



## Cambridge City Council Planning

**Date:** Wednesday, 4 October 2023

**Time:** 10.00 am

**Venue:** Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

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

### Agenda

1 Order of Agenda

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 3 - 16)

### Minor/Other Planning Applications

5 23-01137-FUL The Varsity Hotel, Thompson's Lane (Pages 17 - 60)

6 23-01457-FUL - Cheddars Lane (Pages 61 - 94)

7 23-03297-FUL Ice Rink, Parker's Piece (Pages 95 - 118)

8 23-01821-HFUL 30 Maids Causeway (Pages 119 - 128)

9 23-01554-FUL Land Adjacent to Grafton House, Maids Causeway (Pages 129 - 164)

10 23-02487-FUL - Land at 64 Cromwell Road (Pages 165 - 180)

11 23-01790-FUL 10 Queen Ediths Way (Pages 181 - 188)

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

**Alternates:** Flaubert, Gilderdale, Howard, Nestor and Nethsingha

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**PLANNING**

2 August 2023

10.00 am - 5.50 pm

**Present:**

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

Also present (virtually) Councillor Bird

## Officers:

Delivery Manager: Toby Williams

Principal Planner: Aaron Coe

Senior Planner: Mary Collins

Senior Planner: Tom Chenery

Senior Planner: Sumaya Nakamya

Senior Planner: Charlotte Peet

Senior Planner: Alice Young

Senior Planning Officer: Laurence Moore

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Chris Connor

## Other Officers Present:

Housing Advice Partnerships Manager: Simon Penn

**FOR THE INFORMATION OF THE COUNCIL****23/66/Plan Apologies**

Apologies were received from Councillor Dryden.

**23/67/Plan Declarations of Interest**

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridgeshire Cycling Campaign.

Councillor Porrer	23/69/Plan	Personal and Prejudicial: Family members live adjacent to the application.  Withdrew from discussion, and did not vote.
Councillor Carling	23/70/Plan	Personal: Sat on Housing Scrutiny Committee which had discussed pods for homeless people. Discretion unfettered.
Councillor Porrer	23/70/Plan	Personal: This item relates to non-City Council housing pods. She sits on Housing Scrutiny Committee. Discretion unfettered.
Councillor Thornburrow	23/72/Plan	Personal: Knew the Applicant socially. Discretion unfettered.
Councillor Thornburrow	23/77/Plan	Lives next to St Matthews Piece. Spoke on behalf of residents on the previous tree application.

### **23/68/Plan Minutes**

The minutes of the meeting held on 13 June 2023 were approved as a correct record and signed by the Chair.

### **23/69/Plan 23/01081/S73 11 Queen Ediths Way**

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

The Committee received a S73 application to vary condition 2 (approved drawings) of ref: 20/02172/FUL (The erection of new buildings to provide 40 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works) for the following:

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

The Committee received a representation in objection to the application from a resident of Queen Ediths Way who objected to the:

- i. Reduction in number of car parking spaces, it was unreasonable to expect 5 spaces to be used by 40 people. The number of spaces proposed were insufficient. This would negatively impact nearby streets.
- ii. Impact of the application on neighbouring properties.
- iii. Loss of privacy caused by moving the lift to Queen Ediths Way and associated overlooking.
- iv. Placement of planting on roof. Queried noise and heat mitigation measures to reduce the impact on neighbours.
- v. Placement of bins and bin store. There was no clear management strategy.

The Committee received a representation in objection to the application from a resident of Holbrook Road. Written statement read by Committee Manager:

- i. Document (2661-10-03-B) dated 15 May 2023 did not provide enough details about the protection and preservation of boundary's hedges along the border which were very mature (20 yrs Old). The hedges were important to the Objector and acted as a privacy shield for them from the site. Off-late had observed there was quite an amount of work happening on the site and were concerned the contractor involved in the building work might damage the hedges. Urged the Planning Committee to advise the property owners/contractors to take all care in safeguarding the existing hedges all along the property boundaries and not damage/remove them no matter the outcome of this proposed development.
- ii. As per the site shadow study document (20-02172-FUL) dated 6 May 2021 from the previous planning application, Block B would block the sunshine the Objector received at the moment. The newly proposed

development plan would overshadow their house located in Holbrook Road and would cause detrimental damage to Objector's mental health and well-being.

- iii. Block C of the development appeared to be exactly adjacent to Objector's back garden touching the hedges as shown in the (2661-10-03-B) document dated 15 May 2023. With no wall separating the boundaries it might pose a security issue for Objectors and also become very noisy once occupied.

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

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. A management plan was required to ensure waste bins were not moved too early in the day.
- ii. The property design needed to take into account climate change and the size of full grown trees.

The amendments were **carried unanimously**.

The Committee:

**Resolved (by 5 votes to 0 with 1 abstention)** to grant the S73 application for 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;
- ii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to amend condition 31 regarding the hours of bin collection;
- iii. an informative to be included on the planning permission that the foundation design would take into account climate change and the size of full grown trees.

### **23/70/Plan 23/01366/FUL Land Adjacent to 39 Hills Avenue**

The Committee received an application for change of use of land to allow siting of 4 modular homes to provide accommodation for homeless people, together with associated access and infrastructure, on Land adjacent to 39 Hills Avenue, Cambridge.

The Senior Planner updated her report by referring to:

- i. Corrections on the amendment sheet.
  - a. Paragraph 7.1: The third-party representations received have increased to 18.
  - b. Paragraph 8.59 - minor typo, it should read "5 years" rather than 10 years, this was to reflect the recommended condition 3 which was suggesting a 5-year temporary permission.
- ii. Tree T2 and T4 were protected by Tree Protection Orders but T1 was not. It was managed by the local authority.

The Committee received a representation in objection to the application from a resident of Baldock Way. Written statement read by Committee Manager:

- i. Much had been made of the fact that the proposed dwellings were for homeless people. Suggested that this risked distracting the committee from its primary focus, which was to decide whether the buildings were suitable in design for the location. They were not. Objected to this planning application because the proposed buildings did not respect the existing character of the area around. With few exceptions, the houses in this and surrounding streets have two storeys and pitched roofs. Single-storey flat-roofed buildings were simply not appropriate, whatever their intended use. The jarring visual impact would only be heightened by the way that they would project beyond the building line in Hills Avenue.
- ii. There was a desperate shortage of affordable housing in Cambridge. This plot would be ideal for two houses which could provide homes for several people. The proximity to a nursery and a primary school would make them ideal for families with children. There were doubtless many such families on the council's waiting list. The proposal to site temporary, prefabricated units on the plot would simply cause further delay to a sensible development.

The Committee received a representation in objection to the application from a local resident:

- i. Houses in the area were a hundred years old and part of the 'Homes for Heroes' project.
- ii. Was concerned about neighbours' wellbeing and the impact of the application on their lives.
- iii. The garden site was not big enough to include four homes. Suggested 2 or 3 homes were more appropriate for the site Was concerned over loss of garden space.

- iv. Was concerned about loss of privacy for occupier of 39 Baldock Way.

The Committee received a representation in objection to the application from a resident of Baldock Way. Written statement read by Committee Manager:

- i. Lived across the road from the proposed development. Had recently attended a meeting on the site, with 'It Takes a City' at which local residents were able to hear more of the proposals. Residents overwhelming felt this was an overdevelopment of the site, and that if residents lost the current community garden then 2, rather than 4, pods would be far more appropriate for a site of this size and location. For the project to be a success the views of current residents, as well as those moving into the area, needed to be respected and considered.
- ii. This area was a very green and leafy garden suburb. It mainly comprised of 3 bedroom family homes. Placing 4 pods on this site, was too many for a garden suburb feeling to be retained. The pods would breach the current building lines on both Baldock Way (by circa 4 metres), and Hills Avenue (by circa 7 metres, equivalent to almost 2 pod widths). The planned pods were entirely out of keeping with more traditional style houses around the site, which date back to the 1920's and have front and back garden spaces, with no breach of building lines.
- iii. If the proposal went ahead, 1 of the 2 trees with preservation orders on them, would have to be cut down, the other a Sweetgum would have the branches cut off to a height of 3.5m above ground level to create headroom for the pod. This would destroy the look of this tree in its prominent position on the corner of Hills Avenue and Baldock Way. The proposed permeable paving and drainage encroached into this trees root protection area, which could be detrimental to its survival.
- iv. Was concerned that the vent pipe for the sewer drain which was to be put in alongside the bike / bin store at the back of the footpath on Baldock Way would emit smells from the sewer into the air.
- v. If there were to be 2 pods, all existing trees could be retained and there would be more natural garden space for residents to enjoy, which we know was so vital to mental health. There would also be less impact on the immediate neighbours.
- vi. Questioned the design of the proposed landscaping which included wood fencing at 1.5 metres high on the back of the footpaths and 2.1 metres high on boundaries with adjoining houses. There were also raised plant



boxes for new plants. Was this fencing really needed and could the plants along the site boundary not go directly into the ground, giving a far more natural feel to the garden, as currently existed?

- vii. Queried placing this project in this residential area, which was very different to the Newmarket Road site, to which it was being compared. The Newmarket Road site had easy access to support networks, shops, the football ground, cafes, and a swimming pool. This area had no such amenities nearby. This aspect was important as the residents would only be here for a year at a time, before moving on, so need places which provide opportunities to meet others quickly, and feel part of a community, before moving on to their more permanent homes.

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

Councillor Bird (Executive Councillor for Housing and Homelessness) addressed the Committee about the application:

- i. Modular home made a big positive difference to the homeless community.
- ii. No anti-social behaviour was expected from tenants.
- iii. Hoped to build as many pods as possible for homeless people around the City.
- iv. Asked all city residents to notify the Executive Councillor of land (additional sites) where pods could be sited.

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

- i. It was clear from conversations she had with individual residents and the feedback provided at the onsite drop-in organised by It Takes a City earlier in the summer that, while many residents were supportive in principle of this application, they were concerned by the degree of over development of the site. They, and Cllr Davies, expressed a marked preference for three pods rather than four. This would enable the retention of the open aspect of this corner plot referred to in the officer's report and also the retention of at least one tree now slated for removal.
- ii. Hoped committee would be able to recommend this approach for reconsideration by the applicant. Given the Applicant's desire for

community goodwill towards, and support for the site, this seemed like a positive compromise.

Councillor Porrer proposed amendments to the Officer's recommendation:

- i. Amend Conditions 10, 12 and 14 to refer to protected trees and roots.
- ii. Include a soft and hard landscape scheme that referenced boundary treatment.

The amendments were **carried unanimously**.

#### The Committee:

**Resolved (by 6 votes to 0 with 1 abstention)** to grant the application for change of use in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted) including the following amendments to conditions:

- i. amend Conditions 10, 12 and 14 to refer to protected trees and roots;
- ii. include a soft and hard landscape scheme that referenced boundary treatment.

#### **23/71/Plan 22/04891/HFUL 25 Devonshire Road**

Application deferred to a future Planning Committee due to error in consultation document sent to neighbour.

#### **23/72/Plan 22/03855/OUT 3-5 Fen Road**

The Committee received an application for outline planning permission.

The application sought approval for the development of 2 No. dwellings and associated works in rear garden of 3-5 Fen Road with some matters reserved except for access, layout and scale.

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

#### The Committee:

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

Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted).

### **23/73/Plan 22/05070/FUL Land to Rear of 208-210 Queen Ediths Way**

The Committee received an application for full planning permission.

The application sought approval for erection of 8 new homes, car parking, landscaping, bin and bike stores and associated works.

Mr van der Vyer (HDA Programme Manager) addressed the Committee in support of the application.

Councilor Baigent proposed and Councillor Thornburrow seconded deferring the application to allow cycle parking to be made policy compliant.

The Committee:

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

### **23/74/Plan 22/03731/S106A Land Between Bridewell Rd and Lucerne Close**

The Committee received an application for modification of planning obligations contained in a Section 106 Agreement dated 20 December 1993 made between (1) Cambridge City Council and (2) Granta Housing Society Limited.

The Committee:

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

### **23/75/Plan 23/01014/FUL 159 Vinery Road**

The Committee received an application for full planning permission.

The application sought approval for demolition of an existing dwelling and outbuilding, and the construction of 3no. four bedroom houses and 1no. five bedroom house, with associated external works, including a new dropped kerb road access, and bicycle, refuse and recycling stores

Councillor Porrer proposed an amendment to the Officer's recommendation to encourage implementation of air source heat pumps.

This amendment was **carried unanimously**.

Councillor Bennett proposed an amendment to the Officer's recommendation to encourage water usage of under 110L per person.

This amendment was **carried unanimously**.

Councillor Thornburrow proposed an amendment to the Officer's recommendation to include an M42 condition.

This amendment was **carried unanimously**.

#### The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report (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. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include an additional M42 condition;
- iii. informatives included on the planning permission to encourage:
  - a. water usage of under 110L per person;
  - b. implementation of air source heat pumps.

#### **23/76/Plan 23/00199/FUL 145 Perne Road**

The Committee received an application for change of use of existing HMO to 4 No. flats including two storey rear extension and new bin and bike store.

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

- i. This was a residential area, and changing the usage of the house to flats means that the number of people in this small area would dramatically increase. A total of 6 bedrooms, potentially each with a double bed, could mean up to 12 people at the property. This was overcrowding.

Believed they were buying in a residential area, with a standard residence next door. Did not expect that it would suddenly become a high-density area.

- ii. Three of the four entrances to the flats were at the side of the property adjoining Objector's property, so the high volume of foot traffic accessing these flats at the side of their house was also a safety and security concern.
- iii. The access area to these three flats shown on the documents appeared to be over the boundary to Objector's property. The boundary line didn't seem correct, it appeared to be wiggly where the line as per the property deed was a straight line.
- iv. The substantial two storages extension would certainly block light to Objector's property, which was not acceptable as per the Right to Light (Date Added: 2 January 2023).

Mr Sodha (Applicant) addressed the Committee in support of the application. [The Committee Manager read a statement on behalf of the Applicant].

Councillor Porrer proposed an amendment to the Officer's recommendation that the intended use of the property should be agreed by Chair, Vice Chair and Spokes

This amendment was **carried unanimously**.

Councillor Carling proposed an amendment to the Officer's recommendation to include a 10% biodiversity target in Condition 6.

This amendment was **carried unanimously**.

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. M42 condition.
- ii. Encourage cycle parking at the front of the property.

The amendments were **carried unanimously**.

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the

Officer's report (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;
- ii. amend Condition 6 to include a 10% biodiversity target;
- iii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:
  - a. the intended use of the property to be agreed by Chair, Vice Chair and Spokes;
  - b. M42;
- iv. an informative included on the planning permission to encourage cycle parking at the front of the property.

### **23/77/Plan TWA 23/0119/TTPO - St Matthews Centre**

Application deferred to a future Planning Committee to allow more time for a Councillor briefing and to address queries about technical issues with further details in the Officer's report.

### **23/78/Plan TWA 23/0159/TTPO Howes Place**

Application deferred to a future Planning Committee to allow more time for a Councillor briefing and to address queries about technical issues with further details in the Officer's report.

### **23/79/Plan Owlstone Croft, Owlstone Road - Planning Appeal - APP/Q0505/W/23/3323130**

The Planning Committee resolved to exclude members of the public from the meeting on the grounds that, if they were present, there would be disclosure to them of information defined as exempt from publication by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Committee received a report regarding planning application 22/02066/FUL at Owlstone Croft refused at Planning Committee on 11 January 2023. An appeal had been lodged against this decision.

The Committee:

**Unanimously resolved** to note the officer report.

The meeting ended at 5.50 pm

**CHAIR**

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<b>Planning Committee Date</b>	Wednesday 4 <sup>th</sup> October 2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/01137/FUL
<b>Site</b>	The Varsity Hotel and Spa, 24 Thompsons Lane, Cambridge, Cambridgeshire.
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Installation of a new all weather lightweight retractable roof canopy and associated works
<b>Applicant</b>	Mr Will Davies
<b>Presenting Officer</b>	Charlotte Peet
<b>Reason Reported to Committee</b>	Public Interest
<b>Member Site Visit Date</b>	2 October 2023
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Design, Scale, Layout and Landscaping</li><li>2. Heritage Assets</li><li>3. Amenity</li><li>4. Highway Safety and Traffic</li><li>5. Third Party Representations</li></ol>
<b>Recommendation</b>	<b>Approve</b>

## 1.0 Executive Summary

- 1.1 The application seeks permission for the installation of a new all weather lightweight retractable roof canopy and associated works.
- 1.2 The proposal would introduce a new structure to the rooftop of the building, comprising a steel frame and glazed roof and sides. The retractable elements comprise a retractable awning system within the roof area and guillotine/ telescopic windows that open in the sides. The rest of the structure would remain as a permanent structure above the roof of the existing building.
- 1.3 The application was deferred from Planning Committee 5<sup>th</sup> July 2023 as Members requested time to undertake a site visit and for additional information to be submitted regarding impacts from potential lighting. The applicant has put together additional information in this regard to provide clarity on the lighting impacts, including high-quality evening visualisations and a lighting analysis. In addition, the applicant has put together additional information in order to make the proposal clearer for members, this includes an isometric drawing, an example of a similar retraction system at Trafalgar Hotel, colour corrected visualisations, noise information for retraction and details of the heating equipment.
- 1.4 This application follows a previous application which was refused at Planning Committee 2<sup>nd</sup> November 2022 following Officer recommendation. It was refused for two reasons based on the scale, bulk and design of the structure and the impact to the Cambridge skyline and harm to both designated and non-designated heritage impacts of the proposal. At this time, it was not considered that the harm to heritage assets would be outweighed by public benefits.
- 1.5 The report details that the proposal has been improved following the previous application. Whilst it would continue to result in a prominent addition to the Cambridge skyline, that would result in harm to surrounding heritage assets, it is considered that on balance the public benefits resulting from the proposal would outweigh the harm and therefore be considered acceptable.
- 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	X	Flood Zone	

Building of Local Interest	X	Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

2.1 The Varsity Hotel is a seven-storey building, approximately 21m tall, used as a hotel and restaurant within the centre of the city adjacent to the quayside area. The Glassworks gym occupy the converted warehouse which adjoins the application site to the north. To the northeast of the site, the character is predominantly residential and defined by consistent rows of two-storey terraced properties which are designated buildings of local interest. To the southwest, the character shifts, and is defined by taller, commercial use buildings which form part of the quayside area. Beyond this, is the River Cam.

2.2 The proposal is located with the Central Conservation Area, within the setting of a number of listed buildings and buildings of local interest which are summarised in the heritage section of this report.

### **3.0 The Proposal**

3.1 The application seeks permission for installation of a new all weather lightweight retractable roof canopy and associated works.

3.2 The proposed development comprises a structure made with a steel frame and glass which would sit across the over the entire rooftop area to provide year-round use of the rooftop. It would involve the removal of the existing balustrade and become a permanent structure on the rooftop. The windows to the side of the structure would be openable through a mechanised guillotine/ telescopic system and the roof would contain an awning system that would retract into the pelmet at the top of the structure when weather allows.

3.3 Throughout the consideration period of the application, the applicant submitted further information including a heritage statement and additional verified views to show the impact of the proposal from Magdalene Bridge and Jesus Green and scaled elevations.

1.7 The application was considered at Planning Committee on the 5<sup>th</sup> July 2023, however was deferred by members to allow a site visit to take place and additional information to be submitted. Following this additional information has been submitted, including high-quality evening visualisations and a lighting analysis, an isometric drawing, an example of a similar retraction system at Trafalgar Hotel, colour corrected visualisations, noise information for retraction and details of the heating equipment.

#### 4.0 Relevant Site History

Reference	Description	Outcome
22/00778/FUL	Installation of a new all weather lightweight retractable roof canopy and associated works.	Refused (Appeal Lodged)
21/05201/NMA1	Non-material amendment of planning permission 21/05201/FUL (Creation of new basement/s for Hotel and Spa) Amendment of basement level, increasing depth by approx 2m	Withdrawn
21/05201/FUL	Creation of new basement/s for Hotel and Spa	Permitted
21/03682/FUL	Creation of new basement/s for Hotel and Spa	Permitted
20/02622/S73	S73 to remove condition 4 (car parking layout) of ref: 09/0447/FUL (Change of use from two residential apartments on 6th floor to six hotel rooms).	Disposed
20/02504/S73	Removal of condition 2 (vehicle parking) of planning permission 08/1610/FUL	Permitted
18/1933/FUL	Erection of a lightweight retractable fabric awning system, together with minimalist sliding glass curtains above the existing glass balustrade on the 6th Floor.	Permitted
15/0396/S73	S73 application to remove the prohibition of restaurant, cafe, bar use on the sixth floor - removal of condition 3 of planning permission 09/0447/FUL.	Permitted
14/0499/S73	S73 application to vary condition 2 of planning permission 08/1610/FUL to remove the part relating to the provision of a disabled parking space to amend to 'provision would be made offering valet parking free of charge for disabled guests'.	Refused
09/0775/S73	Variation of Condition 3 of planning permission 08/1610/FUL to allow the possibility of a restaurant	Permitted
09/0498/S73	Variation of Condition 3 of planning permission 08/1610/FUL to allow the possibility of a restaurant.	Refused
09/0447/FUL	Change of use from two residential apartments on 6th floor to six hotel rooms.	Permitted
09/0344/S73	Variation of condition 3 of planning permission 08/1610/FUL to allow the possibility of a restaurant.	Allowed on appeal
08/1610/FUL	Change of use which involves conversion of an existing apartment block in the centre of	Permitted

	Cambridge into a Hotel, with no change to the top floor which will remain residential.	
04/1270/FUL	Amendments to approved planning permission C/03/0808/FP to achieve acoustic improvements and minor internal changes and increase size of Flat 19, to accommodate these changes by varying Northern, Eastern and Western elevations.	Permitted

- 4.1 The building was originally built as a residential building, however was later converted to a hotel through subsequent applications which first converted the lower floors to hotel use and then the top floor and then added the restaurant. The most recent alterations to the building have been in the form of the creation of a basement for the hotel/spa.
- 4.2 This application follows an application which was previously refused at Planning Committee of 2<sup>nd</sup> November 2022. The reasons for refusal were based on the adverse impact to the Cambridge skyline and the impact to designated and non-designated heritage assets. It was not considered that the public benefits would not have outweighed the harm to designated heritage assets and that harm would result to non-designated heritage assets to the detriment of the character of the area. The proposal has since been amended following advice from Officers prior to the submission of the current application.

## 5.0 Policy

### 5.1 National

National Planning Policy Framework 2023  
National Planning Practice Guidance  
National Design Guide 2021  
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design  
Circular 11/95 (Conditions, Annex A)  
Conservation of Habitats and Species Regulations 2017  
Environment Act 2021  
ODPM Circular 06/2005 – Protected Species  
Equalities Act 2010

### 5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development  
Policy 2: Spatial strategy for the location of employment development  
Policy 10: The City Centre  
Policy 11: Development in the City Centre Primary Shopping Area  
Policy 28: Sustainable design and construction, and water use  
Policy 31: Integrated water management and the water cycle  
Policy 32: Flood risk  
Policy 34: Light pollution control

Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding Zones  
Policy 41: Protection of business space  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 58: Altering and extending existing buildings  
Policy 59: Designing landscape and the public realm  
Policy 60: Tall buildings and the skyline in Cambridge  
Policy 61: Conservation and enhancement of historic environment  
Policy 62: Local heritage assets  
Policy 80: Supporting sustainable access to development  
Policy 82: Parking management

### 5.3 **Neighbourhood Plan**

N/A

### 5.4 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Health Impact Assessment SPD – Adopted March 2011  
Landscape in New Developments SPD – Adopted March 2010  
Open Space SPD – Adopted January 2009  
Public Art SPD – Adopted January 2009  
Trees and Development Sites SPD – Adopted January 2009  
Grafton Area Masterplan and Guidance SPD (2018)  
Mitcham’s Corner Development Framework SPD (2018)

### 5.5 **Other Guidance**

Central Conservation Area Appraisal (2017)

## 6.0 **Consultations**

### 6.1 **Conservation Officer – Objection (Further Information Required)**

### 6.2 1<sup>st</sup> Comments

6.3 A roof extension in this historic context will be readily apparent to residents, workers, and visitors to Cambridge and would be a long-term feature that ought to be of generally acknowledged high quality if it is to be permitted. I do not believe this has been demonstrated nor that there is sufficient material (e.g. detailed drawings and a detailed model), or a convincingly justified case for such an intrusion into the roofscape / skyline.

- When open, the structure would appear as an incongruous skeletal frame further detracting from the surroundings.

- Other than having a “bulky pelmet”, there are no detailed drawings of what the frame/canopy would look like.
- When closed, the structure equates to an extra storey on an already prominent building.
- The applicant’s claim of only “minor level harm” is based on incomplete information and questionable assumptions. There would be significant harm to heritage assets.
- Given 2 & 4, a Planning Balance exercise ought to acknowledge greater than minor level harm – especially given the importance of the heritage assets affected.
- There would be difficulty in granting a planning permission that relies on a planning condition to mitigate/establish design information – as it has not been demonstrated that development accords with policy in principle.

6.4 These are expanded below.

#### Commentary

- 6.5 The proposal is for the construction of a structural frame built off the edges of the 6th floor, with a secondary structure (including a “bulkier pelmet” – ref: Design & Access Statement para 1.6) which will allow the retractable roof - its moving parts folding and gathering behind the roof members - and associated motors to be “disguised by the roof members”. ii Cladding to solid sections, would match the existing on the Hotel ie. is to be in “zinc” grey as the existing upper storeys are (HIA 7.1.5). The perimeter glazing would be telescopic/guillotine in configuration which when open, would have 1100mm high balustrading like the existing glass screen. It is proposed to install low-level infra-red heater units on the “inboard retractable roofing columns.” The existing two smaller 6th floor canopies would be replaced.
- 6.6 Notwithstanding this general description, there is a lack of detailed information on its actual appearance – what would get built if permission was granted. The design is only indicated on the elevation drawings (TVH-AMA-XX-SK-A-10-01 etc) which are entitled “Retractable Roof Visualization” and the roof plan diagrams (whereas for instance, Policy 60 requires “scaled drawings, sections, accurate visual representations and models”). So despite this being described as a lightweight retractable roof canopy, there is no drawn or other information on the dimensions of the “bulkier Pelmet” or the frame that is thick enough to disguise the moving, folding parts and associated motors behind them. It is not just the pelmet we lack dimensions for but for the frame members generally. Nor are there drawings of how the sliding panels would look. There is nothing for the “inboard retractable roofing columns”. In short, there are no lower scaled drawings. The drawings sent latterly with a scale bar are not a substitution for this information. Neither are the proposed materials or finishes of the roof frame structure stated on the application form. We also don’t know how noisy and distracting its operation would be and have not seen such a

roof in action. If a permission was granted on the current information, little of the resultant appearance apart from the roof frame's layout would be known ahead. Surely, the importance of this city centre area warrants a model, sections, full drawings and decision makers consideration of the working operation of an automated roof (perhaps from an example elsewhere but considered in the Cambridge context).

- 6.7 The building form would be extended upwards by some three metres taken from the existing top floor. For a comparison, this equates to an additional (domestic scale) floor on a building. The frame would in the applicants terms, be "extruded" from the outer edges of the existing building (ie go straight up from the outer walls). The result is to introduce greater presence for a building with upper floors that lack coherent form – to introduce this into a roof/streetscape where in contrast, roof forms are clear and where those taller buildings that do feature are of quality and significance. It is notable that in spite of the importance of the location, the quality of the proposed design has not been tested by the Council's Design Review Panel to independently comment on the design (and on any claim that it successfully contrasts with existing established building forms).
- 6.8 That there would be harm to the conservation area and settings of heritage assets is acknowledged by the applicants submitted Historic Impact Assessment (HIA). However, I do not agree the claimed level of harm. The HIA appears also to be based on the same limited drawings/information available with the application and therefore the assessment of harm was without full knowledge of the appearance of the structure/roof. It also lacks assessment of setting. Also, it considers that the materials (steel and glass) reflect the roofs of the neighbouring Quayside development but these are predominantly tile and slate viewed from the ground. Further, as guidance tells us, how we experience a conservation area is not restricted to selected set views alone and includes other ways the area is experienced (Historic England guidance GPA3 – The Setting of Heritage Assets). The HIA does not fully take account of the physical or visual disturbance of the moving structure opening and closing. For lighting - during twilight and darkness, the additional storey would be lighted within (by we are told, strip lighting). It would continue to appear as a very prominent illuminated volume against the darkening sky and given it is intended as an all-weather canopy, this is likely to be the case for additional time.
- 6.9 Thus, the factors above mean the applicant's assessment of harm to heritage assets is too low and harm would actually be at a more significant level of the NPPF's "less than substantial".
- 6.10 The NPPF "planning balance" exercise: Lack of a detailed design also means it's contribution to potential harm cannot be fully assessed. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's



conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF para 199). The weight given to the heritage assets affected in the planning balance needs to be particularly great (“the more important the asset, the greater the weight should be”) as they include highly graded Listed buildings and the historic core of Cambridge.

6.11 The extension is not demonstrated to be in accord with Local Plan policies (see below) and this would not be mitigated by simply relying on a condition requiring design information.

- A taller building of this nature and also having an automated roof would be out of character here.
- In decision making, special attention must be paid to preserving or enhancing the character or appearance of the character of the conservation area as per section 72 of the Planning (Listed buildings & Conservation Areas) Act 1990.

Heritage Assets:

6.12 The application site is within the Central conservation area, and forms part of the setting of a number of statutorily and locally listed buildings, including the Grade I Pepys and First Court buildings at Magdalene College, the Chapel at St John’s College, also Grade I, the Bright’s building at Magdalene College, and Magdalene Bridge, which are both listed Grade II, and the Buildings of Local Interest on the east side of the north section of Thompson’s Lane, both sides of St John’s Street, and the west side of Park Parade.

6.13 The applicant’s submitted HIA (by LanPro) concludes: “that the proposed development will result in less than substantial harm (minor level) on the significance and character of the river Cam corridor of the Central Conservation Area. The design and shape of the proposed canopy will give better continuity with the established upper floors of the Hotel and will also reflect the existing steel and glass rooftops of the neighbouring Quayside development, making it a more cohesive addition to the buildings along the eastern bank of the river Cam.”

6.14 However, the existing Quayside development roofs present not as “steel and glass” as the applicants suggest, but as pitched tile and slate roofs. To claim to be reflecting the Quayside roofs is false and suggests the level of harm has been underestimated.

6.15 The applicants also claim the level of harm is only minor as “the design and shape of the proposed canopy will give better continuity with the established upper floors of the Hotel”. This continuity with the upper floors equates to extending the envelope of these floors up another level along

with additional skeleton structure. Again, in terms of the additional height, and prominence, this is hardly a sound basis for claiming just minor level harm.

- 6.16 Dealing with views from Jesus Green etc, the HIA conclusions are mixed with skyline assessment. However, a Jesus Green assessment is more to do with impact on the character of the conservation area.

