



# Cambridge City Council Planning

**Date:** Wednesday, 10 January 2024

**Time:** 10.00 am

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

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

## Agenda

### 1 Order of Agenda

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

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

There will be a forty-five 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 whether or not the meeting will be adjourned.

### 2 Apologies

### 3 Declarations of Interest

### 4 Minutes (Pages 5 - 18)

### Part 1: Major Planning Applications

### 5 23-02952-S73 Land South of Wilberforce Road (Pages 19 - 44)

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

- |   |                                 |                      |
|---|---------------------------------|----------------------|
| 6 | 23-03068-FUL 163-167 Mill Road  | (Pages 45 - 68)      |
| 7 | 22-01971-FUL 346 Milton Road    | (Pages 69 - 86)      |
| 8 | 23-04248-FUL 122 Union Lane     | (Pages 87 -<br>100)  |
| 9 | 23-02622-FUL 4 Cavendish Avenue | (Pages 101 -<br>130) |

## **Part 3: General and Confidential Items**

- |    |   |                      |
|----|---|----------------------|
| 10 | Appeals Information<br>Report to follow                         |                      |
| 11 | 22-02066-FUL Owlstone Croft Planning Process<br>Overview Report | (Pages 131 -<br>228) |
- The report relates to information which following a public interest test the public is likely to be excluded by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 ie. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

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

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

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## PLANNING

6 December 2023

10.00 am - 5.00 pm

### Present:

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

Councillor Dryden left after the vote on item 23/113/Plan

Councillor Flaubert left after the vote on item 23/114/Plan, Councillor Levien then jointed the meeting.

Councillor Baigent left after the vote on item 23/116/Plan

Councillor Bennett left after the vote on item 23/116/Plan

### Officers:

Delivery Manager: Toby Williams

Area Team Leader: Michael Hammond

Area Team Leader: Michael Sexton:

Principal Planner: Kate Poyser

Principal Conservation Officer: Gail Broom

Principal Conservation Officer: Paul Robertshaw

Senior Planner: Phoebe Carter

Senior Planner: Tom Chenery

Senior Planner: Amy Stocks

Senior Planner: Alice Young

Arboricultural Officer: Joanna Davies

Legal Adviser: Keith Barber

Committee Manager: Claire Tunnicliffe

Meeting Producer: Sarah Steed

## FOR THE INFORMATION OF THE COUNCIL

### 23/110/PlanApologies

Apologies were received from Councillor Carling, Councillor Gilderdale attended as an alternate.

Apologies were also received from Councillor Levien, Councillor Flaubert attended as an alternate until 2.30pm, when Councillor Levien could attend.

**23/111/PlanDeclarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Bennett	23/113/Plan 23/115/Plan	Personal: Member of CAMRA (Campaign for Real Ale) and family regularly attend the Hay Maker public house. Discretion unfettered.
Councillor Porrer	23/118/Plan	Personal: Employed by Anglia Ruskin University. Discretion unfettered.
Councillor Baigent	All	Personal: Member of Cam Cycle
Councillor Gilderdale	23/113/Plan	Personal: Ward Councillor. Discretion unfettered.
Councillor Thornburrow	23/113/Plan	Personal: Attends the Hay Maker public house. Discretion unfettered.

**23/112/PlanMinutes**

The minutes of the meeting held on 6 September, 4 October and 1 November 2023 were approved as a correct record and signed by the Chair.

**23/113/Plan23/00064/FUL Church Hall, 6A Chapel Street**

The Committee received an application for full planning permission.

The application sought approval for the refurbishment, reconfiguration and extension of the existing chapel building to create a multi-functional early year's meeting space and thirteen residential apartments (following the demolition of the existing rear two storey building and alterations of building of local interest comprising the demolition of existing rear lean-to, rear (southwest) elevation and roof), together with associated landscaping and infrastructure.

The Case Officer updated his report by referring to the Amendment Sheet advising of a proposed new condition, viz:

- i. No development shall commence until detailed plans and an associated report for the foundation design of the development have been submitted to and approved in writing by the Local Planning Authority. The plans and report shall demonstrate that the foundation design accounts for tree variety and age, soil type, root growth (including root barriers) and ground movement. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the tree roots are suitably protected from development and that the design of the foundations were appropriate (Cambridge Local Plan 2018, policy 71).

The Committee received two representations in objection to the representation from residents of Chapel Street.

The first representation covered the following issues:

- i. The application would be harmful to the neighbourhood and amenities.
- ii. The application was too overbearing compared to the local area and overused for the footprint of the site, bulky in size and massing.
- iii. Would create an increase traffic, parking problems and access issues.
- iv. There would still be only one narrow entry to the street which was not in good repair.
- v. Disagreed with the Officer that cycle parking had been resolved on site; the City Council's Urban Design Team stated this could not be supported.
- vi. The Urban Design Team had objected to the application.
- vii. While the site had been used as a nursery this operated during the day at peak drop off and pick up times.
- viii. If the application was approved the site would be used an early year's centre with traffic being consistent throughout the day.
- ix. Drivers entering Chapel Street did not realise that they could exit via Church Street so attempted to turn around in a limited space which would become a major problem with the increase in vehicle use.
- x. Questioned what restrictions had been placed on the use of community centre and the hours of operation. This would have a negative impact on the surrounding residents.
- xi. The only entrance to the community space faced onto the street and any evening events would create an increase in noise and adversely affect residents.
- xii. Chapel Street was a narrow street which was not wide enough to cope with the increase in the volume of traffic.
- xiii. Residents supported the refurbishment and wanted the building to be used but this application would allow the site to be overused. The

combination of thirteen apartments and a business was too much; it should be one or the other (although thirteen apartments could be deemed too many on the site).

The second representation covered the following issues.

- i. Chapel Street was narrow part of the road was used as a cycle path. An increase in its use would have a damaging effect to residents and increase the risk of accidents.
- ii. The site required off road cycle parking.
- iii. Had been informed previously that that the number of apartments would be reduced - this had not happened.
- iv. The heat pumps facing the back of the Hay Makers public house would generate additional noise.
- v. Conditions should be applied to the operating hours for the community space.

Mrs Janet Robertson (Applicant) addressed the Committee in support of the application.

Councillor Ashton, Cambridge City Councillor, addressed the Committee speaking in support of the application and concluded by asking the Committee to approve the application.

Councillor Porrer requested an additional condition on the installation of the cargo bike parking on site, carried nem con.

Councillor Thornburrow proposed an informative on the measurement of water usage to encourage the reduction of water usage. A condition on the strengthening of designing out crime under Policy 56, and an additional condition concerning the brickwork to the original windows to the front of the Chapel. Both were carried nem con.

Councillor Gilderdale proposed additional conditions on the installation of lights across the alley ways / access routes down both sides of the site and the use of CCTV.

The Committee:

**Resolved (7 votes to 1)** to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report; subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as



drafted); including the new condition set out in the Amendment sheet relating to foundations; completion of a Section 106 Agreement with drafting and terms delegated to Officers; and the following:

- i. An additional condition requiring the submission of a construction management transport plan.
- ii. An additional condition in respect of lighting, CCTV, and other security measures in relation to designing out crime.
- iii. An additional condition to explore the possibility of widening the side access to the flats from Chapel Street.
- iv. An additional condition in relation to a requirement for a schedule of retention and repair including the surrounding brickwork to the original windows to the front of the Chapel.
- v. To include a M4(2) condition with flexibility for an allowance of the two apartments not served by the lift provision.
- vi. Amendment to condition 20 in relation to the cycle parking - to include the wording 'prior to the use of the flats and the community space and the exploration of the provision of the cargo spaces if possible'.
- vii. Condition 19 when submitted to come back through the Chair and Spokes for confirmation that the submission was satisfactory.
- viii. An informative encouraging a reduction in water usage to 100ltrs per person per day.

The precise wording of the additional conditions, the amendment to conditions and the informative delegated to Officers.

### **23/114/Plan23/02696/FUL Fossdene, Whinside, The Gables, The Knott, Mount Pleasant**

Councillor Dryden left the meeting before the consideration of this item.

The Committee received an application for full planning permission.

The application sought approval for the demolition of three residential properties (known as Fossdene, Whinside and The Gables) and the erection of five residential buildings for postgraduate students as well as two storey and single storey extensions to The Knott for postgraduate accommodation and the provision of cycle and bin stores, landscaping and car parking including new boundary treatments.

The Case Officer updated their report by referring to the Amendment Sheet advising of amendments to conditions and a proposed new condition:

- i. Amend Paragraph 1.4 of the report to read:

The proposal would provide accessible student accommodation rooms across the 5 buildings and the scheme would provide a number of public benefits including: the release of 60 student rooms at other properties throughout the city back to the private housing market; biodiversity net gain; a highly sustainable form of accommodation and economic benefits due to the construction related activities and employment opportunities required to manage the site when complete.

ii. Amend condition 8 to read:

The development hereby permitted shall be designed in accordance with the Passivhaus standard, as set out in the Max Fordham Sustainability and Energy Statement Issue 2 dated June 2023.

Within 12 months after occupation, evidence of Passivhaus certification shall be submitted to and approved in writing by the local planning authority.

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

iii. Amend condition 26 to read:

Prior to the occupation of units AC01-AC05, the electric vehicle charging points as outlined on plan 818 Site 120 P7 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 with Cambridge City Council's adopted Air Quality Action Plan (2018).

iv. New condition:

No development shall commence until detailed plans and an associated report for the foundation design of the development have been submitted to and approved in writing by the Local Planning Authority. The plans and report shall demonstrate that the foundation design accounts for tree variety and age, soil type, root growth (including root barriers) and ground movement. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the tree roots are suitably protected from development and that the design of the foundations are appropriate (Cambridge Local Plan 2018, policy 71).

The Committee received a representation in objection to the application from Cambridge Past Present and Future (CPPF):

- i. Objected to the development as proposed and considered that with some revisions it would be possible to have scheme which would be less harmful to the Conservation Area.
- ii. The site contributed to the character of the Conservation Area with its four Victorian properties set within large gardens and mature trees of quality.
- iii. (Along with the Council's Conservation Team and the Victorian Society) CPPF considered that the loss of three of the original buildings, the change of the original plot layouts (with three replacement buildings and two new buildings all larger in height and footprint) and the loss of the sense of individual linear gardens changed the character of the site from domestic to that of a large campus development. This impacted negatively on the character of the Conservation Area.
- iv. Suggested the retention of Whinside (middle of the three dwellings to be demolished).
- v. Whinside differed from the other two villas which were of a more utilitarian nature, described as a handsome structure, 'largely unaltered' according to the applicant's Design and Access statement. It occupied a central place on the site with a quiet dignity.
- vi. Whinside qualities were especially obvious from the Lucy Cavendish side where an entrance from their access road drew attention to its presence. Believed that, suitably handled, it had great potential.
- vii. Retaining Whinside had the capacity to contribute to the proposed development and to add an important dimension to the integration of the domestic and institutional, the old and the new, which typified this location and the Conservation Area generally.
- viii. Considered the heavily wooded nature of the site lent itself to a strategy in which a variety of smaller separate buildings were ranged across it rather than one or two larger and more dominant ones. It could also be designed around retaining more trees. Whinside's retention would fit seamlessly into such a design layout.
- ix. The problem of subsidence of Whinside had been given as a justification for its demolition, however this would not be of sufficient seriousness to currently restrict entry. The problems seemed to have arisen from neglect of tree maintenance on the site, a common problem in the city, and one which there was considerable experience of dealing with. The opportunity afforded by redevelopment of the site seemed an opportune moment to pursue remedies.
- x. Providing adequately sized rooms had been given as another justification for demolition. Rather than buildings for the needs of single students,

renovating Whinside offered the opportunity to provide alternative accommodation such as for young families, thus expanding the College's provision beyond the needs of the stereotypical single scholar.

- xi. Requested the Committee gave weight to the impact of the development on the Conservation Area and should consider deferring the application to allow the applicant to consider an alternative design retaining two of the four dwellings and introduce smaller blocks, reducing the harm to the significance of the conservation area, thus making it compliant with Policy 61.

Alison Cox (Applicant) addressed the Committee in support of the application.

Councillor Porrer proposed the following:

- i. Under the S106 Heads of Terms an amendment to show that the accommodation would be for students only.
- ii. The tree planning condition should be extended from five years to ten years.

These amendments were **carried unanimously**.

The Committee:

**Resolved six votes to 0 (with one abstention)** to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report and subject to the conditions recommended by the Officer with delegated authority to Officers to make minor amendments to the conditions as drafted; subject to satisfactory completion of a Section 106 Agreement which included the Heads of Terms (HoT's) as set out in the report with minor amendments to those delegated to Officers; and

- i. With the inclusion of an additional planning obligation to ensure that the initial and ongoing postgraduate use was for the primary occupation of students who were studying on academic courses for that academic year.
- ii. Delegated authority given Officers for the amendment of condition 18, condition 20 and condition 21 to strengthen those conditions as deemed necessary; insert a clause with the substitution of five year to ten years for replacement planting (condition 21).

**23/115/Plan23/01579/FUL Land Adjacent The Ship Pub**

Councillor Flaubert left the meeting before the consideration of the item and was replaced by Councillor Levien as her alternate.

The Committee received an application for full planning permission.

The application sought approval for the residential development containing nine dwellings along with access, car parking, landscaping and associated infrastructure.

The Case Officer updated their report by referring to the Amendment Sheet highlighting the CAMRA consultation response. The Committee were advised of an additional condition included to secure the delivery of the green roofs on the duplex apartments to the South.

Councillor Bennett proposed an informative to encourage the reduction of water usage.

The proposal was **unanimously** agreed.

Councillor Thornburrow proposed a condition securing the provision of cycle spaces at the front of the properties.

The proposal was **unanimously** agreed.

#### The Committee:

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

- i. An additional condition to secure full provision of cycle parking needs arising from those houses to the front of the dwellings.
- ii. An additional condition in relation to green roofs of the secure cycle parking.
- iii. An informative to encourage the reduction of water usage.

#### **23/116/Plan22/05556/FUL 198 Queen Edith's Way**

Councillor Gilderdale left the meeting before the consideration of this item.

The Committee received an application for full planning permission.

The application sought approval for demolition of the existing dwelling and erection of four dwellings and associated works.

The Case Officer informed the Committee that condition 3 in the Officer's report had some text missing, additional text underlined:

- i. Reason: To ensure that before any development commences important specified species are fully protected (Cambridge Local Plan 2018 policy 57).

The Committee received a verbal update on comments received from 200 Queen Edith's Way, published 29 November 2023 with further reference to Biodiversity SPD. Reference was made to e-mails received from Councillor Ashton and concern regarding the removal of the hedge and Councillor McPherson's request to keep what was left of the hedge on site.

The Committee received a representation in objection to the application from a resident of Queen Edith's Way.

The representations covered the following issues:

- i. Had lived next door the application site for 36 years and supported the site sustainable development but objected to the application.
- ii. The site would be overdeveloped.
- iii. No consideration had been given to biodiversity on site.
- iv. The City Council's Biodiversity Supplementary Planning Document (SPD) highlighted the importance of biodiversity yet there had been no pre-application advice sought, or an ecological assessment made. There had been three separate clearances of trees and shrubs from the site without any regard for these matters.
- v. The arboricultural impact assessment had failed to accurately identify and assess the remaining biodiversity on site, particularly the various species of the wild plum tree and the substantial eighty-four-year-old hedge which separated the properties.
- vi. No prior assessment had been made on the local wildlife, identifying protected species.
- vii. On 20 June 2023 the Biodiversity Officer requested a protected species bat survey which to date had not been provided.
- viii. The Committee should note that nearby approved planning applications, at the rear of 208 and 210 Queen Edith's Way two bat surveys had been undertaken which had identified nine bats including a nationally rare species.
- ix. The Biodiversity SPD required the protected species survey to be carried out before a decision is made on a planning application.

- x. Highting the two nearby approved planning applications, the Planning Officer and Highways Consultee stated that two parking places per dwelling would be necessary to avoid parking on the public highway. This provision had not been stated for this application. These approved applications would be set back sixty metres from the road, but this proposed development would be on Queen Edith's Way. Each new dwelling with a second car would have to park on the highway.
- xi. The application site was part of the Netherhall School site. No assessment had been conducted on the impact to the children walking to and from school, cyclists and other footpath users of the extra vehicle movements to and from the site.
- xii. The planning application did not comply with significant substantive and procedural planning rules.
- xiii. The site was not just a caretaker's bungalow but included a non-residential private road.
- xiv. If planning rules were not enforced or applied - they effectively did not exist.

Councillor Robertson, Cambridge City Councillor, addressed the Committee speaking in objection of the application and concluded by asking the Committee to refuse the application.

Councillor Bennett proposed an informative to encourage the reduction of water usage and for a bat survey to be undertaken.

These proposals were **unanimously** agreed.

