



Cambridge City Council Planning

Date: Wednesday, 8 January 2025

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 two part agenda and will be considered in the following order:

- **Part One**
Minor/Other Planning Applications
- **Part Two**
General and Enforcement 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 - 16)

Part 1a: General Items

5 Scheme of Delegation Report

(Pages 17 - 98)

Part 2: Minor/Other Planning Applications

6 24/03448/FUL Units B & C, Beadle Industrial Est

(Pages 99 -
116)

7	24/03913/S73 23A Unit 1 Hooper Street	(Pages 117 - 128)
8	24/03207/FUL 17 High Street, Cherry Hinton	(Pages 129 - 146)
9	24/03749/FUL 5 High Street, Cherry Hinton	(Pages 147 - 166)
10	23/03237/S73 1 Fitzwilliam Road	(Pages 167 - 188)
11	24/02837/Ful 11A Garry Drive	(Pages 189 - 204)
12	24/02681/FUL 1 St Kilda Avenue	(Pages 205 - 228)
13	24/04010/S106A Ray Dolby Centre (Cavendish III Laboratory)	(Pages 229 - 240)
Part 1b: General Items		
14	TPO-28-2024 1 Nightingale Avenue Confirmation	(Pages 241 - 250)
15	Appeals Information	(Pages 251 - 258)
16	Compliance Report	(Pages 259 - 264)

Planning Members: Smart (Chair), Baigent (Vice-Chair), Bennett, Dryden, Gilderdale, Lokhmotova, Porrer, Thornburrow and Todd-Jones

Alternates: Flaubert, Griffin, Howard, Nestor and Young

Information for the public

The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

For full information about committee meetings, committee reports, councillors and the democratic process:

- Website: <http://democracy.cambridge.gov.uk>
- Email: democratic.services@cambridge.gov.uk
- Phone: 01223 457000

This Meeting will be live streamed to the Council's YouTube page. You can watch proceedings on the livestream or attend the meeting in person.

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

This page is intentionally left blank

PLANNING

6 November 2024

10.10 am - 5.50 pm

Present:

Planning Committee Members: Councillors Smart (Chair), Baigent (Vice-Chair), Dryden, Gilderdale, Howard, Lokhmotova, Porrer, Thornburrow and Todd-Jones

Also present Councillors: Bick, Davey, Robertson and Tong.

Officers:

Delivery Manager: Toby Williams

Area Team Leader: Michael Sexton

Historic Environment Team Leader: Christian Brady

Principal Planner: Charlotte Burton

Principal Planner: Dean Scrivener

Senior Arboricultural Officer: Matthew Magrath

Senior Planner: Dominic Bush

Senior Planner: Phoebe Carter

Arboricultural Officer: Joanna Davies

Planning Officer: Rachel Brightwell

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Sarah Steed

Other Officers Present:

Cambridgeshire County Council: Benjamin Woolf

FOR THE INFORMATION OF THE COUNCIL

24/107/PlanApologies

Apologies were received from Councillor Bennett, (Councillor Howard attended as her Alternate).

Councillor Lokhmotova sent apologies as she would join the meeting late.

24/108/PlanDeclarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Thornburrow	24/111/Plan	Personal: Referred to previous declarations made on previous iterations of the application. Discretion unfettered on this iteration as other Ward Councillors had liaised with residents about the application.
Councillors Gilderdale and Porrer	24/112/Plan	Personal: Involved some years ago as a Ward Councillor well before the pre-application stage. Discretion unfettered.
Councillor Baigent	24/113/Plan	Personal: Was a socialist.
Councillor Thornburrow	24/113/Plan	Personal: General discussion with member of the public about this application. Discretion unfettered.

24/109/PlanMinutes

The minutes of the meetings held on 24 July and 19 September 2024 were approved as a correct record and signed by the Chair.

24/110/PlanCommittee Recording

The Committee minutes list public speakers at Committee. Please view the recording of the meeting on [Cambridge City Council - YouTube](#) to see/hear more detail about statements from public speakers and Ward Councillors.

24/111/Plan24/0413/TTPO Sturton Street

Councillor Lokhmotova joined the meeting at the start of this item.

The Committee received an application to excavate a trench to severe roots of protected trees and install a root barrier to prevent future growth in the vicinity of 193 Sturton Street.

The Arboricultural Officer updated her report by referring to the amendment sheet which contained comments relevant to the specific topics addressed on the 28 October 2024 site visit.

Three local residents addressed the Committee speaking in objection to the application.

Jon Heuch (Applicant's Agent) addressed the Committee in support of the application.

Councillor Tong (Cambridge City Councillor) addressed the Committee about the application and amenity value of the trees.

Councillor Robertson (Cambridge City Councillor) addressed the Committee about the application and amenity value of the trees.

Councillor Davey (Cambridge City Councillor) addressed the Committee about the application and amenity value of the trees.

The Committee:

Resolved (by 6 votes to 3) to reject the Officer recommendation to approve the application to excavate a trench to severe roots of protected trees and install a root barrier in accordance with the Officer recommendation.

The Delivery Manager outlined minded to refuse reasons:

- i. The proposal requires development in the form of the excavation of a trench which would sever the roots of trees of outstanding, significant and special value, individually and as part of a group. These trees and the wider group of trees on St Matthew's Piece contribute significantly to public amenity, the urban forest and the character and appearance of the Mill Road Conservation Area, where special attention must be given to the desirability of preserving or enhancing its character and appearance.
- ii. The excavation and subsequent installation of a root barrier pose an unacceptable risk of harm to the health of the trees and there was no certainty that the root barrier would work as a solution to damage to the building 193 Sturton Street. The risk of harm to health was not

considered to outweigh the trees' amenity value (including but not limited to their visual, atmospheric, climate, biodiversity, historical and cultural benefits). A material loss of public amenity value, including harm to the Conservation Area, the urban forest and St Matthew's Piece - a highly valued protected open space in Petersfield ward with very limited open space – could arise from the works and result in a decline in the health of the trees and potentially their premature removal.

- iii. The proposal would, therefore, be contrary to Cambridge Local Plan policies 14, 55, 59, 61, 67 and 71, NPPF 2023 paras.131 and 174, NPPG guidance para. 090 Reference ID: 36 090-20140306 and para. 093 Reference ID: 36-093-20140306, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and other legislation, policies and guidance that seek to safeguard the environment.

Unanimously resolved to accept the minded to refuse reasons.

Resolved (by 8 votes to 0 with 1 abstention) not to accept the Officer recommendation and to refuse the application for the reasons above.

24/112/Plan24/01588/FUL No.21 Hobson Street (Old Cinema Building)

The Committee received an application for full planning permission.

The application sought approval for the demolition of existing buildings except for nos. 16 and 17 and 18 - 19 Sidney Street facades, and no. 16-17 street facing roof aspect and chimneys, for the provision of: Replacement retail units totalling 882m² (use class E (a) (b) (c) & (e)); 4,107m² of office space (use class E (g) (i), (ii)); 349m² of community space (use classes F1 and F2); a new shopfront to no.16-17 Sidney Street and alterations to roof and northern chimney, and public realm enhancement works.

The Principal Planner updated his report by referring to new information received 5 November:

- i. Letters of support for the application from third parties.
- ii. New visualisations that had not been consulted upon so were not taken into consideration.

A local resident addressed the Committee speaking in objection to the application.

Mark Richer (Applicant) addressed the Committee in support of the application

Councillor Bick (Cambridge City Councillor) addressed the Committee about the application.

The Committee Manager read out a statement on behalf of Councillor Martinelli (Cambridge City Councillor) about the application.

The Committee:

- i. **Unanimously resolved** to refuse the application for planning permission in accordance with the Officer recommendation, for the following reasons:

- 1) By virtue of the excessive scale, height and mass of the proposed development, the proposal would result in an incongruous and inappropriate form of development which would not be well integrated within the existing skyline of Cambridge and would therefore result in significant visual harm upon the local area. As such, the proposal was not in accordance with Policy 40(a), Policy 60(a) and (c) and policies 55, 56 and 57 of the Cambridge Local Plan 2018 and would fail to satisfy the requirements of paras. 131-141 of the NPPF.

- 2) The proposal would result in the substantial demolition of existing buildings which contribute to the historic context of development within this part of the Conservation Area. The proposal would remove all historic reference and individual plot definition of these buildings and replace them with a development of significant mass and non-contextual form which would cause a high level of less than substantial harm upon the character and appearance of the Conservation Area. The development was not considered to present significant public benefits which would outweigh the level of harm identified, and therefore the proposal was not in accordance with paragraphs 203, 205, 206, 208, and 213 of the NPPF, Policy 60 (b), Policy 61 and Policy 10(c) of the Cambridge Local Plan 2018 and Section 72 of the Listed Building and Conservation Area Act 1990.

3) The demolition proposed would result in the total loss of No. 21 Hobson Street (former cinema building). This building was a designated Building of Local Interest (BLI) and positively contributes to the character and appearance of the Conservation Area due to its iconic and rare architectural style within this part of Cambridge. The application suggests there was no viable use for the building however the marketing information provided was deficient in supporting this conclusion and relies on the evidence of deterioration and poor condition to justify its loss. These are not valid reasons to demolish this significant building and was not outweighed by the public benefits presented. The loss of this building and associated rare architectural references was therefore not justified and the proposal would result in a high level of less than substantial harm to heritage assets. As such, the proposal was not in accordance with paragraphs 202, 205, 206, 208, 209 and 213 of the NPPF, policies 61 and 62 of the Cambridge Local Plan 2018, and Section 72 of the Listed Buildings and Conservation Act 1990.

4) The site was located within the setting of a number of heritage assets. The application lacks evidence within the submitted documents to justify the significant scale and non contextual form of development proposed to demonstrate that significant harm upon the settings of surrounding heritage assets would not arise. The proposal was therefore not in accordance with paragraphs 200, 201, 203, 205, 206, 208 and 213 of the NPPF, Policy 60(b) and Policy 61 of the Cambridge Local Plan 2018 and Section 66 of the Listed Buildings and Conservation Act 1990.

5) The application lacks sufficient information to demonstrate that the proposed development would not result in flooding within the site and surrounding areas, and was therefore not in accordance with Policy 32 of the Cambridge Local Plan 2018 and NPPF para. 173.

- ii. In the event that planning permission was refused and appealed, delegated authority was sought by officers to remove / adjust from its case any reasons for refusal in the event that further information be forthcoming which, in the opinion of officers, overcome the harm identified.
- iii. Delegated authority was sought by officers to agree the terms of any S106 agreement on behalf of the Council (on a without prejudice basis) in respect of appeal proceedings.

24/113/Plan24/02695/FUL Wilbury, Latham Road

Councillors Dryden and Porrer left the Committee before this item was considered and did not return.

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing dwelling and the erection of a replacement self-build dwelling.

The Senior Planner updated his report by referring to the Amendment Sheet:

- i. Two additional third-party objections had been received.
- ii. An objection statement had been received from Cllr Hauk.
- iii. Further information was provided regarding the sustainability principles of the scheme.
- iv. Proposed Location Plan provided.
- v. Amendments to paragraph 10.13 text in the Officer's report.

Three local residents addressed the Committee speaking in objection to the application. (Written statement of a Latham Road resident read by Committee Manager).

Ed Durrant (Applicant's Agent) addressed the Committee in support of the application.

The Committee Manager read out a statement from Councillor Hauk (Cambridge City Councillor) which submitted comments on behalf of residents of the Latham Road area.

Councillor Thornburrow proposed and Councillor Lokhmotova seconded deferring the application to undertake a site visit.

The proposal was **lost by 2 votes to 3 with 2 abstentions**.

The Committee:

Resolved (by 3 votes to 3 with 1 abstention – and on the Chair's casting vote) to reject the Officer recommendation to approve the application for planning permission in accordance with the Officer recommendation.

The Delivery Manager outlined minded to refuse reason:

- i. By virtue of the scale, massing, bulk and design of the proposal, it would fail to preserve or enhance the character or appearance of the Southacre Conservation Area, fail to preserve the setting of the nearby Listed Building no. 2 Latham Rd, the adjacent Building of Local Interest no. 1 Latham Rd and harmfully intrude upon the character and appearance of the green corridor along Trumpington Road appearing as an incongruous and indifferent development. The harm arising from the proposal would not be outweighed by its public benefits. The proposal would, therefore, be contrary to Cambridge Local Plan policies 55, 56, 57, 61, 62, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paras 206, 208 and 209 of the NPPF 2023.

Councillor Howard left the Committee during this item and did not return.

Resolved (by 4 votes to 1 with 1 abstention) to accept the minded to reason.

Resolved (by 3 votes to 1 with 2 abstentions) not to accept the Officer recommendation and to refuse the application for the reason listed above.

24/114/Plan23/03579/FUL 35 Milton Road

The Committee received an application for full planning permission.

The application sought approval for the demolition of existing houses and mixed use redevelopment of 4 semi-detached dwellings and 7 flats with ground floor commercial space, together with access, landscape, parking and associated infrastructure. Resubmission of 22/04306/FUL

A Gilbert Road resident addressed the Committee speaking in objection to the application. (Written statement read by Committee Manager).

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

Councillor Thornburrow proposed an amendment to the Officer's recommendation to include a new cycle parking condition to ensure cargo bikes could be accommodated.

This amendment was **carried unanimously**.

Councillor Lokhmotova proposed an amendment to the Officer's recommendation to revise informative 1 regarding Part O to highlight potential issues with Flat 1 (in particular overheating).