Policy and Guidance Appraisal regarding Historic Environment:

- 6.17 Policy 58: Altering and extending existing buildings. Alterations and extensions to existing buildings will be permitted where they:
- a. do not adversely impact on the setting, character or appearance of listed buildings or the appearance of conservation areas, local heritage assets, open spaces, trees or important wildlife features;
  - b. reflect, or successfully contrast with, the existing building form, use of materials and architectural detailing while ensuring that proposals are sympathetic to the existing building and surrounding area;
- 6.18 The proposal would adversely impact assets in (a) above. There is no evidence it would successfully achieve (b) above.
- 6.19 Policy 60. Views analysis for Policy 60 “Tall Buildings”, shows for instance, the proposal does not comply with 60(c): scale, massing and architectural quality – applicants should demonstrate through the use of scaled drawings, sections, accurate visual representations and models how the proposals will deliver a high quality addition to the Cambridge skyline and clearly demonstrate that there is no adverse impact.
- 6.20 Policy 61 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.
- 6.21 The proposal would fail to do so.
- 6.22 NPPF 199. “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
- 6.23 The assets concerned are within the settings of Listed buildings of the highest significance and within the historic core of Cambridge and should be given great weight in the decision on this application.

- 6.24 Section 66 of the Planning (LB & CAs) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting.....
- 6.25 The proposal does not demonstrate that it successfully resolves the impact of the existing top floor use impact, it simply emphasises the clutter with an open frame or when closed creates a full additional floor that is not sympathetic to the surrounding area
- 6.26 2<sup>nd</sup> Comments (following deferral and additional information being submitted)
- 6.27 The Isometric drawing confirms the nature of the incongruous feature that would appear over the existing roof tops i.e. a permanent skeletal structural frame. Even or especially, the view from Magdalene Bridge alone, is sufficient to demonstrate the additional prominence of the resultant building and the extremely harmful visual impact.
- 6.28 The additional height and stark appearance negate any design benefit from changes to the building's lower floors (removal of the existing canopies, or the claim that the proposed canopy will give better continuity with the established upper floors of the Hotel).
- 6.29 Because the assets concerned are within the settings of Listed buildings of the highest significance and within the core of Cambridge (which should be given "great weight") the decision on this application should not be unduly constrained by the limited "public" benefits.
- 6.30 Recommendation:
- 6.31 Refuse the application due to the impact on the character and appearance of the Cambridge Central Conservation Area and on the settings of heritage assets within it (such as Magdalene College and St John's College Chapel).
- 6.32 **Urban Design Officer – No Objection**
- 6.33 1<sup>st</sup> Comments
- 6.34 A previous application (reference: 22/00778/FUL) for a lightweight all-weather canopy was refused because the proposals failed to create a high-quality addition to the Cambridge Skyline due to the excessive scale, bulk and poor detailing of the proposals.

6.35 The applicant has since engaged in a series of constructive pre-application discussions to support the revised proposals for the all-weather canopy which form the basis of the submitted scheme. A series of verified views have been prepared and submitted to help with the assessment of the scheme from surrounding streets and open space as well as from other vantagepoints.

#### Scale, massing and appearance

6.36 The upper floors of the existing Varsity Hotel appear somewhat unresolved with the existing roof terrace balustrade forming a poor termination to the building. The canopies to the floors below, serving the restaurant space, contribute to this piecemeal appearance.

6.37 Key challenges set down as part of the pre-application discussions for a revised approach to the canopy were how to achieve a better resolution to the upper floors of the building and in so doing create a more elegant and refined structure to accommodate the canopies.

6.38 Working with the existing constraints of the roof structure have posed a significant challenge to creating the framework required to hold the canopies and associated mechanisms which require any structure to be supported off the existing ring-beam at the 6th floor.

6.39 Our advice at pre-application discussions was to explore how a more cohesive approach could be achieved that would remove the piecemeal approach of the different canopy design at 6th floor and work with the structure required to support the new canopies on the roof terrace. Modelling the overall form and setting back the deeper pelmet were crucial parts of the required approach.

6.40 The proposals create an 'exoskeleton' approach that extend columns up from the 6th floor and over the roof terrace. The top of these columns transition into the supporting beams but are chamfered to drop the horizontal line down at the top of the building and push the deeper pelmet profile back from the edge of the building.

6.41 Although the proposed roof terrace structure is visually more apparent than the existing roof terrace details, our view is that the overall approach now results in a much more resolved and refined approach which crucially removes the various and conflicting design approaches of the previous canopy designs. The expression of the columns and their profile is an important part of the design and the elevations show how they sit in front of the pelmet and other cladding to provide articulation and rhythm to the upper floors of the hotel.

- 6.42 The proposed structure is identified in the submitted Design & Access Statement as having the ‘tonal qualities of the frame being muted and glazing specifically being non-reflective’. These are important qualities to get right in order that it doesn’t appear obtrusive in key views and creates a calm addition to the skyline. Although the planning elevations show the exoskeleton to be the same colour as the cladding behind, there may be a need to create a subtle contrast between the frame and cladding using a bronze or similar colour. These details can be covered by condition should the application be approved and suggested wording is including in these comments.

#### Visual appraisal

- 6.43 A series of five verified views have been prepared by Foundation CGI Limited and submitted to show the proposed canopy addition to the hotel in the context of surrounding streets and buildings, from key public spaces and other local vantagepoints. The methodology followed to produce each view has been provided and is consistent with industry standards and show the existing situation and then the proposals with the canopy open and canopy closed. The approach is consistent with the requirements identified in the Cambridge Local Plan 2018 Policy 60 and supporting Appendix F.

#### View 1: Great St Mary’s Tower

- 6.44 The view shows how the current height of the Varsity sits below or level with the ridge of St John’s College. The proposed canopy increases the overall height of the building and results in it being visible above the ridge. This view demonstrates the importance of appropriate colour palettes and finishes to the proposed structure. With muted tones it is unlikely to compete with the foreground buildings.

#### View 2: Castle Mound

- 6.45 The current terrace is visible from this location and read against a foreground and background of trees. The canopy structure does increase the overall height but is still read in the same way as before. The view shows that the proposed canopy will therefore have a limited impact on this view.

#### View 3: Central Jesus Green

- 6.46 The view provided shows The Varsity Hotel in the context of foreground vegetation and how the increased height created by the canopy makes the building more prominent. It emphasises why there was a need to try and create a more resolved and coherent upper floor to the hotel which the new structure manages to go some way to achieving. The importance of colour palette and tonal qualities will be crucial to achieving a good ‘fit’ with the surroundings.

#### View 4: Jesus Green Café

- 6.47 The view from the Jesus Green Café reveals the importance of the foreground mature trees in managing the views towards The Varsity. The current roof terrace and upper floors of the hotel are already visible in this view, and the additional canopy structure does result in the increased visual prominence of the building on the local skyline. However, the extent of change is not excessive when compared to the against what can already be seen of The Varsity from this location.

#### View 5: Scholar's Garden

- 6.48 This view shows how the existing Varsity roof terrace is visible but forms a minor component of local skyline. With the proposed canopy there is a limited change to the local skyline from this location.

Additional Views (Foundation CGI Limited document dated 23rd May 2023)

- 6.49 Two further views have been produced to allow the assessment of the proposed canopy from Jesus Green (centre) and Magdalene Bridge.

#### Additional View: Jesus Green (centre)

- 6.50 This view was requested because when standing further north on Jesus Green the hotel and additional structure will form a more obvious change to the skyline. The images show the existing massing of The Varsity and associated roof terrace. The existing building forms a horizontal and bulky component of the local skyline.
- 6.51 The additional canopy structures result in an overall increase in the height of the building and so increases the prominence of the building in this view. However, it can also be seen how the proposed canopy structure better resolves the upper floors of the building to create a more coherent design. The chamfered sections to the left of the upper floor create a degree of articulation and modelling in a way that the current open roof terrace does not.
- 6.52 An on-balance judgement is needed to compare the extent of change to an already visually prominent component on the skyline. In our view, the additional height created by the canopy structure is not significant when compared to the already prominent massing of The Varsity and results in the better resolution of the top floors and overall articulation of the roofscape.

#### Additional View: Magdalene Bridge

- 6.53 The view looking north-east from Magdalene Bridge is important in terms of assessing the impact of the proposals from a well-used street where the upper floors of The Varsity can be seen rising above buildings to the south.
- 6.54 The view demonstrates how the existing roof terrace and upper floors create a strong horizontal form that contrasts with the more varied roofscape created by the buildings that surround it. The views that show the proposed canopy reveal that the additional massing will increase the upper floor prominence from Magdalene Bridge.
- 6.55 In terms of the design approach, the canopy supports are intended to read as an 'extrusion' with the support structures breaking the horizontal emphasis of the cladding below. This is shown on the other views so it may be an issue with the supplied image. On the assumption that it will be detailed as per the other elevations, there will be a less horizontal emphasis to the cladded sections and consequently a more vertical and articulated form which would be considered acceptable in design terms and impact on this localised view.

#### Conclusion

- 6.56 The addition of the canopy and associated supporting structure does undoubtedly change the profile of the building and increases its visual prominence from some local views. However, this change needs to be balanced against the benefit of creating a more visually coherent design which removes the very horizontal emphasis of the existing upper floors.
- 6.57 In our view, the proposals manage to achieve a more elegant and modelled solution through the exoskeleton design and the removal of the existing canopies at the 6th floor level and their replacement with the same system as proposed for the roof terrace forms a key part of this more comprehensive approach. The submitted CGIs reveal that the impact of the additional structure is limited given the existing visual prominence of the hotel on the local skyline from the submitted views.
- 6.58 2<sup>nd</sup> Comments (following deferral and additional information being submitted)
- 6.59 The Urban Design Team previously supported the application in design terms and our detailed assessment of the views can be found in our comments dated 7th June 2023. The further corrected verified images have not changed our position with regards the acceptability of the proposals.
- 6.60 We had previously identified that the 'exoskeleton' may benefit from being finished in a subtle contrast colour to the existing zinc cladding and it is probably helpful for us to provide thoughts on whether this is needed. Finishing the exoskeleton in the same colour as the existing zinc cladding

creates continuity in materials at the upper floors and does help to create a better degree of resolution. Given that the exoskeleton is not symmetrical and has to work with the existing asymmetrical plan of the building below, it is considered more appropriate to colour match than to provide contrast.

6.61 Dusk views and lighting analysis

6.62 The information provided shows that the additional impact from the upper level of the building is minor when compared to the existing light spill from the floor below. Matters relating to lighting lux levels and related specifications can be conditioned should the application be approved.

6.63 Isometric drawing

6.64 The submitted isometric provides useful further detail of the depth and profile of the proposed framing structure and clarifies how the storage and mechanisms required to deploy the canopies will be located.

6.65 Precedent examples

6.66 The precedents are helpful in terms of demonstrating how other hotels have provided lightweight weather protected canopies to upper floor roof terraces and the way in which the covers can be retracted and stored when not in use.

6.67 Conclusion

6.68 The further information submitted has not changed our previous conclusions with regards the assessment of the acceptability of the proposed in urban design terms. In summary, the proposals will change the profile of the building and increases its visual prominence from some local views. However, this change needs to be balanced against the benefit of creating a more visually coherent design which removes the very horizontal emphasis of the existing upper floors. In our view, the proposals manage to achieve a more elegant and modelled solution through the exoskeleton design. The removal of the existing canopies at the 6th floor level and their replacement with the same system as proposed for the roof terrace forms a key part of this more comprehensive approach. The submitted CGIs reveal that the impact of the additional structure is limited given the existing visual prominence of the hotel on the local skyline from the submitted views.

## 7.0 **Third Party Representations**

7.1 Representations were received in supporting of the application. The following matters were highlighted within these comments:

### Benefits

- All year round use in all weather



- Employment benefits
- Supporting business in Cambridge
- Tourism opportunities
- Variety of users would benefit from covering and protection from weather including old, young people and professionals
- Enhancement of guest experience
- Building offers good views of Cambridge

#### Design and Visual Amenity

- Improved scale and bulk from previous application
- Fit in with existing mixture of modern and old buildings in skyline
- Existing building goes unnoticed
- The roof proposal is sympathetic and does not look out of place
- Design is interesting and detailed

#### Other Matters

- Park Street hotel supported
- Environmentally friendly

7.2 Representations were received in objection to the application. The following matters were raised as concerns:

#### Design and Visual Amenity

- Adverse impacts to Cambridge skyline and surrounding environment
- Detrimental impact of increased height of proposal
- Structure at odds with surrounding residential buildings
- Addition of enclosed eighth storey to building
- Prominence due to internal illumination
- Prominence of building in surrounding townscape
- Lack of benefit from soft landscaping from street level

#### Heritage Impacts

- Disruption of views to St Johns College and historic features in skyline
- Negative contrast with historic buildings and Central Conservation Area
- Adverse impacts to buildings of local interest
- Impact to Conservation Area and listed buildings including setting due to scale, bulk and night time lighting
- Jarring profile with Pepys and Bright building
- Harm is greater than outlined by applicants to heritage assets
- The public benefits do not outweigh the harm

#### Residential Amenity

- Increased noise and disturbance
- Night-time use of the rooftop

#### Traffic and Highway Safety

- Additional traffic movements and congestions

7.3 Following the deferral from Planning Committee and the submission of additional information, one representation was received in support of the application. One representation was received in objection, the following matters were raised:

Design and Visual Amenity

- Isometric drawing demonstrates scale and bulk of steel structure
- Visibility of structure
- Views taken with trees in full leaf, greater impact in autumn and winter
- Enclosed area will be visible in dark evenings, this is likely to have significant impact

7.4 It is noted that one member of the public has written to Officers to retract their comments of support. They did not confirm their address, however, are mindful of this in the assessment.

**8.0 Member Representations**

None.

**9.0 Local Groups / Petition**

9.1 The applicant has produced a petition in support of the application, including the approx. 140 signatures.

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

**10.0 Assessment**

**10.1 Principle of Development**

10.2 Cambridge Local Plan (2018) policy 10 seeks to ensure Cambridge expands its role as a multi-functional centre through supporting a mix of retail, leisure and cultural development in order to add to the viability and vitality of the city centre. The "Cambridge Hotel Futures Study" (2012) identifies the importance of achieving a high quality and distinctive hotel offer in Cambridge City Centre and that around 1,500 new hotel rooms may be required up to 2031. High quality visitor accommodation is therefore important to the Cambridge economy if it is to remain competitive as a visitor destination.

10.3 The NPPF (2023) paragraph 86 states that planning policies should support the role that town centres play at the heart of local communities,

by taking a positive approach to their growth, management and adaptation.

- 10.4 The proposal would seek to create a new structure to cover the existing rooftop level, which is currently used as a rooftop terrace as part of the restaurant on the floor below. The applicants explain in the information submitted with the application that the lack of cover on the existing rooftop means that the rooftop use is uncertain and limited due to weather variation, which limits both patron usage and employment certainty for staff. The proposal seeks to cover the entire roof to allow resilience to weather conditions (both rainfall and heat). The information submitted with the application explains that this would enhance the operational capacity of the rooftop and allow increased numbers of and more consistent staffing opportunities.
- 10.5 In principle, the expansion of the rooftop facility through the addition of the proposed structure is considered to be a logical response to the existing seasonal restrictions that currently limit its year-round use and as such the proposal is considered to comply with Policy 10.
- 10.6 **Design, Layout, Scale and Landscaping**
- 10.7 Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 10.8 Cambridge Local Plan (2018) Policy 60 seeks to ensure that the overall character and qualities of its skyline is maintained and, where appropriate, enhanced as the city continues to grow and develop. The proposal states that any proposal for a structure to break the existing skyline and/or is significantly taller than the surrounding built form should be assessed against the criteria listed in parts (a) – (e) of the policy.
- 10.9 The NPPF (2023) paragraph 126 seeks to support the creation of high quality, beautiful and sustainable buildings. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.10 Appendix F (Tall Buildings and the Skyline) of the Cambridge Local Plan 2018, states that Cambridge has a distinctive skyline that combines towers, turrets, chimneys and spires with large trees with notable buildings including St John's College Chapel and others forming some of the important view to Cambridge.
- 10.11 It defines a tall building as any structure that breaks the existing skyline and/or is significantly taller than the surrounding built form, and states that within the historic core any proposal with six storeys or more and a height above 19 metres would need to address the criteria set out the guidance.

- 10.12 In this case, the existing building forms seven storeys and the proposal would result in an enclosed structure above the existing rooftop. The existing building has a height of 21 metres with the balustrade projecting 1 metre above this height (total height 22 metres). The proposed structure would have a height of 3 metres, extending the overall height of the building to 24 metres. Given the matters above, and taking into account that the existing building would break the existing skyline and sit higher than the surrounding building, it is considered that the proposal would need to address the criteria within the guidance.
- 10.13 In regard to part (a), the applicant is required to demonstrate through a visual assessment or appraisal with supporting accurate visual representations, how the proposals fit within the existing landscape and townscape. Appendix F (paragraph F.29) expands on this criteria to suggest that the relationship of the proposed building, or buildings, to the surrounding context needs to be carefully examined through a townscape, landscape and urban design appraisal.
- 10.14 The application has been submitted with visualisations from various viewpoints around the city. The visualisations are presented in a lower quality format as part of the visualisations Method Statement by Foundation and as higher quality individual images. The visualisations were uploaded in three parts as Officers requested additional views following a visit to the site and surrounding areas and following deferral from Planning Committee 5<sup>th</sup> July 2023. The initial views were taken from the following locations: Great St Mary's Tower; Castle Mound; Central Jesus Green; Jesus Green Café; Scholars Garden.
- 10.15 Officers requested that two additional visualisations were generated from Magdalene Bridge and an additional view on Jesus Green. The additional view points were requested as the initial image from Jesus Green was from a location where the building would be offered screening by the mature trees; it was considered that a less screened image should be presented to give a fuller understanding of the impact of the proposal. The image from Magdalene Bridge is considered to be a vital viewpoint to be considered as part of the proposal given that it forms a key route into the city centre and is of heritage importance and taking into account that the proposal would be prominent from this view.
- 10.16 The final round of updated visualisations were colour corrected so that the materials of the proposed structure would match the existing and additional evening visualisations were submitted to show the potential lighting impacts. It is noted that representations have been received noting that the visualisations show the trees in full leaf, which would mitigate some visual impact. Officers are mindful of this in the following assessment, however suggest that the information submitted is sufficient to consider the application.

- 10.17 The application has been submitted with a Design and Access Statement which explains the design approach to the proposal and the views are helpful for Officers to understand the impact of the proposal.
- 10.18 The view from Great St Mary's Tower shows an important view of the Cambridge skyline, which is noted in Appendix F of the Cambridge Local Plan (2018) as a viewpoint to consider. The views highlight the existing well detailed, delicate historic features which characterize the existing skyline of Cambridge including various steeples and spires. Importantly, this view includes the roofscape of the St John's College courts and St John's College Chapel, the latter is considered to be an important landmark feature of the skyline in the Local Plan (2018). The proposal is visible beyond this feature, just above the ridge of the body of the chapel. It clearly differs from the historic features of the skyline from this view due to its modern, exoskeleton form and materiality. The Urban Design Officer has been consulted on the application and suggests that this view highlights the importance of an appropriate colour palette and suggests that the building would not compete with the foreground buildings.
- 10.19 Officers have regard to the view of the Urban Design Officer and agree that maintaining a tonal difference from the bricks and stonework in the skyline will aid the proposal in not attempting to compete with historic features available within this view. The proposed structure would clearly differ from the existing features in form and appearance, however the chamfered approach to the termination of the structure limits the mass and bulk of the built form above the existing historic features which helps to maintain the chapel as the primary skyline feature from this viewpoint.
- 10.20 The second view is from Castle Mound, which forms an elevated and strategic viewpoint into the city. It is noted in the Local Plan (2018) that views from Castle Mound reveal a city of spires and towers emerging above an established tree line as to create a number of 'incidents', where important buildings rise above those of a prevailing lower scale. As existing, the building is visible from this viewpoint, however it is noted that the proposal would increase the height of the building as to raise its prominence from this location. It would sit taller than some of the surrounding buildings, although the proposal would continue to be viewed within the backdrop of trees especially given its glazed nature which allows some views to remain.
- 10.21 It is noted that from this view the chamfered elements are not visible and instead the proposal appears flatter due to the rectangular form of the proposal from the north west elevation, however Officers do acknowledge that this is partially broken up by the trees present across this area of the city which reduces public viewers ability to fully appreciate the full bulk from this view.

- 10.22 The third and fourth views are from central Jesus Green and Jesus Green café. Evening views were also submitted from these views following the deferral from Planning Committee. Jesus Green is considered to be an important green space which contributes to the setting of the city. For clarity these views were part of the original views submitted, their location is detailed withing Foundation Method statement, PDF pg. 11-18).
- 10.23 Despite the screening offered, it is clear from the central view that the existing building offers a bulky imposition into the skyline that due to its form, scale and height appears entirely different in character from the surrounding two-storey residential buildings. The Urban Design Officer has acknowledged that this view highlights the need to try to create a more resolved and coherent upper floor, and Officers agree that improvement should be considered due to the existing poor termination. In regard to the proposed development, this view holds the proposal in an advantage above some of the others provided, as not only does it benefit from a high level of screening but also the chamfered approach can be fully appreciated. Officers acknowledge that the proposal would add height and prominence to the building and as such raise its profile in the skyline from local views, however the reduction in mass and bulk is appreciated from the previous application.
- 10.24 As above, the additional initial view submitted from Jesus Green from the café on the northern side of the open space, close to the River Cam. The proposal benefits from a level of screening from this view, although it is clear the proposal would increase the prominence of the building. Given the constraints of the building, the form of the structure returns on the north west elevation to a rectangular shape which would offer some additional bulk and scale. This is owing to the building terminating with the steel pelmet rather than the tapered steel framing. It is considered that the material finishes would be crucial from this view point to ensure the proposal would be cohesive with the existing building and not stand out to a significant degree.
- 10.25 One of the evening visualisations was submitted from this viewpoint. It demonstrates that the lighting within the floor below would be significantly brighter than that proposed within the new roof structure. It is explained that the lighting scheme would include the provision of low key LED lighting that would shine down from within the pelmet structure and the planters. It is considered that the increase in lighting and activity above rooftop level would add to the visibility of the structure at night time, however Officer's appreciate the efforts made to keep this to a minimum. To ensure the lighting would remain low key, the detail of this including lux levels and specifications will be conditioned.
- 10.26 One view has been provided from the Scholar's Garden at Magdalene College to the north of the site. As above, it is unfortunate that the constraints of the site do not allow for the termination to be tapered and reduce the bulk of the framing from this view. The proposal would clearly

appear different in terms of form and character from the existing roof structures from this view point, and contrary to the Urban Design Officers comments, the proposal would introduce a reasonably sizeable structure to this viewpoint. The linear nature of the existing built form in the foreground of this visualisations does allow for the linear nature of the building from this view to be less prominent, however it is clearly visible above the existing roofscape.

- 10.27 The first additional view that was created was from Jesus Green. This view was requested because when standing further to the north east on Jesus Green the building is offered much less screening and therefore becomes more visually prominent from local views. It is also important when considered the impact to the skyline and heritage assets because St John's Chapel and the spire of St John's New Court are visible. This view demonstrates that the proposal will increase the height and scale of the building as well as its dominance in the skyline. Officers suggest that this needs to be balanced against the impact of the existing building, as well as the attempt to better terminate the building through the proposal. As discussed already in this section the chamfered element offers better integration into the building that the previous scheme that was heard at Planning Committee last year. This is acknowledged, however due to the constraints of the site, this was not possible all the way around the building and so the proposal would continue to result in some additional bulk and height, resulting in increased prominence from this viewpoint.
- 10.28 The other evening visualisation was submitted from this viewpoint. It is recognised that lighting and activity at rooftop level would add an element of night time visibility to the structure, however the visualisations show this would be less bright than the floor below which already exists.
- 10.29 The final view is from Magdalene Bridge, as above this was requested by Officers given the importance of this view into the city. As existing the building rises above the roofscape so that the top of the cladding and the roof terrace balustrade is visible, however the proposal will increase the height so that the entire structure would be visible above the surrounding roof line. As existing the building is viewed as exceptionally linear, given this and the modern cladding it is clearly in contrast with the varied roofscape on the surrounding buildings at the quayside. The proposal would sit above the existing roof top, and would offer some differentiation in the termination of the building as to reduce the overly linear emphasis to the benefit of the roofscape in this area.
- 10.30 Criteria (b) aims to preserve and enhance heritage assets and requires the applicant to demonstrate and quantify the potential harm of proposals to the significance of heritage assets or other sensitive receptors. The applicant has submitted a Heritage Impact Assessment, which describes the significance of relevant heritage assets and the potential impact that the proposal may have on these features. The information submitted provides an assessment of surrounding heritage assets and the views

detailed within this section. The impact will be fully assessed in the following section of the report.

- 10.31 Criteria (c) requires that the applicant to demonstrate through the use of scaled drawings, sections, accurate visual representations and models how the proposals will deliver a high quality addition to the Cambridge skyline and clearly demonstrate that there is no adverse impact.
- 10.32 Appendix F (paragraph F.36) states that the appropriate scale and massing of buildings is an important consideration in achieving the good integration of new buildings within established urban areas and the wider landscape. An understanding of the surrounding context, as required in Policy 55 of the Cambridge Local Plan, is an important step in achieving appropriately scaled buildings.
- 10.33 The applicant described in the Design and Access Statement that the proposal has been amended following the previous application which was refused at Planning Committee (2<sup>nd</sup> November 2022). They suggest that the design has been established through giving consideration to the structural limitations of the building, and informal advice from the Urban Design Officer who invited a scheme that would provide an improved termination to the building and be better integrated into the building.
- 10.34 Following the previous application, Officers advised the applicant that reducing the overall scale of the built form would help to reduce its impact. It was considered that this could have been achieved in a number of manners, including reducing the overall size, height, mass and bulk of the building. In terms of overall size, it was suggested that the proposal could be brought back from the edge of the roof top and reduced so that the canopy would not extend across the entire space. The applicant gave consideration to this suggestion, however due to the structural limitations of the roof top this was not possible. The rooftop is supported by a ring beam which extends around the edge of the building, and therefore any structure would need to extend from this point across the rooftop. As such, any structure covering part of the roof or extending from a central point on the roof could not be supported.
- 10.35 Given this limitation, the applicant sought to re-consider aspects of the proposal that could be altered. The applicant sought to establish a new approach where the proposal would extend up in an exoskeleton form from the floors below. As existing, the hotel building features balconies which serve the restaurant on the floor below on the eastern side of the building and part of the southern side of the building. As such, the structure was able to begin at the level below where these balconies were established and extend upwards to create the structure of the rooftop. This improved the overall scale and articulation of the structure from the previous scheme because it was able to reduce the bulk and height of the built form.



- 10.36 In regard to bulk, whilst there is no doubt that from the visualisations that the proposal would continue to be a prominent and tall addition within the skyline from a number of views, it is recognized that the chamfered elements reduce its previously blocky appearance and therefore reduce its dominance and overall bulk within the skyline. In regard to height, the previous element has an overall height of approximately 4 metres, this proposal has been reduced so that the height above the existing rooftop level is approximately 3 metres. The reduction in upwards projection would support the reduction in overall scale of the proposal.
- 10.37 In addition, this approach provides a better articulation to the proposed built form that is better integrated into the building rather than appearing as an ill-considered add-on. It also offers a termination to the building due to the tapered appearance that would complete the appearance of the building. To ensure that this approach is successful, Officers would condition the materials so that they would closely align with the appearance of the existing cladding.
- 10.38 In regard to part (d), the applicant had not submitted information regarding any consideration of the amenity and microclimate of neighbouring buildings and open spaces when the application was originally submitted, however the latest information submitted following the Planning Committee deferral the applicant submitted some information regarding the noise impacts of the retraction element of the proposal. The amenity impacts of the proposal will be considered more fully in the amenity section of this proposal, Officers do note the retraction system already exists on the floor below, so the noise is unlikely to be significant over and above this.
- 10.39 Finally, in reference to criteria (e), the higher quality visualisations provide an indication of how the building would be viewed from various local viewpoints around the city and would inform the public realm. As discussed, the building would be a visual feature from a number of viewpoints around the city, with both activity and lighting drawing the eye of any public viewers.
- 10.40 With this application, the applicant has proposed that the existing bollard type lighting system would be replaced with low-level LED strip lighting within the perimeter of the roof structure and below the planters proposed on the rooftop. The additional lighting detail that has been submitted following the deferral from Planning Committee has improved Officer's understanding of how the lighting would visually inform the scheme from public views. The evening views have been submitted from Jesus Green Central view and Jesus Green Café Views. Whilst, it is clear that lighting at this level would visually draw users to view the new structure, this should be considered in context of the existing light splay from the restaurant below. In order to secure the lighting scheme and ensure lux levels and specifications would be appropriate, this would be requested through condition.

- 10.41 Heating elements are also proposed within the new structure, however the update information outlines that this would sit within the frame in attempts to appear more discrete. It does not appear that the proposed heating equipment would further erode the visual impact and therefore is considered acceptable. The detailed specification of the lighting will be required by condition.
- 10.42 In addition, the applicant has aimed to improved public views through incorporating some landscaping in the form of planters across the rooftop. The planters are unlikely to provide a significant softening of the built form given the limited greenery they would provide, however from longer views they may provide some greenery that would be appreciated as part of the proposal.
- 10.43 Policy 55 states that development will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive and high quality places.
- 10.44 Policy 58 supports alteration or extension to existing buildings where the addition is carefully designed as to preserve the character and appearance of the area and not adversely impact the character of the area. The policy text states that any proposals should reflect or successfully contrast with existing built form, use of materials and architectural detailing whilst ensuring that the proposals are sympathetic to the existing building and surrounding area.
- 10.45 As existing, the building contains a brick facade with openings to serve the hotel from ground floor to the fourth, above this the building finish is a more contemporary grey zinc. The fifth floor contains balconies to serve the hotel rooms, the sixth comprises the restaurant with a covered balcony. Above this, is the roof top level which comprises a glass balustrade which wraps around the edge of the building. The existing glass balustrade projects 1 metre above the existing roof top with metal railings surrounding the glazing.
- 10.46 As existing, the hotel projects above the roofscape of the surrounding quayside buildings and clearly reads as a modern imposition which would differ from the differentiated roofscape visible from the southwest of the site, close to Magdalene Bridge. Its appearance would be characterised by a linear form and modern, discernible materials rather than a more subtle, undulating form which may be more common in some of the surrounding traditional roofscapes at this height.
- 10.47 The proposal seeks to install a new all weather lightweight retractable roof canopy so that the rooftop can be used year round rather than limited seasonably as if the existing situation. As has been described in this report, it would extend across the entire roof top from the balconies on the floor below to create an exoskeleton form. This is most easily understood

from the updated isometric drawing that has been submitted with the application following deferral from Planning Committee. The building has been designed so that the glazing on the side of the building would be openable through a guillotine/ telescopic system where the upper portion of the glazing would be lowered down to sit with the lower portion of glazing. The applicant has not provided full details of this system and as such this will be requested through condition to ensure it would sit appropriately on the rooftop. The roof of the structure would contain retractable canopy elements that would be retracted into the pelmet at the top of the structure, details of pelmet system would also need to be captured through condition to ensure that it would be suitable and not create a level of activity that would detract from its surroundings.