Councillor Porrer proposed the application was deferred for the following reasons which was seconded by Councillor Thornburrow:

- i. Clarification be required on the biodiversity net gain.
- ii. Further information was required on hedge protection.
- iii. Cycle parking at the front of the properties should be resolved.
- iv. A bat survey should be completed.

The Committee:

**Resolved (by 4 votes to 2)** to defer the application for Officers to secure clarity on items (i) – (iv) before returning to Committee for determination.

**23/117/Plan23/03417/FUL 184 Thoday Street**

Councillors Bennett and Baigent left the meeting before the consideration of this item.

The Committee received an application for full planning permission.

The application sought approval for a two-storey side and single storey rear extensions and change of use from six bed HMO (C3) to large six bed HMO (8 people) sui generis, along with bike shed storage to the rear.

The Committee:

**Resolved unanimously** to refuse the application for planning permission in accordance with the Officer recommendation for the reasons set out in the Officer report with an amendment to reason 3 for refusal to include referencing the cycling parking being less accessible than the car parking provision. Final wording delegated to Officers.

**23/118/Plan22/04926/S106A Land at 315-349 Mill Road**

The Committee received an application for a variation of S106 Agreement.

The application sought approval to modify the planning obligations contained in the S106 Agreement.

Mr Mike Ibbot (Agent) addressed the Committee in support of the application.

The Committee:

**Resolved unanimously** to approve the application to vary the S106 as set out at paragraph 7.3 of the Officer's report subject to inclusion of provision covering monitoring and administration costs.

**23/119/Plan23/03405/S106A Netherhall Farm, Worts Causeway**

The Committee received an application for modification of planning obligations associated with outline planning permission ref: 20/01972/OUT.

The application sought agreement to vary the S106 Agreement which would be in the form of a Deed of Variation to change the requirements for cluster sizes for Affordable Housing.



The Committee:

**Resolved unanimously** to agree the proposed Deed of Variation, in consultation with the Council's Principal Planning Lawyer with any minor changes to the wording delegated to Officers, including negotiating the terms for the monitoring and administration mitigation for this Deed of Variation.

**23/120/PlanAppeals 1 Jan 23 to 27 Nov 23**

The Committee noted the appeals list from 1 January 2023 to 27 November 2023.

The meeting ended at 5.00 pm

**CHAIR**

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# Agenda Item 5



<b>Planning Committee Date</b>	10 January 2024
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/02952/S73
<b>Site</b>	Land South of Wilberforce Road, Cambridge
<b>Ward / Parish</b>	Newnham
<b>Proposal</b>	S73 to vary condition 2 (drawings), 18 (tree removal compliance), 19 (Arboricultural Method Statement), Tree Protection Plan, 20 (pre-commencement site meeting) 26 (hard and soft landscaping), condition 40 (bin stores), of ref: 21/02052/FUL (Demolition of existing buildings/structures and the erection of college accommodation, new access and landscaping) to include alterations to Blocks E-F, changes to trees and compliance requirements, changes to landscaping scheme and refuse storage.
<b>Applicant</b>	St Johns College
<b>Presenting Officer</b>	Charlotte Spencer
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Visual Impact 2. Amenity Impact
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks an amendment to planning permission 21/02052/FUL (granted 01.03.2022). The application was decided by the Planning Committee and provided planning permission for the “demolition of existing buildings/structures and the erection of college accommodation, new access and landscaping”.
- 1.2 The amendment is being sought under Section 73 of the Town and Country Planning Act to vary conditions nos. 2 (Drawings), 18 (Tree Removal), 19 (Arboricultural Method Statement), 20 (Trees Site Meeting), 26 (Landscaping) and 40 (Bin Stores).
- 1.3 The amendment seeks alterations to Blocks E and F, alterations to tree details, alterations to the landscaping scheme, and approval of details for the bin store.
- 1.4 Officers consider that the proposed amendments would have an acceptable level of visual impact on the character and appearance of the area and nearby heritage assets, and it would not result in any further impact on neighbour amenity than already approved.
- 1.5 Officers are satisfied that the revised tree and landscape proposals are acceptable, with suitable replacement planting integrated within the scheme where trees are to be removed. The approach is supported by the Council’s Landscape Officer and Tree Officer.
- 1.6 Officers recommend that the Planning Committee approve the application.

## 2.0 Site Description and Context

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

- 2.1 The application site is located to the south of Wilberforce Road and Adams Road. The site abuts the car park which serves the University Sports Ground, which consists of the athletics track, sports pavilion, and all weather pitches. The north east of the application site adjoins the rear

gardens of Nos.9 and 10 Adams Road. To the south and south east of the site is Herschel Road and Clare Hall West Court Buildings.

2.2 The site is predominantly undeveloped scrubland, with one bungalow sited in the south-eastern section. In terms of site constraints, the southern and eastern part of the site fall within the West Cambridge Conservation Area whilst the north western portion falls just outside. The site abuts the Cambridge Green Belt, which is to the west of the site. The site lies within Flood Zone 1 (low risk), however, the land to the south east of the site are within Flood Zones 2 and 3 due to the proximity to Bin Brook.

2.3 There are several trees within the site, those within the Conservation Area have statutory protection and those outside are subject to a tree preservation order (TPO). The west part of the site is allocated for student accommodation (120 units) in the adopted Local Plan.

### **3.0 The Proposal**

3.1 The application seeks an amended to planning permission 21/02052/FUL for the demolition of existing buildings/structures and the erection of college accommodation, new access and landscaping (granted 01.03.2022).

3.2 The amendments include:

- Alterations to Blocks E and F including the widening of gable chimneys and increase in the roof ridge, eaves and chimney heights (condition 2).
- Updates to the approved tree documents to include impacts upon retained trees that were not previously addressed, including the removal of additional trees (conditions 18, 19 and 20).
- Updates to the approved landscape strategy to mitigate the impacts on the retained trees (condition 26).
- Submission of the northern standalone bin store details (condition 40).

3.3 During the determination process, planting plans have been amended to correctly show the changes and the Tree Addendum Report has been amended. Further consultations have been carried out as appropriate and no objections raised.

3.4 The original application (21/02052/FUL) was brought to Planning Committee on 02.02.2022.

## 4.0 Relevant Site History

Reference	Description	Outcome
21/02052/FUL	Demolition of existing buildings/structures and the erection of college accommodation, new access and landscaping	PERM 01.03.2022

4.1 Some of the details required be conditions which are relevant to this application have previously been discharged:

Condition 19 – Arboricultural Method Statement: 21/02052/CONDD

Condition 20 – Trees Site Meeting: 21/02052/CONDB

Condition 26 – Landscaping: 21/02052/CONDH

4.2 Condition 18 (tree removal) is a compliance condition and so there is no requirement to approve any details.

4.3 No application to discharge condition 40 (bin stores) has been submitted.

4.4 Work has begun on the site.

## 5.0 Policy

### 5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

Circular 11/95 (Conditions, Annex A)

### 5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 5: Sustainable transport and infrastructure

Policy 19: West Cambridge Area of Major Change

Policy 27: Site specific development opportunities

Policy 28: Sustainable design and construction, and water use

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 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 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 61: Conservation and enhancement of historic environment  
Policy 70: Protection of priority species and habitats  
Policy 71: Trees  
Policy 80: Supporting sustainable access to development  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

### **5.3 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  
Public Art SPD – Adopted January 2009  
Trees and Development Sites SPD – Adopted January 2009

### **5.5 Other Guidance**

West Cambridge Conservation Area Appraisal (2011)

### **6.0 Consultations**

#### **6.1 Conservation Officer – No objection**

#### **6.2 County Highways Development Management – No objection**

6.3 The alterations do not change the Highway Authority's original comments. Conditions sought and required under 21/02052/FUL should be re-imposed.

#### **6.4 County Archaeology – No comments**

#### **6.5 Designing Out Crime Officer - Comment**

6.6 No objection to vary condition 40 (Bin Stores)

6.7 In terms of condition 2, the parking shelters themselves will not be secure. Access roads, footpaths, parking and cycle stores should be lit by columns designed to BS5489-1:2020.

#### **6.8 Ecology Officer – No objection**

#### **6.9 Environmental Health – No comment**

## **6.10 Landscape Officer – No objection**

*Amended Comments 23.11.2023*

6.11 No objections following revised tree report and landscape plan.

*Original Comments 30.08.2023*

6.12 The proposed increases in planting are acceptable but the planting plans need to be updated. There is an error on the tree constraints plan. The proposed bin store is acceptable.

## **6.13 Lead Local Flood Authority – No comments**

## **6.14 Senior Sustainability Officer – No objection**

6.15 The amendments to build up the roof of blocks E and F to achieve the necessary thermal performance is supported from a sustainable perspective as this will ensure achievement of the Passivhaus standard.

## **6.16 Sustainable Drainage Officer – No comments**

## **6.17 Tree Officer – No objection**

*Amended Comments 18.12.2023*

6.18 No objection

*Original Comments 26.10.2023*

6.19 No formal objection to the additional tree removals as they are proposed for sound practical/arboricultural reasons. This is subject to the replacement planting. However, the tree protection plan and planting plans should be updated to reflect the changes.

## **7.0 Third Party Representations**

7.1 Three representations have been received.

7.2 Those in objection have raised the following issues:

- Loss of trees;
- Impact on the screening of the site and replacement are too small;
- Removal of trees is contrary to the original planning permission.

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

## **8.0 Assessment**

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



- 8.2 The applicant has sought to amend the conditions attached to the original planning permission by seeking to make a minor material amendment.
- 8.3 Planning Practice Guidance advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development that is not substantially different from the one which has been approved. [Paragraph: 017 Reference ID: 17a-017-20140306] Case law has established the test which governs section 73 cases is to be found in R v Coventry City Council, ex p. Arrowcroft Group plc [2001] PLCR 7, in which Sullivan J held that, under that section, a local planning authority: "is able to impose different conditions upon a new planning permission, but only if they are conditions which the council could lawfully have imposed on the original planning permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application." (para. 33).
- 8.4 Where an application under Section 73 is granted, the effect is the issue of new planning permission, sitting alongside the original permission, which remains intact and unamended [Paragraph: 015 Reference ID: 17a-015-20140306].
- 8.5 The modifications proposed in this instance include:
- Alterations to Blocks E and F including the widening of gable chimneys and increase in the roof ridge, eaves and chimney heights (condition 2).
  - Updates to the approved tree documents to include impacts upon retained trees that were not previously addressed, including the removal of additional trees (conditions 18, 19 and 20).
  - Updates to the approved landscape strategy to mitigate the impacts on the retained trees (condition 26).
  - Submission of the northern standalone bin store details (condition 40).
- 8.6 In line with the advice of the PPG, it is considered that the scale and/or nature of the proposed minor material amendments would not result in a development that is substantially different from the one which has been approved.
- 8.7 The proposed amendments are therefore within the remit of section 73 of the Town and County Planning Act 1990.
- 8.8 Design, Layout, Scale and Landscaping and Impact on Heritage Assets**
- 8.9 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.

- 8.10 Policies 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 136 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.11 The application site falls partially within the West Cambridge Conservation Area. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Para. 205 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. Policy 61 of the Cambridge Local Plan aligns with the NPPF advice.

#### Alterations to Blocks E and F

- 8.12 The alterations to Blocks E and F involve the widening of one of the gable end chimneys on each block by approximately 0.3 metres and the raising of the roof, which would result in the increase of the eaves by approximately 0.1m, increase of the ridge by approximately 0.175 metres and increase of the maximum chimney height by approximately 0.13 metres.
- 8.13 It is considered that these amendments are small in additional bulk and would have a very limited impact on the character and appearance of the area, particularly compared to the existing consent.

#### Bin Store Details

- 8.14 Most of the bin stores were already approved under the original application as they were integrated within Blocks B-G. These stores had already been considered acceptable in terms of design and appearance.
- 8.15 Further details have been submitted for the freestanding store to the north of the site. This enclosure would be timber clad and would include a garden store, which would be higher than then enclosure with a height of approximately 2.55 metres.
- 8.16 This store is considered to have an acceptable impact on the visual amenity on the site and the Landscape Officer has raised no concerns with the design.

## Trees

- 8.17 The variation to the approved consent involves the loss of additional trees within the site. The additional trees to be lost are T12, T13, G1 (portion of), T25, T26, G4 (1x tree).
- 8.18 The landscape plans have been updated to mitigate the impact of the loss of the trees. The changes include the planting of 10 new semi-mature trees and seeks to mitigate the impact of the loss of 5 trees and 3 hedgerows within G1.
- 8.19 One Lime tree and one Hawthorn tree will be planted to mitigate the loss of T12 and T13. Three semi-mature Wild Cherry trees and one semi-mature Common Hazel tree would be planted to mitigate the loss of T25 and T26, along with additional planting. Two Apple trees would replace the loss of one apple tree within G4.
- 8.20 The Council's Landscape Officer has reviewed the information and has not raised any objections to the proposal.
- 8.21 The Council's Tree Officer has reviewed the information and has no objection to the loss of the trees, subject to suitable replacement as outlined in the submitted tree mitigation strategy. Compliance with this document can be secured by way of the amended wording of the landscaping condition.
- 8.22 Comments made by third parties regarding the loss of the trees and the impact on the visual amenity are noted.
- 8.23 The proposal results in five additional trees being removed plus a portion of G1; all the live trees would be replaced. The dead trees would be replaced with planting palettes. Neither the Council's Tree Officer nor the landscape officer have objected to this, and officers are satisfied with the replacements proposed.
- 8.24 Furthermore, most of the additional trees affected would be along the boundary with the University Sports Ground and so it is considered would have limited impact on the public realm. Whilst it is noted that the replacement trees may not be as large as those being removed, the number of trees to be affected is considered to have a limited additional impact to what has already been approved. Officers therefore do not consider it would be reasonable to refuse the application on this basis.

## Other Considerations

- 8.25 In heritage terms, officers are satisfied with the proposed variations, noting that the Council's Conservation Officer has not raised any material conservation issues.

## Conclusion

- 8.26 Subsequently, it is considered that the proposed changes would have an acceptable impact on the visual amenity of the surrounding areas, have an acceptable impact on the heritage assets and would incorporate appropriate landscaping.
- 8.27 The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58, 59, 61 and 71 and the NPPF.

### **8.28 Amenity**

- 8.29 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.
- 8.30 It is considered that due to the limited scale of the amendments to Blocks E and F and the size and scale of bin store in conjunction with the separation distances from residential neighbours, these elements would not result in a detrimental impact on neighbour amenity in terms of loss of light, loss of outlook, sense of dominance, loss of privacy or noise and disturbance.

### **8.31 Third Party Representations**

- 8.32 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>
Contrary to original planning permission	Planning Practice Guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals.  This can be done by way of an application to vary to conditions (Section 73) of which the applicant has submitted.

### **8.33 Other Matters**

- 8.34 The comments by the Designing Out Crime Officer regarding condition 2 are noted, however, the elements highlighted are not being sought for amendment.
- 8.35 In accordance with the PPG, to assist with clarity, a decision notice for the grant of planning permission under Section 73 will repeat the relevant conditions from the original planning permission. Some conditions have already been discharged, therefore for clarity, a linking condition will be

added to ensure that the development is built in accordance with the previously approved details.

- 8.36 Works have begun on site, therefore, condition 1 (time limit) is no longer relevant and will not be included in the decision notice should the application be approved.
- 8.37 Condition 18 was a compliance condition, and this would be amended to refer to the current details submitted as part of this application. This is now condition 17.
- 8.38 In terms of condition 19, the Arboricultural Method Statement was previously approved under 21/02052/CONDD. This application allows for the alterations to the approved details to include the removal and replacement of the additional trees as set out above. The condition will be varied to a compliance condition to secure the details submitted and would form condition 18 of any new consent.
- 8.39 In regard to Condition 20, the meeting as requested by the condition took place in February 2022 and was discharged under 21/02052/CONDB. Since then a second meeting has taken place between the applicants and the Council's Tree Officer on 30 March 2023 following the realisation of the need to remove more trees. This condition will be altered to be a compliance condition with these meetings and would form condition 19 of any new consent.
- 8.40 Condition 26 was previously discharged under 21/02052/CONDH. Some of the documents approved under this application have now been altered. This condition will be altered to a compliance condition listing the new documents and those previously approved and unchanged under the discharge of condition application and would form condition 25 of any new consent.
- 8.41 In terms of condition 40, the design hereby recommended for approval would be listed as an approved plan. As such, it is considered that condition 40 can now fall away as the details are confirmed within the approved plans list.

#### **8.42 Planning Balance**

- 8.43 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).
- 8.44 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of 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.

#### **8.45 Recommendation**

#### **8.46 Approve subject to:**

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

#### **Planning Conditions**

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

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

2. No construction work or demolition work shall be carried out or plant 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 with prior written approval of the Local Planning Authority.

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

3. There shall be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless with the prior written approval of the local planning authority.

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

4. In the event of piling, no development shall commence except for site investigations, site clearance (including removing vegetation/trees) and demolition, 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)

5. No development except for site investigations and site clearance (including removing vegetation/trees), 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).