This amendment was **carried by 6 votes to 0**.

The Committee:

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

- i. the planning conditions set out in the Officer's report;
- ii. delegated authority to Officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following an additional cycle parking condition to ensure cargo bikes could be accommodated;
- iii. to revise informative 1 regarding Part O to highlight potential issues with Flat 1 (in particular overheating).

24/115/Plan24/02574/FUL Land at 4 Cavendish Avenue

The Committee received an application for full planning permission.

The application sought approval for the erection of 1 No. dwelling following demolition of the existing triple garage block together with a new vehicular access and parking to serve the existing dwelling.

Two Hills Avenue residents addressed the Committee speaking in objection to the application. (Written statement by one Objector read by Committee Manager).

Chris Anderson (Applicant's Agent) addressed the Committee in support of the application.

Councillor Thornburrow proposed an amendment to the Officer's recommendation requesting the Applicant be mindful of the impact of foundations on trees in properties adjacent to the site.

This amendment was **carried by 6 votes to 0**.

The Committee:

Resolved (by 6 votes to 0) 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) and an informative added to Condition 3 requesting the Applicant be mindful of the impact of foundations on trees in properties adjacent to the site.

24/116/Plan24/02896/FUL 246 Coldhams Road

The application was withdrawn.

The applicant wished to withdraw the application and no decision was made by the Planning Committee Members.

24/117/Plan24/00962/FUL Darwin Green 1 Parcel BDW5/6 Plots 312 and 313

Councillor Lokhmotova left the Committee before this item was considered and did not return.

The Committee received an application for full planning permission.

The application sought approval for amendments to Plots 312 and 313 and the parking for plots 314 and 315 of Darwin Green parcel 5/6.

The Senior Planner updated her report by referring to the Amendment Sheet:

- i. Update to paragraph 8.1.

- ii. Update to paragraph 9.80.
- iii. Amendments to Condition 6 – Piling.

A Cavesson Court resident addressed the Committee speaking in objection to the application. (Written statement read by Committee Manager).

The Committee:

Resolved (by 5 votes to 0) to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report and amendment sheet, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted) including the amendment to Condition 6 as set out on the amendment sheet.

24/118/Plan24/03157/FUL 27 Hawkins Road

The Committee received an application for full planning permission.

The application sought approval for erection of a new dwelling along with single storey rear extension attached to No.27.

Councillor Thornburrow proposed an amendment to the Officer's recommendation: Condition 8 to include cycle parking details for the new property and 27 Hawkins Road to provide a third bike storage space for the new property.

This amendment was **carried by 5 votes to 0**.

The Committee:

Resolved (by 4 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, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted) including the amendment to Condition 8 to include cycle parking details for the new property and 27 Hawkins Road to achieve a third bike storage position for the new property.

24/119/PlanAppeals Information

The Committee noted the appeals list.

The meeting ended at 5.50 pm

CHAIR



**GREATER CAMBRIDGE SHARED PLANNING SERVICE
PLANNING COMMITTEE REVIEW
SCHEME OF DELEGATION**

Planning Committee Date January 2025

Report to Cambridge City Council Planning Committee
 South Cambridgeshire District Council Planning
 Committee
 Joint Development Control Planning Committee

Report By Joint Director of Planning and Economic
 Development

Ward / Parishes affected All

1.0 Executive Summary

1.1 The joint member and officer project to review the effectiveness of each of the Councils Planning Committees resulted in some 49 recommended changes. Each Planning Committee has already considered and agreed these recommendations at meetings in August 2024. The recommendations included changes to the schemes of delegation for each of the committees as follows:

- Creation of one Greater Cambridge Shared Planning Service Scheme of delegation.
- Reviewing the types of applications that can be brought to committee, allowing Members to focus upon the more complex, significant and controversial applications.
- Aligning the triggers for committee referral
- Introducing a Delegation Panel for Cambridge City Committee and Joint Development Management Committee.
- Review and align triggers for the existing Delegation Panel
- Name Change for JDCC to JDMC

1.2 The Committee Review Steering group also recommended changes to the Public Speaking arrangements at Planning Committee which has been reviewed and updated for all Planning Committees.

1.3 In addition, the Committee Review Steering group also recommended a Members Planning Good Practice Guide for Planning which has been produced for all members. This includes guidance and will sit within the broader range of guidance for councillors.

2.0 Recommendation

2.1 It is recommended that the Cambridge City Council / South Cambridgeshire District Council / Joint Development Control Committee endorses the following for approval at Cambridge City Council Civic Affairs Committee and the South Cambridgeshire District Council Civic Affairs Committee before final approval at each authorities Full Council:

- (i) the Greater Cambridge Shared Planning Service Scheme of Delegation, December 2024
- (ii) the amended Public Speaking Rights at Planning Committee
- (iii) the amended Members Planning Good Practice Guide

with delegated authority for minor amendments to officers in consultation with the relevant Executive Councillors.

- 2.2 That Committee delegates authority for minor amendments to the drafting to assist in providing clarity only to officers in consultation with the relevant Executive Councillor.
- 2.3 That a review of the revised Scheme of Delegation be undertaken in 12 months and a report prepared to each Committee for consideration and action.

3.0 Introduction and background

- 3.1 Currently the Greater Cambridge Shared Planning Service (GCSP) supports three Planning Committees - Cambridge City Council, South Cambridgeshire District Council and the Joint Development Control planning committees.
- 3.2 The GCSP has been undergoing a period of transformation and this has included a review of the planning committee processes, of both partner Councils.
- 3.3 In 2020, the Planning Advisory Service (PAS) carried out reviews of all three committees, as part of a commitment by the Councils and Shared Planning Service to improving the effectiveness and consistency of approaches to planning and embodying where possible best practice to support improved community participation and effective and transparent decision making. The purpose of the committee process review was to review those recommendations made as part of the PAS reviews and develop an action plan.

- 3.4 Since 2020, work has been undertaken to revisit the review and aligning the recommendations made by PAS into the review of the Planning Committee process. The recommendations included identifying inconsistencies between committee meetings and opportunities to improve transparency, improving the experience for all “users” of the Planning Committee process for decision making on planning and related applications and improving Compliance against statutory and service performance indicators (KPIs).
- 3.5 The scope of the committee review project included engaging with members of all planning committees to review their experiences and seek their insight into the future roles of the planning committee members, committee processes and to consider what makes a successful committee meeting. An officer working group and separate member working group were set up and have been working together to inform the committee review to align the 3 planning committees.
- 3.6 As set out in the update report in August 2024, the next stage was for smaller working groups to bring forward the necessary changes to implement the 49No. recommendations. This report seeks committee approval for the changes to the schemes of delegation from the 3 planning committees to the Joint Director of Planning and Economic Development. The recommended changes are set out in section 5 of this report.

4.0 Reasons for Change

- 4.1 The reasons for changing the scheme of delegation are in line with the 2020 PAS recommendation to make the most efficient use of officer and member time at Committees by focusing on the most sensitive / complex applications; and to ensure that there is consistency between the three planning committees to aid understanding by users and support transparency and efficiency of decision making. This approach pre-dates the Government’s intentions in the Planning Reform Working Paper: Planning Committees (December 2024), to bring a standardisation and certainty to applicants. Over 90% of decisions are currently delegated to Officers (from 1/1/24 to 1/11/14). Whilst this is broadly in line with the current national average according to PAS, there are wide

variances across the Country, and it is worthy of note that some councils delegate 95% of their applications to officers.

4.2 By way of background, in 2024 there have been 155 applications heard between the three planning committees, equating to over 156 hours (equivalent to nearly 4 and a half weeks) of Member and officers time spent in the committees, in a total of 37 meetings. This time can be multiplied by all of those attending and servicing planning committee including its members, planning and legal officers, democratic services and internal specialists. Additionally, significant officer and member preparation and administrative time is also spent (for example sending out letters, organising rooms and equipment), report checking and writing, site visits, briefings and update sheets, all prior to the meeting. Post committee time is also spent writing and checking minutes and providing advice and information after committees to Councillors, staff, applicants, agents and members of the public.

4.3 In summary, the committee process represents a very significant investment in scarce capacity and resources by each of the Councils and it is therefore critical, given the opportunity cost of that time, that this investment is targeted to have the greatest benefit for the Communities that both Councils serve. This reflects the need identified by PAS and agreed by Members of making the most efficient use of officer and member time at Committees by focusing on the most sensitive / complex applications.

5.0 Recommended Changes

5.1 The recommendations that are being made are to:

- align the three Planning Committees approach through a clear set of common criteria which help filter and more clearly define those applications that are to be brought before committee.
- refine the types of applications that are reported to committee for determination - ensuring the Planning Committee is able to focus on the more complex, significant and controversial applications to be determined.

- 5.2 It is recommended that the detail of how planning decisions are delegated to the relevant Planning committee and then to Officers is to be removed from both City and South Cambridgeshire District Council constitutions, as this is more operational detail that is better placed in one document. This singular GCSP document will then be referenced in the constitutions.
- 5.3 The two constitutions do not currently align nor are they up to date in terms of reflecting the most recent Government Guidance and legislation in relation to planning. Having all of the detail in one document, which does not require an amendment to the constitution to update, will in turn allow for any subsequent changes or updates, including those required in response to the planning reform agenda of the new Government to be within the control of the relevant Planning Committees themselves. This allows each Committee the flexibility to review and readily adapt its Scheme of Delegation in a timely manner to reflect changes in legislation and / or policy without the need for constitutional change.
- 5.4 One of the central recommendations from the committee review steering group was to review the threshold and application types in schemes of delegation for committee decisions; and align the scheme of delegation for the 3 Planning Committees. The recommended changes to the scheme of delegation does that and aligns the triggers for committee determination to a common format, as well as review the existing delegation panel arrangements and introduce a new delegation panel for both City Planning Committee and the renamed JDMC.
- 5.5 Appendix 1 of this report is the recommended Greater Cambridge Shared Planning Service Scheme of Delegation in respect of planning and related functions December 2024. This document includes the details of the scheme of delegation and sets out which applications can be called-in, how call-ins are to be considered by the Delegation Panel and which applications are more generally delegated only to officers.
- 5.6 All of the current schemes of delegation are appended to this document, Cambridge City Council is in Appendix 2 and South Cambridgeshire District

Council is in Appendix 3, the Joint Development Control Committee is in Appendix 4.

Summary of recommended changes

5.7 Recommended changes for Cambridge City and South Cambridgeshire District Council Planning committees, these should be read alongside the proposed Scheme of delegation attached in Appendix 1 of this report.

- The terms and definitions have been updated and aligned within the scheme of delegation
- Triggers have been aligned for planning committee determination as follows:
 - If there is a request from a Ward Member (or in the case of SCDC area a Parish Council) within the 21 days consultation, or 14 days if an amendment, for the planning application to be reviewed by a Delegation Panel to determine if a planning committee decision is required.
 - Where there are 5 or more Third-party Representations on material planning grounds (that cannot be resolved by way of a condition) within the 21 days consultation, or 14 days if an amendment, for the planning application to be reviewed by a Delegation Panel to determine if a planning committee decision is required.
 - Where there are 5 or more Third-party Representations on material grounds to a Tree Preservation Order application which are contrary to the Officer recommendation and which cannot be resolved by way of a condition, made within the 21 days consultation, or 14 days if an amendment, for the application to be considered by Planning Committee.
 - If the application is a significant departure from the Local Plan and it is recommended for approval.
 - If the applicant is an elected Member or an Officer of the relevant Council, or close relative or family member of either of such persons or where an Application is made on their behalf.

- The application is for the substantial demolition of a Listed Building or Building of Local Interest.
- Regulation 3 application (application made by the Local Authority)
- If, in the opinion of Officers, it should be determined by the Planning Committee, subject to special planning policy considerations or the complexity of the application or it is of significant and / or of strategic importance.

5.8 The Scheme of Delegation for the Joint Development Control Committee has also been reviewed and amended, including being updated with a new name, the Joint Development Management Committee (JDMC). Throughout the remainder of the report this committee will be referenced by the new name.

- Triggers for JDMC planning committee determination
 - If the application is for one hundred (100) or more residential units, or 1,000m² or more non-residential development on a site that is one hectare or more.
 - The application includes primary roads, open space, or strategic infrastructure.
 - Regulation 3 applications by the Local Authority
 - If the application is a significant departure from the Local Plan and it is recommended for approval.
 - If the applicant is an elected Member or an Officer of the relevant Council, or close relative or family member of either of such persons or where an Application is made on their behalf.
 - If, in the opinion of Officers there are special planning policy considerations, complex, significant or of strategic importance.
 - If there is a request from a Parish Council or Ward Member within the 21 days consultation, or 14 days if an amendment, for the planning application to be considered by a Delegation Panel to determine if a planning committee decision is required.
 - Where there are 5 or more Third-Party Representations with material planning grounds to a Tree Preservation Order which are contrary to

the Officer recommendation (that cannot be resolved by way of a condition) within the 21 days consultation, or 14 days if an amendment, for the planning application to be considered by a Delegation Panel to determine if a planning committee decision is required.