10.48 As has been described, the proposal has attempted to provide a more considered approach which due to the chamfered framing would better incorporate the structure into the existing building and provide termination the building that would appear less linear where this approach is offered on the built form. Officers note that the proposal would continue to constitute a reasonably significantly structure that would extend higher above the existing roofscape and therefore be visually prominent from a number of views around the city, however this should be balanced against the attempt to reduce the scale and massing of the building. It is noted that the steelwork is still reasonably significant in terms of its bulk, especially where the pelmet is required at the top of the structure, however this is given visual relief by the exoskeleton approach to the east and south of the building. Whilst, the height and prominence of the building is recognized by Officers, the chamfered approach aids the relationship with surrounding views from parts of Jesus Green and Magdalene Bridge. To ensure that the framework and pelmet would not be overly dominating, the final detail of this will be conditioned to ensure it would not be overly bulky.

10.49 Overall, the proposed development would preserve its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58, 60 and the NPPF (2023).

10.50 **Heritage Assets**

10.51 The application falls with the Central Conservation Area (Historic Core). The application is within the setting of a number of listed buildings and other heritage assets both within the surrounding area and within the skyline which are summarised within the table below.

Address	Historic Listing
29 Thompsons Lane	Grade II
30 Thompsons Lane	Grade II
Brights Building, Magdalene College	Grade II
Pepys Building, Magdalene College	Grade I

First Court, Magdalene College	Grade I
Second Court Magdalene College	Grade II
Magdalene Bridge	Grade II
No. 1-3 St Johns Road	Building of Local Interest
5-12 St Johns Road	Building of Local Interest
No 16-22 St Johns Road	Building of Local Interest
No 1-14 Thompson's Lane	Building of Local Interest
Park Parade	Building of Local Interest
St John's College Chapel	Grade I
New Court, St Johns College	Grade I
Central Conservation Area	Conservation Area
Castel Mound	Scheduled Ancient Monument

- 10.52 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.53 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.
- 10.54 Para. 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.55 Para. 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.56 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.

- 10.57 The Conservation Officer has been formally consulted on the application on the application and has provided concerns about the application which can be seen in full in the comments uploaded to the application file. The comments conclude that overall the application has not demonstrated that the proposal would successfully resolve the rooftop of the building. The Conservation Team was also consulted following the submission of additional information following deferral from Planning Committee. The Conservation Officer maintains that the proposal would be extremely visually harmful, and reminds the decision maker to carefully consider the listed buildings which are of the highest significance in the core of the city.
- 10.58 The initial concerns raised focus on the lack of detail to demonstrate the appearance of the proposal, especially in regard to the pelmet, framework, moving parts and lighting. In addition, the Officer raises concerns regarding extending the building upwards and adding to its prominence. The Officer initially commented that whilst it is difficult to consider harm without fuller detail, the proposal would result in additional harm to the heritage assets than is outlined by the applicant, equating to a more significant level of less-than-substantial harm. Following the submission of further information following deferral, the Conservation Officer did not find that their concerns had been alleviated, instead they stated that the isometric drawing would show the prominence of the building and resultant visual harm.
- 10.59 In addition to this, representations were received which also raise that the proposal would become more prominent, higher and out of keeping with the historic centre due to the negative contrast between the proposed buildings and the historic buildings. It is suggested that the proposal would adversely impact setting of buildings of local interest, the Central Conservation Area and Grade I and Grade II listed buildings. The comment are concerns that the proposal would produce an eight storey to the building and exacerbate the impact of the building of the skyline and raise its scale above surrounding buildings.
- 10.60 Officers have regard for the comments and concerns raised by the Conservation Officer and within the representations received by members of the public and the Heritage Impact Assessment submitted by the applicant, and are guided by the policy above in the consideration of the impact to heritage assets. Officers will assess the impact to relevant heritage assets and then following the tests within paragraphs 202 and 203 of the NPPF to make a judgment on the impact.
- 10.61 Officers would like Committee Members to note that a judgment as to the level of harm, and the judgment in relation to the tests in the NPPF describes above is a judgment for the decision maker and therefore this should be carefully considered as part of the decision making process.

- 10.62 It should be noted that a number of the matters raised by the Conservation Officer have been suggested by Officers to be considered through condition. Whilst the Conservation Officer suggests this is insufficient, it is Officers view that the submitted visualisations and elevations give enough information to determine the application at this stage, especially following the additional information that was submitted following deferral.
- 10.63 As the Conservation Officer considers the information to be insufficient, they have not made a complete judgment on harm to each heritage asset as was conducted in the previous application. Officers have reviewed the table which was produced by the Conservation Officer previously summarising harm as part of the consideration of this application and have made a judgment on harm following this.
- 10.64 To the east of the proposal site are the Thompson Lane, St John's Street and Park Parade buildings of local interest, which are considered to positively contribute to the Conservation Area due to their consistent two storey scale and uniform appearance. As existing these buildings sit within the setting of the taller and more varied buildings at the former brewery. Beyond these buildings is Jesus Green from which there are important views of the Cambridge skyline above the existing tree line. From this point the chapel of St Johns College and the spire of All Saint's Church can be seen, and positively inform the skyline. The rooftop of the Varsity hotel is also visible, but this is noted in the Historic Core Conservation Area Appraisal (2017) as a negative feature which detracts from the skyline and character of the area.
- 10.65 It is highlighted within the Conservation Appraisal that there are important positive views from Jesus Green beyond the frontage of the Park Parade properties and down along both Thompsons Lane and St John's Road. The applicants Heritage Impact Assessment states that these views are not important to the overall significance of these buildings, however Officers disagree and suggest that these views do inform the setting of the buildings and contribute to their character. It is recognized that the immediate views to the terrace properties are of the most important, however given the prominence of the hotel from these views, development here would impact the setting of these buildings.
- 10.66 As is shown in Officers site photos, the Varsity Hotel already forms a prominent feature from these key viewing points due to its height and the contrasting materials palette on the upper floor. The proposal would further increase the prominence and height of the building from these views and from the setting of these buildings. Whilst, the improvements to the design of the proposal are appreciated, it is considered that due to the height, scale and appearance of the proposal in relationship to the traditional two storey properties, it is considered that the proposal would result in a low level of less-than-substantial harm to the setting of these heritage assets.

- 10.67 It has been explained in the report the lighting appears to be minimal over and above the existing illumination from Jesus Green, however it is recognised that to have an additional illuminated level it would add to the contrast between the domestic scale properties and The Varsity Hotel. There is a clear difference between the light that would spill from domestic activates within the dwellings and having two illuminated levels at a much greater height.
- 10.68 To the east of the site is Magdalene College as the associated listed buildings (First Court, Pepys Building) and Magdalene Bridge, from which the proposal would also be visible as shown in the verified views. As existing the rooftop area sits above the quayside buildings' rooftops and is considered to be detrimental to key views from Magdalene Bridge. The submitted visualisations show that the structure would further extend the building above the roofscape, adding both prominence and height from Magdalene Bridge and the First Court due to the more modern structure introduced. It is acknowledged that the scheme is improved from the previous application, and that the chamfered edges do reduce some of the bulk from this view, however it is considered that from this view the proposal would result in a moderate level of less than-substantial harm to the setting of the heritage assets due to its modern character.
- 10.69 The proposal is shown to be less visible from the Scholars Garden, however this quite a way east from the immediate setting of the Pepys Building where the proposal is likely to appear more prominent. This view of the proposal is somewhat unfortunate because it highlights the more rectangular form of the building on this side which is clearly less well articulated than the chamfered section. Due to the views that would be available from the setting of this building and taking into account the modern form and appearance of the structure, it is considered that the proposal would result in a moderate level of less than substantial harm to the setting of the heritage assets.
- 10.70 No evening view has been submitted from these viewpoints to the south west of the site, however, in contrast to the views from Jesus Green the existing illuminated restaurant level is not visible from Magdalene Bridge and is only partially visible from Magdalene College as such the proposed new level would introduce a new element of lighting and therefore draw the eye towards this structure. Officers do appropriate that the lighting has been keep to a minimum and that the low level LED lighting proposed would be reasonably low key, however it is clear that the additional lighting would add prominence to the structure and therefore contribute to the harm.
- 10.71 The significance of the Central Conservation Area comes from its special architectural and historic interest. As has been described, the proposal would adversely impact the significance of a number of key historic views and buildings located within the area and as such is considered to result in

harm to the character and appearance of the Conservation Area overall to a moderate level of less than substantial harm.

- 10.72 Notwithstanding the additional information provided by the applicant, officers consider this to have reinforced the assessment of less than substantial harm to a number of heritage assets, of a low to moderate level. It should be noted that the Local Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and a listed building or its setting. In this case, the Historic Core Conservation Area is considered to be a significant asset within the setting, as are the nationally and locally listed buildings.
- 10.73 In the case that a proposal would lead to less than substantial harm, paragraph 202 of the NPPF (2023) states that this harm should be weighed against the public benefits of the proposal. In relation to non designated heritage assets which are indirectly affected by a proposal, paragraph 203 states a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.74 In regard to the potential public benefits of the proposal, the applicant has provided information regarding the increase in employment opportunities that would result from the proposal. This details that the existing rooftop terrace supports 8 part time staff and 8 full time staff in April and October and 10 part time staff and 10 full time staff between May and August. The information submitted explains that in April and October, where the weather is unpredictable, it can be difficult to keep the part time staff, although full time staff are paid regardless of weather conditions. It adds that currently due to the weather restrictions no staff are employed from November to March.
- 10.75 The proposal would improve stability and provide additional roles during the winter months. The information submitted explains that the proposal would offer a 33% increase in staff through the rooftop being open in winter months and an increase of 25% during existing opening months due to being able to mitigate against the weather changes. This would equate to an additional 12 part time staff and 12 full time staff members per year above the existing levels. It is highlighted that these staff members would also benefit from increased stability. The information submitted highlights that this would also have indirect employment benefits from the local companies that the Varsity use as part of the service and within the hotel itself if occupancy were to increase as part of the proposal. This matter has also been highlighted within the representations received from local people, many of those in support of the proposal raised that local employment opportunities should be supported.
- 10.76 In addition to the employment opportunities, the applicant has suggested that the proposal may enhance the ability of the hotel to attract visitors to the city centre. Increased occupancy at the hotel cannot be considered a



public benefit, however it is noted that the Varsity Hotel does form a tourist attraction in Cambridge, and a number of the supporting representations did raise that the proposal would enhance the guest experience should they choose to visit the hotel. Officers have researched the tourism potential of the site and have noted that the rooftop bar does appear to represent an attraction that is likely to be visited by those coming to the city and residents having guests within the city, it is referenced in a number of online articles as a location to visit and is recognised as a unique opportunity to see Cambridge from a high level location. As such, Officers do recognize that the proposal would increase the rooftop to a year round attraction, enhancing the experience and opportunity for tourism across the city.

- 10.77 The applicant has presented additional social benefits of the proposal including providing a high quality environment that could aid social and mental well-being and the potential for additional events on the rooftop. Officers recognize the important of mental health and well-being, and spaces for events to be held, however as the public use of the roof top is not secured it is difficult for Officers to find these as advantages of the scheme.
- 10.78 It is recognised that the proposal would result in a low to moderate level of less-than-substantial harm to both designated and non-designated heritage assets. In regard to the designated assets, this harm should be weighed against the public benefits of the proposal by the decision maker which in this case are mainly increased employment opportunities and tourism to the city. The employment numbers would be modest overall, however would make a significant difference to the level of employment at the Varsity Hotel. In addition, the tourism benefits should not be underappreciated, given that the proposal would increase the Varsity Hotel's opportunity to function as attraction in the city. In this case, noting the harm would be at a lower level than previously given, it is considered that on balance that the benefits would outweigh the harm.
- 10.79 In regard to non-designated assets, a balanced judgement should be made. In this case, the main importance of the BLI's comes from their immediate setting including the rows of terrace housing. The Varsity Hotel already forms a prominent addition, and whilst harm is acknowledged it is not considered that the additional height would be result in a significant impact to the BLI's and therefore Officers judgement is that the proposal should be considered acceptable.
- 10.80 The proposal would cause harm to the character and appearance of the conservation area and to the setting of listed buildings and the buildings of local interest. It is therefore not compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policies 61 and 62 and special consideration should be given to this harm in the planning balance as weighed against the public benefits of the scheme. This is a finely balanced matter for members to consider given the significance of

the heritage assets affected and the harm that has been identified by officers.

**10.81 Amenity**

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

10.83 Policy 60 requires the applicant to demonstrate that there is no adverse impact on neighbouring buildings and open spaces in terms of the diversion of wind, overlooking or overshadowing, and that there is adequate sunlight and daylight within and around the proposals.

10.84 The applicant has not made an assessment regarding the impact of neighbouring buildings in terms of the surrounding urban microclimate and impacts in regard to wind, overlooking, overshadowing and sunlight and daylight as is required by Policy 60. However, in this case, given that the proposal would be sited on the roof of an existing building it is unlikely to result in significant adverse impacts in terms of microclimate and amenity.

10.85 The application has received representations which raise concerns about noise outbreak from increased activity on the roof terrace. The representations raise that there are residential occupiers in close proximity to the site at Beaufort Place and Richmond Terrace. In terms of noise outbreak the roof top terrace and restaurant balconies are already accessed and used by patrons of the hotel and restaurant regularly, albeit the rooftop is only used on a seasonable basis. As such, noise is already dispersed from the terrace and balconies at a raised level above the surrounding buildings. Whilst enclosing spaces can often create noise reverberation, given the nature of the existing use it is not considered that this would contribute to a significant increase in terms of noise and activity that would be detrimental to the surrounding occupiers.

10.86 The additional information submitted with the application includes information regarding the noise of the existing canopy structures on the floor below open and closing with patrons talking. The proposed canopy structures would be similar to this and therefore not likely to raise significant noise concerns about this in terms of their operation.

10.87 As well as this, Officers note that the proposal site is situated adjacent to the quayside area, with the closest buildings comprising office and retail uses and therefore these are not considered to be significantly sensitive to an increase in noise and activity.

10.88 It is recognized that the proposal site would front onto Thompsons Lane which does contain residential properties, closest to the site are No. 28 and No. 29 Thompsons Lane. As these buildings have a height of only two and two and half storeys, and taking into account that the proposal which

sits at roof top level the proposed structure is not considered to result in adverse impacts in terms of loss of light or cause an overbearing relationship to these properties. In addition, it is recognized, as raised by the representation received that there are residential properties to the north of the site, however given the existing level of activity, it is not considered that the proposal would adversely impact amenity to these residents.

10.89 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.

**10.90 Highway Safety and Traffic**

10.91 The proposal would seek to create a glazed canopy structure over the existing roof-top bar area to allow for the roof-top to be used year-round. It is recognised that the representations received have raised concerns that the increased use of the roof top would contribute to increased traffic movements along Thompsons Lane due to potential additional users.

10.92 Officers have had regard for the proposal and the increased use from seasonal to potential year-round use, and acknowledge that the proposal may lead to an increase in users and therefore to and from the site. However, noting that the hotel and restaurant is already used year-round and taking into account that the building is sited in the centre of the city where sustainable transport methods are highly available and likely to be used, it is not considered that the proposal would be likely to lead to a significant increase in traffic as to adversely impact highway safety or the surrounding highway users.

10.93 The proposal is considered to be acceptable in highway safety terms in compliance with Cambridge Local Plan (2018) policy 80.

**10.94 Other Matters**

10.95 Officers have engaged with Cambridge Airport and the Ministry of Defense to understand if the proposal would raise concerns given its location within the airport safeguarding zone. It has been confirmed following this that the height of the building does not raise concerns regarding flights paths due to the city centre location, however an informative will be added regarding crane works notification to ensure construction would be undertaken in a safe manner.

**10.96 Third Party Representations**

Address	Summary of Matters Raised	Summary of Response in Report
<b>Comments in Support</b>		

15 The Crescent, Cambridge	Noise disturbance is not a problem here. The design is in accordance with the locality and would provide protection from the weather.	It is agreed that significant noise impacts are unlikely. The design is improved from the previous scheme and would provide protection from the weather.
9 Iceni Way, Cambridge	Support protection against weather and employment benefits.	It is recognized that the proposal would offer localised employment benefits and protection from weather.
3 Bath Close	Proposal is complimentary to skyline, support reduced bulk and altered appearance.	The proposal has been amended from the previous scheme, and it is acknowledged that the bulk and appearance are improved. The proposal would result in a taller, and more visually prominent structure in the skyline.
138 Coleridge Road, Cambridge	Sympathetic to skyline	The proposal would be visible as part of the skyline from a number of local views, it is clearly a prominent structure however the appearance is improved from the previous scheme.
7 North Street, Huntingdon	The venue offers a lot to local community and economy. Support employment and tourism opportunities.	The benefits of the scheme are recognised and have been summarised within the body of the report, and where appropriate balanced with the resulting harm to heritage assets.
118 Huntingdon Road, Cambridge	Support enhanced usability of rooftop area.	It is recognised that the proposal would offer year round use of roof terrace.
11 Apple Close, Brandon	The Cambridge skyline is a mixture of modern and historic buildings, from Jesus Green views are generally across rather than up towards the site. Support jobs for young people.	The views from Jesus Green are important as they inform the experience of the open space. The employment benefits are recognised.

27 Mowbray Road, Cambridge	Support local business and continued use of roof top. The design is suitable.	The benefits of the proposal are recognised, the design is improved from the previous scheme and the impact to the skyline and historic assets are balanced with this.
56 Manor Place, King Street, Cambridge	Proposal is welcome addition and would improve user experience.	The proposal would ensure the rooftop can be used year round.
726 Newmarket Road, Cambridge	Enjoy rooftop and support covering.	It is acknowledged that the proposal would ensure the rooftop can be used year round.
50 Belvoir Road, Cambridge	Support protection from weather due to personal enjoyment and from business perspective	The proposal would ensure the rooftop can be used year round and would support business.
18 Madingley Road, Cambridge	Recognise benefits of the scheme including increased tourism and enjoyment of views. Aligns with sustainable and environmentally friendly initiatives.	The tourism benefits of the scheme are recognised. The comments surrounding sustainability and environmental considerations is noted, the proposal would extend an existing building and as such is not required to address sustainability aims.
1A Moyne Close, Cambridge	The site is already lit and therefore lighting won't impact the site. This application will tidy up the building. This would enhance the skyline.	The application proposes a new low level lighting scheme, which will be reviewed in full through condition. The proposal would allow an opportunity to improve the termination of the building.
51A Ermine Street North, Papworth Everard	Will add to Conservation Area due to design and sitting next to flats. Practical solution to weather and will benefit residents.	It is acknowledged that there is harm to the Conservation Area, however this should be considered with the benefits of the scheme.
25 George Street Cambridge	Support stylish and sensible solution for hotel.	Comments are noted.

17 Lovell Road, Cambridge	Support enhancement for tourism and employment. Wouldn't impact on views or noise.	The benefits of employment and tourism have been taken into account and weighed against the harm. The proposal would impact views around the city, however the noise levels would not be significant.
42 Harvey Goodwin Gardens, Harvey Goodwin Avenue, Cambridge	Support proposal to have all weather use of rooftop.	It is acknowledged that the proposal would ensure the rooftop can be used year round.
64 Cam Causeway, Cambridge	Support proposal for employment growth and increased tourism. Will enhance city character which combines modern and historic structures.	The proposal would impact the skyline of the city, however the benefits are recognised.
6 Blackhall Road Cambridge	Design and detail make a positive addition to skyline. Most people do not look up at the sky.	The proposal would result in a prominent addition to the skyline, however the design has been improved following the previous refusal.
88 Histon Road, Cambridge	Support employment opportunities and enhancement of guest experience.	The employment benefits are recognised.
1A Moyne Close, Cambridge	Roof terrace already lit, proposal enhancing skyline	Officers do not consider that the proposal would enhance the skyline, though it does improve the termination of the building.
51A Ermine Street North, Papworth Everard	Practical solution to weather variation, supported by residents	It is acknowledged that the proposal would ensure the rooftop can be used year round. There is mixture of support and objection to the application.
25 George Street, Cambridge	Improve of venue	It is acknowledged that the proposal would ensure the rooftop can be used year round.

17 Lovell Road, Cambridge	Tourist destination and increase in jobs should be supported. Noise won't be an issue.	The tourism and employment benefits is recognised.
42 Harvey Goodwin Gardens, Cambridge	Practical solution to weather variation	It is acknowledged that the proposal would ensure the rooftop can be used year round.
64 Cam Causeway, Cambridge	Employment growth, tourism offering, improve character	Tourism and employment benefits are recognised. The character impacts are addressed within the report.
<b>Comments in Objection</b>		
3 Beaufort Place, Thompsons Lane, Cambridge	Increased activity will lead to noise disturbance for residents within Beaufort Place and Richmond Terrace. The quayside area is already noise for residents.	The proposal has the potential increase activity, however given the existing use and the noise levels in the surroundings, this is unlikely to have a significant impact to amenity.
Unit 2, The Campkins Station Road, Melbourn Royston	Out of keeping with historic skyline and city centre due to height and modern character. Disruption to residential occupiers at Beaufort Place.	It is acknowledged that the proposal would result in a modern imposition into the skyline, the harm to heritage assets is balanced with the benefits of the proposal. The proposal is unlikely to result in significant noise increase.
8 Landsdowne Road	The proposal would harm the historic environment and result in economic harm. The proposal has a rectangular silhouette from Jesus Green which is at odds with low level residential buildings.	Harm to the historic environment is recognised and has been weighed against the benefits of the proposal. It is recognised that the proposal would take on a rectangular silhouette where the chamfered structure is not offered which differs from the surrounding roofscape.
Cheffins, Clifton House, 1 - 2 Clifton Road	The proposal will create a enclosed eight storey, raising	The harm to heritage assets is recognised with the report, as is the

Cambridge (on behalf of Magdalene College)	height and exacerbating the impact of the building on the skyline. Insensitive addition, negative contrast to surrounding buildings. The scale, bulk and night time lighting would harm heritage assets.	prominence within the skyline. The impact is balanced with the benefits of the proposal.
29 Beaufort Place, Thompson Lane, Cambridge	Appreciate efforts to integrate into building, however existing building is already too tall for townscape. The proposal will not enhance this setting. Landscaping will not be visible at street level. Increase to traffic.	It is acknowledged that the existing building detracts from surroundings (Conservation Area Appraisal) and that the proposal would add height to the building. The landscaping would not be visible from close street levels views but may be from longer views. The proposal is unlikely to increase traffic generation to a significant level.
22 Beaufort Place, Thompsons Lane, Cambridge	Height and bulk of proposal would be detrimental to historic central and surrounding views.	It is recognised that the proposal would add height and bulk to the existing building and result in harm to local heritage assets, this is weighed against the potential benefits of the scheme.
2 The Campkins, Station Road, Melbourn	The height of the building has already been increased and is contrary to policy.	The proposal would increase the height of the hotel, however would offer a termination to the building.
22 Beauford Place	Height of the roof terrace, paraphernalia on roof increase visual impact, impact to skyline	Height and prominent of structure is acknowledged by Officers.  The existing roof terrace concerns paraphernalia, it would not be substantially worsened from the proposal.



		The prominent and height within the skyline is recognised.
Beauford Place Ltd	Visual impact to Magdalene College (photographs submitted)	The visual impact from this view is recognised by Officers.

**10.97 Planning Balance**

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

10.99 It is considered that due to the improved design, scale and bulk, the proposal would preserve the character and appearance of the area and not result in significant adverse impacts to the Cambridge skyline, as to comply with Cambridge Local Plan (2018) policies 55, 56, 58, 60.

10.100 It is recognised that the proposal would result in a low to moderate level of less than substantial harm to the setting of a number of designated and non-designated heritage assets. These assets range in significance and vary from locally listed buildings of local interest to grade I listed buildings and the Central Conservation Area (see report paragraph 10.45), as such special regard is to be given to the desirability of preserving these assets. As guided by the NPPF, consideration was given in the report to the public benefits of the proposal when considering designated assets, and a balanced judgment was made for the non-designated assets. It was concluded that due to the employment and tourism benefits of the scheme, the harm would be outweighed, and therefore the proposal would comply with Cambridge Local Plan (2018) and the NPPF (2023) as a whole.

10.101 The Committee Members are reminded of the level of heritage harm resulting from the proposal and the special consideration that must be given to this. The weight to be given to the harm against the public benefits is for the decision maker. This is a finely balanced case. The Officer recommendation, 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 Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, is that the scheme is acceptable. The proposed development is therefore recommended for approval.

**10.102 Recommendation**

10.103 **APPROVE**, subject to the following conditions:

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

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

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

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

- 3 Prior to the commencement of development, details of the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The materials shall be displayed as samples on site for the Local Planning Authority to review. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area and the Cambridge Skyline and would not adversely impact the setting of surrounding heritage assets. (Cambridge Local Plan 2018 policies 55, 58, 60, 61 and 62.

- 4 Prior to the commencement of development, full details of the appearance and operation of the steel framework and pelmet feature shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- (a) Drawings at a minimum scale of 1:20 (including plans, elevations and sections) of the framework and pelmet feature.
- (b) Details of the operation of the retractable pelmet features including the canopies.
- (c) Details of how any lighting and heating systems would be installed within the framework.

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

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area and the Cambridge Skyline and would not adversely impact the setting of surrounding heritage assets. (Cambridge Local Plan 2018 policies 55, 58, 60, 61 and 62.

- 5 Prior to the commencement of development full details of the glazing to be used in the construction of the development, hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

- (a) Details of the appearance of the glazing.
- (b) Details of the operation of the guillotine/ telescopic function.

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

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area and the Cambridge Skyline and would not adversely impact the setting of surrounding heritage assets. (Cambridge Local Plan 2018 policies 55, 58, 60, 61 and 62.

- 6 Prior to the commencement of development, details of any new lighting to be installed, shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the appearance, position and lux levels of the lighting to be installed.

The development shall thereafter be carried out and maintained in accordance with the approved details. No new lighting shall be installed other than in accordance with the approved details pursuant to this condition. The lighting on the roof canopy level (except for emergency lighting) shall be fully turned off when the canopy is not in use by patrons.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area and the Cambridge Skyline and would not adversely impact the setting of surrounding heritage assets. (Cambridge Local Plan 2018 policies 55, 58, 60, 61 and 62.

- 7 Prior to the commencement of development, details of any new heating system to be installed, shall be submitted to and approved in writing by the Local Planning Authority. This should include the details of how and where the heating would be installed and its appearance.

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

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area and the Cambridge Skyline and would not adversely impact the setting of surrounding heritage assets. (Cambridge Local Plan 2018 policies 55, 58, 60, 61 and 62.



# Agenda Item 6



<b>Planning Committee Date</b>	4 <sup>th</sup> October 2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/01457/FUL
<b>Site</b>	10A Cheddars Lane, Cambridge, CB5 8LD
<b>Ward / Parish</b>	Abbey
<b>Proposal</b>	Erection of building for commercial & business uses, and associated infrastructure and works following demolition of existing buildings and structures.
<b>Applicant Presenting Officer</b>	GRC Camprop Eleven Ltd Dean Scrivener
<b>Reason Reported to Committee</b>	Third party representations contrary to officer recommendation
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Design/Visual impact</li><li>2. Neighbour Amenity</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application is for full planning permission for the erection of a building for commercial and business uses and associated infrastructure and works following demolition of existing buildings and structures.
- 1.2 The proposed development will comprise a three storey building with staggered levels, and operate as a research and development use. The existing buildings are redundant and no longer in use and will be demolished. The development will also include courtyard spaces, a central core, bicycle stores and associated landscaping.
- 1.3 The proposal will comprise a scale and design which is considered to be in keeping with the character of the area whilst respecting the amenity of neighbouring properties along Cheddars Lane to the south east.
- 1.4 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 lies to the north of Newmarket Road and has had an industrial and commercial use for many years. It is located within close proximity to the city centre, with easy access via cycle and pedestrian routes.
- 2.2 There is a mix of residential, industrial and commercial uses within the locality, comprising different scale and materials. The site is not located within a Conservation Area. It is within the visual setting of the Cambridge Technology Museum (scheduled ancient monument) tower looking north from Newmarket Road.

## 3.0 The Proposal

3.1 This application is for full planning permission for the erection of building for commercial and business uses and associated infrastructure and works following demolition of existing buildings and structures.

#### 4.0 Relevant Site History

Reference	Description	Outcome
22/01825/FUL	Erection of office building and associated infrastructure and works following demolition of existing buildings and structures	Withdrawn

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework (September 2023)

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

##### 5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation  
Policy 31: Integrated water management and the water cycle  
Policy 32: Flood risk  
Policy 33: Contamination  
Policy 34: Light Pollution  
Policy 35: Human health and quality of life  
Policy 36: Air quality, odour and dust  
Policy 40: Development and expansion of business space  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 59: Designing landscape and the public realm  
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 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)

## **6.0 Consultations**

### **6.1 County Highways Development Management**

6.2 Objects due to the lack of visibility splays being shown between the new access and footway along Cheddars Lane. Refers to the Transport Assessment Team at the Cambridge County Council given the scale of development proposed.

### **6.3 Transport Assessment Team (CCC)**

6.4 No objections subject to a condition requesting a Travel Plan to be submitted and that the developer pays in full a monetary contribution of £102,400 (one hundred and two thousand four hundred pounds) to the County Council towards pedestrian and cycle improvement works along Newmarket Road and/or Cheddars Lane/Riverside within the site vicinity.

### **6.5 Environmental Health**

6.6 No objections subject to conditions regarding a time restriction on construction hours and deliveries, dust mitigation, piling methods, contamination remediation, material management plan and plant noise insulation.



- 6.7 Further information was requested in respect of air quality concerns. Following the receipt of additional information, the Environmental Health Officer no longer has concerns as previously raised.
- 6.8 **Sustainability Officer**
- 6.9 No objections subject to conditions securing Sustainable Design Certification.
- 6.10 Further clarification was requested in respect of the use of back up generators and the potential impact upon the amenity of residents. The applicant has confirmed that there is no allowance for back up generators to be included within the base build and the Sustainability Officer has accepted this.
- 6.11 **Ecology Officer**
- 6.12 No comments received (out of time)
- 6.13 **Landscape Officer**
- 6.14 No objections subject to conditions regarding hard and soft landscaping details, tree pits and green roofs.
- 6.15 **Local Lead Flood Authority (LLFA)**
- 6.16 No objections following the receipt of information demonstrating that surface water from the proposed development can be managed through the use of permeable paving, green and blue roofs, and a below ground attenuation tank, restricting surface water discharge to 2 l/s. Conditions requesting a detailed design for the proposed surface water drainage strategy and how surface water run off will be avoided during construction works are recommended.
- 6.17 **Anglian Water**
- 6.18 No objections
- 6.19 **Archaeology Officer**
- 6.20 No objections subject to a pre commencement condition requesting a Written Scheme of Investigation to be submitted.

6.21 **Access Officer**

6.22 No objections however raises the points regarding the internal layout for disabled access/doorways and door arrangements.

6.23 **S106 Officer**

6.24 No objections. Following approval in July 2022 by the Executive Councillor for Planning Policy and Infrastructure and in line with procedures set out in the Council constitution this proposed development will require a fee of £700 towards the monitoring and administration of the section 106 agreement. A further additional fee of £500 would be required for each instance (if applicable) where the Council is required to provide written confirmation of an obligation.