6. The plant / equipment operational noise levels and noise mitigation scheme hereby approved shall be installed / implemented fully in accordance with the operational noise levels and noise mitigation scheme measures as specified in the submitted 'Noise Survey Report' (Ref:16200010376 Version b) produced by Ramboll and dated July 2021 and shall be fully maintained and retained thereafter.

Reason: To protect the amenity of properties from noise in accordance with Policy 35 (Protection of human health and quality of life from noise and vibration) of Cambridge Local Plan 2018

7. 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).

8. 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).

9. The development (or each phase of the development where phased) shall not be occupied until a Verification/Validation Report demonstrating full compliance with the Remediation Strategy detailed in 'Site Investigation Report' (Ref:C15091) produced by Ground Engineering and dated October 2020 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).

10. 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 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 (Cambridge Local Plan 2018 policy 34)



11. Prior to the occupation of the development the proposed electric vehicle charge points as detailed in the Transport Assessment Rev D (July 2021) shall be provided in accordance with these details and retained thereafter. The EV charge points must include the following:

1. Eight slow electric vehicle charge points with a minimum power rating output of 7kW
  2. Additional passive electric vehicle charge provision of the necessary infrastructure including capacity in the connection to the local electricity distribution network and electricity distribution board, as well as the provision of cabling to parking spaces for seven car parking spaces to facilitate and enable the future installation and activation of additional active electric vehicle charge points as required
  3. The electric vehicle charge points shall be designed and installed in accordance with BS EN 61851 or as superseded.
- The electric vehicle charge point scheme 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 with Cambridge City Council's adopted Air Quality Action Plan (2018).

12. Prior to the first occupation of the development the highway improvement works as shown on drawing number 332210130/01 shall be fully implemented and open for use. The scheme shall subsequently be implemented and shall be retained in accordance with those details unless the improvement works at the junction associated with the development at West Cambridge are implemented and completed beforehand.

(Reason: to ensure that the highway network is adequate to cater for the development proposed in accordance with Policies 80 and 81 of the Cambridge City Local Plan 2018)

13. No occupation of any building shall take place until a Travel Plan in accordance with Travel Plan revision C by Stantec dated April 2021 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. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the Local Planning Authority.

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

14. No development shall take place above ground level, except for site investigations, site clearance (including removing vegetation/trees) and 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 photographs of the materials detailing the specification and manufacturer. 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 and 61).

15. No brickwork above ground level shall be laid until a sample panel of at least 1m x 1m has been prepared on site detailing the choice of brick, bond, coursing, special brick patterning, mortar mix, design and pointing technique. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved sample panel is to be retained on site for the duration of the works for comparative purposes, and works will take place only in accordance with approved details.

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

16. 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 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. The facilities shall be provided in accordance with the approved details and shall be retained as such.

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

17. The tree removals required as part of the facilitation works shall be carried out in accordance with the details shown on the submitted Tree Removal Plan, reference 19558/TCP/01 Rev D located within Appendix A of the Tree Addendum Report by Hayden's Arboricultural Consultants dated 18 December 2023 and BS 3998.

Reason: To ensure compliance with approved facilitation works and tree removal plan (Policy 71).

18. The development hereby approved, shall be constructed in strict accordance with Trees and Construction BS5837 Arboricultural Method Statement by Indigo Surveys dated April 2022 as amended by Tree Addendum Report by Hayden's Arboricultural Consultants dated 18

December 2023, unless otherwise agreed in writing by the Local Planning Authority.

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

19. The development hereby approved, shall be constructed in compliance with the meetings held with the Council's Arboriculturist on 03 February 2022 and 30 March 2023 unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

22. No demolition works shall commence on site until a demolition traffic management plan has been submitted to and agreed in writing by the

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

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

23. No construction works shall commence on site until a construction traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

24. The development shall not be occupied until a Public Art Delivery Plan (PADP) has been submitted to and approved in writing by the Local Planning Authority. The PADP shall include the following:

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

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

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

25. The hard and soft landscaping scheme for the development, hereby approved, shall be built in accordance with the following documents unless otherwise agreed in writing with the Local Planning Authority:

Tree Mitigation Strategy by Allies and Morrison (19 April 2023).  
Drawing 20014\_90\_301 Rev T5 (Planting North) (06 November 2023)  
Drawing 20014\_90\_302 Rev T7 (Planting West) (06 November 2023)  
Drawing 20014\_90\_303 Rev T7 (Planting East) (06 November 2023)  
Drawing 20014\_90\_304 Rev T7 (Planting South) (06 November 2023)  
Drawing 20014\_90\_300 Rev T4 (Planting Schedule) (31 July 2023)  
Drawing 20014\_90\_305 Rev T2 (Planting Schedule) (31 July 2023)  
Drawing 20014\_90\_100 Rev C2 (Landscape Site Plan) (31 July 2023)  
Drawing 20014\_90\_201 Rev C2 (Hardwork North) (31 July 2023)  
Drawing 20014\_90\_202 Rev C2 (Hardwork West) (31 July 2023)

Drawing 20014\_90\_203 Rev C2 (Hardwork East) (31 July 2023)  
 Drawing 20014\_90\_204 Rev C2 (Hardwork South) (31 July 2023)  
 In conjunction with the following documents which were approved under 21/02052/CONDH:  
 Drawing 20014\_90\_500 Rev T1 (Detail Landscape Sections A-D) (25 August 2021);  
 Drawing 20014\_90\_501 Rev T1 (Detail Landscape Sections E-H) (25 August 2021);  
 Drawing 20014\_90\_502 Rev T1 (Detail Landscape Sections I-L) (25 August 2021);  
 Drawing 20014\_90\_503 Rev T1 (Detail Landscape Sections M-P) (25 August 2021);  
 Drawing 20014\_92\_010 Rev T1 (Fences) (25 August 2021);  
 Drawing 20014\_94\_001 Rev T1 (Paving Types and Edges) (25 August 2021);  
 Drawing 20014\_94\_020 Rev T1 (Terrace and Steps) (25 August 2021);  
 Drawing 20014\_94\_021 Rev T1 (Terrace and Steps) (25 August 2021);  
 Drawing 20014\_94\_100 Rev T1 (Tree Pits Detail) (25 August 2021);  
 Drawing 20014\_94\_110 Rev T1 (Garden Swale) (25 August 2021);  
 Drawing 20014\_94\_111 Rev T1 (Rain Water Gardens) (25 August 2021);  
 Drawing 20014\_97\_000 Rev T1 (Details - Furnitures) (25 August 2021);  
 Drawing 20014\_99\_000 Rev T1 (Landscape Specification) (25 August 2021);  
 Drawing 20014\_99\_100 Rev T1 (Landscape Management Plan) (9 June 2022).  
 Drawing 20014\_94\_002 Rev T1 (Paving Types and Edges) (12 October 2022)

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

26. No development shall take place except for site investigations, site clearance (including removing vegetation/trees) and demolition, until the details of all groundworks and soil movement relating to the development are submitted and approved by the local authority. Details should include a Soils Management Plan detailing protection of ground to be reinstated to open space, sustainable drainage or general landscape, methodology of soil stripping, storage, handling, haul routes, formation level decompaction measures, soil re-spreading and decompaction as well as soil disposal (if necessary). All groundworks should be carried out in accordance with the approved details and in accordance with the recognised 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' produced by DEFRA and Protecting and Enhancing Soils Policy Position Statement produced by Chartered Institute of Water and Environmental Management (CIWEM).

Reason: To ensure that the details of the groundworks are acceptable. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

27. No archaeological investigations shall take place until a method statement has been submitted and approved by the local authority. Details should include assurance that the topsoils and subsoils shall be stored separately and formation levels will be protected against compaction where future landscape will be located.

Reason: To ensure that the details of the groundworks are acceptable. (Cambridge Local Plan 2018; Policies 55, 57 and 59)

28. No development shall commence above ground level except for site investigations, site clearance (including removing vegetation/trees) and demolition, until a scheme for the design, interpretation and long-term management of the straight route of the NE-SW 'Roman Road Path' within the site shown on Site Plan - Ground Floor, drawing 20014\_07\_000 rev A has been submitted for approval by the Local Planning Authority. The scheme should include:

- (i) the materials for the surface treatment for the hard section of the path through the living space and soft section of the path through the woodland;
- (ii) the design and materials for suitable waymarking along the path
- (iii) an outline for the scheme of heritage interpretation for displaying in the Porter's Lodge and on the local accommodation or College website,
- (iv) integration of the long-term management of the straight route of the 'Roman Road Path' within the Landscape Management Plan for the development.

Reason: To interpret and conserve the straight line of the Roman Road (Akeman Street, Margary Road 23a) legibly within the landscape of the new development for long term public benefit.

29. No development shall commence except for site investigations, site clearance (including removing vegetation/trees) and demolition, until the applicant, or their agents or successors in title, has implemented a programme of archaeological work that has been secured in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no 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, methodology and timetable of fieldwork and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) Implementation of fieldwork;
- d) A post-excavation assessment report (to be submitted within six months of the completion of fieldwork);
- e) A post-excavation analysis report, preparation of the physical and digital archaeological archives ready for deposition at accredited stores approved by the Local Planning Authority, completion of an archive report, and

submission of a publication report (to be completed within two years of the completion of fieldwork).

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 and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

30. Site clearance (including removing vegetation/trees) shall proceed in accordance with the Construction Ecological Management Plan (ref 19-2169.03) produced by Delta Simons and dated 26 November 2021 which includes the works being overseen by an appropriately competent ecological clerk of works or ecologist. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

31. Prior to occupation an ecological sensitive lighting strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive to light disturbance for bats and invertebrates
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory
- c) Demonstrate through building design, material and lighting specification that internal lighting spill from the new development will not adversely impact the areas / features identified as sensitive.

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

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

32. No development shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that before any development commences an appropriate landscape and ecological management plan has been agreed. (Cambridge Local Plan 2018 policy 57).

33. The four units (16 rooms) as shown on page 143 of the design and access statement which are identified as meeting the requirements of M4 (3) accessible units of the building regulations shall be installed in accordance with these details and retained as such thereafter.

Reason: To ensure provision for disabled students in accordance with policy 46 of the Cambridge Local Plan 2018.

34. The accommodation buildings hereby permitted shall be designed in accordance with the Passivhaus standard. Prior to occupation, or as soon as practicable after occupation, evidence of Passivhaus certification shall be submitted to and approved in writing by the local planning authority.

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

35. No development except for site investigations, site clearance (including removing vegetation/trees) and demolition, shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by the local



planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall be based upon the principles within the agreed Grange Lane College Accommodation, Situated South of Wilberforce Road, Cambridge- Flood Risk and Drainage Strategy report prepared by Smith and Wallwork engineers rev P02, dated 11/03/2021 and Drainage Addendum- Doc reference 000278-SAW-ZZ-ZZ-CO-C-001 dated 05/07/2021 prepared by Smith and Wallwork and shall also include:

- a) Full results of the proposed drainage system modelling for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- c) Full details of the proposed attenuation and flow control measures;
- d) Site Investigation and infiltration test results in accordance with BRE365;
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water

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

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

36. No building hereby permitted shall be occupied until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

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

37. No development, except for site investigations, site clearance (including removing vegetation/trees) and demolition but 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.

38. The development hereby permitted shall not be used or occupied until a water efficiency specification, based on the BREEAM Wat01 Water Calculator Methodology, has been submitted to approved in writing by the local planning authority. The specification shall demonstrate the achievement of at least 3 credits for water efficiency (Wat01) and that the development will be carried out in accordance with the agreed details.

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

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

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

40. Conditions 3-17, 21-25, 27-39 and 41 of the varied planning permission reference 21/02052/FUL as set out above shall continue to apply to this permission. Where the replicated conditions pertaining to the varied permission reference 21/02052/FUL have been discharged, the development of this permission shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also unless alternative details are otherwise agreed through a separate discharge of the conditions as set out above.

Reason: To define the terms of the application.

## **Informatives**

1. To satisfy and discharge Environmental Health conditions relating to construction / demolition and operational artificial lighting, contaminated

land, noise / sound, air quality (including Electric Vehicle Charging) and odours / fumes / smoke, any impact assessment and mitigation as required, shall be in accordance with the scope, methodologies and requirements of relevant sections of the 'Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, (Adopted January 2020)' <https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-and-construction-spd> and in particular section 3.6 - Pollution (pages 76-144) and the following associated appendices:

- 3: Gas Fired Combined Heat and Power (CHP)- Advice note for developers in Cambridge and South Cambridgeshire on reducing the impact on Air Quality (pages 194-198)
- 6: Requirements for Specific Lighting Schemes (pages 205 -207)
- 7: The Development of Potentially Contaminated Sites in Cambridge and South Cambridgeshire: A Developers Guide (pages 208-229)
- 8: Further technical guidance related to noise pollution (pages 230-256)

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

2. This permission is subject to a S106 Agreement dated 23rd February 2022.

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# Agenda Item 6



<b>Planning Committee Date</b>	10 <sup>th</sup> January 2024
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/03068/FUL
<b>Site</b>	163 - 167 Mill Road, Cambridge
<b>Ward / Parish</b>	Romsey
<b>Proposal</b>	Refurbishment of the building including internal slab openings with steel framing, roof replacement and raising the flat roof finish height, parapet works, new plant, substation, external alterations and temporary removal of shopfront to facilitate MRI installation (first phase).
<b>Applicant</b>	Moor Park Capital Next Gen Limited
<b>Presenting Officer</b>	Tom Chenery
<b>Reason Reported to Committee</b>	Called-in by Cllr Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Noise
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for the refurbishment of the building including internal slab openings with steel framing, roof replacement, new plant, substation, external alterations and temporary removal of shopfront to facilitate MRI installation (first phase).
- 1.2 The use of the building is to be retained as Use Class E, which allows for medical and research use. The existing building is a two storey flat roof 1970's infill building within the Conservation Area.
- 1.3 Minor alterations are proposed to the external fabric of the building for upkeep and to improve the thermal efficiency of the building. To facilitate the MRI installation, substation and plant are required to be installed both within the car park and to the rooftop. Supporting Noise Impact Assessment Reports have been submitted to ensure that the proposed amenity impact is considered acceptable.
- 1.4 The plant design on the roof top has been amended to reduce the impact from the surrounding views by setting the plant off the elevations of the building. As a result of this the proposal is considered to preserve the character and appearance of the Conservation Area and the character and appearance of the wider area.
- 1.5 The proposed development would be sited in a highly sustainable and accessible location and the level of car parking, which is compliant with the maximum car parking standards of the Local Plan, is considered to ensure that no harm would arise in terms of highways impact and localised parking pressure.
- 1.6 Officers recommend that the Planning Committee APPROVE subject to conditions.

## 2.0 Site Description and Context

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

\*X indicates relevance

- 2.1 The site is approx. 0.07 hectares fronting Mill Road, with a vehicular access accessed off Sedgwick Street. The building is a 1970s flat roofed infill building between Victorian two-storey buildings. The unit, currently vacant, is formed of a commercial unit on the ground floor and offices on the first floor. To the rear of the building is a car park.
- 2.2 To the north of the site, bordering the car park, are residential properties of nos.2a, b, and c Sedgwick Street (Use Class C3); to the east No. 169 is comprised of an estate agent (Use Class E) on the ground floor and a residential property at the first floor; and to the west is a Laundrette (Use Class Sui Generis) and a residential flat at first floor.