- 5.9 In order to make the most efficient use of officer and member time at Committees by focusing on the most sensitive / complex applications Schedule A within the scheme of delegation lists those application types which are recommended to be delegated to the Joint Director for Planning and Economic Development and not subject to a call-in process into Planning Committee. Subject to the exception provided which allows officers to refer any application to Committee in specific circumstances, such applications would thus generally be delegated.
- 5.10 The types of applications listed in Schedule A include for example prior approval applications, lawful development certificates and householder applications, thereby ensuring that Planning Committee's time is used wisely and focuses on the types of planning applications which require wider debate and which are complex, controversial and / or significant in nature.
- 5.11 The recommended scheme of delegation also includes a Schedule B which sets out the different current legislation that relates to operating the Planning Service, as well as determining the plethora of different types of planning applications. By including this within the scheme of delegation and not within the constitution this ensures it can be easily updated and amended as necessary, to ensure we constantly have an up-to-date scheme for determining planning, and other, related applications.
- 5.12 Figures 1, 2 and 3 below set out examples to illustrate the journey for different types of planning applications and how they would proceed to determination under the recommended scheme of delegation. Figure 1 sets out the journey of a Full Planning application for 10 dwellings showing how such an application would be processed as per the recommended scheme of delegation.

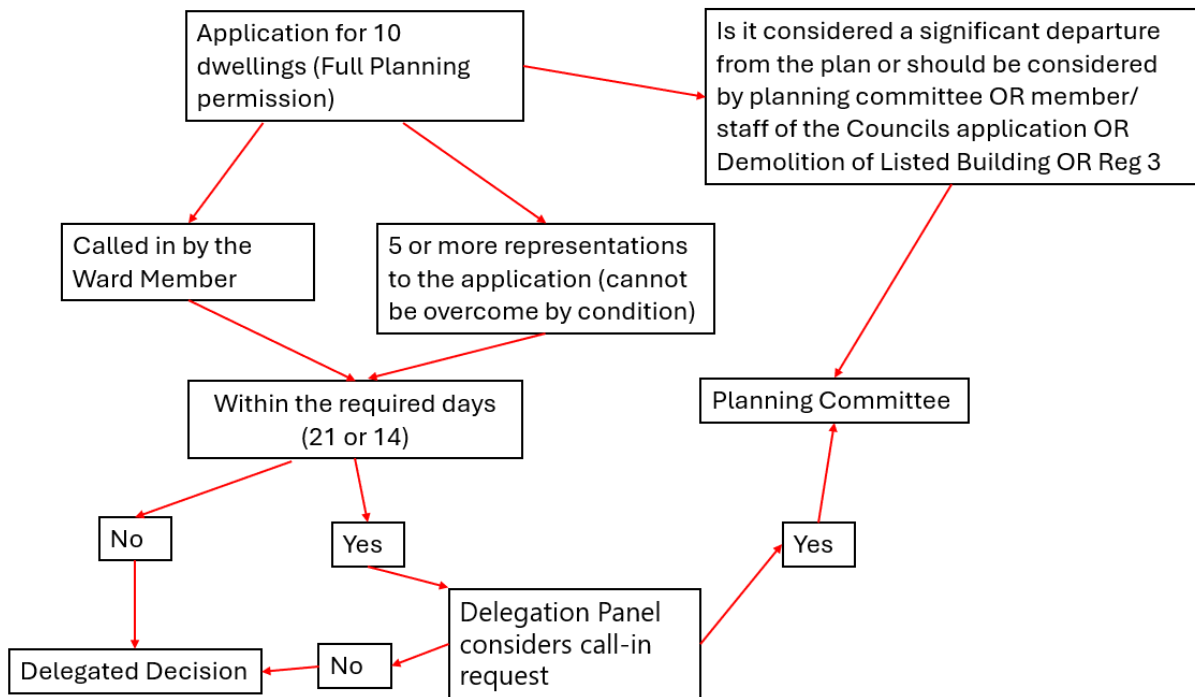


Figure 1: Full Planning Application example

5.13 Figure 2 sets out the journey of a householder planning application and how it would proceed to determination under the recommended scheme of delegation.

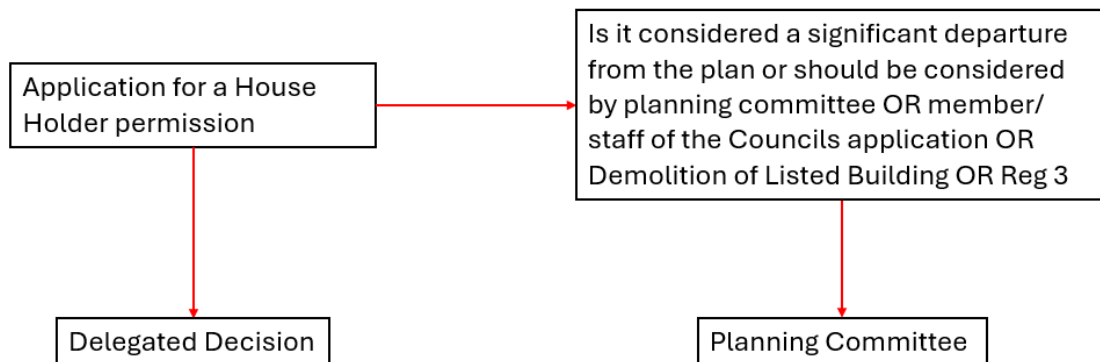


Figure 2: Householder Planning Application

5.14 Figure 3 sets out the journey of a planning application within a strategic site and how it would proceed to determination under the recommended scheme of delegation.

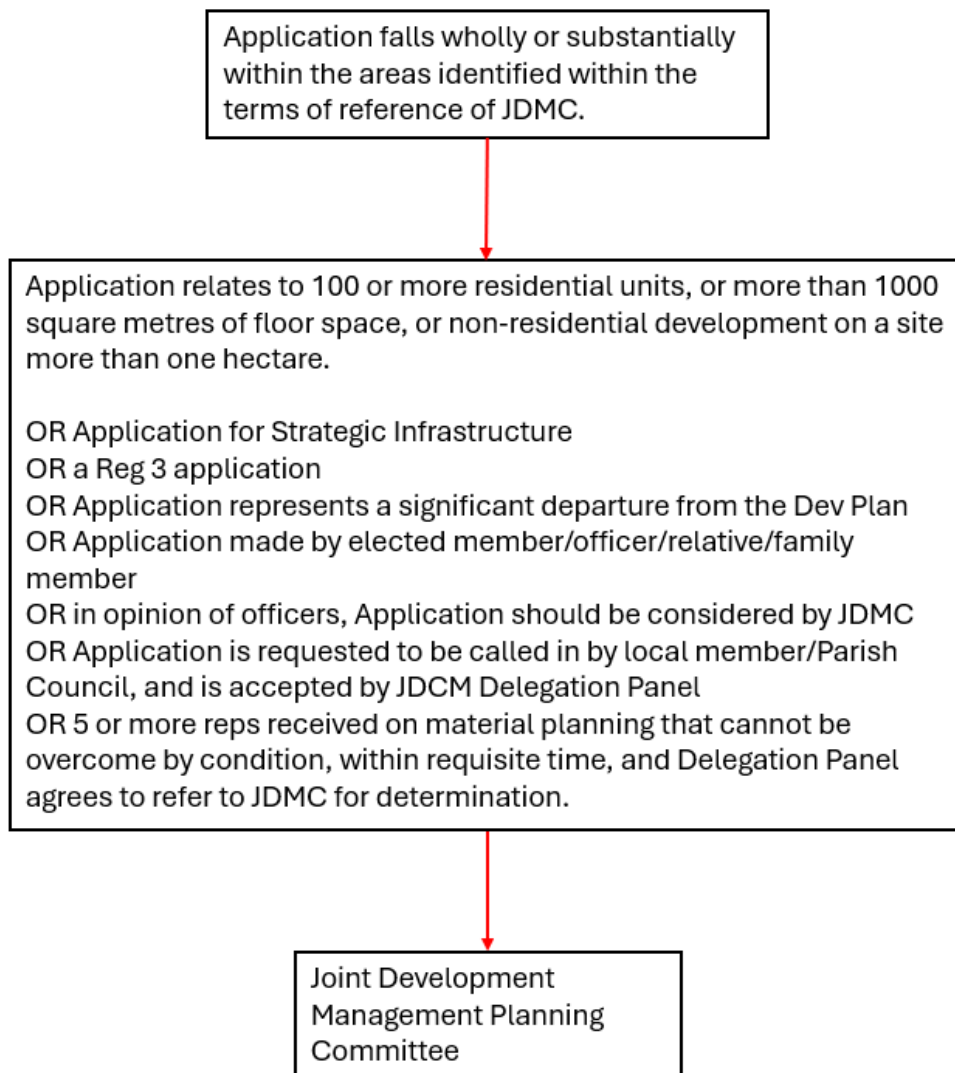


Figure 3: Strategic Site planning application

5.16 There are a number of other documents which are recommended to be removed from either the Cambridge City Council Constitution or the South Cambridgeshire District Council Constitution to ensure that there is capacity to allow for any changes or updates to be within the control of the relevant Planning Committees without the need to make changes to the relevant constitution if changes are needed to update the documents. The documents recommended to be removed and incorporated within the GCSP Scheme of Delegation are:

- The Terms of reference for the Joint Development Management Committee (JDMC), Standing Orders and plans (updated)
- Development Control Forum details

- The JDMC Cost Sharing Protocols

6.0 The Public Speaking Rights for Planning Committee

6.1 Every Planning Committee broadly follows a similar order of business as recommended though LGA Probity in Planning document. Public speaking at Planning Committees is a normal practice. Recommended changes from the Committee Review Steering Group were to update the public speaking at planning committee guidance to ensure it encompasses:

- Review public speaking guidelines of the 3 planning committees to align.
- Registration deadlines – 12 noon 2 days in advance
- 3 mins speaking - per category – objector, petitioner, applicant / agent / supporter, parish council, ward member.
- There is no need to have made a written representation to register to speak at committee
- Speakers can attend in person or virtually
- Written representations can be accepted if person can't attend to speak (12 noon 2 days before the meeting deadline); circulated to members by committee services, update as part of additional late representations in officer presentation (summarise text on screen) and case officers redact and upload on public access.
- If speakers wish to submit photos without captions/ text in advance of the meeting this should be done so by 12 noon 2 days in advance of the meeting for officer verification.
- Install mechanisms within the council chamber to alert public speakers, to assist with speaking time limits – eg Timing, clocks, lights, bells
- Chairs discretion to allow more than 3 mins for larger, more complex major applications
- Advice to speakers on what 3 minutes looks like – guidance e.g. how much text on an A4 page, encourage them to time themselves, and reiterate that they will be cut off when their 3 minutes is up.

- If speakers are attending virtually, ensure phone numbers are collected to access speakers if there is a problem.

6.2 Similarly to the scheme of delegation, having all of the detail in one aligned guide, which does not require an amendment to the constitution to update, will in turn allow for any subsequent changes or updates to be within the control of the relevant Planning Committees themselves. A singular document also ensures that all three of the Planning Committees are operated consistently, assisting Members, Officers, Applicants, Agents and members of the public in being able to understand and participate in Committee across the Shared Planning Service area, as there is a consistent approach between the three committees and the stakeholders that use them.

6.3 The updated public speaking guidance has incorporated all of the changes recommended by the committee review steering group and is attached in appendix 5.

7.0 The Members Planning Good Practice Guide 2024

7.1 The Committee review steering group acknowledged that an issue that councillors often find confusing is how to differentiate between someone who is pre-determined, pre-disposed. It was also noted that lobbying of Members of planning committees regularly takes place prior to a meeting as applicants and other interested parties look to persuade the Committee of their point of view. Planning Committee Members may be unclear what to do with the lobbying material that they receive.

7.2 As a result, it was recommended that a Members Good Practice Guide for planning was produced for all members. This is attached in appendix 6 and includes guidance for all members not just planning committee members, this will sit within the broader range of guidance for councillors.

8.0 Implications

Financial Implications

8.1 The cost of the Planning Committee meetings, reflecting the amount of Member time, but also the significant officer input to prepare, attend and administer a meeting are significant. The Councils existing staff and resources budgets cover these costs. The changes recommended are not anticipated to increase the frequency of Planning Committee meetings but are designed to make the investment of time and resources effective. These proposals do not introduce additional costs but will indirectly support ongoing work to increase impact and effectiveness the Council and the Shared Planning Service. The introduction of a delegation panel and changes to the scheme of delegation may reduce the caseload at the committee meetings.

Staffing Implications

8.2 There are no negative staffing implications arising from this report.

Equality and Poverty Implications

8.3 An Equality Impact Assessment (EQIA) has not been undertaken in respect of this report, because no material changes are proposed to the fundamental operation of the Committee meetings.

Environmental Implications

8.4 None.

Procurement Implications

8.5 None.

Community Safety Implications

8.6 None.

Legal Implications

8.7 The recommended changes do include amendments to the schemes of delegation, and constitution; these recommendations once agreed will need to be embedded into the governance process for each authority, by next step reporting and approval by the relevant Civic Affair committees.

9.0 Consultation and Communication Considerations

9.1 No formal consultation has been undertaken in the preparation of this report. The review of the committee processes has been carried out in conjunction with a member working party comprising of chairs, vice chairs and spokes of all 3 planning committees operating within GCSP.