6.25 **Crime Prevention Officer**

6.26 No objections subject to conditions regarding security measures.

**7.0 Third Party Representations**

7.1 Four letters of objection have been received from the same neighbouring property. Their concerns are summarised as follows:

- Impact of increased footfall within the site and local area
- Cyclists conflicting with pedestrians
- The representation merely raises points about the tenancies of the neighbouring properties
- The design is incongruous and out of character with the local area
- The neighbouring properties should be eligible for compensation to offset the impacts of the development
- Is the address correct?
- Should the application be approved, a condition requesting the installation of gates should be imposed to reduce conflict between all users
- Bins should be installed to reduce waste on pavement
- The applicant should take over the management responsibilities of Tesco, in respect of the planter which is situated close to the front of the site
- The applicant should have to undertake the cleaning of the neighbouring properties
- The height of the kerb running along the front of the site should be retained and it is questionable whether this is included within the site or not
- The applicant has not engaged with the neighbours at all on this project
- A condition should be imposed to restrict the use of the laboratory
- The outbreak of asbestos should be controlled for
- Both street drains are blocked at present – refer to Anglian Water comments

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) seeks to ensure that the majority of new development should be focused in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally.

8.3 Policy 40 of the Cambridge Local Plan (2018) supports new offices, research and development and research facilities within designated locations within the city, under Section 3 of the Local Plan. For areas outside of these designations, it states that proposals will be assessed against their own merits and other relevant policies within the Local Plan.

8.4 The application proposes the erection of an office and research and development building (Use Class E(g)), following the demolition of the existing buildings on the site. The existing buildings once utilised commercial and industrial uses but have been redundant for many years and are in a poor state of repair. As such, the redevelopment of this previously developed site is supported.

8.5 Table 5.1 under Policy 40 illustrates the breakdown of land and floorspace requirements deriving from the forecast 8,800 net additional jobs growth in B use classes between 2011 and 2031. These figures are based on assumptions around the sectors applied to the outputs from the East of England Forecasting Model (EEFM), which itself has a number of assumptions built into it. The employment land requirements are, therefore, a guide and the figures outputting from it are directions of travel rather than hard targets. Essentially, the table shows an anticipated net growth in land needed for office and research and development, particularly offices, set against net losses of industrial and warehousing land. In essence, the forecasts show the replacement of older, more land-hungry industrial uses with new, denser, high technology and professional uses, such as the development proposed here.

- 8.6 Moreover, Table 5.3 shows there is more employment land available than the forecasts indicate is needed, however this allows for flexibility within the supply of employment land. There will always be a certain amount of churn as businesses start and grow and move to new premises to meet their needs; a larger supply of employment land means that there is more likely to be empty land or floorspace to move into, and businesses will not have to wait as long for someone else to move out. Given the desirability for research and development uses across Cambridgeshire as a whole at the current time, the proposed use is supported in principle. Ultimately, employment uses under Use Class E will be permitted within sustainable locations. The site is located via Newmarket Road and within close proximity to the city centre, with pedestrian and cycle accesses, as well as bus routes.
- 8.7 A condition is recommended to restrict the use of the building to Use Class E(g), which allows for office use; research and development of products or process and industrial processes, without detriment to the amenity of residential properties. This is considered to be reasonable to ensure other uses associated with Use Class E, cannot be undertaken.
- 8.8 For the above reasons, the principle of an office and research and development on this site is considered to be acceptable and is in accordance with policies 3 and 40 of the Cambridge Local Plan 2018, subject to the below considerations.
- 8.9 **Context of Site, Design and External Spaces**
- 8.10 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.
- 8.11 The surrounding area comprises a mix of commercial, retail and residential uses, which all vary in appearance, design and scale.
- 8.12 Cheddars Lane is typified by large scale retail and industrial sites, with large areas of hardstanding which is utilised by car parking.

#### Design and Layout

- 8.13 The proposed building would be laid out in an 'L' shape arrangement, with the front of the building comprising three storeys in height and the rear of the building stepping down to two storey and single storey level. Despite these heights being taller than the existing buildings on the site, there are buildings within the locality comprising three storeys and above in height, such as the student accommodation along Newmarket Road, as well as the Tesco building within the immediate setting of the site. As such, the

scale is considered to be compatible with its surroundings and is acceptable.

- 8.14 The overall design and appearance of the building would adopt a more modern form when compared to the existing buildings on the site, as well as the adjacent neighbouring properties. Large glazed windows will comprise a regular masonry grid with ribbed cladded panels that help to reduce solar gain and give the façade its depth. This fenestration detail is seen elsewhere across the city and would resemble a typical office and research development design approach.
- 8.15 As for materials, the building would comprise a dark bronze metal window frames and panels, black metal louvres and ribbed cladded façade panels. These materials are considered to be in keeping with the character and appearance of the local area and a condition is recommended to secure the details of these materials.

### Landscaping

- 8.16 The existing site has no soft landscaping and has no visual appeal or contribution to the surrounding area. The Landscape Officer has been consulted on the application and raised no objections, subject to conditions requesting hard and soft landscaping details, green roof details and tree pit details. These conditions are considered reasonable and necessary and are recommended.
- 8.17 The proposal intends to introduce soft landscaping within the site, mainly within central courtyard area and along the eastern boundary. A green roof is also proposed which will aid the attenuation of water.
- 8.18 The proposed cycle stores will also be incorporated to within the landscaping strategy, with their walls to be planted out to provide vertical greenery.
- 8.19 Along the eastern boundary exists a boundary wall which is in poor condition and which the proposal intends to upgrade. The brick wall will comprise buff brick materials and climbing wall plants as well as low level planting. This will create an acoustic separation between the site and the neighbouring properties.
- 8.20 Metal gates will be provided to the main access to allow ease for access for tenants. These gates will be dark perforated metal and open inwards.

### Conclusion

- 8.21 Overall, subject to the above recommended conditions, 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.

## 8.22 **Carbon Reduction and Sustainable Design**

8.23 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.

8.24 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.

8.25 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.

8.26 The Sustainability Officer has been consulted on the application and has raised no objections, subject to conditions securing BREEAM design certification and post certification.

8.27 The applicant has strived for BREEAM Excellence certification, with the BREEAM pre assessment indicating a score of 76.03%. The deep window reveals and façade fins would help reduce solar gain and would avoid the risk of overheating, which is supported. Other details include green and blue roofs, as well as PV panels on the roof and mechanical ventilation with heat recovery for the office space, which are all supported.

8.28 In response to a point raised regarding whether back up generators would be required for the scheme, the applicant has confirmed that back up generators would not be required, and therefore the Sustainability Officer is satisfied with this.

8.29 Another point raised by the Sustainability Officer refers to design required to facilitate the achievement of 5 Wat01 BREEAM credits. The development proposes to make use of rainwater harvesting to achieve this BREEAM standard and the LPA would want to make sure that there is sufficient plant installed to achieve this. Officers have discussed this with

the Sustainability Officer and it has been agreed that this detail can be secured by a condition, which is recommended.

8.30 In addition, an informative is recommended to ensure the development complies with parts O and F of Building Regulations, to ensure the building adopts a design to minimise overheating.

8.31 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.

8.32 **Biodiversity**

8.33 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.

8.34 The applicant has submitted a Biodiversity Net Gain Report (BNG), which demonstrates that the proposal would achieve an onsite BNG. Given the nominal BNG on site at the current time, the report outlines that all of the proposed soft landscaping and green roof would achieve +0.28 habitat units, which is equivalent to a +100% of total net gain percentage.

8.35 In the view of Officers, the development is therefore considered to be acceptable in biodiversity terms, subject to a condition to secure an onsite BNG for the lifetime of the development.

8.36 The applicant has also submitted a Preliminary Ecology Appraisal (PEA), which includes the findings of a Preliminary Bat Roost Assessment (PBRA). All findings confirmed that no evidence of roosting bats or birds for that matter, were discovered during the assessment. As such, the proposal is not considered to result in harm upon local species within the area and is acceptable. Officers have recommended a condition to secure the details of ecological enhancements to ensure the proposal enhances and preserves biodiversity.

8.37 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 BNG on site. Taking the above into account, the proposal is compliant with policies 57 and 70 of the Cambridge Local Plan (2018), subject to the conditions as recommended above.

8.38 **Water Management and Flood Risk**

- 8.39 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.
- 8.40 The site is located within Flood Zone 1 (Low Flood Risk).
- 8.41 The Local Lead Flood Authority (LLFA) have been consulted on the application and had originally objected to the application due to the lack of information demonstrating sufficient drainage mitigation. Despite this, following the receipt of information demonstrating that surface water from the proposed development can be managed through the use of permeable paving, green and blue roofs, and a below ground attenuation tank, restricting surface water discharge to 2 l/s, the LLFA have removed their objection. This is subject to conditions requesting a detailed design for the proposed surface water drainage strategy and how surface water run off will be avoided during construction works, which are both recommended.
- 8.42 There is a comment raised amongst the representations concerning two blocked drains at present. Anglian Water own assets close to the site and have been consulted on the application, but no objections have been raised. An informative is recommended to ensure the applicant is aware of their responsibilities of engaging with Anglian Water before commencing with the works.
- 8.43 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.
- 8.44 **Highway Safety and Transport Impacts**
- 8.45 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.
- 8.46 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.
- 8.47 The Local Highway Authority has recommended refusal due to the lack of pedestrian visibility splay drawing being provided at the access. There is a concern raised amongst the representations which refers to conflict between cyclists and pedestrians. The applicant has provided a drawing to illustrate this and therefore sufficient pedestrian visibility splays are provided either side of the access to prevent conflict between different users.



- 8.48 Other conditions which are recommended include a traffic management plan, a restriction on gross weight of HGVs, the removal of the redundant vehicular crossing along the site frontage/footway being returned to having full face kerbs, and the construction of the access. All of these conditions are recommended to ensure the safe and effective operation of the adopted highway.
- 8.49 Moreover, the Transport Assessment Team at the County Council (TATCCC), have also been consulted on the application. An objection was originally raised due to the lack of cycle parking, a Travel Plan and supplementary data supporting the proposed trip generation rates generated from the proposed use.
- 8.50 Following the receipt of this information within the Technical Note dated June 2023, TATCCC have removed their objection, subject to a condition requesting the submission of a Travel Plan and a financial contribution to the County Council for cycle and pedestrian improvement works along Newmarket Road and/or Cheddars Lane/Riverside area, local to the site.
- 8.51 In the view of Officers, both of these requests are reasonable. The request for financial contributions towards the upgrading of the footpath along Newmarket Road and/or Cheddars Lane, is considered reasonable to enhance pedestrian and cycle routes within the vicinity of the site, and to fulfil the car free element of the proposals. This will be agreed via the completion of a S106 Agreement, which will be delegated to officers and the Legal Team to complete. An informative will be attached to inform the applicant that any permission granted will be subject to the S106 Agreement being completed and fulfilled.
- 8.52 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.

8.53 **Cycle and Car Parking Provision**

Cycle Parking

- 8.54 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 office uses, 1 cycle space for every 30sqm of GIA should be provided.
- 8.55 The application proposes cycle parking in a range of formats within the site, mainly along the eastern boundary but with 28 spaces set along the frontage. A total of 80 cycle parking spaces will be provided which complies with the standards as set out under Appendix L and although Policy 82 encourages that more cycle parking is provided for proposals which are car free, the site layout does not allow for this. Officers are

therefore satisfied that a sufficient level of cycle parking is provided on site, and within easily accessible locations.

- 8.56 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

- 8.57 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 space per 40sqm GIA. Policy also states that 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.
- 8.58 The application proposes a car free scheme which is acceptable in this location due to its close proximity to the city centre, which would allow people to easily walk and cycle to and from work. In addition, a designated disabled car parking space is proposed which is in accordance with policy. Therefore the proposal is considered to accord with policy 82 of the Local Plan and the standards set out under Appendix L.

#### **8.59 Amenity of Neighbouring Properties**

- 8.60 Policy 35, 55 and 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.
- 8.61 The site is adjacent to a row of 7 terraced properties which are situated to the east of the site. These neighbouring properties have linear shaped gardens to their rear elevations, with the closest neighbouring property (No.7), being set directly adjacent to the eastern boundary of the site.
- 8.62 There are also three neighbouring properties along Newmarket Road, whose rear elevations face towards to the eastern boundary of the site. These are nos. 351, 353 and 355. The rear garden areas serving Nos. 351 and 353 terminate before the eastern boundary of the site, with the rest of the space being used for car parking the rear garden area serving No. 355 terminates at the north eastern corner of the site boundary.

#### Overbearing Impact

- 8.63 The proposed building would be set away from the side elevation of No. 7, which would create a separation between the existing residential uses and the proposed use. It is also noted that the depth of the three storey element is relatively short and is similar to the depth of No.7, thus lessening the overbearing impact upon this neighbouring property.
- 8.64 Furthermore, the rear part of the building steps down to two storeys in height, in the form of a staggered arrangement with the first floor element being set back further within the site and away from the boundary with this neighbouring property. This is considered to lessen the overbearing and limit any sense of enclosure and is acceptable.
- 8.65 In relation to the neighbouring properties along Newmarket Road, the two storey element of the proposed building would be situated 25m from the rear elevations of Nos. 351 and 353, and 23m from the rear elevation of No. 355, at its closest point. Although it is acknowledged that the proposal would be clearly evident from these properties, these distances are considered to sufficient to not result in any significantly harmful overbearing impact in this instance.

#### Overlooking Impact

- 8.66 The proposed building has two projections which face to the east and towards the rear gardens of the neighbouring properties along Cheddars Lane and Newmarket Road (as referred to above). The eastwards facing projection of the three storey element has a glazed window at third storey level. This window would serve the office area and would be set 11m from the neighbouring boundary and at an oblique angle to the rear garden serving No.7. It is acknowledged that there would be some element of overlooking towards to the nearest part of the rear garden serving this property, however, this is not considered to result in significantly harmful overlooking impact upon this neighbouring property and is therefore considered acceptable.
- 8.67 In reference to the other eastwards facing projection of the two storey element further to the rear of the site, there is glazing set within this elevation which would serve a hallway to the stairs and lift. As such, this space is not considered to be an area where people would congregate and therefore any level of potential overlooking would be limited. In addition, the rear garden areas serving the neighbouring properties along Newmarket Road do not extend all the way to the eastern boundary of the site, and therefore any perception of overlooking from this window would not be significantly harmful.
- 8.68 In between the two projections of the building, the remaining eastwards facing elevation comprises a first floor storey which is set back from the single storey element directly below. The first floor element of this façade would be set 16.5m from the neighbouring boundary of No. 7. This distance is considered to be sufficient to not result in any significantly

harmful overlooking impact upon this neighbour. Also, the windows set within this elevation would contain louvres which would act as blinds directing views away from the rear garden areas of the surrounding neighbouring properties and thus reduce any significantly harmful overlooking impact.

- 8.69 Lastly, there would be a roof terrace located on the western side of the building, well away from the neighbouring properties. As such, no overlooking impact would arise from this terrace upon the neighbouring properties to the east.

#### Overshadowing/Loss of Light Impact

- 8.70 A Daylight and Sunlight Impact Assessment has been submitted with the application. This sets out the impact of sunlight impeded to a total of 15 windows, within the relevant elevations of No. 7 Cheddars Lane and the properties along Newmarket Road.
- 8.71 The results show that 14 of the 15 windows retain more than the minimum threshold of 80% of their current daylight values, which is in accordance with the BRE Guidance. The window which slightly falls short of the 80% threshold, is window No. 3 which is set within the side elevation of No. 7 Cheddars Lane (page 8). This window serves a kitchen, as illustrated on page 10, which measures 6m<sup>2</sup> in floor area which is not considered to be a main habitable space and therefore the lower daylight levels reaching this window would not be a reasonable reason for refusal in this instance.
- 8.72 Notwithstanding this, the applicant has undertaken a No Sky Line (NSL) test, which is a test which can be carried out for any window where the use of the room which the window serves is known. The test has accounted for the area beyond the NSL to assess whether this area complies with the minimum threshold of 80% or not. The results show that when adopting the NSL test, the amount of daylight reaching the area within the room is well within the excess of the minimum 80% threshold and is therefore in accordance with BRE Guidance.
- 8.73 In terms of Annual Probable Sunlight Hours (APSH), the BRE Guidance states that only windows which face within 90 degrees due south of the proposal are required to be assessed. There are No. 4 windows which fall within this category, these are windows Nos. 8, 13, 14 and 15 (page 11). The results clearly show that all of these windows would retain more than the minimum 80% of APSH and is therefore in accordance with the BRE Guidance.
- 8.74 With regards to the overshadowing of neighbouring garden areas, the guidance states that a well lit space is one which receives at least 2 hours of direct sunlight on the 21<sup>st</sup> March for over 50% of its total area. The results show that the neighbouring gardens of concern would receive well

over the minimum 80% threshold of sunlight and therefore the proposal is in accordance with the BRE Guidance.

- 8.75 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.

### Conclusion

- 8.76 Overall, through careful design and supplementary assessments, the proposal 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 55, 56 and 57 of the Cambridge Local Plan 2018.

### **Noise Impact**

- 8.77 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.

- 8.78 The Council's Environmental Health Team has been consulted and has raised no objections subject to conditions relating to the following:

- Demolition/construction hours
- Demolition, noise/vibrations and piling methods
- Construction collection and delivery hours
- Mitigation of airborne dust
- Contamination report/unexpected contamination
- Material Management Plan
- Use of the roof terrace
- Artificial lighting scheme
- Plant Noise
- Back Up Generators
- EVC installation

- 8.79 All of these conditions are recommended by Officers to safeguard the amenities of neighbouring properties.

- 8.80 There was a concern raised regarding air quality due to the lack of information provided. Following the receipt of additional information within the Technical Note dated June 2023, the applicant has confirmed that the

provision of heating and hot water will be electric with no combustion processes being involved which could otherwise release pollutants into the air.

- 8.81 This note also confirms that there is no allowance for back up generators to be used as part of the base build up scheme. Despite this, it is still recommended that a condition is imposed to ensure that a scheme is submitted to the LPA for its written approval, prior to any back up generator being used, in order to protect the amenities of neighbouring properties from noise.
- 8.82 Following the receipt of this information, the Environmental Health Team are now satisfied with the proposed arrangements and can support the application, subject to the aforementioned conditions.
- 8.83 An informative is also recommended to ensue the applicant is aware of their responsibilities to safely remove any associated asbestos when demolishing the existing buildings and advertise a Demolition Notice which needs to be obtained from Building Control.
- 8.84 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.

**8.85 Third Party Representations**

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

<b>Third Party Comment</b>	<b>Officer Response</b>
The application does not consider the tenancies of the neighbouring properties	The type of tenancies currently in occupation of the neighbouring dwellings is not a material planning consideration for this application. Officers have assessed the impact of the proposed development upon the amenities of these neighbouring properties which is set out in the above paragraphs.
The neighbouring properties should be eligible for compensation to offset the impacts of the development	This is considered to be an unreasonable request for the LPA to engage with. The LPA has assessed the impacts of the proposed development upon the amenities of the neighbouring properties and concludes that the proposal is acceptable, subject to the conditions recommended below.

The applicant should have to undertake the cleaning of the neighbouring properties	This is not a material planning consideration and is considered to be an unreasonable request, especially given these properties are not under the ownership of the applicant. Each homeowner is responsible for the upkeep of their respective properties.
The applicant should take over the management responsibilities of Tesco, in respect of the planter which is situated close to the front of the site	This is not a material planning consideration and is considered to be an unreasonable request, especially given the planter referred to is not under the ownership of the applicant and is instead owned by Tesco.
The applicant has not engaged with the neighbours at all on this project	Whilst the LPA strongly encourages all applicants to engage with their respective neighbours before applying for planning permission, the LPA cannot enforce them to.
Covenants	A planning permission would not override covenants and private rights. These are civil matters between different landowners and not a material planning consideration.

#### 8.87 **Other Matters**

- 8.88 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.
- 8.89 The S106 Officer has been consulted on the application and has requested that the applicant makes a financial contribution of £700 towards the monitoring and administration of a S106 Agreement, with an additional £500 for each obligation, would be required following the approval of the Executive Councillor for Planning Policy and Infrastructure in July 2022. Officers consider this request to be a matter to be agreed with outside the scope of this planning application and an informative is recommended.
- 8.90 The Crime Prevention Officer has been consulted on the application and has raised no objections, subject to conditions referring to gate and management of the premises details, bollards located between the car parking space and access, cycle infrastructure internal access arrangements and signage. Officers consider that a condition requesting the details of the gate and general management of the premises to be

reasonable and necessary, however, all the other matters are either covered by the recommended conditions below or fall under Building Regulations. An informative is recommended to advise the applicant submit an application to obtain accreditation for 'Secure by Design'.

- 8.91 Moreover, similar comments are raised by the Access Officer, who requests that doorways and level access is provided. It is essential that all new office buildings comply with these standards as set out under Building Regulations, and therefore it is unreasonable to enforce these via conditions.
- 8.92 There is a comment referring to insufficient refuse storage being located along their frontage of the site to reduce waste along Cheddars Lane. The Site Plan shows bins will be located near to the rear of the site, which is preferable to reduce the any potential visual impact within the street scene or as you enter the site. These bins will collect waste generated from the proposed development and it is not reasonable to request the applicant to provide on street bins along Cheddars Lane to reduce on street waste. As such, the proposal in accordance with Policy 57 of the Cambridge Local Plan 2018.
- 8.93 **Planning Balance**
- 8.94 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).
- 8.95 The application proposes to erect a new building comprising an office and research and development use, which would replace the existing dilapidated buildings on the brownfield site. This would improve the public realm and visual attractiveness of the site within the local area. The proposed design, layout and landscaping would facilitate in providing a successful scheme which would promote more jobs and integrate a use within a sustainable location, whilst respecting the amenities of neighbouring premises.
- 8.96 As such, Officers recommend approval, subject to conditions and informatives set out below. In addition, a S106 Agreement securing the financial contributions for the upgrading of cycle and pedestrian routes within the vicinity of the site will be agreed with the applicant, under delegated powers.
- 8.97 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 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.

-A S106 agreement, the precise contributions and its wording to be 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) 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
- ii) 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;
- iii) 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;
- iv) Identification of the existing habitats and their condition on-site and within receptor site(s);

- v) 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;
- vi) 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.

4) 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).

5) No development shall take place until full details of all tree pits, including those in planters, hard paving and soft landscaped areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. All proposed underground services will be coordinated with the proposed tree planting and the tree planting shall take location priority.

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

- 6) 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).

- 7) No development (or phase of) shall commence until a Remediation Method Statement based upon the findings of the Phase I Desk Study & Phase II Site Investigation Report (by Brown 2 Green, ref: 2743/Rpt 1v1, dated April 2022), and the advice of the Environment Agency, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory measures are in place to prevent the effects of contamination (Cambridge Local Plan 2018 Policy 33).

- 8) 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).

- 9) 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 and 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) and Cambridge Local Plan 2018 Policy 61).

- 10) No development above ground level, other than demolition, shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority.

The scheme shall be based upon the principles within the agreed Drainage Strategy and Response to the LLFA; prepared by CAR Ltd; dated April 2023 and July 2023 (respectively) and shall include where appropriate:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Details of the maintenance/adoption of the surface water drainage system;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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 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).

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts (Cambridge Local Plan 2018 Policies 31 and 32).

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

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

- 13) The development hereby approved shall not be occupied until a BRE issued post Construction Certificate has been submitted to, and approved in writing by the Local Planning Authority, indicating that the approved BREEAM rating has been met. If such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

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

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

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

- 15) 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).

- 16) 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).

- 17) 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).

- 18) 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).

19) 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).

20) The roof terrace hereby approved, shall be used solely used by employees of the application site during standard office activities and shall not be used outside of 07:00hrs - 19:00hrs Monday to Saturday and 08:00hrs to 13:00hrs Sundays. The terrace shall not be used at any time during Bank Holidays.

Reason: To safeguard the privacy of neighbouring properties (Cambridge Local Plan 2018 Policies 55, 56 and 57).

21) Prior to the installation of any artificial lighting, an artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken. Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained

within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light - GN01/20 (or as superseded).

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

Reason: To prevent any harm upon the amenities of the neighbouring properties (Cambridge Local Plan 2018 Policy 34).

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

Reason: To prevent any harm upon the amenities of the neighbouring properties (Cambridge Local Plan 2018 Policy 35).

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

The combined rating level of sound emitted from all fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed the rating level limits specified within the Scotch Partners - Noise Impact Assessment - Revision 01 - 17th April 2023.

Reason: To prevent any harm upon the amenities of the neighbouring properties (Cambridge Local Plan 2018 Policy 35).

24) Prior to the installation of any backup generator within the site, their location and details shall be submitted to and approved in writing by the local planning authority. The installation shall be carried out in accordance with the approved details and shall be retained as such. The scheme shall include the following:

- a. Generator - Use The generator shall only be used in the event of mains power failure or in accordance with (b) below. It shall not be used as an alternative supply in the event of disconnection from the mains supply following for example non-payment.
- b. Generator - Hours of Running for Maintenance. Running of the generator as part of routine maintenance and repair shall only take place for the length of time specified by the manufacturer between the hours of 8am - 6pm Monday to Friday, 9am - 1pm Saturday and no time Sunday or Public Holidays.



Reason: To safeguard the amenities of neighbouring premises for noise disturbance, in accordance with Policy 35 of the Cambridge Local Plan 2018 and to protect local air quality and human health in accordance with policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan 2018 and Cambridge City Councils adopted Air Quality Action Plan (2018).

- 25) Prior to occupation of the site information to demonstrate that a single slow electric vehicle charge point with a minimum power rating of 7kW will be installed on site in accordance with BS EN 61851 or as superseded shall be submitted to and approved in writing by the Local Planning Authority.

The active electric vehicle charge point as approved shall be fully installed prior to the first occupation and maintained and retained thereafter.

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

- 26) Details of the biodiverse (green, blue or brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

Details of the green biodiverse roof(s) shall include means of access for maintenance, plans and sections showing the make-up of the sub-base to be used and include the following:

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

e) A management/maintenance plan approved in writing by the Local Planning Authority,

All works shall be carried out and maintained thereafter in accordance with the approved details.

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).

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

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

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

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

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

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

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

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

29) 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 for the first 5 metres 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).

30) 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).

31) 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).

32) Prior to the first occupation of the development hereby approved, the redundant vehicular crossing along the site frontage onto Cheddars Lane shall be removed, and the footway returned to having a full face kerbs.

Reason: For the safe and effective operation of the highway (Cambridge Local Plan 2018 Policy 81).

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

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

34) 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).

35) The use of the development hereby permitted shall be restricted to the uses listed under Use Class E(g) of the Use Classes Order 2020 (as amended).

Reason: To ensure the development delivers office and research facilities within the city, whilst safeguarding the amenities of neighbouring properties (Cambridge Local Plan 2018 Policies 35 and 40).

36) No development shall take place above ground level until a layout plan for any ground works and associated plant required to facilitate the achievement of 5 Wat01 BREEAM credits, 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: In the interests of making efficient use of water (Cambridge Local Plan 2018, policy 28 and the Greater Cambridge Sustainable Design and Construction SPD).

37) The development, hereby permitted, shall not be occupied or brought into use, until pedestrian visibility splays of 2x2 metres, have been provided each side of the vehicular access in full accordance with the details indicated on the submitted plan no. 2654-PL-20-01. 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).

## **11.0 Informatives**

- 1) 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.
- 2) All green roofs should be designed, constructed and maintained in line with the CIRIA SuDS Manual (C753) and the Green Roof Code (GRO).
- 3) 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.
- 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) 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.
- 6) The applicant is made aware of their responsibility to engage with Anglian Water prior to the installation of any drainage works on the site.

- 7) The applicant is made aware of the regulations of the Executive Councillor for Planning Policy and Infrastructure and in line with procedures set out in the Council constitution this proposed development will require a fee of £700 towards the monitoring and administration of the section 106 agreement. A further additional fee of £500 would be required for each instance (if applicable) where the Council is required to provide written confirmation of an obligation.
- 8) The applicant is advised to submit a 'Secure by Design' Commercial Application to attain accreditation with consultation.
- 9) This planning permission is subject to a S106 Agreement, to secure financial contributions towards the improvements of pedestrian and cycle routes within the vicinity of the site.

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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

# Agenda Item 7



<b>Planning Committee Date</b>	4 <sup>th</sup> October 2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/03297/FUL
<b>Site</b>	Parkers Piece, Parkside, Cambridge
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Use of land at Parkers Piece for the holding of temporary Christmas event, including the annual installation of ice rink, food, drink and market stalls (including lodge bar), Ferris wheel, carousel, attractions, seating areas and associated fencing, works and structures for the period 1st November to 14th January the following year each year for the next 4 years (until period November 2027-January 2028)
<b>Applicant</b>	Alpine Christmas Markets Ltd
<b>Presenting Officer</b>	Laurence Moore
<b>Reason Reported to Committee</b>	Third party representations Land within ownership of the Council
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Character</li><li>2. Residential Amenity Impacts</li><li>3. Grass Maintenance and Protection</li><li>4. Time Period</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks the Use of land at Parker's Piece for the holding of a temporary Christmas event, including the annual installation of an ice rink, food, drink and market stalls (including lodge bar), Ferris wheel, carousel, attractions, seating areas and associated fencing, works and structures for the period 1st November to 14th January the following year each year for the next 4 years (until period November 2027-January 2028)
- 1.2 The development is considered to positively contribute to the character of Parkers Piece through utilising sympathetic designs to provide a City wide recreational provision at a time of year that the grassed area would see limited use. This development is therefore considered to enhance the character of the site as a place for recreation and enjoyment, which is supported.
- 1.3 The development does not contain thrill rides.
- 1.4 The Council's EHO has been formally consulted, and has stated that subject to the conditions outlined within this report, the development is not considered to give rise to any adverse impacts on the amenity of neighbouring occupiers.
- 1.5 The Council's Ecologist, Landscape Officer and Streets and Open spaces team have been formally consulted on the proposed grass protection/maintenance strategy and have deemed it sufficient for protecting the grass on Parkers Piece from damage witnessed in previous years.
- 1.6 The site will allow for several public benefits, including but not limited to: free entry, disabled access into and around the site, provisions for schools and lower income members of the public, increased footfall for local businesses and use of local vendors on site.
- 1.7 The applicant has taken several precautions to avoid the adverse implications on character, grass and neighbours which were caused by previous events held by separate companies and has avoided the use of the site as a fairground.
- 1.8 Officers recommend that the Planning Committee approve the application subject to conditions outlined within this report.

## 2.0 Site Description and Context

Conservation Area	x
Listed Building	x



Protected Open Space	x
Controlled Parking Zone	x

\*X indicates relevance

- 2.1 The proposed Christmas Market, Ice Rink, associated attractions and ancillary amenities would be located on the south-eastern sector of Parker's Piece, adjacent to Gonville Place.
- 2.2 Parker's Piece is allocated as protected open space in the Cambridge Local Plan (2018) and is surrounded by a mix of uses which include hotels, restaurants and residential, as well as Parkside Pool, the Fire Station and the Police Station. The site falls within the Cambridge Historic Core Conservation Area. Although no trees on Parkers Piece are covered by Tree Preservation Orders they are protected by Conservation Area legislation and hold significance importance with regards to their contribution to the areas character.
- 2.3 Parkers Piece hosts a Grade II listed building, Reality Checkpoint. The site is situated within the controlled parking zone.