### **3.0 The Proposal**

- 3.1 Planning permission is sought for the refurbishment of the building including internal slab openings with steel framing, roof replacement and raising the flat roof finish height, parapet works, new plant, external alterations and temporary removal of shopfront to facilitate MRI installation (first phase).
- 3.2 The application proposes:
- Provision of roof top plant;
  - Rearrangement to car parking;
  - Generator;
  - Re-roofing the property – raising height;
  - Replacement of windows to property;
  - Replacement entrance to the building;
  - Internal alterations and structural works to facilitate MRI scanner; and
  - Alterations to the façade.
- 3.3 The application has been amended to address representations and further consultations have been carried out as appropriate. The application amendments include:
- Cycle store with Green Roof and cycle parking to the frontage;
  - Removal of Generator;
  - Alterations of roof – no alterations to the façade;
  - Plant altered for improved acoustic properties;
  - EV Charging points; and
  - Alterations to parking.
- 3.4 The application is accompanied by the following supporting reports which have been amended as indicated:
- Design and Access Statement – dated 31/10/2023
  - Noise Impact Assessment – Ref 230248 163-167 Mill Road Rev C
  - Sustainability Statement – Ref 230248 163-167 Mill Road Rev C

#### 4.0 Relevant Site History

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
21/03622/PRI03O	Prior approval for change of use from offices (Class B1 (a)) to 4 No. dwellinghouses (Class C3)	Prior Approval Given
20/02057/PRI03O	Prior Approval notification of proposed change of use from B1(a) (offices) to Class C3 (dwellinghouses) to 4 flats.	Prior Approval Refused – Dismissed at Appeal
19/1628/B1C3	Prior Approval notification of proposed change of use of first floor office - B1(a)(Office) to Class C3 (dwellinghouses) to create 4 No. flats.	Prior Approval Refused
14/0963/ADV	Rebranding of Tesco Express retail unit: 2 No. fascia, 1 projecting sign and 10 other signs	Permitted
08/0794/FUL	Installation of plant installation equipment and development ancillary thereto.	Refused – Appeal Withdrawn
08/0099/FUL	Erection of single storey rear extension and installation of plant.	Refused – Appeal Dismissed
08/0098/FUL	Installation of new shopfront including ATM unit.	Permitted
07/0811/FUL	Erection of single storey rear extension and installation of plant.	Non-Determination Appeal – Appeal Dismissed
07/0810/FUL	Installation of new shopfront including ATM Unit.	Non-Determination Appeal – Appeal Withdrawn



## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2023  
National Planning Practice Guidance  
National Design Guide 2021  
Environment Act 2021  
Equalities Act 2010  
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design  
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 6: Hierarchy of centres and retail capacity  
Policy 24: Mill Road Opportunity Area  
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 34: Light Pollution Control  
Policy 35: Human health and quality of life  
Policy 36: Air quality, odour and dust  
Policy 40: Development and expansion of business space  
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 61: Conservation and enhancement of historic environment  
Policy 64: Shopfronts, signage and shop security measures  
Policy 69: Protection of sites of biodiversity and geodiversity importance  
Policy 71: Protection of priority species and habitats  
Policy 72: Development and change of use in district, local and neighbourhood centres  
Policy 75: Healthcare facilities  
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**

Mill Road Conservation Area Appraisal (2011)

## **6.0 Consultations**

### **6.1 Conservation Officer – No Objection**

6.2 Original Comment – Objection

6.3 The proposal fails to preserve the character and appearance of Mill Road and it will lead to a moderate less than substantial harm to the significance of the heritage asset.

6.4 The proposal raises the roof and introduces a plant enclosure which is set back from the front parapet. This will impact on views from Mill Road and the proportions of the elevation.

6.5 The raised ridge height and plant enclosure will make the rear and side elevations visually dominant.

6.6 Amendment – No Objection subject to agreement of materials.

6.7 The roofline is now proposed to be retained and the plant enclosure is in two parts with a lower section set back from the edge and a smaller taller section. These alterations will reduce the impact of the roof on wider views.

6.8 Subject to conditions regarding non masonry walling systems and details of materials and colour of the screening of the plant the amended proposal will preserve the character of the conservation area.

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

6.10 Original Comment – Objection

6.11 Object to utilising the forecourt area for parking during the construction phase. If removed the development would be acceptable subject to conditions.

6.12 Amendment – No Objection as temporary parking removed.

6.13 The development proposed is acceptable subject to the imposition of conditions regarding a Traffic Management Plan (TMP), Construction hours for vehicles over 7.5t. An informative regarding works to the Public Highway is also recommended.

### **6.14 Environmental Health – No Objection**

6.15 Original Comments – Additional information required.

6.16 Clarity required on the contoured output and provision of further detail and assessment of noise in accordance with standard requirements for the external plant and substation.

6.17 Amendment – No objection

6.18 The development is acceptable subject to conditions regarding construction hours, plant noise compliance, artificial lighting and operational servicing.

**6.19 Senior Sustainability Officer – No Objection**

6.20 The proposals do not trigger the requirements related to construction standards set out in policy 28 of the Cambridge Local Plan as the scheme relates to the refurbishment of an existing building. Nevertheless, a number of sustainability measures have been incorporated into the proposals which are welcomed.

**6.21 Sustainable Drainage Officer – No Objection**

6.22 The development proposed is acceptable subject to the imposition of conditions regards disposal of surface and foul water drainage.

**7.0 Third Party Representations**

7.1 42 representations have been received.

7.2 Those in objection, including CamCycle, have raised the following issues:

- Principle of development
- Proposed use of R&D facility and MRI clinic incongruous in shopping area
- Light industrial not a suitable use in a residential area
- Work doesn't relate to the community
- Permission of flats more appropriate at first floor
- Character, appearance and scale impacts
- Adverse impact on character of the area (independent shops)
- Density and overdevelopment of the site
- Heritage impacts – Impact of raised roof
- Building will diminish appearance and character of Mill Road
- Residential amenity impact - noise and disturbance
- Will noise impact report change with Mill Road Bridge Closure?
- Baseline measurement taken too high
- Generator not included within Noise Impact Assessment
- Substation should not be on residential boundary
- Potential for Nuclear MRI in the future
- Are MRI scanners safe in residential areas
- How will emergency access/disability access be handled
- Property is documented within the Noise Impact Assessment form but not consulted on
- No proposal to improve landscape environment/Biodiversity
- Should be a green roof if fully replacing
- Safety concerns with MRI Scanner

- Impact on utilities (water/electricity)
- Construction impacts
- Should not include Saturday work in a residential neighbourhood
- Applicant should be aware of previous planning conditions restricting deliveries
- Impact on telecommunications being affected
- Traffic generation
- Car parking and parking stress
- Loss of parking facility issue with people driving to the centre
- Cycle parking provision – none provided on site
- Issue with Bush Car Parking Spaces on Mill Road
- Building work already being carried out on site
- Waste disposal
- Future Ownership unclear

7.3 An additional 41 have written in following the amendment. All comments as the initial comments with the addition of the following points:

- Noise Impacts
- impacts the vitality and viability of Mill Road (Policy 24)
- Room functions and uses not indicated
- Should be a community use

## **8.0 Member Representations**

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

- Structural changes to building
- Residential Amenity Impact – Noise and disturbance due to plant

## **9.0 Petition**

9.1 A petition has been submitted with 172 signatures objecting to the application on the following grounds:

- Use of the building as an MRI Clinic

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 Policy 2 of the Cambridge Local Plan 2018 states that the overall development strategy is for employment to be focused in urban areas, areas of major change, Opportunity Areas and the City Centre to ensure

sufficient land is available for new jobs, The proposal would contribute to employment land and thus would be compliant with policy 2.

- 10.3 Policy 6 of the Cambridge Local Plan sets out the hierarchy of centres and retail capacity. The policy sets out that development should contribute to the vitality and viability of the centre, and should be appropriate to the scale, character and function of the centre. Given the proposed use, falling within Use Class E, it is considered that the use would be appropriate. In addition, the proposal would not amalgamate any additional units and therefore considered not to harm the vitality or viability of the centre. The proposal is therefore considered in accordance with Policy 6.
- 10.4 The application site falls within the Mill Road Opportunity Area (Policy 24). The proposal would not amalgamate any units. The proposal is reinstating the street frontage of the building which is supported. Whilst the proposal is not including any improvements to the streetscape and public realm within the application overall, the proposal is considered acceptable in relation to the aims and objective of Policy 24 of the Local Plan (2018).
- 10.5 The application site falls within the Mill Road District Centre. Policy 72 outlines the uses acceptable in Local, District and Neighbourhood Centres and permits the change of use to centre uses provided the vitality, viability and diversity of the centre is maintained or enhanced. Policy 72 continues to state inappropriate uses in designated centres at ground floor, which include former B1 (office), B1(light industrial). However, in September 2020 the government changed The Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020 which created Class E (Commercial, Business and Services) which comprised the former B1(a) (office), B1(b) (Research and Development), B1(c) (Light Industrial) and D1 (Doctors, Clinics and Health Centres).
- 10.6 The proposal is intending on utilising an existing unit and would not be joining together any additional units and therefore is not considered to alter the vitality of the area. A change of use would not be required to an MRI facility and officers are unable to assess the change of use of the building. Therefore, the proposal, by virtue of the Use Class, would not be considered an inappropriate use in a designated centre. Given the fall back position, Officers therefore consider that the proposal is considered to be an acceptable use within the Mill Road District Centre.
- 10.7 Policy 75 states new or enhanced healthcare facilities will be permitted if:  
a. the scale, range, quality and accessibility of healthcare facilities would be improved;  
b. they are located in the area they are expected to serve;  
and c. where possible and appropriate they are co-located with complementary services. With respect to policy 75, the proposed facility provides improvements to the range, and accessibility of health services and the need is considered to have been demonstrated.
- 10.8 The principle of the development is acceptable and in accordance with policies 2, 6, 24, 72 and 75.

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

- 10.10 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.
- 10.11 The proposal is for the conversion of a 1970's commercial property to an MRI centre which fronts Mill Road. The rear of the site is a car park which is accessed of Sedgwick Street. The site sits within the Mill Road Conservation Area which is characterised by an eclectic mix of commercial and residential properties interspersed with institutional buildings and churches. The majority of properties are two storeys brick buildings dating from the mid to late 19<sup>th</sup> Century with some later infills.
- 10.12 No. 163-167 is a 1970's infill two storey building with a flat roof. It sits adjacent to no.161 which features as a positive unlisted building within the conservation area appraisal. The building has a modern shopfront at ground floor which is currently a commercial unit (falling under Class E) with offices at first floor. It is noted that the first floor offices have a Prior Approval consent for the conversion to four flats under application 21/03622/PRI03O. However, this has not been implemented and therefore the use of the first floor still falls under Class E.
- 10.13 The application proposes to convert the building with minimal alterations to the existing facades with the replacement of the existing single glazed windows with replacement fenestrations of a similar design. To the rear of the building five windows and doors are proposed to be infilled with brickwork and new doors created at ground floor. In addition, at first floor a new door and louvre is proposed to allow for the repositioning of the fire escape. The proposed changes are required as a reflection of the internal changes to the building. Overall, the proposal will improve the energy efficiency of the building and would have a minimal impact on the streetscene.
- 10.14 The roof design has been altered to ensure that the proposal would not alter the parapet height of the building as Officers were concerned that this would impact the proportions of the building. As the proposal is for the replacement roof membrane and ply deck this would be considered as a repair and upkeep and would fall within permitted development.
- 10.15 Roof mounted plant is proposed to accommodate the MRI scanner. The plant has been set back from the parapet of the roof from the Mill Road Elevation by 2 metres and is comprised of a lower section with a taller section in the centre of the roof, set 5.3 metres off the front elevation. The plant is proposed to be screened by louvres. The height of the plant is set below the neighbouring properties ridge height at a height of 1 metre and 2 metres above the parapet respectively. A section has been provided showing the visibility of the plant from the far side of Mill Road. Given the height and set back there would be limited visibility of the plant from the

main road. The site is highly visible from the rear elevation with Sedgwick Street. The plant is set closer to the edge of the roof on the rear elevation, 0.7 metre with the central section 2.8 metres from the edge of the building. Whilst the plant will be visible in views from Sedgwick Street the retention of the existing roofline and the set back of the central section would reduce the impact of the roof on these views. By altering the design of the plant the visual impact of the development from the wider views has been reduced and the addition of the plant is not considered to be harmful to the character and appearance of the building and streetscene.

- 10.16 Fronting the highway the application proposes a timber cycle store and bin store with a green roof. The store measures 4.5 metres in width and is 2.25 metres in height. The proposed store will enclose the part of the existing entrance improving the street scene on Sedgwick Street.
- 10.17 Within the rear car park the application proposes the installation of a High Voltage Sub-station in the north east corner, measuring 4.25m x 3.6 metres and approximately 2.4 metres in height. Given the siting, the substation would have minimal visibility as it is proposed behind the existing cycle store which would prevent longer views. A new external plant is proposed in the rear car park, in the south east corner, measuring approximately 5 metres x 5.8 metres. The enclosure is proposed in tongue and groove timber acoustic fencing to the external plant measuring approximately 3 metres in height. The proposed enclosure is considered acceptable and would have minimal visibility from the streetscene.
- 10.18 Objections have been received regarding the proposed overdevelopment of the site in terms of the density of the development. A reduction to the on site car parking is proposed on the site to accommodate the plant and cycle stores however it is considered that the proposal would still allow for on site car parking and a satisfactory level of external space is retained. The existing building is not being extended to provide any additional floorspace. The plant to the roof, whilst increasing the mass of the building, is not considered in this instance to be overdevelopment the site.
- 10.19 With respect to inclusive design, the proposal would involve the building being used to treat people with disabilities as well as the less mobile and elderly. A disabled parking space is proposed to the rear and level access is proposed to the building. Whilst only an indicative layout has been provided, the design and access statement sets out that changing and accessible WC would be provided with sufficient corridor widths. Whilst the layout does not show details these would be required by Building Control Regulations.
- 10.20 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56,58 and 64 and the NPPF.

## **10.21 Heritage Assets**

- 10.22 The application falls with the Mill Road Conservation Area.
- 10.23 Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.24 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.
- 10.25 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.
- 10.26 The replacement roof is no longer being raised in height and the proportions of the existing façade will remain. The plant, to the roof of the building, has a lower section set back from the parapet with a smaller tall section in the centre of the roof. Whilst the plant will be visible from Sedgwick Street, it is considered that the views from Mill Road would be minimal. The proposal would be set lower than the ridge height of Nos. 163 and 169 Mill Road which have pitched roofs. The proposed materials for the screen have been altered to RAL9002 (Grey White) which would remove the Conservation Officers objection. Given the set back and the retention of the existing roof height it is considered that amendments have reduced the visual impact of the development of the character of the Conservation Area.
- 10.27 To the rear of the building, the amendment has ensured that the existing window pattern is to be mainly retained. In addition, the larger openings have been reduced. Following additional information regarding the colour of the brick work (Aroma) the Conservation Officer is satisfied that the visual impact of the proposal would not harm the character or appearance of the Conservation Area overall would preserve the character of the conservation area.
- 10.28 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 policy 61.



## **10.29 Carbon Reduction and Sustainable Design**

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

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

10.32 The application is supported by a Sustainability Report which sets out that the building is proposing the following:

- Improvements to the energy efficiency and carbon performance of the building, following the energy hierarchy. Air source heat pumps are proposed for heating;
- Inclusion of low flow fixtures and fittings to all new toilets;
- Provision of electric vehicle charge points to the car park; and
- Provision of a Green Roof on the cycle store.

10.33 The Council's Sustainability Officer has assessed the report submitted and the proposal does not trigger the requirements related to construction standards as set out in Policy 28 of the Cambridge Local Plan.

10.34 The application has been subject to formal consultation with the Council's Sustainability Officer who raises no objection as the proposal does not trigger the requirements related to construction standards as set out in Policy 28 of the Local Plan.

10.35 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.

## **10.36 Biodiversity**

10.37 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or

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

- 10.38 As the proposal is for the refurbishment of an existing building a biodiversity enhancement is not required to be achieved.
- 10.39 Taking the above into account, the proposal is compliant with Policies 69 and 70 of the Cambridge Local Plan (2018).

#### **10.40 Water Management and Flood Risk**

- 10.41 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paragraphs 165 - 174 of the NPPF are relevant.
- 10.42 The Council's Sustainable Drainage Engineer has advised that the proposal is acceptable subject to a surface and foul water condition. As part of the amendment the applicant provided an existing and proposed surface and foul water drainage plans. Given that the proposal is intending on utilising the existing foul and surface water drains, Officers consider that the applicants have suitably addressed the issues of water management, and subject to a compliance condition the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

#### **10.43 Highway Safety and Transport Impacts**

- 10.44 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 10.45 Paragraph 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.46 Local residents have expressed concerns regarding the impact of the intensification of vehicular movements and potential drop-off points. The car park is to be retained and the access would be as existing, off Sedgwick Street, which is a two way street up until the access of the car park. The car park is proposing a barrier, with intercom system, which would allow cars to wait off the public highway.
- 10.47 The application has been subject to formal consultation with the Local Highways Authority, who raise no objection.
- 10.48 Subject to conditions, the proposal accords with the objectives of Policies 80 and 81 of the Local Plan and is compliant with NPPF advice.

## **10.49 Cycle and Car Parking Provision**

### 10.50 Cycle Parking

10.51 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

10.52 The application proposes 10 covered, secure cycle spaces accessed from the car park and 10 cycle spaces (5 Sheffield stands) to the front of the unit on Mill Road. Clinics and Surgeries, outside of a controlled parking zone, are required to provide 2 spaces for every 5 members of staff, plus 2 short stay spaces per consulting room. Offices and General industry are required to provide 2 spaces for every 5 members of staff/1 space per 3 members of staff or 1 per 30 sq metres 1 space per 30sq m Gross Floor Area and visitor parking on merit. Given the size of the proposed use at the site the provision of staff and visitor cycle parking is considered in accordance with the policy. A condition would be added to any permission granted to ensure that the cycle parking is installed prior to occupation of the building.

### 10.53 Car parking

10.54 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 controlled parking zone a Clinic should provide up to 1 space for every professional member of staff plus up to 2 spaces per consulting room. For offices up to 1 space per 40sq metres of Gross Floor Area, including a disabled car parking space. The proposal provides 6 car parking spaces and 1 disabled space.

