outweigh the harm to the protected open space through the siting of the new residential blocks.
- 9.36 Taking all this into account, by virtue of the partial loss of protected open space and harm to its character, Officers consider that the principle of development is not supported with reference to Policy 67 of the Local Plan 2018.
- 9.37 Principle of Development – Specialist Housing Provision**
- 9.38 The proposal would result in a loss of visitor accommodation used in connection with the wedding venue. Whilst this is the case and Policy 78 is engaged, it is understood that this has not been in active use for several years since COVID.
- 9.39 Policy 78 seeks to prevent the loss of existing visitor accommodation (hotels, guesthouses and hostels to apart hotels and serviced apartments) unless the use is no longer viable. Given that the primary use of the

accommodation at the site is to support the wedding venue function (which is a sui generis use that is not protected by other local plan policies) the loss of the ancillary visitor accommodation use is considered acceptable in this instance. Moreover, as set out in the supporting text of policy 78 the focus of this policy is aimed at protecting visitor accommodation in city centre locations. The application site is considered to be on the edge of the city rather than a city centre site and the key focus is aimed at accommodation for users of the venue rather than tourists visiting Cambridge. Taking all this into account, Officers consider the loss of the existing form of visitor accommodation to be acceptable in this instance.

- 9.40 Policy 47 states that planning permission will be granted for the development of 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.

Where the development falls within use class C3 (dwelling houses), the development will be expected to contribute to the supply of affordable housing within Cambridge in accordance with Policy 45.

- 9.41 The proposal is for private 'extra care' provision and would not provide social care in which there is publicly available data on need. A Needs Assessment has been submitted with the application which details that there is demonstrable need for retirement accommodation within the Trumpington area in accordance with criterion a of Policy 47.
- 9.42 The proposed development would be purposely designed for occupation by older people and the submitted floor plans detail that these would be appropriate for the older population in accordance with criterion b of this policy. The submitted Design and Access statement confirms that the retirement blocks meet M4(2 and 3) requirements in such that access to each apartment would be step free. The apartments would be adaptable. In terms of the new Orangery, this would be fully M4(3) compliant with ramped access. No internal changes are proposed to Anstey Hall itself. The access officer has been consulted on the application and raised no objection to the development and offered suggestions for detailed design stage. On this basis, the proposal is in accordance with Policy 51 of the Local Plan 2018.
- 9.43 The use of Anstey Hall itself would be changed to mixed uses including ancillary use on the lower ground, ground and first floor to serve the residential retirement community; the provision of five rooms for staff

accommodation on the second floor, together with a private flatted dwelling on the second floor and seven short-term guest accommodation rooms on the ground and first floor.

- 9.44 Given the location of the application site in relation to a supermarket, services including a doctor's surgery and bus services to the city centre, the proposed development would meet the requirements of criterion c of this policy.
- 9.45 The surrounding context is one of predominately mixed residential C3 uses. Taking this into account, the proposed development would not result in an excessive concentration of this housing type in the area in accordance with criterion d of this policy.
- 9.46 Given that the proposed development comprises specialist housing (C2 use), no affordable housing is required to meet the requirements of Policy 45 of the Local Plan 2018 in this instance. This has been confirmed following a formal consultation with the Council's S106 Officer.
- 9.47 On this basis, Officers consider that the principle of providing retirement home accommodation and the change of use from existing hotel/wedding venue is acceptable in accordance with policies 78 and 47 of the Local Plan 2018. The details of such a use could be secured via a S106 obligation attached to any planning consent granted.

9.48 Design, Layout, Scale and Landscaping and impact upon the character and appearance of the Trumpington Conservation Area and setting of Listed Buildings

- 9.49 The application site is located within the Trumpington Conservation Area which is described within the Conservation Area Appraisal as "characterized by the grand manor houses of Trumpington Hall and Anstey Hall and a mixture of smaller buildings of different ages..."
- 9.50 The Appraisal continues by adding that Anstey Hall is set in substantial private grounds... "The gardens and the grounds of Anstey Hall are vital to the setting of the buildings and the character of the Conservation Area as a whole. However, there is no public access to these private grounds."
- 9.51 In addition, the Trumpington Conservation Area Appraisal identifies a number of protected and significant features on the site that make up the special character and setting of Anstey Hall. This includes the Grade II* listed Anstey Hall, Walls of Townscape Significance, tree protection order (TPO) areas, individual TPOs, significant tree groups, 8 individual significant trees and a significant viewpoint from the southern boundary of the site looking north towards Anstey Hall.
- 9.52 The setting of the Hall makes an important contribution to its significance. There are panoramic views of the Hall and grounds from the southern end of the application site. Anstey Hall was designed to be seen in a

landscape setting with immediate pleasure grounds to the north of the ha-ha, beyond which was a wider largely parkland landscape. Historic England note that the reasons for this listing is its historic interest (a country house of considerable architectural distinction), its architectural interest and its group value with the Grade II listed Lodge which along with the other (unlisted) associated outbuilding, form an important architectural and historic context for the Hall.

- 9.53 Whilst the setting of the Conservation Area has changed to an extent over recent years, nonetheless, following a formal consultation with the Council's Conservation Officer and Historic England, the historical significance of the house and its grounds is based in a village context being a country house rather than that of a town house. Overall, the Hall and grounds make an important and major contribution to the Trumpington Conservation Area.
- 9.54 Indeed, the setting of Anstey Hall and the identified significant view on site was a key consideration in the master planning for the Trumpington Meadows development, which through the site layout, building form and appearance, responded directly to this view and the special character of the historic core of Trumpington Village. This is described in Appendix D of the Local Plan 2018.
- 9.55 The impact of the proposed two residential blocks (Blocks B & C) have been considered in respect of the following policy context and has been subject to formal consultations with the Council's Landscape, Urban Design and Conservation Officers. Third party comments concerning important views from Trumpington Meadows through the application site are noted.
- 9.56 Local Plan Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 9.57 Policy 55 states that development will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive and high-quality places.
- 9.58 Policy 57 states that high quality new buildings will be supported where it can be demonstrated that they (amongst other considerations):
- a. have a positive impact on their setting in terms of location on the site, height, scale and form, materials and detailing, ground floor activity, wider townscape and landscape impacts and available views;
 - b. are convenient, safe and accessible for all users;
 - c. are constructed in a sustainable manner and are easily adaptable;
 - d. successfully integrate functional needs such as refuse and recycling, bicycles and car parking;

- 9.59 Supporting text paragraph 7.10 of Policy 57 states that high quality building design is linked to context, in terms of appropriateness, and to place making in terms of how the proposed development will be sited. Without imposing architectural tastes or styles, it is important that a proposed development is considered in terms of site location, height, scale, form, and proportions, along with materials and detailing.
- 9.60 Policy 58 states that alterations and extensions to existing buildings will be permitted (amongst other considerations) where they:
- a. do not adversely impact on the setting, character or appearance of listed buildings or the appearance of conservation areas, local heritage assets, open spaces, trees or important wildlife features;
 - b. reflect, or successfully contrast with, the existing building form, use of materials and architectural detailing while ensuring that proposals are sympathetic to the existing building and surrounding area.
- 9.61 Policy 61 states that to ensure the conservation and enhancement of Cambridge's historic environment, proposals should:
- a. preserve or enhance the significance of the heritage assets of the city, their setting and the wider townscape, including views into, within and out of conservation areas;
 - b. retain buildings and spaces, the loss of which would cause harm to the character or appearance of the conservation area;
 - c. be of an appropriate scale, form, height, massing, alignment and detailed design which will contribute to local distinctiveness, complement the built form and scale of heritage assets and respect the character, appearance and setting of the locality;
 - d. demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits, alongside assessment of the potential impact of the development on the heritage asset and its context; and
 - e. provide clear justification for any works that would lead to harm or substantial harm to a heritage asset yet be of substantial public benefit, through detailed analysis of the asset and the proposal.
- 9.62 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest and in particular, listed buildings. Section 72 (of that Act) provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.63 Paragraph 197 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

- 9.64 Paragraph 199 of the NPPF requires 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. Paragraph 200 (NPPF) goes on to state that any harm to, or loss of, the significance of a designated heritage asset [from its alteration or destruction, or from development within its setting] "should require clear and convincing justification".
- 9.65 Setting is then defined in the Framework as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'.
- 9.66 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.67 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 9.68 Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 9.69 Policy 71 requires development proposals to preserve, protect and enhance trees and hedges that have amenity value as perceived from the public realm.

Residential blocks' siting/layout and landscaping

- 9.70 Notwithstanding that the proposal fails to accord with the principle of development within an area of Protected Open Space, following a formal consultation with the Council's Conservation Officer and Historic England, by virtue of proposals on the land to the south of the Hall, it is considered that the encroachment into the Hall's grounds which continue to contribute to the significance of the Hall would considerably compromise the Hall's surviving open and garden setting. Third party comments regarding this are also acknowledged. Whilst it is accepted that the wider setting of Anstey Hall has incrementally been eroded, the proposed development would further encroach on this open space and thus detract from its overall setting.

- 9.71 Whilst the improvements in reinstating the ha-ha and the overall landscaping are supported, the proposed scheme would significantly reduce the open character of this park and garden and on this basis, and following formal comments from the Landscape and Urban Design Officers on the proposed layout the siting of the proposed development, it is considered that the proposal would be contrary to policies 55, 56, 57, 61 and 67 of the Local Plan 2018.

Residential blocks' design, form and scale

- 9.72 The context of Trumpington Meadows and the Conservation Area is characterised by smaller fine grained plot formations with varied pitched roofs and chimneys further articulating the roofscape. Conversely, the proposed buildings would measure between 85m and 95m in length and consist of a coarser grain that is further emphasized by the continuous three storey flat roof form which following a formal consultation with the Council's Urban Design Officer is considered to appear excessively horizontal and one intrusive mass.
- 9.73 The application has been subject to formal consultations with both the Council's Conservation Officer and Historic England. Third party comments concerning the excessive and intrusive building heights/scale, lack of subservience, their unsympathetic appearance and the resulting adverse impact upon the setting of the Hall and wider Conservation Area are noted. In considering the application, the proposed residential blocks' form and appearance would neither be an appropriate design in the context of Anstey Hall itself nor in the context of the local area and Trumpington Conservation Area.
- 9.74 The applicant's heritage responses are noted, however, the siting of large blocks would be an alien and incongruous addition that would fail to be related to the Hall in terms of its design, location and scale. Whilst landscape mitigation is proposed to soften and minimize the perceived visual impact, users' experience of the setting of the Hall, particularly from the public realm to the south and within the application site itself would be adversely impacted.
- 9.75 In addition, the proposed blocks would fail to reflect the key qualities of the local area, Trumpington Conservation Area nor Anstey Hall itself and therefore fails to positively respond to the surrounding context, contrary to policies 55, 57 and 61 of the Local Plan 2018. With reference to Paragraph 206 of the NPPF 2021, the proposal would fail to enhance or better reveal the significance of the Hall itself nor the Trumpington Conservation Area as a whole.
- 9.76 In addition, by virtue of the significant loss of trees within the site, following a formal consultation with the Council's Landscape, Trees and Urban Design Officer, it is considered that the proposed development would be detrimental to the link between the parkland of the site and the adjacent Trumpington Meadows development and therefore fail to respond

positively to existing features of natural and local importance, contrary to policies 55 and 71 of the Local Plan 2018.

- 9.77 Furthermore, whilst the applicant has considered inclusive access to the buildings, in terms of the scheme's functional design, third party comments are noted, and no facilities are provided within the blocks for the storage of bikes or mobility scooters. Given the retirement accommodation would likely be used by the elderly and those with limited mobility, the lack of mobility storage, parking and charging facilities to ensure that the needs of the elderly are met would be contrary to policies 55 and 57 of the Local Plan 2018.
- 9.78 Overall, it is considered that the proposed development would be contrary to policies, 55, 57, 61 and 71 of the Local Plan 2018 and the NPPF 2021.

Proposed orangery

- 9.79 The applicant proposes to demolish three free-standing greenhouses within the walled kitchen garden which appear to have had some small role in the function of the kitchen garden area and its relationship to the house. In addition, a flat roofed building is to be demolished which is considered to be a negative feature.
- 9.80 The applicant proposes to replace this existing flat roofed building and marquee with the proposed Orangery. Third party comments regarding the design and scale of this element and its relationship with the Hall are noted. This would have a very close visual relationship with the Hall and following a formal consultation with the Council's Conservation Officer, it is noted that there is a lack of detail with regards the Orangery's design and appearance.
- 9.81 Following a formal consultation with both the Council's Conservation Officer and Historic England, it is considered that although the proposed location would be away from main views towards Anstey Hall itself, and the removal of the flat roofed structure would be an improvement, by virtue of its excessive scale, siting forward of the southern elevation and elaborate design, it is considered that the proposal would have an adverse impact upon the setting and significance of the Listed Building, and the character and appearance of the Conservation Area, contrary to policies 55, 57 and 61 of the Local Plan 2018 and the NPPF 2021.

Reconfiguration of wall onto Maris Lane

- 9.82 The applicant proposes to introduce a new opening in the curtilage boundary wall along Maris Lane. The existing wall is half-height in brick and likely to be contemporary. No further details have been provided and whilst the principle may be acceptable, no details of the new wall piers have been provided and it is not appropriate for these details to be conditioned in this instance. Therefore, there is insufficient information

provided with regards the new wall opening to make an informed assessment.

Other adaptations

- 9.83 Whilst internal changes are subject to Listed Building Consent application, in planning terms, the proposal would involve a change of use to provide central facilities including a restaurant and swimming pool for the proposed retirement community and wider community via club membership.

Harm v public benefits

- 9.84 The NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Given the Grade II* listing of Anstey Hall which places it in the top 5.8% of all listed buildings, the weight given to the asset's conservation including its setting should be great indeed.
- 9.85 Taking into account consultee comments including Historic England's comments, it is considered that the proposal would result in a high level of less than substantial harm upon the immediate setting and significance of Anstey Hall and upon the character and appearance of the Conservation Area, contrary to Policy 61 of the Local Plan 2018 and the NPPF 2021. Paragraph 202 of the NPPF is therefore engaged and the harm should be weighed against the public benefits of the proposal.
- 9.86 The applicant has submitted a list of public benefits which include the following:
- Public open space whereby the public will be able to fully appreciate the asset.
 - A viable scheme of residential units for independent living for the elderly, with associated amenities/services nearby.
 - Removal of flat-roofed building by a more harmonious one.
 - Income generating scheme that will ensure a specific sum will be allocated to continuous maintenance and repair of the hall and continuous use of the hall by residents.
 - Maximise use of the existing asset.
 - Introducing new views and added landscape features.
 - Restoring views of the Hall from Maris Lane.
 - Free up other houses in Cambridge.
 - Providing employment.
- 9.87 In addition, the applicant contends that the central facilities for the retirement community would constitute optimum viable use and other uses for the Hall including for educational use have been explored, according to the applicant, the use of it as a hotel is not viable.
- 9.88 In terms of optimum viable use, the applicant states that the proposed development would enable the renovation of Anstey Hall and the

associated outbuildings by generating the necessary income. However, in this instance, internal works to the Anstey Hall itself and the outbuildings have been removed from the scope of the proposed development and therefore whilst there is an intention of the applicant to improve the Hall, limited weight can be afforded in this instance without this being secured.

- 9.89 Whilst these public benefits are noted in so far as providing publicly accessible public open space during daylight hours, removal of the negative flat roof building and potential for maximising the use of the existing asset to ensure optimum viable use, the public open space would be restricted to certain times of day and therefore would have limited public benefit to ensuring that there is unrestricted access. Secondly, whilst the removal of the negative flat roof building is welcomed, the proposed Orangery would be of an excessive scale and due to the lack of high-quality design is not considered to be an appropriate addition.
- 9.90 Whilst the proposed development would fulfil a need for specialist accommodation including central facilities, overall on the above basis, it is not considered that the public benefits arising from the scheme would outweigh the high-level of 'less than substantial' harm identified, contrary to Paragraph 202 of the NPPF and Policy 61 of the Local Plan 2018.
- 9.91 In addition, the proposed development would fail to accord with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest and in particular, listed buildings and ensures that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.92 Tree impacts**
- 9.93 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.
- 9.94 The application is accompanied by an Arboricultural Impact Assessment (AIA). To facilitate the development, the proposal requires a substantial loss of trees (approximately 65 trees). Whilst following a formal consultation with the Council's Trees Officer it is considered that the removal of lower value trees will have no material impact on the visual amenity of the site subject to tree replanting, by virtue of the close proximity of built form to woodland habitat and the loss of mature trees to facilitate the development, the resulting loss of trees on the site is unacceptable.
- 9.95 The proposed development would result in two TPO group areas to be removed and replaced (G8 and G9), T14 has already been removed, T15

to T26, G11 and part of G12 proposed to be removed and T8 considered to be removed. Significant trees within the avenue that effectively frame views of the Hall would be removed and replaced with a new landscaping scheme.

- 9.96 Furthermore, given the tree belts are of high visual significance, habitat value and their contribution to canopy cover, it is considered that greater value should be attributed to these trees. Consequently, more trees of higher value than suggested within the AIA would have to be removed. Third party comments on the extent of tree removals are also noted.
- 9.97 Whilst further information has been submitted by the applicant is noted, there is limited space on the eastern boundary closest to Waitrose supermarket into which canopies can grow without conflict with the proposed building or garden space and therefore would result in pressure for additional, future tree removal.
- 9.98 On this basis, the reduction and narrowing of these tree belts will have a detrimental impact upon the character of the site whilst the proposed layout to accommodate parking, access and footpaths would require additional tree removals. Due to the close proximity of remaining trees, it is considered that the proposal would result in additional pressure for future tree removals. Therefore, the proposed development is contrary to Policy 71 of the Local Plan 2018.

9.99 Carbon Reduction and Sustainable Design

- 9.100 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy, and water consumption and to ensure they are capable of responding to climate change.
- 9.101 Policy 28 of the Local Plan 2018 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 per person per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.
- 9.102 Policy 29 of the Local Plan 2018 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 9.103 The application is supported by a Design and Access Statement.

- 9.104 The application has been subject to formal consultation with the Council's Sustainability Officer who seeks more information to be in compliance to the requirements of Part L 2021 and Local Plan Policy 28 which requires a 31% improvement on Part L with the current energy strategy only showing a 15.5% improvement.
- 9.105 Third party comments regarding the sustainability approach are noted. In this case, insufficient information has been provided with regards an indicative location of any proposed renewable energy that follows the energy hierarchy. Therefore, the proposal fails to be in accordance with Policy 28 of the Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD (2020).

9.106 **Biodiversity impacts**

Impacts upon protected species

- 9.107 Policy 70 of the Local Plan 2018 states that development will be permitted which:
- a. protects priority species and habitats; and
 - b. enhances habitats and populations of priority species.
- Proposals that harm or disturb populations and habitats should:
- c. minimise any ecological harm; and
 - d. secure achievable mitigation and/or compensatory measures, resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 9.108 Where development is proposed within or adjoining a site hosting priority species and habitats, or which will otherwise affect a national priority species or a species listed in the national and Cambridgeshire-specific biodiversity action plans (BAPs), an assessment of the following will be required:
- e. current status of the species population;
 - f. the species' use of the site and other adjacent habitats;
 - g. the impact of the proposed development on legally protected species, national and Cambridgeshire-specific BAP species and their habitats; and
 - h. details of measures to fully protect the species and habitats identified.
- If significant harm to the population or conservation status of a protected species, priority species or priority habitat resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.
- 9.109 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity which follows a mitigation hierarchy focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and Policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory

measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

- 9.110 The application site is predominately grassland which is flanked on both sides by mature woodland. There are two statutory designated sites within 2km of the application site which are Byron's Pool and Nine Wells, both Local Nature Reserves (LNRs).
- 9.111 The River Cam, a County Wildlife Site (CWS) is situated 690m to the west, whilst Grantchester Road Plantations, Old Mill Plantation, Trumpington Road Woodland and Eight Acre Wood and Seven Acres which are all City Wildlife Sites (CiWS) are located within 1km from the application site.
- 9.112 Third party comments regarding light spill on bat species are noted. Following a formal consultation with the Council's Nature Conservation Officer, concerns have been raised with the impact from both external and internal light spill resulting from the development upon light sensitive bat species particularly given that the existing trees are well connected to the adjacent Trumpington Country Park, Byron's Pool Nature Reserve and the wider Cam Valley which would provide bats with suitable foraging habitat.
- 9.113 In this instance, no bat survey information on bat species likely to be affected nor a sensitive lighting scheme has been provided to mitigate likely impacts from internal light spill and external lighting within parking areas, footpaths including security lighting. Given that the proposed development would compromise two 3 storey blocks in an otherwise undeveloped area of land which is ideal foraging territory for bat species, it is considered that without additional information concerning an ecologically sensitive lighting scheme, the proposed development fails to be in accordance with policies 57 and 70 of the Local Plan 2018.

Biodiversity net gain

- 9.114 The submitted DEFRA Biodiversity Net Gain Calculation report predicts a gain of 8.14% (1.29 BU) biodiversity units and 175.70% (2.61 HU) hedgerow units from the proposal. This includes onsite habitat creation and enhancement, plus enhanced management of an adjacent offsite woodland block to the west. Whilst the Nature Conservation Officer has raised concerns given that this is below the recognised minimum 10% BNG requirement, there is currently no legal requirement for this minimum figure. On this basis, it is considered that the proposals would achieve a net gain in biodiversity. Conditions could be imposed to ensure that details of this are provided in addition to nest box provision in accordance with Policy 57 of the Local Plan 2018 and the Biodiversity SPD 2022.
- 9.115 Water Management and Flood Risk**
- 9.116 Policies 31 and 32 of the Local Plan 2018 require developments to have appropriate sustainable foul and surface water drainage systems and to minimise flood risk. Paragraphs 159 – 169 of the NPPF 2021 are relevant.

- 9.117 The application has been subject to a formal consultation with the Council's Drainage Officer and Lead Local Flood Authority (LLFA). Whilst the Drainage Officer comments are noted, given that this is a major scheme, the LLFA's comments have been taken into account and reconsulted as appropriate.
- 9.118 The application site is located within Flood Zone 1 (low flood risk), however, a large part of the site is subject to medium and high risk of surface water flooding. The eastern Block B is sited within this surface flood risk area. Whilst the applicant has submitted a flood risk assessment and drainage strategy, the application has not demonstrated a sequential approach to flooding from all sources of flooding including surface water flooding and thus demonstrate why this blocks' location within the application site itself is appropriate.
- 9.119 Whilst the requirement of the sequential test and the geographical search area is a matter of planning judgement as noted in the *Wathen-Fayed v SoS* [2023] EWHC 92 (Admin) recent judgement, it is considered that a sequential approach within the site itself needs to be applied and in this case no evidence has been provided as to why other locations for Block B in particular have not been considered.
- 9.120 Paragraph 162 of the NPPF 2021 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.121 Paragraph 023 of the PPG (25th August 2022) states that the aim of the sequential approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
- 9.122 In this instance, the application has failed to demonstrate that a sequential approach to flood risk has been taken within the application site itself. On this basis, insufficient information has been provided and is contrary to Policy 32 of the Local Plan 2018, Paragraph 162 of the NPPF 2021 and the Planning Practice Guidance 2022.
- 9.123 In terms of the approach to sustainable surface water drainage itself, the amended flood risk and drainage strategy submitted addresses the

concerns raised by the Lead Local Flood Authority (LLFA) and subject to conditions the drainage principles are acceptable in accordance with Policy 32 of the Local Plan 2018. However, as discussed, the principle of development in this location due to the lack of sequential test evidence outweighs any design considerations that might otherwise reduce the flood risk as advised by the PPG.

9.124 Highway Safety and Transport Impacts

- 9.125 The application site is located within a highly sustainable location where there is existing good cycle and public transport routes to the city centre and shops and services located nearby.
- 9.126 Policy 80 of the Local Plan 2018 supports developments where access by walking, cycling and public transport are prioritised and is accessible for all. Additionally, Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 9.127 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.128 The application is supported by a Transport Technical Note and the plans and documents have been reviewed by the County Council's Local Highway Authority and the Transport Assessment Team.
- 9.129 Third party comments are noted. No new vehicular accesses onto the public highway are proposed but they would use existing access roads, one of which already service Anstey Hall Barns to the north-west of the application site and the other which currently serves the Cosmex Clinic to the north-east of the application site. Third party comments concerning the increase in traffic along the former access road are acknowledged, however, given that this is a private track and vehicles travel at low speeds, any changes to this internal route is a matter for the applicant.
- 9.130 Whilst third party and local member comments concerning the use of heavy construction vehicles are noted, following additional information, following a formal consultation with the Local Highway Authority, it is not considered that any adverse highway safety impacts would result from the proposed scheme subject to a traffic management plan and construction/demolition vehicle weight restriction which could be attached as conditions on any planning consent granted.
- 9.131 In terms of impact upon the highway network, whilst third parties have raised concerns, given the nature of the development and the review by the Transport Assessment Team, the proposed development would only have minimal additional traffic impact upon the highway network in this instance.

9.132 Taking all this into account, subject to conditions, it is considered that the proposal accords with the objectives of Policy 80 and 81 of the Local Plan 2018 and is compliant with the NPPF 2021.

9.133 Cycle and Car Parking Provision

9.134 Cycle Parking

9.135 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 requires new developments to comply with the cycle parking standards as set out within Appendix L of the Local Plan which, for retirement accommodation states that two cycle spaces should be provided for every 5 members of staff, whilst for nursing homes there should be an additional one visitor space for every 6 residents (minimum 2 spaces). These spaces should be located in a purpose-built area and be at least as convenient as car parking provision.

9.136 The application submission has not provided any details of cycle parking for employees. Given that the accommodation would be required to cater for a range of needs including the nursing of residents, and the additional bedroom in each unit being earmarked for relatives/friends/carer, it is considered that sufficient cycle parking is required within the site in compliance with Appendix L of the Local Plan 2018.

9.137 Moreover, on-site staff accommodation (5 rooms) and short-term guest accommodation (7 rooms) is proposed within Anstey Hall itself. No cycle provision has been indicated for these visitors and employees on the site in this instance. The Cam Cycle representation concerning the lack of cycle parking and space for non-standard cycles are also noted.

9.138 On this basis, it has not been demonstrated that cycle parking has been considered and can be satisfactorily sited within the application site in a convenient and accessible location, contrary to the requirements of Appendix L and Policy 82 of the Local Plan 2018.

9.139 Car parking

9.140 The application is located outside of the Controlled Parking Zone. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, not exceed the maximum car parking standards as set out within Appendix L. Outside of the Controlled Parking Zone the number of parking spaces for retirement homes in 1 space for every 4 units and 1 space for every 2 members of staff. For nursing homes, 1 space for every 8 residents and 1 space for every 2 members of staff are required.

9.141 Third party and local member comments regarding the number of parking spaces and possible future parking pressure on nearby roads are noted. The proposed development would provide 22 spaces for residents in accordance with Appendix L. 18 spaces would remain for employees and

visitors. It is also noted that there are several other car parking spaces at the front of Anstey Hall. On this basis and taking into account its highly sustainable location, the proposed car parking arrangement is considered to be acceptable in accordance with Policy 82 of the Local Plan 2018.

- 9.142 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging. In relation to air quality, all new developments require the provision of both active (slow, rapid and fast) and passive electric vehicle (EV) charge points provision where car parking is to be provided. At this stage no details have been provided to indicate EV charging points, however, this provision could be secured by condition as recommended by the Environmental Health Officer in accordance with Policy 36 of the Local Plan 2018.
- 9.143 Therefore, subject to conditions, the proposal is considered to accord with Policies 36 and 82 of the Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

9.144 Amenity

- 9.145 Policies 35 and 58 of the Local Plan 2018 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.

Neighbouring Properties

- 9.146 Whilst third party comments concerning overshadowing and privacy impacts upon occupiers in vicinity of the application site are noted, the proposed retirement home accommodation would be located a reasonable distance from the closest residential properties to the west, along Piper Road and to the south along Proctor Drive. The closest neighbouring residential dwelling would be approximately 42 metres from the balconies of Block C wing.
- 9.147 Third party comments concerning the potential for overlooking impacts from the belvedere are noted, however, given the likely low height, any potential overlooking impacts upon residential properties are not considered to be significant in this instance.
- 9.148 Third party comments concerning noise and disturbance as a result of the access route adjacent to Piper Road are noted. Given the reasonable separation distance from residential properties along this road, it is unlikely that the proposed development would negatively impact these nearby residential amenities.
- 9.149 On this basis and given the nature of Anstey Hall's change of use, it is not considered that the proposal would result in any significant overlooking, overbearing or loss of light impacts upon nearby neighbour amenities in accordance with policies 55 and 57 of the Local Plan 2018.

Future Occupants

- 9.150 The proposed development would comprise specialist housing in the form of retirement accommodation (C2 use) and therefore Policy 50 of the Cambridge Local Plan (2018) is not relevant as this relates to C3 residential units.
- 9.151 Notwithstanding the above, the proposed retirement accommodation would provide generous internal space for future residents.
- 9.152 The proposed development would introduce new residential accommodation facing Waitrose Supermarket. Whilst it is a reasonable distance to not result in significant overbearing or loss of light impacts upon future residents, the proposed development would create new noise sensitive receptors at the boundary adjacent to the Waitrose Supermarket which includes balconies on the eastern elevation.
- 9.153 The application has been subject to a formal consultation with the Council's Environmental Health Officer. Whilst further information has been provided regarding reasoning and justification around the monitoring duration and justification of the existing operational plant on the adjacent site, given that no energy strategy has been submitted for the application site itself, it is unknown as to whether air source heat pumps (ASHPs) would have an adverse impact on future residential receptors on account of noise impacts.
- 9.154 Third party comments concerning the accessibility and security concerns are noted. It is understood that the public park created would be restricted to daylight hours. Whilst limited information has been provided regarding how the security and privacy of residents within the proposed accommodation would be managed, it is considered that these details could be dealt with via condition. According to the plans submitted, residents will each have their own private patio/balcony area, which is sufficient.
- 9.155 On this basis, insufficient information has been provided in terms of the proposed energy strategy and the potential for unacceptable noise impacts associated with ASHPs upon future residents.
- 9.156 Taking all this into account and on the basis of the information submitted, it is considered that there is insufficient information to satisfy Policy 35 of the Local Plan 2018.