### **3.0 The Proposal**

- 3.1 The application seeks the Use of land at Parkers Piece for the holding of temporary Christmas event, including the annual installation of ice rink, food, drink and market stalls (including lodge bar), Ferris wheel, carousel, attractions, seating areas and associated fencing, works and structures for the period 1st November to 14th January the following year each year for the next 4 years (until period November 2027-January 2028)
- 3.2 Planning permission is sought for a temporary period from 1<sup>st</sup> November to 14<sup>th</sup> January inclusive, for 4 years. The hours of operation/opening would be 10am to 10pm Sunday to Wednesday, and 10 am to 11pm Thursday to Saturday. The operational dates of the proposal are from the middle of November to the 4<sup>th</sup> of January with 2 weeks for set up and 3 weeks proposed for the clearance of the site.
- 3.3 The site plans provided show the provision of an Ice Rink, Ferris Wheel, Carousel, Christmas Tree Maze, allocated areas for Market Huts and food vans, bars and lodges for food/drinks, a stretch tent for curling lanes and a back of house area for refuse, deliveries and staff.
- 3.4 The application is accompanied by a Nosie Impact Assessment, which has full support from the EHO that no adverse impacts on the amenity of neighbouring occupiers will arise from the proposals.
- 3.5 The application is accompanied by a Grass Protection and Maintenance Methodology Statement which sets out all measures to ensure the grass accommodated by this area of protected open space is not harmed.

3.6 The application is subject to further public consultation regarding a number of relatively minor amendments and supporting information. Any further comments regarding this information will be reported to Planning Committee as part of the amendment sheet.

#### 4.0 Relevant Site History

Reference	Description	Outcome
22/03726/S73	S73 Variation of condition 1 (Time period) of planning permission 22/00801/FUL (Permission to locate the Observation Wheel for a further four years, being erected between 22 March and 10 September with public operation between 1 April - 31 August each year, after grant of current permission ref: 21/01392/FUL for 2021 season) to extend the approved operational opening time of 1 April - 31 August until 2026 to 1 April - 30 September annually until 2026, also amending the 10 day period for dismantling and reinstatement of the area used to 10 October annually until 2026.	Withdrawn
22/00801/FUL	Permission to locate the Observation Wheel for a further four years, being erected between 22 March and 10 September with public operation between 1 April - 31 August each year, after grant of current permission ref: 21/01392/FUL for 2021 season.	PERMITTED
20/03552/FUL	To renew the installation of a temporary real-ice ice rink with viewing platform and back-of-house/plant area; a family entertainment area with children's rides, food concessions and other associated entertainment	PERMITTED

(including the Big Wheel), to one quadrangle of Parkers Piece. Event to run from 1st November 2021 to 31st January 2025

- 4.1 The site history for Parkers Piece is complex, and the applications listed above pertain to the Observation Wheel and previously approved Ice Rink, which are both significant elements of the scheme currently proposed.
- 4.2 The observation wheel has temporary permissions until 2025, and is to be situated within the redline of the proposal site for additional times each year within the time frames specified within the description of development.
- 4.3 The previous Christmas Market was approved under application reference 20/03552/FUL outlined above. The previous Christmas market and Ice Rink ensemble was subject to a significant number of fairground rides and associated sound. The market carried out in 2021 was not held in high regards, and many of the representations received as part of this application reference the inadequacies of the previously approved scheme held on Parkers Piece within the holiday period at the end of 2021.
- 4.4 The current scheme seeks to avoid the issues caused by the previous scheme and has moved away from a fairground-esque approach to delivering the Christmas market, whilst enhancing ground protection methodologies, reducing sound emittance and securing higher quality designs and facility provisions.

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

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

DPM 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 10: The City Centre

Policy 29: Renewable and low carbon energy generation

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 61: Conservation and enhancement of historic environment

Policy 62: Local heritage assets

Policy 67: Protection of open space

Policy 71: Trees

Policy 79: Visitor attractions

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

Landscape in New Developments SPD – Adopted March 2010

Open Space SPD – Adopted January 2009

## **5.5 Other Guidance**

Cambridge Historic Core Conservation Area

## **6.0 Consultations**

## **6.1 County Highways Development Management –No Objection**

- 6.2 No objection, no recommended conditions.
- 6.3 Environment Agency**
- 6.4 No response
- 6.5 Access Officer**
- 6.6 No response
- 6.7 Conservation Officer – No Objection**
- 6.8 Further information regarding boundary treatments and a reduction in time scales to 4 years is requested.
- 6.9 Landscape Officer – No Objection**
- 6.10 No objection following amendments.
- 6.11 Ecology Officer – No Objection**
- 6.12 No objection, no recommended conditions.
- 6.13 Natural England**
- 6.14 No response.
- 6.15 Tree Officer –No Objection**
- 6.16 No objection following amendments.
- 6.17 Environmental Health – No Objection**
- 6.18 No objections subject to compliance conditions pertaining to use of lights and noise and construction hours.
- 7.0 Third Party Representations**
- 7.1 20 representations have been received.
- 7.2 Those in objection have raised the following issues:
- Principle of development
  - Character, appearance and scale
  - Heritage impacts
  - Residential amenity impact (noise and disturbance, light pollution)
  - Construction impacts
  - Highway safety
  - Impacts on Grass

- Cycle parking provision
- Use of Diesel Generators
- Impact on and loss of trees
- Community Upset
- Impacts on Local Businesses
- Operational Time Frames
- Concerns over funding of the event
- Democratic Input

7.3 Those in support have raised cited the following reasons:

- Public Enjoyment
- Enhanced changes are consistent with Cambridge's character.
- Free event for the public
- There is always noise in the city centre
- Enhanced customer base for local businesses
- Enhances the

## **8.0 Local Interest Groups and Organisations / Petition**

8.1 Cam Bid have issued their support for the development.

8.2 Cambridge University Arms have given their support to the proposed development.

8.3 Camcycle has made a representation on the application on the following grounds:

- Cycle Parking should be adjacent to the entrance to the site.
- Sheffield Stands should be provided.

8.4 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.

## **9.0 Assessment**

### **9.1 Principle of Development**

9.2 The proposed development is located in the centre of Parker's Piece, which is protected open space, as designated by the Cambridge Local Plan 2018 policy 67. The policy states that development will not be permitted that would be harmful to the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses 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.

- 9.3 Appendix I of the Cambridge Local Plan sets out the Criteria to Assess Open Space. In the most recent assessment Parker's Piece met criteria a, b, d and e. This highlights that Parker's Piece is important in that: it makes a major contribution to the setting, character, structure, and environmental qualities of the City and local area (criteria a and b); and that it meets the criteria for major contribution to the recreational resources of the City and local area (criteria d and e). To comply with Policy 67, none of the above should be harmed or prejudiced by this development.
- 9.4 The Christmas Market and associated attractions will not harm the contribution Parker's Piece makes to the environmental quality of the City. The visual impacts of the scheme are discussed in further detail in latter sections of this report, however, the development will utilise a small portion of the south-east quadrant of Parkers Piece and so the open space, because of its size, will still remain a predominantly 'green space', with 3 remaining quadrants remaining as green open space. In terms of recreational use, Parker's Piece is used for both formal playing pitches and informal play. The siting of the temporary ice rink and ancillary development will not impact the formal pitched area, but will take up an area used for informal play and recreation. It is considered that the Ice Rink replaces the existing informal recreational aspect of a portion of the overall Piece with another, and therefore there is no net loss in recreational facilities. The provision of the Christmas Market will enhance the recreational potential providing a City wide provision at a time of year that the grassed area would see limited use. It is therefore considered that the proposal does not lead to the permanent loss of open space of environmental or recreational importance, and is therefore consistent with Policy 67 of the Cambridge Local Plan 2018.
- 9.5 Policy 79 of the Local Plan 2018 supports developments that would complement the existing cultural heritage of the city, is limited in scale, and assists in the diversification of the attractions on offer. Where Cambridge now benefits from an Ice Rink it is considered that this proposal will strengthen and diversify the range of visitor attractions on offer but will not in itself generate significantly more visitors to Cambridge, from outside the sub-region, during the Christmas period when more visitors are already coming into the City.
- 9.6 In conclusion it is considered that the use is consistent with Local Plan Policies 67 and 79 and does not harm the nature, or use of Parker's Piece, and is acceptable in principle subject the evaluation of the main considerations outlined within the following sections of this report.
- 9.7 Design, Layout, Scale and Landscaping**
- 9.8 Policies 55, 56, 57, and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

- 9.9 Concerns have been raised from members of the public that the proposed scheme is contrary to the character of Parkers Piece and the surrounding conservation area and that the scale of development is too large and shall adversely affect the character of the conservation area. These concerns will be discussed below:
- 9.10 Parker's Piece derives its character and special quality from its simplicity as an unobstructed area of open space, with grass maintained to a high standard, enclosed by large mature trees and some high-quality buildings. This is a layout that has evolved around the grazing and recreational uses that it has supported since 1612.
- 9.11 Parker's Piece is essentially uncluttered and free of any large-scale structures, and is mainly used throughout the year as parkland. However, concerts and large events are also regularly held on Parker's Piece throughout the year. Its paths are a very important part of the foot and cycle network.
- 9.12 The development will utilise a portion of the south-east quadrant of the Piece, with the amended redline location plan showing a footprint of approximately 2.4 acres, which includes all attractions and facilities, boundary treatments, cycle parking and a buffer area to allow for flexibility in locating facilities throughout the event and in future years so that the viability of the scheme on site can be assured. The temporary nature of the development in addition to its small footprint and situation within one quadrant of the park means the scale of the development is considered appropriate for the site and surrounding conservation area, and is supported.
- 9.13 The Christmas Market proposed will include the provision of an Ice Rink, Ferris Wheel, Carousel, Christmas Tree Maze, Santa's Workshop and Grotto, allocated areas for Market Huts and food vans, bars and lodges for food/drinks, a stretch tent for curling lanes and a back of house area for refuse, deliveries and staff. The Christmas Market and ancillary attractions outlined above, are considered minimal in scale and will be primarily obscured from view of the surrounding area from the extensive boundary treatments proposed. The designs of facilities and attractions provided as part of the Christmas market are considered acceptable, and are not considered to detract from the aesthetic quality of the Piece for the time periods proposed.
- 9.14 To ensure the aesthetically pleasing designs and layout of the site are retained or enhanced for each returning year, annual review mechanisms will be applied by means of condition, requiring the submission of site layout plans 3 months in advance of the event each year. This will allow officers to review the changes to the site annually, and ensure the designs and provisions are appropriate and reflect the most up-to-date offer.



- 9.15 The provision of the Christmas Market will enhance the recreational potential of Parkers Piece, providing a City wide provision at a time of year that the grassed area would see limited use. This development is therefore considered to enhance the character of the site as a place for recreation and enjoyment, which is supported.
- 9.16 The impact on the Conservation Area is limited; the temporary nature of the proposal means that any visual impact caused by the event and associated fencing is reversible and will not permanently harm the integrity of the Conservation Area in the long term. Parker's Piece is used for events such as this at several times during the year, and that is considered part of its character and wider use. The proposed hoarding around the site is proposed in natural wood finish, to be screened by Christmas Trees to ensure the barracks-esque design utilised by Christmas Market schemes previously held on the Piece are avoided, and a site which positively contributes to the character of the park at winter can be provided. There will be no negative impact on the grade II listed Reality Checkpoint, given the distance between the siting of proposals and the schemes temporary nature, and therefore it is not considered that there is any conflict with Local Plan policy 61.
- 9.17 Concerns have been raised from members of the public regarding potential adverse implications for grass at Parkers Piece. A grass protection and maintenance method statement has been submitted, detailing how the ground will be protected during the event and what post-event mitigation measures will be put in place to secure the health of the grass. The Council's streets and open spaces team have reviewed the submitted grass protection methodology in depth, and have provided their support, stating that the methodology proposed will suitably address the impacts on grass, whilst preventing the use of herbicides, pesticides and fungicides. A stringent condition will be applied requiring the development to be consistent with the grass protection measures proposed, with the requirement to resubmit the proposed methodology statements in advance of the event each year, if issues arise following the 2023/24 event. From the advice of specialists within the Council's streets and open spaces, landscape and ecology teams, ensuring the development's compliance with the submitted grass protection methodology will appropriately avoid any issues with the grass which have been witnessed following previous events and annual review mechanisms by means of condition will further secure the quality of grass in future years.
- 9.18 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 59, 61, and 71 and the NPPF 2023.
- 9.19 Trees**
- 9.20 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and

character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.

- 9.21 The Council's Tree Officer has advised that subject to the development being situated away from the root protection zones of existing trees, and suitable protective fencing being put in place that there would be no adverse impacts on the existing trees at Parkers Piece.
- 9.22 Following discussions with the applicant, the contractors parking and delivery area, which falls outside of the redline due to its nature as permitted development, has been situated away from any existing trees to ensure high-weight vehicles do not allow for excess weight in root protection zones and avoid impacts on trees. With regards to the scheme itself, due to the height of the enclosure and no intrusive ground works, limited proximity to trees and temporary nature of the development, officers do not consider that the proposal would harm the existing trees on the boundary. A condition will be imposed regarding the site access and tree root protection measures to ensure the trees are protected, and therefore the development is considered to ensure the protection of existing trees in line with the requirements of policy 71, subject to conditions.
- 9.23 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

#### **9.24 Heritage Assets**

- 9.25 The application falls within the Cambridge Historic Core Conservation Area. The application is within the setting of the Grade II listed building; Reality Checkpoint.
- 9.26 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.
- 9.27 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.
- 9.28 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets

and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.

- 9.29 The Christmas Market proposed will include the provision of an Ice Rink, Ferris Wheel, Carousel, Christmas Tree Maze, allocated areas for Market Huts and food vans, bars and lodges for food/drinks, a stretch tent for curling lanes and a back of house area for refuse, deliveries and staff. The Christmas Market and ancillary attractions outlined above, are considered minimal in scale and will be primarily obscured from view of the surrounding area from the extensive boundary treatments proposed. The designs of facilities and attractions provided as part of the Christmas market are considered acceptable, and are not considered to detract from the aesthetic quality of parkers piece for the time periods proposed. The harsh close board fencing proposed as a boundary treatment is not considered to allow for adverse impacts on the character of the site or surrounding area due to the proposed Christmas tree screening, which will allow for an inviting and pleasant approach to the site. The unaesthetically pleasing close board boundary treatments will be primarily screened by the positioning of Christmas Trees around the bordering fencing, to ensure an aesthetically pleasing site boundary can be provided.
- 9.30 The impact on the Conservation Area is limited; the temporary nature of the proposal means that any visual impact caused by the event and associated fencing is reversible and will not permanently harm the integrity of the Conservation Area in the long term. Parker's Piece is used for events such as this at several times during the year, and that is considered part of its character and wider use. The proposed hoarding around the site is proposed in natural wood finish, to be screened by Christmas Trees to ensure the barracks-esque design utilised by Christmas Market schemes previously held on parkers piece are avoided, and a site which positively contributes to the character of the park at winter can be provided. There will be no negative impact on the grade II listed Reality Checkpoint, given the distance between the siting of proposals and the schemes temporary nature, and therefore it is not considered that there is any conflict with Local Plan policy 61.
- 9.31 It is considered that the proposal, by virtue of its scale, design and temporary nature 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 (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.
- 9.32 Carbon Reduction and Sustainable Design**
- 9.33 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.

- 9.34 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.
- 9.35 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 9.36 The application has outlined the use of bio-fuel generators for the provision of energy for the first year, with the use of an electrical connection for future years starting in November 2024, to be provided by the local authority. The avoidance of using diesel generators is welcomed, and the use of BIO-fuel generators will prevent adverse implications on the area's air quality, and provide the site with a stronger environmental stance.
- 9.37 Conditions will be applied preventing the use of diesel generators on site.
- 9.38 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

### **9.39 Highway Safety and Transport Impacts**

- 9.40 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.
- 9.41 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.
- 9.42 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team, who raise no objection to the proposal and have recommended no conditions.
- 9.43 Access to the site will be via the existing site entrance along the south-east boundary with the A603.
- 9.44 The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

### **9.45 Cycle and Car Parking Provision**

- 9.46 **Cycle Parking**
- 9.47 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.
- 9.48 Concerns have been raised from members of the public and local interest group Camcycle. The applicant has addressed these concerns as outlined below.
- 9.49 The amended application seeks to provide Sheffield stands to accommodate 50no. cycle parking spaces situated adjacent to the main entrance to the site. This is considered acceptable for a site of this size, proposed use and temporary time frame, and so is considered acceptable. These cycle parking arrangements, and their positioning will be secured by condition, and will be required to be installed prior to the commencement of the Christmas market each year.
- 9.50 The cycle parking proposed is considered acceptable.
- 9.51 **Car parking**
- 9.52 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.
- 9.53 No parking provision has been provided however due to the accessibility of the site in the centre of town and the proximity to Drummer Street Bus Station, Cambridge Station and the Queen Anne Public car park on the south eastern side of Parkers Piece no parking provision would be required.
- 9.54 Subject to conditions, the proposal is considered to accord with policy 82 and Appendix L of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 9.55 Amenity**
- 9.56 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.

9.57 Neighbouring Properties

9.58 Concerns have been raised from neighbouring occupiers with regards to the potential adverse implications on residential amenity which may be caused by the event in relation to noise/light pollution.

9.59 The application proposes the use of Bio-fuel generators and a site-wide amplified Personal Address (PA) system, both of which can generate a high level of sound. A noise impact assessment has been provided, which has been fully assessed by the councils EHO. The EHO has provided their support for the proposed scheme, stating that subject to conditions requiring the developments compliance with the approved noise impact assessment, the development would not allow for any adverse implications on the amenity of neighbouring occupiers in relation to noise.

9.60 The site proposes the use of festoon lighting, lighting upon the big wheel, and low level lighting and floodlights within the site. The EHO has stated that the proposed lighting would not give rise to adverse impacts on the amenity of neighbouring occupiers provided conditions are applied restricting the illuminance of the lighting proposed and preventing lights from flashing. Therefore, subject to conditions as appropriate, the development is not considered to give rise to any adverse implications on the amenity of neighbouring occupiers from light pollution.

9.61 The proposal adequately respects the amenity of its neighbours and is considered that it is compliant with Cambridge Local Plan (2018) policies 35 and 57.

**9.62 Third Party Representations**

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

<b>Third Party Comment</b>	<b>Officer Response</b>
Construction Impacts	<p>The development is of a temporary nature and has a very small time period where construction and dismantling will take place.</p> <p>The set up period will take approximately 1-2 weeks, and the dismantling period will last approximately 1 week.</p> <p>The limited construction periods and temporary nature of the scheme means that impacts caused by the construction and dismantling of the event will not allow for</p>

	<p>adverse implications of highway safety or residential amenity of neighbouring occupiers and so are acceptable.</p>
<p>Use of diesel generators.</p>	<p>The use of diesel generators will be forbidden on site by means of condition. The applicant has explored alternative arrangements, and will be utilising bio-fuel generators until an electrical connection to the site is installed by the local authority.</p>
<p>Community Upset</p>	<p>The representations received provide a mix of views as to whether the development will positively contribute or detract from the sense of community in Cambridge City Centre.</p> <p>The development will allow for a free access event in the holiday period. The applicant has arranged for provisions for schools and has offered 300 free ice skating opportunities to less financially fortunate members of the local community which is welcomed.</p> <p>The provision of the Christmas Market will enhance the recreational potential of Parkers Piece, providing a City wide provision at a time of year that the grassed area would see limited use. This development is therefore considered to enhance the character of the site as a place for recreation and enjoyment, which is supported.</p>
<p>Impact on local businesses</p>	<p>Concerns have been raised regarding the adverse impacts on local businesses, which may be caused by the event. Comments have presented the development as a “one-stop-shop”, stating that visitors will be utilising the event and not local businesses in a time where income is a necessity.</p> <p>The development is considered to enhance footfall for local businesses, with the scheme acting as an attraction for the city, inviting communities from post-codes across the entirety of greater Cambridge and the wider south-east, which is considered to boost footfall within the city centre.</p> <p>The applicant has agreed the use of local vendors for on site provisions, with catering</p>

	<p>facilities being sought locally. This is considered to benefit local business to a great extent, by ensuring the on site sales are directly affiliated with local businesses in proximity to the site.</p> <p>The development has received support from local members of the public, local businesses and interest groups, including Cam Bid, and so it is a shared opinion that the development will enhance the use of local businesses throughout the time period of the event each year.</p>
Democratic Input	<p>Comments have been received stating that the process undertaken for establishing this event has not listened to democratic input.</p> <p>The current scheme has been moulded by public consultations held following the previous Christmas market. All concerns received within consultation have been addressed, with issues raised such as noise, design, grass protection and uninviting hoarding, being avoided within the production of this application.</p> <p>All consultations have been carried out as necessary, and the dealing of the application is in line with the council's process requirements.</p> <p>Several site notices were issued around the site, a press notice was issued, and neighbours were notified via letter. Comments have been received in support and objection, however, given the level of public benefit associated with the scheme, and appropriate nature of the application, the development is considered to positively contribute to the area and wider population within greater Cambridge and so is supported.</p>

**9.64 Other Matters**

9.65 Refuse



9.66 The proposed scheme will utilise larger refuse containers within the back of house/storage area proposed and will have several refuse arrangements throughout the site for use by the public.

#### 9.67 Grass Protection

Concerns have been raised from members of the public regarding potential adverse implications for grass at Parkers Piece. A grass protection and maintenance method statement has been submitted, detailing how the ground will be protected during the event and what post-event mitigation measures will be put in place to secure the health of the grass. The Council's streets and open spaces team have reviewed the submitted grass protection methodology in depth, and have provided their support, stating that the methodology proposed will suitably address the impacts on grass. A stringent condition will be applied requiring the development to be consistent with the grass protection measures proposed, with the requirement to resubmit the proposed methodology statements in advance of the event each year, if issues arise following the 2023/24 event. From the advice of specialists within the council's streets and open spaces, landscape and ecology teams, ensuring the development's compliance with the submitted grass protection methodology will appropriately avoid any issues with the grass which have been witnessed following previous events.

#### 9.68 Planning Conditions

9.69 Members attention is drawn to following key conditions that form part of the recommendation:

Condition no.	Detail
1	Temporary Permission and Start Date
2	Drawings
3	Grass Protection
4	Addressing Changes
5	Noise Compliance
6	Lighting Compliance
7	Cycle Storage
8	Times of Operations
9	Construction Vehicles
10	Noise Monitoring
11	Energy Provision
12	Generators
13	Refuse Arrangements

#### 9.70 Planning Balance

9.71 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).

- 9.72 Summary of benefits
- 9.73 The development is considered to positively contribute to the character of the Piece through utilising sympathetic designs to provide a City wide recreational provision at a time of year that the grassed area would see limited use. This development is therefore considered to enhance the character of the site as a place for recreation and enjoyment, which is supported.
- 9.74 The development does not contain thrill rides.
- 9.75 The Council's EHO has been formally consulted and has stated that subject to the conditions outlined within this report, the development is not considered to give rise to any adverse impacts on the amenity of neighbouring occupiers.
- 9.76 The Council's ecologist, landscape architects and streets and open spaces team have been formally consulted on the proposed grass protection/maintenance strategy and have deemed it sufficient for protecting the grass on parkers piece from damage witnessed in previous years.
- 9.77 The site will allow for several public benefits, including but not limited to: free entry, disabled access in to and around the site, provisions for schools and lower income members of the public, increased footfall for local businesses and use of local vendors on site.
- 9.78 The applicant has considered all concerns raised within the public consultation carried out prior to submission of this application. The application submitted has accounted for the concerns raised throughout the course of assessment and has explored options for the provision of a suitable Christmas market which avoids the adverse implications on character, grass and residential amenity which was caused by previous schemes. The applicant has reiterated their desire to, and experience in providing appropriate Christmas markets and not fairground experiences and seeks to avoid the concerns associated with previous schemes of a similar nature on site.
- 9.79 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

## 10.0 Recommendation

### 10.1 Approve subject to:

1. The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers and any new conditions subject to the below terms of approval.
2. The closure of the further public consultation period, any new matters arising (not covered in the officer report) to be delegated to officers to determine whether additional / revised conditions are necessary or whether any such new matters need be reported to the Chair / Vice Chair and Spokes for further consideration as appropriate.
3. The amendment of condition 1, delegated to officers, in the event that the operator decides not to commence the Christmas Operation for the 2023 – 2024 period to ensure that any temporary consent runs for four annual periods, starting in 2024 - 2023 and ending in 2028 - 2029 as appropriate.

## 11.0 Planning Conditions

### 1 - Time Limit

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The development hereby permitted is for a temporary period only, and shall only be erected, installed and operated on site between 01 November and 14 January 2023/2024, returning each year until period November 2027-January 2028 only and at no other time. Before the end of the period each year, the development and all ancillary equipment, materials and services shall have been removed from the site.

Reason: To establish the temporary nature of the scheme and prevent implications to the character of the site as requirements evolve.  
(Cambridge Local Plan 2018 policies 55, 56, 57, 64 and 79)

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### 2 - Drawings:

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Unless otherwise agreed in writing, pursuant to condition 4, 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.

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### 3 - Grass Protection

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Unless otherwise agreed in writing, the development hereby approved will be carried out in accordance with the approved grass protection and maintenance methodology.

To ensure the ongoing protection of grass, the applicant shall submit a grass protection and maintenance methodology 3-months in advance of the event each year, beginning 01 August 2024. The submitted grass protection plan will address any concerns the local planning authority have with the ongoing maintenance of grass at the siting of the development, and shall be carried out in accordance with the approved details each year.

For the avoidance of doubt, the ground protection and re-establishment shall not include the use of herbicides or pesticides. The development shall be carried out in accordance with the approved details and timescales, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To mitigate against excessive permanent damage to the grassed areas of Parkers Piece and to ensure that all repairs are to an acceptable standard. (Cambridge Local Plan policies 55, 56, 60 and 61)

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#### **4 - Addressing Change**

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Should the approved layout of uses, structures and rides proposed to be changed, the applicant shall submit an updated site layout plan 3-months in advance of the start of the event in any given year for the written approval of the local planning authority, confirming the revised location of uses, structures and rides within the site. If a revised site layout plan is submitted, the development shall not be carried for that year until such time as written approval from the Local Planning Authority has been given. The development shall be carried out in accordance with the latest approved updated site layout plans.

Reason: To ensure the viability of the scheme and to ensure the operation is appropriate to its evolving requirements and to ensure the development is appropriate for the character of the site and to allow for greater flexibility in on site requirements each year (Cambridge Local Plan policies 55, 56, 61 and 79)

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#### **5 - Noise Compliance**

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Unless otherwise agreed in writing, the development shall be carried out in accordance with the approved Noise Impact Assessment.

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

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#### **6 - Lighting Compliance**

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Unless otherwise agreed in writing, the development shall be carried out in accordance with the approved lighting scheme.

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Lighting installed on attractions or incorporated within the site will not flash.

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

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### **7 - Cycle Storage**

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Prior to the start of the Christmas Market each year, 50no. cycle spaces will be provided adjacent to the entrance of the site. All cycle storage will utilise temporary fixings for the provision of Sheffield stands to accommodate 50no. cycles within the redline of the site.

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

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### **8 - Operation Times**

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The Christmas market and associated attractions/facilities shall only be open to members of the public from 10:00 hours to 22:00 hours on Sundays, Mondays, Tuesdays, Wednesdays, and from 10:00 hours to 23:00 hours on Thursdays, Fridays, Saturdays and Bank Holidays.

Reason: In the interests of the residential amenity of nearby occupiers and the general amenity of the site. (Cambridge Local Plan 2018 policy 55 and 58).

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### **9 - Construction Vehicles:**

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No development (including construction and dismantling) 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).

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### **10 - Noise Monitoring**

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In the event of noise complaints being received by the local planning authority (LPA) and/or applicant relating to use of the development hereby approved, the applicant shall implement noise monitoring to verify and respond to complaints. If complaints are substantiated as a result of the monitoring / investigation, proposals for additional mitigation and the timing for the implementation of this shall be submitted to the LPA for approval within 14 days. The approved further mitigation shall be implemented in accordance with the approved details and retained thereafter.

Reasons: In the interest of neighbour amenity Cambridge Local Plan policies 55 and 58

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## **11 - Energy Provision**

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The development shall utilise bio-fuel generators for the provision of energy for the first year. Unless otherwise agreed in writing by the Local Planning Authority, following the implementation of an electrical connection to be installed by the local authority prior to the 2024 event, the electrical connection provided shall be utilised for the provision of energy to the site and all associated attractions and facilities.

Following the implementation of electrical connections which have been made available for use on site, the use of generators shall cease.

Reason: To reduce the carbon footprint of the operation (Cambridge Local Plan 2018 policy 28)

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## **12 - No Diesel Generators**

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The use of diesel generators on site is strictly forbidden. Any energy generators to be used on the site shall be bio-fuel.

Reason: To reduce the carbon footprint of the operation (Cambridge Local Plan 2018 policy 28)

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### 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 8



<b>Planning Committee Date</b>	04/10/2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/01821/HFUL
<b>Site</b>	30 Maids Causeway
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Demolition of existing garage and erection of two storey double garage.
<b>Applicant</b>	Miss Xi Lin
<b>Presenting Officer</b>	John McAteer
<b>Reason Reported to Committee</b>	Called-in by Cllr Tim Bick
<b>Member Site Visit Date</b>	-
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Design</li><li>2. Use of Property</li><li>3. Separate Planning Unit</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for the demolition of an existing garage and erection of a two-storey double garage. Above the garage an ancillary gym and home office would be located. The proposal is in keeping with its surroundings and gives rise to no significant impacts on neighbouring amenity or visual amenity with its Conservation Area and surrounding listed building and BLI setting context.
- 1.2 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 (setting 32 – 50 Maids Causeway)	x	Flood Zone	
Building of Local Interest (30 Maids Causeway and adjacent neighbours to the west)	X	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 existing site is a residential property fronting Maids Causeway with a garden and single storey garage accessing Salmon Lane. Residential Properties lie to the East and West, and Grafton West Car Park is found to the South.

## 3.0 The Proposal

- 3.1 The application proposes the demolition of an existing garage and the erection of a two-storey double garage.
- 3.2 The two-storey garage would be built to replace an existing single storey garage within the rear garden of the property which overlooks the road of Salmon Lane.
- 3.3 The application has been minorly amended to address representations and from the Local Highways Team. This amendment involved a small change to the internal layout of the Garage and a door within the garage door has been swapped from internal opening to external opening. Given



how small the change to the proposed plans was, further consultation was not deemed necessary.

#### **4.0 Relevant Site History**

No previous applications have been made on the site to amend or otherwise alter the existing single storey garage. Therefore, previous applications relating to the main property are not considered to be relevant to the current proposal.

#### **5.0 Policy**

##### **5.1 National**

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

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)

##### **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 59: Designing landscape and the public realm

Policy 61: Conservation and enhancement of historic environment

Policy 62: Local heritage assets

Policy 71: Trees

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

##### **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

Grafton Area Masterplan and Guidance SPD (2018)

##### **5.5 Other Guidance**

The Kite conservation area

## **6.0 Consultations**

### **6.1 County Highways Development Management –No Objection**

6.2 The Highways Authority advised that the internal arrangement of the proposed garage would not provide enough space for two cars given the internal opening door found within the south facing garage door.

6.3 Following further formal consultations, Dr Jon Finney advised that an external opening door would satisfy requirements for parking provision within the garage. The applicant accepted this advice, and the proposed plan was subsequently changed to reflect this in the design.

### **6.4 Conservation Officer – No Objection**

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

## **7.0 Third Party Representations**

7.1 11 representations have been received.