10.0 Background Papers

10.1 Background papers used in the preparation of this report:

- PAS report 2020 – Planning Committee Peer Review, Cambridge City Council
- PAS report 2021 – Planning Committee Peer Review, South Cambridgeshire District Council
- South Cambridgeshire District Council Ethical Handbook (May 2020) Ethical Handbook.pdf (moderngov.co.uk) and Constitution. Agenda for Constitution on Thursday, 9 June 2022 (moderngov.co.uk)
- Cambridge City Council Planning Code of Good Practice 2015
- PAS Planning Committee Protocols: [Planning Committee Protocols | Local Government Association](#)
- Cambridge City Council Scheme of Delegation for Planning Committee
- South Cambridgeshire District Council Scheme of Delegation for Planning Committee
- Joint Development Control Committee Scheme of Delegation for Planning Committee
- Planning Committee Review Report to Planning Committees, August 2024
- South Cambridgeshire District Council's Constitution
- Cambridge City Council Constitution

11.0 Report Author

Jane Rodens

Area Planning Manager

Jane.Rodens@greatercambridgeplanning.org

12.0 Appendixes

Appendix 1 - Greater Cambridge Shared Planning Service Officer Scheme of Delegation in respect of planning and related functions December 2024

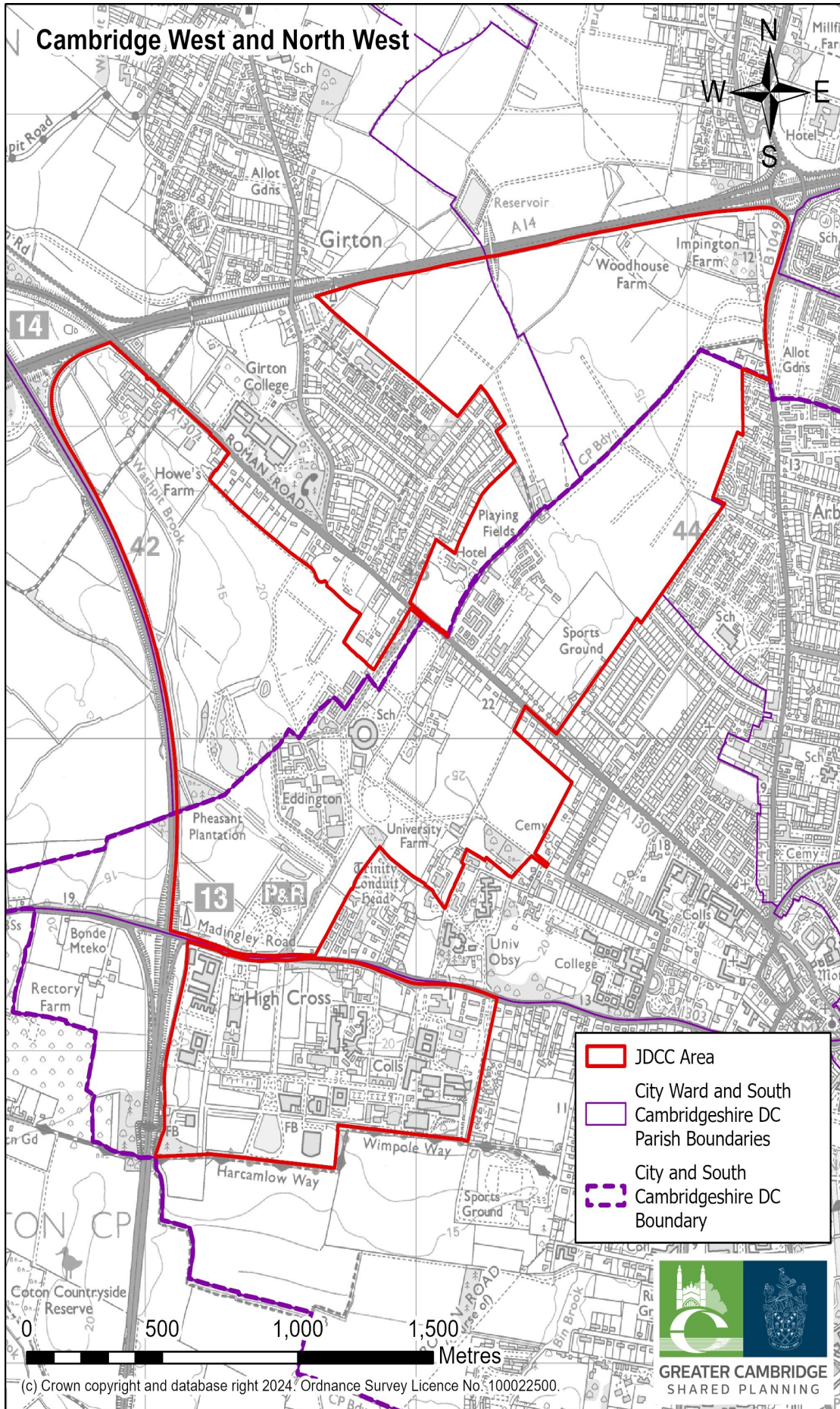
Appendix 2 - Cambridge City Council Scheme of Delegation for Planning Committee

Appendix 3 - South Cambridgeshire District Council Scheme of Delegation for Planning Committee

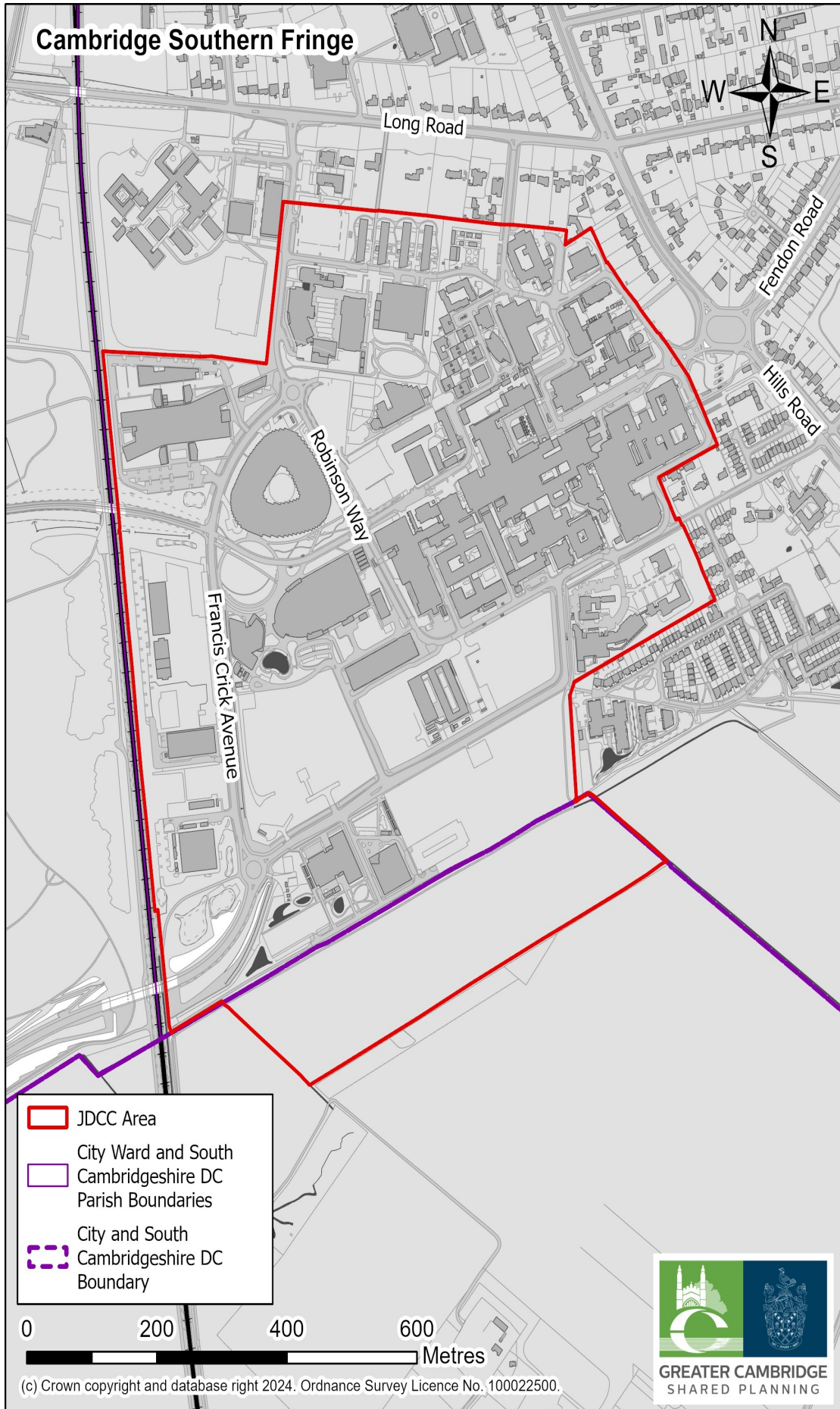
Appendix 4 - Joint Development Control Committee Scheme of Delegation for Planning Committee

Appendix 5 - Public speaking Rights for Planning Committee

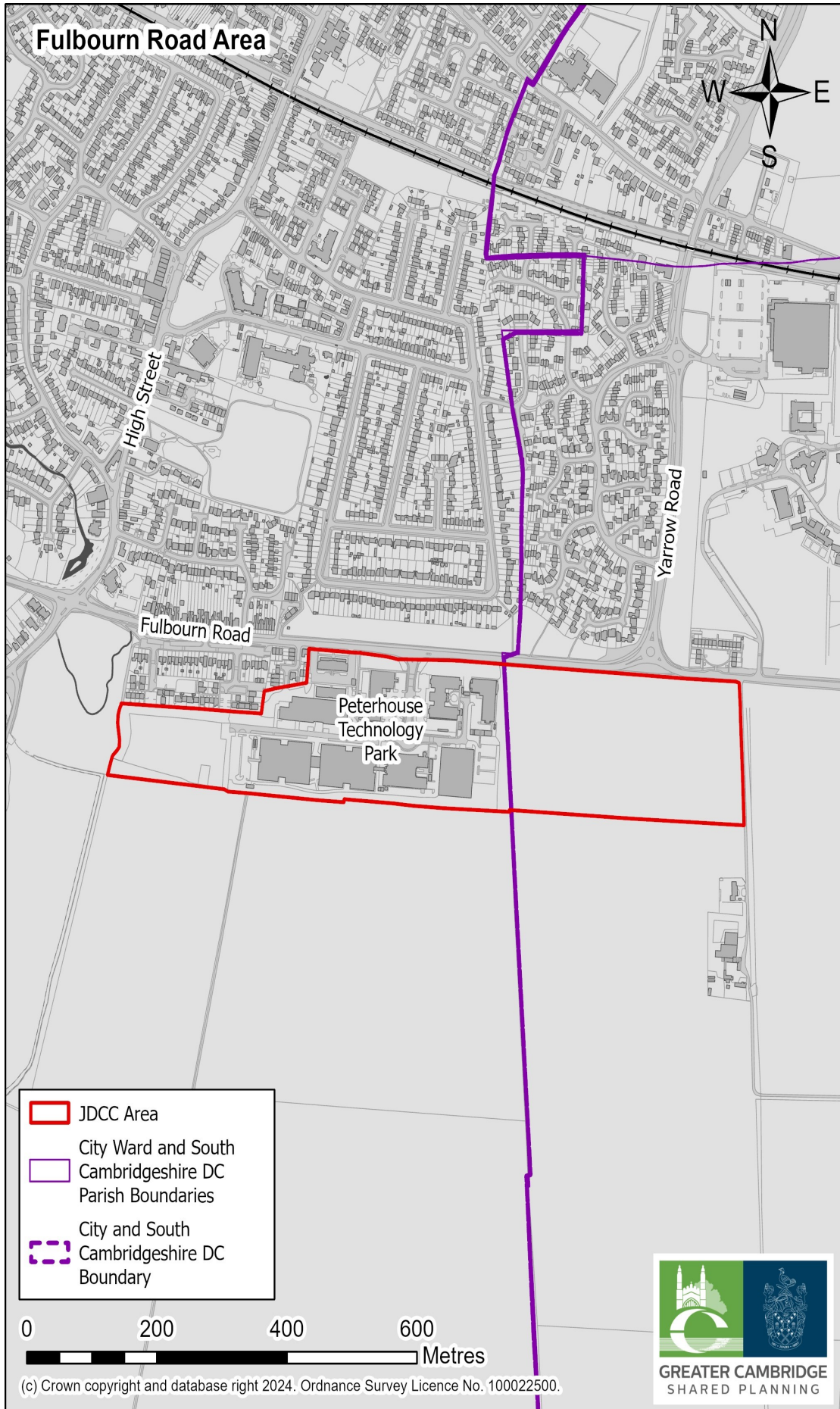
Appendix 6 – Members Planning Good Practice Guidance