10.55 The proposed provision of car parking spaces is below the maximum standards, however, the application is not increasing the floorspace and the spaces are limited to the existing rear amenity space. Appendix L sets out that the appropriate number will vary with the size, nature and location of the development and the accessibility of the local area. The site is located in a highly accessible district centre with easy access to bus services and the train station. Given the siting, Officers consider that the proposed development would have no adverse parking or transport impacts an appropriate level of car parking has been provided in this instance.

10.56 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point per 1,000m<sup>2</sup> of floor space for fast charging points; 1 per 2 spaces for slow charging points and passive provision for the remaining spaces to provide

capability for increasing provision in the future. The proposed sustainability report sets out the provision of EV Charging points in accordance with the SPD.

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

**10.58 Amenity**

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

10.60 Neighbouring Properties

- 10.61 To the north of the site, bordering the car park, are residential properties of nos.2a, b, and c Sedgwick Street (Use Class C3) with a blank gable wall; to the east, No. 169 is comprised of an estate agent (Use Class E) on the ground floor and a residential property at the first floor; and to the west is a Laundrette (Use Class Sui Generis) and a residential flat at first floor.

- 10.62 The amendment to the application has removed the increase in the parapet roof height. The roof is to be maintained at the current level. The proposal includes the addition of plant on the roof. The plant would be sited between the roofs of the adjacent buildings. Due to the siting of the plant, it is not considered to give rise to any harm in regards to overlooking, loss of light or overbearing impacts.

- 10.63 The windows on the first floor of the building are remaining and it is not considered that the proposal would lead to any increase in overlooking impacts.

10.64 Construction and Environmental Impacts

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

- 10.66 Officers note that a significant number of comments have been received regarding the noise impact of the proposed plant in a residential neighbourhood.

- 10.67 The Council's Environmental Health team have assessed the application and reviewed the revised acoustic assessment (163-167 Mill Road Cambridge Noise Impact Assessment, Version 2, Ref 2330248 (CPW,

24/10/2023). A revised site plan has also been provided showing that the generator has been removed.

- 10.68 Objections have been raised in relation to the potential impact that the closure of Mill Road Bridge, potentially reducing traffic movements along Mill Road, could have on the noise levels accounted for within the Noise Impact Assessment. Officers note the comments, however, there is currently no date for the closure of the Mill Road Bridge. The data collection for the Noise Impact Assessment can only assess the data at the time of collection, as set out within the report.
- 10.69 The assessment sets out the noise levels from the proposed items of plant to the site boundaries. The cumulative noise levels from all plant have been forecast at the site boundaries and are shown to be below the existing background noise levels by day and by night which has been evidenced in Figures 5.3 – 5.8 of the assessment. In addition, details of the noise mitigation /attenuation required have been included within the assessment.
- 10.70 In conclusion, the Environmental Health Officers are satisfied that the details within the updated acoustic assessment have addressed the previous concerns and they are in position to support the application, and that neighbouring occupants would not be subject to adverse levels of noise from the proposed plant serving the development. A condition is recommended to ensure compliance with these measures accordingly and ensures the proposal accords with Policy 35 of the Local Plan.
- 10.71 A collection and deliveries condition has been recommended during the operational phase of the development. Officers consider that this condition is necessary to protect the amenity properties in accordance with Policy 35 of the Cambridge Local Plan 2018.
- 10.72 To ensure that any external lighting does not impact adjacent neighbours it is recommended that a condition is attached to details are provided prior to occupation of the building to accord with Policy 34 of the Cambridge Local Plan 2018
- 10.73 Summary
- 10.74 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 34, 35 and 58, subject to conditions.
- 10.75 Third Party Representations**
- 10.76 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>
Principle of Development/Use of building	As set out within the assessment, the change of use of the building is acceptable in this location given that the building use would fall under the existing Use Class (Class E).
Green Roof	The application is not proposing an extension to the existing building and is repairing the existing roof. The Local Plan does not require existing roofs to be altered to a Green Roof.
MRI Scanners in Residential Areas	The agent has provided examples of MRI scanners close to residential areas. The installation of the scanner will be to the manufactures and government guidance. Planning Permission to change the equipment (Nuclear MRI scanner) would not be required as the use of the building falls under Use Class E. Any instalment would be in accordance with national guidance.
Consultation	Officers note comments regarding the consultation of the application. The consultation was carried out in accordance with the Development Management Procedure Order 2015 and the Local Planning Authorities Statement of Community Involvement 2023. As the application falls within a Conservation Area the application was also subject to a site notice and press notice.
Building control	Concerns have been raised regarding the building works. A planning permission does not override the requirement for Building Regulations to be obtained which help ensure works are safe, structurally sound, water and fire protected.
Building work starting prior to planning permission	As the application is not relating to a change of use internal alterations to the building can take place prior to Planning Permission being granted. In addition, alterations and repairs to a building, such as replacement windows and roof repairs, can be carried out without Planning Permission.
Construction	Disruption during the construction process would be controlled and managed by way of the Traffic Management Plan recommended by the Local Highway Authority and the construction/demolition conditions recommended by Environmental Health. Whilst it is a residential area it is not considered unreasonable for construction

	work to be carried out on a Saturday in accordance with the conditions.
Delivery Conditions	The application would override conditions attached to the previous application in regard to deliveries.
Ownership	Some details of the proposed ownership is within the Design and Access Statement. The future ownership of the application is not required to be provided as part of the application.
Impact on telecommunications	The proposal would be installed in accordance with the guidance provided. It is not considered that the proposal would impact telecommunications.

### 10.77 Other Matters

10.78 Bins

10.79 Policy 58 requires refuse and recycling to be successfully integrated into proposals.

10.80 Bin storage provision is to be provided within the rear amenity area of the site, adjacent to the proposed cycle store. The proposals show that bins are capable of being dragged out to the public highway for collection and work functionally but a condition has been recommended to ensure this.

10.81 The proposal would be in accordance within the RECAP waste guidelines and would be compliant with the Cambridge Local Plan 2018 policy 58 subject to condition.

### 10.82 Planning Balance

10.83 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).

10.84 Summary of harm

10.85 To support the MRI scanning facility a significant amount of plant is required to be installed to ensure the safe running of the equipment, altering the roofscape of the streetscene within the Conservation Area and introducing plant within a residential area.

10.86 Summary of benefits

10.87 The use of the building would provide a medical facility for use by the wider facility with links to the Addenbrookes Hospital which would add to

the range and availability of medical facilities. This type of use is supported in District Centres by Local Plan (2018) Policy 75.

- 10.88 The proposal has been amended to address concerns initially raised regarding the impact on the heritage asset of the Conservation Area. The proposed development is considered to preserve the character and appearance of the Conservation Area.
- 10.89 Through noise assessment reports, it has been demonstrated that the introduction of the proposed plant would not harm the amenity of any nearby occupiers subject to a condition.
- 10.90 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of 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 subject to conditions.

## **11.0 Recommendation**

### **11.1 Approve** subject to:

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

- 11.2 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

## **12.0 Planning Conditions**

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

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

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

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

- 3 No demolition or construction works shall commence on site until a traffic management plan (TMP) has been submitted to and agreed in writing



with the Planning Authority. The principal areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway)
- ii. Contractor parking; provide details and quantum of the proposed car parking and methods of preventing on street car parking.
- iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, in relationship to the operation of the adopted public highway.

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

- 4 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 (Cambridge Local Plan 2018 policy 34: artificial light / light nuisance)

- 5 No non-masonry walling systems, cladding panels or other external screens shall be erected until details including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 6 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).

- 7 The plant / equipment as approved shall be installed and operated in accordance with the principles, design and specifications (including operational noise levels, attenuation / mitigation and the results of the BS4142-type assessment) contained within the submitted document "163-167 Mill Road, Cambridge; "Noise Impact Assessment", Version 2, Ref 230248 (CPW, 24/10/2023)".

The plant / equipment and the mitigation as approved shall be maintained and retained thereafter.

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

- 8 Demolition or construction vehicles over 7.5t shall only service the site between the hours of 09.30hrs -15.30hrs, seven days a week.

Reason: in the interests of highway safety in accordance with Policy 81 of the Cambridge Local Plan 2018

- 9 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 following hours:

Monday - Friday: 07:00hrs - 22:00hrs

Saturdays: 08:00hrs - 20:00hrs

Sundays and Bank Holidays: 09:00hrs - 19:00hrs

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

- 10 The proposed development shall be constructed and maintained in accordance with the submitted within the Design and Access Statement Appendix D: Proposed Drainage Layout, Drawing No. 230313-CON-XX-00-DR-C-1000 rev C02 by Conisbee Utilities Underground Survey and Drawing No. RS-2238 phase No. 1, rev 0 by Rigour Survey.

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

- 11 The bin and bike stores and visitor cycle parking associated with the proposed development shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter.

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 58 and 82).

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# Agenda Item 7



<b>Planning Committee Date</b>	10 January 2024
<b>Report to Lead Officer</b>	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
<b>Reference</b>	22/01971/FUL
<b>Site</b>	346 Milton Road, Cambridge
<b>Ward / Parish</b>	Kings Hedges
<b>Proposal</b>	Demolition of existing double garage and shed, and erection of a detached single storey dwelling to the rear
<b>Applicant</b>	Mr Evangelos Giannoudis
<b>Presenting Officer</b>	Tom Chenery
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1.Parking/Highways Issues 2.Impact on the Character of the Area 3. Neighbour Amenity
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks to demolish the existing double garage in the rear garden space of the application site and erect a bungalow style dwelling in its place.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area and is designed appropriately.
- 1.3 The proposal is not considered to cause undue harm to the amenity or living conditions of neighbouring occupiers and would provide an acceptable level of amenity for future occupiers.
- 1.4 The proposal would not have any significant adverse effect upon the Public Highway and would not result in any undue highways safety implications.
- 1.5 The application was brought to planning committee on the 7<sup>th</sup> February 2023 and was deferred as Committee Members wanted clarification that the owners had access and control down the side passage to allow for bins to be moved to Milton Road from the proposed dwelling. Amended plans have been submitted with an amended red line location plan and land registry ownership details.
- 1.6 Officers recommend that the Planning Committee approve the proposal.

## 2.0 Site Description and Context

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

- 2.1 346 Milton Road comprises a two storey detached dwellinghouse which benefits from a long rear garden and two bay garage and associated parking to the rear. There is a shingle access track along the rear of the neighbouring properties which provides access to a number of garages and off street parking.

- 2.2 To the north and south of the site, the prevailing character is semi-detached dwellings set back from Milton Road with large outbuildings and gardens to the rear.
- 2.3 Opposite the access track are a number of residential allotments to which gain access from a gate directly opposite the application site. The Church of St George is also located to the south east of the site which is a Grade II Listed Building.

### 3.0 The Proposal

- 3.1 Demolition of existing double garage and shed, and erection of a detached single storey dwelling to the rear.
- 3.2 The development seeks to demolish the existing pre fabricated double bay garage which is located towards the rear boundary of No.346 Milton Way. In its place would be a two bedroom bungalow style dwelling with a floorspace of 110m<sup>2</sup>. The proposal would benefit from a 55m<sup>2</sup> rear garden and two allocated parking spaces. Access would be gained from the shingle access track to the rear/south which adjoins Kendal Way to the north east of the site.
- 3.3 The original planning application was submitted with an acceptable red line which included the access track but an incorrect ownership certificate. This has since been amended to Certificate D and a full re-consultation has commenced after the amended certificate was received.
- 3.4 A similar proposal was brought to Planning Committee on 4<sup>th</sup> September 2019. The application was for the erection of a single storey dwelling to the rear of 348 Milton Road (planning reference 19/0400/FUL).

### 4.0 Relevant Site History

Reference	Description	Outcome
C/96/0885	Erection of two storey rear extension	Approved
C/00/171	Erection of single storey front and rear extensions to existing dwelling	Approved
19/0400/FUL	Erection of a single storey dwelling to the rear of 348 Milton Road	Approved

- 4.1 The dwelling has been extended previously in the form of extensions to the front and rear. A dwelling in the rear garden similar to this scheme was approved at the neighbouring property. The application was determined at planning committee on September 4<sup>th</sup> 2019 to which the proposal was resolved to grant planning permission in line with the Officers' recommendation.

4.2 Within the discussion it was noted concerns were raised for access for emergency vehicles. An informative relating to fire access was added to the decision notice.

## **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)

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

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

### **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 50: Residential space standards

Policy 51: Accessible homes

Policy 52: Protecting garden land and subdivision of dwelling plots

Policy 53: Flat conversions

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 80: Supporting sustainable access to development



Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

### **5.3 Supplementary Planning Documents**

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

### **6.0 Consultations**

#### **6.1 Local Highways Authority**

6.2 No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

#### **6.3 Environmental Health**

6.4 The development is acceptable subject to the imposition of conditions

#### **6.5 Sustainable Drainage Officer**

6.6 No Response

### **7.0 Third Party Representations**

7.1 5 representations have been received.

7.2 Those in objection have raised the following issues:

- Character, appearance and scale
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Construction impacts
- Highway safety
- Car parking and parking stress
- Impact on and loss of hedgerow

7.3 One comment neither objecting to nor supporting the application.

### **8.0 Member Representations**

8.1 Not applicable

### **9.0 Local Groups / Petition**

9.1 Milton Road Residents' Association has made a representation objecting to the application on the following grounds:

- Poor Access
- Car and Parking Issues
- Poor living accommodation
- Sets a precedent
- Issues with boundary location

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

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

10.4 The principle of development is considered to be acceptable provided the proposal complies with the above criteria which will be assessed below.

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

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

10.7 The application proposes to demolish the existing double garage in the rear garden and rear boundary of the site and erect a bungalow style dwelling in its place.

10.8 Milton Road is characterised by two storey semi detached dwellings with large rear gardens. Many rear gardens benefit from large outbuildings and garages which bound the rear boundary. These dwellings are set back from Milton Road with car parking/gardens to the front.

- 10.9 To the rear of dwellings is an unsealed access track which is wide enough for one way traffic and allows for access to the rear garage, outbuildings and parking spaces for dwelling along Milton Road.
- 10.10 While there is a strong linear pattern of development along Milton Road, there is also a strong character of single storey outbuildings and double garage backland development directly to the north east of the site. To the south east of the site there is a row of bungalow style dwellings which are considered to be backland development. These dwellings are situated behind dwellings on Milton Road and form part of the character of the area.
- 10.11 To the north east of the site and directly adjacent to the application site is a single storey bungalow style dwelling, similar to that within this application which gained planning permission under application reference 19/0400/FUL.
- 10.12 The dwelling would not be dissimilar to the height and appearance of existing garages or dwellings located along the private drive or in close proximity to the site and as a result, would be in keeping with this pattern of development. A materials condition is recommended to ensure the proposal would be of a high quality finish.
- 10.13 Overall, due to the scale, siting and design of the proposed development, it is appropriate to the surrounding pattern of development and the character of the area and would not constitute overdevelopment.
- 10.14 Overall, the proposed development would contribute positively to its surroundings and would relate acceptably to the host dwelling. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.
- 10.15 Amenity**
- 10.16 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.
- 10.17 Neighbouring Properties
- 10.18 The proposal would be accessed via the private unsealed access track to the rear of the site which adjoins Kendal Way to the north east. The principal dwellings to be impacted by the development are No's 344, 346 and 348 Milton Road. The proposal would also impact upon the recently approved and constructed dwelling within the rear garden of No.348 Milton Road. For the purposes of this report, it will be known as 348a Milton Road.

- 10.19 The proposed dwelling will be in the rear garden space of the host dwelling No.346 Milton Road. The proposal would subdivide the plot with a 1.8m high close boarded fence situated 12.5m from the rear building line of No.346. The proposed dwelling itself would be located some 18m from the rear building line of No.346. Due to the scale of the proposal which would be single storey in height as well as the separation distance between the two dwellings, the proposal is not considered to cause any undue loss of light, privacy, outlook, or appear overbearing to No.346 Milton Road.
- 10.20 The proposal would be located on the shared boundary with No's. 344. The shared boundary treatment to the south with No.344 consists of a mature hedgerow and 1.8m high boundary fence. The mature hedgerow measures approximately 3m in height.
- 10.21 The proposed dwelling would have an eaves height of approx. 2.75m and a ridge height of 3.7m. The proposal would also be situated 21m from the built form of the adjacent dwelling (No.344). Due to the modest scale of the proposal, the separation distance between the two properties and the mature boundary treatment that exists between the two dwellings, the proposal is not considered to cause any undue loss of light, privacy, outlook, or appear overbearing to No.344 Milton Road.
- 10.22 No.348 Milton Road is located some 20m from the proposal. As a result of the modest scale of the proposal and this separation distance, the development will not cause any undue harm to the amenity or living conditions of this neighbouring property.
- 10.23 The recently approved bungalow to the north east is located on the boundary with the application site. There would be a 1m separation between these two dwellings as a result of the side access to the rear garden within this development. The proposal would be of a similar scale to the adjacent bungalow but would protrude some 1.2m from No.348a's rear building line. As a result, the proposal would not cause any undue harm to the amenity or living conditions of this adjacent neighbour (No.348a).
- 10.24 All other neighbours are far enough removed from the proposal that it would not cause harm to their amenity or living conditions.
- 10.25 Overall, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 56, 58 and 35.
- 10.26 Amenity of Future Occupiers

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

10.28 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	4	1	70	110	+40

10.29 Garden Size(s)

10.30 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. A garden area of 55sqm would be provided which is sufficient for the size of the property and would allow a space to sit, hang out washing, kick a football etc.