7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Heritage impacts
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Construction impacts

7.3 Those in support have raised cited the following reasons:

- Quality of design
- Improvement of the local area
- Suitable use of space

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

## **8.0 Assessment**

### **8.1 Principle of Development**

8.2 The proposed seeks to erect a two storey garage building within the rear garden of the property. The garage would share a footprint with an existing single storey garage to be demolished and would overlook Salmon Lane, a road with multiple two storey garages already in evidence. Given the

context and minor nature of the garage to be built it is considered that the principle of the development is acceptable and in accordance with policies 55, 56, and 58.

### **8.3 Design, Layout, Scale and Landscaping**

- 8.4 Policies 55, 56, and 58 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 8.5 It is considered that the proposed garage building would be an acceptable addition to the site. The garage would be built upon the footprint of an existing garage to be demolished and would be subservient in both scale and design to the main dwelling.
- 8.6 The garage would be visible along Salmon Lane. There are already several two storey garages / outbuildings of similar size and varied design along this road. The proposal would therefore not be out of character. In particular, the adjacent property at 32 Maids Causeway has a similarly sited two storey garage of approximately the same height and width as that proposed.
- 8.7 Given the subservience of the proposed garage to the main dwelling and the context of the existing garages / outbuildings which overlook Salmon Lane, the proposal would be in keeping with its surroundings. It is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, and 58.

### **8.8 Heritage Assets**

- 8.9 The application falls within the Kite Conservation Area and the main dwelling is a Building of Local Interest. The proposal would be within the visual sphere of listed grade 2 buildings to the east along Maids Causeway and other BLI's to the west.
- 8.10 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.
- 8.11 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.
- 8.12 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and

the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.

- 8.13 The Conservation Officer has advised that the proposal would not give rise to any harm to the identified heritage assets.
- 8.14 As per the Conservation Officer's comments, it is considered that the proposal would not represent harm to the Conservation Area or the building of listed interest. The garage would not be connected to, nor directly impact any part of the main dwelling, and would be subservient in scale.
- 8.15 The proposed garage would be visible from Salmon lane and the Grafton West Car Park, but would otherwise be screened from the rest of the Conservation Area by residential houses. Given the existing two storey garages / buildings within the context, the impact upon the Conservation Area would not be harmful. No harmful impact is envisaged to the setting of other listed buildings or BLI's locally. The proposal is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.

#### **8.16 Cycle and Car Parking Provision**

- 8.17 Car parking
- 8.18 Highways Officer Dr Jon Finney advised that the internal opening door within the garage door of the proposed garage would limit the types of vehicles able to park within the building and therefore impact the parking provision of the site.
- 8.19 A revised scheme has been provided which alters the existing internal opening door to an external opening door, satisfying the objection of the Highways Authority. Given that there is an existing garage on the site and the proposal would not reduce this provision, the proposal is therefore considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 8.20 Sufficient space would remain within the garage for bicycles to park and pass through and underneath the building.

#### **8.21 Amenity**

- 8.22 Policies 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 The proposal would rise to two storeys at the rear of the existing garden, potentially causing some loss of light to both adjacent neighbours at 32 and 28 Maids Causeway. Any loss of light is not considered to be significantly harmful. Overlooking impacts would not be significantly harmful. There is a first-floor rear facing full sized window to the gym / office. This window has been conditioned to be obscure glazed and non openable below 1.7m to avoid any additional overlooking. There is also a side facing first floor toilet window which will also be obscure glazed through condition.
- 8.25 32 Maids Causeway already has a two storey garage at the rear extremity of its garden. Given the similarity in scale and design between the existing garage at 32 and the proposed garage at 30, the massing and loss of light impacts on either property would be mutual and neither would not impact an area of primary residential amenity.
- 8.26 28 Maids Causeway has a single storey garage at the rear extremity of the garden. The proposed garage building at number 30 would not exceed the Northern elevation of this single storey garage and therefore loss of light to the garden of number 28 would not be significant.
- 8.27 Several neighbours raised objections on the grounds that the proposed garage could be used as a property to let. Whilst the proposed garage would share a garden with the existing dwelling and therefore a functional link would remain between the two, it is acknowledged that there is a risk the proposal could be used a property to let and become a separate planning unit. Planning permission would be required for such a use and the creation of a separate planning unit. In any event, a condition is recommended ensuring that the use of the proposed garage would remain ancillary to the main dwelling.
- 8.28 Summary
- 8.29 The proposal adequately respects the amenity of its neighbours and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, and 58.

### 8.30 Third Party Representations

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

<b>Third Party Comment</b>	<b>Officer Response</b>
Party walls	This is a civil matter between different landowners in which the local planning authority has no role. The Party Wall Act 1996 governs the process by which party walls and associated disputes are handled.

Covenants	A planning permission would not override covenants and private rights. These are civil matters between different landowners and not a material planning consideration.
Building control	Concerns have been raised regarding the building works. A planning permission does not override the requirement for Building Regulations to be obtained.

### 8.32 Planning Balance

- 8.33 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).
- 8.34 The proposed would introduce a two-storey garage outbuilding to the rear of the existing property where previously there was a single storey garage. Minor impacts of massing on the boundary and loss of light to neighbouring gardens would result.
- 8.35 The existing garage is in poor condition, and the rear road of Salmon Lane has a number of similar two storey outbuildings facing onto it. A new two storey outbuilding on this plot would help revitalise the road, be in keeping, and be of a suitable size and design in the existing context.
- 8.36 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, 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 following conditions, minor amendments of which delegated to officers:

### 10.0 Planning Conditions

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

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

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

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

- 3 The two-storey garage hereby permitted shall be used only for purposes ancillary to the enjoyment of the host 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).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the first floor elevations/roof slopes of the garage unless the windows are (a) obscure-glazed, and (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; or expressly authorized 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 52, 55, and 57).

5. The first floor north facing gym / office window and first floor east facing toilet window shall both be obscure glazed to Pilkington Level 3 level of obscurity prior to the use of the spaces and retained as such for the lifetime of the development. The windows shall be non-openable and retained as such below 1.7m from the internal finished floor level.

Reason: To safeguard the privacy of adjoining occupiers (Cambridge Local Plan 2018 policies 52, 55, and 57).

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# Agenda Item 9



<b>Planning Committee Date</b>	Wednesday 4 <sup>th</sup> October 2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/01554/FUL
<b>Site</b>	Land Adjacent to Grafton House, Maids Causeway Cambridge
<b>Ward / Parish</b>	Market
<b>Proposal</b>	Erection of new office building (use class E) and associated development, infrastructure and works
<b>Applicant</b>	Camprop Ltd
<b>Presenting Officer</b>	Charlotte Peet
<b>Reason Reported to Committee</b>	Called-in by Market Ward Councillors - Cllr Katie Porrer, Cllr Anthony Martinelli, Cllr Tim Bick Third party representations
<b>Member Site Visit Date</b>	-
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Principle of Development</li><li>2. Design, Layout, Scale and Landscaping</li><li>3. Trees</li><li>4. Heritage Assets</li><li>5. Carbon Reduction and Sustainable Design</li><li>6. Biodiversity</li><li>7. Water Management and Flood Risk</li><li>8. Highway Safety and Parking Provision</li><li>9. Amenity</li><li>10. Third Party Representations</li><li>11. Other Matters</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks permission for erection of new office building (use class E) and associated development, infrastructure and works.
- 1.2 It is outlined in the report that the proposal would provide a high-quality, sustainable office space, that would successfully contrast with the surrounding built form in terms of design to offer a contemporary addition to the site. The proposal has been carefully considered to ensure that the proposal would not result in harm to heritage assets, would not adversely impact amenity of surrounding occupiers and would provide a landscaping scheme that would enhance the site.
- 1.3 Officers recommend that the Planning Committee **APPROVE** the application subject to conditions.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building (close by)	X	Flood Zone 1	X
Building of Local Interest (setting of)	X	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 The proposal site comprises an existing building which was converted to residential flats from offices in recent years. The remainder of the site comprises an open area of hardstanding, bounded by bricked walls. In the previous application the land was described as a gravel car park, and it does appear from historic mapping and the current circumstances on site that the land was last used as a car park for the offices previously located on the site. The proposal site is accessed along an existing access route which extends from Maids Causeway and serves the flats within Grafton House.
- 2.2 Beyond the site, to the north, east and west are predominantly residential properties, ranging in scale from 2 to 3 and half storeys. To the south is the current Grafton West Shopping Centre Car Park which serves the shopping centre beyond.
- 2.3 The proposal site is located within the Kite Conservation Area and comprises Grafton House, No. 64 Maids Causeway, which is a building of

local interest. The proposal site is located to the south west of 32-50 Maids Causeway, which are a group of grade II listed buildings.

2.4 The proposal is located within the City Centre and within the Controlled Parking Zone. It is located adjacent to the Grafton Area of Major Change.

### 3.0 The Proposal

3.1 The proposal seeks permission for the erection of new office building (use class E) and associated development, infrastructure and works.

3.2 The proposed development would seek to erect a new office building within the space adjacent to Grafton House. The office building would comprise a part single storey, part two storey built form. The office building would be served by a cycle shelter and one disabled car parking space.

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

### 4.0 Relevant Site History

Reference	Description	Outcome
19/0300/FUL	Provision of nine self-contained residential units and associated infrastructure and works.	Permitted
18/0606/B1C3	Change of use from Use Class B1(a) (offices) to Use Class C3 (dwellinghouses)	Prior Approval Given
18/1680/FUL	Rebuilding the existing brick piers, removal of glazed entrance enclosures, alterations to fenestration and additional roof light.	Permitted
C/90/0630	Removal of condition limiting office use to architectural practice (condition 02 of C/0225/88)	Permitted
C/88/0225	Erection of single storey extension for existing offices and change of use of residential accommodation to offices	Appeal Allowed
C/82/0223	Change of use from doctors surgery/ residential to office and residential (within proposed extensions)	Permitted

4.1 As is outlined in the table above, Grafton House was converted to offices through various consents between 1982 and 1990. It remained in use as

offices until 2018 when prior approval was given to convert the offices to residential studio flats.

- 4.2 In 2020, permission was given to erect 9 residential units in the space adjacent to Grafton House. The units were to be set into the ground so that the built form would have read as single storey from the existing ground levels. This permission was never implemented and is no longer extant as of earlier this year.

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2023  
National Planning Practice Guidance  
National Design Guide 2021  
Environment Act 2021  
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 2: Spatial strategy for the location of employment development  
Policy 10: The City Centre  
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 35: Human health and quality of life  
Policy 36: Air quality, odour and dust  
Policy 40: Development and expansion of business space  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 59: Designing landscape and the public realm  
Policy 61: Conservation and enhancement of historic environment  
Policy 62: Local heritage assets  
Policy 69: Protection of sites of biodiversity and geodiversity importance  
Policy 70: Protection of priority species and habitats  
Policy 71: Trees  
Policy 80: Supporting sustainable access to development  
Policy 82: Parking management

### 5.3 **Neighbourhood Plan**

N/A

### 5.4 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Landscape in New Developments SPD – Adopted March 2010  
Trees and Development Sites SPD – Adopted January 2009  
Grafton Area Masterplan and Guidance SPD (2018)

### 5.5 **Other Guidance**

The Kite Conservation Area Appraisal (2014)

## 6.0 **Consultations**

### 6.1 **County Highways Development Management – No Objection**

6.2 The effect on the public highway should be mitigated if the following conditions are attached to any permission granted:

- Construction Traffic Management Plan
- Construction vehicle limitation timings

### 6.3 **Sustainable Drainage Officer – No Objection**

6.4 The submitted Drainage Strategy and Flood Risk Assessment document indicated a suitable drainage scheme, however the proposals have not indicated details of the drainage features or detailed drainage maintenance plan, this can be secured by condition regarding surface water drainage details.

### 6.5 **Conservation Team – No Objection**

6.6 The current proposal was subject to pre-application advice, and was supported by the Conservation Team subject to minor details and amendments. The proposals are supported as being of appropriate design, scale and massing for the site. The new office will be subservient to the BLI in terms of the height where the two storey element will be to the western end of the site, and the single storey area will be lower than the canopy of Grafton House due to the sloping of the land. Glimpse views of the decorative canopies of the BLI, and the western elevation which are visible from the adjacent car park, will not be compromised by the proposals.

- 6.7 The design and materials look to be appropriate for this location. The ground floor buff bricks will echo those of the BLI and the metal cladding will be a contemporary addition to the site. Where the additional landscaping has been proposed, this will bring some much needed greenery to site which has some mature trees along the northern boundary and very little else.
- 6.8 The matter of most concern is the proposal to demolish a section of the two storey brick wall on the western end of the site, where it abuts Salmon Lane. This is a particular feature of the street and the conservation area. The applicants have submitted an elevation showing the removal of a central section of the wall, however nothing has been submitted to confirm that this can be done structurally without compromising its integrity. We need to be convinced that this can be done without it affecting the rest of the wall, that the remaining sections will be able to remain in place during construction and that this centre section will be rebuilt to the same height post-construction.
- 6.9 **Urban Design Officer – No Objection**
- 6.10 The proposed development is supported in urban design terms. The proposed layout provides a good degree of breathing space between Grafton House Building of Local Interest (BLI) and the new built form and works to retain and integrate the existing positive features.
- 6.11 The proposed building consists of two simple volumes, which have been designed to be sympathetic to its context. At ground floor, the proposed single storey structure with brick walls and climbing plants works to create a convincing courtyard quality that is sensitive to Grafton House. The two storey, pitched roof upper floor element, pulls back from the ground floor footprint, and is subservient in height to Grafton House, which in our view will work well to create a scale and massing that is respectful of the BLI and the existing domestic context. The proposed pitched roof gable, which is orientated towards Salmon Lane, will reinforce the finer grained plots of this 2 storey mews character street, creating a silhouette and detailing that will provide a positive terminus to the end of the street. Windows are restrained to respect adjoining edges but have been targeted in places to activate public facing edges and to positively disrupt the simple massing.
- 6.12 The sympathetic scale and pitched roof form, allows for the dark standing seam metal cladding to provide a pleasing contrast with the prevailing brick character, without dominating or outcompeting the nearby townscape and BLI. The proposed varying vertical plane widths for the standing seam metal cladding will add a degree of richness and interest. Whilst the indicative palette of materials is supported, detailing such as window reveal depths, coping and rainwater goods have not been specified.

Therefore, to ensure the crisp and contemporary quality is delivered, materials and detailing should be conditioned.

- 6.13 The proposed green roof and use of climbing plants is supported, which will help improve the microclimate and contribute to biodiversity. Hard and soft landscape conditions should be attached to ensure the design intent outlined in the Design and Access Statement is also implemented.
- 6.14 Covered cycle storage is located along the northern boundary, optimising the proposed courtyard space, and located conveniently near the main entrance of the building. Proposed materials and finish of this structure is not specified on the elevation drawings and there is an opportunity for the cycle store to integrate a green roof. These detailed matters can be secured by way of condition.
- 6.15 **Ecology Officer – No Objection**
- 6.16 Content with survey effort and the proposed BNG proposals which indicate an approximate 5% BNG if a biodiverse green roof of good condition is achieved.
- 6.17 No ecology objection if a standard BNG plan condition is secured which details the specification, establishment, ongoing maintenance and monitoring of the biodiverse green roof.
- 6.18 I would also request the standard bird box condition to provide the number, specification and locations of integrated swift boxes, as recommended in the PEA and in line with the adopted Biodiversity SPD.
- 6.19 **Tree Officer – No Objection**
- 6.20 T3 makes a valuable contribution to amenity. The location of the tree limits access to the site for construction activity and services.
- 6.21 Comments regarding protection for T3 provided in the AIA are acknowledged but insufficient to allow a full assessment of the potential impact of development on the tree. It will be necessary to shown, prior to determination, that the proposal is possible without detriment to tree health/appearance.
- 6.22 **Environmental Health – No Objection**
- 6.23 1<sup>st</sup> Comments
- 6.24 The submitted noise assessment demonstrates that acceptable noise levels are predicted to be achieved in the commercial office spaces subject to the adoption of an appropriate noise mitigation in the design of the external facades and a suitable ventilation strategy.

6.25 However, noise levels from the proposed external condenser unit are anticipated to exceed the representative daytime background noise levels, we need further clarity on receptor locations and feasible mitigation.

6.26 2<sup>nd</sup> Comments

6.27 An updated Noise Impact Assessment has been submitted, including acceptable internal ambient noise levels. The updated report also outlines that the potential noise impacts from the air source heat pump and proposed plant would not exceed accepted levels at the nearest noise sensitive receptor.

6.28 Conditions are recommended regarding the following issues:

- Construction/ demolition hours
- Piling
- Dust
- Noise insulation compliance
- Plant noise compliance
- Unidentified contaminated land
- External artificial lighting

6.29 **Cadent Gas – No Objection**

6.30 The site is in close proximity to our medium and low pressure assets, we have no objection to this proposal, however do request an informative be added to the decision notice:

- Legal rights and restrictive covenants
- Diversion of apparatus

**7.0 Third Party Representations**

7.1 29 representations have been received to the application.

7.2 Those in objection have raised the following issues:

**Principle of development**

- There are many vacant offices already located within the city centre
- Need for affordable housing
- Site should be used for housing or garden area
- Site could accommodate community facility

**Character, appearance and scale**

- Crammed into site/ too large for site
- Inappropriate appearance
- Height of building in reference to Salmon Lane



- Alteration from gardens in previous application to office

#### **Heritage impacts**

- Potential impact to heritage assets including listed buildings, conservation area and building of local interest
- Impact to Salmon Lane wall

#### **Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)**

- Increase traffic noise and fumes
- Loss of privacy, overshadowing and outlook
- Increase users attending the site
- Noise from plant equipment

#### **Construction impacts**

- Noise and disruption from traffic
- Construction traffic could cause disruption to users of Salmon Lane

#### **Highway safety**

- Impact to highway safety from Maids Causeway due to increase traffic movements

#### **Car parking and parking stress**

- Loss of parking and turning for residents of Grafton House
- Sites use for car parking
- Increase in parking outside the site

#### **Cycle parking provision**

- Loss of cycle parking for Grafton House residents

#### **Loss of biodiversity**

- Proposal will result in loss of green space and loss of potential garden use
- Reduction of green environment and garden space

#### **Impact on and loss of trees**

- Potential impact to trees
- Loss of trees on the site

#### **Flooding**

- Drainage issues exist along Salmon Lane, may be made worse by construction

#### **Other Matters**

- Site was advertised as communal garden land for flats in 64 Maids Causeway when sold
- Potential subsidence from tree removal and build
- Impact of refuse facilities

- Possible contamination
- Viability of proposal
- Security impacts
- Reinstatement of piers and capping stones

## **8.0 Member Representations**

8.1 Cllr Katie Porrer, Cllr Tim Bick and Cllr Anthony Martinelli made a joint representation objecting to the application on the following grounds:

- Scale, massing and height
- Form and appearance
- Impact to heritage assets
- Impact to Salmon Lane wall
- Amenity for residents of Grafton House
- Biodiversity net gain

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

## **9.0 Assessment**

### **9.1 Principle of Development**

9.2 Policy 10 outlines that development should be supported in the City Centre area where it would be appropriate to its role as a multi-functional regional centre, including adding to its vitality and viability.

9.3 Policy 40 aims to support the growth of business space within the city in order to support the forecast employment growth. The supporting text outlines that proposals for uses with the B Use Classes (now Class E) that are located in sustainable locations should be supported.

9.4 The proposed development comprises the erection of a new office building, within a site located within the City Centre. It is considered that the provision of a new office building in this location would add to the variety of uses within this area and result in additional business space to support the growth of jobs. The proposal site is suitable in terms of its close proximity to the centre of the city, and its sustainable connections to this.

9.5 It is acknowledged by Officers that a number of representations have been received suggesting that there may already be an overprovision of office space with the City Centre. Officers acknowledge this suggestion, and understand that there is some vacant office space located within the city boundary at current, however it should be noted that Cambridge remains a thriving economy in which new business and office uses are required and continuing to grow.

- 9.6 There have been representations to the application that question the need for office space, suggesting that affordable housing or community uses may be a better option for the proposal site. Officers acknowledge that residential and community uses, alongside business uses, form part of the thriving City Centre; new office space does form part of this mixture of uses. Members must assess the proposal that has been presented as part of the application, and cannot speculate about alternative uses for the site.
- 9.7 The principle of the development is acceptable and in accordance with policies 10 and 40 of the LP.
- 9.8 **Design, Layout, Scale and Landscaping**
- 9.9 Policies 55, 56, 57 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 9.10 The proposal site comprises an area of hard surfacing and the building known as Grafton House, which is now occupied as residential flats. The site is accessed from Maids Causeway which is an important route in and out of the city centre. The immediate context of the site includes residential dwellings to the east, north and west of the site. The Grafton West Car Park and shopping area is located to the south of the site and this is accessed along Fitzroy Lane to the west. The residential properties comprise predominantly terraced rows, although there are some examples of semi-detached pairs. The majority of dwellings that back onto Salmon Lane comprises coach houses to the rear of the garden space which serve as ancillary to the main dwellings.
- 9.11 The site itself comprises an area of hard surfacing and Grafton House, which is a building of local interest. Grafton House comprises a gault brick building with attractive canopies features on the west and south elevations. The area of hard surfacing is bounded by brick walls on the north, west and south boundaries, the wall on the western boundary is considered to be a positive feature within the area and is prominent from Salmon Lane.
- 9.12 The proposal development would sit within the area of hard standing adjacent to Grafton House. It would stretch across the site, leaving space around the northeastern edge of the building. It has been designed so that the entrance would be located on the northern side of the building and the main office space would spread across ground and first floor to the south. The site would be accessed from Maids Causeway, although a secondary pedestrian accessed is proposed through the wall on the western boundary.

- 9.13 The layout of the proposal is considered to be successful, the proposed development makes good use of the space on site, whilst responding to the constraints within the surroundings. It is acknowledged that representations have been received raising concerns about the proposal being overdevelopment or cramped within the site, however Officers suggest that the level of development is appropriate in this location. It is acknowledged that the development would partially fill the site, however it does not appear overly cramped or developed. Instead, it is considered that the proposal would provide high-quality office accommodation and make good use of the site to provide the built form along with providing appropriate cycle and disabled parking.
- 9.14 The proposed development is broken down across ground and first floor and comprises two simple elements that allow for a reduced massing and prominence. The ground floor element comprises a simple single storey element with gault brickwork to compliment the appearance of Grafton House and the dwellings within the surroundings. The application includes a planted courtyard area to the east of the boundary with growing plants up the walls of the ground floor element. Officers suggest that this approach is successful as it would re-introduce a garden, courtyard area adjacent to the Grafton House which compliments its historic importance. The upper floor comprises a pitched element that is set well back from the edge of the lower storey and from Grafton House. It is proposed that the upper storey be finished in standing seam metal cladding to provide a contemporary contrast to the prevailing brick character, it is considered that this contrast would be successful, subject to a condition to agree details and ensure that the finish is of a high quality. The upper storey has been set down and back following pre-application advice that was given by Officers in response to the scheme, and the proposal is now considered to have a successful relationship with Grafton House as it would allow breathing space when viewed from the main approach from Maids Causeway and from the car park.
- 9.15 The appearance of the development has been altered during consideration of the application to incorporate some additional windows in order to break up the scale and massing of the upper storey from public views given the concerns raised about this aspect of the development within the representations received. The openings were carefully considered in relationship to the constraints of the site and considered to respect the surroundings whilst providing activation to these elevations.
- 9.16 It is recognized that some of the comments given in the representations do not consider the appearance to be appropriate within this environment. It is acknowledged that the upper floor is reasonable in its overall scale and massing and the proposed material attempts a contemporary contrast to the existing materials palette. When viewed from the north east, close to Maids Causeway, the upper storey will be set back so that the scale and massing is not appreciated in full and Grafton House would retain primacy on site. This can be viewed within the 3D Images submitted with the

Design and Access Statement. From views to the south, from the car park, the upper storey will be better appreciated, however the building provides a successful contrast to the surrounding built form and would not be considered harmful to this environment.

- 9.17 The representations received as part of the application have raised concerns about the relationship between the proposed development and Salmon Lane, suggesting it may be too tall and prominent within this area. From Salmon Lane the gable end of the upper storey is partially visible, although it is partially obscured by the wall on the western boundary of the site. It is acknowledged that the proposal would be a visible feature from Salmon Lane, and reasonably prominent due to its height, and the glazing that is inserted into the elevation. However, it is considered by Officers that the proposal provides an appropriate termination to this end of Salmon Lane. Whilst the built form would be prominent, it is appropriate in its scale, form and massing as to not over dominate the western boundary wall or views along this street and the louvres help to tone down the glazing from these views. Officers agree with the comments given by the Urban Design Officer which outline that this elevation helps to reinforce the finger grain plots along Salmon Lane and provide a positive end to the street.
- 9.18 In the Design and Access Statement, the proposed landscaping scheme is outlined, this includes a planted roof to the ground floor element, several replacement trees with low level perimeter beds. It is outlined that the eastern wall of the built form will be planted with climbing plants to create a green appearance. Whilst hard and soft landscaping conditions will need to be attached in order to secure a high quality landscaping scheme, Officers are pleased with the effort that has been made to soften this environment and create a courtyard/ garden feel that has not been in place on this site for a number of years. To ensure that the landscaping is achieved and maintained on the site, Officers will add an informative to set out the expectations regarding the landscape conditions. In addition, a condition will be added to secure the biodiverse roof and ensure this can be appropriately maintained.
- 9.19 It is recognised that many of the representations have made comparisons to the previous application approved on this site as it included a communal courtyard area for the residential units (ref. 19/0300/FUL). The comments consider the loss of the garden area to be very unfortunate and seek a garden to be re-instated. Officers acknowledge these comments, and note the pleasant courtyard area that formed part of the previous application. Officer must point out that this applicant was granted permission but has lapsed as development was never commenced. Notwithstanding this, Officers considered that the proposed development has been submitted with a high-quality landscape strategy that would introduce a green and soft character which the site is currently lacking in other than the trees along the boundary.

- 9.20 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.
- 9.21 **Trees**
- 9.22 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 9.23 The application is accompanied by an Arboricultural Impact Assessment and Tree Survey Constraints Plan which outlines that there are currently 8 trees within the proposal site, 7 of which are category C and 1 Category B (Sycamore). The application seeks to remove the 7 category C trees and retain the Category B tree. The application seeks to provide replacement tree planting in the form of 10 replacement trees.
- 9.24 The Council's Tree Officer has been formally consulted on the application and outlines that the Category B Sycamore Tree makes a valuable contribution to amenity, however limits site access and construction activities. Originally the Tree Officer requested additional information regarding the impact of development and construction to the tree to ensure its health and appearance could be maintained. The applicant submitted an Outline Methodology for works in the RPZ. The Tree Officer has reviewed this and finds the detail submitted acceptable subject to appropriate conditions regarding an AMS and TPP. Officers suggest these are reasonable to ensure that the tree on the site is protected during development and therefore these will be attached.
- 9.25 The representations received on the application have questioned the loss of the trees on site, and outline that the loss of the trees on the previous application was less impactful due to the landscaped garden that would be retained. It acknowledged that the loss of the tree is unfortunate, however it is considered that the trees being removed are of low amenity and ecological value, and that the replacement planting would be sufficient to reinstate this value. Officers suggest that a condition is added to any permission in order to ensure replacement planting is installed and maintained on site.
- 9.26 The representation also makes reference to the previous application for residential uses on the site, in which a landscaped garden was included (ref. 19/0300/FUL). The value of this garden is recognised, and Officers are pleased to see that the proposed development would aim to re-introduce greenery into the site as is shown in the documents submitted with the application. It is considered that with a suitable landscaping condition, this would complement the value of the trees on site.

- 9.27 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan (2018).
- 9.28 **Heritage Assets**
- 9.29 The application falls with the Kite Conservation Area. The application is adjacent to Grafton House (building of local interest) and in close proximity to the row of terrace houses at 32-50 Maids Causeway (grade II listed).
- 9.30 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.
- 9.31 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.
- 9.32 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.
- 9.33 The proposed development is directly adjacent to Grafton House which is a building of local interest. In the Conservation Area Appraisal (2014), a short description of some of the key historic features of the property are given, including its gault brick, sash windows and hipped slate roof (page 79). Officers appreciate these features and would add that the character of the building is also informed by the unique canopy structures which extend from the south and west elevations and over the front doorway as well as the collection of chimneys at roof level. It is noted in the Appraisal (2014) that the building used to be set within a large garden however this has since been lost to development. It suggests that its setting is now defined by the car park for the Grafton Centre and Fitzroy Lane that provides access to this.
- 9.34 Within the Appraisal (2014) it is outlined that Maids Causeway is considered to be a high quality street-scape, comprising part of the dolls house development. The area surrounding Grafton House including the

car park, Fitzroy Street and the service yards are modern buildings are considered to be negative features of the Conservation Area.

- 9.35 The application has received representations which raise concerns about the impact of the proposal on the heritage assets within the area, noting the Conservation Area, the building of local interest and the listed buildings. The concerns that were raised relate to the erection of an office building in a residential area, as well as the visual impacts from the scale, massing and appearance of the building. In this part of the Conservation Area, there a mixture of uses, although it is acknowledged many of these are residential dwellings, it is not considered that would restrict the ability for alternative uses to come forward providing that they are appropriate to their setting.
- 9.36 The Conservation Officer has been formally consulted on the application, and explains that the development is of an appropriate design, scale and massing for the site. They suggest that the building would sit in a manner subservient to the BLI in terms of the height of the upper storey and the height of the lower storey, noting that it would be lower than the canopies of Grafton House. They appreciate that the building would not comprise views of the west elevation and are pleased that the proposal would bring some 'much needed' greenery to the site. Officers are in agreement with the comments made by the Conservation Officer, and suggest that the proposal would allow Grafton House to be retained as the primary building from surrounding views and would allow sufficient breathing space as to not obscure its characteristic features. Whilst the concerns within the representations received are recognised, Officers suggest that given this the proposal would sit comfortably within the setting of the building of local interest and within the Conservation Area.
- 9.37 The Conservation Officer did initially raise a concern about the proposal to remove the central section of the wall on the western boundary, and suggested that justification needed to be submitted as well as evidence that the wall would be re-built and that the removal would not comprise the remaining walls integrity. It is also noted that representations were received concerning the proposed works to the wall as residents were concerned it could not be re-established to the same quality. In response the applicant submitted an additional drawing to demonstrate how the wall would be supported during the removal and re-erected following construction works. The agent explained that this is necessary so that that construction operations can utilise access from Salmon Lane and to accommodate the build within the site. Following this, the Conservation Officer finds the proposed works to the wall acceptable, and is satisfied that the wall can be reinstated in a manner that would retain its merit within the Conservation Area. It is recognised that the wall is an important feature within the Conservation Area, however given that it has been justified that the proposal can be re-erected without comprising its character, this aspect is considered acceptable.