This page is intentionally left blank



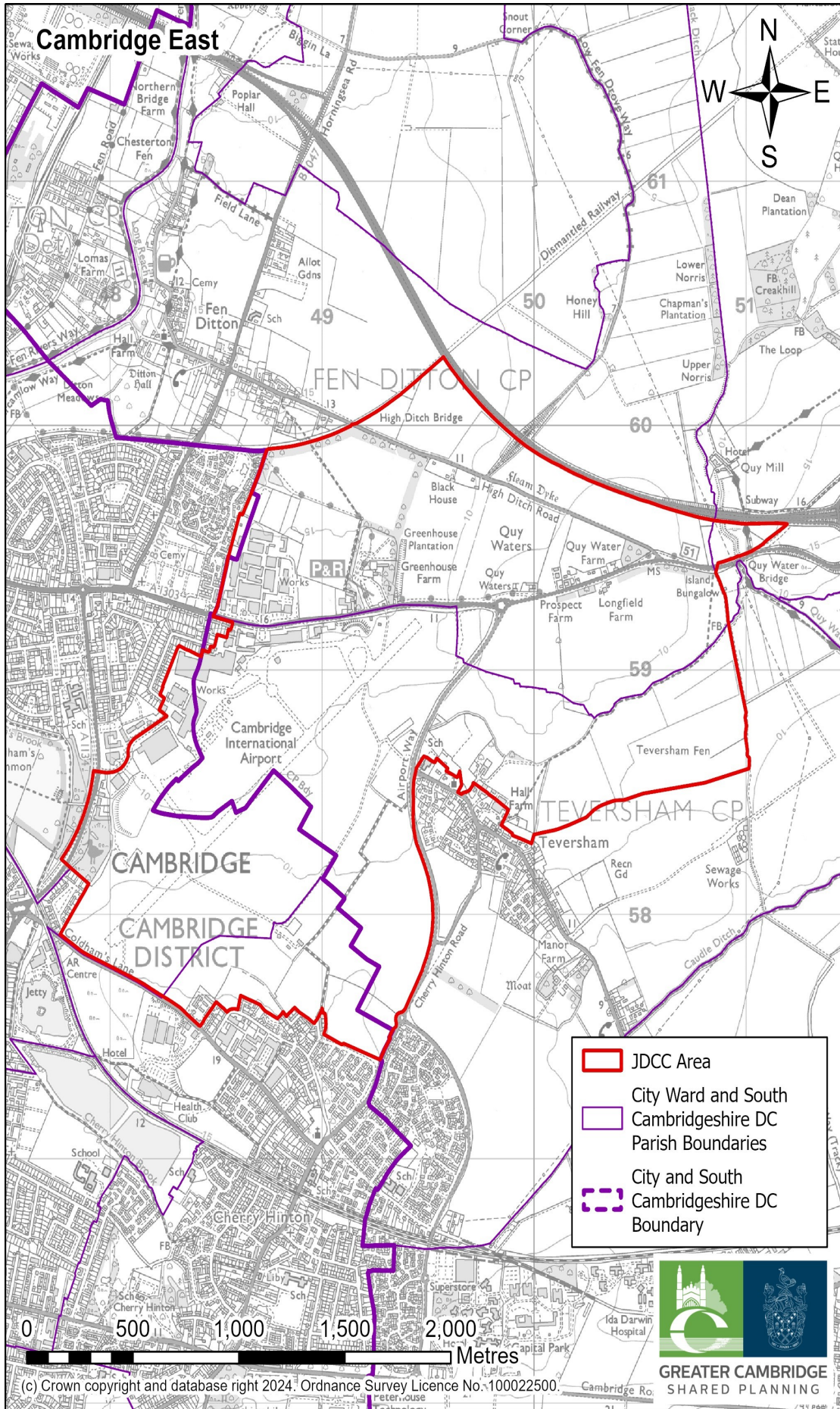
This page is intentionally left blank



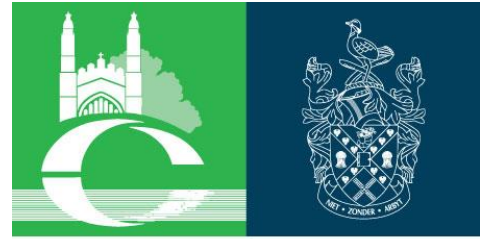
This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank



GREATER CAMBRIDGE
SHARED PLANNING

Greater Cambridge Shared Planning Service Officer Scheme of Delegation in respect of planning and related functions December 2024

This Scheme of Delegation relates to all those matters delegated to the Joint Director of Planning and Economic Development by Part 3 and Part 4 of South Cambridgeshire District Council Constitution dated 8 March 2024 (as amended) and Para 5.7 of Section 9 of Part 3 of Cambridge City Council Constitution dated 06 December 2023 (as amended)

Delegated authority given by South Cambridgeshire District Council and Cambridge City Council Planning Committees to the Joint Director of Planning and Economic Development.

Defined terms

“Application” means any application received by the Council under the Town and Country Planning Act (1990) as amended, The Listed Building and Conservation Areas Act (1990) as amended including any application for the making of a tree preservation order, application for the approval or the modification, variation, revocation of an existing tree preservation order, including any application to undertake any tree works to trees whether or not the trees are within a conservation area, or any other legislation affording the Council a right to exercise its duties and functions as set out under Schedule B.

“Council” means either South Cambridgeshire District Council or Cambridge City Council as the context requires, and “Council” and “Councils” shall be construed accordingly.

“Delegation Panel” means the panel comprising of the Joint Director of Planning and Economic Development in consultation with the Chair and / or Vice Chair of the relevant Council’s Planning Committee, set up specifically for the purposes of deciding whether a Planning Application is to be determined by the relevant Planning Committee.

Any member in relation to an application within their ward is permitted to make a written representation to the Delegation Panel concerning whether the application should be heard by Planning Committee.

Upon request and with the Chair or Vice Chair’s agreement, any member (or a member on their behalf) in relation to an application within their ward can attend the Delegation Panel to explain the reasoning for calling-in a proposal.

“Director” means the Joint Director of Planning and Economic Development, or such other Director as shall perform the functions of the Joint Director of Planning and Economic Development.

“JDMC” means the Joint Development Management Committee

“JDMC ToR” means the JDMC terms of reference dated July 2020 as amended from time to time (Appendix 1).

“Major Development” means any Application which falls within the definition of major development as set out in the Town and Country Planning (Development Management Procedure (England) Order 2015) (As amended) involving any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;

- (c) the provision of dwellinghouses where:
- (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the GIA floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

“Minor Development” means any Application which falls outside of the definition of Major Development.

“Planning Committee” means the Planning Committee of either South Cambridgeshire District Council or Cambridge City Council or the Joint Development Management Committee as the case may be.

“Representation” means a written communication(s) received by the Council from a Third-party in response to a public consultation to an Application and which raises material planning considerations. Multiple written communications from a Third-party are to be construed as a singular Representation relative to any referral to the Delegation Panel unless made in the form of a petition.

“Scheme” means this Scheme of Officer Delegation.

“Third-party” means anyone who has made a Representation who is not the applicant or their representative, a parish council or statutory consultee.

Scheme of Delegation

The schedules referred to in this Scheme are Part 3 Table 3 (Responsibility for Council functions (Committee) (As amended) of the South Cambridgeshire District Council’s constitution and Part 3, 5.5 (As amended) of the Cambridge City Council’s constitution.

Scheme of Officer Delegation in relation to South Cambridgeshire District Council and Cambridge City Council Planning Committees

The Scheme of Delegation: the Planning Committee delegates authority to the Director to exercise at their discretion, the duties, functions and responsibilities of the Council in relation to paragraphs 1-15 below. The Director may authorise any other Officers within the Greater Cambridge Shared Planning Service to exercise these powers on their behalf. Any Officer so authorised by the Director may in turn delegate further. Such delegations must be evidenced in writing:

1. The identification and Designation of Local Heritage Assets
2. The investigation and determination of responses in accordance with the Local Land Charges Act 1975 (as amended)
3. The implementation and operation of provisions under Part VIII of the Town and Country Planning Act 1990
4. The investigation and discharge of all enforcement functions and capabilities contained within the Town and Country Planning Act, Planning (Listed Building and Conservation Areas) Act and The Hedgerows Regulations 1997 Act and The Hedgerows Regulations 1997.
5. The discharge of functions of Local Government (Miscellaneous Provisions) Act 1976, Section 16.
6. The determination of complaints received pursuant to Part 8 of the Anti-social Behaviour Act 2003.
7. The determination of applications for the registration of land or buildings as Assets of Community Value.
8. To determine, make a decision, respond, investigate, or notify on behalf of the Council in the exercise of its responsibilities, duties and functions any Application **as set out in Schedule A**, and made in relation to any of the Acts (as amended) as set out in Schedule B, subject to any Application made under paragraphs 11 – 15 always being required to be reported to Planning Committee.
9. To determine, make a decision, respond, investigate, or notify on behalf of the Council in the exercise of its responsibilities, duties and

functions any Application **not set out in Schedule A**, and made in relation to any of the Acts (as amended) as set out in Schedule B, **except in any of the circumstances set out in paragraphs 10.1 – 15 below:**

- 10.1. Where a local member or Parish / Town Council writes, or emails, a request for a particular Application¹ to be considered by Planning Committee, sound material planning reasons are given for why this is considered necessary, and the request is accepted by the Joint Director of Planning and Economic Development at Delegation Panel, after consultation with the Chair and / or Vice Chair of Planning Committee subject to: the request having been made within twenty-one days of the date of validation of the Application, or within fourteen days of receipt by the relevant Council of any subsequent significant amendment to the Application. Any call-in request must be accompanied by a written statement giving the relevant material planning considerations and why in the opinion of the Parish/ Town Council or Ward Member it is appropriate for the Application to be determined by the Planning Committee; or
- 10.2 Where five or more Third-party Representations on material planning grounds to an Application¹ (that cannot be resolved by way of a condition(s)) are received and following consideration by the Joint Director of Planning and Economic Development at Delegation Panel, having consulted with the Chair and / or Vice Chair of Planning Committee, the Application is decided to be referred to Planning Committee for its determination, subject to: the Third-party Representations having been made within twenty-one days of the date of validation of the Application, or within fourteen days of receipt by the relevant Council of any subsequent significant amendment to the Application; or
- 10.3 Where five or more Third-party Representations on material grounds (that cannot be resolved by way of a condition(s)) to an Application related to the making of a tree preservation order are received which are contrary to the officer recommendation, subject to: the Third-party Representations having been made within twenty-one days of the date of validation of the Application,

or within fourteen days of receipt by the Council of any subsequent significant amendment to the Application; or

11. Where the Officer recommendation is one of approval, but the Application represents a significant departure from the adopted development plan. Significant departures shall include, but are not limited to, development which requires referral to the Secretary of State; or
12. Where the applicant is an elected Member or an Officer of the relevant Council, or close relative or family member of either of such persons or where an Application is made on their behalf; or
13. Where an Application is for the substantial demolition of either a listed building (within the meaning of the Town & Country Planning Act (Listed Buildings & Conservation Areas Act 1990) or a building of local interest; or
14. Where a Regulation 3 Application is made pursuant to the Town and Country Planning General Regulations 1992 (as amended from time to time or replaced); or
15. Where an Application is one which in the opinion of Officers' should be determined by the Planning Committee because of special planning policy considerations or the complexity of the application or it is of significant and / or of strategic importance.

¹: Excluding Applications for Tree Preservation Orders or Tree Works

Note:

For the purposes of considering circumstances described in paras.10.1 and 10.2, the Director in consultation with the Chair and / or Vice Chair of Planning Committee, shall have regard to the following criteria:

1. Relevant material planning considerations raising significant planning concerns.

2. Significant implications for adopted policy.
3. The nature, scale and complexity of the proposed development.
4. Planning history.
5. Degree of public involvement.

Scheme of Officer delegation in relation to the JDMC

The following powers are delegated to the Director in respect of planning and development management matters. The Director may authorise any other Officers within the Greater Cambridge Shared Planning Service to exercise these powers on their behalf. Any Officer so authorised by the Director may in turn delegate further. Such delegations must be evidenced in writing:

- A. To determine and make decisions in connection with the Applications (as set out in the attached Schedule A submitted under the legislation specified in Schedule B) and which falls wholly or substantially within the areas identified within the terms of reference of JDMC as included in Appendix 1 *except* in any of the following circumstances:
 1. where the Application is in respect of:
 - 1.1. the provision of residential units where the number to be provided is one hundred or more;
 - 1.2. the provision of a non-residential building or buildings where the GIA floor space to be created by the Application is 1,000m² or more *or* is for non-residential development to be carried out on a site that is of one hectare or more; or
 2. the Application includes the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose; or
 3. a Regulation 3 Application made pursuant to the Town and Country Planning General Regulations 1992 (as amended from time to time or replaced); or

4. where the Officer recommendation is one of approval, but the Application represents a significant departure from the adopted development plan. Significant departures shall include, but are not limited to, development which requires referral to the Secretary of State; or
5. where the applicant is an elected Member or an Officer of the relevant Council, or close relative or family member of either of such persons or where an Application is made on their behalf; or
6. the Application is one which in the opinion of Officers should be determined by JDMC because of special planning policy considerations or the complexity of the application or it is significant and / or of strategic importance; or
7. Where a local member or Parish / Town Council writes, or emails, a request for a particular Application¹ to be considered by Planning Committee, sound material planning reasons are given for why this is considered necessary, and the request is accepted by the Joint Director of Planning and Economic Development at Delegation Panel, after consultation with the Chair and / or Vice Chair of Planning Committee subject to: the request having been made within twenty-one days of the date of validation of the Application, or within fourteen days of receipt by the relevant Council of any subsequent significant amendment to the Application. Any call-in request must be accompanied by a written statement giving the relevant material planning considerations and why in the opinion of the Parish/ Town Council or Ward Member it is appropriate for the Application to be determined by the Planning Committee; or
8. Where five or more Third-party Representations on material planning grounds to an Application¹ (that cannot be resolved by way of a condition(s)) are received and following consideration by the Joint Director of Planning and Economic Development at Delegation Panel, having consulted with the Chair and / or Vice Chair of Planning Committee, the Application is decided to be referred to Planning Committee for its determination, subject to: the Third-party Representations having been made within twenty-one days of the date of

validation of the Application, or within fourteen days of receipt by the relevant Council of any subsequent significant amendment to the Application.