10.31 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. The Design and Access Statement submitted states the proposal would comply with these standards and therefore, Officers consider that the layout and configuration enables inclusive access and future proofing.

10.32 Construction and Environmental Impacts

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

10.34 The Council's Environmental Health team have assessed the application and recommended that they have no objections to the development subject to the imposition of a condition regarding construction hours and piling as well as an Electrical Vehicle Charging point. These conditions are considered to be acceptable in order to limit the impact the proposal would have on adjacent occupiers given their proximity to the site.

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

### **10.36 Highway Safety and Transport Impacts**

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

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

10.39 Access to the site would be from Kendal Way to the North via the unsealed private access track.

10.40 Third party representations have raised concern over the impact of the development on the existing private drive, its ongoing maintenance responsibility and Highways safety concerns as a result of the development. However, as the maintenance of the private drive is not a planning concern, and the Highways Authority have raised no objection to the proposal, it is considered that the proposal will not result in adverse access impacts.

10.41 The addition of at most, two vehicles, would not be an intensification of the use, particularly as there is currently access and parking for more than two vehicles at the moment.

10.42 A concern has also been raised regarding access to the allotments and the turning area and parking being reduced as a result of the development. The land is private and as a result any issues with loss of parking or turning areas is a civil matter which cannot be considered within this application.

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

### **10.44 Cycle and Car Parking Provision**

10.45 Cycle Parking

10.46 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3

bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

10.47 Cycle Parking is located at the front of the dwelling in a covered bike store which would provide 2 cycle spaces. The proposal would comply with the cycle parking guidance set out in appendix L of the Local Plan.

10.48 Car parking

10.49 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. 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.

10.50 The proposal would provide an adequate amount of car parking in line with Appendix L of the Local Plan.

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

10.52 The plans do not indicate the location of the EV Charge point and it is therefore necessary to add a condition to any permission given to ensure the proposal complies with the SPD.

10.53 The proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

#### **10.54 Trees**

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

10.56 An objection has been raised regarding the location of the proposed dwelling and its proximity to the hedgerow on the shared boundary with

No.344 Milton Road. The objection is noted, however, the hedgerow is a boundary hedge located within the back garden of the residential properties. It does not form part of the local landscape character and it is not protected by virtue of any tree protection orders or a defined Conservation Area.

10.57 The applicant has not indicated that any hedgerow would be removed. The removal of any hedgerow by the applicant would be a civil matter and can not be considered within this planning application.

10.58 The proposal would accord with policies 59 and 71 of the Local Plan.

**10.59 Biodiversity**

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

10.61 Given that the development is in the rear garden of the application site and in line with the guidance within the Cambridge Biodiversity SPD, it is necessary to add a condition that requires the development to deliver biodiversity net gain.

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

**10.63 Third Party Representations**

10.64 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.



Ownership	The applicant(s) have confirmed that the correct certificate of ownership has been served.
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**10.65 Planning Balance**

10.66 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).

10.67 The proposal would not cause harm to the character and appearance of the area or to neighbouring or future occupiers. The proposal would also not have any highways safety implications and would comply with the parking and cycle parking guidance set out within Appendix L of the Local Plan.

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

**10.69 Recommendation**

10.70 **Approve** subject to:

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

**11.0 Planning Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice. Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.
- 3 No development shall take place above ground level, other than demolition, until details of the external surfaces 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 and 57 (for new buildings)).

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

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

- 5 No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details and retained as approved thereafter.

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

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

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

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

receptor site(s) utilising the appropriate DEFRA metric in force at the time of application for discharge; v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate. The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details. Monitoring data as appropriate to criterion v) shall be submitted to the local planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

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

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

Reason: To 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)).

9. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure forward of the principal elevation shall be erected within the curtilage of the dwellinghouse(s) without the granting of specific planning permission.

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)).

10. 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).

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 permanent connection to the electricity distribution network shall be established until a dedicated electric vehicle charge point scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that at least one active electric vehicle charge point will be designed and installed with a minimum power rating output of 7kW to serve the approved allocated on-plot parking space for the proposed residential unit. The approved scheme shall be fully installed before the development is occupied and retained as such.

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

13. 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 runoff (Cambridge Local Plan 2018 policies 31 and 82)

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

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

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

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

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

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

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

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### **Informative**

Fire Service vehicle access should be provided in accordance with Approved Document B Volume 1 of the Building Regulations. There should be vehicle access for a pump appliance to within 45m of all points within the dwelling-house in accordance with paragraph 11.2 of Approved Document B Volume 1. Where the proposed new dwelling cannot meet access requirements for fire appliances, compensatory feature(s) should be provided.

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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>	10 January 2024
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/04248/FUL
<b>Site</b>	122 Union Lane
<b>Ward / Parish</b>	East Chesterton
<b>Proposal</b>	Ground Floor Rear Extension and Change of Use from C4 (6-Bed HMO) to Sui Generis (7-Bed HMO) Resubmission of 23/03520/FUL
<b>Applicant</b>	OpenArch Greenside Ltd
<b>Presenting Officer</b>	Tom Chenery
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Noise Impact
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for a ground floor rear extension and change of use from C4 (6-Bed HMO) to Sui Generis (7-Bed HMO) (Resubmission of 23/03520/FUL)
- 1.2 The proposed single storey extension would allow for the change of use and increase in maximum occupancy to seven individuals in seven bedrooms, which is considered a marginal increase in the use of the property. The proposed change of use to a large-scale HMO is not considered to have any adverse impact on the character of the area.
- 1.3 The proposed HMO meets the space standards set out in Policy 50 of the Local Plan and provides a suitably sized internal amenity space and garden.
- 1.4 Officers recommend that the Planning Committee **APPROVE** the application.

## 2.0 Site Description and Context

None-relevant	X	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone	
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 existing site is a six bedroom, six person HMO situated on Union Lane within East Chesterton. Union Lane has a mixed form of predominantly residential properties set in linear plots with reasonable sized garden areas. To the south east of the plot is Codon Court, a three storey building serving six flats. Codon Court is set to the rear of the plot, back from the established building line.
- 2.2 The application site, no. 122 Union Lane, is a detached dwelling with car parking to the front, set at the Milton Road end of Union Lane, on the north eastern side of the Highway. There are no site constraints.



### **3.0 The Proposal**

- 3.1 The application seeks planning permission for a Ground Floor Rear Extension and Change of Use from C4 (6-Bed HMO) to Sui Generis (7-Bed HMO) Resubmission of 23/03520/FUL.
- 3.2 The proposed single storey rear extension will extend approximately 4 metres from the rear elevation and is approximately 4.5 metres in width with a flat brown roof. The proposed materials are brick and upvc windows to match existing.
- 3.3 The addition of the single storey extension will allow for additional bedroom to increase the occupancy of the HMO from six persons to seven persons, change the use to a large HMO. Internal works for proposed, these include the conversion of the existing living room into a bedroom and the additional of en-suites to the bedrooms.
- 3.4 An additional cycle and bin store are proposed in the front garden.

### **4.0 Relevant Site History**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
23/03520/FUL	Ground Floor Rear Extension and Change of Use from C4 (6-Bed HMO) to Sui Generis (8-Bed HMO) Ground Floor Rear Extension and Change of Use from C4 (6-Bed HMO) to Sui Generis (8-Bed HMO)	Withdrawn

### **5.0 Policy**

#### **5.1 National**

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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 3: Spatial strategy for the location of residential development

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 48: Housing in multiple occupation  
Policy 50: Residential space standards  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 58: Altering and extending existing buildings  
Policy 82: Parking management  
Policy 85: Infrastructure delivery, planning obligations and Community Infrastructure Levy

### **5.3 Supplementary Planning Documents**

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

### **6.0 Consultations**

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

6.2 No objection. No significant adverse effect upon the Public Highways should result from this proposal. Whilst the Highway Authority has no objection to the proposal it is worth noting that as the streets in the vicinity of the application site 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.

6.3 The development may therefore impose additional parking demands upon the on-street parking demands upon the on-street parking on the surrounding streets.

#### **6.4 Environmental Health – No Objection**

6.5 The development is acceptable subject to a condition regarding construction hours. An informative regarding HMO licensing is recommended.

### **7.0 Third Party Representations**

7.1 1 representations have been received, raising the following issues:

- Shares a drain not shown on the plan
- Noise from amenity space

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

## **8.0 Assessment**

### **8.1 Principle of Development**

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

8.3 The proposal would contribute to housing supply and thus would be compliant with policy 3.

8.4 The application proposes a change of use to a Large House in Multiple Occupation (HMO). The plans show the property is currently subdivided into six bedrooms and an extension is proposed for the addition of an extra bedroom, subject to condition, to serve a maximum occupancy of seven persons.

8.5 Policy 48 of the Cambridge Local Plan 2018 supports applications for development of HMO's 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, 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 Union Lane has a mixed form of development which are set of predominantly linear plots with reasonable sized garden area. No. 122,

towards the Milton Road end of Union Lane, on the north eastern side, are predominantly semi-detached or detached dwellings with car parking to the front.

- 8.10 The proposed single storey rear extension, projects approximately 4 metres from the rear elevation and is approximately 4.5 metres in width with a flat brown roof. The height of the roof is approximately 3.1 metres.
- 8.11 The proposed extension is considered to be of an acceptable size and scale, and would not be excessively prominent within the street scene to result in any significant visual impact. In addition, the proposal would fall within the scope of Permitted Development, as set out in the General Permitted Development Order 2015, Schedule 2, Part A.
- 8.12 In design terms, the proposal is compliant with Cambridge Local Plan (2018) policies 28, 55, 56 and 58.
- 8.13 The application proposes an increase in the number of bedrooms at the property from six bedrooms to seven bedrooms, creating a seven person occupancy. The increase in the occupancy to seven individuals is considered acceptable given the proposed size of the property and is not considered to give rise to any adverse impact on the character of the area and is therefore compliant with policies 48, 55, 56 and 58 of the Local Plan 2018.
- 8.14 A condition would be added to any permission granted, restricting the maximum occupancy of the HMO proposed to seven persons.
- 8.15 There is no record of any large HMOs located on Union Lane. For this reason, it is not considered that there is an over-concentration of large HMOs in the area, and so the change of use of the property to a large-scale HMO as proposed is not considered to give rise to any adverse impacts on the character of the area.
- 8.16 The development is therefore considered compliant with Policy 48(a) of the Local Plan.
- 8.17 The application site is situated on Union Lane 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.
- 8.18 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped.
- 8.19 The proposal is compliant with Cambridge Local Plan (2018) policies 48(a) and (c), 55, 56 and 58 and the NPPF.

## **8.20 Water Management and Flood Risk**

- 8.21 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.
- 8.22 The proposed extensions 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.
- 8.23 Officers note the comments regarding the drain not being shown on the plan and concerns regarding the increase in use with the number of en-suite bathrooms.
- 8.24 As the building utilises existing drains no concern is raised in planning terms and connections to the drainage system is a requirement for Building Regulations to be obtained which help ensure works are in accordance with legislation.
- 8.25 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.
- 8.28 Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 8.29 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.
- 8.30 The Local Highways Authority have no objections to the proposal. Access to the site would remain the same as the existing arrangements and therefore no concerns on highway safety stem from the proposed access arrangements.
- 8.31 The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.
- 8.32 Cycle and Car Parking Provision**
- 8.33 Cycle Parking
- 8.34 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.

- 8.35 The application proposes an additional cycle storage unit to the front of the property. In total there will be provision to securely store 8 cycles to the front of the property. Details of the storage of bicycles have been provided which is considered sufficient. A compliance condition would form part of any planning consent to ensure that the storage is provided prior to occupation of the change of use.
- 8.36 The provision of bicycle storage is deemed acceptable and in line with the requirements of policy 82 and Appendix L of the Cambridge Local Plan, subject to conditions.
- 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. 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.
- 8.39 The application proposes no off-street car parking spaces. Union Lane 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.
- 8.40 The Local Highways Authority have highlighted that the increase in occupancy of the property to seven persons will increase the demand for on-street car parking on Union Lane.
- 8.41 When considering that the proposal seeks to increase the occupancy by one 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 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.

8.42 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.

**8.43 Amenity**

8.44 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.

**8.45 Neighbouring Properties**

8.46 The proposed single storey rear extension, given the overall projection, separation and siting, is not considered to give rise to any harm to the adjacent neighbours in terms of overlooking, loss of light or overbearing impact.

8.47 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 56, 58 and 35.

**8.48 Future Occupants**

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

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

<b>Unit</b>	<b>Number of bed spaces (persons)</b>	<b>Policy Size requirement (m<sup>2</sup>)</b>	<b>Proposed size of unit</b>	<b>Difference in size</b>
1	1	7.5	9.2	+2
2	1	7.5	10.8	+3.3
3	1	7.5	8.6	+1.1
4	1	7.5	7.5	0
5	1	7.5	8.6	+1.1
6	1	7.5	12.2	+4.7
7	1	7.5	8	+0.5

8.51 All the bedrooms meet the space standards set out within Policy 50 of the Local Plan. The proposed communal area is considered sufficient to meet

the provisions required by licencing and the space can suitably accommodate seven persons.

8.52 Garden Size(s)

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.

8.54 The rear garden will be approximately 95 square metres, which is deemed to be suitable for accommodating table/chairs for maximum occupancy, circulation space and space to hang washing. The proposal is therefore compliant with policy 48 of the Local Plan.

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 consider that the proposal is acceptable subject to a condition regarding construction hours.

8.58 The increase in maximum occupancy from six to seven persons is considered a marginal increase in use and is not considered to exacerbate issues with noise.

8.59 Whilst the addition of one additional tenant has raised concerns from neighbouring occupiers, their concerns stem largely from noise emittance from the garden of the HMO.

8.60 The proposed development would represent a small increase in the number of occupants and allows for a sufficient internal amenity space. Officers do not consider that the proposal would force people into the external amenity area resulting in significant noise increase, noting the minor increase in occupants, which would be sufficient enough to negatively impact quality of life.

8.61 Summary

8.62 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, 50, and 58.



### **8.63 Third Party Representations**

8.64 The third-party representations have been addresses in the preceding paragraphs.

### **8.65 Other Matters**

8.66 Bins

8.67 The garden to the front of the property is considered to be adequate to store the required number of bins for the proposed HMO. Plans submitted show the proposed store. A compliance condition is recommended to ensure the store is provided prior to occupation.

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

### **8.69 Planning Balance**

8.70 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).

8.71 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.

8.72 The development will positively contribute to the supply of residential accommodation available to the public within Cambridge.

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. 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 one 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 drains with the increase in occupants and en-suite bathrooms. When considering that the proposal seeks to increase the occupancy by one person it is not considered to have a significant impact on the drains and this would be reviewed by Building Control.

8.75 The proposed development is not considered to adversely affect the amenity of neighbouring occupiers.

8.76 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider

stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

## **9.0 Recommendation**

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

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

## **10.0 Planning Conditions**

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

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

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

*Plans to be listed:*

*P(00)01 (Site Location Plan)*

*P(2-)02 P04 (Proposed Site Plan and Floor Plans)*

*P(2-)01 P04 (Proposed Elevations)*

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 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).

- 4 The application site shall have no more than seven [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).

- 5 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 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).

#### Informative

- 1 The Housing Act 2004 introduced Mandatory Licensing for Houses in Multiple Occupation (HMOs) across all of England. This applies to all HMOs occupied by five or more persons forming more than one household. This property currently has a HMO licence for 6 persons in 6 households. If this planning application is approved, this will increase the number of tenants and therefore a variation of the current HMO licence must be applied for. A person managing or controlling an HMO commits an offence if, without reasonable excuse, he fails to apply for, or vary the existing licence. It is, therefore, in your interest to apply to vary the licence. Further information may be found here:

<https://www.cambridge.gov.uk/licensing-of-houses-in-multiple-occupation>.