- 9.38 32-50 Maids Causeway front onto Maids Causeway, however the rear of the garden areas and their associated coach houses back onto Salmon Lane. The proposed development is partially visible at the eastern end of Salmon Lane, above the existing boundary wall which is considered to be positive feature within the Conservation Area. Whilst it is acknowledged that the proposed development would be visible from Salmon Lane and within the setting of the coach houses, it is considered to sit comfortably above the western boundary wall as a contemporary addition to the area. It is not considered that the proposed development would be an overly prominent feature as to adversely impact the setting of these buildings.
- 9.39 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 (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.
- 9.40 **Carbon Reduction and Sustainable Design**
- 9.41 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.
- 9.42 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 policy requires non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.
- 9.43 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 9.44 The application is supported by a Sustainability Statement which demonstrates that the proposal would achieve BREEAM excellent levels and all 5 Wat01 Credits. Officers have discussed the approach with the Sustainability Officers and agree that the approach is acceptable subject to conditions regarding BREEAM certification to secure this approach.
- 9.45 The applicants have suitably addressed the issue of sustainability and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.
- 9.46 **Biodiversity**

- 9.47 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 9.48 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment (BNGA). The PEA sets out that the proposal site is not covered by any statutory or non-statutory wildlife designations and that the habitats on site are of low or negligible ecological interest, comprising mainly hardstanding or short vegetation. The appraisal recognises that the largest and most healthy tree, the large Sycamore would be retained, and this is likely to be important in terms of biodiversity interest. The BNGA sets out that the proposal would achieve a 5.44% biodiversity net gain through provision of aspects including green roof, shrubs and trees. The Nature Conservation Officer is content with the information submitted with the application and raises no objection to the application subject to conditions to secure the appropriate specific, establishment and monitoring of green roof proposed and a condition to secure ecological enhancement on site. Officers suggest these are reasonable to ensure the proposal would enhance biodiversity on the site.
- 9.49 One representation has been received suggesting that the proposal will result in loss of valuable green space and the potential use as a garden. As existing the site consists of a gravelled area of land that was last in use as a car parking for the offices spaces that were previously located on the site. As part of the proposal replacement tree planting is provided, as well as a comprehensive landscaping scheme to be secured by condition. It is considered that the proposal would reintroduce greenery into the site and therefore benefits its ecological value in this regard. Whilst, it is acknowledged that the previous scheme contained an area of communal garden (ref. 19/0300/FUL), the proposed greenery is considered to be an enhancement to the site and is therefore welcome.
- 9.50 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).
- 9.51 **Water Management and Flood Risk**

- 9.52 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 9.53 The site is in Flood Zone 1 and is therefore considered at low risk of flooding. The applicants have submitted a Flood Risk Assessment and Drainage Strategy which outlines a strategy for surface and foul water drainage.
- 9.54 The Council's Sustainable Drainage Engineer has advised that the proposed development is acceptable subject to a condition to secure surface water detailing. Officer concurs that surface and foul water drainage can be dealt with appropriately on the site in order to ensure the proposal would not adversely impact flood risk nor water management.
- 9.55 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.
- 9.56 **Highway Safety and Transport Impacts**
- 9.57 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.
- 9.58 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.
- 9.59 The application is supported by a Transport Assessment and Travel Management Plan. The documents outline the sustainable transport opportunities that would be available at the proposal site. It is outlined that the proposal will predominantly rely on pedestrian and cycle transport options which will be available from Maids Causeway and Salmon Lane. It specifies that vehicular access which will be required for the single disabled car parking space only and this will be from Maids Causeway.
- 9.60 The representations received on the application have raised that an increase in traffic from the proposal would result in a loss of highway safety given that Maids Causeway is already the subject of vehicle incidents and conflict. It is recognised by Officers that Maids Causeway is a busy route due to its connection with primary locations within the city, however the proposal would be primarily accessed by cycle or by foot, apart from the single disabled parking space that is provided and some limited servicing. The existing site comprises a car park, albeit Officers acknowledge it has not been used for a number of years, however it could be put back into use at any time. As such, the proposal would remove the existing car parking spaces on site and create only a single space,

therefore it is not considered that the proposal would result in additional traffic as to adversely impact highway safety.

- 9.61 In addition, some representations have raised concerns that Salmon Lane could be used as an area for pick-up/ drop-off location. Officers suggest that given the Travel Plan which outlines a commitment to encouraging sustainable transport options, and taking into account the sustainable location of the proposal it is unlikely that significant vehicle pick-up/ drop-offs would increase as a result of the proposal.
- 9.62 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions requiring a traffic management plan to be submitted. Officers recognise that the proposal site is very constrained in terms of construction access, and therefore suggest that this condition is necessary to ensure that appropriate arrangements can be agreed to ensure that the proposal can be constructed in a manner which would not adversely impact highway safety.
- 9.63 Whilst representations have been received raising concerns about the use of both Salmon Lane and Maids Causeway for construction purposes, suggesting that conflict could result, Officers consider that this can be suitably controlled with the suggested condition. It is noted that in a recent appeal decision at the Emperor Public House where concerns were raised about construction access due to the narrow nature of the access route, the Inspector outlined that given the addition of a condition where an onsite construction manager could be stationed on site at all times, the impacts could be managed. Whilst each site must be assessed on its merits, and the proposal site is constrained, it is considered that any conflict with highway users can be managed.
- 9.64 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.
- 9.65 **Cycle and Car Parking Provision**
- 9.66 Cycle Parking
- 9.67 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for offices uses requires 2 spaces for every 5 members of staff or 1 per 30 sqm gross floor area. These spaces should be located in a convenient and covered location and as close as practical to staff entrances.

- 9.68 The building comprises an internal floor space of 435 sqm, requiring 14 cycle spaces to be provided. The information submitted with the application outlines that 16 cycle parking spaces are to be provided, therefore giving sufficient provision for the users of the office and any visitors to the site. It is located in a convenient location, directly adjacent to the site entrance. The cycle parking is covered, but not enclosed, however given this is for an office building with natural surveillance from the office building and surrounding residents this is considered to be acceptable.
- 9.69 One representation has raised concerns about the loss of cycle parking for the residents of Grafton House caused by installation of plant equipment and the lack of useability of the cycle spaces due to the disabled parking bay. The proposal seeks to replace the cycle parking for the residents of Grafton House as plant equipment would need to be located in the existing cycle parking location. The information submitted with the application outlines that this would be replaced directly in front of the plant enclosure, however no details of the provision has been included. Officers can see that the proposed replacement cycle parking would be larger than the existing provision, however it is important to ensure suitable provision would be replaced and therefore a condition will be added to secure this also. In terms of accessing these cycle parking spaces, it is acknowledged that the route would be shared with the disabled parking bay, however the manoeuvring space adjacent to the parking space would allow provide a width of 1.6 metres that would give sufficient room to allow any occupier to walk their cycle adjacent to any car park.
- 9.70 Car parking
- 9.71 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. For offices within the controlled parking zone, it is suggested that a maximum of 1 space per 100 sqm metres is provided plus disabled car parking. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls.
- 9.72 The proposed development is car-free, except from the provision of one disabled parking space to the east of the building. The proposed car-free approach is considered to be acceptable in this location given the sustainable links into the city centre. The representations received on the application did raised concerns about adding parking pressure to the surrounding areas, however as the application is located in a controlled parking zone the roads surrounding the development are restricted to residents and permit holders, and therefore parking would not be available within the surroundings. The disabled parking space is considered sufficient and meet the size recommended in the Manual for Streets guidance.

- 9.73 The representations received as part of the application raise concerns over the removal of parking and turning space from the residents of Grafton House, however the proposal would not comprise the space in front of Grafton House, it is set within the car parking area adjacent which is not used by the residents. It is understood that the flats have no formal parking provision on site, although the representation confirm that this the area directly in front of Grafton House is sometimes used for informal car parking. Notwithstanding this, the proposal would not comprise this area as to restrict parking for the residents.
- 9.74 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.
- 9.75 **Amenity**
- 9.76 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.
- 9.77 Neighbouring Properties
- 9.78 The proposal site is located in close proximity to residential occupiers. The proposed office building would be erected to the west of Grafton House, 64 Maids Causeway, the south of properties fronting Maids Causeway (Nos. 52 – 62 Maids Causeway) and to the south east of the properties backing onto Salmon Lane (Nos. 42 – 50 Maids Causeway are closest to the site).
- 9.79 Grafton House
- 9.80 Grafton House, 64 Maids Causeway, is located to the east of where the office would be erected. It comprises studio flats, and features windows which serve these properties directly facing the proposal site at both ground floor and first floor level.
- 9.81 The proposal has been designed so that no windows would face this elevation, ensuring that there would not be a loss of privacy to these residents.
- 9.82 It is recognised, however, that the proposal would be sited in direct view of the windows in the western elevation of Grafton House and that concerns have been raised regarding a loss of outlook. Officers are aware that the flats on this side of the building benefit from windows on the western elevation and either the north or south elevation depending on their position in the building. From the western view, both the single storey element and upper floor element would be visible. The single storey element is set 6.4 metres away from the windows and comprises a height

of 3.3 metres above ground level, although it is noted that the ground floor slopes down towards this side of the site and so this would read as lower from these windows. The upper floor element is set 12.8 metres away from this elevation and comprises a height 8.5 metres. It is recognised therefore that the building would be visible from these windows and constitute a new built form in the car parking area, which was previously open, however considering the separation distance and taking into account the stepped nature of the development, it is not considered to significantly adversely impact the occupiers of the flats to result in an enclosing impact.

9.83 In terms of daylight and sunlight, the application has been submitted with a Daylight and Sunlight Assessment which includes an assessment of these matters in accordance with BRE and BS EN17037 guidance. The representations received with the application have raised concerns about a potential loss of light to these flats and therefore this assessment is appreciated to support Officers assessment. The windows in the west elevation of Grafton House are listed as windows numbers 28 – 33. In terms of VSC, the BRE Guidance states that if VSC is less than 27% and less than 0.8 times its former value daylight is likely to be affected. The submitted assessment demonstrates that all windows would achieve greater values than this and as such it is considered that the daylight reaching these windows is not likely to result in adverse impacts from the development.

9.84 The assessment also provides information on sunlight impacts through consideration of APSH. The BRE guidance explains that sunlight availability is likely to be adverse impacted if the centre of the window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours in the winter months and; receives less than 80% of its former sunlight hours during either period and; has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. It demonstrates that whilst, windows 31, 32 and 33 would have a reduction greater than 4%, they would retain in excess of 80% of their current sunlight hours and therefore would not be adversely impacted in terms of sunlight. The BRE Guidance outlines that all conditions would need to be met in order for there to likely be a significantly noticeable impact, and in this case, Officer are satisfied that this would not be significant.

9.85 Nos. 52 – 62 Maids Causeway

9.86 Nos. 52 – 62 Maids Causeway are located to the north of the proposal site. In terms of views towards these neighbours, the northern side of the upper storey, contains only one opening. This is a roof light which would be set well above 2 metres from finished floor level, as such would be of a height that would not provide any views towards neighbouring occupiers. It is recognised that the occupiers of these properties have raised concerns

about a loss of privacy, however the scheme has been carefully designed in order to protect the privacy of these occupiers following pre-application advice with Officers. The proposal is considered to be acceptable in this regard.

- 9.87 The proposed development has been designed so that the majority of the built form is set away from the common boundaries with these properties, however it is acknowledged that it would be visible from the rooms at the rear of these properties and partially visible from the rear gardens. The single storey would be slightly taller than the existing boundary wall, however it is largely set away from the boundary line. The entrance of the building would extend up to the boundary to the rear of 54 Maids Causeway, however given the low height of this element, 2.5 metres, it would not be considered an overbearing presence to this property above the existing boundary wall. It is considered that the two storey element would be set a sufficient distance away from the common boundaries as to not have an enclosing impact, given that the separation distance ranges from 9 to 12 metres from the rear boundaries of the adjacent properties.
- 9.88 These properties have also been included in the daylight and sunlight assessment, which provides an assessment on the impact to the windows at the rear of these properties and the rear garden spaces. It is demonstrated that the proposal would retain an acceptable VSC and APSH for all windows at the rear of these properties which Officers consider acceptable. It is also demonstrated using the BRE guidance that the proposal would not adversely impact sunlight to the rear gardens of these properties and therefore would not adversely impact the amenity of these spaces.
- 9.89 Nos. 42 – 50 Maids Causeway
- 9.90 The proposal is set away from these properties, to the south east and beyond the existing west boundary wall. The existing wall partially obscures the development, however, it is acknowledged that it would be visible from the rear of these properties along Salmon Lane and from the coach houses. Given that the proposed development is set away from these properties and behind the existing wall, it is not considered that it would result in loss of light nor enclosing impacts. The proposal would contain glazing within the west facing gable end, however much of this is obscured by the proposed louvres and the wall. The glazing that would allow views west directly faces down the far side of Salmon Lane and therefore would not compromise the privacy of the coach houses to the rear.
- 9.91 Construction and Environmental Impacts
- 9.92 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and



disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

- 9.93 The Council's Environmental Health team have assessed the application. Upon review, the Officer initially requested additional information regarding the proposed plant unit to be installed as part of the development to provide clarity on the location of the sensitive noise receptor and potential noise mitigation such as an enclosure. It is noted that in addition to this, one representation was received raising concerns about the impact of the plant unit on resident occupiers. Following these comments, the Noise Impact Assessment was updated and plans submitted showing the proposed enclosure that would be installed around the plant equipment. Following this the Environmental Health Officer was satisfied that the proposal would not adversely impact surrounding residents in terms of noise, subject to appropriate conditions to secure these noise levels. Officers agree with this position, the impact has been carefully considered to ensure that the surrounding residents would not be subject to unacceptable noise levels that would impact their amenity. The Officer also requested conditions regarding contaminated land and external lighting. These are considered reasonable to protect human health and ensure that any lighting would not adversely impact the surrounding residential occupiers.
- 9.94 The application has received a number of representations which raise concerns about the potential disturbance from increased daily movements to the Office space, as well as the noise and lighting that would be emitted from the building. The Environmental Health Officer has suggested that noise and lighting impacts can be appropriately managed through conditions recommended and Officers agree with this approach. The Environmental Health Officer has not raised concerns about the impact of increased daily movements, although Officers do acknowledge that there will be an intensification on the site which would see visitors increase. It is estimated that the office space could hold up to 32 users, however it is not anticipated these would all be on site at one time but to flexible working arrangements. The travel to and from the site would be by pedestrian and cycle access only (other than the single disabled car parking space), and therefore significant disruption is not anticipated. It is noted that the site is already within a central location to the city, directly adjacent to the Grafton Centre car park, therefore the increase is not likely to be disruptive over and above this. It is considered that with a condition to control opening hours, this can be managed to ensure that residents would not be unduly disturbed.
- 9.95 In terms of construction, a number of representations have been received which have raised concerns regarding noise and disturbance during construction. It is acknowledged that construction may cause some additional noise and disturbance to the surrounding residents for a temporary period. It is considered that this can be managed with

appropriate conditions to limit construction hours, collection times and a traffic management plan. This would ensure that construction takes place at appropriate times only, and that the vehicles are appropriately managed when accessing the site so disruption to occupiers can be managed. This is especially important for this application given the constrained access routes available to the site for construction, along Salmon Lane and Maids Causeway. Whilst, no longer extant, the previous application was conditioned with a TMP which was approved showing that safe construction operations could be achieved for the site.

9.96 Summary

9.97 The proposal adequately respects the amenity of its neighbours and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, 57 and 58.

9.98 **Third Party Representations**

9.99 The majority of third-party representations have been addressed within the body of the report, however the table below will outline those that have not been considered:

<b>Representation</b>	<b>Officer Response</b>
Grafton House flat sale and advertising material included provision of landscape garden that has not been delivered.	This is a civil matter, and as such cannot be addressed as part of a planning application.
Building work/ inference with trees could result in subsidence	This is a civil matter, and as such cannot be addressed as part of a planning application.
There could be contamination on site	A condition will be added to any permission given to ensure any unexpected contamination is appropriately dealt with.
Given that the previous scheme was never built, questions have been raised about the viability of the scheme	Officers have been presented with a scheme to assess; it is not for Officers to question the likelihood of the scheme coming forward at this stage.
There may be security risks from increased users to the site	Officers suggest that activating the vacant site with additional users would likely bring additional natural surveillance to the site and do not consider the proposal would result in security concerns.
Concerns raised that drainage issues along Salmon Lane, may be made worse by construction with	The Drainage Officer has been consulted on the application and does not raise any concerns about the proposed drainage methods.

the potential to collapse under heavy machinery.	
One representation has raised concerns about the piers and capping stones which have not been re-erected.	These structures were to be re-built as permitted by application ref. 18/1680/FUL. This does not form part of this application.

9.100 **Other Matters**

9.101 Bins

9.102 Policy 57 requires refuse and recycling to be successfully integrated into proposals. The application has not been submitted with details of an appropriate arrangement for refuse arrangements and therefore this will be conditioned to ensure is provided in an appropriate manner. One representation has been received suggest that large commercial bins could be used which would result in an eye-sore and health hazard, the detail of the proposed bins size and storage will be required to be submitted through condition and therefore Officers consider that this can be dealt with in an appropriate manner.

9.103 Cadent Gas

9.104 Cadent Gas have commented on the application to suggest that the development site is in close proximity to their assets. They have no objection to the application, however do request that informatives are added to ensure the applicant is aware of their responsibilities in regard to this equipment, they have also provided a map of the assets. The informatives are considered reasonable to ensure the applicant is aware of these matters and is advised accordingly.

9.105 **Planning Balance**

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

9.107 It is acknowledged that the application has received a number of third party representations, however these have been addressed as part of the application and conditions added where appropriate.

9.108 The application would provide a high-quality, sustainable office space within the city centre, that would add vitality to the site and add to the mix of uses within this part of the city. It has been carefully designed to provide a contemporary addition that would successfully contrast with the surrounding development and not adversely impact surrounding heritage assets and neighbouring occupiers.

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

## **10.0 Recommendation**

10.1 **Approve** subject to:

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

## **11.0 Planning Conditions**

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

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

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

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

3 The building, hereby permitted, shall be used for an office building (use class E(g)(i) and for no other purposes 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 and re-enacting that Order with or without modification).

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35 and 57).

4 No demolition or construction works (for the avoidance of doubt the Highway Authority seeks that this includes any enabling works) shall commence on site until a traffic management plan has been submitted and agreed in writing with the Local Planning Authority (using the guidance document as a framework). The Highway Authority requests that the TMP be a stand-alone document separate from any Environment Construction Management Plan or the like, as the risks and hazards associated with construction traffic using the adopted public highway are quite different from those associated with the internal site arrangements. The principal areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (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, in accordance with Cambridge Local Plan (2018) policy 80.

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

The detailed scheme shall include:

- a) Full details of the drainage system including proposed attenuation, SuDS and flow control measures;
- b) Full details of the maintenance/adoption of the surface water drainage system;
- c) Formal agreement from a third party if discharging into their system is proposed.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development in accordance with Cambridge Local Plan (2018) policies 31 and 32.

- 6 No development shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include external features such as windows and reveals, roof cladding, external metal work shading features, rainwater goods, edge junctions and coping details.

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

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

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

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

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

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

- 9 No above ground work shall commence until details of the following items have been submitted and agreed in writing with the Local Planning Authority:

- (a) A brick sample panel prepared on site detailing the choice of brick, bond, coursing, pattern, mortar mix, design and pointing technique;
- (b) Samples of the external cladding provided on site;
- (c) Sample of the roofing material.

The works shall be carried out in accordance with the agreed details.

Reason: To avoid harm to the special interest of the conservation area and the setting of the building of local interest, in accordance with Cambridge Local Plan (2018) policies 61 and 62.

- 10 The development, hereby permitted, shall not be occupied or the use commenced, until details of facilities for the covered, secure, parking of cycles for use in connection 64 Maids Causeway, Grafton House, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the timing of provision, the means of

enclosure, roof cladding, materials, type and layout. The facilities shall be provided in accordance with the approved details (including timing) and shall be retained as such for the lifetime of the development.

Reason: To ensure appropriate provision for the secure storage of cycles, in accordance with Cambridge Local Plan (2018) policy 82.

- 11 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)

- 12 No external lighting shall be provided or installed until an artificial lighting impact assessment and mitigation scheme as 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 both on and off site 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)'.

The scheme shall be carried out as approved and shall be retained as such.

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

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

- a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials;

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

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

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

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

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

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

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

- 15 The development hereby approved shall not be occupied until a BRE issued post Construction Certificate has been submitted to, and approved in writing by the Local Planning Authority, indicating that the



approved BREEAM rating has been met. If such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

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

- 16 Details of the biodiverse green roof shall be submitted to and approved in writing by the Local Planning Authority prior to any development above ground level commencing on site.

The green roof shall be:

- a) Biodiversity based with extensive substrate base (depth 100-150mm);
- b) Established across the entire roof of the ground floor level element of the office building hereby approved;
- c) Constructed with suitable access for maintenance
- d) Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. The green/living roofs shall not be used as an amenity or sitting out space of any kind and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.
- e) Evidence that the roof has been installed in accordance with sub-points a) to c) above shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The green biodiverse roof(s) 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 - In the interests of responding suitably to climate change and water management and to ensure ecological interests will be fully conserved and enhanced and appropriate biodiversity net gain (Cambridge Local Plan 2018; Policy 31 and 57).

- 17 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 and shall include details of nest boxes including box numbers, specification and

their location. 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).

- 18 Any demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between the hours of 9.30hrs - 15.30hrs, seven days a week.

Reason: in the interests of highway safety, in accordance with Cambridge Local Plan (2018) policy 80.

- 19 \*BNG Compliance - Waiting for wording from Ecology Officer\* To be added to amendment sheet

- 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 Prior to occupation of the development, hereby permitted, the noise insulation scheme and mitigation requirements shall be implemented in accordance with the detail set out within the Cass Allen Noise Impact Assessment dated 31st July 2023 (Report ref: RP01-23235-R3) shall be fully implemented, maintained and not altered.

Reason: To protect the amenity of the adjoining properties, in accordance with Cambridge Local Plan (2018) policy 35 and 57.

- 22 The combined rating level of sound emitted from all fixed plant and/or machinery associated with the development hereby approved shall not exceed the plant rating level emission limits as detailed within Cass Allen Noise Impact Assessment dated 31st July 2023 (Report ref: RP01-23235-R3) relating to 64 Maids Causeway (planning reference 23/01554/FUL).

Reason: To protect the amenity at neighbouring properties from noise in accordance with the requirements of the National Planning Policy Framework (NPPF, 2019) paragraphs 170 e) and 180 a) and Cambridge Local Plan 2018 policy 35.

- 23 If previously unidentified contamination is encountered whilst undertaking the development, works shall immediately cease on site until the Local

Planning Authority has been notified and/or the additional contamination has been fully assessed and an appropriate remediation and validation/reporting scheme agreed with the Local Planning Authority. Remedial actions shall then be implemented in line with the agreed remediation scheme and a validation report will be provided to the Local Planning Authority for consideration.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 policy 35.

- 24 All hard and soft landscape works shall be carried out and maintained 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 with the Local Planning Authority. 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.

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

- 25 Trees will be planted in accordance with the approved planting proposal so as to ensure establishment and independence. If, within a period of 5 years from the date of planting, replacement trees are removed, uprooted, destroyed, damaged, or die another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.

Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity.

- 27 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.

- 28 The office, hereby permitted, other than for maintenance or cleaning purposes, shall not be used outside of the following hours: 07:00 – 19:00 Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35 and 57).



<b>Planning Committee Date</b>	4 <sup>th</sup> October 2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/02487/FUL
<b>Site</b>	Land At 64 Cromwell Road
<b>Ward / Parish</b>	Romsey
<b>Proposal</b>	Demolition of existing garage and creation of new one bedroom dwelling including outdoor amenity space and pedestrian access from Cromwell Road
<b>Applicant</b>	Richard Sykes-Popham
<b>Presenting Officer</b>	Phoebe Carter
<b>Reason Reported to Committee</b>	Councillor Call in /Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Principle of development / character 2. Access
<b>Recommendation</b>	<b>REFUSE</b>

## 1.0 Executive Summary

- 1.1 The application seeks permission for the demolition of existing garage and creation of a one bedroom dwelling including outdoor amenity space and primary pedestrian access from Cromwell Road. Cycle storage would be provided adjacent to Cromwell Road.
- 1.2 The proposed dwelling would be sited in a back-land position, introducing a separate residential use in the rear of a property fronting Cromwell Road. The area is characterised by street facing properties with only incidental and ancillary outbuildings located in the rear garden. Therefore, by introducing a separate residential dwelling into the rear garden of 64 Cromwell Road, the proposal would change the nature of rear gardens of Cromwell Road functionally and visually, encroaching on the rear garden environment. In turn, the proposal would be out of character with the surrounding area.
- 1.3 Access to the proposed dwelling would be via a long narrow access in between 62 and 64 Cromwell Road. Given the length of the access, the proposal would not create a safe or inclusive access to the dwelling. Moreover, the principal access to the dwelling would be via the bedroom and the lower ground floor level where the living area is located would not be accessible for guests who may not be as mobile. The dwelling itself may meet the requirements of Part M4(2) but would not overall be accessible or inclusive.
- 1.4 While there would be benefits arising from the proposed development in terms of its contribution to housing supply, sustainability and biodiversity enhancements, officers consider that these benefits would not outweigh the harm arising from the development to the character of the area.
- 1.5 Officers recommend that the Planning Committee refuse planning permission.

## 2.0 Site Description and Context

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

2.1 No. 64 Cromwell Road is a two-storey semi-detached dwelling on the eastern corner of Cromwell Road. The area predominately comprises residential dwellings with a small commercial area located south of the site on the Cromwell Road-Fairfax Road roundabout. Within the site a garage is sited on the eastern (rear) boundary accessible via the shared vehicular (unadopted) road accessed via Brampton or Cromwell Road. The application site has no site constraints as it falls outside the conservation area and controlled parking zone.

### 3.0 The Proposal

3.1 The proposal seeks planning permission for the demolition of existing garage and creation of a one-bedroom dwelling including outdoor amenity space and primary pedestrian access from Cromwell Road. Cycle storage would be provided adjacent to Cromwell Road.

### 4.0 Relevant Site History

Reference	Description	Outcome
22/01348/FUL	Demolition of existing garage and creation of new one bedroom dwelling including outdoor amenity space and pedestrian access from Cromwell Road	Refused
21/01279/FUL	Demolition of existing garage and creation of a one bedroom dwelling including outdoor amenity space and primary pedestrian access from Cromwell Road.	Withdrawn
16/1340/NMA1	Non-material amendment on application 16/1340/FUL to allow alterations to the second floor balcony design.	Permitted
16/1340/FUL	Extension and subdivision of existing house to create 3 no. self-contained apartments	Permitted
16/0555/FUL	Extension and subdivision of existing house to create 3 no. self-contained apartments	Refused

4.1 22/01348/FUL was refused due to the character by introducing a separate unit of accommodation in this back-land position, the proposal would change the nature of rear gardens of Cromwell Road, encroaching on the rear garden environment and failing to respond to the surrounding context, the proposal would be contrary to policy 52 and 55 of the Cambridge Local Plan (2018). In addition, by virtue of its main long narrow access from Cromwell Road, would not create a safe or inclusive access to the proposed dwelling, posing a safety risk for future occupiers. By failing to provide a safe, inclusive or accessible place, the proposal would be contrary to

Cambridge Local Plan (2018) policies 55, 56, 57, Secured by Design principles and NPPF paragraph 130.

- 4.2** 21/01279/FUL was withdrawn due to Officers raising concerns regarding the harm to the character of the area through introducing a dwelling in this back-land location, the lack of a safe and inclusive access and lastly the poor outlook and light levels received to the lower ground floor living area.

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2021  
National Planning Practice Guidance  
National Design Guide 2019  
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design  
Circular 11/95 (Conditions, Annex A)  
Technical Housing Standards – Nationally Described Space Standard (2015)  
Conservation of Habitats and Species Regulations 2017  
Environment Act 2021  
ODPM Circular 06/2005 – Protected Species  
Equalities Act 2010

### **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development  
Policy 3: Spatial strategy for the location of residential development  
Policy 28: 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: Human health and quality of life  
Policy 50: Residential space standards  
Policy 51: Accessible homes  
Policy 52: Protecting garden land and subdivision of dwelling plots  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 59: Designing landscape and the public realm  
Policy 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



**5.4 Other Guidance**

N/A

**6.0 Consultations**

**6.1 County Highways Development Management – No objection.**

6.2 The proposal removes the potential to park a motor vehicle off street and potentially increases demand for existing on street spaces, as the streets in the vicinity provide uncontrolled parking, and as there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets, this demand is likely to appear on-street in competition with existing residential uses. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

**6.3 Sustainable Drainage Officer – No comment received.**

**6.4 Environmental Health – No objection.**

6.5 Recommended conditions/ informatives:

- Plant noise impact
- Construction hours;
- Collection during construction;
- Piling

**7.0 Third Party Representations**

7.1 A Councillor has commented on the application stating that the proposal could set a precedent. If the Officer is minded to approve the application, it has been requested that the application is called into committee.

7.2 A further Councillor has written in support of the application raising:

- In keeping with the existing development.
- Minimal impact on surrounding properties
- Fully complies with accessibility expectations

7.3 3 representations have been received.

7.4 Those in objection (2) have raised the following issues:

- Sets a precedence for similar dwellings along all the backs of Cromwell Road and Brampton Road

- Strain on infrastructure (roads, sewage, schooling, doctors surgery, shops etc)
- Lack of parking
- Overlooking to future dwellers and to surrounding existing dwellings
- Noise and disturbance
- Daylight to existing lower ground floor
- Loss of garden and amenity areas
- Impact on hedgehogs
- Not appropriate to the context
- Will not enhance the area
- Does not relate to buildings and spaces around it
- Reduces greenspace
- Access along a narrow pathway

7.5 The comment in support states that they have no objections to the application.

7.6 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.

## **8.0 Assessment**

### **8.1 Principle of Development**

8.2 The application is a resubmission of a refused application, 22/01348/FUL. The application was refused on the following grounds:

- 1) The proposed development, by virtue of its use and back-land location, would not be compatible with the surrounding area which is characterised by ancillary and incidental buildings, not separate dwellings. By introducing a separate unit of accommodation in this back-land position, the proposal would change the nature of rear gardens of Cromwell Road, encroaching on the rear garden environment. By failing to respond to the surrounding context, the proposal would be contrary to policy 52 and 55 of the Cambridge Local Plan (2018).
- 2) The proposed dwelling, by virtue of its main long narrow access from Cromwell Road, would not create a safe or inclusive access to the proposed dwelling, posing a safety risk for future occupiers. By failing to provide a safe, inclusive or accessible place, the proposal would be contrary to Cambridge Local Plan (2018) policies 55, 56, 57, Secured by Design principles and NPPF paragraph 130.

8.3 Officers do not consider that the proposal has overcome the previous reasons for refusal which will be set out below.

8.4 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.

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

8.6 The principle of the development is unacceptable and not compliant with policy 52. This will be discussed in the relevant sections of the report.

### **8.7 Design, Layout, Scale and Landscaping**

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

8.9 Cromwell Road properties have long rear gardens with vehicular access to the rear. As such, single storey structures, ancillary or incidental in use, are common and vary in scale and character.