Accessibility

- 9.157 The application site allows for step free access to it. Level access is proposed at the entrances to the accommodation Blocks' cores in accordance with Part M4(2) Building Regulation standards. A lift is proposed within each of the blocks. Following a formal consultation with

the Council's Access Officer there are no objections to the scheme subject to internal design alterations which could be adjusted at detailed build stage to further meet the needs of all users. Therefore, the proposal is considered to be in accordance with Policies 56 and 57 of the Local Plan 2018.

Construction and Environmental Impacts

- 9.158 Policy 35 of the local Plan 2018 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 existing occupiers. These conditions are considered reasonable and necessary to impose in this case on any planning consent granted.

Artificial lighting impacts

- 9.159 In terms of impacts upon the local amenity and quality of life, no details of external lighting have been provided. Notwithstanding the concerns regarding impacts upon protected species, in terms of impacts upon human receptors, details could be conditioned in accordance with Policy 34 of the Local Plan 2018.

Air quality impacts

- 9.160 Notwithstanding that insufficient information has been provided in relation to the method of providing heating and hot water as detailed in a previous section of this planning assessment, boiler details and EV charging points will be required and could be conditioned in accordance with the Sustainable Design and Construction SPD 2020 and Policy 36 of the Local Plan 2018.

Potential contamination

- 9.161 A Phase 1 Desk Study has been submitted as part of the application. Following a formal consultation with the Council's Environmental Health Officer, given the sensitive end-use, conditions could be attached to safeguard workers and future residents in accordance with Policy 33 of the Local Plan 2018.
- 9.162 To ensure that any need to import ground-based materials to the application site is chemically suitable for use, a condition will be included to any planning permission requiring a material management plan in accordance with Policy 33 of the Local Plan 2018.

Summary

- 9.163 In conclusion, insufficient information has been provided to demonstrate that the energy strategy would not have an adverse impact upon future

occupiers of the residential blocks and therefore fails to be compliant with Cambridge Local Plan (2018) policy 35.

9.164 Third Party Representations

9.165 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
Alternative area of protected open space is private residential land.	The area is hatched blue and in the ownership of the applicant.
Access rights	The applicant has signed an ownership certificate which includes new access points within the red line of the application site. Any legal issues associated with the right of access is outside the planning assessment process.
Inaccurate drawings	Notwithstanding the inadequate drawings for the Maris Lane wall and Orangery, the remaining drawings are considered to provide an appropriate level of detail for the application to be considered.
Request for site visit	A site visit has been carried out by the case officer. A formal site visit will be carried out by committee members prior to the committee meeting.
Consultation/notification	The application has been publicised in the local press, through the posting of site notices and via neighbour letters.
Consultation process	The application has been subject to several rounds of consultations. All relevant information is available to view on the portal.
Those in support	Third party views in support citing reasons such as fulfilling housing need, appearance, landscaping, wider amenities/community benefits and framing views are noted.
Swimming pool use/other facilities	It is understood that these could be opened to the wider community.
Affordable housing	Affordable housing is not required for the C2 use specified.
Children's safety	This is a matter for the landowner and is outside the planning application assessment.
Works to Coachman's House, Coach House and outbuildings	No works are now proposed to these buildings.
Standard of support for residents	The applicant has provided information about the level of care that could be provided.

9.166 Planning Obligations (S106)

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

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

9.168 Policy 85 of the Local Plan 2018 states that planning permission for new developments will only be supported/permitted where there are suitable arrangements for the improvement or provision and phasing of infrastructure, services and facilities necessary to make the scheme acceptable in planning terms.

9.169 Following a formal consultation with the Developer Contributions Monitoring Officer, given that the accommodation would be for specialist housing (C2 use), there is no requirement for sports or open space contributions. However, monitoring fees are required for other obligations held as specified in the below table.

Heads of Terms

9.170 The Heads of Terms (HoT's) as identified are the basis for the proposed the S106 and are set out in the summary below:

Obligation	Contribution / Term	Trigger
Primary Health Care	£295,800 based on 87 units	Prior to occupation
Ambulance Service	£28,449	Prior to occupation
Monitoring fees	£2,200 plus further £500 per obligation	N/A

9.171 Following a formal consultation with the Cambridge and Peterborough Primary Health Care Team, taking into account the limited capacity of the closest GPs surgeries and given the nature of the proposed development and the number of units (87 residential units) would put more pressure on these existing services, it is considered that the proposed planning obligation is appropriate which will meet the tests set by the Community Infrastructure Levy Regulations 2010. The Ambulance Service has also requested a developer contribution which is under consideration.

9.172 Other Matters

Refuse

9.173 Policy 57 Local Plan 2018 requires refuse and recycling to be successfully integrated into proposals.

- 9.174 Three bin stores would be sited around the site and design details of these stores could be conditioned. Further details have been requested by the Shared Waste Team, however, the additional information including the submitted swept path analysis fails to demonstrate tracking for a 32 tonne/12 metre length vehicle and insufficient information regarding expected volumes of waste, walking distances for the crew and residents have been provided.
- 9.175 Following a formal consultation with the Council's Waste Team, given the lack of details provided as part of the application, the proposal fails to be in accordance with Policy 57 of the Local Plan 2018 and the RECAP Waste Guidance Document.

Archaeology

- 9.176 Third party comments concerning the lack of archaeology evaluation are noted.
- 9.177 Following a formal consultation with the County Council's Archaeological Officer, taking into account the submitted desk-based assessment and archaeological features found in other sites including Croft Gardens, along Barton Road, the application site is considered to be located in an area of archaeological potential and therefore survey information is required prior to determination before the principle of development in archaeological terms can be accepted. In this instance, the applicant has failed to provide the requested information and therefore insufficient information has been provided and is contrary to Policy 61 of the Local Plan 2018 and the NPPF 2021.

Crime prevention

- 9.178 Third party comments regarding potential anti-social behaviour from opening of the public park are acknowledged. Following a formal consultation with the Crime Prevention Design Officer, it is considered that subject to park opening times, details of external lighting and other elements, no objections are raised subject to details which could be conditioned.

Fire safety

- 9.179 No objections are raised with regards fire safety. Following a formal consultation with the Fire and Rescue Services, subject to provision of fire hydrants which could be conditioned, there is no objection.

Public Art

- 9.180 The applicant has submitted their intention to provide public art in the application site. Given its publicly visible location, in particular with the

access to the protected open space proposed to be made public, this could be supported subject to conditions.

9.181 Planning Balance

- 9.182 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).
- 9.183 The proposed development would result in economic benefits through the construction of new buildings and servicing the retirement complex and social benefits through the creation of meeting specialist housing need in the form of retirement accommodation. These are given substantial weight in the planning balance in favour of the scheme. The scheme proposes public art which is attributed limited weight in favour of the scheme.
- 9.184 The proposal would convert existing private protected open space into publicly accessible land, albeit, this would be limited to daylight hours. This is attributed limited weight in favour of the development. Conversely, the proposal would consume a substantial portion of this protected open space which is important in views from Trumpington Meadows and is of high environmental value. This land would not be satisfactorily replaced and is attributed substantial weight in the planning balance against the scheme.
- 9.185 The proposal would result in a biodiversity net gain within the site slightly in excess of policy requirements and is attributed limited weight in the planning balance in favour of the development, however, lighting impacts from the proposed accommodation blocks would adversely impact protected species whilst the loss of trees of arboricultural and ecological value would result in adverse impacts on the character of the area and have an adverse impact upon protected species. This is attributed moderate weight in the planning balance against the scheme.
- 9.186 The application demonstrates an acceptable sustainable drainage strategy can be achieved on site, however the application has failed to approach the proposed retirement blocks sequentially in terms of flood risk. This is attributed minor weight in the planning balance against the scheme.
- 9.187 Furthermore, insufficient information has been provided concerning the application's approach to renewable energy, cycle/mobility vehicle storage provision, archaeology and refuse which are attributed minor weight against the scheme.
- 9.188 Finally, the proposed accommodation blocks would result in a high level of less than substantial harm. The proposed Orangery would result in moderate less than substantial harm. In addition, insufficient information has been provided to assess the reconfiguration of the Maris Lane wall. Overall, the public benefits of the scheme are not considered to outweigh

the harm to character and appearance of the Conservation Area and the setting of the Grade II* Listed Building. This is attributed great weight in the planning balance against the scheme.

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

9.190 Recommendation

9.191 **Refuse** for the following reasons:

1. The proposed development would result in the loss of boundary vegetation, have an adverse impact upon biodiversity and fail to respond to, conserve or enhance the setting, and special character of the city. In addition, the proposal would fail to adequately replace the protected open space lost through the site's redevelopment. Therefore, the principle of this development on the edge of the city and within the Protected Open Space is contrary to policies 8 and 67 of the Local Plan 2018.
2. The proposed retirement accommodation blocks, by virtue of their siting within Anstey Hall's open and garden setting and loss of tree canopy cover required to facilitate the development and future pressure for tree removal, would significantly reduce the open character of this protected open space. Additionally, by virtue of the blocks' incongruous design and appearance, the proposal would fail to appropriately relate to Anstey Hall in terms of their design, siting and scale, resulting in adverse impacts upon the character and appearance of Trumpington Conservation Area and the setting of the Listed Building (Anstey Hall). Furthermore, the proposed Orangery would fail to be of a high-quality design appropriate to the Hall and insufficient information has been provided in terms of the Maris Lane wall reconfiguration. Therefore, overall, the proposal would fail to positively respond to the surrounding context, existing features of natural, historic and local importance and the setting and special character of the city, contrary to policies 8, 55, 56, 57, 61, 67 and 71 of the Cambridge Local Plan 2018. The harm to the character and appearance of the Conservation Area and to the setting and significance of Anstey Hall is identified as a high-level of 'less than substantial' harm and it is not considered that the public benefits arising from the scheme would outweigh this identified harm, contrary Policy 61 of the Cambridge Local Plan 2018 and Paragraph 202 of the NPPF 2021, and the provisions of section 66 and 72 of Planning (LBCA) Act 1990.
3. No facilities are provided for the storage of cycles or mobility vehicles. The proposal therefore fails to provide sufficient cycle and mobility vehicle storage sited in a convenient and accessible manner to meet the needs of

the elderly, employees and visitors, contrary to policies 55, 57 and 82 of the Cambridge Local Plan 2018.

4. Retirement accommodation block B would be located in an area of 'high' surface water flood risk. No sequential test has been submitted to inform the siting of this block and therefore the application fails to comply with the sequential test as required by Policy 32 of the Cambridge Local Plan 2018, and Paragraphs 159-163 of the NPPF 2021 including Paragraph 162.
5. Insufficient information has been submitted with regards an energy strategy for the site that follows the energy hierarchy. Therefore, the proposal fails to be in accordance with Policy 28 of the Cambridge Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD (2020).
6. The application site comprises substantial tree canopy cover and the submitted ecological appraisal identified several bat species that could be impacted. Insufficient information has been provided to demonstrate that the proposed retirement accommodation blocks would not have an adverse impact upon protected bat species as a result of both internal and external lighting impacts. The proposal therefore fails to be in accordance with policies 57 and 70 of the Cambridge Local Plan 2018.
7. Insufficient information has been submitted in terms of a proposed energy strategy to ensure that future occupiers of the retirement blocks are not adversely impacted on account of unacceptable noise impacts. The proposal therefore fails to be in accordance with Policy 35 of the Cambridge Local Plan 2018.
8. Insufficient information has been submitted in terms of refuge strategy and swept path analysis for the proposed development. Therefore, the proposal is contrary to Policy 57 of the Cambridge Local Plan 2018 and the RECAP Waste Guidance.
9. The site is located in an area of archaeological potential and therefore survey information is required. In this instance, insufficient information has been provided to demonstrate that the principle of the retirement accommodation blocks are acceptable in archaeological terms. Therefore, the proposal is contrary to Policy 61 of the Cambridge Local Plan 2019 and the NPPF 2021.

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

Agenda Item 6



Planning Committee Date	6 th September 2023 Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	20/01427/LBC
Site	Anstey Hall, Maris Lane
Ward / Parish	Trumpington
Proposal	Demolition of greenhouses and flat-roof building and erection of Orangery to house an ancillary restaurant and swimming pool connected to the hall by an existing link. Reconfiguration of wall to restore historic access onto Maris Lane.
Applicant	Trumpington Investments Ltd (Mr John De Bruyne)
Presenting Officer	Tom Gray
Reason Reported to Committee	Called-in by Cllr Hauk Third party representations in support and opposition
Member Site Visit Date	Formal visit date TBC
Key Issues	1. Impact upon the character and significance of the Listed Building
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The application seeks the demolition of greenhouses and flat-roof building and erection of Orangery to house an ancillary restaurant and swimming pool connected to the hall by an existing link. Reconfiguration of wall to restore historic access onto Maris Lane.
- 1.2 The existing site comprises a Grade II* Listed Building, located within the Trumpington Conservation Area and adjacent to the Cambridge Green Belt. The site is protected open space for its environmental and recreational qualities. It is located to the north and east of the Trumpington Meadows residential development.
- 1.3 There is mature planting within the site with statutory protected trees along the site's eastern boundaries, and the site is located in close proximity to a City Wildlife Site. The site is subject to high surface water flooding.
- 1.4 Three derelict curtilage listed greenhouses would be demolished. Whilst there is no objection to the demolition of the greenhouses nor the negative flat-roofed building in heritage terms, by virtue of the Orangery's unacceptable siting, excessive scale and incongruous design, the proposed development would result in adverse impacts upon the significance and character of the Listed Building (Anstey Hall). The identified harm to this heritage asset is identified as a moderate-level of 'less than substantial' harm and it is not considered that the public benefits arising from the scheme would outweigh this identified harm.
- 1.5 Furthermore, insufficient information has been provided for the reconfiguration of the Maris Lane wall to fully assess this element.
- 1.6 Officers recommend that the Planning Committee refuse the application.

1.7 Site Description and Context

Conservation Area	X	Trees subject to Tree Preservation Orders and within the Conservation Area	X
Protected Open Space	X	Flood Zone 1 and High Surface Water Flood Risk	X
Grade II* Listed Building and within the setting of other Listed Buildings	X	Adjacent to Green Belt	X

- 1.8 The application site comprises a Grade II* Building of Anstey Hall, a 17th Century Country House, and Historic Park and Garden. The site is Protected Open Space for both its environmental and recreational qualities.
- 1.9 The site is located approximately 4km west of Cambridge City Centre. Anstey Hall is located within the Trumpington Conservation Area and is

adjacent to the Grade I Listed Church of St Mary and St Michael and its associated Grade II Listed Vicarage. To the northeast of Anstey Hall are several curtilage Listed outbuildings that have largely been converted to businesses with the exception of the garaging and the Grade II Listed Lodge and Gate Piers, in addition to the Grade II Listed Building of Maris House.

- 1.10 The site is located to the south and Maris Lane, to the north/east of the Trumpington Meadows residential development (an area of major change) and Anstey Hall Barns and west of Waitrose supermarket and car park. There is mature tree planting, in particular on the western and eastern boundaries. The trees on the eastern boundaries in which have statutory protection (TPOs).
- 1.11 Trumpington Meadows Country Park, part of the Cambridge Green Belt is located further to the west whilst the application site is situated adjacent to the protected open space of Trumpington Church Cemetery, a public space. Grantchester Road Plantations is located 100 metres further to the northwest, which is designated as a City Wildlife Site.
- 1.12 The application site is located within Flood Zone 1 (lowest fluvial flood risk), however, 1 in 30-year (high) surface water flood risk, 1 in 100-year (medium) surface water flood risk and 1 in 1000-year (low) surface water flood risk exists within the application site.
- 1.13 Vehicular access to the site is achieved from Maris Lane. Uncontrolled parking exists on adjacent streets.
- 1.14 A planning application has been submitted for the construction of two blocks of retirement accommodation (Class C2) comprising 87 two-bedroom apartments, the change of use of land to public open space and the change of use to Anstey Hall itself. The planning merits of this application are assessed under planning application 20/01426/FUL.

2.0 The Proposal

- 2.1 The proposed development would comprise the demolition of the greenhouses and flat-roof building and replacement with an Orangery to house an ancillary restaurant and swimming pool connected to the hall by an existing link.
- 2.2 Internally, Anstey Hall's floorplans would remain as existing with no internal changes proposed.
- 2.3 The curtilage listed wall onto Maris Lane would be reconfigured to allow for pedestrian access.
- 2.4 The application has been amended to address representations and further consultations have been carried out as appropriate.

3.0 Relevant Site History

Reference	Description	Outcome
21/02332/FUL & 21/02333/LBC	Change of use of Anstey Hall from a wedding venue Use Class formerly D2 (now sui generis) with associated guest accommodation (Use Class C1) which is now collectively sui generis, to use as student accommodation (Use Class C2) for Sixth Form students taught at Dukes Education's St Andrews College, Cambridge	Withdrawn
21/01696/FUL	Change of use of Anstey Hall from Wedding Venue (D2, now F2) and Hotel (C1) to Residential Institution (C2) with ancillary visitor accommodation	Refused
20/01426/FUL	Construction of two blocks of retirement accommodation (Class C2) comprising 87 two-bedroom apartments. Change of use of land to public open space. Change of use of Anstey Hall to mixed uses including ancillary use on the lower ground, ground and first floor to serve the residential retirement community, 5x staff accommodation on the second floor, a C3 private flatted dwelling on the second floor, and 7x short-term guest accommodation on the ground and first floor. Demolition of greenhouses and flat-roof building and erection of Orangery to house an ancillary restaurant and swimming pool connected to the hall by an existing link, provision of pedestrian access onto Maris Lane and reconfiguration of wall, hard and soft landscaping, car parking and pedestrian access onto Old Mills Road	Pending Decision
19/5091/PREAPP	87 retirement apartments, new orangery containing catering and support services, use of Anstey Hall as central facilities and new vehicular and pedestrian accesses.	Advice Given

18/1537/FUL & 18/1538/LBC	Convert existing store rooms into bedrooms with ensuite on ground and first floor loft space, including a roof extension with dormer window on the south elevation. Two new conservation rooflights and internal chimney removed.	Permitted
16/0586/FUL	Installation of a new pedestrian link between Waitrose Store and Barratt development and associated works.	Permitted
15/0871/LBC	Form new door opening within bookshelves of the west wall of the library. Install "art nouveau" stained glass screen in passage.	Permitted
15/0101/ADV	External Seating Banners & Stainless Steel Posts	Permitted
14/0159/FUL & 14/0160/LBC	Demolition of modern barn and outbuildings and removal of temporary structures to allow conversion of barns, cart sheds and stables to eight residential units and erection of four dwellings, the creation of a spur access drive from Anstey Hall Drive and associated works.	Permitted
13/0950/FUL	Extension to front of store building (Use Class A1) and associated works and improvements.	Permitted
12/0504/FUL	Retrospective change of use from B1 (offices) to (D2) wedding venue and associated (C1) hotel and guest use for 12 bedrooms.	Permitted
12/0456/FUL	Request permission to continue use of Marquee for Wedding ceremonies etc for a period of at least 3 years.	Permitted
10/0180/FUL & 10/0181/LBC	Formation of extended vehicular driveway and new opening in boundary wall.	Refused, Appeal Dismissed
08/0631/FUL & 08/0708/LBC	Refurbishment and change of use of storage and greenhouse to office/light industrial.	Permitted

07/1335/FUL	Change of use of redundant carriage house to offices.	Permitted
07/1354/LBC	New south elevation wall and windows, replacement of floors, partitions and roof.	Permitted
07/1092/LBC	Form an opening of 6 metres wide with two new brick pillars constructed from the reclaimed bricks, stone plinths and two reclaimed stone balls.	Permitted
07/1094/FUL	Forming an opening 6 metres wide with two new brick piers in wall on west boundary of Anstey Hall.	Permitted
C/03/1090	Internal and external alterations to building within curtilage of Grade I Listed Building.	
C/03/1092	Retrospective application for the removal of an internal wall within grade I listed building.	
C/03/1093	Internal and external works to grade I listed building.	
C/03/0575	Internal and external alterations to stables (retrospective).	Permitted
C/03/0130	Change of use of ground floor unit of coach house building from B1 offices to D1 clinical practice.	Permitted
C/02/1160 & C/02/1090	Replacement entrance gates adjacent to Anstey Hall annexe retrospective.	Permitted
C/02/0118	Replacement of entrance gates and internal and external alterations to main hall and stable blocks.	Withdrawn
C/01/1031	Change of use of outbuilding within the grounds of Anstey Hall from retail (Class A1) to Ophthalmic Laser Clinic (Class D1) and external alterations to building.	Permitted

C/01/1032	Internal and external alterations to outbuilding within the grounds of Anstey Hall.	Permitted
C/00/0224	Internal alterations to Anstey Hall and part demolition of outbuildings.	Permitted

4.0 Policy

4.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Circular 11/95 (Conditions, Annex A)

4.2 Cambridge Local Plan 2018

Policy 61: Conservation and enhancement of historic environment

4.3 Supplementary Planning Documents

N/A

4.4 Other Guidance

Trumpington Conservation Area Appraisal 2010

5.0 Consultations

5.1 County Highways Development Management – No objection

5.2 Drawing number ZA961-PL-SK-001 P1 is sufficient to overcome objection.

5.3 Previous comments (23rd January 2023) – Comments remain the same.

5.4 Previous comments (17th January 2023) – Objection. Proposed access point off Maris Lane needs to be shown in more detail. Access width must be shown. Conditions recommended.

5.5 Previous comments (9th April 2020) – Objection. Lack of suitable transport assessment. Inter-vehicle visibility splays required. Recommends Traffic Management Plan and construction vehicle weight conditions.

5.6 Conservation Officer – Objection

- 5.7 Elevations now consistent with roof plan. However, scant level of detail in what the appearance/level of quality of the orangery building would be and given its close proximity to the house, this is not an acceptable level of information. Overall level of harm deriving from these applications remains unchanged and in common with Historic England's assessment.
- 5.8 Previous comments (24th February 2023) – Anstey Hall has been regraded to Grade II* and according to the listing description has a group value with the now Grade II listed lodge and gate piers which, along with the other (unlisted) associated outbuildings, form an important architectural and historic context to the Hall.
- 5.9 Agent has confirmed that no physical adaptations are required to facilitate the future use of the rooms with the Hall. The original idea for an internal lift is now not included.
- 5.10 The listed building consent application comprises the following:
- The demolition of the greenhouses and flat roofed building
 - Erection of orangery (because of the link attachment to the hall)
 - Reconfiguration of the front boundary wall to restore an historic access.
- 5.11 Three free-standing greenhouses are intended to be demolished. They have a small role in evidencing the purpose/former function of the kitchen garden/walled garden area's relationship to the house.
- 5.12 Existing flat roofed building is otherwise unrelated in materials, form or appearance to the house and is a negative feature.
- 5.13 Demolition of the flat roofed building and replacement with the proposed Orangery would result in a different and very close relationship with the house.
- 5.14 The architectural detail and information provided is insufficient to demonstrate a harmonious addition to the listed building in terms of quality of design or of suitable materials. Plans are also inconsistent.
- 5.15 It has not been demonstrated how the Orangery's west return with the house would relate in terms of quality of design or materials. No drawings of convincing design/materials. Do not follow the existing building footprint. Link with the existing hall is not clear.
- 5.16 Proposals also comprise forming a new opening in the curtilage boundary wall along this road which is a half-height wall in brick and is probably contemporary with the Listed Lodge built in 1865 through a curved section to the more westerly, Church Lane junction, entrance gateway was rebuilt in 2014/15. The pair of gate piers at that junction were rebuilt and repositioned in 2016 to widen the entrance and consequently have been delisted.

- 5.17 The submitted site plans indicate an outline layout of what is proposed – a wide opening with a curved section boundary and a route back towards the house. However, there is no other application drawing denoting the scale, design or materials of what is proposed and how these would transition from the existing wall.
- 5.18 Historic mapping indicates an earlier entrance to the house from approximately this point but without details of the proposal it is not demonstrated that it would be a sympathetic alteration.
- 5.19 Conclusion: Without demonstrably appropriate, detailed, design proposals for a building addition as large and of such close proximity to the house as the proposed Orangery, or for reconfiguring the wall onto Maris Lane, the proposal may result in adverse impact on the significance or character of the Listed building. The flat-roofed building and greenhouses are secondary considerations.
- 5.20 There is no detail in the Listed building application of the physical changes (such as external extractor ducts) for the adaptation from offices to a kitchen. I note there are currently no such vents or chimneys on this building, and it is likely that adding such would have an adverse visual impact.
- 5.21 In summary, the application fails to demonstrate that the proposals would meet Cambridge Local Plan 2018 Policy 61 (c) and guidance within the NPPF.
- 5.22 Historic England – Objection**
- 5.23 Comprehensive schedule of renovations and repairs to the Hall and outbuildings no longer forms part of the application.
- 5.24 Anstey Hall is a fine late 17th century house with good interiors from this period and from the 18th century. The surviving landscape illustrates the status of the building and how it functioned, contributing to its significance. It is located on the site of a Medieval manor which had been rebuilt by Edmund Bacchus in the early 17th century. The Hall and grounds make an important contribution to the Trumpington Conservation Area.
- 5.25 Previous concluded that the scheme to build on land to the south of the Hall (one of the surviving elements of the historic grounds) would cause a high level of harm to its significance. The proximity of these blocks would compromise the appreciation of the Hall in what survives of its open setting.
- 5.26 Principle objection to the two new build residential blocks on residential blocks are maintained. They would encroach upon the open space and would cause a high level of less than substantial harm to the Hall's significance and setting.

- 5.27 Anstey Hall is listed as Grade II* for the following principal reasons: Its historic interest being a country house of considerable architectural distinction; its architectural interest including its principal façade, rear garden elevation, panelling and plasterwork; and its group value with the Grade II listed Lodge and other unlisted outbuildings.
- 5.28 Anstey Hall as a mansion house was designed to be seen in a landscape setting with immediate pleasure grounds, beyond which was a wider, largely parkland landscape grazed by cattle. Formal pleasure gardens in the area north of the ha-ha had a functional, domestic relationship with the Hall providing an area of recreation, reflecting the status of the Hall. The area to the south was open landscape space, reflecting how the Hall was used and providing an attractive setting to the building.
- 5.29 Hall is adjacent to the Grade I Listed Church and associated Grade II listed Vicarage. The conservation area is characterised by the grand manor houses of Trumpington Hall and Anstey Hall and a mixture of smaller buildings of different ages, including 19th century houses under the ownership of Trumpington Hall. The LPA's Character Appraisal states that there are a total of 25 Listed Buildings and nine Buildings of Local Interest in the conservation area. There are several notable walls within the area.
- 5.30 The grounds and surrounding landscape of Anstey Hall form an important element of the character of Trumpington Conservation Area. The views into the grounds are an important characteristic of the conservation area, as well as the views along Grantchester Road and Maris Lane towards the listed building, which are bordered by boundary walls and the walls of the ancillary buildings.
- 5.31 This contributes to the narrow and enclosed nature that defines the streets within this part of the conservation area. As such, Anstey Hall is considered to make a major positive contribution towards the character and appearance of the conservation area.
- 5.32 The proposed Orangery building would have a moderate impact on the significance of the Hall, which would be mitigated to a certain extent by the 'replacement of a detrimental feature by a new and more harmonious one' (Historic Environment Good Practice Advice in Planning Note 3).
- 5.33 New residential blocks would cause a high level of less than substantial harm to the immediate setting of the Grade II* Listed Building, as the development would encroach into one of the only surviving elements of the historic grounds which continue to contribute to the significance of the Hall. The proximity of the proposed large residential blocks and their contextually inappropriate design would compromise the appreciation of the Hall in what survives of its open setting.
- 5.34 Whilst it is accepted that the wider setting of Anstey Hall has been incrementally eroded over the last 20 years, any development that would

- further encroach on the grassed open space to the south of the Hall would detract from its overall setting, causing a high level of harm to the significance of the listed building.
- 5.35 Supportive of the high-quality landscaping proposals but the benefits would be wholly undermined by the presence of the large-scale residential blocks, with the result that they would not succeed in mitigating against their impact.
- 5.36 Discrepancy between the DAS and supplementary HIA regarding level of harm is noted.
- 5.37 Policy considerations for these proposals include NPPF presumption in favour of sustainable development, Para 197, 199, 200, 202. Setting of a heritage asset is not fixed and its surrounding evolve. More advice in Historic Environment planning notes.
- 5.38 Recommendation is that whilst the wider setting of the Hall is now urbanised, it would not be appropriate to treat the Hall as a town house, and we emphasise the importance of retaining the surviving garden setting. Remaining land in the ownership of the Hall makes a strong contribution to the setting and significance of the Hall itself and it is important that this is not further compromised by additional development.
- 5.39 Positive elements of the proposal including landscaping and connectivity. However, concerned that the refurbishment of the Hall involving works to both the interior and exterior of the Hall and outbuildings which would assist in safeguarding their historic fabric into the future are no longer included in the proposals.
- 5.40 High level of less than substantial harm. Historic environment benefits resulting from the proposal would in no way outweigh the level of harm caused by the new build residential development.
- 5.41 It is for the LPA to weigh up the public benefits of the scheme however in our view it has not been demonstrated that providing central facilities for the proposed retirement community would constitute optimum viable use of the Grade II* listed Hall, consistent with conservation.
- 5.42 NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The Grade II* listing places it in the top 5.8% of all listed buildings and therefore advise that the weight afforded should be very great indeed.
- 5.43 Substantial encroachment of new buildings and do not meet the requirements of the NPPF, in particular paragraphs 197, 199, 200 and 202. Should bear in mind the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning and Compulsory Purchase Act 2004.

5.44 If minded to approve the listed building consent in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with the above Direction.

5.45 County Archaeology – No Objection

5.46 Very high archaeological potential. Due to the scale of development comprising the orangery only, recommend pre-commencement condition.