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<b>Planning Committee Date</b>	10 January 2024
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/02622/FUL
<b>Site</b>	4 Cavendish Avenue, Cambridge, Cambridgeshire, CB1 7US
<b>Ward / Parish</b>	Queen Edith's
<b>Proposal</b>	Erection of dwelling following demolition of existing triple garage block, new vehicular access from the highway to serve existing dwelling
<b>Applicant</b>	Mrs L.J Bradford
<b>Presenting Officer</b>	Michael Sexton
<b>Reason Reported to Committee</b>	There are third party representations on planning grounds that are contrary to the officer recommendation that cannot be resolved by planning condition
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Principle of development</li><li>2. Context of site, design and external spaces</li><li>3. Trees and landscape</li><li>4. Biodiversity</li><li>5. Highway safety</li><li>6. Residential Amenity</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks full planning permission for the erection of a dwelling following the demolition of an existing triple garage block and creation of a new vehicular access from the highway to serve existing dwelling.
- 1.2 The principle of erecting a dwelling in the rear garden of no.4 Cavendish Avenue would comply with relevant Local Plan policies, noting that consent for a similar development was granted in 2017 but not implemented.
- 1.3 The design and layout of the proposed dwelling, which is of a single storey contemporary design, is considered compatible with its location, noting similar 'backland' development in the immediate area. Additional and replacement planting can be accommodated within the site and a net gain in biodiversity, alongside ecological enhancements, can also be provided and secured by condition. Other relevant technical details relating to drainage, sustainability measures and highway safety have been found acceptable and to accord with relevant Local Plan policies, similarly secured by condition.
- 1.4 Secure cycle parking is provided towards the front of the proposed dwelling while an electric vehicle charging point is also provided.
- 1.5 The proposed dwelling, through its design and siting, is considered to respect the amenities of existing residential properties adjacent to the site, while also affording a reasonable level of amenity to any future occupiers of the dwelling.
- 1.6 Officers recommend that the Planning Committee approve the proposed development subject to conditions outlined in the report.

## 2.0 Site Description and Context

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

- 2.1 The application site is located in the rear garden of no.4 Cavendish Avenue and comprises a redundant triple garage within the private garden space. The area is heavily vegetated with trees and shrubs, none of which are protected.
- 2.2 The proposed development would be accessed via the existing vehicular access serving no.4 Cavendish Avenue that runs along the eastern boundary of the site. The site is located within a residential area and backs onto the rear gardens of properties fronting Hills Avenue to the south.
- 2.3 The site is located within Flood Zone 1 (low risk) and falls within the controlled parking zone. The site is not located in a Conservation Area or near to any listed buildings, or buildings of local interest. There is a tree in the front garden of the site that has a Tree Preservation Order.

### **3.0 The Proposal**

- 3.1 The application seeks planning permission for the erection of a dwelling following the demolition of an existing triple garage block and the creation of a new vehicular access from the highway to serve the existing dwelling.
- 3.2 The site forms part of the existing residential curtilage of no.4 Cavendish Avenue and comprises a redundant triple garage and private garden space. The garage is in poor condition. The proposed dwelling would be accessed via the existing vehicular access to the site.
- 3.3 At the front of the site, a new vehicular access would be provided to the existing dwelling of no.4 Cavendish Avenue and see a modest amount of associated work undertaken to the frontage of the site.

### **4.0 Relevant Site History**

- 4.1 16/2041/FUL – Erection of dwelling following demolition of existing triple garage block. New vehicular access from highway to serve existing dwelling – Approved (28 April 2017) (not implemented)

### **5.0 Policy**

- 5.1 **National**  
National Planning Policy Framework 2023  
National Planning Practice Guidance  
National Design Guide 2021  
Environment Act 2021  
Equalities Act 2010  
Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design  
Technical Housing Standards – Nationally Described Space Standard (2015)  
Circular 11/95 (Conditions, Annex A)

## 5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development  
Policy 3: Spatial strategy for the location of residential development  
Policy 28: 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 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 66: Paving over front gardens  
Policy 69: Protection of sites of biodiversity and geodiversity importance  
Policy 71: Trees  
Policy 80: Supporting sustainable access to development  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

## 5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Trees and Development Sites SPD – Adopted January 2009

## 5.4 City Wide Guidance

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001)  
Greater Cambridge Sustainable Design and Construction SPD (2020)  
Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste  
Cambridgeshire Design Guide For Streets and Public Realm (2007)  
Cycle Parking Guide for New Residential Developments (2010)

## 5.5 Area Guidelines

None relevant

## 6.0 Consultations

### 6.1 Ecology Officer – No objection

6.2 Recommend conditions for ecological compliance and biodiversity net gain.



**6.3 Environmental Health – No objection**

6.4 Recommend standard conditions for construction hours and piling along with informatives relating to dust and air source heat pumps.

**6.5 Local Highways Authority – No objection**

6.6 Recommend conditions for a pedestrian visibility splays, access falls, levels and materials, and County Council construction specification along with an informative relating to works to or within the public highway.

**6.7 Sustainable Drainage Officer – No objection**

6.8 Recommend conditions for surface water and foul water drainage schemes.

**6.9 Tree Officer – No objection**

6.10 Recommend conditions for an Arboricultural Method Statement and Tree Protection Plan, a site meeting, tree protection implementation, replacement planting and establishment.

**7.0 Third Party Representations**

7.1 Four representations have been received; two submitted as objections (nos.1 and 3 Hills Avenue) and two as 'neutral' comments on the application (nos.4A and 6A Cavendish Avenue).

7.2 Those in objection have raised the following issues:

- At least two new cars, which will increase noise and air pollution.
- Building is too big for the site; design is out of keeping.
- If approved, request construction method statement to protect shared boundary.
- Impact on foundations of Victorian brick wall and the Victorian coach house on the east side.
- Impact on hedgerows and trees, conflict with Policy 52.
- No information on where the air source heat pump will be placed.
- Proximity to shared boundary and impact on amenity (loss of privacy, encroachment, massing effect on visual amenity).

7.3 Those providing 'neutral' comments have raised the following:

- Adequate provision for surface water drainage should be made.
- Appropriate precautions for demolition and disposal.
- Increase in traffic movements.
- Interested to know what lies behind this development (family use of financial gain from the land).
- No information on where the air source heat pump will be placed.

- Removal of trees, hedges and shrubs, no indication of replacement.

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 Member Representations**

8.1 None.

## **9.0 Assessment**

9.1 In May 2017, planning permission was granted on the site for the erection of a dwelling following demolition of the existing triple garage block and new vehicular access from highway to serve existing dwelling following a resolution to grant permission by the Council's Planning Committee (ref.16/2041/FUL).

9.2 The 2017 permission was granted under the previous Cambridge Local Plan (2004) and lapsed in April 2020.

9.3 The current application site matches that of the 2017 consent and follows the same general layout. The elements that vary include a slightly larger footprint and a revised design to the proposed dwelling, which remains single storey in nature.

9.4 Since the 2017, a new Local Plan (the 2018 Local Plan) has been adopted and the proposed development is considered against the Policies of the 2018 Local Plan. Nonetheless, officers have had regard to relevant planning history for the site.

## **9.5 Principle of Development**

9.6 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. In principle, the policy is supportive of new housing development that will contribute towards an identified housing need.

9.7 The proposal would contribute to housing supply and would therefore comply with Policy 3 of the Local Plan.

9.8 Policy 52 sets out that proposals for development on sites that form part of a garden will be allowed where the dwellings will be of a form, height and layout appropriate to the surrounding pattern of development and character of the area whilst retaining sufficient garden space and balancing protecting the amenity and privacy of neighbours with creating high quality functional environments for future occupiers.

- 9.9 The application proposes the erection of dwelling following demolition of an existing triple garage block, along with a new vehicular access from the highway to serve existing dwelling (no.4 Cavendish Avenue).
- 9.10 Although matters of design and amenity are considered in more detail below, the proposal aligns with the aims and objectives of Policy 52 of the Local Plan.
- 9.11 Overall, there is no in principle objection to the proposed development, subject to all other material planning considerations. The principle of development aligns with the aims and objectives of Policy 52.
- 9.12 **Context of site, design and external spaces**
- 9.13 The application site is located to the south of Cavendish Avenue, an established residential area. The properties in the area generally comprise two storey dwellings finished with facing brickwork and tiled roofs, with some examples of single storey structures in and around the area. The properties typically form a linear pattern of development adjacent to the public highway, but there are several examples of 'backland' plots in the immediate area, namely nos.6a and 12a Cavendish Avenue to the east of the site and nos. 3 and 17b Hills Avenue to the south and east.
- 9.14 The site forms part of the existing residential curtilage of no.4 Cavendish Avenue and comprises a redundant triple garage and private garden space. The existing garage is a simple flat roof brick garage block with a corrugated roof and being to the rear of no.4 is not visible from the public realm. The garage is in poor condition and, notwithstanding its siting, offers no significant contribution to the site; its removal would represent a betterment to the visual amenity of the area.
- 9.15 The application proposes the erection of a detached single storey dwelling following the demolition of the existing garage block. The proposed layout incorporates a private amenity space and private courtyard for the future occupiers of the dwelling, two car parking spaces with maneuvering space, a bike store towards the front of the property for three bicycles and small bin store.
- 9.16 The proposed dwelling, by virtue of its location and scale, would not be evident from the public highway and would have a limited impact on the visual amenity and character of the area. Given its scale and location, the proposed dwelling is considered compatible with the character of the area and compatible with the pattern of development in the surrounding area, noting similar 'backland' development in the immediate area.
- 9.17 The proposed dwelling would be of a contemporary design comprising materials including as dark weathered brickwork, black/charred timber boarding with storm grey zinc roof covering. The proposed external material palette is considered acceptable and would add to the varied architectural vernacular of the area and can be secured by condition (**Condition 25 – Materials**).

- 9.18 Details of boundary treatments can be secured by condition to ensure the development is compatible with the character and visual amenity of the area (**Condition 10 – Boundary Treatments**).
- 9.19 Overall, officers are satisfied that the site can accommodate the proposed development while respecting the character and appearance of the area. However, to ensure the proposed dwelling does not become overly dominant or cramped in appearance, officers consider it reasonable and necessary to remove permitted development rights under Classes A, B and E (**Condition 27 – PD Class A, Condition 28 – PD Class B, Condition 29 – PD Class E**).
- 9.20 Overall, and subject to conditions, the proposal is compliant with Policies 52, 55, 56, 57, and 59 of the Local Plan and the NPPF.
- 9.21 **Trees and Landscape**
- 9.22 Policies 59 and 71 of the Local Plan seek to preserve, protect, and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Paragraph 131 of the NPPF seeks that existing trees are retained wherever possible.
- 9.23 The application is supported by an Arboricultural Impact Assessment (Ligna Consultancy, June 2023) and Tree Protection Plan (Ligna Consultancy, June 2023).
- 9.24 The Assessment set out that 14 individual trees and two groups of trees would need to be removed to accommodate the proposed development, none of which are protected by a TPO. All the trees indicated for removal have been identified as Category C trees (trees of a low quality, small size or incapability to be protected within the legal framework) along with the removal of three hedges/shrubs. The Assessment recommended that at least four new trees should be included within the landscaping scheme to mitigate against the proposed removals.
- 9.25 Most of the trees identified for removal are in the rear garden of the existing dwelling, along with the three hedges/shrubs also identified for removal. Three Category C within the frontage of the site have been identified for removal. None of these are protected by a TPO.
- 9.26 The application has been subject to formal consultation with the Council's Trees Officer, who raises no objection to the proposal, subject to conditions.
- 9.27 The loss of trees and hedges/shrubs to the rear of the property would have no material impact on visual amenity of the area from the public realm and their removal is considered acceptable in this instance, noting that these could be removed without the need for any formal consent. However, the

trees to the front of the site play an important role in the verdant character of Cavendish Avenue.

- 9.28 Although no formal objection was raised by the Council's Trees Officer, concerns were initially raised regarding the proposed alterations to the front of the site to accommodate a new access and the removal of an established beech tree in the verge was not supported (not identified in the original Assessment). It was also highlighted that changes in levels would require significant excavation to accommodate level access for vehicles within the Root Protection Area of a retained tree.
- 9.29 To address the concerns of officers, a revised Arboricultural Impact Assessment (Ligna Consultancy, October 2023) was submitted to support the application (alongside an updated site plan for the development).
- 9.30 The October Assessment provided a revised access arrangement that allowed for the retention of the established beech tree in the verge (T20) and moved a significant amount of access works outside of the RPA of a retained tree (T19). The Assessment also recognised further protection measures for more trees. Officers consider these amendments to be positive.
- 9.31 Notwithstanding the revisions, the proposal would still see the loss of some trees to the front of the site (T16, T17 and T18) and part of the front hedge, which would have a negative impact on the verdant character of the road. However, as noted in the updated comments of the Council's Trees Officer, this impact is not considered to be sufficient to warrant a refusal of the application on arboricultural grounds. Furthermore, officers consider that the impact could be mitigated through replacement planting, with sufficient space available for further planting, to maintain the verdant character of Cavendish Avenue.
- 9.32 Although the Arboricultural Impact Assessment has been updated, no updated Tree Protection Plan has been submitted. Therefore, noting the comments of the Council's Trees Officer, officers consider it reasonable and necessary to impose conditions requiring an Arboricultural Method Statement and Tree Protection Plan, a site meeting, tree protection implementation to ensure retained trees are suitably protected during the construction period (**Condition 3 – AMS and TPP, Condition 4 – Arboricultural Site Meeting, Condition 18 – Tree Protection (implementation)**).
- 9.33 In terms of replacement planting, no specific locations have been identified as part of the proposed submission. However, in consultation with the Council's Trees Officer, officers are satisfied that the site would be able to accommodate appropriate new and replacement planting and its implementation. These details can be secured by condition (**Condition 5 – Replacement Planting, Condition 19 – Replacement Planting (implementation)**).

- 9.34 Subject to conditions, the proposal would accord with policies 59 and 71 of the Local Plan.
- 9.35 **Biodiversity**
- 9.36 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.
- 9.37 Policy 70 of the Local Plan 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.
- 9.38 The site consists of a domestic garden with outbuildings, grasslands, trees, and introduced shrub. The site sits within the Impact Risk Zone of a nearby statutory protected site; however, the application does not meet the criteria that would require a consultation with Natural England. There are no non-statutory protected sites in the vicinity that are likely to be impacted by the application.
- 9.39 The application is supported by a Preliminary Ecological Appraisal (Denny Ecology, June 2023) and a Biodiversity Net Gain Plan (Denny Ecology, June 2023).
- 9.40 The Appraisal details that the site is of low ecological value with there being no evidence of bat presence or schedule 1 bird species, reptiles, hedgehogs, and badgers. The Appraisal did not find any evidence that a protected species licence would be required prior to works commencing but recommends non-licensable reasonable avoidance measures to remove any residual risk of harm to priority and protected species. The Appraisal also notes that should the ecological mitigation and enhancement proposed be implemented, the development is likely to result in a net gain in biodiversity on the site.
- 9.41 The Net Gain Plan sets out that the calculated change in biodiversity value as a result of the development proposal's net gain plan is a net loss of 25% for habitat units, and a net gain for hedgerow units of 20%. Therefore, the scheme would result in an acceptable net gain for on-site hedgerows but would require off-site compensatory offsetting for habitats.
- 9.42 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposed development subject to conditions.
- 9.43 As noted in the comments of the Council's Ecology Officer, the application will result in a small loss in biodiversity area units; however, the applicant has suggested that the remaining units required can be created on other

land holdings within the applicant's ownership. This approach has been accepted by the Council's Ecology Officer as an acceptable strategy in this instance and can be secured through condition (**Condition 6 – Biodiversity Net Gain**).

- 9.44 Officers also consider it reasonable and necessary to impose conditions requiring the submission of a scheme for ecological enhancement and to ensure works are carried out in accordance with the submitted Ecological Appraisal (**Condition 9 – Ecological Enhancement, Condition 17 – Ecology Compliance**).
- 9.45 Subject to the recommended conditions, the proposal would accord with Policies 57, 59 and 70 of the Local Plan and the Council's Biodiversity SPD.
- 9.46 **Water Management and Flood Risk**
- 9.47 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.
- 9.48 The application has been subject to formal consultation Council's Sustainable Drainage Engineer, who raises no objection to the proposal subject to conditions to secure a scheme of surface water and foul water drainage. Officers consider the recommended conditions reasonable and necessary as part of any consent, to ensure a satisfactory method of drainage and to prevent an increased risk of flooding (**Condition 7 – Surface Water Drainage, Condition 8 – Foul Water Drainage**).
- 9.49 Subject to the recommended conditions, the proposal would comply with Policies 31 and 32 of the Local Plan.
- 9.50 **Highway Safety and Transport Impacts**
- 9.51 Policy 80 of the Local Plan supports developments where access via walking, cycling and public transport are prioritised and is accessible for all.
- 9.52 Policy 81 of the Local Plan states that developments will only be permitted where they do not have an unacceptable transport impact.
- 9.53 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.54 The application is proposing to utilise the existing to the site to provide vehicular access to the proposed dwelling. This is acceptable and not considered to result in harm to highway safety.
- 9.55 The application also proposes the creation of a new vehicle access to the existing property of no.4 Cavendish Avenue, providing direct access to the

public highway. The proposed layout plan shows a new access central to the driveway of no.4 with two designated parking spaces and an area to manoeuvre cars off the public highway.

9.56 The application has been subject to formal consultation with the Local Highways Authority, who raise no objection to the proposal subject to conditions for pedestrian visibility splays, access falls, levels and materials, and County Council construction specification along with an informative relating to works to or within the public highway.