¹: Excluding Applications for Tree Preservation Orders or Tree Works

Note:

For the purposes of considering circumstances described in paras 7 and 8 the Director in consultation with the Chair and / or Vice Chair of the Planning Committee shall have regard to the following criteria:

1. Relevant material planning considerations raising significant planning concerns.
2. Significant implications for adopted policy.
3. The nature, scale and complexity of the proposed development.
4. Planning history.
5. Degree of public involvement.

Schedule A: Applications delegated to the Director (not subject to consideration for Committee)

- a) any Application for prior approval, telecommunications, advertisement consent, lawful development certificates, householder development, discharge of conditions, S96 non-material amendment, permission in principle, tree works, or S19 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b) to determine the reasons for which any Application would have been refused where this is relevant to appeals against non-determination and, on a without prejudice basis, to suggest appropriate conditions and approve / comment on the terms of Section 106 agreements or Unilateral Undertakings.
- c) negotiating and settling (i) the terms of any planning obligations and/or the discharge of planning obligation/s pursuant to sections 106 and 106A of the Town and Country Planning Act 1990 (as amended) in accordance with the terms of any resolution or decision to grant planning approval by the relevant Planning Committee: and (ii) the authority to enter into any planning obligation for the purposes of acting as the enforcement authority for any planning

obligation imposed on the other Council in the circumstances where it has a legal estate in the Application site.

- d) screening and scoping opinions pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended from time to time or replaced)
- e) to carry out and adopt Appropriate Assessment under the Habitats Regulations.
- f) negotiating and completing applications for planning performance agreements.
- g) any operational matters and decisions, including its enforcement, relating to the implementation of a Community Infrastructure Levy.
- h) consent for drainage works.
- i) prior notifications and approvals under a Development Order
- j) goods vehicles operating licences

Schedule B: The following legislation as amended from time to time or any replacement legislation:

- Local Government Act 1972.
- Local Land Charges Act 1975
- Local Government (Miscellaneous Provisions) Act 1976
- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation areas) Act 1990
- Planning and Compensation Act 1991
- Transport and Works Act 1992
- Environment Act 1995 (including Hedgerow Regulations 1997)
- Anti-social Behaviour Act 2003
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008
- Localism Act 2011
- Growth and Infrastructure Act 2013
- Infrastructure Act 2015
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- Levelling up and Regeneration Act 2023

- The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019
- Any new legislation that is relevant to the Councils' Planning functions.

Appendices

The Terms of reference for the Joint Development Management Committee (JDMC), Standing Orders and plans are in Appendix 1.

Development Control Forum details are in Appendix 2

The Cost Sharing Protocols for JDMC are in Appendix 3

DRAFT

Appendix 1 – Terms of reference for the Joint Development Management Committee

1. Parties:

Cambridge City Council
South Cambridgeshire District Council
(‘the Councils’)

2. Status:

The Joint Development Management Committee (‘the Committee’) is a joint committee formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

3. Membership:

6 Members appointed by Cambridge City Council
6 Members appointed by South Cambridgeshire District Council

4. Terms of reference:

4.1. The Committee’s remit is to discharge the functions (‘the functions’) set out in Annex 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2.

4.2. The Committee shall discharge the functions in respect of Major Developments and related matters pursuant to such applications on land that is positively identified in the adopted Local Plans of the two Councils for any purpose and which falls wholly or substantially within the area as shown edged in [blue] on the plans forming Annex 3.

4.3. The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4. The Committee may exercise the powers of delegation contained in sections 101(2), 101(5) and 102 Local Government Act 1972.

5. Standing Orders

5.1. The Committee shall be governed by the Standing Orders set out in Annex 2, as amended from time to time.

6. Administration

6.1. The Party which is the local planning authority shall receive applications in the usual way and shall be responsible for all consequential administration.

6.2. Cambridge City Council's staff shall be responsible for all matters connected with the administration of the Committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet or providing facilities to enable remote meetings to take place. Decision notices shall be signed by the Joint Director of Planning.

6.3. Costs shall be shared in accordance with the Cost Sharing Protocol set out in Appendix 3 to the Standing Orders.

Notes:

- 1) A major development is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 or as subsequently amended or replaced and means development including any one or more of the following:
 - a) the mining and working of minerals
 - b) waste development;
 - c) the provision of dwelling-houses where
 - i) the number of dwelling-houses to be provided is 10 or more; or
 - ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
 - d) the provision of a building or buildings where the GIA floor space to be created by the development is 1,000m² square metres or more; or

- e) development carried out on a site having an area of 1 hectare or more

Annex 1 – Functions of the Committee

1. The exercise of each of the Councils' powers and duties in relation to Part III (Control Over Development) of the Town and Country Planning Act 1990 as amended and Chapter II and VI (as appropriate) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of "Major Development" and related applications for approval of details and S106 requests to that permission plus associated Reserved Matters applications including but not limited to:
 - i) the determination of planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.
 - ii) the power to approve authorise and direct the respective Councils to negotiate and enter into agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990.
2. The review, change, amendment or modification of the scheme of delegation to Officers.
3. The review, change, amendment or modification of the Standing Orders of the Committee.
4. Any matter related to an application previously determined by the Joint Development Control Committee for Cambridge Fringes and which would continue to form a part of this Committees functions.
5. Such other functions as may be delegated to the Committee by the Councils from time to time.

Annex 2 - JDMC Standing Orders

Joint Development Management Committee Standing Orders

Approved on 21 October 2020.

1. Appointment of Chair and Vice-Chair

- 1.1. The Committee shall, at its first meeting, and as a minimum annually thereafter, elect a Chair and Vice-Chair. The Chair and Vice Chair shall be drawn alternately from each of the two Councils comprising the Committee.
- 1.2. In the absence from any meeting of the Chair and Vice-Chair, a Chair for that meeting shall be appointed by the meeting, but shall relinquish the chair if the Chair or Vice Chair subsequently arrives at the meeting.

2. Notice of and Summons to Meetings

- 2.1. The Administrator will give notice to the public of the time and place of any meeting in accordance with the access to information rules applicable to local authorities. At least five clear days before a meeting, the Administrator will send an agenda by post and/or electronically to every member of the Committee. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such details as are available.
- 2.2. The Administrator will take reasonable steps to ensure that a copy of the agenda and accompanying papers are placed on deposit at the offices of each of the councils for public inspection at least five clear days before the meeting. The Administrator will ensure that arrangements are put in place for the inspection of background papers in accordance with section 100D, Local Government Act, 1972 and to ensure compliance with all other provisions of Part VA, of that Act.
- 2.3. Dates, times and venues for meetings shall be determined by the committee. In the absence of agreement or in cases of urgency, meetings may be called by the Administrator following consultation with the Chair and Vice Chair.

3. Membership

- 3.1. Committee members shall be appointed by the councils from time to time in accordance with the terms of reference. A council may at any time replace one or more of its nominated members by notice given to the Administrator.

4. Alternate Members

- 4.1. Each council will, by resolution, appoint two alternate members in respect of each political group which represents their council on the committee, but shall not appoint an alternate member for a political group which declines to nominate an alternate member. Each council will notify the Administrator of alternate members appointed.
- 4.2. Alternate members will have all the powers and duties of any ordinary member of the committee. For the purposes of briefing meetings and circulation of papers, alternate members shall be treated in the same manner as ordinary members.
- 4.3. Alternate members may attend meetings in that capacity only to take the place of a member of the same political group who is an ordinary member of the relevant committee or sub-committee. The alternate member should withdraw from participation as a member of that committee or sub-committee in the business at that meeting during any period during which the principal member is in fact in attendance.

5. Quorum

- 5.1. The quorum of a meeting will be six with no less than: -
3 Member from South Cambridgeshire District Council and
3 Member from Cambridge City Council

6. Public speaking rights

- 6.1. Members of the public have the public speaking rights set out in The Public Speaking Rights at Planning Committee.

7. Voting

- 7.1. Every question shall be decided by a show of hands or by way of a roll call when the meeting is taking place using arrangements for virtual committee meetings, and subject to Rule 7.2
- 7.2. If any member demands a vote by roll-call and is supported by two other members, the question shall be determined by a vote by roll-call and the Administrator shall record and enter in the minutes the names of each member present and whether they voted for or against or abstained.
- 7.3. Any member may, immediately after any vote is taken, require a record to be made in the minutes of whether they voted for or against or abstained.
- 7.4. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

8. Minutes

- 8.1. The Chair will sign the minutes of the committee at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

9. Exclusion of Public

- 9.1. Members of the public and press may only be excluded either in accordance with the Access to Information provisions of the Local Government Act 1972 (consideration of 'exempt information') or Rule 12 (Disturbance by Public).

10. Disorderly Conduct: Misconduct of A Member

- 10.1. If at any meeting of the committee any member, in the opinion of the Chair, misconducts him/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the committee, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

- 10.2. If the member named continues his/her misconduct after a motion under the foregoing Rule has been carried, the Chair shall either move "that the member named must leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.
- 10.3. In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair, in addition to any other power vested in him/her, may adjourn the meeting of the committee for such period as s/he is in his/her discretion shall consider expedient.

11. Disorderly Conduct: Disturbance by members of the public

- 11.1. If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If s/he continues the interruption the Chair shall order his/her removal from the meeting.
- 11.2. In case of a general disturbance in any part of the Room open to the public the Chair shall order that part to be cleared.

12. Suspension of Standing Orders

- 12.1. Any of these Standing Orders may, so far as is lawful, be suspended by motion passed unanimously by those entitled to vote on the application in question. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

13. Attendance at the Committee by other members of the Councils and County Council

- 13.1. A member of Cambridge City Council, South Cambridgeshire District Council or Cambridgeshire County Council who is not a member of the

committee or a member of a parish council (in respect of applications relating to sites in their own parish) may speak at a meeting of the committee at the request or with the permission of that committee or of its Chair made or obtained before the meeting. Such request or permission shall specify the matters in respect of which the member shall be permitted to speak;

[Explanatory note: There might be circumstances in which the Committee may wish to permit a city, district or county councillor to speak on applications even if the application does not relate to her/his ward or division. For instance an executive councillor with relevant strategic responsibility may want to address the committee.]

14. Development Control Forums

- 14.1. The Committee will operate a scheme for development control forums in accordance with Appendix 2.

15. Statements of Community Involvement

- 15.1. Public consultation in relation to pre application matters shall be dealt with in accordance with the SCI or other appropriate procedures of the Council responsible for issuing the consent.

DRAFT

Appendix 2 – Development Control Forum

Development Control Forums are triggered by receipt of a qualifying petition

Receipt of Petitions and Notification of Development Control Forum

1. Neighbour consultation letters on planning applications within the remit of the committee shall include information about the scheme for development control forums and the relevant consultation period.
2. A Petition should be sent to the Administrator and should identify the matter to which it relates and the grounds of concern.
3. The Administrator will:
 - (a) Liaise with the Planning case officer to obtain the following information:
 - The expiry date of the relevant consultation period;
 - The addresses of the applicant and agent.
 - (b) Check whether the petition meets the criteria established in the scheme – i.e.:
 - It contains at least 25 signatures of residents and/or business owners in the County;
 - It includes the addresses of those who have signed it;
 - It has been received within 7 working days following the end of the relevant consultation period (in the case of petitions of objection) and no later than 6 working days before a Forum meeting (in the case of petitions of support);
 - The application is not: a householder application; an application for a certificate of lawful use; or an application for advertisement consent.

[Note:

- (i) *If any of these criteria are not met, the petitioners should be informed in writing that their petition will be reported to the committee, and that a Development Control Forum will not be held.*

- (ii) *Normally, a Forum will not be convened in the case of petitions relating to amendments to applications, or to applications which have already been the subject of a Forum. However, the Administrator, following consultation with the Chair and Vice Chair, is authorised to decide whether significant new issues are raised, making a Forum appropriate.*
- (iii) *A Forum will not be held to hear a petition of support alone, except where an application, which has not already been subject to a Forum meeting, is resubmitted following an earlier refusal of planning permission.*
- (iv) *Petitions may be submitted by email subject to the following:*
- *An e-mail petition must consist of individual e-mails, showing the sender's e-mail address.*
 - *An e-mail petition must include the sender's postal address.*
 - *The e-mails must be addressed to the organiser (rather than a council or the committee or its members) who must then let the [administrator to be appointed] have print-outs of the requisite number of supporting e-mails. [Random checks will be carried out on petitioners that have used the e-mail procedure.]*
- (c) Liaise with the Planning case officer and Chair and spokespersons about the date of the Development Control Forum and fix a date, time and venue. So far as practical at least 10 days (including weekends) notice should be given to all those attending under (d). For the avoidance of doubt dates for possible Development Control Forum meetings may be programmed in advance of receipt of petitions.
- (d) Send written invitations to:
- The lead petitioners;
 - The applicants and agents;
 - Committee members;
 - Ward councillors;
 - Planning officers;

The press will also be informed.

The invitations to the meeting should include:

- A short summary of the application details (to be provided by the planning case officer);
- The case officer as a contact point for planning enquiries and the Administrator for queries about the petition process;
- An explanation of the fact that up to three representatives of the petitioners and up to three representatives of the applicants may attend and speak;
- Petitioners to be invited to contact the officers for a briefing on the procedures at the Forum.

(e) Inform all other councillors of both councils that the meeting is taking place.

4. If two or more petitions are received relating to the same planning application, the following procedure should be applied:

- In the case of two or more petitions opposed to the application, or two or more petitions in support of the application, the petitioners will be encouraged to make a joint presentation. If agreement on this is not possible between the petitioners, they would share the time allocations given in paragraph 9.