6.0 Third Party Representations

6.1 Representations from 12 addresses have been received (11 in objection, 1 in support)

6.2 Those in objection have raised the following issues:

Internal alterations

- No details/revised floor plans
- Insufficient information
- Support demolition of greenhouses and clearing of area

Other matters

- Principle of dedicated housing is supported
- Very large addition to listed building
- Roofline of blocks is monotonous
- Scale incompatible with listed building and an overdevelopment
- Would destroy the garden and view permanently altered
- Landscaping will take a while to establish
- Belvedere would affect privacy of neighbouring houses
- Access road would be intrusive to neighbours
- Welcome public access to park but concerned about security
- Block C very close to neighbours along Piper Road
- No room for landscaping to hide access road
- Confusion over whether facilities would be open to the public
- New opening conflicts with road safety considerations
- Inadequate parking provision
- Local roads offer little capacity and would put pressure of road network
- Insufficient room within the site for vehicle circulation and pedestrian/vehicle separation
- Overshadowing of neighbouring properties
- Insufficient maintenance of the drive
- Retirement accommodation not considered necessary
- Fumes and air pollution
- Neighbouring properties' vista would be compromised
- Waste collection not thought through
- Protected open space would be diminished
- Woodland destroyed and plans not representative of existing trees
- Would fulfil a need
- Concerned about construction traffic

- Light pollution
 - Security implications of public access to the park at night and cut-through to Piper Road would encourage anti-social behaviour
 - No notice of public meetings
- 6.3 Those in support have raised the following issues:
- Much needed accommodation for retired people
- 6.4 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.
- 7.0 Assessment**
- 7.1 Heritage Assets**
- 7.2 The application site is located within the Trumpington Conservation Area. The proposed orangery would link with Anstey Hall, a Grade II* listed building. which is described within the Conservation Area Appraisal as "characterized by the grand manor houses of Trumpington Hall and Anstey Hall and a mixture of smaller buildings of different ages..."
- 7.3 The Appraisal continues by adding that Anstey Hall is set in substantial private grounds... "The gardens and the grounds of Anstey Hall are vital to the setting of the buildings and the character of the Conservation Area as a whole. However, there is no public access to these private grounds."
- 7.4 In addition, the Trumpington Conservation Area Appraisal identifies a number of protected and significant features on the site that make up the special character and setting of Anstey Hall. This includes the Grade II* listed Anstey Hall, Walls of Townscape Significance, TPO areas, individual TPOs, significant tree groups, 8 individual significant trees and a significant viewpoint from the southern boundary of the site looking north towards Anstey Hall.
- 7.5 The setting of the Hall makes an important contribution to its significance. There are panoramic views of the Hall and grounds from the southern end of the application site. Anstey Hall was designed to be seen in a landscape setting with immediate pleasure grounds to the north of the ha-ha, beyond which was a wider largely parkland landscape. Following a formal consultation with Historic England, the reasons for this listing is its historic interest (a country house of considerable architectural distinction), its architectural interest and its group value with the Grade II listed Lodge which along with the other (unlisted) associated outbuilding, form an important architectural and historic context for the Hall.
- 7.6 Whilst the setting of the Conservation Area has changed to an extent over recent years, nonetheless, following a formal consultation with the Council's Conservation Officer and Historic England, the historical significance of the house and its grounds is based in a village context

being a country house rather than that of a town house. Overall, the Hall and grounds make an important and major contribution to the Trumpington Conservation Area.

- 7.7 Indeed, the setting of Anstey Hall and the identified significant view on site was a key consideration in the master planning for the Trumpington Meadows development, which through the site layout, building form and appearance, responded directly to this view and the special character of the historic core of Trumpington Village. This is described in Appendix D of the Local Plan 2018.
- 7.8 Policy 61 of the Cambridge Local Plan 2018 states that to ensure the conservation and enhancement of Cambridge’s historic environment, proposals should:
- a. preserve or enhance the significance of the heritage assets of the city, their setting and the wider townscape, including views into, within and out of conservation areas;
 - b. retain buildings and spaces, the loss of which would cause harm to the character or appearance of the conservation area;
 - c. be of an appropriate scale, form, height, massing, alignment and detailed design which will contribute to local distinctiveness, complement the built form and scale of heritage assets and respect the character, appearance and setting of the locality;
 - d. demonstrate a clear understanding of the significance of the asset and of the wider context in which the heritage asset sits, alongside assessment of the potential impact of the development on the heritage asset and its context; and
 - e. provide clear justification for any works that would lead to harm or substantial harm to a heritage asset yet be of substantial public benefit, through detailed analysis of the asset and the proposal.
- 7.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest and in particular, listed buildings.
- 7.10 Paragraph 199 of the NPPF requires 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. Paragraph 200 (NPPF) goes on to state that any harm to, or loss of, the significance of a designated heritage asset [from its alteration or destruction, or from development within its setting] “should require clear and convincing justification”.

Demolition of greenhouses and flat roofed building and proposed erection of an Orangery

- 7.11 The applicant proposes to demolish three of the four curtilage-listed free-standing greenhouses within the walled kitchen garden which appear to have had some small historic role in the function of the kitchen garden area and its relationship to the house in the past. In addition, a flat roofed building is to be demolished which is otherwise unrelated in materials, form and appearance and is considered to be a negative feature. Third party comments regarding insufficient information are noted.
- 7.12 The applicant proposes to replace the existing flat roofed building and greenhouses with the proposed Orangery. There is no objection to the negative flat roofed building whilst although the greenhouses date back to the mid-20th Century and do hold some significance to Anstey Hall, there is no objection raised to the principle of their demolition and replacement subject to an acceptable design and scale.
- 7.13 The Conservation Officer comments concerning the lack of acceptable information and lack of high-quality design for the Orangery are noted. Following a formal consultation with Historic England and the Council's Conservation Officer, by virtue of the Orangery's excessive scale, siting forward of the southern elevation and incongruous design, it is considered that the proposed Orangery would have an adverse impact upon the character and significance of the Listed Building.

Reconfiguration of wall onto Maris Lane

- 7.14 The applicant proposes to introduce a new opening in the curtilage listed boundary wall along Maris Lane. Whilst the existing wall is half-height in brick and likely to be contemporary, insufficient information has been provided including elevational drawings of the wall denoting the scale, design or material and how these would transition from the existing wall and therefore this element cannot be fully assessed.

Harm v public benefits

- 7.15 The NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Given the Grade II* listing of Anstey Hall which places it in the top 5.8% of all listed buildings, the weight given to the asset's conservation including its setting should be great indeed.
- 7.16 Taking into account consultee comments including Historic England's comments, it is considered that the proposal would result in a moderate-level of 'less than substantial' harm upon the character and significance of Anstey Hall, contrary to Policy 61 of the Local Plan 2018 and the NPPF 2021. Paragraph 202 of the NPPF is therefore engaged and the harm should be weighed against the public benefits of the proposal.
- 7.17 The applicant has submitted a list of public benefits which include the following:
- Removal of flat-roofed building by a more harmonious one.

- Restoring views of the Hall from Maris Lane
- Heritage benefits of the scheme for the listed lodge and piers
- Provision of indoor facilities for the retirement community

7.18 Whilst these public benefits are noted in so far as removal of the negative flat roof building and potential for maximising the use of the existing asset to ensure optimum viable use, the removal of the flat roof building whilst it would be demolished would be replaced by an Orangery which notwithstanding the lack of detailed design information submitted, by virtue of its excessive scale and lack of high quality design, is not considered to be of an appropriate addition.

7.19 Overall, on the above basis, it is not considered that the public benefits arising from the scheme would outweigh the moderate-level of 'less than substantial' harm upon the character and significance of this Listed Building, contrary to Paragraph 202 of the NPPF and Policy 61 of the Local Plan 2018.

7.20 In addition, the proposed development would fail to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest and in particular, listed buildings.

7.21 Other Matters

7.22 The application has also been subject to a formal consultation with the Archaeological Officer, and subject to a pre-commencement condition to require a written scheme of investigation given the small-scale nature of the proposed Orangery, there is no objection to this proposal in archaeological terms.

7.23 Other third party and consultee comments received under this listed building consent application are noted, however, as these relate to material planning considerations rather than the listed building assessment, these are therefore dealt with under application 20/01426/FUL.

7.24 Heritage Balance

7.25 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, it is recommended that the application for listed building consent be refused.

7.26 Recommendation

7.27 **Refuse** for the following reasons:

1. The proposed Orangery, by virtue of its unacceptable siting, excessive scale and incongruous design would result in adverse impacts upon the significance and character of the Grade II* Listed Building (Anstey Hall), contrary to Policy 61 of the Cambridge Local Plan 2018. The identified harm to this heritage asset is identified as a moderate-level of 'less than substantial' harm and it is not considered that the public benefits arising from the scheme would outweigh this identified harm, contrary Policy 61 of the Cambridge Local Plan 2018, Paragraph 202 of the NPPF 2021 and the provisions of section 66 of Planning (LBCA) Act 1990. Furthermore, insufficient information has been provided for the reconfiguration of the Maris Lane wall to fully assess this element and therefore this is contrary to Policy 61 of the Cambridge Local Plan 2018, the NPPF 2021 and the provisions of section 66 of Planning (LBCA) Act 1990.

Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs

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Agenda Item 7



Planning Committee Date	6 th September 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/05304/FUL
Site	286 Cherry Hinton Road
Ward / Parish	Coleridge
Proposal	Demolition of existing dwelling and erection of 1 No. replacement two storey dwelling.
Applicant	Sam Bose and T K Sandhu
Presenting Officer	Jane Rodens / Alice Young
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Character/ Design 2. Residential Amenity - Loss of Light, dominating, over bearing
Recommendation	APPROVE subject to conditions and informative

1.0 Executive Summary

- 1.1 The application seeks the demolition of the existing dwelling at no.286 Cherry Hinton Road and the erection of 1 No. replacement two storey dwelling. This application was deferred at committee on the 13th June 2023 for further information on the light impact to the neighbouring properties.
- 1.2 Concerns have been raised by the neighbouring properties in regards of the design of the proposal and the impact that it would have in terms of light, dominating amenity and overbearing impact.
- 1.3 It is considered that the design of the proposal is contemporary in the street scene but would not harmfully contrast with the other properties in the street. The materials are also reflective of the other properties.
- 1.4 There would be some harm to the amenity of the neighbouring properties, however, it is not considered significant enough as to warrant refusal of the application. Conditions are recommended to reduce the impact of overlooking to the neighbouring properties.
- 1.5 Bikes and bins would be situated to the front of the property. Conditions are recommended to account for biodiversity enhancement, surface water drainage, sustainability matters and to limit highways impact and environmental concerns in the interest of protecting the residential amenity of neighbouring occupiers.
- 1.6 Officers recommend that the Planning Committee approve this application subject to conditions and informative.

2.0 Site Description and Context

None-relevant	x
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*X indicates relevance

- 2.1 The application site consists of an existing two-storey detached dwelling fronting Cherry Hinton Road. The site is not situated within a conservation area or the controlled parking zone and fronts a classified road. The site is currently has 1no. off street car parking space.
- 2.2 North of the site consists of Cherry Hinton Road, a classified C Class Road primarily serving residential properties. Immediately to the east of the site consists of the neighbouring property of no.294 Cherry Hinton Road, whereas further east consists of Lilac Court, a residential street. South of the application site consists of residential gardens serving the host dwelling and adjacent neighbours. Immediately to the west of the site consists of the neighbouring property of no.282 Cherry Hinton Road, whereas further west of the site consists of Hinton Avenue, a residential street.

3.0 The Proposal

- 3.1 The application has been amended twice, the first was to change depth of the east wing of the proposal. The second was to reduce the foot print of the 1st floor element of the proposal.

- 3.2 The application is for the demolition of the existing dwelling and erection of 1 no. replacement two storey dwelling.
- 3.3 The proposed dwelling is to replace the current dwelling, there is to be an area of parking, vehicle access and cycle parking to the front (north) of the replacement dwelling. To the rear is to be an area of garden space, ground source heat pump and landscaping.
- 3.4 The dwelling has a total depth of approximately 17m, there is a mixture of two storey and single storey elements. The two storey elements are to have a total depth of approximately 14.7m. The total width of the dwelling is to be approximately 11.5m, approximately 10.8m of this is to be two storeys. The ground floor is proposed to accommodate living accommodation and the 1st floor is to accommodate the three bedrooms and bathrooms.
- 3.5 The main roof form of the proposal is to be dual pitched with solar panels, the single storey elements are to be flat roof. There is glazing to the front of the dwelling and a wide variety of windows around the property.
- 3.6 The proposed materials, as per the application form, are to be buff brick walls and slate tile roof.
- 3.7 The application is accompanied by the following supporting reports and key plans which have been amended as indicated:

Plans list:

- PR-152 Rev D (22nd June 2023) – site block plan and landscape plan
- PR-201 Rev C (22nd June 2023) – proposed floor plans
- PR-211 Rev F (22nd June 2023) – Proposed elevations
- PR – 151 A (11th April 2023) - Site plan
- Daylight/Sunlight Impact Study – Original and Amended
- Design and Access Statement – B

4.0 Relevant Site History

Reference	Description	Outcome
21/05321/HFUL	Two storey side extension, part single, part two storey rear extension, loft extension and additional drop kerb.	WDN
21/02769/HFUL	Two storey side and rear extensions, single storey rear extension and loft extension.	WDN

- 4.1 The application site has been subject to two applications since the initial pre-application advice provided in January 2021.
- 4.2 The two previous applications were withdrawn following concerns raised by officers regarding loss of light impacts.

5.0 Policy

- 5.1 **National**
National Planning Policy Framework 2021

National Design Guide 2021

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

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

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

Policy 36: Air Quality, Odour and Dust

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 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

Cycle Parking Guide for New Residential Developments (2010)

5.5 **Other Guidance**

N/A

6.0 **Consultations**

There have been three rounds of consultation, the up-to-date response is to be included in this summary.

6.1 Subject to conditions/informatives outlined below:

- Traffic Management Plan
- Demolition/Construction Vehicles
- Visibility Splays
- Driveway levels
- Driveway Materials
- Informative - License of Works

Environmental Health – No Objection

6.2 Subject to conditions outlined below:

- Construction Hours
- Piling
- Dust

Drainage Officer – No Objection

6.3 Subject to conditions outlined below:

- Foul Water Drainage
- Surface Water Drainage
- Flood Risk Assessment

Ecology Officer – No Objection (Received within surgery)

6.4 Subject to conditions outlined below:

- Biodiversity Net Gain
- Bird/Bat Nest Boxes.

Tree Officer

6.5 No Response

7.0 Third Party Representations

7.1 There have been three rounds of consultation. Each of the different rounds are to be detailed below and the material planning issues that have been raised.

7.2 1st Consultation (12th December) – Submitted Plans and Drawings

Objection

294 Cherry Hinton Road

- The renovation of the dwelling is welcomed, but the design of the proposal is not acceptable.
- Site notice has not been posted for this application.
- The proposed dwelling is doubling the current building.
- The proximity to the neighbouring properties (1.1m) will create a level of overshadowing, loss of light and dominating that is not acceptable to the neighbouring properties.
- The light study that has been provided is not acceptable as it mislabelled the rooms.

- Room 4 does not meet the BRE recommendations to limit the impact of the loss of light on the room. This window serves the centre of the house, there are no other windows that serve the room.
- There will be overlooking between the proposal and the neighbouring dwellings as the windows are not off set, these should be conditioned to ensure that they are not causing overlooking.
- The design of the dwelling is not the same as the other properties in the area, there is a large amount of glazing.
- The flat roof should not be used as a balcony.
- There are two parking spaces, this will lead to cars reversing out of the curtilage of the dwelling.
- The cycle parking should be to the rear of the dwelling, to allow for better parking.
- The passageway is not appropriate to bring cycles to the front of the site.
- No vehicles should access the site through lilac court, as this is not a suitable road, this should be included in the traffic management plan.
- There should be a limited noise from the site, no radios or noise emitting devices should be played unless enclosed in the new building.
- There are biodiversity and landscaping concerns, the wild areas will spread to the neighbouring properties.
- The ground source heat pump and solar panels are welcomed.
- The dust condition from EHO's is to be included in the conditions.
- Demolition should include water/damp down, dust protection to the neighbour, site checks to ensure there is no encroachment on the neighbouring properties.
- Construction plan should provide further details, which are in the representation.

7.3 2nd Consultation (11th April) – reduction in the depth of the east wing at first floor level.

Support:

5 Haverhill Road
 280A Cherry Hinton Road
 5 Hinton Avenue
 27 Birdwood Road

- Improved design of the dwelling

Objection

294 Chery Hinton Road
 282 Cherry Hinton Road

- The renovation of the dwelling is welcomed, but the same for the proposal is not acceptable.
- The D&A is not acceptable as this states that it does not extend beyond the rear elevation of the neighbouring properties, however, it does at two storey.
- This proposal will overshadow and dominate the neighbouring dwellings.
- The proposal is to be within 1.1m of the boundary of the neighbours. This close proximity and the doubling the size of the property will create a perception of enclosure.
- Light survey has been carried out by the neighbouring property, full details are on the council website.
- There will be overlooking from the windows that are being proposed on the ground and first floor.

- The design of the dwelling is not appropriate for the street, there is a large amount of glazing.
- It is a prominent and incongruous building.
- There are two parking spaces, this will lead to cars reversing out of the curtilage of the dwelling.
- The cycle parking should be to the rear of the dwelling, to allow for better parking.
- The passageway is not appropriate to bring cycles to the front of the site.
- No vehicles should access the site through Lilac Court, as this is not a suitable road, this should be included in the traffic management plan.
- There should be a limited noise from the site, no radios or noise emitting devices should be played unless enclosed in the new building.
- There are biodiversity and landscaping concerns, the wild areas will spread to the neighbouring properties.
- The ground source heat pump and solar panels are welcomed.
- The dust condition from EHO's is to be included in the conditions.
- Demolition should include water/damp down, dust protection to the neighbour, site checks to ensure there is no encroachment on the neighbouring properties.
- Construction plan should provide further details, which are in the representation.

7.4 3rd Consultation (22nd June) – After the application was deferred at committee, change in plans to those that are being considered in this report.

Objection:

282 Cherry Hinton Road
294 Chery Hinton Road

- There will be harm to the light into the kitchen and living room to the property (282 Cherry Hinton)
- There have been changes to the plans, there is no site notice for these plans. The date on the plans are also different to the consultation date.
- Support the renovation of the building, the current proposal is not acceptable.
- The reduction of the two storey element has not reduced the overshadowing to the neighbouring properties.
- The two storey development will be dominating to the single storey elements to the rear of the neighbouring properties.
- The dwelling is 1.1m away from the neighbours, which will create an over bearing impact and overshadow the windows on the neighbouring properties.
- There will be overlooking to the neighbouring dwellings from the large windows on the ground and 1st floor.
- The flat roof areas should not be used as a balcony.
- The east side of the dwelling is higher than the west, which will increase the level of overlooking.
- The application is not policy compliant.
- The light report has not overcome the concerns that have been identified and does not demonstrate the No-Skyline/Daylight Study. The windows and doors that have been labelled on the report are not correct, therefore they are the wrong assumptions in the light report.
- Window 4, is for a kitchen and will have the greatest impact on it, this is a main room in the dwelling.

- The light report that has been submitted by the neighbouring property shows that this window fails the submitted light survey. The light survey by the applicant should be independently verified.

7.5 Member Representations

None received

8.0 Assessment

Principle of Development

- 8.1 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus most of the 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 allow for a rebuild of a current dwelling, as there is to be no loss of housing, it would be compliant with policy 3 of the Local Plan.

Design, Layout, Scale and Landscaping

- 8.2 Cambridge Local Plan (2018) Policies 55, 56, 57 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 8.3 The proposal site is located along Cherry Hinton Road where there are a mixture of dwellings, both in massing and scale. The current dwelling is set within a row of two storey detached dwellings that face the main highway, with an area of parking to the front and a garden to the rear. There is an element of uniformity as they have bay windows to the front, they are clearly set within their plots and there is a gable facing the main highway. The dwellings along this section of the street have a variety of other roof forms and extensions to the rear. There is a mixture of render, buff and red brick materials used.
- 8.4 This proposed dwelling is considered to be an acceptable replacement to the current dwelling. It is to be two stories in height and there is to be a modern element of glazing to mimic the other bay windows in the street. There is no gable front facing the main highway, but the modern glazing provides enough of a feature to the front.
- 8.5 The width of the proposed dwelling will create a house that sits within its plot, there is a gap of 1.3m between the proposal and the common boundary with no. 294 Cherry Hinton Road and 1.7 to the common boundary of no. 282 Cherry Hinton Road. This is considered to be an acceptable separation distance with the two storey elements as this provides a gap between the dwellings. There is paving proposed along the sides with no additional landscaping.
- 8.6 The height of the proposal is to be smaller than the current dwelling on the site, however the roof form is to be wider, this is to create the depth of the proposal with a crown roof on the two storey element. The height of the proposed dwelling is similar to that of the neighbouring properties. The width of the roof form is also similar to that of no. 294 Cherry Hinton Road as this has a mono pitched roof that faces the main highway.

- 8.7 The depth of the proposal is to be greater than the current dwelling on the site, this is at all of the proposed storeys. However, it will be a similar overall depth at ground floor level as the two neighbouring properties. At the first floor level it would be deeper than the neighbouring properties. This is not considered to be dominating as there is a wide variety of extensions and protrusions to the dwellings along the street, when viewed from the rear. Therefore it is considered that this proposal would not be out of context with the neighbouring properties.
- 8.8 It is considered that the design of the dwelling is acceptable, it is modern in its nature and the materials are reflective of the other properties in the street. The location of the dwelling in the plot and its setting is also considered to be acceptable.
- 8.9 Concerns have been raised from neighbouring occupiers with regards to the adverse impacts the proposals would have on the character of the street. Further concerns have been raised with regards to the scale/massing of the proposed development. As detailed above it is considered that the design of the dwelling is different to that of the other properties in the street, however, it is similar enough not to be bulky, dominating and therefore is acceptable.
- 8.10 The landscaping plans provided show a sufficient level of green additions to both the front and rear of the property, which is considered an improvement when compared with the current landscaping features present at the application site. These are to be secured through condition nos.16 (landscaping implementation) and 8 (boundary treatments). The increase in the level of vegetation on site is considered to enhance the character of the site in line with the requirements of Policy 55 of the Local Plan (2018) which is supported. The proposed biodiversity enhancements and boundary treatments will be secured via condition.
- 8.11 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 59 and the NPPF (2021).

Amenity

- 8.12 Policies 35, 50, 57 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.
- 8.13 Neighbouring Properties
- Impact on No. 294 Cherry Hinton Road
- 8.14 The owner of No. 294 Cherry Hinton Road has provided a light survey 'No Sky Line/ Daylight Distribution Study, 3th May 2023' (11016 Rev 1). A site visit has been undertaken to this neighbouring property in light of the information that has been received. A light survey has also been provided by the applicant for the proposal ('Redevelopment to 286 Cherry Hinton Road, Cambridge, April 2023') and was further updated on the 30th June 2023.

- 8.15 The light survey that has been provided by the applicant (to be known as the applicants light survey) shows that there is to be some harm to window 4 which has been identified as a kitchen and dining room, this is shown to have a relative value of 0.89. The site visit has confirmed that this is a kitchen and a secondary dining room. There is a formal dining room to the front of the dwelling. This is to be considered further in the report.
- 8.16 Window 4 is a single window that serves this room, it is west facing and faces directly onto the proposal site and the common boundary. Currently it faces a hedge and the boundary wall, also the edge of the current dwelling on the site.
- 8.17 The neighbouring property light survey (to be known as the neighbour light survey) says that the proposed development would push the 'no sky line' to 80% of the room and reduce the view of the visible sky within this room to 31-35% from its existing condition. It concludes that there will be a noticeable impact on the occupier of the resident of the property. In the neighbours light survey that has been provided, appendix D shows the area of the room that would be impacted on by this proposal. The main impact would be the rear of the room nearer the centre of the dwelling, where there is a dining room table.
- 8.18 It is considered that there would be some harm to this room, but it would be mitigated by the other windows that also provide light into this room, when facing window four, within the same room. To the left is a mid height wall that leads to the utility room, further to the left is a door with half glazing (top half), identified as window 3 on the application lighting survey, this faces south towards the rear garden of this dwelling. It has been demonstrated on the plans that this door is not impacted on by the 45 degree line by the proposed dwelling. Above this door is an area of glazing that is situated in a lean-to, to provide a canopy above this door, there are three pains of glass.
- 8.19 When facing window 4 and standing within the kitchen area of the room, the dining room would be behind. There is a small dividing wall that leads to a corridor to the other ground floor rooms of the dwelling. Part of this corridor includes patio doors, there are four fully glazed doors that face east. There are other doors beyond this corridor that lead to other rooms with their own windows.
- 8.20 It has been stated by the neighbouring property that this neighbours light report has only been considered on the impact from window 4 and it did not consider that there are other windows that would provide light to this rooms. More specifically the utility half glazed door with glazing above it (window 3), or the other windows adjacent to the kitchen/ dining room on the ground floor.
- 8.21 There is also window 7 that has been identified as being impacted on by the proposal, this room is also served by window 2, as this is the formal dining room. This has been marked incorrectly on the applicants light survey as being the living room.
- 8.22 On that basis, in light of both of the studies it is considered that there would be some harm to the loss of light levels to this room as indicated in the application light survey, however, there would be more light entering the room due to the other windows that serve this room, or near to this room.

- 8.23 In regards of the other windows on the property, it is considered that there would be minimal harm. There would be no overlooking if the windows on the ground floor are conditioned to be obscurely glazed (condition 23).
- 8.24 In regards of a dominating effect it is considered that this will also be minimal. The proposed dwelling is to be deeper than that of the current property and would be wider, therefore bringing the built form closer to the neighbouring dwelling. Due to the set back distance from the neighbour, the two storey element is to be staggered and the area that is closest to this neighbour will be a similar depth to that of the host dwelling.
- 8.25 The ground floor element will be a similar depth to that of the neighbouring property, therefore reducing the dominating effect of the proposal on the neighbouring property.
- 8.26 In conclusion there would be minimal harm to this neighbouring property in regards of overshadowing, overlooking and dominating effect. The proposal is considered to be policy compliant.

Impact on No. 282 Cherry Hinton Road

- 8.27 Concerns have been raised by the neighbouring occupier with regards to loss of light, overbearing and overlooking.
- 8.28 The main concern raised by this neighbour is the loss of light to the conservatory to the rear of the dwelling. It is considered that the proposal does not obstruct the 25-degree and a 45-degree overshadowing assessment for the conservatory and is therefore not considered to have a harmful impact in this respect.
- 8.29 In regards of the windows on the east flank elevation of the neighbouring property, it is considered that there would be some harm to these windows which serve the kitchen/ dining room and living room, as they are already overshadowed by the current dwelling. The proposed dwelling as a built form on the ground floor would not be getting any closer but it will at first-floor due to a current ground floor protrusion, which is identified on the plans.
- 8.30 The two existing side facing windows at no.282 serve the kitchen. Both are already overshadowed by the existing property, and so the proposed development is not considered to adversely affect the level of light to these rooms, as the windows in which the room is served by are already subject to a significant level of overshadowing. There are rooflights serving the rear extension and allow light to both the rear living room and kitchen and these will not be overshadowed by the proposed scheme.
- 8.31 The side facing window will be adversely affected by the development with regards to loss of light, however, the window serves a toilet which is not considered habitable space, and so the loss of light concern is not considered to have a material impact on the existing property's amenity.
- 8.32 The increase in overbearing impact to 2no. side (east) facing windows to this neighbouring property is not considered to have adverse impacts on the current occupants, due to the current proximity of the existing dwelling to these windows.

- 8.33 In regards of the other windows on the property it is considered that there would be minimal harm. There would be no overlooking if the windows on the first floor are conditioned to be obscurely glazed (condition 23).
- 8.34 The concerns relating to the use of the flat roof of the single storey element of the scheme being used as a balcony will be mitigated via conditions restricting the use of the flat roof of the single storey element of the scheme to maintenance purposes only, in the interest of protecting the privacy of neighbouring occupiers (condition 15).

Future Occupants

- 8.35 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).
- 8.36 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	3	4	2	84	307	+ 223

- 8.37 The proposed Garden Size of the dwelling is to be 482sqm.
- 8.38 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. It is considered that the internal space of the dwelling and the garden size is acceptable and meets the requirements of the policy.
- 8.39 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. Condition no.22 is to be applied to the application to ensure that this proposal is policy compliant in this respect.

Construction and Environmental Impacts

- 8.40 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.
- 8.41 The Council's Environmental Health Team have assessed the application and recommended 3no. standard conditions relating to construction hours (condition 13), dust (condition 11) and piling (condition 17). The officer shared the opinions of the environmental health officer, and the conditions will be applied to any permission granted. The development proposed is compliant with Policy 35 of the Local Plan (2018), subject to conditions.

Summary

- 8.42 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 and 57.

Carbon Reduction and Sustainable Design

- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 The proposed solar technologies are welcomed and express the applicant's intentions to ensure carbon reduction is achieved in line with the requirements of policies 28 and 29.
- 8.47 The application is supported and will be subject to conditions relating to carbon reduction technologies (condition 10) and water efficiency (condition 20).
- 8.48 The proposal is in accordance with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020, subject to conditions.

Biodiversity

- 8.49 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.
- 8.50 Concerns have been raised by neighbouring occupiers regarding the lack of biodiversity benefits and the removal of a significant amount of vegetation to the rear of the site prior to the commencement of the application.

- 8.51 The application has been subject to informal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends two conditions to ensure the protection of species and the estimated biodiversity net gain is delivered.
- 8.52 The suggested conditions relate to biodiversity net gain (condition 6), with baseline figures drawn from the level of biodiversity features on site prior to site clearance, and the provision of bird & bat nest boxes (condition 9).
- 8.53 It is considered 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), subject to conditions.

Water Management and Flood Risk

- 8.54 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.
- 8.55 The EA's Extent of flooding from surface water map indicates that there are surface water flood risk issues that require more detailed analysis. A site specific Flood Risk Assessment (FRA) is required. Taking into account the existing use of the site, this information can be obtained by way of condition (condition 5). Further conditions are to be recommended for detailed surface water (condition 4) and a foul drainage scheme (condition 7). These have been recommended by the drainage officer.
- 8.56 The application proposes a flat roof, which is proposed as a green/biodiverse roof. A condition (condition 14) will be applied to any permission granted requiring the proposed green roof to be constructed and maintained in accordance with the green roof code for the lifetime of the development. This is to ensure compliance with Policy 31 of the Local Plan.
- 8.57 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 (2018) Policies 31 and 32 and NPPF advice.

Highway Safety and Transport Impacts

- 8.58 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.
- 8.59 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.60 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.