9.57 Officers consider the recommended conditions reasonable and necessary as part of any consent to ensure the proposal does not result in harm to highway safety (**Condition 20 – Pedestrian Splays, Condition 21 – Driveway Construction, Condition 22 – Construction Specification**).

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

#### 9.59 **Cycle and Car Parking Provision**

##### Cycle Parking

9.60 Policy 82 of the Cambridge Local Plan (2018) requires new developments to provide at least the cycle parking levels in Appendix L.

9.61 Appendix L of the Cambridge Local Plan sets out that cycle parking should accord with the Council's Cycle Parking Guide for New Residential Developments (para. L.24) and should be located in a purpose-built area at the front of the house and be at least as convenient as the car parking provided. For residential dwellings a minimum standard of 1 space per bedroom up to 3-bedroom dwellings.

9.62 Paragraph 9.32 of the Cambridge Local Plan states that the provision of good, high quality and easily accessible cycle parking is important to encourage cycling and also reduce the theft of bikes. Like car parking, cycle parking should be 'designed in' to developments from an early stage.

9.63 The proposed layout provides cycle storage to the front/side of the new 3-bed dwelling and space for the covered storage of three bicycles. The siting of the cycle store is considered acceptable in the layout of the development and its relationship to the access to the site and to provide sufficient spaces, in accordance with the recommended minimum standards.

9.64 The provision of cycle parking prior to occupation of the new dwelling can be secured by condition (**Condition 14 – Cycle Parking**).

##### Car parking

9.65 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as



set out within Appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms.

- 9.66 The proposed car parking provision for the new dwelling would see two designated spaces provided, one of which would be equipped with an electric vehicle charging point. The charging point can be secured by condition **(Condition 13 – EV Charging)**.
- 9.67 The development would also see alterations made to the existing access and car parking arrangements for no.4 Cavendish Avenue. As noted above, two parking spaces would be provided within a parking area/driveway that also provides space for vehicles to manoeuvre clear of the public highway, which is supported.

#### Conclusion

- 9.68 The proposed development is considered to make appropriate provision for car and cycle parking for the new dwelling while the revised car parking arrangements for the existing dwelling of no.4 Cavendish Avenue are considered acceptable.
- 9.69 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 9.70 **Residential Amenity**
- 9.71 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.
- 9.72 The neighbouring properties with the greatest potential for impact from the proposed dwelling are nos.4, 4A and 6 Cavendish Avenue to the north, no.6A Cavendish Avenue and no.3 Hills Avenue to the east, no.1 Hills Avenue to the south and no.237 Hills Road to the west.
- 9.73 The proposed dwelling is sited approximately 24 metres from the two storey rear elevation of nos. 4, 4A and 6 Cavendish Avenue to the north. Given the single storey design and degree of separation, the proposed dwelling is not considered to result in harm to the amenities of existing properties to the north by way of a significant loss of light, loss of privacy or overbearing impact.
- 9.74 The vehicular access to the proposed dwelling would run between nos.4 and 6 Cavendish Avenue. Given the existing access arrangements and low number of vehicular movements likely to arise from the use of the proposed dwelling, the proposal is not considered to result in a significant amount of noise and disturbance to these neighbouring properties.

- 9.75 No. 6A Cavendish Avenue is located approximately 15 metres north-east of the site. Given the relative siting of the two properties no significant harm is considered to arise.
- 9.76 No. 3 Hills Avenue is located to the east of the proposed dwelling, which would be built hard to the shared boundary, set approximately 5 metres from the eastern elevation of the development at the closest point between built forms. The eaves height of the proposed dwelling at the shared boundary would be approximately 3.1 metres with a low-pitched roof form rising away from the boundary. Rooflights are proposed in the eastern elevation of the dwelling.
- 9.77 Given the relatively low-profile of the proposed dwelling, the proposal is not considered to result in harm to the amenities of no.3 Hills Avenue by way of a significant loss of light, loss of privacy or overbearing impact.
- 9.78 To the south of the site is no.1 Hills Avenue, set between 10 and 15 metres from the proposed dwelling given the form of the existing dwelling. Again, the proposed dwelling would be built close to the shared boundary to the south, with an eaves height of approximately 3.1 metres with a low roof form rising away from the boundary.
- 9.79 Given the relatively low-profile of the proposed dwelling, the proposal is not considered to result in harm to the amenity of no. 1 Hills Avenue by way of a significant loss of light, loss of privacy or overbearing impact.
- 9.80 To the west of the site is no.237 Hills Road, approximately 13.5 metres from the western elevation of the proposed dwelling, which would be built hard to the boundary. Here, an eaves height of approximately 3 metres rises to a maximum ridge height of approximately 4.2 metres. Several rooflights are proposed in the western roofslope of the new dwelling.
- 9.81 Given the single storey form of the proposed dwelling and its siting relative to no.237 Hills Avenue, the proposal is not considered to result in harm to the amenities of no. 237 Hills Avenue by way of a significant loss of light, loss of privacy or overbearing impact.
- 9.82 Given the relatively confined nature of the site and proximity to existing properties, officers consider it reasonable and necessary to impose conditions to remove permitted development rights for extensions, dormer windows and outbuildings, to protect the amenities of neighbouring properties for further impact that does not form part of this proposal **(Condition 27 – PD Class A, Condition 28 – PD Class B, Condition 29 – PD Class E).**

#### Future Occupants

- 9.83 Consideration is also given to the amenities of the future occupants of the proposed development.

- 9.84 Policy 50 of the Local Plan requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 9.85 The gross internal floor space measurements will be identical for units is 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	3	6	1	95	150.17	+55.17

- 9.86 Policy 50 of the Local Plan states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size, and location to allow effective and practical use of the intended occupiers.
- 9.87 The private amenity space for the proposed dwelling is approximately 57square metres split into two areas: a private garden to the front of the dwelling and a private courtyard to the rear. The quantum and quality of these spaces are considered acceptable.
- 9.88 Given the siting of the proposed dwelling and associated amenity spaces in relation to existing residential development around the site, the development is considered to provide a reasonable level of private amenity for the future occupiers.
- 9.89 Policy 51 requires all new residential units to be of a size, configuration, and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings.
- 9.90 The Design and Access Statement submitted states the proposal would comply with these standards (M4(2)). To ensure compliance with Policy 51, a condition is recommended as part of any consent that the dwellings are constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' (**Condition 26 – Part M4(2)**).

#### Construction and Environmental Impacts

- 9.91 Policy 35 of the Local Plan guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance.
- 9.92 The Council's Environmental Health Team have assessed the application and recommended standard conditions restricting construction hours and piling (if required). Officers consider these conditions reasonable and necessary (**Condition 23 – Hours of Work, Condition 24 – Piling**), along

with informatives relating to air source heat pumps and plant noise insulation.

- 9.93 With regards to the installation of an air source heat pump (ASHP), the comments raised by third parties are noted.
- 9.94 The submitted Design, Access and Sustainability Statement sets out that an ASHP will be installed to enhance the sustainable performance of the development. To clarify this provision an updated Site Plan and elevation plan were provided to show the position of the ASHP. The ASHP would be located adjacent the northern elevation of the proposed dwelling, near to the proposed bike store and bin store, with neighbouring gardens to the north and west.
- 9.95 The proposed location is considered acceptable, but officers consider it reasonable and necessary to impose a plant noise insulation condition as part of any consent to protect the amenity of nearby properties (**Condition 16 – Plant Noise Insulation**).

#### Conclusion

- 9.96 Subject to the recommended conditions, the proposal would adequately respect the amenity of its neighbours and of future occupants of the site and is considered to comply with Policies 35, 50, 51, 52 and 58 of the Local Plan.
- 9.97 **Sustainability**
- 9.98 Policy 28 of the Local Plan states that all development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals.
- 9.99 As noted above an air source heat pump will be installed to enhance the sustainable performance of the proposed development. Additionally, the Design, Access and Sustainability Statement sets out that the development will conform to Building Regulations, with a view to bettering the current requirements, targeting the Future Homes Standard and LETI (Low Energy Transformation Initiative) new build guidance. A fabric first approach has been taken to the design of the dwelling, minimising the requirement for renewable energy generation technologies.
- 9.100 Officers consider it reasonable and necessary to impose conditions to secure details of carbon reductions as required by the 2021 edition of Part L of the Building Regulations and water efficiency as part of any consent (**Condition 11 – Renewables, Condition 12 – Water Consumption**).
- 9.101 Subject to the recommended conditions, the proposal would accord with Policy 28 of the Local Plan.

## 9.102 **Other Matters**

### Bins

- 9.103 Policy 57 requires refuse and recycling to be successfully integrated into proposals.
- 9.104 Recycling and waste provision has been accommodated toward the front of the proposed dwelling in the form of a bin store. This is considered acceptable.
- 9.105 Given the 'backland' nature of the proposed dwelling the travel distance for the bins to the collection point will exceed the recommended 30 metres tow distance. However, this is not considered to provide sufficient harm in isolation to warrant a refusal of the application, noting similar 'backland' developments and associated tow distances in the immediate area. For example, nos.6a and 12a Cavendish and no.3 Hills Avenue all have a similar drag distance to the proposed development (approx..50 metres).

### Green / Brown Roof

- 9.106 Policy 31 requires that any flat roof is a green or brown roof, providing that it is acceptable in terms of its context in the historic environment of Cambridge and the structural capacity of the roof if it is a refurbishment.
- 9.107 The proposed dwelling contains areas of flat roof within its design, annotated to be Green Roofs on the proposed plans of the development. The implementation of a green roof can be secured by condition **(Condition 15 – Green Roof)**.

### Permitted Development

- 9.108 The proposed development has been found acceptable in terms of its impact on the character of the area and residential amenity, as set out above. However, given the small-scale nature of the site, officers consider it reasonable and necessary to remove permitted development rights under Schedule 2, Part 1, Classes A, B and E of the GDPO.
- 9.109 Without such restrictions, extensions, dormer windows and outbuildings could be added to the Plot without formal planning consent, which may give rise to greater impacts on the character of the area and amenities of neighbouring properties considered as part of the current application (Local Plan policies 52, 55, and 57).

### Pre-Commencement Conditions

- 9.110 Pre-commencement conditions have been agreed in writing with the agent/applicant prior to the determination of the application.

### 9.111 Third Party Representations

9.112 Matters relating to principle of development, impact of the character and appearance of the area, biodiversity, drainage highway safety, and residential impact have been addressed in the body of the report. The remaining third-party representations are summarised and considered in the table below:

Third Party Comment	Officer Response
<p>If approved, request construction method statement to protect shared boundary.</p> <p>Impact on foundations of Victorian brick wall and the Victorian coach house on the east side.</p>	<p>The proposed dwelling is located close to shared boundaries with existing residential properties adjacent to the site.</p> <p>A condition for a construction method statement is not considered necessary for the scale of development; no such condition has been recommended by the Council's Environmental Health Team. However, a condition restricting Piling without further details has been recommended as part of any consent.</p> <p>Given the proximity to shared residential boundaries the Party Wall Act would apply.</p>
<p>Interested to know what lies behind this development (family use of financial gain from the land).</p>	<p>This is not a material planning consideration.</p>

### 10.0 Planning Balance

- 10.1 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 10.2 The principle of erecting a dwelling in the rear garden of no.4 Cavendish Avenue, is acceptable and complies with Local Plan policies. This is further demonstrated through the planning history of the site.
- 10.3 The design and layout of the proposed development is in keeping with the overall character and appearance of the area, with details of external materials secured by planning condition. Additional and replacement planting can be accommodated within the site and is to be secured by condition, including to the front of the site to ensure the development maintains the verdant character of Cavendish Avenue.

- 10.4 A net gain in biodiversity and enhancements can be secured by conditions, alongside other relevant technical details relating to sustainability measures and highway safety.
- 10.5 Secure cycle parking is provided towards the front of the proposed dwelling while an electric vehicle charging point is also provided.
- 10.6 The proposed dwelling, through its design and siting, is considered to respect the amenities of existing residential properties adjacent to the site, while also affording a reasonable level of amenity to any future occupiers of the dwelling.
- 10.7 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

## **11.0 Recommendation**

### **11.1 Approve** subject to:

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

## **12.0 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 Approved Plans**

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

*Plans to be listed:*

*1231-PL-01A (Location Plan)*

*1231-PL-03D (As Proposed Site Plan)*

*1231-PL-04 (As Proposed Floor Plan and Elevations)*

*1231-PL-06 (Proposed South Elevation)*

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 Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP)**

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

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

### **4 Arboricultural Site Meeting**

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS. A record of this meeting will be issued to the council and approved before works commence.

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

### **5 Replacement Planting**

No works to any trees shall be carried out until the Local Planning Authority has received and approved in writing the full details of replacement planting. Details are to include number of replacements, species, size, location and approximate date of planting.

Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interest of visual amenity (Cambridge Local Plan 2018 Policy 71).



## **6 Biodiversity Net Gain**

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 net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:

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

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

Reason: To provide ecological enhancements in accordance with the NPPF 2023 para 174, Cambridge Local Plan 2018 policies 59 and 69 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

## **7 Surface Water**

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 include:

- i. Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- ii. Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;

- iii. Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
- iv. A plan of the drained site area and which part of the proposed drainage system these will drain to;
- v. Full details of the proposed attenuation and flow control measures;
- vi. Site Investigation and test results to confirm infiltration rates;
- vii. Full details of the maintenance/adoption of the surface water drainage system;
- viii. Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- ix. Formal agreement from a third party if discharging into their system is proposed, including confirmation that sufficient capacity is available.

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).

## **8 Foul Water**

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

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

## **9 Ecological Enhancement**

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).

## **10 Boundary Treatments**

No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details and retained as approved thereafter.

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

## **11 Renewables**

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

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

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

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

## **12 Water Consumption**

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

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

### **13 EV Charging**

The electric vehicle charging point and associated infrastructure as detailed in and as shown on drawing number 1231-PL-03D (As Proposed Site Plan) shall be fully installed and operational before final occupation of the residential units and shall be retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (2023) paragraphs 107, 112, 174 and 186, Policies 36 and 82 of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

### **14 Cycle Parking**

The development shall not be occupied, until the covered, secure parking of cycles for use in connection with the development have been installed on site as detailed in and as shown on drawing numbers 1231-PL-03D (As Proposed Site Plan) and 1231-PL-04 (As Proposed Floor Plan and Elevations).

Any green roof shall be planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick. The cycle stores and green roof 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).

### **15 Green Roof**

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

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

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

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

## **16 Plant noise insulation**

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

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

## **17 Ecology Compliance**

All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal (Denny Ecology, June 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

## **18 Tree Protection (implementation)**

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

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

## **19 Replacement Planting (implementation)**

Trees shall 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. (Cambridge Local Plan 2018 policy 71).

## **20 Pedestrian Splays**

Two pedestrian visibility splays of 2 metres x 2 metres, as shown on drawing number PL-03 Rev D, shall be maintained free from obstruction exceeding 0.6 metres above the level of the adopted public highway for the lifetime of the development.

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

## **21 Driveway Construction**

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 five 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).

## **22 Access Construction**

The new vehicular access, where it crosses the public highway, shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site. (Cambridge Local Plan 2018 policy 81).

## **23 Hours of Works**

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).

## **24 Piling**

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)

## **25 Materials**

The materials to be used in the external construction of the development, hereby permitted, shall follow the specifications in accordance with the details specified within the application form and approved plans unless otherwise agreed in writing by the Local Planning Authority.

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

## **26 Part M4(2)**

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

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

## **27 Permitted Development: Class A**

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

Reason: In the interests of protecting the character of the area and residential amenity (Cambridge Local Plan 2018 policies 52, 55, and 57).

## **28 Permitted Development: Class B**

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

Reason: In the interests of protecting the character of the area and residential amenity (Cambridge Local Plan 2018 policies 52, 55, and 57).

## **29 Permitted Development: Class E**

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

Reason: In the interests of protecting the character of the area and residential amenity (Cambridge Local Plan 2018 policies 52, 55, and 57)

## **13.0 Informatives**

### **1 Highways**

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

### **2 Air Source Heat Pumps**

The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and



should be free from tonal or other noticeable acoustic features. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactorily and any defects remedied to ensure that the noise levels do not increase over time.

### **3 Plant Noise Insulation**

To satisfy the plant noise insulation condition, the rating level (in accordance with BS4142:2014+A1:2019) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background sound level (LA90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive sounds and other sound characteristics should be eliminated or at least considered in any assessment and should carry an additional correction (rating penalty) in accordance with BS4142:2014+A1:2019. This is to prevent unreasonable disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).

It is recommended that the agent/applicant submits an acoustic prediction survey/report in accordance with the principles of BS4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the application boundary having regard to neighbouring premises.

It is important to note that a full BS4142:2014+A1:2019 assessment is not required, only certain aspects to be incorporated into an acoustic assessment as described within this informative.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; sound sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, frequency spectrums, directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full acoustic calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

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