Development Control Forum Meetings

5. The Press and Public are entitled to attend meetings as observers.

6. The Development Control Advisor or other A senior planning officer (other than one of the case officers involved in dealing with the application) will chair the meeting.

7. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.

8. The main purpose of Forum meetings is to enable petitioners and applicants to give their views and to provide the means by which consensus can be built between the parties.
9. The format of the Forum will be as follows for each application:

Presentation of the application by the applicant/agent (up to three representatives) - up to 20 minutes;

- Presentation of the views of the petitioners against the application (up to three representatives) - up to 20 minutes;
- Presentation of the views of the petitioners in support of the application (where applicable) (up to three representatives) - up to 20 minutes;
- Presentation by the case officer - up to 10 minutes;
- Member questions and issues arising - up to 30 minutes;
- Summing up by the applicants/agents - up to 5 minutes;
- Summing up by the petitioners against the application - up to 5 minutes;
- Summing up by the petitioners in support of the application - up to 5 minutes;
- Final comments of the Chair.

After the Meeting of the Forum

10. The Administrator will take minutes of the meeting. The minutes will be a summary of the issues raised and should not be taken to express a view or decision which is in any way binding on the committee. The minutes will be circulated in draft to the Chair of the Forum, the Chair and Vice Chair of the committee and the case officer and finalised within 5 working days of the Forum.

Copies of the finalised minutes will be sent, for information, to:

- The petitioners' representatives at the meeting;
- The applicants' representatives at the meeting;
- Ward councillors;
- Committee members
- the Parish Councils of the areas to which the application relates.

The minutes, and the text of the petition, will also be appended to the report to the committee which invites it to determine the application.

11. The case officer should contact the applicants/agent after the meeting to discuss whether a meeting would be helpful to discuss the issues raised at the Forum and to discuss any changes that may be necessary to the application. The applicant will be encouraged to keep in direct contact with the petitioners and to seek their views on any amendment/s.
12. The case officer will inform the petitioners' representatives of any amendments to the application. Normally, no further Development Control Forum will be held if the planning application is amended - see paragraph 3 (b) (ii).
13. The petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by the committee and will be sent copies of the committee report. The petitioners and applicants will be asked to send any further comments they may have on the report to the planning case officer as soon as possible, so that they can be circulated in good time to members of the committee.

Appendix 3 – Cost Sharing Protocols for JDMC

The ongoing costs incurred in relation to the administration of the Committee, legal support and planning service costs shall be borne by the administering authority and recharged in accordance with the shared service agreement between the two Councils.

Exceptional costs that arise in relation to, for example, appeals and legal proceedings will be borne:

- i) from the joint planning budget,
- ii) ii) where there are insufficient funds within the joint planning budget, then the costs shall be shared proportionally by the Councils.

5.7 Joint Director of Planning in respect of planning and development control

Service area delegations

- Planning Service
- Building Control (3C service)
- Dangerous Buildings, structures and excavations
- Street Naming
- Regulatory functions under the Buildings Act and other legislation concerned with safety, sanitation, health and structural condition of buildings.

Specific area delegation by the Executive

- To approve grants from the Historic Buildings Fund and to approve Access Grants up to the value of £5,000
- To operate and negotiate building control fees as necessary (recording the fees agreed) in response to the dictates of the market and other relevant circumstances in adjusting fee levels on major developments that are likely to be subject to particular competition from private Approved Inspectors as long as overall budget targets are met

Specific regulatory power delegated

- To act as the proper officer under Section 191 of the Local Government Act 1972 with respect to ordnance survey.

Delegated by Planning Committee/ Executive

A1 To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the schedule below) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008) and the Planning (Listed Buildings and Conservation areas) Act 1990 **except** in any of the following circumstances:

- The application is for ‘Major’¹ development (see note for definition of ‘Major’ at end of A1) where:
 - There are third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal.
- The application is advertised as a formal departure from the Development Plan policy and where the officer recommendation is for approval.

- The application is for development of between 1-9 dwellings, where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- The application is for development involving a change of use where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition.
- The application involves the City Council as applicant or landowner and the development is not of a minor nature.
- The application is for the demolition of a listed building or a Building of Local Interest.
- The application is submitted by a Member or officer of the City Council.
- The application is for a 'non-material' change/amendment in relation to a development that was previously approved by Planning Committee or an Area Committee, and the Chair, Vice-Chair and Spokesperson of that Committee object to the exercise of the delegated power within 14 days of notification.
- The application is one where, within 21 days of the date of publication of the weekly list, or within 14 days of receipt of any subsequent significant amendment to the still current proposal, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the planning grounds on which the request is based.
- The application requires a Planning Obligation (or any subsequent amendment thereof) containing terms that are not in accordance with, or are additional to, those required by the Council's Planning Obligation Strategy.
- The application is one that in the opinion of officers should be determined by Committee because of special planning policy or other considerations.

Note: ¹ Major development comprises:

- 10 or more dwellings, or a site area of 0.5 ha. or more where the number of dwellings is not shown;
- Other developments where the floor space to be built is 1000 square metres (gross) or more, or where the site area is 0.5 ha. or more in size.

A2. To serve Requisitions for Information, Planning Contravention Notices, Breach of Condition Notices, Notices of Intended Entry, Section 215 Notices, and Discontinuance Notices for advertisements (subject to prior consultation with the Head of Legal and Practice).

A3. To instruct the Head of Legal Practice to commence prosecution proceedings for the display of illegal advertisements (including fly posting) and for non-compliance with any formal notices issued.

A4. To instruct the Head of Legal Practice to serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission.

A5. To instruct the Head of Legal Practice to serve Listed Building Enforcement Notices under S38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A6. To instruct the Head of Legal Practice to serve notices requiring urgent works to unoccupied Listed Buildings under S54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A7. To decide whether to serve a Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003 where there are no third party representations that are contrary to the officer recommendation (subject to prior consultation with the Head of Legal Practice) and to instruct the Head of Legal Practice to commence prosecution proceedings for non-compliance with a Remedial Notice or to carry out works in default.

A8. To make representations as a 'responsible authority' on applications for public entertainment licenses under the Licensing Act 2003.

B1. To determine all applications for works to trees under the Town and Country Planning Act 1990, and for works to hedgerows under the Environment Act 1995, **except** in any of the following circumstances:

- The application is one where there are third party representations on amenity grounds that are contrary to the officer recommendation and that cannot be resolved.
- The application is one where, within 14 days of being notified, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the grounds on which the request is based.

B2. To serve, and unless objections are received, confirm Tree Preservation Orders and Hedgerow Replacement Notices.

B3. To instruct the Head of Legal Practice to take enforcement action or instigate proceedings under part (viii) of the Town and Country Planning Act 1990 relating to violations against protected trees, and under S97 of the Environment Act 1995 relating to violations against protected hedgerows.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

Schedule referred to in Delegation A1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

- Outline and full planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Reserved matters following outline planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.

- Renewals of planning permission and any subsequent applications for post-decision 'non-material' changes/amendments.
- Removal/variation of planning conditions.
- Discharge of conditions.
- Agreeing the terms of Planning Obligations under S106 of the Town and Country Planning Act 1990.
- Advertisement Consent.
- Lawful Development Certificates.
- County Council Regulation 3 applications.
- Prior notifications and approvals under a Development Order.
- Goods Vehicle Operating Licences.
- Listed Building Consent.
- Conservation Area Consent.
- Consultations from neighbouring authorities.
- Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, or any subsequent amendment or successors to those Regulations.
- Screening and scoping opinions under the Conservation (Natural Habitats, etc) Regulations 1994 or any subsequent amendments or successors to those Regulations
- Screening and scoping opinions under the Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) Regulations 2001 or any subsequent amendments or successors to those Regulations

Planning enforcement:

Delegation to Shared Director of Planning (in consultation with Head of Legal Practice and Chair/Vice Chair/Spokes of Planning Committee):

A To take direct action or works in default as required in relation to Section 178 (Non Compliance with an Enforcement Notice) and Section 219 (Non Compliance with a Section 215 Notice) of Town and Country Planning Act 1990 (as amended) and to recover from the person who is then the owner of the land any expenses reasonably incurred by the Council in undertaking this work under Regulation 14 of the Town and Country Planning General Regulations 1992

B For commencement of prosecution following non-compliance with an Enforcement Notice under Section 179 or Planning Contravention Notice under Section 171D of the Town and Country Planning Act 1990 (as amended)

C To seek an injunction to restrain a breach of planning control under Section 187B of the Town and Country Planning Act 1990 (as amended)

D To make an application for a Confiscation Order under the Proceeds of Crime Act 2002 (as amended)

Responsibility for Council Functions (Table 5)

Powers and Functions Delegated by the Planning Committee

South Cambridgeshire District Council operates an adopted scheme of delegation which sets out the range of decisions that designated officers may make on behalf of the Council. Decisions on the majority of planning proposals and associated applications are delegated to designated officers without the need for them to be decided by members at Planning Committee

Delegated decisions are carefully considered by the case officer who outlines their recommendations, and reasons behind the recommendations, in a balanced delegated report, which is checked by a designated officer before a decision is agreed and issued.

By operating a scheme of delegation, decisions are made in good time, in line with statutory target dates, and the Planning Committee can concentrate on the most contentious and significant proposals.

Applications for consent or permission under the Town and Country Planning Acts and Listed Building and Conservation Area Acts shall be dealt with under delegated powers unless:

1. A local member or Parish Council writes, or emails, a request for a particular application to be considered by Planning Committee, and sound planning reasons are given for why this is considered necessary and the request is accepted by the Joint Director of Planning and Economic Development, in consultation with the Chair of Planning Committee (or Vice-Chair in their absence).

(Footnote: Notwithstanding any decision is ultimately one for the officer themselves, the committee's guidance in terms of decisions made in accordance with the delegation rules is that in cases which raise issues which are sensitive or controversial, the committee would expect the officer normally to refer the matter to committee.)

The request by Parish Councils should be made within 21 days of the date of registration and by local members not later than 28 days of the date of registration of the application, or within 14 days of receipt of any subsequent significant amendment to a current proposal. If the Joint Director, in consultation with the Chair, declines a request, a written explanation shall be given to the Parish Council and copied to the local member.

2. An application is made by an elected member or an officer of the Council, or a close friend, relative or partner of either of such persons.
3. If approved, the application would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the application

is to be refused). Significant departures shall include, but are not limited to, development which requires referral to the Secretary of State;

4. Any 'Major' or 'Minor' application relating to the Council's own land or development where representations have been received against the proposal;
5. The application is for the demolition of a listed building or a Building of Local Interest or
6. The application is one that in the opinion of officers, in consultation with the Chair and Vice-Chair, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and / or of strategic importance to an area beyond both specific site and parish.

Note:

For the purposes of considering requests under clause 1 above, the Director, in consultation with the Chair of the Planning Committee, shall have regard to the following criteria:

1. Relevant material planning considerations raising significant planning concerns
2. Significant implications for adopted policy;
3. The nature, scale and complexity of the proposed development.
4. The planning history of the site.

Joint Development Control Committee

Scheme of Delegation as agreed on 21 October 2020

--

8. Scheme of Delegation to Officers

The following powers are delegated to the Joint Director of Planning and Economic Development in respect of planning and development control matters. The Joint Director of Planning and Economic Development may authorise any other officers within the Greater Cambridge Shared Planning Service to exercise these powers on his/her behalf. Any officer so authorised may in turn delegate further.

Such delegations shall be evidenced in writing.

1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 within the terms of reference of the Joint Development Control Committee **except** in any of the following circumstances:

a) Where the application is for Outline or Full Permission or is a reserved matters application in respect of:

1. The provision of residential units where:

(a) the number of residential units to be provided is 100 or more.

2. The provision of a non-residential building or buildings where the floor space to be created by the development is 1,000 square metres or more or is for non-residential development to be carried out on a site having an area of 1 hectare or more;

3. Development including the provision of primary roads, open space or other site-wide infrastructure that fulfils a strategic purpose;

4. Regulation 3 development for all new facilities.

b) Where:

- There are any parish council representations that are contrary to the officer recommendation for approval or;

- There are other third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and that cannot be addressed by conditions as applicable or;

c) The application is advertised as a formal departure from the Development Plan and where the officer recommendation is for approval.

d) The application is submitted by a Member or Chief Officer or planning officer of either of the Councils.

e) The application is one where, within 21 days of being notified of the application or within 14 days of receipt of any subsequent material amendment to the proposal, any Member of the City Council or of the District Council requests in writing (including e-mail), that the application should be determined by Committee, stating the planning grounds on which the request is based.

f) The application is one that officers consider should be determined by Committee because of special planning policy or other considerations.

g) The application is for a “non-material” change/amendment in relation to a development that was previously approved by the Joint Committee and either i) the elements to be changed were subject to specific conditions or ii) negotiation in response to objections raised to the original approval, and in both cases where the Chair, Vice-Chair and Spokespersons of the Committee object to the exercise of the delegated power within 14 days of notification.

5. To act on behalf of the Committee (after consultation, if practicable with the Chair of the Committee and the Chief Planning Officers of the three Councils) in cases of urgency or emergency. Any such action is to be reported as soon as possible to the Committee.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgement to decide whether to refer any matter contained within this Scheme to the Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members of the Joint Committee.