- 8.61 An earlier revision to the plan removed the dropped kerb to the proposed dwelling, there have been no other changes to the vehicle access to the proposed dwelling. Therefore, the following recommended conditions are to be applied to the application:
- Traffic Management Plan (condition 3);
 - Demolition/Construction Vehicles (Condition 24);
 - Visibility Splays (Condition 12);
 - Driveway levels (condition 18);
 - Driveway Materials (condition 18); and
 - Informative - License of Works.
- 8.62 Subject to conditions, the proposal accords with the objectives of Policies 80 and 81 of the Local Plan (2018) and is compliant with NPPF advice.

Cycle and Car Parking Provision

- 8.63 Cycle Parking
- 8.64 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.
- 8.65 The application proposes the inclusion of a single bike store to be situated to the front of the dwelling. The bike store can sufficiently accommodate 4no. cycles and is situated to the front of the property so is considered as accessible as the car with regards to the situation of parking spaces. The proposed cycle store will be secured via condition no.21, which will also require the use of a green/biodiverse roof, and so the application is in accordance with Policy 82 and appendix L of the Local Plan (2018), subject to conditions.
- 8.66 Car parking
- 8.67 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.

- 8.68 The application proposes 1 no. off-street parking space to the front of the replacement dwelling. This is within the maximum requirements for a 3-bedroom dwelling as outlined within Policy 82 of the Local Plan (2018) and is acceptable.
- 8.69 It should be noted that the development is considered to be situated within a sustainable location, in proximity to suitable public transport connections and ample active travel arrangements, and so a car-free scheme would be supported.
- 8.70 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking, 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. It is therefore recommended that a condition is applied on that basis (condition 19).
- 8.71 Subject to conditions, the proposal is considered to accord with Policy 82 of the Local Plan (2018) and the Greater Cambridge Sustainable Design and Construction SPD.

Third Party Representations

- 8.72 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
Site notice	This has been posted when the application was originally submitted to the LPA (11 th January 2023) and when there was a description change (13 th April 2023).
No radios are to be played	This would be unreasonable to condition both through the construction of the dwelling and once it is built.

Other Matters

- 8.73 Bins
- 8.74 Policy 57 of the Local Plan (2018) requires refuse and recycling to be successfully integrated into proposals.
- 8.75 The application proposes to include a bin store to the side/west elevation of the property. The bin store will be obscured from view of the public realm due to its siting behind the proposed boundary treatments and is considered to be suitably integrated within the scheme. Condition no.21 requires the bin store to be implemented with a green/biodiverse roof prior to the occupation of the dwelling and to be maintained for the lifetime of the development.
- 8.76 The proposed bin store is compliant with Local Plan (2018) Policy 57 subject to condition and is considered acceptable.

- 8.77 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).
- 8.78 Summary of harm
- 8.79 The contemporary design of the scheme is contrary to the prevailing character of the existing dwelling, however, is considered similar to other modern and successfully contrasting properties present within the street scene such as nos.279 and 281 Cherry Hinton Road
- 8.80 Objections have been received in regards of the increased scale of development. The scale/massing increase is primarily to the rear of the site, and the increase in scale will not be perceived from the front of the property or surrounding public realm.
- 8.81 The assessments conducted have shown a negligible level of harm to the residential amenity of neighbouring occupiers. The loss of light, overbearing and overlooking concerns raised by neighbouring occupiers are not considered sufficient to warrant a refusal.
- 8.82 The lack of information submitted regarding flood risk, drainage concerns, sustainability matters and biodiversity enhancement can be resolved via conditions.
- 8.83 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.

9.0 Recommendation

9.1 Approve subject to:

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

10.0 Planning Conditions

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

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

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

- PR-152 Rev D (22nd June 2023) – site block plan and landscape plan
- PR-201 Rev C (22nd June 2023) – proposed floor plans
- PR-211 Rev F (22nd June 2023) – Proposed elevations

- PR – 151 A (11th April 2023) - Site plan
- Daylight/Sunlight Impact Study – Original and Amended
- Design and Access Statement – B

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 details shown on the submitted plans, 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).

- 4 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 OBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above- referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
- d) A plan of the drained site area and which part of the proposed drainage system these will drain to;
- e) Full details of the proposed attenuation and flow control measures;
- f) Site Investigation and test results to confirm infiltration rates;
- g) Full details of the maintenance/adoption of the surface water drainage system;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- i) Formal agreement from a third party if discharging into their system is proposed, including confirmation that sufficient capacity is available.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF and 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. (Cambridge Local Plan 2018 policies 31 and 32).

- 5 No development shall commence until a Flood Risk Assessment has been submitted to and approved in writing with the Local Planning Authority. The Flood Risk Assessment (FRA) should consider the flood risk at the site and requirement for any flood resilient measures to be incorporated into the development. Development shall take place in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and future occupants (Cambridge Local Plan 2018 policies 31 and 32).

- 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 latest appropriate DEFRA metric;
- 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 latest appropriate DEFRA metric;
- 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;
- vi) a baseline figure which responds to the level of biodiversity features on site prior to site clearance.

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 the latest 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 Prior to development above ground level, an adequate system of drainage constructed in accordance with approved Building Regulations document H1 shall be provided on site to carry foul water - which comprises or includes waste from a sanitary convenience, bidet, appliance used for washing receptables and/or water which has been used for food preparation, cooking or washing - from appliances within the building to one of the following, listed in order of priority:

The completed measures shall thereafter be retained in accordance with approved Building Regulations document H1, for the lifetime of the development.

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).

- 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 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.
- 10 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.
- The proposed renewable or low carbon energy technologies 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 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).
- 11 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).

- 12 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 PR-152 Rev D. 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).

- 13 No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 14 The flat roof, single storey element of the development hereby approved shall be a green biodiverse roof(s). The green biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:

- a) Planted/ seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.
- b) With suitable access for maintenance.
- c) Not used as an amenity or sitting out space and only used for essential maintenance, repair or escape in case of emergency.

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

Reason: To ensure the development provides the maximum possible provision towards water management and the creation

of habitats and valuable areas for biodiversity (Cambridge Local Plan 2018, policy 31). The Green Roof Code is available online via: greenrooforganisation.org

- 15 The flat roofed single storey element of the development hereby approved shall not be used as a balcony, roof garden or similar amenity area unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

Reason: To safeguard the privacy of adjoining occupiers (Cambridge Local Plan 2018 policies 55, 57).

- 16 All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice.

The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing.

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.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

- 17 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)

- 18 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).

- 19 The 1 no. parking spaces proposed will be equipped with an EV charge point in line with the requirements of building regulations approved document S prior to the occupation of the dwelling hereby approved and shall be maintained 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).

- 20 No dwelling 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).

- 21 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).

- 22 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)

- 23 The development, hereby permitted, shall not be occupied until the proposed first floor and ground floor windows in the west and east flank elevations of the development have, apart from any top hung vent, been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the adjoining properties (Cambridge Local Plan 2018 policies 55 and 57).

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

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

Informative

Highways

The granting of planning permission does not constitute a permission or license to a developer to carry out any works within, or disturbance of, or interference with, the public highway, and that a separate permission must be sought from the highway authority for such works.

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	06 September 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/04976/FUL
Site	26 Barton Road Cambridge Cambridgeshire CB3 9JZ
Ward / Parish	Newnham
Proposal	Change of use from student accommodation (class C2) to a children's nursery (class E(f)) and minor external works.
Applicant	Pembroke College
Presenting Officer	Mary Collins
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Impact of noise on adjacent residential properties from outdoor play area2. Impact on highway safety3. Impact on character/appearance of conservation area
Recommendation	APPROVE subject to conditions.

1.0 Executive Summary

- 1.1 The application seeks planning permission for change of use from student accommodation (class C2) to a children's nursery (class E(f)) and minor external works.
- 1.2 The proposal would provide for improved access, range and quality of nursery facilities, is situated in close proximity to the people it serves and there is a local need for this provision.
- 1.3 Any noise disturbance to adjacent residential properties through the use of the outdoor play/teaching area in particular would be during the daytime hours and
- 1.4 Officers recommend that the Planning Committee APPROVE the application.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	X
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	
Local Neighbourhood and District Centre		Article 4 Direction	

*X indicates relevance

- 2.1 The site is located towards the west of Cambridge, on the northern side of Barton Road. Barton Road (A603) provides onward connections to both the strategic road network via the M11 and the internal Cambridge Ring Road (A1134) via The Fen Causeway (A1134) and Newnham Road (A1134).
- 2.2 26 Barton Road, built at the end of the 19th century, is a three bay villa built of buff brick with red brick detailing, having a symmetrical front with two ground-floor canted bay windows and a number of feature chimneys. It has a two storey rear projection with a chimney. It is situated in a residential part of the West Cambridge conservation area. This and neighbouring plots in this area, were designed for large family residencies in generous gardens. The immediate character of the area retains an open verdant residential character, in spite of the heavy traffic on Barton Road.
- 2.3 26 Barton Road makes a positive contribution to the conservation area, and is situated adjacent to the grade II listed building, Five Gables, at 4 Grange Road
- 2.4 The site contains an existing building owned and operated by Pembroke College, providing student accommodation. An existing access is situated along the southern site boundary from the road.

- 2.5 The detached building is 2 storeys in height and sits centrally within the plot. The front section of the building contains a shared kitchen to ground floor along with 3 study bedrooms. At first floor there are a further 4 study bedrooms with a bathroom. The rear extent of the building contains separate accommodation now vacant, but previously occupied by the Hostel keeper. This includes living accommodation at ground floor with bedrooms and a bathroom at first floor. The building also has a small basement, accessible from the former Hostel keeper accommodation.
- 2.6 The site frontage includes a driveway with shingle parking areas, as well as a lawned front garden with boundary planting. Access to the rear garden is provided via a gate to the west of the building, and from the driveway to the east. To the north-east of the site there is a garage with lean-to, as well as a pair of sheds. The rear garden is laid to lawn with boundary planting. The entire plot is surrounded by close boarded fencing of varying heights.
- 2.7 The site is within the context of largely residential and College uses, with Barton Road characterised by this combination. To the north, east and west boundaries the site is met with large detached residential properties, with their garden areas abutting the site boundary. To the southern side of Barton Road are terraced residential properties, along with newly built student accommodation at Croft Gardens.
- 2.8 It is located within a Controlled Parking Zone (CPZ).

3.0 The Proposal

- 3.1 The application seeks change of use from student accommodation (class C2) to a children's nursery (class E(f)) and minor external works.
- 3.2 The proposed facility will provide 45 spaces. It will relocate the existing nursery provision at Owlstone Croft, which has 25 places. There will be 14 full time members of staff.
- 3.3 The majority of the proposed works are internal to the existing building, with the reconfiguration and upgrading of rooms. To the ground floor there will be spaces for under 2's and 2-3 year olds. There will also be a lobby area with toilets and a lift. At first floor there will be spaces for 3+ year olds, as well as staff areas including an office, meeting room, staff room and kitchen.
- 3.4 External alterations include a new entrance to the east elevation, connecting to a ramp which will provide disabled access to the building. To the rear of the building there will be the addition of a covered external space adjacent to the building, allowing for all weather outside play for children, surfaced with paving and probably artificial grass.
- 3.5 The existing site access will remain in its current location, with the gates set further back into the site to allow delivery vehicles to pull off the road before opening the gates. The works include resurfacing of the driveway in gravel.

There will be a gate for vehicles, and a separate gate for pedestrians and cyclists.

- 3.6 To the frontage of the building there will be 2 disabled parking spaces, allowing accessible parking for either staff or parents. In this area there will also be 16 visitor bicycle parking spaces, or 13 spaces with a cargo parking space. A larger area of bicycle parking is provided to the east of the building, with total spaces for 36 bicycles, or 31 with 2 cargo parking spaces.
- 3.7 The existing garage building will be renovated and utilised to provide storage facilities for the nursery. The sheds will be removed.
- 3.8 To the rear of the building there will be the addition of a covered external space adjacent to the building, allowing for all weather outside play for children.
- 3.9 Opening hours of the nursery would be Monday-Friday within the hours of 7:30am-6pm. The external play space would need to be accessible to children from 08:30am until close.
- 3.10 The application has been amended to address representations and further consultations have been carried out as appropriate.

4.0 Relevant Site History

4.1 **None**

5.0 Policy

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

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.1 **Cambridge Local Plan**

Policy 1: The presumption in favour of sustainable 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 36: Air quality, odour and dust

Policy 46: Student accommodation

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 61: Conservation and enhancement of historic environment

Policy 62: Local heritage assets

Policy 71: Trees

Policy 73: Community, sports and leisure facilities

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

5.2 **Neighbourhood Plan**

South Newnham Neighbourhood Plan

Emerging plan has been published in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 on 16th May 2023. The consultation period ran from 12th June until 30th July 2023.

Policy SNNP12 - Protecting Residential Amenity in South Newnham states:

All development proposals (including alterations, extensions, conversions, and infill developments) are expected to:

a) Not lead to unacceptable overlooking (loss or privacy an immediate outlook) or overshadowing (loss of daylight and sunlight). Proposals that incorporate extensive areas of glass directly facing neighbouring properties will not be supported.

b) Ensure existing and future occupiers are not exposed to unacceptable levels of pollution that may arise from the development. This can include noise, smoke, fumes, refuse and/or lighting during construction and occupation.

c) Ensure existing and proposed occupiers are not exposed to unacceptable levels of general disturbance arising from the development, through traffic movements to, from and within the site during construction and occupation. With respect to a), where there is a risk of an unacceptable impact on light amenity, a special light report should be commissioned including BRE, Right to Light and Shadow Studies. In all cases, applicants are strongly

encouraged to engage with occupiers in neighbouring properties at pre-application stage in order to help identify impacts on residential amenity and develop an appropriate scheme.

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

West Cambridge conservation area

6.0 Consultations

6.1 County Highways Development Management – No Objection

Following revised Transport Statement and Travel Plan addressing the issues of crossing Barton Road, on street car parking, bollards, accident data etc, the proposed site layout is now acceptable to the Highway Authority. However, given the nature of the proposed development and its location in Cambridge the Transport Assessment Team within the County Council should be consulted on this application for comment on the Transport Statement and Travel Plan.

6.2 County Transport Team – No Objection

6.3 Conservation Team – No Objection

The main chimneys must be retained. Removal or reduction of the rooflights in the proposed veranda would be preferred. Retention of rear wing chimney would be preferred.

6.4 Streets and Open Spaces - No Objection

While it will be essential to ensure that the construction of the extended driveway is achieved without excavation or lowering of levels within the RPA, there are no formal objections to the proposal, subject to conditions requiring 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)

6.5 Environmental Health – Object

Noise from ASHPs have been known to harm local amenity and quality of life if poorly selected / located without acoustic mitigation.

Noise levels from plant and equipment associated with the application requires assessment to ensure local amenity is protected. It is required that the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background sound level (LA90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

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

Additional information 15th March 2023.

Noise Assessment

Sweco have provided an updated acoustic assessment dated 7th March 2023 (reference: 65207534-SWE-XX-XX-T-U-0001) in which they have provided further information on potential noise mitigation at the site.

ASHP/Plant noise

Section 6 addresses plant associated with the proposed development and section 6.2.2 assumes that plant will only operate during nursery open hours (1hour extra either side) – 08:00 – 19:00hrs. Confirmation that plant (including the ASHP) will not be operational outside of these times is required.

Section 6.3 suggests that there may be other plant installed which hasn't been included in the noise assessment at this time. Further plant can be controlled by our standard plant condition if our other noise concerns can be adequately addressed.

Confirmation that the recommended height of the proposed ASHP barrier prevents line of sight from upper windows of overlooking residential properties is needed to ensure it will provide a level of sufficient acoustic attenuation to upper levels and whether this has been included within the acoustic calculations.

External play area

Section 7 addresses the noise impact of the proposed external play area using GCPs Sustainable Design and Construction SPD 2020 requirements and IEMA Guidelines for Environmental Noise Impact Assessment which are considered the best available guidelines in the absence of any specific impact assessment methodology. The assessment concludes that with the

proposed 2m barrier, there will still be a Significant Observed Adverse Effect Level (SOAEL) at the 1st floor nearby residential receptors.

Note that Table 18 and 19 state reference time is [08:00-19:00], however it is not clear if noise impact has been averaged over the entire time frame, or just for the 2 hours a day that the external play area will be used for. Clarification is needed on this as if noise has been averaged over 9 hours it is likely that the impact has been underestimated.

The 1st floor windows of the nearby residential receptors are understood to comprise of a bedroom and landing windows, and it has been suggested that these rooms are less sensitive as are less likely to be used during daytime hours. However, BS8223:2014 acknowledges daytime resting limits in bedrooms and the importance of having suitable conditions for concentration for study and work which is important for those who work from home, and we cannot discount this impact or have certainty that these rooms will not be used for either of these functions during the daytime hours.

A 3m barrier has been considered within the assessment, however with this height adjustment from the 2m barrier suggested originally, the levels are expected to remain roughly as predicted for the 2m barrier and therefore the impact at the upper windows will remain the same, although improvements have been shown at lower levels.

There are fundamental material planning considerations that should be addressed prior to determination and should not be conditioned. There needs to be a reasonable degree of certainty that they can be mitigated to an acceptable level and to secure a high quality design and a good standard of amenity and quality of life for nearby residential receptors.

However, there are very limited options to mitigate and control noise from the external open air play area proposed and we have serious concerns about the suitability of this use in this location so close to existing residential premises. It is of our opinion that an external play area in this location with close proximity to residential properties is poor acoustic design and is likely to have an unacceptable adverse impact on the living conditions and quality of life / amenity of neighbouring properties in terms of noise. In addition, the calculations within the noise assessment provided do not consider the complex emotional response to the type of noise that the external play area will create. Additional noise penalties could be added to account for the sound characteristics associated with child play and we have concerns that this type of noise in close proximity to the neighbouring properties may draw negative attention and therefore the impact is likely to be greater than has been predicted.

Turley have provided a letter with further comments on the proposed scheme dated 16th May 2023.

The letter goes into further detail about both the proposed air source heat pump (ASHP) and external play area.

It has been confirmed that the height of the barrier around the ASHP will prevent line of sight and will provide a level of sufficient acoustic attenuation to upper levels, which has been included within acoustic calculations. The provision of an acoustic enclosure has been recommended to ensure noise impact is reduced to a suitable level. If the potential noise issues can be satisfactorily resolved regarding the external play area, we will be able to support this application with a recommended plant noise insulation condition.

External play area - Have received confirmation that the noise impact has been based on the worst case hour and not been averaged over a longer period, which is welcomed.

It has been noted within the letter supplied that there is there is a lack of research and guidance on calculating emotional responses from nurseries, and we appreciate that there is no specific good practice guidance as to how to assess and consider noise originating from nurseries. However, whilst the submitted noise assessment from Sweco (dated 7/03/23, reference: 65207534-SWE-XX-XX-T-U-0001) has attempted to assess the proposal, due to the lack of recognised appropriate methodology to assess such noise impacts, and the uncertainty around the efficacy of noise mitigation measures there is significant uncertainty that an adverse impact to the amenity and quality of life of neighbouring properties can be adequately mitigated and protected.

As previously mentioned, the noise assessment confirms that even with increasing the barrier to 3m, the expected impact at first floor levels would still be adverse as the levels remain roughly as predicted for the 2m barrier. Due to this, we still have concerns that if planning consent were granted, even with the recommended noise mitigation measures, the scheme is still likely to have an unacceptable adverse impact on the living conditions and quality of life / amenity of neighbouring properties in terms of noise.

Therefore, having considered all of the available information, it is recommended that this application is refused as it is unlikely that satisfactory noise levels can be achieved at nearby receptor locations to ensure a good standard of amenity and quality of life of nearby residents.

6.6 Access Officer – No objection.

This is a very good scheme. The hand rails are vital on ramp and steps, the architect can be redesign them in materials, colours, density, aesthetically as long as it conforms with the guidance given in Part M of the Building Regulations. Any double doors need to be electrically opened or be asymmetrical with one leaf being a minimum of 900 mm. Toilet doors should open outwards or slide and/or have quick release bolts are needed in case somebody collapses in the toilet. Some of the rooms should have hearing loops in. Good colour contrast to aid visually impaired children should be considered.

The use of colour can be important to help work wayfinding, i.e. yellow door room, red door toilet. Particularly children with learning difficulties.

6.7 **Third Party Representations**

Six representations have been received.

Those in objection have raised the following issues:

- Principle of development
- Residential amenity impact (impacts on privacy, noise and disturbance,)
- Highway safety

Barton Road is very busy and the constant heavy traffic could be dangerous to young children and their parents getting out of or into cars on the main road beside the proposed nursery, or trying to cross the road in heavy traffic to deliver or collect the children at nursery opening and closing times. The proposed driveway is in close proximity to a bus-stop, and the change would result in frequent clashes between buses using the stop and cars arriving to drop off and collect children from the nursery, as well as increasing risk to any children on foot.

Remain concerned about increased noise levels during the day and welcome measures such as limited window opening on the side of the building which faces our house. We spend the vast majority of our time in our large back room kitchen which directly faces 26 Barton Road, and worry our daytime peace will be impacted, particularly with under 2s due to be accommodated directly opposite. Perhaps thought can be given to this in the construction of the new fence to mitigate noise transmission please?

Staff kitchen upstairs will particularly impinge on privacy especially with the sink positioned at the window, as any users will directly look into windows and garden while using it. We ask that the sink is moved away from the window so that staff are not encouraged to stare at our property while working. We both work from home often and having people looking into our house will be unwelcome.

The width of 26 Barton Road is very narrow and the design of the buildings means that the outdoor areas are extremely close to the boundary with 2 Grange Road. Violation of a very long established, quiet residential area purely for the commercial benefit of Pembroke College.

This introduction of a commercial enterprise, with considerable noise potential, into an inappropriate site will destroy the beneficial aspects of a quiet residential area. The area of 2 Grange Road is bounded on two sides by main roads, with consequent traffic noise. The private part which is not overlooked is immediately adjacent to 26 Barton Road, this is also the quietest part of the garden, it is used extensively which will no longer be possible if this plan goes ahead.

They are also proposing to create a children's playground which will extend right up against the boundary with 2 Grange Road which for inclement weather will move to the covered area a mere 20 feet away. The noise and activity level if this plan goes will destroy the environmental benefit of our garden and will penetrate into the house destroying the scholastic atmosphere.

Proposed to site a heat pump, which according to the map is to be sited less than 10 feet from the boundary with 2 Grange Road, this is closer to our property than it is to the proposed nursery staff rooms.

This is a wholly undesirable proposal whose purpose is to benefit the staff of Pembroke College who may live anywhere in Cambridge, it is not as maintained a social enterprise but is a commercial activity. Its purpose is to increase the attractiveness of employment at Pembroke College, which may be very well for the College but would result in considerable loss of quiet living and of privacy and a detrimental change of character of this quiet and peaceful part of the neighbourhood. There is a perfectly good location for which planning permission has been obtained in the Rugby Club site, perhaps the main reason for the so-called disadvantage of the site is that the benefit will not accrue to Pembroke College.

6.8 Member Representations

Not applicable

6.9 Local Interest Groups and Organisations / Petition

South Newnham Neighbourhood Forum (SNNF) has made a representation objecting to the application on the following grounds:

This part of Newnham is a quiet residential area, with homes occupied either by families or students. The exception to this is the nursery at 8 Grange Road, and neighbouring residents report a significant amount of noise from the nursery when the children are outside. There has also been a noticeable increase in road traffic at drop-off and pick-up times. The proposed nursery at 26 Barton Road, is for 47 nursery places and 14 staff members, and this will add significantly to the noise levels in this area as the application includes an all-weather, covered outside play area within the small imprint of the garden, and the installation of a heat pump. Barton Road is a main arterial route into Cambridge and the traffic is very heavy during morning and afternoon rush hours.

The proposed nursery is not intended to cater primarily for local families but the staff of Pembroke and Queens' College, who will likely be coming from near and far, adding to the strain on the local road infrastructure when dropping off children and picking up children. There is nowhere safe to park in the immediate vicinity. There are some parking spaces along Barton Road Residents have contacted the Forum with their concerns and we are

objecting to this application on grounds of increased noise in a quiet residential area and the dangers posed on a busy road when dropping off and picking up children.

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

Principle of Development

7.1 Loss of C2 student accommodation

7.2 The proposal would result in a loss of C2 student accommodation use. Policy 46 predominantly focuses on the provision of student accommodation but does set out that where a loss is proposed, this will be resisted unless adequate replacement accommodation is provided, or it is demonstrated that the facility no longer caters for current or future needs.

7.3 It is understood that in the 1960s, the house operated as a College hostel with a Hostel keeper who looked after the students. Whilst the role of Hostel keeper became obsolete in the early 2000's the last postholder continued to occupy the rear section of the property until their retirement in 2021. The 7 study bedrooms make a very modest contribution to Pembroke College's accommodation offering and are a distance from the wider College. The rather isolated site does not therefore offer an ideal location for Pembroke College student accommodation. Following their acquisition of the Mill Lane site from the University of Cambridge and others, Pembroke College have been able to create a new development (18/01930/FUL) which includes the provision of student accommodation close to the main College campus. Whilst this will not house additional students, it does mean that the modest number of students currently accommodated within the hostel at 26 Barton Road, can be accommodated at Mill Lane.

7.4 Local need for Nursery Provision

7.5 With regard to the proposed (E(f)) children's nursery use, this is considered a community facility under Policy 73, with 'a crèche, day nursery or playgroup' listed in Table 8.2 Definition of community facilities.

7.6 Policy 73 of the Local Plan 2018 states that new or enhanced community, sports or leisure facilities will be permitted if:

- a. the range, quality and accessibility of facilities are improved;
- b. there is a local need for the facilities; and
- c. the facility is in close proximity to the people it serves.

Proposals for new and improved sports and leisure facilities will be supported where they improve the range, quality and access to facilities both within Cambridge and, where appropriate, in the sub-region.

- 7.7 This nursery facility is proposed in part to replace the nursery at nearby Owlstone Croft. This existing facility at Owlstone Croft is the subject of a planning application for the demolition of the nursery building, as well as part of outbuildings; partial demolition, refurbishment and extension of other existing college buildings and the erection of four accommodation blocks containing 60 rooms for postgraduate students; associated landscaping, car and cycle parking, refuse and other storage and new electricity substation within outbuildings. With reference to this site, planning permission has been refused and this application is currently at an Inquiry.
- 7.8 The proposed facility would be larger because in addition to taking on the 25 children from the existing nursery at Owlstone Croft (which is run by Wigwam on behalf of Queens’ College), this nursery will also service the demand for nursery places from the Fellows and staff of Pembroke College and from other families within the Newnham area (as the existing Owlstone nursery does). There is no requirement for the places to only be available to children who live in the Newnham area. The facility would be in close proximity to the people it serves which would include staff and Fellows of Pembroke College regardless of where they live, as well as the Newnham community and would therefore address a local need. It is considered to be a sustainable approach to site a nursery close to this workplace. The facility would be a commercial enterprise, regardless of who uses it.
- 7.9 The 2023 Budget sets out plans for an extension to free childcare. This is from the current provision for 3–4-year-olds to include children from 9 months of age. This will take a staggered approach with free childcare for 2-year-olds as soon as April 2024, with an acknowledgement from the Government that there will need to be more providers to meet demand. The proposed nursery will help to meet this demand.
- 7.10 The proposal is compliant with Cambridge Local Plan (2018) policy 73.
- 7.11 **Design, Layout, Scale and Landscaping**
- 7.12 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.
- 7.13 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 59 and the NPPF.
- 7.14 **Trees**
- 7.15 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.
- 7.16 The application is accompanied by an Arboricultural Impact Assessment and Tree Protection Plan.
- 7.17 The Council's Tree Officer has advised that subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.
- 7.18 **Heritage Assets**
- 7.19 The application falls within the West Cambridge Conservation Area. It is situated adjacent to the grade II listed building, Five Gables, at 4 Grange Road. The site is considered to be within the setting of this listed building.
- 7.20 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.21 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification.
- 7.22 26 Barton Road, built at the end of the 19th century, is a three bay villa built of buff brick with red brick detailing, having a symmetrical front with two ground-floor canted bay windows and a number of feature chimneys. It is situated in a residential part of the West Cambridge conservation area. This and neighbouring plots in this area, were designed for large family residencies in generous gardens. The immediate character of the area retains an open verdant residential character, in spite of the heavy traffic on Barton Road. The building makes a positive contribution to the West Cambridge Conservation area. Although this building has been student accommodation for some time, it still largely retains its outward original domestic character. The provision of the access ramp into the relocated entrance to the building would introduce an institutional feature. However, it is considered that as the ramp is set back from the frontage, there would be the opportunity for landscaping which would help to disguise the ramp and provide verdant screening which would mitigate the visual impact.
- 7.23 The Conservation Officer has advised that on balance the extension/alterations are acceptable.

- 7.24 The proposed extensions are to the rear and single storey in scale. The proposal has been amended to retain all four chimney stacks to the front section of the building retaining the symmetry of these features which is considered to contribute the character/appearance of the conservation area. The chimney to the rear section is to be removed, however this is of lesser significance and its removal would not warrant a reason for refusal.
- 7.25 It is considered that the proposal, by virtue of its scale, massing and design, would not harm the character and appearance of the Conservation Area or the setting of listed buildings. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Local Plan policy 61.
- 7.26 **Water Management and Flood Risk**
- 7.27 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.
- 7.28 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.
- 7.29 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.
- 7.30 **Highway Safety and Transport Impacts**
- 7.31 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.
- 7.32 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. Access to the site would be as existing with gates set further back into the site to allow vehicles to park off the highway.
- 7.33 The application is supported by a Transport Assessment and Travel Management Plan and application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team. These documents have been amended following comments from Highways.
- 7.34 The Highway Authority requested further detail on how carers will be prevented from using the private motor car to access the site and felt that the proposed bollards were not acceptable. The Officer also felt that carers

could park legally on street, with the need to cross the road being to the detriment of highway safety.