8.10 The proposal seeks to demolish the existing garage along the eastern rear boundary, subdivide the residential garden and erect a one-bedroom dwelling in its place. The dwelling would be partially sunken, with a living area below ground level and the bedroom and the main outside space at ground level. The proposed dwelling would take visual clues from the surrounding context, with its single storey appearance, flat roof form and a similar material palette. While the proposal would be subservient in scale, sympathetic in design and have a modest footprint, Officers consider that the dwelling would appear more domestic than the surrounding outbuildings and the use would not be compatible in this backland location. The subdivision and movements to and from the dwelling in this backland location would change the nature and character of the site, as it would function and appear as a separate dwelling. This is contrary to the surrounding uses in the rear of Cromwell Road gardens, all uses here are incidental or ancillary in use, and therefore it is out of character.

8.11 The proposed dwelling would be sited to the rear of 64 Cromwell Road with the designated access from Cromwell Road via a narrow long pathway to the side of no. 64. This access would be shared by two of the occupants of no. 64, who use this pathway to access their private amenity space to the rear. It would also create a long, unsafe and contrived pedestrian entrance to the proposed dwelling. Additional information has been provided in support of the application, Accessible and Inclusive Design – Review and

Access Statement by Proudlock Associates. This document sets out that the proposed path is 42 metres in length from 42 Cromwell Road and is, at its narrowest, 1.1metres. Whilst these distances and widths meet the requirements of 'Inclusive Mobility:2021' and the provisions of M4(2) Officers are of the view that the information does not overcome the Officers initial reasons for refusal in terms of safe access due to the overall distance behind the dwellings. The plans are contrary to Secure by Design principles and paragraph 130 of the NPPF.

- 8.12 The proposal fails to be compatible with its surroundings or provide a safe, inclusive place and therefore, the proposal would be contrary to Cambridge Local Plan (2018) policies 55, 56, 57 and NPPF paragraph 130(f).

### **8.13 Carbon Reduction and Sustainable Design**

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

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

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

- 8.17 The Planning Statement submitted in support of the application states that the design includes an air source heat pump, a green roof and solar panels. No details have been provided as to the carbon emissions reduction or water efficiency. These details, if the proposal were acceptable, could be secured via condition.

- 8.18 The proposed development, subject to conditions, is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

### **8.19 Biodiversity**

- 8.20 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This

approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

- 8.21 Officers are satisfied that the proposal could meet biodiversity net gain on site and this would have been secured via condition if the proposed development were acceptable.
- 8.22 Subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

### **8.23 Water Management and Flood Risk**

- 8.24 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.
- 8.25 The site falls within an area of risk of surface water flooding. A Flood Risk Assessment (FRA) has been submitted with the application, a resubmission of the FRA attached to the previous permission 22/01348/FUL. The Council's Sustainable Drainage Engineer previously advised that the FRA proposal demonstrates that with suitable mitigation measures the proposals are acceptable. It also demonstrates that the pluvial flood risk is lower than the suggested from the EA flood maps.
- 8.26 It is therefore considered that suitable flood mitigation measures can be adopted to manage the flood risk. Surface water drainage and foul water details, can be secured via condition given its nature and based on the FRA provided.
- 8.27 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

### **8.28 Highway Safety and Transport Impacts**

- 8.29 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 8.30 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.31 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team, who raise no objection to the proposal subject to conditions and S106 mitigation. Despite raising concerns regarding parking pressure, the Highway Authority are of the opinion that the proposal would not adversely impact upon highway safety.

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

### **8.33 Cycle and Car Parking Provision**

8.34 Cycle Parking

8.35 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.

8.36 Cycle storage for two cycles is proposed to the front of 64 Cromwell Road adjacent to the southern boundary. This level of provision would comply with appendix L of the Local Plan. The siting of the store is considered relatively convenient despite the separation between the dwelling and the cycle store as it is adjacent to the street. A Sheffield cycle stand is proposed with a 1.2m high timber cover. However, no detailed elevations have been submitted so a condition (if officers were supporting the application) would be required to secure further details. This condition could require the details prior to occupation of the new dwelling. The existing cycle stands for the flats within the host dwelling would be retained along the northern boundary and as such the proposed cycle storage would not compromise the existing arrangements for the flats at 64 Cromwell Road.

8.37 Car parking

8.38 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.

8.39 The proposal involves the removal of the existing garage associated with no. 64 and the erection of a new dwelling in its place, resulting in a loss of one car parking space for the host dwelling. The host dwelling has been converted into three self-contained flats (one and two beds) so is not a family dwelling. The proposal would therefore remove one car parking space within the site and add an extra unit on site. Despite this, considering the existing provision for other properties along Cromwell Road, the sustainable location close to services and public transport links and the size of the dwellings, officers consider that the proposal would not result in additional parking pressure on surrounding streets.

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

#### **8.41 Amenity**

8.42 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.

#### **8.43 Neighbouring Properties**

8.44 The proposed dwelling would be sited adjacent to 62 and 66's rear garages on the rear (eastern) boundary, located approximately 20m from the rear elevation of Cromwell Road properties. Given this surrounding context alongside the scale and massing of the proposed dwelling, the proposal would not result in harm to residential amenity in terms of overshadowing, overbearing or overlooking. While the proposal would create a new dwelling, increasing the comings and goings to the site, the noise impact arising from this movement would not be significant.

8.45 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and in this respect, it is considered compliant with Cambridge Local Plan (2018) policies 57.

#### **8.46 Future Occupants**

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

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1		2	2	50	58	+8

8.49 The proposed dwelling would have a gross internal floor area of 58m<sup>2</sup> which exceeds the requirement for a 1 bed 2 person dwelling, as stated in policy 50. The proposed habitable rooms are both west facing, with the living room at lower ground floor and bedroom at ground floor. The living area would be open plan with a depth of 10.6m and would be served by west facing bi-fold doors, a narrow roof light sited 2m into the room over the living area and a further rooflight located 9.6m into the room over the kitchen area. The principal outlook of this large habitable room would be west onto a basement patio and stairwell which would have a depth of 3.4m with stepped planting upwards to 4.9m in depth at a height of 2.6m. The stairwell balustrade would be designed to appear relatively open and non-intrusive. A green wall is proposed along the western site boundary to soften the views from lower ground floor level. Given these design features, intuitive landscaping and the depth of the lower ground floor patio, officers are satisfied that the lower ground floor living area would have an acceptable outlook.

8.50 With regards to light levels, the applicant has submitted a daylight sunlight assessment. The daylight sunlight assessment demonstrates that the scheme would meet the Actual Daylight Factor at lower ground floor in turn meeting the BRE guidance. While this assessment was based on the previous reiteration of the plans, officers consider that the proposed scheme, given the increased patio depth and the design features proposed, would improve the light levels to this lower ground floor level to a satisfactory level.

8.51 The proposed dwelling, due to its orientation and siting in a back-land position, would be at risk of being overlooked by the residential properties fronting Cromwell Road. However, the proposed dwelling with its sunken living room, primary external amenity space and boundary treatment, would mitigate against views of these habitable areas from surrounding properties. While it is likely that from the upper levels of Cromwell Road properties that there would be views of the ground floor patio and bedroom, the separation distance offsets this impact. Moreover, there are private spaces not visible from the surrounding dwellings and taking this into account, officers consider this arrangement satisfactory.

8.52 Garden Size



- 8.53 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. The west facing dual level patio totals 25m<sup>2</sup> of useable space which is proportionate to the size of the dwelling, providing sufficient space for drying clothes and a table and two chairs. The ground level patio would be partially overlooked by Cromwell Road properties, yet the separation distance between the patio and the rear of Cromwell Road properties is considered to mitigate against harm. There is also an alternative patio at lower ground level. Officers consider that given the design features (such as the green wall, stepped landscaping and stairwell proposed), the lower ground floor patio would not feel enclosed and the ground floor patio provides an alternative outlook. Accordingly, officers consider that a high-quality external amenity space would be provided to the benefit of the future occupiers. If the application were acceptable, a condition would secure the provision of high quality landscaping.
- 8.54 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. The Design and Access Statement submitted states the proposal would comply with these standards, yet as stated in paragraph 8.9, officers consider that the access to the dwelling is not inclusive. Therefore, Officers consider that while the layout and configuration of the dwelling may enable future proofing, the access to the dwelling is poor.
- 8.55 Construction and Environmental Impacts
- 8.56 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.
- 8.57 The Council's Environmental Health team have assessed the application and recommended a plant noise assessment condition to prevent adverse noise impacts to surrounding and future occupiers once built out. This condition is considered reasonable and necessary to impose.
- 8.58 The proposal adequately respects the amenity of its neighbours and provides a high-quality living environment for future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, and 52. However, as stated in paragraph 8.9, the access to the site is not inclusive or safe and therefore the proposal would be contrary to policy 51 and 57 of the Cambridge Local Plan (2018).
- 8.59 Third Party Representations**

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

<b>Third Party Comment</b>	<b>Officer Response</b>
Increase pressure on local services such as schools, nurseries and doctors	The addition of one dwelling would not cause a significant impact on local services.
Overlooking to neighbouring properties.	As stated in the residential amenity section of this report, the proposed dwelling is single storey and enclosed by boundary fencing, and therefore would not give rise to overlooking to surrounding neighbours.
Setting a precedent for further development.	Every application is assessed on its merits. This application is considered unacceptable for the reasons discussed above.
Concerns about parking on the rear access, blocking access	There is no car parking space proposed to the rear of the proposed dwelling, so this area should not be used for parking. Moreover, as there is not door on the proposed dwelling fronting the rear access behind Cromwell Road, it would not be convenient for the occupier to park in this space. So it should be unlikely that this would occur.
Reduces greenspace and no planting proposed	The proposal does remove garden land which is predominately grass and low-level planting and erect a dwelling which has limited areas of planting in comparison. However, officers note that garden land can be paved over without the need for planning permission and that the proposal would not result in the loss of public greenspace or flooding issues and biodiversity enhancement can be achieved on site.
Additional use and damage of back road without contribution	Given that there is no access via the back road, officers consider the use of the back road would not be frequent by the future occupier. A contribution would not be warranted.

### 8.61 Other Matters

8.62 Bins

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

8.64 The proposed bin area is located to the west of 64 Cromwell Road. No details of the proposed bin store have been provided aside from the location. However, there is sufficient space on site to accommodate a low-rise store for bins on site. A condition would be recommended requiring

details of the bin store prior to occupation of the new house, if the proposed development were acceptable.

## **8.65 Planning Balance**

8.66 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).

8.67 Summary of harm

8.68 The proposed development would be back-land and introduce a separate residential use in the rear of a property fronting Cromwell Road. The area is characterised by street facing properties with only incidental and ancillary outbuildings located in the rear garden. By introducing a separate residential dwelling into the rear garden of 64 Cromwell Road, the proposal would change the nature of rear gardens of Cromwell Road, encroaching on the rear garden environment. While visually the dwelling itself would be a comparable scale and form to a garage, the residential use brings with it the subdivision of the plot, a separate boundary treatment, its own hard and soft landscaping and changes in the pattern of use. These impacts would not be compatible with the surrounding rear garden environment and would create harm.

8.69 The access to the proposed dwelling would be via a long and narrow walkway down the side of 64 Cromwell Road. Given the length of the access, the proposal would not create a safe or inclusive access to the dwelling. Moreover, the principal access to the dwelling would be via the bedroom and the lower ground floor level where the living area is located would not be accessible for guests who may not be as mobile.

8.70 Summary of benefits

8.71 The proposed development would provide a good quality house in a sustainable location which would contribute to housing supply. The weight given to this is limited given the proposal is for one dwelling and the Council comfortably has a 5-year housing supply. There are sustainability and biodiversity benefits of the proposed development given the alignment with policy requirements.

Overall

8.72 Taking the harm and benefits into account, officers consider that the harm outweighs the benefits in this instance. Dwellings should, as stated in policy, be appropriate to the surrounding pattern of development, contextually responsive, have a positive impact on their setting in terms of location and be safe and accessible for all. The proposed dwelling falls short of meeting these policy requirements which is given greater weight than the benefits the development brings.

8.73 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for refusal as the harm here outweighs the benefits of the development. The proposal will be refused on the reasons below.

**8.74 Recommendation**

8.75 **Refuse** for the following reasons:

1. The proposed development, by virtue of its use and back-land location, would not be compatible with the surrounding area which is characterised by ancillary and incidental buildings, not separate dwellings. By introducing a separate unit of accommodation in this back-land position, the proposal would change the nature of rear gardens of Cromwell Road, encroaching on the rear garden environment. By failing to respond to the surrounding context, the proposal would be contrary to policies 52 and 55 of the Cambridge Local Plan (2018).
2. The proposed dwelling, by virtue of its main long narrow access from Cromwell Road, would not create a safe or inclusive access to the proposed dwelling, posing a safety risk for future occupiers. By failing to provide a safe, inclusive place, the proposal would be contrary to Cambridge Local Plan (2018) policies 55, 56, 57, Secured by Design principles and NPPF paragraph 130.



<b>Planning Committee Date</b>	04/10/2023
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/01790/FUL
<b>Site</b>	10 Queen Ediths Way
<b>Ward / Parish</b>	Queen Ediths
<b>Proposal</b>	Change of use to allow short-term letting of the space above the garage.
<b>Applicant</b>	Ms Susan Oates
<b>Presenting Officer</b>	John McAteer
<b>Reason Reported to Committee</b>	Called-in by Cllr Sam Davies
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Residential Amenity 2. Separate Planning Unit 3. Amenity Space
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks permission to change the use of a bedroom above a garage to accommodate short-term letting.
- 1.2 Officers recommend that the Planning Committee approve the application.

## 2.0 Site Description and Context

None-relevant	x	Tree Preservation Order	
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\*X indicates relevance

- 2.1 The site is 10 Queen Edith's Way, a two-storey detached property located within the City of Cambridge.
- 2.2 The site is a residential property surrounded on all sides by other residential dwellings and gardens. The road known as Queen Edith's Way lies to the north of the dwelling.

## 3.0 The Proposal

- 3.1 Change of use to allow short-term letting of the space above the garage.
- 3.2 The proposal would not make any external alterations to the existing garage. The application seeks to establish that the room on the first floor of the outbuilding can be used for a short term commercial letting.

## 4.0 Relevant Site History

Reference	Description	Outcome
22/50396/PREAPP	Change of use with a room above garage.	PREAMB
17/0076/FUL	Enlargement of existing double garage to provide first floor guest accommodation.	PERM

- 4.1 Application reference 17/0076/FUL was approved in 2017 and allowed the construction of a first floor guest accommodation over the existing garage. A condition was attached to the decision ensuring that the guest room would be used exclusively for purposes ancillary to the residential use of the dwelling, which explicitly did not allow for commercial letting.
- 4.2 An application for pre-application advice was submitted under reference 22/50396/PREAPP to change the room to a commercial let. It was established at the pre-app stage that whilst permanent residence was not appropriate, short term letting would not be harmful to the amenity of adjacent neighbours and no loss of a residential unit would result.

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Technical Housing Standards – Nationally Described Space Standard (2015)

### **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 45: Affordable housing and dwelling mix

Policy 46: Development of student housing

Policy 50: Residential space standards

Policy 51: Accessible Homes

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 77: Development and expansion of visitor accommodation

Policy 78: Redevelopment or loss of visitor accommodation

### **5.3 Neighbourhood Plan**

N/A

## **6.0 Consultations**

### **6.1 County Highways Development Management – No Objection**

6.2 No objections recorded.

### **6.3 Quality and Growth Team – No Objection**

6.4 No objections recorded.

## **7.0 Third Party Representations**

7.1 Two representations have been received.

7.2 Those in objection have raised the following issues:

-Principle of development

-Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)

### **7.3 Principle of Development**

7.4 Policy 77 of the Cambridge Local Plan (2018) states that new visitor accommodation should be located on the frontages of main roads or in areas of mixed-use or within walking distance of bus route corridors with good public transport accessibility. Given the presence of Queen Edith's Way just to the North of the site, which is considered to be a main arterial route, it is considered that Policy 77 is satisfied and the principle of development is acceptable. There is no loss of the primary residential use of the property and its slightly divorced location to the front of the property lends itself to the use.

#### 7.5 **Design, Layout, Scale and Landscaping**

7.6 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 and includes appropriate landscaping and boundary treatment.

7.7 The proposed development would not involve any external changes to the existing garage building. The appearance, form and design of the existing site would not therefore be impacted by the proposal and no residential unit would be lost to make space for the proposed let room.

7.8 The proposal is compliant with Cambridge Local Plan (2018) policies 55 and 56.

#### 7.9 **Cycle and Car Parking Provision**

7.10 Cycle Parking

7.11 The applicant has confirmed that in the event that the garage room is let, the garage will be made available for the safe and secure storage of a bike.

7.12 Car parking

7.13 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.



- 7.14 The use of the existing garage would not be impacted by the proposal, and 10 Queen Ediths Way has its own gravel courtyard with further parking space. As a result, it is considered that the addition of a single occupant above the garage would not materially impact the parking provision of the site.
- 7.15 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.
- 7.16 **Amenity**
- 7.17 Policy 52 and 53 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.
- 7.18 Neighbouring Properties
- 7.19 It is considered that the only potential loss of neighbouring amenity would be to the main dwelling at 10 Queen Edith's Way. Overlooking impacts were observed from the side window of the proposed guest room onto the front elevation windows of 10 Queen Edith's Way. However, this overlooking was not considered to be significant as the view was at an oblique angle and any overlooking impact from a tenant would be the responsibility of the homeowner.
- 7.20 The risk of harm to the amenity of the adjacent properties at 8 and 12 Queen Edith's Way was not considered to be significant. The short stay accommodation would not have any external space of its own which could be used to cause noise impacts, a single additional car periodically arriving at the property would not create excessive noise or traffic impacts, and no windows would overlook adjacent properties.
- 7.21 Summary
- 7.22 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 52 and 53.
- 7.23 **Planning Balance**
- 7.24 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).
- 7.25 Summary of harm

- 7.26 The proposed short term let of the room above the garage building on the site would create minor overlooking impacts upon 10 Queen Edith's Way. A minor increase in traffic arriving at the property would result.
- 7.27 Summary of benefits
- 7.28 The proposal would not alter the exterior of the property in any way, and increase the commercial utility of the site causing minimal harm to the amenity of others.
- 7.29 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.

## **8.0 Recommendation**

### **8.1 Approve** subject to:

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

## **9.0 Planning Conditions**

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

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

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

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

- 3 The maximum cumulative stay in the garage room by any individual occupier shall be 90 days in any twelve month period.

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

- 4 The facility Manager shall keep records of the lengths of stay of any guest and shall retain them for 24 months following commencement of

first use. The said records shall be made available to the local planning authority on request, within seven days.

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

- 5 The garage room shall be used for short term visitor accommodation only and for no other purpose (including any other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

#### 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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<b>Planning Committee Date</b>	4 October 23
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/01570/FUL
<b>Site</b>	4 Uphall Road
<b>Ward / Parish</b>	Romsey
<b>Proposal</b>	Single storey rear extension and change of use (C4 to Sui Generis - large HMO)
<b>Applicant</b>	Mrs S Goom
<b>Presenting Officer</b>	Rachel Brightwell
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Residential Amenity impacts (Noise)</li><li>2. Car parking and parking stress</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application proposes a single storey rear extension and to change the use from Class 4 (HMO) to sui generis (large HMO).
- 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 proposal is for a single storey rear extension to accommodate an additional bedroom, internal works, changes to the fenestration on the front elevation and a bike store to the front. The proposed changes, with regards to design, are not considered to have any adverse impacts on the character of the site or surrounding area or cause residential amenity harm to neighbouring properties.
- 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 HMO meets the space standards set out in Policy 50 and provides a suitably sized internal amenity space and garden.
- 1.6 There are no highway safety concerns.
- 1.7 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 existing site is a 6-bedroom, 6-person HMO situated on Uphall Road, within the Romsey Ward of Cambridge. Uphall Road is adjoined to Nuttings Road, which forms a small residential area, centred around a green space. Directly to the front of the property is a grassed area to the north, directly to the south is the rear gardens of No.28 Nuttings Road, to the west is neighbouring residential properties and to the east is Cambridge Airport.
- 2.2 Uphall Road is situated between Barnwell Road and Coldhams Lane. The site can be accessed by car via Coldhams Lane and there is a pedestrian/cycle access via Barnwell Road. On the south-east boundary of the site is Cambridge Airport. Barnwell East nature reserve is located to the north of the site situated behind the properties on the north side of Uphall Road.

2.3 The site is not located within a conservation area or the controlled parking zone.

### **3.0 The Proposal**

3.1 Single storey rear extension and change of use (C4 to Sui Generis - large HMO)

3.2 The proposed single storey rear extension will extend approximately 5m in length and will be approximately 3.3m in width. The proposal will have a dual pitched roof. The proposed materials are brick, tiles and UPVC windows to match the existing materials of the property.

3.3 The addition of the single storey rear extension will accommodate an additional bedroom to increase the occupancy of the HMO from 6 persons to 7 persons, changing the use to a large HMO. Internal works are proposed, these include the conversion of the existing living room into additional kitchen space and two ensuites which will serve the proposed bedroom and one of the existing ground floor bedrooms. On the first floor, the wall between the two front bedrooms in the original dwelling is to be relocated to increase the size of the existing smaller bedroom.

3.4 One of the first-floor windows on the front elevation is to be removed due to the internal reconfiguration of the bedroom and the two remaining window openings are to be enlarged.

3.5 An additional cycle store is proposed in the front garden which will provide storage for 3 cycles in addition to the cycle storage which is already in place.

3.6 The application has been amended to address concerns raised by the case officer regarding the proposed cycle storage. The site plan has been amended to move the cycle parking from the rear garden to the front garden.

### **4.0 Relevant Site History**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
15/1360/FUL	Two storey side and single storey front extension and cycle shelter.	Permitted

### **5.0 Policy**

5.1 **National**  
National Planning Policy Framework 2023

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 37: Cambridge Airport Public Safety Zone and Air Safeguarding  
Policy 48: Housing in multiple occupation  
Policy 50: Residential space standards  
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 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  
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 Recommended case officer to consider the proposals impact on parking demands upon the surrounding streets.

### **6.3 Sustainable Drainage Officer – Object / No Objection**

6.4 No objections, subject to conditions requiring the submission of a surface water drainage scheme and the details of foul water drainage works.

### **6.5 Environmental Health – No Objection**

6.6 No objections or recommendations for conditions. The Environmental Health Officer has raised concern with the potential noise impact of the proposal due to the lack of internal amenity space, which may result in residents spilling into the garden. The Environmental Health Officer has advised that the case officer considers this in their decision.

6.7 Information has been provided on the requirements for HMOs in relation to fire fighting equipment, means of escape, fire doors, fire detection and alarms, emergency lighting, kitchen provisions and general licencing issues.

### **7.0 Third Party Representations**

7.1 2 representations have been received.

7.2 Those in objection have raised the following issues:

- Residential amenity impact (impacts on noise and disturbance)
- Car parking and parking stress

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

### **8.0 Assessment**

#### **8.1 Planning Background**

8.2 The application seeks to erect a single storey rear extension and change the use of the property from a Class C4 (HMO) to a sui generis (large HMO). The occupancy will increase from 6-persons (6-bedrooms) to 7-persons (7-bedrooms).

8.3 In 2015 permission was granted for a two storey side extension, single storey front extension and cycle store to the front (15/1360/FUL). The property is currently used as 6-person HMO under Class C4. At present, three of the bedrooms have attached en-suite bathrooms and three share a bathroom on the first floor. In terms of communal internal amenity space

there is a kitchen, dining room and living room located to the rear of the property overlooking onto the rear garden.

#### **8.4 Principle of Development**

8.5 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.

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

#### **8.7 Design, Layout, Scale and Landscaping**

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

8.9 The proposed single storey rear extension will extend approximately 5m in length and will be approximately 3.3m in width. The proposal will have a dual pitch roof that is approximately 2.5m in height at the eaves and 3.5m in height at the ridge. The proposed single storey rear extension is considered to be of a modest scale and design and would read as a subservient addition to the original property. The proposed materials are to match the existing brick, tiles and UPVC windows, therefore the proposal is not considered to appear out of character with the existing property.

8.10 The proposed removal of a window and enlargement of two windows at the first-floor level on the front elevation is not considered to cause harm to the appearance of the property or the surrounding area.

8.11 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 proposed single storey extension. 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.

- 8.12 A condition will be added to any permission granted, restricting the maximum occupancy of the HMO proposed to 7 persons.
- 8.13 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.
- 8.14 There is no record of any large HMOs located on Uphall Road or Nuttings Road. For this reason, it is not considered that there is an over-concentration of large 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).
- 8.15 To the front of the property a cycle store is proposed, there are two existing cycle stores located within the front garden, given the size of the front garden an additional cycle storage unit is not considered to result in adverse impacts on the character of the site and is considered appropriate within the street scene.
- 8.16 The application site is situated on Uphall 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).
- 8.17 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, 58 and 59 and the NPPF (2021).

#### **8.18 Trees**

- 8.19 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.20 The proposed single storey rear extension may result in the loss of hedges at the boundary with No.2. The trees that would be affected by the proposal do not provide a significant amenity value as perceived from the public realm.

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

## **8.22 Water Management and Flood Risk**

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

8.24 The Council's Sustainable Drainage Engineer has advised that conditions should be added requiring a surface water drainage scheme and details of the foul water to be submitted and approved by the LPA. The proposed single storey extension will utilise the existing drainage connections to 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.

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

## **8.26 Highway Safety and Transport Impacts**

8.27 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.

8.28 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.

8.29 The Highway Authority have no objections to the proposal.

8.30 Access to the site would remain the same as the existing access arrangements. There are no concerns on highway safety stemming from the proposed access arrangements.

8.31 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 (cycle store). 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.

8.32 The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

### **8.33 Cycle and Car Parking Provision**

#### 8.34 Cycle Parking

8.35 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.

8.36 The application proposes an additional cycle storage unit to the front of the property as well as the retaining the existing cycle storage to the front. In total there will be provision to securely store 8 cycles to the front of the property.

8.37 Specific details of the storage of bicycles have not been provided but this can be dealt with via condition.

8.38 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.

#### 8.39 Car parking

8.40 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls. The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking.

8.41 The application proposes no off-street car parking spaces. Uphall Road is in close proximity to public transport links to the city centre and the area is equipped for active travel arrangements. For these reasons, the site is considered to be situated within a sustainable location and therefore is not deemed car dependant.

- 8.42 Concerns have been raised from the Highways Officer and third party representations that the increase in occupancy of the property from 6 persons to 7 persons will increase the demand for on-street car parking on Uphall Road and Nuttings Road.
- 8.43 When considering that the proposal seeks to increase the occupancy by 1 person, the proposal is not considered to have a significant impact on the demand in parking. Furthermore, when considering the sustainable location of the site due to its close proximity to public transport links and active travel arrangements, providing access to local shops and the city centre, it is not deemed to be a car dependant location. Therefore, the proposed increase in occupancy is not considered to cause a significant demand in parking on the surrounding streets.
- 8.44 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

**8.45 Amenity**

- 8.46 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.
- 8.47 Neighbouring Properties
- 8.48 The principal dwelling to be impacted by the proposed single storey rear extension is No.2 Uphall Road.
- 8.49 The proposed rear extension will extend approximately 5m in length and will be approximately 2.6m in height at the boundary with No.2. When considering the scale and massing of the proposed extension it is not considered to have a significant overbearing impact.
- 8.50 The proposal may result in the loss of some morning light to the ground floor windows of No.2 due to the orientation of the site. The pitched roof is considered to alleviate some of this loss of light. Furthermore, when considering, that a similar extension could be erected at the boundary under permitted development rights, the proposal is not deemed to cause a significantly harmful loss of light to warrant refusal.
- 8.51 The proposed windows outlook onto the rear garden therefore the proposal will not harmfully overlook No.2.
- 8.52 The proposed fenestration changes on the front elevation are to enlarge existing openings, therefore will not cause harmful overlooking onto the street scene.
- 8.53 Future Occupants

8.54 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). While there is no standard for specifically for HMOs, these standards can be used as a guide to assess the amenity provided for HMO residents in accordance with policy 48.

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

Bedroom	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of bedroom	Difference in size
1	1	1	7.5	13.4	+5.9
2	1	1	7.5	16.1	+8.6
3	1	1	7.5	15	+7.5
4	1	1	7.5	8.6	+1.1
5	1	1	7.5	11.8	+4.3
6	1	1	7.5	11.5	+4
7 (proposed rear extension)	1	1	7.5	12.4	+4.9

Unit	Number of occupants	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> ) [single dwellinghouse]	Proposed size of unit	Difference in size
HMO	7	7	3	136.5	157	+20.5

8.56 All the bedrooms exceed the space standards.

8.57 Third party representations and the Environmental Health Officer have raised concern that the proposal has limited shared internal amenity space due to the loss of the existing living room. There are concerns that this would increase the use of the garden as a communal space, which will cause noise and disturbance for the neighbouring occupiers.

8.58 The proposed kitchen area is sufficient in size to meet the provisions required by licencing and the living space can suitably accommodate 7 persons to sit at the table. When considering the proposed communal space, the size of the bedrooms (which exceed space standards) and that the proposal seeks to increase the occupancy by only 1 person, the proposal therefore is not considered to significantly increase noise from the garden.

8.59 Garden Size

- 8.60 The rear garden will be approximately 177sqm, this is deemed to be suitable for accommodating table/chairs for maximum occupancy, circulation space and space to hang washing. The proposal therefore is compliant with policy 48 of the Local Plan.
- 8.61 Construction and Environmental Impacts
- 8.62 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.
- 8.63 Summary
- 8.64 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.
- 8.65 The proposed single storey rear extension is not considered to cause significant residential amenity harm to No.2 Uphall Road.
- 8.66 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) and 58.
- 8.67 Other Matters**
- 8.68 Bins
- 8.69 Policy 57 requires refuse and recycling to be successfully integrated into proposals.
- 8.70 The garden to the front of the property is considered to be adequate to store the required number of bins for the proposed HMO. Whilst no plans identifying the design of the proposed bin store have been provided, it would be suitable to secure the designs via a condition. A condition will be added to any permission granted requiring the submission of details identifying the proposed design of the bin store, to include roof top planters and be situated to the front of the property.
- 8.71 Planning Balance**
- 8.72 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).



- 8.73 Third party representations have raised concern regarding the proposal impact on noise and disturbance to neighbouring occupiers due to the increase in occupancy and loss of shared internal amenity space. Officers consider that the proposed internal amenity space is sufficient in size to accommodate the requirements of licencing for large HMOs. Furthermore, all the bedrooms exceed space standards which reduces the reliance on shared spaces. Overall, it is considered that the increase in 1 person will not exacerbate the use of the garden by future occupiers.
- 8.74 Third party representations have also raised concern regarding the proposals impact on the demand in car parking in the surrounding streets. When considering that the proposal seeks to increase the occupancy by 1 person and the sustainable location of the site the proposal is not considered to have a significant impact on the demand in parking.
- 8.75 The proposed development is not considered to adversely affect the amenity of neighbouring occupiers.
- 8.76 The proposed development is appropriate for its location and is in keeping with the character of the immediate context while creating a good quality living environment for future occupiers.
- 8.77 The development will positively contribute to the supply of residential accommodation available to the public within Cambridge.
- 8.78 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

## **9.0 Recommendation**

### **9.1 Approve** subject to:

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

## **10.0 Planning Conditions**

### **1 – 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 – Bikes and Bins

The permitted use shall not be commenced, until details of facilities for the covered, secure parking of cycles at the front of the property 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).

### 4 – 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).

### 5 – 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).

#### 6 – 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).

#### 7 – 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).

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#### 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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