- 7.35 With regards to the car access element, Highways have requested assurance that all potential future operators of the nursery would be willing to maintain the nursery as a 'car-free' site, as per the initial proposal, just in case the operator changes in the future. A written statement of assurance between Pembroke College and Queens' College, has been submitted. All operators of the site would be bound to ensure the same 'code of conduct' for parents. This position has been confirmed in the Transport Statement and Travel Plan submitted. The references to bollards within the Transport Statement have also been removed. Highways also commented on the interpretation of the accident data, requesting that the analysis of collision data be extended to offset the potential impact of COVID-19 lockdowns. Typically, the latest available five-year period is utilised in a collision assessment (2017-2022), but in response to highway comments 2015 and 2016 have now been included within the analysis for robustness. The conclusion remains that the number and severity of collisions is relatively low.
- 7.36 There are bus stops in close proximity to the existing access to the site and opposite, as well as a cycle lane between the highway and the public footpath. There have been recent works on Barton Road to create new / improved cycle lane and this has reduced the width of the main roadway. Third Party objectors have expressed concern that because Barton Road is very busy, the constant heavy traffic could be dangerous to young children and their parents getting out of or into cars beside the proposed nursery or trying to cross the road and there may be clashes between buses using the stop which would increase risk to any children on foot. This stretch of Barton Road has no on street parking and has double yellow lines. Parents/carers cannot use this highway immediately outside the application site for dropping off/picking up. The only cars which would be permitted to access and park within the site are two Blue Badge Holders. The gates to the site are to be relocated further back into the site to allow cars to draw clear off the public highway and footpath. As such it is considered that there would be no a danger to road safety in particular to pedestrians as a result of car drivers trying to stop/wait on this highway and there would not be a detrimental impact on road safety through conflict between cars using the site and buses. The public footpath would be kept clear of vehicles. As only two cars would be accessing the site there would not be any additional harm to users of the footpath.
- 7.37 Pembroke College, in partnership with Queens' College, have given assurance that any future operator of the nursery proposed at 26 Barton Road will not permit users (except for Blue Badge holders) to park or drop-off/pick up children using motor vehicles. There are available on-street car parking spaces opposite the proposed development so parents/carers could park legally on street. Highways have commented that this would, however, require parent/carers and children to cross Barton Road which would be to the detriment of highway safety. However, there is a pedestrian crossing on

Barton Road, close to the junction with Grange Road which parents/carers will be encouraged to use to access the opposite side of the road.

7.38 A condition requiring a plan for active management of unauthorised parking by parents during pick up / drop off core times, including the designation of traffic marshals will be attached to ensure this is carried out. A condition is also required to ensure that the Travel Plan is implemented, fully adhered to, monitored, and reviewed after 6 months of operation, as well as condition restricting on-site parking to Blue Badge holders only.

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

7.40 **Cycle and Car Parking Provision**

7.41 Cycle Parking

7.42 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis. The requirement is for 2 spaces for every 5 members of staff, 1 visitor space per 5 children and an area to be provided for the parking of cargo bicycles/trailers. To the frontage of the building there will be 2 disabled parking spaces, allowing accessible parking for either staff or parents. There would be 16 visitor bicycle parking spaces, or 13 spaces with a cargo parking space. A larger area of bicycle parking is provided to the east of the building, with total spaces for 36 bicycles, or 31 with 2 cargo parking spaces. There would be 14 staff.

7.43 6 spaces would be required for staff. 9 visitors' spaces are required. There would be 44 cycle spaces in total, 13 visitor cycle parking, 31 other cycle spaces and three cargo parking spaces. 16 cycle parking spaces will be provided at 26 Barton Road for staff. These spaces are all located within the secure area to the east of the building. In addition, there is cycle parking provided for staff at the shared college sports facility on Barton Road. At present, there are 58 cycle parking spaces at the shared college sports facility on Barton Road, which is approximately 1.2km to the west of 26 Barton Road. Surveys show that only 27% of these spaces are typically utilised; therefore, there are ample parking spaces available for the staff to utilise.

7.44 Car Parking

7.45 Car parking Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Car-free and car-capped development is supported provided the site is within an easily walkable and

cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls.

- 7.46 The proposal does not provide on-site parking facilities for staff or parents, other than the disabled space provision. The scheme will be car-capped with the intention that staff and parents will either walk or cycle to the site. Pembroke College, in partnership with Queens' College, have given assurance that any future operator of the nursery proposed at 26 Barton Road will not permit users (except for Blue Badge holders) to park or drop-off/pick up children using motor vehicles. With respect to offsite parking for staff, it has been agreed that car parking provision of 10 spaces will be provided for staff at the 65-space shared college sports facility on Barton Road, which is approximately 1.2km to the west of 26 Barton Road. From the sports facility, staff will walk or cycle to 26 Barton Road, the route will be signposted to staff in the Travel Plan and utilises quiet routes and a toucan crossing point on Barton Road.
- 7.47 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.

7.48 **Amenity of adjacent residential properties**

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

The emerging Policy SNNP12 of the neighbourhood plan states:

All development proposals (including alterations, extensions, conversions, and infill developments) are expected to:

a) Not lead to unacceptable overlooking (loss or privacy an immediate outlook) or overshadowing (loss of daylight and sunlight). Proposals that incorporate extensive areas of glass directly facing neighbouring properties will not be supported.

b) Ensure existing and future occupiers are not exposed to unacceptable levels of pollution that may arise from the development. This can include noise, smoke, fumes, refuse and/or lighting during construction and occupation.

- 7.50 Operational Impacts (Noise) from plant and use

- 7.51 The Council's Environmental Health team have assessed the application and have expressed concern regarding noise from the operation of the proposed air source heat pump (ASHP) as well as the noise impacts from the proposed use of the external play area. Third Parties have also objected to the proposal regarding the impact of noise from the external play area.

- 7.52 It has been confirmed that the height of the barrier around the ASHP will prevent line of sight and will provide a level of sufficient acoustic attenuation to upper levels of adjacent residential properties. The provision of an acoustic enclosure has been recommended to ensure noise impact is reduced to a suitable level. In this respect Environmental Health Officers are able to support the ASHP with a recommended plant noise insulation condition.
- 7.53 Environmental Health Officers consider the noise impact from the external play area will be from impulsive noise events from children shouting / screaming. Impulsive events are most likely to trigger emotional reactions from neighbours and cause annoyance. Noise from a nursery play area would not be determined as noise without character, previously termed "anonymous noise" (e.g. traffic noise). The noise would attract attention and be distinguishable. BS8233:2014 states "*Noise has a specific character if it contains features such as a distinguishable, discrete and continuous tone, is irregular enough to attract attention, or has strong low-frequency content, in which case lower noise limits might be appropriate*".
- 7.54 It has been noted within the supporting letter supplied that there is there is a lack of research and guidance on calculating emotional responses from nurseries. Environmental Health have also noted that there is no specific good practice guidance as to how to assess and consider noise originating from nurseries.
- 7.55 Boundary fences are proposed to be installed as part of the scheme to the north, east and western boundaries of the site and are understood to be 2m above ground level. This would provide sufficient acoustic reduction to the rear gardens and outdoor amenity space to both 2 and 4 Grange Road and to ground floor living accommodation. However, there will be insignificant acoustic reduction for residents at first floor level. The noise assessment has been based on BS4142, which applies specifically to the assessment of industrial and commercial noise. However, while the practice has been effective in assessing such forms of noise, the EHO has specifically noted that the noise likely to arise from the proposed use would be variable, and the assessment therefore provides no comfort that noise could be appropriately mitigated from.
- 7.56 The noise assessment confirms that even with increasing the barrier to 3m, the expected impact at first floor levels would still be adverse as the levels remain roughly as predicted for the 2m barrier. Due to this, Environmental Health Officers have concerns that if planning consent were to be granted, even with the recommended noise mitigation measures, the scheme is still likely to have an unacceptable adverse impact on the living conditions and quality of life / amenity of neighbouring properties and it is unlikely that satisfactory noise levels can be achieved at nearby receptor locations to ensure a good standard of amenity and quality of life of nearby residents.

- 7.57 The 1st floor windows of the nearby residential receptors are understood to comprise of a bedroom and landing windows. Although these rooms are less likely to be used during daytime hours, BS8223:2014 acknowledges daytime resting limits in bedrooms and the importance of having suitable conditions for concentration for study and work which is important for those who work from home. There is no certainty that these rooms will not be used for either of these functions during the daytime hours.
- 7.58 Notwithstanding the above, it is important to note that the predicted noise levels and impacts are only expected to occur during the use of the external play areas. The external play areas will not be in use during the evening or night-time when the ambient noise levels are lower. It can be argued that during daytime hours there may be other disturbances to occupants of these first floor rooms.
- 7.59 Therefore, it is considered that the actual real-world impact on the surrounding areas is likely to be considerably less significant than the worst-case predictions that are presented in the reports.
- 7.60 The nursery opening hours have been detailed as 07:30 – 18:00. A condition restricting hours of use would be attached. It is considered that it would be unreasonable to restrict the use of the outdoor spaces given there are 45 children and a limited amount of space. Outdoor space is a key part of the children's learning and is something that Ofsted recognise as being extremely beneficial for children's development.
- 7.61 It is considered that any excess noise from the children could be managed by staff. By virtue of their age and development, the children are unlikely to be excessively loud. Any potential noise source, i.e. from babies crying or children screaming/crying would not be sustained, as it is in the interest of the nursery to retain a peaceful environment for the benefits of all the children in their care. However, it is accepted that it is unrealistic to expect children to play quietly and there is the possibility that they could be noisy.
- 7.62 Due to the close proximity to these neighbouring residential properties, it is recommended by Environmental Health Officers that the playrooms located at the shared residential site boundary with 2 Grange Road, have an alternative ventilation system to open windows to allow windows to be kept closed during noisy internal events whilst obtaining an adequate ventilation rate for the staff and children. However, the applicant has confirmed that, this cannot be achieved as to prevent overheating, the sash windows need to open 100mm at the bottom with the top of the sash dropped to its furthest extent, with around 45% of the glazed area open. Given the noise impact would be mitigated at ground floor level, this is considered acceptable.
- 7.63 A condition requiring a Noise Management Plan will be attached.
- 7.64 The use of the premises will be restricted via a condition to Class E (f), as a children's nursery only. This is because there are some uses in this class which would require additional assessment in terms of impact on amenity

of the adjacent residential occupiers. Each very different use with varying complex environmental impacts contained within class E must be adequately controlled to protect local amenity and quality of life. The main uses within the class E category with the greatest potential for impact on the surrounding environment from an environmental health perspective beside “creche, day nursery or day centre” are likely to be the “sale of food and drink”, “indoor sport, recreation and fitness” A condition will be attached to ensure that there is not unrestricted use of the building as Class E.

7.65 The principle of development has been accepted and there is an identified need for the nursery places. The recommendation of Environmental Health Officers to refuse is on the basis of the harm to amenity, and not adverse impacts to human health, which has a higher threshold. The consideration of impacts to amenity in respect to noise from children is a subjective matter.

7.66 The type of relationship proposed with surrounding residential properties is seen elsewhere in the city and given that the outdoor play area would only be used during the day, the impact would be for short periods throughout the day. The benefits of the proposal are considered to outweigh the harm to amenity.

7.67 The wider context further demonstrates the mix of uses, with College sports grounds particularly prevalent in this area, including Newnham and Gonville & Caius Sports Grounds to the east, St Catharine’s and Pembroke Sports Grounds to the south as well as Queens’ College and Robinson College Shared Sports Grounds to the west. There are also existing children’s nurseries in the area, including Monkey Puzzle Day Nursery to the north at 8 Grange Road and Millington Road Nursery to the south (behind Croft Gardens).

7.68 Impact on amenity of neighbouring occupiers in terms of overshadowing, overlooking or overbearing.

7.69 **24 Barton Road**

7.70 This property adjoins the application site to the east. Concern has been expressed that the staff kitchen upstairs will particularly impinge on privacy especially with the sink positioned at the window, as any users will directly look into windows and garden while using it. Request that the sink is moved away from the window so that staff are not encouraged to stare at our property while working. There are already windows at first floor which face this property, which serve bedrooms to the student accommodation. However, a condition is recommended that this window is obscurely glazed.

7.71 **2 Grange Road**

This property adjoins the application site to the west. The proposed extensions to the rear are sufficiently sited away from the boundary.

7.72 **4 Grange Road**

7.73 This property adjoins the application site to the north. The proposed extensions to the rear are sufficiently sited away from the boundary.

7.74 Subject to conditions, the proposal adequately respects the amenity of its and is considered that it is compliant with Cambridge Local Plan (2018) policies 35 and 58.

7.75 **Biodiversity**

7.76 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.

7.77 There is no requirement for Biodiversity Net Gain in this instance. However, a condition will be attached to ensure that biodiversity enhancements such as bat and bird box installation, hedgehog connectivity, and other enhancements are incorporated into a scheme in line with the Greater Cambridge Biodiversity Supplementary Planning Document (2022) and delivered on site.

7.78 Taking the above into account, the proposal is compliant with policy 70 of the Cambridge Local Plan (2018).

8.0 **Planning Balance**

8.1 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).

8.2 The proposal would provide much needed nursery places in a sustainable location. It would provide a community facility and would be in accordance with Policy 73 of the Cambridge Local Plan 2018.

8.3 The proposed works to enable the change of use of the building to the nursery use are minor, and largely internal. It is considered that the proposals will deliver a high-quality scheme that will continue to accord with the character and appearance of the conservation area. The proposal is compliant with policies 58 and 61 of the Cambridge Local Plan 2018.

8.4 The harm to highway safety from the location and use of the building and safety of the children and parents/carers can be mitigated through measures outlined in the Parking Management Plan and the Travel Plan. The proposal is in compliance with policies 80, 81 and 82 of the Cambridge Local Plan 2018.

- 8.5 Noise from the proposed ASHP and the use of the site be mitigated through acoustic fencing. The noise from the use of the outdoor learning/play areas would have an impact on the upper floors to adjacent residential properties, at 2 and 4 Grange Road. These upper floor rooms may be used for sleeping/resting or home working though the day. However, during the day, any occupiers of these rooms may be disturbed by other activities, and it is accepted that there is a different background of noises during the daytime. It is therefore considered that any harm that may be perceived as resulting from the development, would be outweighed by the benefits of the development. Noise insulation mitigation measures would ensure that harm through the use of the site is minimised as far as possible and the proposal would be in compliance with policy 35 of the Cambridge Local Plan 2018.
- 8.6 Members will need to take a reasoned view on the predicted noise levels and potential disturbance to the upper floors of adjoining residential properties in terms of real-world impacts and must weigh these against the benefits of the proposed development for the local community.
- 8.7 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

9.0 Recommendation

9.1 Approve subject to:

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

10.0 Planning Conditions

1. The development hereby permitted shall be 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.

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 any works being carried out adjacent to retained trees root protection areas 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 report of this meeting will be submitted to the tree 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 Prior to the occupation of the change of use, a scheme of ecology enhancement shall be supplied to the local planning authority for its written approval. The scheme shall include details of bat and bird box installation, hedgehog connectivity, and other enhancements as applicable and in line with the Greater Cambridge Biodiversity Supplementary Planning Document (2022). The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, Cambridge Local Plan 2018 policy 70 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

- 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 operational plant, machinery or equipment shall be installed until a scheme of 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).

- 10 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; hard surfacing materials; boundary treatment; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting);

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)

- 11 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 including cargo cycles/trailers, for use in connection with the development shall be 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 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).

- 12 Prior to the first use of the development, hereby permitted, the Badge Parking Spaces shown on plan reference 47C 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)

- 13 There shall be no parking of motor vehicles on the premises at any time by staff or parents other than by Blue Badge holders.

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

- 14 Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), the use hereby permitted shall not be used for any other purpose than as a creche/nursery (Class E(f)) within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

- 15 There shall be no more than 45 children in attendance daily at the nursery hereby permitted at any point during its operation.

Reason: To limit the impacts of noise and traffic from a use that, at a greater intensity, would give rise to impacts not considered as part of this application, in accordance with policies 35 and 81 of the Cambridge Local Plan 2018.

- 16 The nursery (Class E(f)) hereby permitted shall not operate except between the hours of 07:30 am to 18:00 pm Mondays to Fridays and at no time on Saturdays or Sundays or Bank or Public Holidays.

Reason: To protect the amenity of neighbouring property from impacts of noise and activity in accordance with policy 35 of the Cambridge Local Plan 2018.

- 17 The Travel Plan dated February 2023, Project Code: 06215 shall be implemented in full and monitored as approved upon the occupation of the development. A baseline survey will be undertaken 6 months post occupation of the property and the results submitted to the Local Planning Authority. Following the baseline survey, travel surveys shall be undertaken annually to measure the effectiveness of the TP against the baseline conditions.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

- 18 Prior to the commencement of development, as part of a parking management scheme to ensure highway safety, details are required of the measures / mechanisms that will be in place to ensure active management of unauthorised parking by parents during pick up / drop off core times and to ensure there is no conflict between pedestrians and cyclists entering the site.

The scheme should include details of:

- o The designation of one staff member as traffic marshal to greet and manage users of the nursery at peak times and remind parents not to use the bus stop or highway for informal pick-up / drop-off and to use the pedestrian crossing when using on road parking spaces opposite.
- o Complaints procedure for residents, with contact details for site manager.
- o details on reviewing and updating the plan when necessary.

Reason: To ensure the safety of highway users and users of the nursery. (Cambridge Local Plan 2018 Policies 81 and 82).

19 Prior to the operation of the premises as approved, the applicant shall provide a Noise Management Plan (NMP) for approval by the Local Planning Authority. The NMP shall include details on (but not be limited to);

- o management and control of access to external areas, including numbers of children using the areas at any one time and hours of use of the external areas,
- o Staff ratio per child whilst children playing outside and how they would be supervised,
- o how excessive noisy behaviour will be controlled/managed, and how children will be taught/reminded of the effect of noise on neighbours,
- o confirmation that there will be no amplified music / voice on the premises,
- o confirmation that there will be no musical activities or use of percussive, hard wheeled and other potentially noisy toys etc in the external areas,
- o complaints procedure for residents, with contact details for site manager, and
- o details on reviewing and updating the NMP when necessary.

The NMP shall be implemented and retained as approved thereafter.

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

20 Prior to the occupation of the development, hereby permitted, the first-floor side facing windows to the kitchen, in the east elevation and shown on drawing no. 86, 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.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55 and 58).

21 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).

Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs

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Agenda Item 9



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 (no. 24 Devonshire Road), 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 along 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 approximately 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 palette 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)
- No other developments of this nature in the street

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 with 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 recommendations 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 proposed 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 in 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. However, it would be impossible to control instances of blinds or window coverings that could be erected inside the existing structure, which would block any views and light to the neighbouring window. The design of the proposed first floor element is considered to be considerate as it would allow for sunlight to enter the neighbouring garden and window over the top of the dual pitch roof.
- 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 in the rear garden of the development site. A distance of over 3.2m will be retained between the proposed ground floor extension and the outbuilding and does not result in an unacceptable level of built form and enclosure along the shared boundary.
- 9.23 Permitted development rights allows for 4m single-storey extensions to be built from the original rear of dwellings. With original rear of the dwelling at no. 25 in mind, the proposed development is only 0.4m above what would be achieved through permitted development. As a result, a distance of 3.6m along the boundary would remain between a permitted development rear extension and the existing outbuilding. This would be a difference of only 40cm when compared to the development proposed under this application.
- 9.24 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.
- 9.25 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.

- 9.26 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 demonstrates the development would not break the vertical measurement and as a result, daylight and sunlight levels are unlikely to be adversely affected.
- 9.27 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 application 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.
- 9.28 Site visits were completed by officers on three occasions, once to the application site (25 Devonshire Road) and twice 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.

- 9.29 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.
- 9.30 **Other Matters**
- 9.31 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.
- 9.32 Concerns have been raised regarding the water run-off and maintenance from the proposed extensions. For the ground floor extension, the area within the development site where the proposed extension would project is currently paved. When considering 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. The proposal is contained within the red line of the development site and therefore drainage and water run-off are required through Building Regulations to be contained within the development site. Access for maintenance and party wall matters are a civil matter between neighbours and not a planning consideration.
- 9.33 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. Any conditions requesting a scheme of biodiversity enhancement would be onerous.
- 9.34 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.
- 9.35 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 and July 2023. Officers are satisfied that neighbouring occupiers / owners have had sufficient notice of changes.

- 9.36 Bin Storage and Car/Cycle parking arrangements at the site will be unaffected by the proposal.
- 9.37 Officers have no other concerns regarding the impact of the scheme on any other residential neighbours.
- 9.38 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.

9.39 **Planning Balance**

- 9.40 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).
- 9.41 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 neighbouring owner and occupiers of no. 24 Devonshire Road located 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. These objections have been duly noted and acknowledged throughout this report. 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. There are no significant harmful neighbour amenity impacts arising.
- 9.42 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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Planning Committee Date	6 th September 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/01039/FUL
Site	45 Highworth Avenue
Ward / Parish	West Chesterton
Proposal	Residential redevelopment comprising two detached dwellings to the rear with garages on the site frontage along with cycle parking and associated infrastructure following demolition of existing buildings on site. Resubmission of 22/05407/FUL
Applicant	Dyason Developments Ltd
Presenting Officer	Nick Yager (Standing in for Dean Scrivener)
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Design/Visual impact2. Neighbour Amenity3. Car and cycle parking/access4. Biodiversity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application is for full planning permission for the erection of two dwellings to the rear of the site, with garages and cycle parking set to the front, following demolition of the existing buildings.
- 1.2 This is a resubmission of a previous application which was refused at Planning Committee on the 1st September 2021 (21/01476/FUL). The reasons for refusal referred to; the massing and scale of development, overbearing impact upon neighbouring properties, noise and disturbance generated by vehicular movements and the failure to demonstrate a biodiversity net gain on the site.
- 1.3 The decision was appealed by the applicant, which was dismissed on grounds of noise and disturbance generated by vehicles entering and exiting the site, causing harm upon the amenities of neighbouring properties (APP/Q0505/W/21/3289046). None of the other reasons for refusal were upheld by the inspector. A copy of this appeal decision in Appendix 1 of this report.
- 1.4 As such, the current application to be presented at this Planning Committee is a resubmission of the previous refused application, which has been revised to address the dismissed appeal. The main amendments are the removal of car parking from within the site, to the front of the site, in response to the appeal decision. As such, the application no longer proposes a dwelling to the front of the site. Garages are now proposed to the front.
- 1.5 The applicant has submitted additional information in the way of a Biodiversity Net Gain Report and supplementary biodiversity data. Also, a cross section drawing has been provided with amendments to the car parking spaces, to provide more space around the spaces. A re-consultation period has been undertaken on these amendments.
- 1.6 Officers recommend that the Planning Committee approve the application, subject to the recommended conditions listed below.

2.0 Site Description and Context

None-relevant	X	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1 (low flood risk)	
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 of a 'T' shape with a bungalow and garages set back from the road and behind the building line. The bungalow sits within the main spine of the 'T' shaped site. The site also sits directly behind No.43's and No.47's gardens in a rectangular area of land.
- 2.2 To the north/north-east/east is Highworth Avenue, especially no's 43, 47 and 51 Highworth Avenue. To the west/south-west is Hurst Park Avenue. The site is surrounded by residential properties and their verdant spacious green gardens.

3.0 The Proposal

- 3.1 This application is for full planning permission for the erection of two dwellings to the rear of the site, with garages and cycle parking set to the front, following demolition of the existing buildings.
- 3.2 A previous application (21/01476/FUL) for residential development, which was for two detached dwellings properties at the rear and one detached dwelling at the entrance of the site, with car and cycle parking, was refused by the Planning Committee on the 1st September 2021 for the following reasons:
- 1) *'The proposed scale, bulk and form of the dwellings at the rear of the site would appear as inappropriate back-land development, starkly out of keeping with the verdant rear garden environment in which the properties would be located and particularly when viewed from Highworth Avenue down the long driveway. The proposal would be out of keeping with the character of the surrounding area contrary to Policies 52, 55 and 57 of the Cambridge Local Plan 2018.'*
 - 2) *'No.51's garden is sited immediately adjacent to the north-west rear boundary of the site and plot 2. The excessive length, height, form and bulk of the north west facing elevation and its return would result in a significant overbearing impact upon the rear garden of No.51 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.'*
 - 3) *'The rear dwellings plots 1 and 2 would be sited directly and in close proximity to the rear of the gardens of No.43 and 47 Highworth Avenue. Due to the limited gap between these properties and the proposed dwellings, and by virtue of the proposed scale, bulk and form of the dwellings, the proposal would result in an unacceptable sense of overbearing upon the rear gardens of No.43 and 47 Highworth Avenue'*

contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.'

- 4) *'The proposal would introduce additional vehicular movements into an otherwise peaceful rear garden environment generating additional noise and disturbance impacts to neighbouring properties contrary to Policies 35, 52, 55, 56 and 57 of the Cambridge Local Plan 2018.'*
- 5) *'The application has failed to demonstrate that the proposal would not result in a net loss of biodiversity or that through mitigation, no net loss or net gain is possible when taking into account the recent loss of the mature trees on the site. As such, the proposal is contrary to policy 70 of the Cambridge Local Plan 2018 and NPPF 2021 guidance, paragraph 180.'*

3.3 Following the appeal decision (APP/Q0505/W/21/3289046) which was dismissed on reason for refusal 4 (RFR4) only, the current application is a resubmission of this previously refused scheme. The main amendments are the relocation of car parking from within the site, to the frontage of the site, and the removal of the dwelling which was previously located at the frontage of the site. The proposed dwellings have a larger footprint but are set within the same locations as the previous application.

4.0 Relevant Site History

Reference	Description	Outcome
19/1408/FUL	Residential redevelopment comprising three link detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing building on the site.	Refused
21/01476/FUL	Residential redevelopment comprising two detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing buildings on site.	Refused
APP/Q0505/W/21/3289046	Appeal decision of refused application 21/01476/FUL	Dismissed

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 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 58: Altering and extending existing buildings

Policy 59: Designing landscape and the public realm

Policy 61: Conservation and enhancement of Cambridge's historic environment

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

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

Cycle Parking Guide for New Residential Developments (2010)

Cambridge On-Street Residential Parking Study (2016)

6.0 **Consultations**

6.1 **County Highways Development Management**

6.2 No objections subject to conditions regarding the construction of the access, a contractors parking plan and visibility splays.

6.3 **Sustainable Drainage Officer**

6.4 No objections subject to conditions regarding a surface water drainage scheme and a foul water drainage scheme.

6.5 **Trees Officer**

6.6 No comments received (out of time)

6.7 **Environmental Health**

6.8 No objections subject to conditions regarding a time restriction on construction hours and deliveries, dust mitigation and piling methods adopted.

6.9 **Ecology Officer**

6.10 No objections however has requested a scheme for the provision of a Preliminary Ecology Appraisal (PEA) to be submitted to establish which DEFRA Metric was used to inform the BNG proposed on site.

6.11 **Archaeology Officer**

6.12 No objections subject to a pre commencement condition requesting a Written Scheme of Investigation.

7.0 Third Party Representations

7.1 A total of 82 objections have been received. Their comments are summarised below:

- Character, appearance and scale not in keeping with character of the area
- Inappropriate design within the locality
- The proposed dwellings are larger in size when compared to previous application
- Risk of setting a precedent for future back land development in local area
- Private housing is not required, affordable housing should be prioritised
- Overdevelopment
- Increases particulates and nitrogen dioxide emissions
- Residential amenity impact (impacts on privacy, overbearing, noise and disturbance, overlooking)
- Garages will be used for storage purposes and/or even private business/commercial use which would result in amenity impact
- Garages are not well designed and would be an eyesore within street scene, especially as they sit forwards of the existing building line. They are out of keeping with the existing development along Highworth Avenue
- The proposal does not overcome the inspector's decision regarding noise and disturbance
- The inclusion of fireplaces still remains an issue
- Construction Impact
- Highway safety
- Pedestrian/Cyclist safety
- Increased car parking competition
- Proposed landscaping would affect cars being able to park
- Car parking will be an issue on Highworth Avenue due to the narrow nature of the road, especially with delivery vehicles blocking access
- Future occupants will need to walk a larger distance from the access to the dwellings/taking bins out
- Emergency vehicle access will be an issue
- Cycle parking provision
- Loss of biodiversity
- Loss of trees
- Loss of garden/openness
- Lack of landscaping details
- Occupancy restriction
- Flood risk
- Light pollution
- Proposed conifer/hedgerows having an impact upon the neighbouring property
- Bin storage – it is unclear which bins are to serve the proposed dwelling
- Plans are not to scale and have inaccurate labelling
- Could be used for Buy to Let or Air BnB uses
- The land has historic value and the development would lose this right of way which used to be located at the rear of the site

-The proposal is not in accordance with the existing Building Plan which was established when the properties along Highworth Avenue was constructed

7.2 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.

8.0 Assessment

8.1 Principle of Development

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

8.3 Policy 52 of the Cambridge Local Plan 2018 states that development in the rear gardens where it meets the criteria of the policy will be supported.

8.4 Most of the representations received have raised concerns that the proposal does not accord with Policy 52 and that the redevelopment of existing garden land would result in a visual impact upon the character and appearance of the local area, as well as set a precedent for future back land development within the locality.

8.5 Reason for refusal 1 (RFR1) of the previous application read as follows:

'The proposed scale, bulk and form of the dwellings at the rear of the site would appear as inappropriate back-land development, starkly out of keeping with the verdant rear garden environment in which the properties would be located and particularly when viewed from Highworth Avenue down the long driveway. The proposal would be out of keeping with the character of the surrounding area contrary to Policies 52, 55 and 57 of the Cambridge Local Plan 2018.'

8.6 The appeal decision did not uphold RFR1 and this is a material planning consideration which must be taken into account when assessing the current application against Policy 52.

8.7 At present, the site is occupied by a sizeable bungalow which is set further back than the existing building line. Although, the height of this bungalow is lower than the proposed dwellings, its roof pitch can be seen from Highworth Avenue at present, above the existing garage set to the front of the site. As such, there is an element of back land development which already exists on this site.

- 8.8 Due to their back land setting and being set further within the site and out of any prominent views from Highworth Avenue, the proposed dwellings are not considered to result in any visual impact upon the character and appearance of the local area. In support of this view, the inspector's decision states under paragraph 12 of the appeal decision; '*Whilst the proposal would result in two dwellings behind the line of development, they would be set further back than the existing dwelling, reducing their prominence*'.
- 8.9 Furthermore, the dwellings would comprise a monopitch style roof form, which helps mitigate any visual impact of the dwellings and reduce their overall massing. Both dwellings would be located within the rear of the site and comprise a similar height as the previous scheme. It is noted that the inspector does state that the previously proposed dwelling to the front of the site (plot 3), would provide screening of plots 1 and 2 at the rear. Despite this, the current application proposes two garages which would sit higher than the existing garage, and therefore there would an element of screening would still be provided, which would limit views of the proposed dwellings behind.
- 8.10 There are concerns raised amongst the representations received, in regard as to how the proposal does not accord with Policy 52 and that should the proposal be approved, then a precedent would be set for future back land development within the locality.
- 8.11 Policy 52 sets a number of criteria for which development must accord with. These criteria will be referred to throughout this report as each criterion refers to specific planning considerations. In terms of principle of development, it is considered that the site is more than capable of accommodating the two dwellings which are of an appropriate height and layout and would not interfere with the prevailing character of the area. These views are further supported by the inspector.
- 8.12 In terms of setting a precedent, every application is assessed against its own merits and existing site constraints. In this instance, the proposal would deliver two residential dwellings there are no existing site constraints which would prevent the development.
- 8.13 Given the reasons laid out within the appeal decision and the similarities between the previous application and the current scheme, with regards to the layout, height, form and siting, the principle of back land development on this site is considered to be acceptable and is in accordance with policies 3 and 52 of the Cambridge Local Plan 2018, subject to the below considerations.
- 8.14 **Context of Site, Design and External Spaces**

- 8.15 Policies 55, 56, 57, and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 8.16 Highworth Avenue is characterised by two storey dwellings that are either detached or semi-detached with driveways in front for the parking of vehicles. Officers consider there is not a strong uniform character along Highworth Avenue in terms of building design, other than the buildings comprising traditional details such as bay windows and brick materials.

Proposed Dwellings

- 8.17 The proposed dwellings would measure 7m in height (including chimney), 12.5m in width and 21m in depth. It is acknowledged that the dwellings would contain a larger footprint when compared to the previous scheme however this increase in footprint would be restricted to ground floor level. The first floor level remains the same as the previous scheme and therefore Officers consider that this increase would be concealed from views into and out of the site, limiting any visual impact of the proposal upon the surrounding area.
- 8.18 Moreover, the dwellings would comprise a monopitch roof form which would lessen the overall height of the dwellings, and thus their visibility within the locality would be lessened. It is acknowledged that the chimneys and the ridge of the monopitches would be visible from Highworth Avenue above the proposed garages, however their prominence would not be overly excessive to result in significant visual harm to warrant a refusal on these grounds.
- 8.19 Despite the contemporary design which is not evident at neighbouring properties along Highworth Avenue, their set back location would not result in the development being overly prominent and thus any significant visual harm upon the character and appearance of the local area would be limited. Details of materials will be secured via a condition.
- 8.20 The appeal decision does not refer directly to the proposed design and appearance of the proposed dwellings. As such, it is considered that the inspector did not consider that the design, form and appearance of the two plots proposed to the rear of the site (the same two as proposed here), would impose a form of development which would be significantly discordant with the prevailing character of the area to result in harm.

Garages

- 8.21 As mentioned above, the previous scheme proposed a third dwelling (plot 3) to the front of the site. Under the current scheme, this dwelling has

been removed and replaced with two garages which serve the two dwellings to the rear.

- 8.22 The appeal decision refers to the previously proposed dwelling as comprising a traditional design which is sympathetic to the character of the area. The proposed garages would comprise a height of 5.5m in height, 7.6m in width and 8.8m in depth. These proportions are less than those of the previously proposed dwelling, which was deemed acceptable and as such, the proposed scale of the garages is considered to be acceptable.
- 8.23 Moreover, the proposed garages are considered to resemble a more traditional design and appearance, with brick and timber cladding materials, which are in keeping with the character and appearance of the neighbouring dwellings along Highworth Avenue.

Landscaping

- 8.24 The existing site is laid out as a garden area with mature vegetation, trees and garden buildings. As part of the proposed development, new trees and soft landscaping is to be incorporated within the site, with footpaths laid in between connecting the dwellings to the garages. The layout of the development is suitable for the area and would be appropriate. Conditions are recommended to secure the detail of the soft and hard landscaping, and to ensure their retention.
- 8.25 There is a concern raised by a neighbouring property in relation to the proposed trees/hedgerows having an impact upon the neighbouring properties. As clearly illustrated on the proposed site plan, the proposed tree positions are located as such that would be inset from the boundaries with neighbouring properties. The conditions as aforementioned shall secure these details and Officers will be able to ensure that all soft landscaping is kept within the boundaries of the site.

Conclusion

- 8.26 Overall, after considering the appeal decision and subject to conditions requesting material and landscaping details, the proposed development is a high-quality design that would not result in significant visual harm upon the character and appearance of the local area and be compatible 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.
- 8.27 **Carbon Reduction and Sustainable Design**
- 8.28 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.

- 8.29 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.
- 8.30 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.
- 8.31 Conditions are recommended which require submission of a Carbon Reduction Statement to meet part L of Building Regulations, and water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations.
- 8.32 In addition, an informative shall be attached to ensure the development complies with Part O and F of the Building Regulations, in respect of energy efficiency.
- 8.33 Subject to the above conditions, the issue of sustainability and renewable energy and the proposal is in accordance with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.
- 8.34 **Biodiversity**
- 8.35 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.
- 8.36 Reason for reason 5 (RFR5) of the previous scheme was refused on the following grounds:
- 'The application has failed to demonstrate that the proposal would not result in a net loss of biodiversity or that through mitigation, no net loss or net gain is possible when taking into account the recent loss of the mature trees on the site. As such, the proposal is contrary to policy 70 of the Cambridge Local Plan 2018 and NPPF 2021 guidance, paragraph 180.'*

- 8.37 Under paragraph 15 of the appeal decision, the inspector considers the site to have a small contribution to biodiversity of the surrounding area, given its small scale, and as such does not consider this small contribution to be irreplaceable. Consequently, the inspector does not uphold RFR5 in the appeal decision and concludes that suitably worded conditions would be sufficient to ensure the development provides ecological enhancements on site, under paragraph 16.
- 8.38 As recommended before, conditions requesting ecological enhancements to be integrated within the design and development of the site, as well as the submission of details demonstrating a Biodiversity Net Gain are recommended, in accordance with the Local Plan and the Biodiversity SPD.
- 8.39 The applicant has submitted a Biodiversity Net Gain (BNG) Report and a supplementary data spreadsheet, which summarises the main findings of the report. There are concerns raised amongst the representations received, in relation to the clearance of the site and that the proposed BNG does not account for this, suggesting the baseline used in the BNG report is not accurate.
- 8.40 The Ecology Officer has been consulted on the application and has requested that an updated Preliminary Ecology Appraisal (PEA) is submitted to determine which DEFRA Metric was adopted to establish the BNG being proposed. The applicant has submitted an updated PEA with the current application and an updated BNG Report, which concludes that an on site BNG can be achieved.
- 8.41 Given the concerns raised regarding the BNG results, Officers have discussed these updated reports with the Ecology Officer and it is considered that the site conditions are unlikely to have changed significantly since the appeal decision of last July, and therefore Officers consider the BNG report to be valid and that a BNG on site can be achieved. It is only essential for all developments to demonstrate a BNG can be achieved on site, no matter how small the gain is. Therefore, in this instance, in addition to the Inspector's commentary at appeal, Officers consider the development can achieve a BNG on site and that suitably worded conditions will be recommended to ensure this.
- 8.42 In the view of Officers, the development is therefore considered to be acceptable in biodiversity terms, subject to the aforementioned conditions.
- 8.43 In addition, a green roof condition is recommended to secure the flat roof elements of the proposed dwellings are provided with green roofs, which would further promote biodiversity on site.

8.44 Subject to the above conditions, Officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species, and would achieve a biodiversity net gain on site. Taking the above into account, the proposal is compliant with policies 57 and 70 of the Cambridge Local Plan (2018).

8.45 **Water Management and Flood Risk**

8.46 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.

8.47 The Council's Sustainable Drainage Engineer has not raised any objections, subject to conditions requesting a surface water drainage and foul water drainage schemes, to ensure that the development does not result in any flooding upon neighbouring sites. These conditions are recommended and are considered necessary and reasonable.

8.48 Subject to the above conditions addressing the issues of water management and flood risk, the proposal is in accordance with Local Plan policies 31 and 32 and the NPPF advice.

8.49 **Highway Safety and Transport Impacts**

8.50 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.

8.51 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.

8.52 The Local Highway Authority has raised no objection to the proposals on the grounds of highway safety, subject to conditions regarding the details of the access for construction, a contractors parking plan, visibility splays and for the access to be constructed of a bound material and the falls and levels to be constructed to prevent private water from draining across the site or onto the adopted highway. These conditions are considered to be necessary and reasonable and are recommended. Therefore, on that basis it is considered that the application is acceptable on this matter.

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

8.54 **Cycle and Car Parking Provision**

Cycle Parking

- 8.55 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. Above 3 bedrooms, 3 spaces should be provided for 4 bedrooms, 4 spaces for 5 bedrooms and so on. 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.
- 8.56 The application proposes cycle parking near to the front of the site, directly behind the garages. Despite these are not located directly to the front of the site, Officers consider their location to be set close enough to the front of the site to enable easy access for future occupiers to use. Each set of cycle parking would accommodate 3 spaces for each dwelling, which is in accordance with the standards set out within Appendix L. Officers consider a condition requesting details of the cycle store is reasonable and necessary, to ensure the cycle are provided within a secure enclosure.
- 8.57 Subject to the condition, the application is in accordance with Policy 82 of the Cambridge Local Plan (2018) and the cycle parking standards as set out within appendix L.

Car Parking

- 8.58 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. The site falls outside of any designated Controlled Parking Zone, where 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. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.
- 8.59 It is noted that the number of car parking spaces proposed has decreased and changed location when compared to the previous scheme. This is in response to reason for refusal 4 (RFR4), and the inspector's decision to uphold this reason at appeal. This will be discussed in further detail below within the Amenity Section.

- 8.60 Residents have raised concerns about parking stress in the surrounding streets and especially on Highworth Avenue. Officers note these concerns however the vast majority of properties along Highworth Avenue have off-street car parking in the form of driveways set to their frontages and therefore the proposed layout with two car parking spaces set to the front of the site, is considered to be in keeping with the area and would alleviate the pressure of on street car parking and is acceptable.
- 8.61 The Site Plan has been amended during the application, which has resulted in a slight change to the car parking arrangements to the front of the site, to allow sufficient space around the spaces to allow future occupiers to pass by and manoeuvre bicycles. Despite this, one car parking space is provided for each dwelling, which are to be located directly to the front of the site, and therefore the proposal is considered to accord with policy 82 of the Local Plan and the standards set out under Appendix L.
- 8.62 **Amenity**
- 8.63 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.

Impact upon Neighbouring Properties

- 8.64 The site is bound by neighbouring gardens on all four sides. To the north/north-east/east is Highworth Avenue, especially no's 43, 47 and 51. To the west/south-west is Hurst Park Avenue. There is a number of objections raised amongst the representations, in respect of the impact upon the amenities of the neighbouring properties.
- 8.65 The previous application was refused on grounds of neighbour amenity impact. This report will discuss these in turn, as they refer to different neighbouring properties.
- 8.66 Firstly, it should be noted that the inspector did not uphold either of these reasons for refusal under the appeal decision and refers to the generous garden spaces which serve the neighbouring properties. Under paragraph 6 of the appeal decision, the inspector states that due to the '*low slung roofs and roof pitches which would slope away from the side boundaries of the site, I find that the two dwellings would not appear as intrusive or dominant features*'. The inspector also refers to the vast distances between the siting of the proposed dwellings in relation to the neighbouring properties, which would '*limit the visual effect of these dwellings with regard to outlook and overbearing impact*'.

Reason for Refusal 2 (RFR2) – Impact upon No. 51 Highworth Avenue

8.67 Reason for refusal 2 (RFR2) of the previous application was refused on grounds of overbearing impact upon No. 51 Highworth Avenue. This read as follows:

'No.51's garden is sited immediately adjacent to the north-west rear boundary of the site and plot 2. The excessive length, height, form and bulk of the north west facing elevation and its return would result in a significant overbearing impact upon the rear garden of No.51 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.'

8.68 No. 51 is located is located to the north east of the site, just offset with the proposed dwelling on Plot 2. This neighbouring property is set 18m away from plot 2, which is considered to be a significant distance away to not result in any significant overbearing or sense of enclosure. This is supported by the inspector's views which are provided above, and although the proposed dwellings would incorporate a slightly larger footprint at ground level, the height of the extended section of footprint is 3m in height and would therefore not result in a significantly harmful level of overbearing impact upon this neighbouring property to warrant refusal on these grounds.

8.69 As such, in light of the appeal decision and that the height of the proposed dwellings has not changed, Officers consider that the current proposal is acceptable in terms of overbearing impact.

8.70 Moreover, in respect of No. 51, given the separation distance, no significant overshadowing or overlooking impact would arise upon this neighbouring property.

Reason for Refusal 3 (RFR3) – Impact upon Nos. 43 and 47 Highworth Avenue

8.71 Reason for refusal 3 (RFR3) of the previous application was refused on grounds of overbearing impact upon Nos. 43 and 47 Highworth Avenue. This read as follows:

'The rear dwellings plots 1 and 2 would be sited directly and in close proximity to the rear of the gardens of No.43 and 47 Highworth Avenue. Due to the limited gap between these properties and the proposed dwellings, and by virtue of the proposed scale, bulk and form of the dwellings, the proposal would result in an unacceptable sense of overbearing upon the rear gardens of No.43 and 47 Highworth Avenue contrary to Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.'

- 8.72 As before, the inspector did not uphold RFR3 within the appeal decision for the same reasons as aforementioned above, in relation to the distances between the proposed dwellings and the neighbouring properties.
- 8.73 No. 47 Highworth Avenue is set directly in line with plot 2 and is 26m away from the proposed dwelling. Officers consider this to be a significant distance away to not result in any significantly harmful overbearing impact upon this neighbouring dwelling, especially given the spacious rear garden serving it.
- 8.74 Similarly, No. 43 Highworth Avenue is set directly in line with plot 1 and is 26m away from the proposed dwelling. Again, Officers consider this to be a significant distance away to not result in any significantly harmful overbearing impact upon this neighbouring dwelling, especially given the spacious rear garden serving it.
- 8.75 As such, in light of the appeal decision and that the height of the proposed dwellings has not changed, Officers consider that the current proposal is acceptable in terms of overbearing impact.
- 8.76 Moreover, given the separation distances between the proposed dwellings and these two neighbouring properties, no significant overshadowing or overlooking impact would arise upon either property.

Other Considerations

- 8.77 In response to concerns regarding overshadowing and loss of light, the previous scheme was not refused on these grounds, nor was it considered at appeal.
- 8.78 Given the relatively low height of the proposed dwellings and separation distances between them and the neighbouring properties, Officers consider that no significant overshadowing impact would arise upon the surrounding neighbouring properties and is acceptable.
- 8.79 As for overlooking and safeguarding privacy of the neighbouring properties, the previous scheme was not refused on these grounds and nor was it considered at appeal.
- 8.80 There are first floor windows set within the side roof slopes of the proposed dwellings however given the angle at which these windows would be set in relation to the neighbouring properties, as well as the separation distances, Officers consider that no direct, nor significantly harmful overlooking impact, would arise in this instance.

- 8.81 There is a window set within the front elevations of the dwellings however these would serve a hallway which is not considered as a habitable space, thus no significantly harmful overlooking impact is considered to arise.
- 8.82 There are concerns raised amongst the representations received, which relate to the change of use of the garages and the potential of these to be used for commercial purposes. Officers consider a condition to restrict the use of the garages so that they remain incidental to the main dwelling house is reasonable in this instance, to safeguard the amenities of neighbouring properties.
- 8.83 Lastly, given the location of the proposed dwellings, Officers consider it reasonable to remove permitted development rights under Class A, B, C and E of the GPDO 2015 (as amended), to have control over any future extension or addition to the dwellings and safeguard the amenities of the neighbouring properties.

Conclusion

- 8.84 Overall, in light of the appeal decision and the similarities between the current scheme and the previously refused scheme, and subject to the above conditions, the proposed dwellings would not result in any significantly harmful impact upon the amenities of neighbouring properties in respect of overbearing, overlooking or overshadowing impacts. As such, the proposed development would comply with Policies 52, 55, 56 and 57 of the Cambridge Local Plan 2018.

Future Occupants

- 8.85 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).
- 8.86 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	2	115	238	+123
2	4	7	2	115	238	+123

- 8.87 As illustrated in the above table, the proposal would comply with Nationally Described Space Standards and is in compliance with Policy 50 of the Cambridge Local Plan 2018.

Garden Size

- 8.88 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers.
- 8.89 A sizeable rear garden area would serve each of the proposed dwellings and provide a good level of external amenity space for future occupiers to enjoy.

Accessibility

- 8.90 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.
- 8.91 Officers consider that the layout and configuration enables inclusive access and future proofing. A condition is recommended to ensure the dwelling is constructed to comply with Building Regulations requirement M4 (2), in accordance with Policy 51 of the Cambridge Local Plan 2018.

Noise Impact

- 8.92 Policy 35 of the Cambridge Local Plan 2018 safeguards 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.
- 8.93 Reason for refusal 4 (RFR4) of the previous application referred to noise impact generated from car movements into and out of the site. This read as follows:

'The proposal would introduce additional vehicular movements into an otherwise peaceful rear garden environment generating additional noise and disturbance impacts to neighbouring properties contrary to Policies 35, 52, 55, 56 and 57 of the Cambridge Local Plan 2018.'

- 8.94 The inspector upheld RFR4 within their appeal decision and dismissed the appeal on these grounds alone. The inspector refers to the noise and disturbance impacting upon the amenities of the future occupiers and the existing occupiers, namely No. 47 Highworth Avenue. Under paragraph 7, the inspector refers to how the previous scheme would have introduced a significant noise impact upon an existing area which is '*peaceful by nature*'. They also refer to the noise generated by closing of doors and boots, which would further exacerbate the issue.

- 8.95 The current scheme has removed all car parking from within the site, with two car parking spaces now being proposed to the front of the site. Due to the siting of the proposed garages, no vehicles will be entering the site and will therefore be restricted to the car parking spaces provided. As such, Officers consider the current scheme has overcome RFR4 and addresses the inspector's concerns in respect of noise generated from car movements.
- 8.96 The Council's Environmental Health Team has been consulted and has raised no objections subject to conditions relating to demolition/construction hours, piling, demolition and construction collection, delivery hours and mitigation of airborne dust. These conditions are recommended by Officers to safeguard the amenities of neighbouring properties.
- 8.97 Overall, it is considered that for the above reasons, and subject to the above conditions, the proposed development would not result in any significant noise impact or disturbance upon the amenities of the neighbouring properties. As such, the proposal is in accordance with Policy 35 of the Cambridge Local Plan 2018.

8.98 **Third Party Representations**

- 8.99 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
Private housing is not required, affordable housing should be prioritised	Given the application proposes two dwellings, it would be unreasonable for the LPA to refuse the application on the grounds of type of housing to be sold on the housing market
Increases particulates and nitrogen dioxide emissions	This is an application for two residential dwellings which are not considered to result in nitrogen dioxide emissions and as such, it would be unreasonable for the LPA to refuse the application on these grounds.
The inclusion of fireplaces still remains an issue	The inclusion of fireplaces is not a material planning consideration and therefore it would be unreasonable for the LPA to refuse the application on these grounds
Future occupants will need to walk a long distance from the access to the dwellings/taking bins out	The distance between the dwellings and the garages, as well as between the bins and the road, are acceptable and it would not be reasonable to refuse the application on these grounds.

Lack of emergency vehicle access, i.e fire engines	The distance between the dwellings and the road is an acceptable distance which complies with the minimum as stated within Volume 1 of Approved Document Part B of Building Regulations
There should be a condition to restrict the number of occupants on the site	The proposed plans illustrate that the dwellings would accommodate 4 bedroom, 7 persons. As such, the LPA considers that a condition to restrict the occupancy of the dwellings is not required, nor necessary in this instance.
The development would introduce light pollution within the area	The Environmental Health Officer has been consulted on the application and has considered the impacts of the development upon the amenities of neighbouring properties, in respect of light, noise and pollution. No objections have been raised subject to certain conditions in respect of noise and airborne dust mitigation.
Inaccurate plans/drawings not to scale	The application contains a set of plans which each have a scale on them which are easily legible. Officers have assessed the application against each of the relevant local and national policies, as well other material planning considerations.
The properties could be used for Buy to Let or AirBnB use	Neither of these points constitute material planning considerations. The LPA has no control over whether the future occupiers decide to let the properties out, or the future management of the properties. In addition, the LPA cannot restrict the properties being used as an AirBnB use, and it would be unreasonable for the LPA to restrict this.
The land has historic value and the development would lose this right of way which used to located at the rear of the site	No conclusive evidence has been put to the LPA 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.
Covenants	A planning permission would not override covenants and private rights. These are civil matters between different landowners and not a material planning consideration.

8.100 Other Matters

- 8.101 The Archaeology Team have been consulted on the application and have raised no objections, subject to a pre commencement condition requesting that a Written Scheme of Investigation is submitted. Records indicate that the site lies in an area of archaeological potential, close to a number of

previous archaeological investigations and therefore this condition is recommended, in order to preserve archaeological artefacts, in accordance with Policy 61 of the Cambridge Local Plan 2018.

8.102 There is a comment referring to insufficient details regarding the refuse storage to serve the dwellings. The Site Plan shows that three bins will be located near to the front of the site however no details of the bins store have been provided. As such, Officers consider a condition is sufficient to secure these details prior to occupation, to ensure there are sufficient refuse stores provided to serve the dwellings, in accordance with Policy 57 of the Cambridge Local Plan 2018.

8.103 **Planning Balance**

8.104 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).

8.105 Given the similarities between the previously refused scheme and the current scheme, as well as the appeal decision, Officers consider the proposal is acceptable for the reasons provided within this report. The application would provide two residential properties which would sit comfortably within the plot and provide a good level of amenity for future occupiers whilst respecting the amenities of neighbouring properties and preserving the character and appearance of the local area, by virtue of their scale and design. In addition, the changes to the car parking arrangements are considered to have overcome the dismissal reasons given by the inspector on grounds of noise generated by vehicular movements. As such, Officers consider the application be acceptable.

8.106 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 including the appeal decision, the proposed development is recommended for approval, subject to the conditions set out below.

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.

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

10.0 **Planning Conditions**

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

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended 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 listed on this decision notice.

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

3) The materials to be used in the external construction of the development, hereby permitted, shall follow the specifications in accordance with the details submitted 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.

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 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.

c) 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).

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

- 7) 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.

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

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

- 9) Notwithstanding the approved plans, the flat roof of the extension hereby approved shall be a green biodiverse roof(s). The green biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:

- a) Planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.
- b) With suitable access for maintenance.
- c) Not used as an amenity or sitting out space and only used for essential maintenance, repair or escape in case of emergency.

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

Reason: To ensure the development provides the maximum possible provision towards water management and the creation of habitats and valuable areas for biodiversity (Cambridge Local Plan 2018, policy 31). The Green Roof Code is available online via: greenrooforganisation.org

- 10) 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).

- 11) 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).

- 12) 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. PL-102 Rev B. 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).

- 13) 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).

- 14) No development (including demolition) shall commence until details of the proposed construction access to the site have been submitted to and approved by the Local Planning Authority in writing. 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: To ensure the safe and effective operation of the adopted highway, in accordance with paragraph 111 of the NPPF.

- 15) No demolition or construction works shall commence on site until a Contractor's Parking Plan has been submitted to and agreed in writing by the local planning authority. The plan will need to demonstrate how the developer will control and regulate on street motor vehicle parking for the contractors and sub contractors under taking the works. The works shall proceed in accordance with the approved details.

Reason: To ensure the safe and effective operation of the adopted highway, in accordance with paragraph 111 of the NPPF.

- 16) 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).

- 17) 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).

- 18) The garages; hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house. It shall at no time be used as sleeping accommodation, nor shall it be separately occupied or let and no trade or business shall be carried on therefrom.

Reason: To avoid harm to the character of the area, to protect the amenity of neighbouring occupiers and because if the outbuilding were to be slept in or used as a separate unit of accommodation it would provide a poor level of amenity for its intended occupiers (Cambridge Local Plan 2018, policies 35, 50, 55, 52, and 57).

- 19) 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)

- 20) 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).

- 21) 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)

- 22) 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).

- 23) Notwithstanding the approved plans, prior to the occupation of the dwellings hereby approved, details of the refuse store to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure sufficient bin storage is in place to serve the dwellings, in accordance with Policy 57 of the Cambridge Local Plan 2018.

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

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

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/investigation, recording, reporting, archiving and presentation of archaeological assets affected by the development, in accordance with Policy 61 of the Cambridge Local Plan 2018.

11.0 Informatives

- 1) Fire Service vehicle access should be provided in accordance with Approved Document B Volume 1 of the Building Regulations. There should be vehicle access for a pump appliance to within 45m of all points within the dwelling-house in accordance with paragraph 11.2 of Approved Document B Volume 1. Where the proposed new dwelling cannot meet access requirements for fire appliances, compensatory feature(s) should be provided.
- 2) The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactorily and any defects remedied to ensure that the noise levels do not increase over time.

- 3) In line with the transitional arrangements set out in the relevant approved documents, the Council expects the development hereby approved to meet the requirements of Parts O and F of Building Regulations. Where meeting these requirements results in any changes to the design of the proposals hereby approved, these amendments shall be submitted and approved by way of formal application to the local planning authority.
- 4) The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance

of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.

- 5) To satisfy the condition requirements the applicant/developer will need to demonstrate that practical consideration has been given to all aspects of Electric Vehicle (EV) charge point infrastructure installation and that the provision of an operational EV charge point or multiple points is deliverable, as part of the residential and/or commercial development. The intention or commitment in principle to install an active EV charge point will not be considered acceptable.

Information should include numbers of charge points, intentions for active and passive provision, location, layout (including placement of EV infrastructure), Charge Rates of active EV charge points (slow, rapid or fast) and availability of power supply. Further information on things to consider when designing and delivering EV charge points and the information required to discharge the associated planning condition can be found at <https://www.cambridge.gov.uk/air-quality-guidance-for-developers>.

- 6) The dust management plan should reference and have regard to various national and industry best practical technical guidance such as:
 - Guidance on the assessment of dust from demolition and construction, version 1.1 (IAQM, 2016)
 - Guidance on Monitoring in the Vicinity of Demolition and Construction Sites, version 1.1 (IAQM, 2018)
- 7) To satisfy and discharge Environmental Health recommended conditions (including those related to construction / demolition, operational artificial lighting, contaminated land, noise / sound, air quality (including Electric Vehicle Charging) and odours / fumes / smoke, any impact assessment and mitigation as required, should be in accordance with the scope, methodologies and requirements of relevant sections of the Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, (2020). Due regard should also be given to relevant and current up to date Government / national and industry British Standards, Codes of Practice and best practice technical guidance.
- 8) Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.

Background Papers:

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

- Cambridge Local Plan 2018
- Cambridge Local Plan SPD

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Appeal Decision

Site visit made on 28 June 2022

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th July 2022

Appeal Ref: APP/Q0505/W/21/3289046

45 Highworth Avenue, Cambridge CB4 2BQ

- 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 Dyason Developments Ltd against the decision of Cambridge City Council.
 - The application Ref 21/01476/FUL, dated 30 March 2021, was refused by notice dated 8 October 2021.
 - The development proposed is for residential redevelopment comprising two detached dwellings to the rear and one detached dwelling on the site frontage along with car and cycle parking and associated infrastructure following demolition of existing buildings on site.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Dyason Developments against Cambridge City Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - The living conditions of neighbouring occupiers, with particular regard to outlook and noise,
 - The character and appearance of the surrounding area; and,
 - Biodiversity on site.

Reasons

4. The appeal site is a long plot which, behind the immediately adjoining gardens, extends out to provide a large, almost square, area. The site contains a group of garages to the front, in line with neighbouring properties, and a long bungalow behind. Highworth Avenue, however, is predominantly characterised by two-storey detached and semi-detached dwellings within long and narrow plots. Therefore, while the dwellings are varied in design, they present a strong building line and a regular pattern of development.

Living Conditions

5. From my observations on site, I find that the outlook from the neighbouring dwellings and garden would be relatively open given the size of the

neighbouring gardens and the low height of number 45 Highworth Avenue. The main restriction to any outlook would be from the mature trees common within this area.

6. The proposal would introduce two dwellings that are taller and set much further back within the plot than the existing dwelling. Consequently, I find it likely that they would be more readily visible from a number of the surrounding dwellings and gardens. However, by way of the low-slung rooves that reduce the apparent height of the buildings and pitch away from the side boundaries of the site, I find that the two dwellings would not appear as intrusive or dominant features from either side of the site. Moreover, the distance of separation between these proposed dwellings and the properties to the front and rear of the site would also limit the visual effect of these dwellings with regard to outlook and any overbearing impact.
7. However, the proposal would result in vehicles passing through the site in close proximity to the proposed dwelling at plot 3 and the dwelling at number 47 Highworth Avenue. Vehicles would also need to manoeuvre in a low gear near the garden boundaries of a number of neighbouring properties, including plot 3 and number 47, in order to park or turn on site. Alongside the noise of the vehicles and their engines, the closing of doors and boots would further contribute to noise close to the neighbouring properties. Currently, the sides and rear of the neighbouring properties are set some distance away from any vehicular movements and as such are relatively quiet areas. Consequently, the proposal would significantly affect this peaceful nature by introducing the above vehicular noises and disturbance harming neighbours' enjoyment of their properties to the detriment of their living conditions.
8. Whilst I note that the appeal site may be within a relatively accessible location, this does not necessarily mean that future occupiers would not regularly make use of private motor vehicles. Moreover, although only one parking space per property is proposed, this would nevertheless still introduce vehicular movements where they are not currently present.
9. In light of the above I find that the proposed parking associated with the development would unacceptably affect the living conditions of the existing and proposed neighbouring occupiers by way of noise and disturbance. The proposal would therefore conflict with Policies 52, 56 and 57 of the Cambridge Local Plan (the CLP, October 2018) which collectively, and amongst other matters, require that developments are of a high-quality that protects the amenity and private amenity spaces of neighbouring occupiers and properties.

Character and Appearance

10. As outlined above, the appeal site, as existing, does not reflect the prevailing pattern of development within the street scene. Most noticeably, the site is irregular in shape and contains a bungalow set behind the main row of development. Whilst set behind the group of garages, the roof of the bungalow is still visible within the street scene.
11. The proposal would include a dwelling to the front of the site which would, by way of its location and appearance, be sympathetic to the pattern of development along Highworth Avenue and to the appearance of the dwellings within it. Moreover, this proposed dwelling would to some extent reduce views

down the site, limiting the extent to which the development at the rear of the plot would be visible in public views.

12. Given the location at the rear of the appeal site, the two buildings forming plots 1 and 2 would not be in keeping with the pattern of development within the wider street scene. However, this is a conflict that is already present on site and visible from the street scene. Whilst the proposal would result in two dwellings behind the line of development, they would be set further back than the existing dwelling, reducing their prominence. Moreover, the proposed dwelling on plot 3 would, albeit to a modest amount, screen plots 1 and 2 from public views. I find that cumulatively these matters would result in the proposed dwellings on plots 1 and 2 being retiring features within the street scene. Furthermore, by way of the modern design and appearance of the two dwellings, they would be discrete from the dwellings fronting on to Highworth Avenue. Collectively, I find that the layout of the proposed dwellings would retain the legibility of the prevailing pattern of development of the street overall and would not harm the character or appearance of the area.
13. Given the above, the proposal would not harm the character and appearance of the surrounding area as a result of its siting and appearance. The proposal would therefore comply with CLP Policies 52, 55 and 57 which, amongst other matters, require that developments are appropriate for and respond positively to their context, including the pattern of development and character of the area.

Biodiversity

14. I understand, from the evidence before me, that the appeal site is not covered by any wildlife sites, whether of a local or national designation. Although there are some local and county wildlife sites identified as being within 2km of the appeal site, it has not been demonstrated that these wildlife sites have, or that the appeal site is within, a buffer zone.
15. The rear of the appeal site is laid out as a garden with a mixture of lawn, mature vegetation, young trees, and garden buildings. I find that as a result the appeal site would make a positive contribution towards the biodiversity of the surrounding area, although I find this to be small given the scale of the site and that it is not protected from clearance. As such I do not find that the contribution the site makes to the wider area in this regard would be irreplaceable.
16. I note the appellant's Preliminary Ecological Appraisal and Bat Survey Report (PEA) is of some age, having been carried out in 2019. However, it appears unlikely that the situation at the appeal site has changed so significantly since the report was written that it is no longer accurate. Moreover, I find that in the event that the appeal was allowed, suitably worded conditions could ensure the PEA's recommendations, regarding site clearance and a bat box, are secured.
17. Therefore, the proposal would not result in any unacceptable harm to biodiversity as, subject to the recommendations of the PEA, it would not result in a significant loss of biodiversity or harm to any priority species on site. The proposal would therefore comply with CLP Policy 70 which requires the protection of priority species and habitats. It would also comply with Paragraph 160 of the National Planning Policy Framework which seeks to prevent significant harm to biodiversity.

Planning Balance

18. The government's objective is to significantly boost the supply of housing and the proposal would provide two new dwellings in a location with good access to services and facilities. The scheme would also likely lead to some energy efficiency improvements, and a small and time-limited economic benefit during the construction phase. There would also be some social and economic benefits resulting from future occupiers. Given the overall small scale of the proposal, these benefits attract modest weight. The lack of character, appearance and biodiversity harm is not a benefit resulting from the scheme and as such I afford this matter neutral weight.
19. Conversely, the site layout would result in noise and disturbance harmful to the living conditions of occupiers on and around the site. This matter attracts moderate weight and outweighs the benefits associated with the proposed development.
20. The proposal would therefore conflict with the development plan and there are no other considerations, including the National Planning Policy Framework, that outweigh this conflict.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

Addendum Committee Report (06/09/2023) - 22/05070/FUL-

Land to the rear of 208 and 210 Queen Edith's Way

0.0 At the 2nd August 2023 Cambridge City Planning Committee meeting, Members voted to defer application 22/05070/FUL as they considered the proposal as presented failed to meet the requirements of Cambridge Local Plan 2018 Policy 82 and Appendix L 'Car and Cycle parking Requirements'. Members considered there to be capacity to incorporate cycle parking within the scheme in a location that would be more convenient for future residents than the arrangement presented to committee.

Revised Cycle Parking arrangement

0.1 Following the August committee meeting the applicant team have reviewed the site layout and made alterations to the scheme to ensure each plot can accommodate a cycle store for two cycle parking spaces within the frontage of each property. The application proposes one cycle parking space per bedroom for plot 1 (3 cycle parking spaces within a secure covered store in the frontage). For all other units the application proposes five cycle parking spaces in total which exceeds the standards required by policy. Two spaces are proposed within a purpose built store in the frontage and three spaces within a cycle shed at the rear. Therefore, the proposal exceeds the minimum cycle parking space requirements under appendix L of the Local Plan 2018. Officers consider the revised proposal will provide a cycle parking arrangement which offers future occupants greater flexibility in terms of cycle parking storage. Officers consider the revised proposal to offer cycle parking for occupants and visitors which will be at least as convenient as the car parking. The detailed design and appearance of the covered, secure cycle parking stores will be secured by condition no.26.

0.2 Overall, the applicants have worked collaboratively with officers to create an enhanced proposal which is acceptable and in accordance with the requirements of Policy 82 and appendix L of the Cambridge Local Plan 2018.

0.3 In order to accommodate the revised cycle parking arrangements the following minor alterations have been made to the application:

- 1) Removal of a section of the low hedges previously proposed at the front of plots 3, 4 and 5.
- 2) The air source heat pumps which are proposed to serve plots 2 and 3 have been relocated to the rear garden spaces.
- 3) The meter boxes and downpipes serving plots 1, 2 and 8 have been re-positioned.

- 0.4 Whilst the loss of part of the hedge proposed for plots 3, 4 and 5 is unfortunate, in this instance the benefit of the provision of cycle parking within the frontage is considered to outweigh this. Moreover, the plots will still accommodate an element of ornamental hedging in the frontage and further landscape details will be secured by condition no.30 (hard and soft landscaping). Subject to the imposition of condition no.30 the revised details are considered to be in accordance with Cambridge Local Plan 2018 Policies 55, 57, 59 and 69.
- 0.5 The relocation of the air source heat pumps for plots 2 and 3 is considered acceptable and the detailed plant noise assessment which is secured by condition no.6 will ensure appropriate noise insulation and mitigation is carried out to protect the amenity of future occupants and neighbouring properties. Subject to the imposition of condition no.6 the proposal is considered to be in accordance with Policy 35 of the Cambridge Local Plan 2018.
- 0.6 As demonstrated by the submitted revised elevations, the repositioning of the meter boxes and downpipes are minor design amendments which do not adversely impact the design and appearance of the proposed dwellings. In terms of design, officers consider the scheme to be compliant with Cambridge Local Plan (2018) Policies 55, 56, 57, 58 and 59.
- 0.7 Another question raised at the 2nd August committee meeting related to whether photovoltaic panels were included in the proposal. As set out in the submitted energy statement, the installation of photovoltaic panels forms part of the proposal and these are shown on the submitted roof plan. Further details of their dimensions, materials, location and fixing are proposed to be secured by condition no.33.

Conclusion

- 0.8 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.

Recommendation: APPROVE subject to the conditions and informatives as set out in the Planning Committee Report presented on 2nd August 2023.



Planning Committee Date	2 nd August 2023
Report to Lead Officer	Cambridge City Council Planning Committee 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 is a Regulation 3 planning application which has been submitted by Cambridge Investment Partnership (CIP), 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 -

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 GCSP Sustainable Drainage Officer –

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

- Surface Water Drainage
- Foul Drainage

5.5 GCSP Urban Design Officer –

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

5.7 GCSP Landscape Officer

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 -

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 –**

5.10 **Scheme as Amended (comments received 30/05/2023))(i)**

- 5.11 Detailed comments received. The Preliminary Ecological Appraisal identified the site as having a relatively low biodiversity value and very low bat roost potential. The BNG habitats baseline and bat roost survey effort is accepted, however, given the location adjacent to mature hedgerows and tree belts that link protected open space, designated wildlife sites (including the Cherry Hinton Chalk Pit SSSI and Local Nature Reserves) and the wider suburban gardens and arable countryside, further bat surveys were requested to assess the sites boundary features use by foraging and commuting bats, particularly light sensitive species.
- 5.12 Following a meeting with the applicants' agents and ecologist it was agreed that initial spring bat activity surveys (both manual and static) would be undertaken in April and May 2023 and the data then reviewed to see if additional surveys were required. The survey data submitted included two manual activity surveys broadly in line with Bat Conservation Trust (BCT) survey guidelines. However, the April visit was a cold evening, and no bat activity was recorded, suggesting that bats were inactive and the survey data of limited value. 14 nights (24-30 April and 1-7 May 2023) of automated detection survey represented good survey effort within the given months and identified 9 species of bat using the site, including light sensitive species (Brown Long Eared, Natterers, Daubenton's) and the rare Barbastelle.
- 5.13 None of these species were recorded in high numbers and none of the boundary features to be retained appeared to be key commuting corridors during the Spring. However, the data does indicate the site and adjacent land to have a diverse assemblage of bats foraging bats that have the potential to be impacted by the proposed development. Given the species identified to date from a single season of surveys, clustered around late April and early May, I would request that further survey effort is required prior to determination.

5.14 If Barbastelle and other light sensitive species activity remains relatively low then the LPA can have greater confidence that the proposed development and ecological sensitive lighting scheme condition is acceptable.

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

5.16 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.

5.17 **GCSP Tree Officer**

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

5.19 **Greater Cambridge Shared Waste Service**

5.20 No formal comments received.

5.21 **GCSP Sustainability Officer**

5.22 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.

5.23 **County Archaeological Officer**

5.24 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 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 along the boundary with the trees in place.	The details of the proposed boundary treatments are to be secured by planning condition (condition 30) and a tree protection 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 future occupants and nearby properties (Cambridge Local Plan 2018 policy 35).

- 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 Guarda 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 the installation of any solar panels and/or photovoltaic cells, full details including type, dimensions, materials, location and fixing shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the agreed details unless the local planning authority agrees to any variation in writing.

Reason: To ensure that the appearance and locations of the PV panels are appropriate in accordance with Cambridge Local Plan 2018 policies 55 and 57.

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	6 th September 2023 (06/09/2023)
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/05599/FUL
Site	132 Hobart Road
Ward / Parish	Coleridge
Proposal	Change of use from Class C4 (HMO) to sui generis large (HMO) (7no. bedrooms - 7no. occupants) and the erection of an outbuilding in the rear yard.
Applicant	Chirag Tawde
Presenting Officer	Laurence Moore
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Residential Amenity Impacts 2. Character Impacts
Recommendation	APPROVE subject to conditions.

1.0 Executive Summary

- 1.1 The application seeks the Change of use from Class C4 (HMO) to sui generis large (HMO) (7no. bedrooms - 7no. occupants) and the erection of an outbuilding in the rear garden.
- 1.2 The application is compliant with policy 48 of the Cambridge Local Plan (2018) and the principle of development is considered acceptable.
- 1.3 The application seeks no external changes to the existing built fabric yet proposes the erection of an outbuilding to the rear and the provision of purpose built enclosures for the safe and secure storage of bikes and bins to the front of the property. The proposed changes, with regards to design, are not considered to have any adverse impacts on the character of the site or surrounding area.
- 1.4 The proposed change of use will allow for an increase in maximum occupancy from 6 to 7 individuals, which is considered a marginal increase in the use of the property and so the proposed change of use to a large-scale House in Multiple Occupation (HMO) is not considered to have any adverse impact on the character of the area.
- 1.5 The proposed changes are not considered to allow for any adverse impacts on the residential amenity of neighbouring occupiers with regards to loss of light, loss of privacy, overbearing impact or enclosure. The concerns raised regarding noise are not considered to adversely affect the amenity of neighbouring occupiers as the internal layout of the proposed HMO is sufficiently sized to contain the primary activities of future occupiers without exacerbating the use of the garden. Several conditions have been recommended to further protect the amenity of neighbouring occupiers.
- 1.6 The proposed HMO meets the space standards set out in Policy 50 and provides a suitably sized garden.
- 1.7 There are no highway safety concerns.
- 1.8 The site is not subject to Tree Preservation Orders (TPOs) and is not situated within a conservation area, and so the potential removals of trees cannot be prevented, and the applicant could conduct works to trees outside of the application. Notwithstanding this, the potential removal of the tree would not have a harmful impact on the character and appearance of the area.
- 1.9 Officers recommend that the Planning Committee approve the application.

2.0 Site Description and Context

None-relevant	x
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*X indicates relevance

- 2.1 The application site consists of an existing 6-bedroom, 6-person HMO situated along Hobart Road, in the Coleridge Ward of Cambridge. The area is primarily residential.
- 2.2 North of the site consists of Patacake Day Nursery, further north of the site consists of residential properties fronting Marmora Road. East of the site consists of residential properties fronting Hobart Road and Suez Road. South of the site consists of residential properties fronting Hobart Road, whereas further south of the site consists of residential properties fronting Radekund Road. West of the site consists of Coleridge Road and associated residential properties.
- 2.3 The site is within close proximity to the Coleridge Recreation Ground and Mill Road, an area subject to a mix of shops, services and entertainment establishments.
- 2.4 The site is not situated within a conservation area or the controlled parking zone.

3.0 The Proposal

- 3.1 Change of use from Class C4 (HMO) to sui generis large (HMO) (7no. bedrooms - 7no. occupants) and the erection of an outbuilding in the rear yard.
- 3.2 The applications seeks the change of use of an existing 6-bedroom, 6-person HMO to a 7-bedroom, 7-person HMO to include the erection of an ancillary outbuilding.
- 3.3 The ancillary outbuilding is proposed to be used as a bedroom with en-suite with ancillary living facilities.. The outbuilding will not have cooking facilities and so remains dependant on the host dwelling.
- 3.4 The application has been amended to address concerns raised by the case officer over the use of the outbuilding as a living room. The plans have now been altered to provide an additional living room in the ground floor of the main house and to show the proposed outbuilding to be allocated as a bedroom, rather than shared living space. Further consultations have been carried out as appropriate.
- 3.5 Further amendments were sought regarding direct access to – and design of – the cycle storage and bin storage to the front of the property. Amendments have been submitted showing purpose built enclosures for the safe and secure storage of bins and 7no. cycles with a hardstanding pathway for direct access. It was not deemed necessary to reconsult

neighbours or consultees for these changes as the details are typically secured via condition.

4.0 Relevant Site History

Reference	Description	Outcome
22/03511/FUL	Change of use from class C4 (HMO) to Sui Generis Large HMO (7no. bedrooms - 7no. occupants)	Withdrawn

4.1 The previous scheme was withdrawn as the proposals did not comply with space standards.

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)

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 48: Housing in multiple occupation

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 66: Paving over front gardens

Policy 69: Protection of sites of biodiversity and geodiversity importance

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
Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste
Cycle Parking Guide for New Residential Developments (2010)

5.5 Other Guidance

N/A

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 No Objection, no recommended conditions.

6.3 Environmental Health – No Objection

6.4 No objection, subject to a condition restricting construction times to reasonable hours.

7.0 Third Party Representations

7.1 2 representations in objection have been received.1 of the representations contains a petition which quotes 6 objectors.

7.2 Those in objection have raised the following issues:

- Harm to Character
- Overdevelopment
- Residential amenity impact (impacts on daylight, sunlight, enclosure, loss of privacy, noise and disturbance, light pollution)
- Car parking and parking stress
- Safety of future tenants (fire/ emergency access)
- Loss of trees

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 Member Representations

- 8.1 The local MP for Cambridge forwarded the petition on behalf of the objectors, in order to bring it to the attention of officers.
- 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 Planning Background**
- 9.2 The application seeks the Change of use from Class C4 (HMO) to sui generis large (HMO) (7no. bedrooms - 7no. occupants) and the erection of an outbuilding in the rear garden.
- 9.3 The previously submitted scheme (22/03511/FUL) sought the change of use of the existing 6-bedroom HMO serving 6 persons, to a 7-bedroom HMO serving 7-persons. The scheme was withdrawn as the gross internal floor area did not meet the required space standards and so would have failed to comply with Policy 50 of the Cambridge Local Plan (2018).
- 9.4 The current scheme seeks the change of use to sui generis to allow for a 7-bedroom, 7-person HMO to include the erection of an ancillary outbuilding. The scheme has been amended to address concerns with the use of the proposed outbuilding as shared living space, and the potential implications this could have on the amenity of neighbouring occupiers. The scheme has been amended as requested, with the proposed ancillary structure now allocated as the seventh bedroom, with an existing internal bedroom now allocated as shared amenity space.
- 9.5 Further amendments have been requested regarding the bike and bin storage and landscaping situated to the front of the property.

9.6 Principle of Development

- 9.7 The application proposes a change of use to large house in multiple occupation (HMO). The plans show the property subdivided into 7 bedrooms and it would, subject to condition, serve a maximum occupancy of 7 persons. Policy 48 of the Cambridge Local Plan 2018 supports applications for the development of HMOs where they:
- a. do not create an over-concentration of such a use in the local area, or cause harm to residential amenity or the surrounding area;
 - b. the building or site (including any outbuildings) is suitable for use as housing in multiple occupation, with provision made, for example, for appropriate refuse and recycling storage, cycle and car parking and drying areas;

c. will be accessible to sustainable modes of transport, shops and other local services.

9.8 Parts a, b and c of the policy above will be addressed within the following sections of this report.

9.9 Design, Layout, Scale and Landscaping

9.10 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.

9.11 The application seeks no external changes to the built fabric of the host dwelling.

9.12 The proposed outbuilding will utilise a maximum height of approximately 2.5m, a depth of 6m and a width of 2.7m. The proposed outbuilding is therefore considered minor in scale and will be obscured from view of the public realm due to its location at the rear of the garden. The proposed outbuilding is therefore considered appropriate for the character of the immediate context and is acceptable.

9.13 The proposed outbuilding will utilise a flat roof. Policy 31 of the local plan requires all flat roofs to be green/biodiverse roofs. A condition will be applied to this effect.

9.14 Concerns have been raised from neighbouring occupiers with regards to the use of the property as a 7 person HMO being out of character with the immediate context.

9.15 The existing property is in use as a 6-bedroom HMO serving 6 persons. The application proposes an increase in the number of bedrooms at the property from 6 to 7, to allow for one extra tenant, through the addition of the outbuilding. The increase in maximum occupancy from 6 to 7 individuals is considered a marginal increase in the use of the property and so the proposed change of use to a large-scale HMO is not considered to have any adverse impact on the character of the area and is therefore compliant with policies 55, 56 and 58 of the local plan.

9.16 A condition will be added to any permission granted, restricting the maximum occupancy of the HMO proposed to 7 persons.

9.17 Policy 48 part a) states that proposals for large scale HMOs will be supported where the development will not result in an over-concentration of such a use in the local area.

- 9.18 The authority's records show there to be 4 small scale HMOs situated along Hobart Road. For this reason, it is not considered that there is an over-concentration of HMOs in the area, and so the conversion of an existing small-scale HMO to a large-scale HMO as proposed is not considered to give rise to any adverse impacts on the character of the area. The development is therefore considered compliant with Policy 48 part a) of the Local Plan (2018).
- 9.19 The application seeks alterations to the existing hard and soft landscaping arrangements to ensure direct access to the rear and direct access to the cycle/bin storage to the front. Which are to be conditioned. The proposed alterations are not considered to result in adverse impacts on the character of the site and are considered appropriate for the street scene and so are compliant with Local Plan (2018) Policy 59.
- 9.20 The application site is situated along Hobart Road and is within an area with good public transport connections and ample active travel arrangements, for this reason the development is considered to be situated within a sustainable location, and so the application is compliant with Policy 48(c) of the Local Plan (2018).
- 9.21 Overall, the proposed development is considered to be in keeping with the character of the immediate context and is acceptable. The proposal is compliant with Cambridge Local Plan (2018) Policies 48(a), 48(c), 55, 56, 57, 58 and 59 and the NPPF (2021).

9.22 Trees

- 9.23 The proposed development will likely require the removal of a tree. The site is not subject to TPOs and is not situated within a conservation area. The trees therefore have no statutory protection, and could be removed without notification outside of a planning application. Therefore, it is not deemed reasonable to request replanting or prevent the removal of trees.
- 9.24 Notwithstanding the lack of statutory protection of the tree, it is not considered that the removal of this tree would have a harmful impact on the character and appearance of the area. The tree in question is considered to only have limited public amenity and value to the street scene of the surrounding area and its removal would not materially change the overall character and appearance.
- 9.25 The potential need for removal of trees is therefore acceptable and in line with the requirements of policy 71 of the Cambridge Local Plan (2018).

9.26 Water Management and Flood Risk

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

- 9.28 The outbuilding proposed will utilise a flat roof design. Policy 31 of the local plan requires all flat roofs to be green/biodiverse roofs. A condition will be applied to this affect.
- 9.29 The outbuilding will utilise the existing drainage connections of the host dwelling and the scheme will allow for minor changes to the existing garden. Therefore, it is considered unnecessary to request surface or foul water drainage schemes in this case.
- 9.30 The applicants have suitably addressed the issues of water management, and subject to conditions the proposal is in accordance with Local Plan (2018) Policies 31 and 32 and NPPF (2021) advice.

9.31 Highway Safety and Transport Impacts

- 9.32 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 9.33 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.34 Access to the site would remain as existing, and so there are no concerns on highway safety stemming from the proposed access arrangements.
- 9.35 There is a minimal amount of construction work required in order to complete the proposed development. The works would include minor internal re-arrangements in addition to the erection of the proposed outbuilding. For this reason, the construction impacts of the proposals are considered to be of a minor nature and would not lead to adverse impacts on the safe operations of the public highway.
- 9.36 The highways officer shares this view, as expressed within their comments dated 30/01/2023.
- 9.37 The proposal accords with the objectives of Policies 80 and 81 of the Local Plan (2018) and is compliant with NPPF (2021) advice.

9.38 Cycle and Car Parking Provision

- 9.39 Cycle Parking
- 9.40 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as

set out within appendix L, which requires cycle spaces to be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

- 9.41 The application proposes the addition of cycle storage to the front of the property, whilst seeking the retention of the existing cycle storage to the rear of the site. The proposals will allow for the storage of 7no. cycles to the front of the property, with the capacity of 8no. cycles to the rear as existing.
- 9.42 Specific details of the purpose-built enclosure for the storage of bicycles have not been provided but this can be dealt with via condition.
- 9.43 The provision of bicycles is deemed acceptable and in line with the requirements of policy 82 and Appendix L of the Cambridge Local Plan, subject to conditions.
- 9.44 Car parking
- 9.45 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.
- 9.46 The application proposes no off-street parking spaces. The site is situated along Hobart Road, which is in close proximity to suitable public transport connections to the city centre and the area is well equipped with ample active travel arrangements. For these reasons, the development is considered to be situated within a sustainable location and therefore is not deemed car dependant.
- 9.47 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 9.48 Amenity**

- 9.49 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 9.50 Neighbouring Properties
- 9.51 A petition and additional comments have highlighted the concerns of neighbouring properties with regards to adverse impacts on amenity which may be caused by the proposed development, with the comments received highlighting concerns with loss of light, loss of privacy and noise/disturbance. These concerns will be discussed below.
- 9.52 The concerns raised with regards to noise and disturbance impacts of the proposals primarily relate to the use of the proposed outbuilding as a bedroom. The outbuilding will be occupied by 1 person and so it is deemed unlikely that a 1-person occupancy room would allow for harmful levels of noise and disturbance. The outbuilding will allow for bedspace and ensuite only and will not allow for additional living space and/or cooking facilities, to ensure occupants remain dependant on the host property, and secure any potential noise implications within the main property. The regular movement of 1no. individual between the outbuilding and host dwelling is not considered to exacerbate issues with noise or detract from the amenity of neighbouring occupiers by means of disturbance. The use of outbuildings for ancillary purposes is common within Cambridge, and the use of the outbuilding as a bedroom is not an incongruous approach to delivering accommodation.
- 9.53 Furthermore, the proposed development would allow for a significant increase in the amount of internal amenity space available, through the conversion of 1no. ground floor bedroom to additional living room space, and so the potential noise impacts to be witnessed by neighbouring occupiers are not considered sufficient enough to negatively impact quality of life.
- 9.54 To give confidence to neighbouring occupiers that their amenity will be protected, conditions will be applied to any permission granted restricting the occupancy of the outbuilding to 1 person, and to secure a HMO management plan with a particular emphasis on noise constraints, so that if issues with noise occurs they can be dealt with effectively by the landlord and/or management company.
- 9.55 Impact on No. 134 Hobart Road
- 9.56 The comments received with regards to loss of light primarily concern the existing single storey rear extension yet also mention the potential loss of light impacts that may be caused by the proposed outbuilding. The proposed single storey outbuilding will utilise a maximum height of approximately 2.5m, and a depth of 6m. A 45-degree overshadowing

study has been conducted, which shows a marginal degree of overshadowing to the rear amenity space of no.134 Hobart Road, which is situated west of the development site, however, the study conducted shows that the effects are limited and are not considered sufficient to warrant a refusal or request a sunlight/daylight impact assessment. The outbuilding is not considered to detract from the amenity of neighbouring occupiers with regards to loss of light.

9.57 The comments received with regards to loss of privacy raise concerns over the ability of future occupiers to overlook the amenity space of 132 Hobart from the proposed single storey outbuilding. The outbuilding proposed will utilise a single storey design with a maximum height of approximately 2.5m. The outbuilding will not allow for any additional overlooking opportunities, and so the concerns regarding overlooking are not considered sufficient to warrant a refusal.

9.58 Impact on no.130 Hobart Road

9.59 The host dwelling will remain as existing. The proposed outbuilding is not considered to result in any adverse impacts on the amenity of neighbouring occupiers with regards to loss of light, overbearing, enclosure or loss of privacy.

9.60 Future Occupants

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

9.62 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	7.5	10.6	+3
2	1	1	1	7.5	7.6	+0.1
3	1	1	1	7.5	8.6	+1.1
4	1	1	1	7.5	8.6	+1.1
5	1	1	1	7.5	8.7	+1.2
6	1	1	1	7.5	7.5	-
7 (Outbuilding)	1	1	1	7.5	13.2	+5.7
HMO	7	7	3	136.5	144	+8

9.63 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. All bedrooms meet space standards and

the gross internal floor area equates to 144sqm which is deemed acceptable for 3 storey properties serving 7 persons as outlined within policy 50 of the local plan.

9.64 Garden Size(s)

9.65 The application seeks to retain approximately 80sqm of garden space, which is deemed suitable for accommodating table/chairs for maximum occupancy, circulation space and space to hang washing, and so is compliant with policy 50 of the local plan and is therefore acceptable.

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

9.67 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. While this is a policy requirement, 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 is not practicable to require part M4(2) compliance in this instance.

9.68 Construction and Environmental Impacts

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

9.70 The Council's Environmental Health team have assessed the application and recommended a condition restricting noise construction hours to reasonable times, in the interest of protecting the amenity of neighbouring occupiers. A condition will be applied to this effect.

9.71 Summary

9.72 The development is considered suitable for use as a large HMO, subject to conditions regarding bins and cycle stores, and so is compliant with policy 48 (b) of the local plan.

9.73 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, 48(b), 50, 51, 57 and 58.

9.74 Third Party Representations

9.75 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
Emergency Vehicle Access	Concerns have been raised by neighbouring occupiers with regards to the safety of future occupiers of the proposed ancillary outbuilding. The outbuilding is proposed to be used as a bedroom and has been assessed as such. From the site visit conducted, access to bedroom 7 contained within the outbuilding would be as accessible as any other bedroom within the main household, and so the concerns are not considered appropriate.
Right to light	A right to light is a civil matter between different landowners and a planning permission would not interfere with a right of light. The local planning authority has no jurisdiction in checking or enforcing a right to light. This is not a material planning consideration.

9.76 Other Matters

9.77 The bins will be stored to the front of the property in a purpose-built enclosure large enough to accommodate the 3no. bins required to serve the proposed HMO.

9.78 Policy 57 requires refuse and recycling to be successfully integrated into proposals and the proposed arrangement is considered to meet this Local Plan policy.

9.79 Planning Balance

9.80 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).

9.81 Summary of harm

9.82 Third Party concerns regarding the impact of the development on the residential amenity of neighbouring occupiers have been raised. However, officers have undertaken an assessment of the proposed development and it is not considered to cause any adverse impacts on the amenity of neighbouring occupiers with regards to loss of light, loss of privacy, overbearing or enclosure.

- 9.83 The proposals are not considered to adversely affect the amenity of neighbouring occupiers in terms of noise and disturbance as the internal layout of the proposed HMO is sufficiently sized to contain the primary activities of future occupiers without exacerbating the use of the garden. Several conditions have been recommended to further protect the amenity of neighbouring occupiers.
- 9.84 The proposed development is not considered to adversely affect the amenity of neighbouring occupiers.
- 9.85 Summary of benefits
- 9.86 The proposed development is appropriate for its location and is in keeping with the character of the immediate context.
- 9.87 The development exceeds the requirements of Local Plan Policy 50 with regards to national space standards, meaning the amenity of future occupiers will be enhanced by the proposed changes.
- 9.88 The development will positively contribute to the limited supply of residential accommodation available to the public within Cambridge.
- 9.89 The proposals would allow for an increase in cycle parking on site which is to be stored to the front of the property.
- 9.90 The site will be suitably landscaped to ensure the provision of a grassed area whilst safeguarding direct access to the cycle/bin storage and the proposed bedroom to be contained within the proposed outbuilding to the rear. This will be secured via condition.
- 9.91 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

10.0 Recommendation

10.1 Approve subject to:

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

11.0 Planning Conditions

1 – 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 – 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, to include hedgehog holes.

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

4 – Green Roof

Notwithstanding the approved plans, the flat roof of the outbuilding hereby approved shall be a green biodiverse roof(s). The green biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:

a) Planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.

b) With suitable access for maintenance.

c) Not used as an amenity or sitting out space and only used for essential

maintenance, repair or escape in case of emergency.

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

Reason: To ensure the development provides the maximum possible provision towards water management and the creation of habitats and valuable areas for biodiversity (Cambridge Local Plan 2018, policy 31). The Green Roof Code is available online via: greenrooforganisation.org

5 – Bikes and Bins

The development shall not be occupied or the permitted use commenced, until details of facilities for the covered, secure parking of cycles and secure storage of bins 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 and bin 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 bin store, cycle store and green roofs 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).

6 – HMO Management Plan - Noise

The development, hereby permitted, shall not be occupied, or the use commenced, until a management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include provisions relating to:

- a) management of the property and how any management issues will be addressed
- b) external display of contact information for on-site management issues and emergencies for members of the public
- c) provision for refuse, cycle and car parking and drying areas etc.
- d) details of guidance for tenants regarding acceptable standards of behaviour/use of the premises with a particular emphasis on noise prevention and attenuation.

The development shall thereafter be managed in accordance with the approved plan.

Reason: In order to ensure the occupation of the site is well managed and does not give rise to significant amenity issues for nearby residents (Cambridge Local Plan 2018 policies 35 and 48).

7 – HMO Communal Areas

The internal communal areas 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).

Reason: To ensure adequate internal communal space is provided for future occupants (Cambridge Local Plan 2018 policies 48 and 50).

8 – HMO Max Occupancy

The application site shall have no more than 7 people residing within it at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2018 policies 56 and 48).

9 – Ancillary Occupation

The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling house and it shall at no time be independently occupied or let, used to accommodate bed-and-breakfast guests or other short-term visitors paying rent or fees. The outbuilding hereby approved shall have no more than 1 person residing within it at any one time.

Reason: To avoid harm to the character of the area and to protect the amenity of neighbouring occupiers and because a more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2018, policies 35, 48, 52, 55, 56 and 57).

10 – 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).

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

**Addendum Committee Report (06/09/2023) - 23/00600/S73-
Calverley's Brewery, 23A Unit 1, Hooper Street.**

0.0 September Update

0.1 The application to vary condition nos. 2 (noise management plan) and 3 (external areas) of permission reference 20/02619/S73 was considered by the Planning Committee on 5 July 2023. The Planning Committee made a resolution to approve the application subject to Chair, Vice-Chair and Spokes Persons agreement to the final wording of a proposed 'noise management survey' condition based on what was discussed at the debate at the Planning Committee meeting.

0.2 Following the committee meeting and in liaison with the agent of the application, Planning Officers proposed the following worded condition to Chair, Vice-Chair and Spokes Persons:

"For a period of 12 months following the date of this permission, a noise monitoring system shall be installed at an appropriate location within the premises boundary with line of sight to the outdoor seating area, measuring and logging LAeq, LAmax parameters over consecutive 5-minute periods. The noise monitoring data shall be downloaded and stored weekly, with data made available to the Cambridge City Council environmental health department and local planning authority upon request. A continual record will be maintained by the applicant of any noise complaints made directly to Calverley's Brewery. Upon completion of the 12-month period, a report will be prepared and issued to the Local Planning Authority, detailing the complaint record and any relevant correlation with noise monitoring data.

Reason: In order to monitor noise levels associated with the temporary permission to help inform whether a temporary or permanent provision for outdoor seating may be appropriate in the future. (Cambridge Local Plan (2018) policy 35)."

0.3 It was requested by one of the Spokes Persons that they would be agreeable to this worded condition provided that officers sought the agreement of the Environmental Health Team.

0.4 Officers presented the condition to the Environmental Health Team. The Environmental Health Team were not supportive of the condition as worded and confirmed that they would not be agreeable to any additional condition relating to a noise management survey. The Environmental Health Team's objection to a condition of this nature is on two grounds.

0.5 Firstly, concerns are raised in relation to the equipment and data interpretation. The Environmental Health Team have stated that it is not their role to interpret extensive lines of raw data (which will likely consist of thousands of lines) and that this is the job of acoustic consultants which neither the Environmental Health Team nor the applicant can do.

0.6 Secondly, concerns are raised but the Environmental Health Team regarding the usefulness of the data. According to the Environmental Health Team, the primary issue with collecting “noise data” in this case with no particular aim is that there are no guidance levels. There are no British Standards against which they can be compared. As there is no guidance level, the consultant will not be able to determine a reasonable “trigger level” above which data is considered relevant. Due to the nature of the noise in beer gardens, much of the time it will be audible near the microphone when the garden is in use but this doesn’t mean there is a problem at the neighbouring properties. It just means there are people using the garden. Additionally, there may be times when people are disturbed by a relatively low level of noise from the garden but it isn’t necessarily a “spike” in the data. Likewise, there may be times when the data is showing spikes but people are not disturbed by it. This adds to the uncertainty and difficulty in interpreting data representing human voice. With regards to “spikes”. The data logging will pick up dozens of these on a daily basis. They will be caused by numerous factors that are beyond the control of the applicant. Such as: weather conditions, trains passing, doors banging, general people movement, proximity of a person to the microphone and use of the external seating area. The consultant cannot erase these. They are part of the daily noise environment. No-one will be able to confirm which spikes are relevant, or not, and whilst some spike may be obvious, it will be difficult to ascertain what has caused them.

0.7 Planning Officers did highlight to the Environmental Health Team that members had drew attention to the Museum of Technology site (23/03579/FUL) where Calverley’s also operate from and use noise monitoring. In response to this the Environmental Health Team have stated that:

“There is no requirement for continuous “real-time” noise monitoring with data to be recorded and stored at The Museum of Technology and the primary noise of concern to be monitored at that location was noise from music. Unlike voices, it is possible to set noise limits for music as music has volume control and can be turned down if above the target level. Hence a level of 65db(A) quoted in the Noise Management Plan (NMP). This is for music, not for voices.

The smartphone app with staff is something that was put forwards in the proposed Noise Management Plan. This was intended for monitoring noise from music initially. Whilst the apps log data, they do not record data continuously, which is what Members want. These are very different things. If Members want data recorded continuously over a 12 month period, with the ability to recall that data and manipulate and interpret against complaints, they need the highest specification type 1 sound levels meters in a set location with either modem or SD card data storage with everything calibrated to relevant standards. Calibration is vital if data is challenged.

Apps on smartphones are not calibrated. The data is used as a visual guide only. There is no way any kind of smartphone app can be used to determine whether or not there should be an extension to the temporary permission. You will need something more robust than that in case of challenge. The Noise Management Plan within which the apps mentioned above are included have not been approved by us and is not included on the Decision Notice so it seems that the app they are using is indeed entirely independent based on the NMP that has not been accepted. The NMP included on the decision notice for 23/03579/FUL does make allowance for “monitoring”. But the type and level of monitoring is not specified.”

- 0.8 In light of the above advice, Planning Officers do not consider it enforceable to apply an additional condition regarding a noise monitoring survey in this case. Therefore, it is recommended that the application is considered by members again on the basis of not providing an additional condition of this nature and instead approved as per the original officer recommendation as set out in the original committee report below.



Planning Committee Date	6 September 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/00600/S73
Site	23A Unit 1, Hooper Street, Cambridge
Ward / Parish	Petersfield
Proposal	S73 to vary conditions 2 (noise management plan) and 3 (external areas) of ref: 20/02619/S73 (S73 to vary condition 5 of ref: 19/0902/FUL (Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities) to vary condition no.2 to read as: "Operation of the premises to be carried out in strict accordance with the submitted/approved Noise Management Plan" and to vary condition no.3 to read as: The external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101, including accessing this seating area from inside. This external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00"
Applicant	Mr Sam Calverley
Presenting Officer	Michael Hammond
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Noise/ impact on residential amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks to vary condition nos. 2 (noise management plan) and 3 (external areas) of permission reference 20/02619/S73. The purpose of this is to allow for a specific external seating area of 17.5sqm to be used by patrons of the microbrewery/ drinking establishment during the hours of Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00 only.
- 1.2 On 11 March 2019, temporary planning permission was granted for the retrospective change of use of the existing buildings from Class B2 micro-brewery to Class B2 micro-brewery and Class A4 Drinking establishment. This permission did not include any restrictions on the use of the external areas but the permission only lasted for one year and expired on 11 March 2020. The external area was capable of accommodating approximately 10no. tables and over 50no. people.
- 1.3 Since the retrospective application as formally approved (March 2019), no noise complaint made to Environmental Health has been substantiated as a noise nuisance and no Environmental Health enforcement action has been taken.
- 1.4 Following the expiry of the temporary permission, permanent permissions (19/0902/FUL & 20/02619/S73) were subsequently granted but, importantly, these did not include external seating and attached to these was a condition (no.3) which strictly prohibits patron use of the external areas at all times.
- 1.5 The applicant now wishes to vary this condition (no.3) to allow for an external area of approximately 17.5sqm that could accommodate 3no. tables.
- 1.6 The previous permissions on the site also included a condition relating to a Noise Management Plan. The Noise Management Plan, as approved, stipulates, among other restrictions, that no external seating areas are to be included.
- 1.7 In order to facilitate the proposed variation to condition no.3 regarding the use of the external seating area, the applicant also seeks to vary condition no.2 accordingly and replace the approved Noise Management Plan with a new Noise Management Plan.
- 1.8 The new Noise Management Plan would allow for the use of the external eating area from 16:00 – 21:00 Tuesday – Thursday, 16:00 – 22:00 on Fridays and 12:00 – 22:00 on Saturdays. Other proposed restrictions would be:
 - Limiting seating to three tables;
 - Giving patrons a 30 minute warning and a 5 minute warning prior to tables being put away;
 - The tables will be put away by 21:00 Tuesday – Thursday and 22:00 Friday and Saturday; and

- Signage will be placed in the brewery that is visible to patrons who are going to the outside tables that notifies them of the closing times of the outside seating.
- 1.9 Representations have been received from neighbouring properties in objection to the application, with concerns relating to noise, disturbance and anti-social behaviour associated with the external seating area. There are also multiple representations from other properties in support of the proposals.
- 1.10 The Environmental Health Team have raised no objection to the application and consider that with the proposed Noise Management in place it will be acceptable. They have stated however that if the Planning Case Officer has any concerns regarding the complaint history, we would support the granting of planning permission on a temporary basis if it was felt appropriate to do so.
- 1.11 The proposed external seating area would be considerably smaller in size than what was approved originally under the temporary one year permission. Therefore the likely levels of noise would be noticeably lower than that when previously unrestricted for the year period until March 2019. In addition, the hours of use of these external seating areas would be one hour earlier than the inside hours of use already established. This too would likely result in noise levels being lower than those when unrestricted.
- 1.12 Notwithstanding this and despite the lack of an objection from the Environmental Health Team, officers do have some reservations regarding the re-introduction of external seating for patrons. The site itself sits within a residential context and whilst historically there has been a B2 business use in operation from this site for a considerable length of time, the noise associated with external patrons of a drinking establishment into evening hours can be different to a traditional B2 use that operates during daytime hours.
- 1.13 Therefore, it is the view of officers that, on balance, it would only be appropriate for the variation of the associated conditions and subsequent use of the external seating area to be granted on a one year temporary basis. This is necessary to effectively trial this confined external seating area and understand the effectiveness of the proposed Noise Management Plan in the use of this.
- 1.14 Officers recommend that the Planning Committee approve the application subject to conditions as drafted by officers.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X (adj)	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 and eastern end of Hooper Street. To the west are adjoining residential properties and to the east the railway line. Opposite the site to the south is the former Mill Road Depot which is being redeveloped as housing. To the north is 23B Hooper Street, a detached residential dwelling.
- 2.2 The application site comprises brick-built buildings within a courtyard of buildings occupied in business uses.
- 2.3 The application site is adjacent to the Mill Road Conservation Area

3.0 The Proposal

- 3.1 The application seeks to vary condition nos. 2 (noise management plan) and 3 (external areas) of permission reference 20/02619/S73. The purpose of this is to allow for a specific external seating area of 17.5sqm to be used by patrons of the microbrewery/ drinking establishment during the hours of Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00 only.
- 3.2 Condition no.2 (noise management plan) is proposed to be amended to a compliance condition whereby the use of the site has to be carried out with the Noise Management Plan (dated 2021) submitted as part of this application. The new Noise Management Plan would allow for the use of the externals eating area from 16:00 – 21:00 Tuesday – Thursday, 16:00 – 22:00 on Fridays and 12:00 – 22:00 on Saturdays. Other proposed restrictions would be:
- Limiting seating to three tables;
 - Giving patrons a 30 minute warning and a 5 minute warning prior to tables being put away;
 - The tables will be put away by 21:00 Tuesday – Thursday and 22:00 Friday and Saturday; and
 - Signage will be placed in the brewery that is visible to patrons who are going to the outside tables that notifies them of the closing times of the outside seating.

3.3 Condition no.3 (external seating) is proposed to be amended to:

“The external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101, including accessing this seating area from inside. This external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00.”

3.4 A plan (P101) is included within this application which outlines the extent of the proposed seating. This would allow for 3 tables to be used by patrons.

4.0 Relevant Site History

Reference	Description	Outcome
22/00968/S73	S73 to vary condition 4 of ref: 19/0902/FUL (Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities) in order to provide an outside seating area for Patron use.	Withdrawn.
20/02619/S73	S73 to vary condition 5 of ref: 19/0902/FUL (Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities) to read: The Premises shall only be open to the public at the following times: . Tuesday-Friday 16:00hrs-23:00hrs . Saturday: 11:00hrs-23:00hrs	Approved 9 February 2022
19/0902/FUL	Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities.	Approved 11 October 2019
18/1123/FUL	Retrospective planning application for the change of use of existing buildings from Class	Approved (temporary 1

B2 micro-brewery to Class B2 micro-brewery and Class A4 Drinking establishment. year) 11 March 2019

- 4.1 On 11 March 2019, temporary planning permission was granted for the retrospective change of use of the existing buildings from Class B2 micro-brewery to Class B2 micro-brewery and Class A4 Drinking establishment. This permission did not include any restrictions on the use of the external areas but the permission only lasted for one year and expired on 11 March 2020. The external area was capable of accommodating approximately 10no. tables and over 50no. people.
- 4.2 Following the expiry of the temporary permission, permanent permissions (19/0902/FUL & 20/02619/S73) were subsequently granted but, importantly, these did not include external seating and attached to these was a condition (no.3) which strictly prohibits patron use of the external areas at all time.
- 4.3 The previous permissions on the site also included a condition relating to a Noise Management Plan. The Noise Management Plan, as approved, stipulates, among other restrictions, that no external seating areas are to be included.
- 4.4 An application (22/00968/S73) was previously made for the use of a 17.5sqm external seating area. This was withdrawn due to insufficient information in the form of a lack of a Noise Management Plan.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 41: Protection of business space
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 58: Altering and extending existing buildings
Policy 61: Conservation and enhancement of historic environment
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Sustainable Design and Construction SPD – Adopted January 2020

5.5 Other Guidance

Mill Road Conservation Area (2011)

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 Conservation Officer – No Objection

6.4 The application has been assessed and it is considered that the proposal would not give rise to any harm to any heritage assets.

6.5 Environmental Health – No Objection

6.6 The proposed development is acceptable. We fully acknowledge that alleged noise and disturbance from patrons at the premises have previously resulted in noise complaints being made to our service. These complaints were received prior to the implementation of planning controls on the premises (planning controls were established at the end of March 2019 on approval of the retrospective planning application 18/1123/FUL). The complaints related to a variety of issues including alleged loud voices, singing and shouting, noise from patrons leaving the premises, noise from people in the street, noise from the mobile food van that parked at the front of the premises and noise from loud music (music is prohibited through planning condition). On review of all complaints made to date, I note the following:

- No noise complaint made to Environmental Health has been substantiated as noise nuisance and we have had no cause to take enforcement action as a result of any complaint made to us (either through the Licensing regime or the noise nuisance regime),
 - There have been no complaints made to Environmental Health about noise from the premises since 3rd March 2019 (acknowledging restricted operations from March 2020 through to March 2022 due to Covid lockdowns).
- 6.7 Notwithstanding the above, if the Planning Case Officer has any concerns regarding the complaint history, we would support the granting of planning permission on a temporary basis if it was felt appropriate to do so.
- 6.8 We welcome the limited hours proposed. They do not impinge on the later evening periods / night-time (10pm onwards).
- 6.9 In terms of external noise management, success will largely be based on strict and effective management and control by members of staff, compliance with the restrictions on hours and the commitments made above and therefore it is paramount that all members of staff are fully aware of the requirements and are able to effectively enforce the management commitments made.
- 6.10 A premises license informative is recommended.
- 6.11 Network Rail**
- 6.12 No response received.
- 7.0 Third Party Representations**
- 7.1 7no. representations in objection have been received. Those in objection have raised the following issues:
- Appreciate Calverley's is well managed but what is often over looked is that good, clean fun is actually noisy, and this noise carries to the residents;
 - The comments in support are from non-local residents;
 - The lack of complaints is not just due to Covid but also due to the fact the outdoor space can't be used;
 - Harm to amenity of nearby residential properties.
 - Outdoor street drinking occurs anyway.
 - Enforceability of keeping drinkers strictly limited to the blue line is questioned.
 - When there was an outdoor seating area the noise was unbearable. It was not possible residents to enjoy their gardens or rooms facing the pub operation. Unbearable in summer with windows closed.
 - Other local noise complaints outside Petersfield which has outside seating.

- The noise from trains is only approximately 30 seconds every 30 minutes and is not disruptive like the constant noise from outdoor seating.
- There are other pubs all within a 5 minute walk (Petersfield, Geldart, White Swan, Cambridge Blue) and so there's no need for an additional pub.

7.2 15no. representations in support have been received. Those in support have cited the following reasons:

- The trains next door are far louder than any noise associated with outdoor seating;
- All other public houses have this type of outdoor seating facility and cause no trouble;
- Proposal would bolster local community and encourage interaction between people;
- The management of the brewery to date has been good and sure that outdoor seating can be well managed;
- Calverley's is a unique venue as it is the only brewery tap room in central Cambridge and this should be supported;
- When outdoor seating was last used it was never too loud; and
- Policy 72 of the Local Plan (2018) supports a 'vibrant & diverse' mix of uses. The Mill Road Depot development and Chisholm Trail will connect the site much more directly to the Mill Road Opportunity Area.

8.0 Local Interest Groups and Organisations

8.1 The Cambridge and District Branch of the Campaign for Real Ale (CAMRA) has made a representation supporting the application on the following grounds:

- the taproom which has opened is highly successful and is one of the sought-out destination for beer drinkers in Cambridge;
- The Covid-19 pandemic highlighted the benefits of having outdoor seating and those places with outdoor drinking areas fared better than those that didn't;
- If granted, this application would allow more people to enjoy Calverley's beers and would improve the finances of the brewery making it more likely that they will continue trading in this part of Cambridge.

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

9.0 Assessment

9.1 Principle of Development

- 9.2 The principle of development was established under application reference 19/0902/FUL, granted 11th October 2019.
- 9.3 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. The PPG advises that where modifications are fundamental or substantial a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (Section 73 application) where there is a relevant condition that can be varied.
- 9.4 There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 9.5 In this instance, the proposed amendment would vary condition nos. 2 (noise management plan) and 3 (external areas) of permission reference 20/02619/S73. The purpose of this is to allow for a specific external seating area of 17.5sqm to be used by patrons of the microbrewery/ drinking establishment during the hours of Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00 only
- 9.6 The proposed amendment is considered to constitute a minor material amendment. The material consideration for the application is the impact of the proposed amendment and subsequent variations to conditions nos. 2 and 3 on the residential amenity of nearby occupiers.
- 9.7 Amenity**
- 9.8 Policies 35, 36, 55, 56 and 58 seek to preserve the amenity of neighbouring in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces. As the proposed amendment would seek to vary conditions 2 and 3 only, it is only the matters of noise and disturbance and overlooking of neighbours that could be materially affected by the proposed variations.
- 9.9 In considering the context of the site and the nature of the proposal, it is considered that the neighbouring properties that may be affected by any variation to condition nos.2 and 3 are the row of terraced properties to the west at nos. 80 – 108 Ainsworth Street and nos.23 and 23b Hooper Street. These properties all have rear elevations and gardens that face towards the site and/or are in close proximity to the site. No.23b is unique in that it is situated immediately to the north of the site.
- 9.10 It is not considered that neighbouring properties to the west would experience a harmful loss of privacy from patrons using the proposed outdoor seating area. The proposed seating area is situated adjacent to

the 'taproom' element of the site and any views towards neighbours gardens at ground level would be largely blocked by the existing single-storey units running north-to-south on the west side of the application site. In addition, the distance from the rear elevations would be approximately 28m at its closest point. At this distance, it is not considered the privacy of neighbours rear windows would be harmful impaired.

- 9.11 No.23b adjoins the boundary of the application site immediately to the north. Users of the outdoor seating area would have views out towards the front elevation and front garden area of this neighbour. Although this is a close relationship, it is not considered that, when taking into account the existing proximity of this neighbour to the yard area, the allowance of outdoor seating would impair the privacy of this neighbour more than present. The yard area already experiences comings and goings associated with the existing occupier and that of neighbouring businesses to the north. Therefore, the introduction of outdoor seating into a specific area would not, in the view of officers, exacerbate the levels of privacy afforded to this neighbour.
- 9.12 Whilst loss of privacy is not considered to be a concern, the use of the outdoor seating could potentially have an impact on neighbouring properties in terms of noise and disturbance. This requires careful consideration.
- 9.13 The Council's Environmental Health team have assessed the application and consider the proposed variations to the conditions to be acceptable. They have referenced that no noise complaint made to Environmental Health has been substantiated as noise nuisance and they have had no cause to take enforcement action as a result of any complaint made to them (either through the Licensing regime or the noise nuisance regime). In addition, there have been no complaints made to Environmental Health about noise from the premises since 3rd March 2019 (acknowledging restricted operations from March 2020 through to March 2022 due to Covid lockdowns).
- 9.14 It is acknowledged by planning officers that no noise complaint has been received since March 2019 but it must be factored in that this coincided with the expiry of the temporary permission whereby use of the outdoor seating area ceased.
- 9.15 The Environmental Health Team have reviewed the proposed Noise Management Plan and are satisfied with the proposed hours of use of the external seating areas being limited to 10pm which they consider to not impinge on the later evening periods/ night-time. Furthermore the proposed Noise Management Plan make several commitments which include:
- Implementing a system involving a warning for disruptive patrons in the first instance, and then request to leave the premises if noise persists;

- Display of notices asking customers to respect neighbours, be conscious of noise levels, and leave the premises in a quiet manner;
 - Verbal announcement asking customers to leave;
 - Seating limited to 3no tables and to be kept within the area identified in the application documents;
 - Verbal warnings given to outside patrons prior to the above end times;
 - Tables to be put away at the end of the proposed external seating closure times; and
 - Signage to be displayed informing patrons of the outdoor seating area closure times.
- 9.16 The proposed external seating area would be considerably smaller in size than what was approved originally under the temporary one year permission that ran until March 2019. As proposed, it would be confined to a 17.5sqm area, this would allow for three tables. In contrast, during the one year temporary permission, up to circa 90sqm was capable of being used by patrons externally which, according to the Environmental Health Team, was able to accommodate up to 10 tables.
- 9.17 Therefore the likely levels of noise from the proposed use of the 17.5sqm external seating area would be noticeably lower than that compared to the previously unrestricted seating area used between March 2019 to March 2020. In addition, the hours of use of these external seating areas would cease one hour earlier than the inside hours of use already established on the site. This too would likely result in noise levels being lower than those that occurred when the external seating was unrestricted.
- 9.18 Notwithstanding this and despite the lack of an objection from the Environmental Health Team, officers do have some reservations regarding the re-introduction of external seating for patrons. The representations of neighbours adjacent are noted. The site itself sits within a residential context and whilst historically there has been a B2 business use in operation from this site for a considerable length of time, the noise associated with external patrons of a drinking establishment into evening hours can be different to a traditional B2 use that operates during daytime hours.
- 9.19 It is acknowledged that representations in support have pointed out that frequent train movements immediately to the east are already noisy. Although officers accept that there is a noise associated with these movements, having visited neighbouring properties, it is considered that the nature and frequency of the noise is materially different to the type of noise associated with outdoor patron seating.
- 9.20 The unrestricted use of the external area for seating between March 2019 – March 2020 was found not to be compatible with its surroundings and therefore the matter of noise and disturbance is a critical issue. The reduction in the quantum of the external seating area and the strict

measures in the proposed Noise Management Plan would likely have less of an impact when compared to the former unrestricted use between March 2019 – March 2020.

9.21 Overall, taking all matters into consideration, it is the view of officers that, on balance, it would only be appropriate for the variation of the associated conditions and subsequent use of the external seating area to be granted on a one year temporary basis. This is because it is necessary to effectively trial the proposed external seating area to ensure that the amount of patrons using the 17.5sqm external seating area does not harm neighbour amenity. In addition, it is also necessary to understand the effectiveness of the measures set out in the proposed Noise Management Plan. The applicant would subsequently have to re-apply to continue using the external seating area if desired, by which time qualitative and quantitative data should be available to officers to make an informed decision as to whether extend the permission if sought.

9.22 In conclusion, subject to the use being restricted to a one year period only, the proposal adequately respects the amenity of its neighbours and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 36, 55, 56 and 58.

9.23 Third Party Representations

9.24 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
Representations in Objection	
The comments in support are from non-local residents.	The address of representors does not impact the level of weight to be attributed to representations.
Outdoor street drinking occurs anyway.	The nuisance associated with street drinking from patrons is a matter for the licensing team/ environmental health enforcement team.
Other local noise complaints outside Petersfield which has outside seating.	This is a different site and cannot be used as a direct comparison.
There are other pubs all within a 5 minute walk (Petersfield, Geldart, White Swan, Cambridge Blue) and so there's no need for an additional pub.	The drinking establishment is already an established use.
Representations in Support	
All other public houses have this type of	The application site and proposal has to be assessed on its own merits and the fact that

outdoor seating facility and cause no trouble.	other public houses have outdoor seating does not mean that it will be acceptable in all instances.
<p>Proposal would bolster local community and encourage interaction between people.</p> <p>Policy 72 of the Local Plan (2018) supports a 'vibrant & diverse' mix of uses. The Mill Road Depot development and Chisholm Trail will connect the site much more directly to the Mill Road Opportunity Area.</p> <p>Calverley's is a unique venue as it is the only brewery tap room in central Cambridge and this should be supported.</p>	<p>The benefit of drinking establishments such as this for community cohesion/ interaction are noted. However the use of the site and principle of development has been established and is not pertinent to the material impacts of the proposed condition variation.</p>
The management of the brewery to date has been good and sure that outdoor seating can be well managed.	The application must be assessed on the use of the land and not specific to the current occupier. The one year temporary period suggested by officers will test the effectiveness of the management and the noise management plan.

9.25 Planning Balance

- 9.26 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).
- 9.27 There is a degree of uncertainty regarding the levels of noise and management of the outdoor seating space for patrons that would result from the proposed variations to condition nos. 3 and 4. The unrestricted use of the outdoor seating area by patrons for the year period between March 2019 – March 2020 was considered to be harmful to the amenity of nearby residential properties in terms of noise and disturbance.
- 9.28 The proposed confinement of outdoor seating to a 17.5sqm area together with the measures set out in the proposed Noise Management Plan,

including stricter hours of use of this space, would likely result in lower noise levels than when outdoor seating was previously unrestricted. Nevertheless, there remains a degree of uncertainty regarding the effectiveness of the quantum of this space and the proposed Noise Management Plan.

- 9.29 The proposed introduction of outdoor seating to the drinking establishment would inevitably bring with it certain benefits. These include supporting the viability of a local business and community facility and expanding the range of community facilities available to residents and visitors.
- 9.30 Taking all matters into consideration, it is considered that in this case, on balance, the appropriate way forward would be for the variation to the conditions referenced to be strictly limited to a one year period. This would then allow the effectiveness and enforceability of the proposals to be appropriately monitored.
- 9.31 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 being limited to a one year period.

10.0 Recommendation

10.1 Approve subject to:

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

11.0 Planning Conditions

- 1 The development hereby permitted shall be 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.
- 2 For a period of no more than one calendar year from the date of this permission (23/00600/S73), the premises shall be operated and managed in accordance with the submitted and approved "Noise Management Plan To: Cambridge City Council Ref: Calverley's Brewery. 23A Hooper Street, Cambridge" (Version 1.1 dated 28th July 2021). The Noise Management Plan will be reviewed and updated at the request of the Local Planning Authority and/or in response to noise complaints. Updates shall be approved in writing by the Local Planning Authority prior to implementation. Following the completion of the one calendar year period from the date of this permission (23/00600/S73), the premises shall revert back to being operated and managed in accordance with the

previously submitted and approved "Noise Management Plan To: Cambridge City Council Ref: Calverley's Brewery, 23a Hooper Street, Cambridge dated 19th June 2019" or any subsequent Noise Management Plan that is submitted to and approved in writing by the Local Planning Authority and implemented in accordance with this thereafter.

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

- 3 For a period of no more than one calendar year from the date of this permission (23/00600/S73), the external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101 and this external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00. Following the completion of the one calendar year period from the date of this permission (23/00600/S73), patron use of the external areas of the premises shall be prohibited at all times.

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

- 4 The Premises shall only be open to the public at the following times:
- Tuesday-Friday 16:00hrs-23:00hrs
- Saturday: 11:00hrs-23:00hrs
Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

- 5 Music (to include internal or external amplified and unamplified music) and amplified voice is not permitted on site at any time.
Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

- 6 The external garage doors on the ground floor of the main unit building opening directly on to / fronting Hooper Street (or any opening in this location should the garage doors as detailed be replaced) shall be kept closed at all times and shall not be used for patron ingress / egress when the premises is open to the public and operating as A4 Class Use - as a drinking establishment.
Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

- 7 No bottles, kegs / barrels or other commercial refuse / waste or recycling material associated with the approved uses / site shall be emptied into external receptacles and the said receptacles and kegs / barrels shall not be taken out externally or moved around the external of the site between the hours of 2100-0700 hours.

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

- 8 There shall be no operational dispatches / collections from and deliveries to the site outside the following hours: Monday - Saturday: 0800hrs - 1800hrs There are to be no deliveries made on Sundays or bank / Public Holidays.

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

- 9 There shall be no preparation or cooking of hot food on the site at any time.

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

- 10 The premises shall be operated and used for the purposes as details/defined within the Planning Statement submitted within application 19/0902/FUL; Ref: Calverley's Brewery, 23a Hooper Street, Cambridge (prepared by Maidenhead Planning and dated 4th June 2019) and for no other purpose (including any other purposes in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (Amended 2020), or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the granting of a specific planning permission.

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

- 11 The cycle facilities shall be provided in accordance with the approved details before the use of the development commences and permanently maintained thereafter.

Reason: To ensure satisfactory provision for the secure storage of bicycles and refuse arrangements. (Cambridge Local Plan 2018 policies 82 and 56)