Schedule referred to in Delegation 1 above

Applications and other forms of consent/notification referred to in

Delegation A1 include:

- a) Outline and full planning permission and any subsequent pre- and post decision amendments.
- b) Reserved matters following outline planning permission and any pre and post decision amendments.
- c) Renewals of planning permission and any pre- and post-decision amendments.
- d) Removal/variation of planning conditions.
- e) Discharge of conditions.
- f) Advertisement consent.
- g) Lawful Development Certificates.
- h) Regulation 3 applications.
- i) Settling the terms of planning agreements under section 106, Town and Country Planning Act 1990 and other legislation in accordance with the terms of any resolution or decision to grant planning consent.

j) Listed Building Consent.

k) Conservation Area Consent.

l) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, or any subsequent amendment to those Regulations.

m) Entering into and Signing of Planning Performance Agreements.



Public Speaking at Planning Committees:

Cambridge City Council Planning Committee

South Cambridgeshire District Council Planning Committee

Joint Development Management Committee

Members of the public are welcome to attend the Planning and Joint Development Management Committee meetings, this guide sets out how we allow the public to speak at Committee – including who can speak, how to register, the length of speaking time and policy on presentation of material.

1. What is the Planning Committee

Planning Committee and the Joint Development Management Committee (JDMC) are Regulatory Committees consisting of elected Councillors who are responsible for determining planning applications which cannot be dealt with under delegated powers to officers.

2. When and where do Planning Committee meetings take place?

- City Planning Committee usually takes place from 10am the first Wednesday of the month at The Guildhall, Market Square, Cambridge, CB2 3QJ.
- South Cambridgeshire District Council Planning Committee usually takes place from 10am the second Wednesday of the month at South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA.
- JDMC takes place at either the Guildhall or South Cambridgeshire District Council offices, usually the third Wednesday of the month from 10am.
- Alternative venues may be used; details will be set out on the agenda and meeting webpage.

3. Can anyone attend Planning Committee meetings?

- Meetings of the Planning Committee are open to the public, so anyone can attend and listen to the meetings.
- Despite being a public meeting, in some very occasional cases, the law does allow the committee to consider some matters in private. For example, an application may contain information of a personal or commercially sensitive nature that the Council would not be able to publicise. In every case, however, the public interest in excluding the press and public from the meeting room must outweigh the public interest in having the information disclosed.

4. Can anyone speak at Planning Committee meetings

- The Planning Committee welcomes public participation at the meeting; examples of those who may wish to speak at the meeting include applicants or an applicant's agent, neighbours or other residents, community groups, Parish Council representatives¹ (where applicable) and Councillors².
- Speakers may speak in support or objection to an application.
- You must register at least two working days before the meeting (more information on registering to speak is set out below)

5. How do I register to speak at Planning Committee?

- Public speaking requests must be registered with the relevant Democratic Services Team by no later than 12noon 2 working days before the meeting (i.e. the Monday before the Wednesday).
- City Planning Committee: Democratic.Services@cambridge.gov.uk
- South Cambridgeshire District Council: Democratic.Services@scambs.gov.uk
- JDMC: Democratic.Services@cambridge.gov.uk
- Requests received after this time will not be allowed.
- Registration by email preferred.
- Speaking requests should include your name, email address, telephone number, the application you wish to speak to as well as the capacity in which you are attending.
- Speakers are encouraged to submit a written copy of their planned speech by 12 noon two working days before the meeting, to be used as a backup in case the speaker is unable to attend due to unforeseen circumstances.

6. How can I attend the meeting?

- Public speakers can attend the meeting in-person, or virtually via Microsoft Teams.
- The relevant Democratic Services Team will provide further guidance for attending each venue.
- There is no need to have made a previous written comment on the planning application to register to speak at committee.

- The agenda for the meeting is set at the time of publication. It is not possible to guarantee when an item will be determined. Public speakers should be prepared to address the Committee at any time after the beginning of the meeting.

7. How should I plan what to say at the meeting?

- Each category of public speaking (see paragraph 11 below) is limited to 3 minutes.
- If more than one person registers to speak per category, the speaking time may be split between the different speakers, or a spokesperson could be appointed.
- The Chair of the meeting has discretion to extend the 3-minute time period for all speaking categories should the application require it.
- Committee members will have read the planning officer written reports, so try to avoid repeating points that are already explained in that material. Focus your speech on material planning grounds, these can include (but are not limited to):
 - Overlooking/loss of privacy
 - Loss of light or overshadowing
 - Parking
 - Highway safety
 - Traffic
 - Noise
 - Effect on listed building and conservation area
 - Layout and density of building
 - Design, appearance and materials
 - Government policy
 - Disabled persons' access
 - Proposals in the Development Plan
 - Previous planning decisions (including appeal decisions)
 - Nature conservation
- Practice in advance of the meeting to ensure you can deliver your speech within the 3 minutes.

- Speakers should be careful not to say anything derogatory or inflammatory, which could expose them to the risk of legal action.
- The Chair will say when the speaking time is almost finished to allow time to round up.
- Speakers will be stopped once the speaking time has finished.
- Speakers cannot question Councillors, officers or other speakers and must limit their comments to planning related issues.

8. Guidance about written statements

- If you are not able to attend the committee meeting and wish to submit a written statement, it must be emailed to the relevant Democratic Services Team by 12 noon 2 working days before the meeting.
- A written statement should be no longer than one side of A4 in size 12 font.
- Any inappropriate statements will not be accepted.
- Written statements will not be read out at the meeting but will be published on the meeting webpage.

9. Guidance about virtual attendance

- The Council will endeavour to facilitate online attendance at meetings via the Microsoft Teams platform. However please note the council will take no responsibility for any individual who is unable connect into the meeting. Meetings will proceed in-person in the event of any technical difficulties
- The Democratic Services Teams are unable to provide ICT support for virtual attendance at meetings.

10. Can I submit images to be displayed when I'm speaking

- Yes, but images must be submitted to the relevant Democratic Services Team by 12 noon, two working days before the meeting.
- Any inappropriate images will not be accepted
- The images will need to be verified by the planning officer in advance of the meeting and an officer will display them while you are speaking.
- Images will be uploaded onto the online planning register.

11. What are the categories for public speaking?

- Petitioner (if applicable)
- Speakers in objection
- Speakers in support – including the applicant / agent / supporters
- Parish Council (if applicable)
- Councillors – more than one councillor can speak on an item

12. How are applications considered?

- A planning officer will introduce the item.
- Public speakers will be invited to speak.
- The Planning Committee will discuss/ debate the application.
- The Planning Committee will take a vote on either the officer recommendation in the agenda or a proposal made by a Planning Committee member.
- Should the Committee propose to follow a course of action different to officer recommendation, Councillors must give sound planning reasons for doing so.

13. Chair's discretion to manage the meeting

This document lays out the standard public speaking procedures at a Planning Committee or JDMC meeting. The Chair can vary from these procedures at their discretion to accommodate extenuating circumstances.

1. Introduction

- 1.1 This document offers guidance to Councillors about good practice in the planning process. It supplements the Cambridge City and South Cambridge District Councils' Code of Conduct for Members and aims to ensure that the Councils make and are seen to make planning decisions on proper planning grounds (set out in Appendix 1) and that the Councils make (and are seen to make) decisions properly, openly, impartially, and for justifiable reasons.
- 1.2 This guidance applies to **all** Members (not just planning committee members) at all times when involved in the planning process, not just at Planning Committee. It applies to formal decision-making and to less formal occasions, such as informal pre application advice, , meetings with officers or the public and consultative meetings, planning compliance matters or site-specific policy issues as well as to the consideration of planning applications. It also applies to all, and any, forms of communication and interaction including online or telephone discussions or meetings, emails, electronic and social media communications, posts, statements and comments.
- 1.3 The purpose of the planning system is to consider development proposals in the public interest. To be successful, the planning system relies on Councillors and officers acting in a way that is fair and clearly seen to be fair and even handed. Councillors have a special duty to their constituents but a wider duty to the communities of Cambridge and South Cambridgeshire. Where planning matters are concerned the interests of the wider public have to be considered as well as the Development Plan and all other relevant material considerations.

2. Relationship to the Members' Code of Conduct

- 2.1 This guidance is intended to supplement the two adopted Member Codes of Conduct. It is unlikely that there will be any conflict between the codes but, if there is, the provisions of the general Code will take precedence. An extract from the Code of Conduct relating to General Conduct is set out below:

You must:

- 3.1 provide leadership to the authority and communities within its area, by personal example and
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person
- 3.3 respect the confidentiality of information which you receive as a Member by-
 - 3.3.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 3.3.2 not obstructing third parties' legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute
- 3.5 use your position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Authority's reasonable rules on the use of public resources for private and political purposes

- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by -
 - 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 3.7.2 paying due regard to the advice of Officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 3.8 do nothing that causes the Authority to act unlawfully.

extract from South Cambridgeshire District Council Councillor Code of Conduct

- 3.1 You must treat others with respect.
- 3.2 You must not—
 - (a) do anything which may cause your authority to breach its public sector equality duty as defined in section 149 of the Equality Act 2010 or its obligations under the Human Rights Act, 2000.
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

Extract from Cambridge City Council councillors code of conduct

- 2.2 It is very important that Members are careful to apply both the general Codes of Conduct and this guidance in dealing with planning issues. Failure to do this may place the Council at risk of legal challenge or a finding of maladministration and for individual Members the potential for complaint about them to the Monitoring Officer.

3. Development Proposals and Interests under the Members' Planning Code

General points to consider and beware of

- 3.1 If you are a member of planning committee you must avoid representing your ward or any local views on a planning matter in which you have a disclosable pecuniary interest. You can discuss your views with another local ward member but lobbying should be avoided (see 4.12, 4.13) In these circumstances it is appropriate to ask another ward member to take on this role of representing the ward for you .
- 3.2 You must not use your position as a Member to obtain access to planning officers or planning application papers that you submit either as a Member or an agent of an applicant.
- 3.3 You should not lobby other Members of the Council on a planning matter, including the circulation of letters or emails, or by raising the matter in Member group meetings or any other meetings of the Council.

Pecuniary and any other Interests

- 3.4 Members and Officers are required to declare any disclosable interests that they hold. Declaration is usually given upon their election or appointment to office; Members are under a duty to maintain that declaration and amend, as necessary within twenty-eight days of becoming aware of any such changes throughout their term of office.
- 3.5 A register of Members' interests will be maintained by the Council's Monitoring Officer of each Council's Democratic Services Team and is available for public inspection.
- 3.6 Members and Planning Officers are also under a duty to declare interests as and when matters arise or prior to Planning Committee. Guidance on any issue may be sought from the Council's Monitoring Officer or the Legal Adviser to the Committee. The decision as to whether an interest ought to be declared rests with the individual Member or Officer involved. *The interest should be*

declared at the start of the meeting under the agenda item "Declarations of Interest" rather than the start of the relevant item.

- 3.7 There are three types of interest, 'personal' 'prejudicial' and pecuniary. A Member will have a personal interest in a Planning Committee decision if the matter relates to an interest in respect of which the Member has given notice in the statutory register of Member's interests; or the decision might reasonably be regarded as affecting their financial position or that of a relative, spouse, civil partner, employer or friend. Where a Member considers he or she has a personal interest in a matter, they must always declare it.
- 3.8 A personal interest becomes a prejudicial interest if a member of the public (with knowledge of the relevant facts) would reasonably conclude that the Member's interest is significant and as such that it is likely to prejudice the Member's ability to objectively and impartially consider the application and to take part in the decision making process for that particular application.
- 3.9 Where any Member of the Committee is unsure as to whether they have a prejudicial interest they should discuss their concerns with the Monitoring Officer or the Legal Adviser who to the Committee without delay and where possible in advance of the Committee. The decision to take part in the Committee's determination of the application is a matter for the individual Member's judgement. However, Members are strongly advised to refrain from any participation at any stage in the consideration and determination of the planning application particularly if they have been so advised by either the Monitoring Officer or the Legal Adviser to the Committee. This course of action is intended to reduce the risk of a challenge of the Committee's decision.

Pecuniary Interests

- 3.10 Interests which fall into this category are those which include but are not limited to business, employment, trade, profession, contract and wider financial interests, assets such as land, payments, securities, and shares. All Planning Committee Members are encouraged to seek advice from the Monitoring Officer or the Legal Adviser to the Committee where they have any concerns as to whether a pecuniary interest exists.
- 3.11 Any Planning Committee Member with a pecuniary interest must, following declaration of the interest at the meeting immediately recuse themselves from the meeting and take no further part in the application. Members can remain in the Chamber should they wish to do so but must sit in the public gallery until the item has been determined.
- 3.12 As a member (and not just a member of planning committee) there are things you should avoid if you have a disclosable pecuniary interest or a personal and prejudicial interest. These include the following:
- You should avoid representing ward or local views on a matter in which you have such an interest. In these circumstances it is appropriate to ask another ward councillor to take on this role;
 - You should avoid getting involved in the processing of the application by using your position as a councillor to get access to officers or papers;
 - You should not lobby other members of the Council, including the circulation of letters or emails, or by raising the matter in group or similar meetings;
 - You may address the meeting that considers the application or other matter in the same way that members of the public may address the meeting. However you should then withdraw from the meeting (formal or informal) at which the matter is under consideration, you can remain in the meeting room, and if you do you should sit in the "public gallery". ;

- To reiterate the advice in 3.1 above, if you are a member of planning committee you must avoid representing your ward or any local views on a planning matter in which you have a disclosable pecuniary interest. You can discuss your views with another local ward member but lobbying should be avoided (see 4.12, 4.13) In these circumstances it is appropriate to ask another ward member to take on this role of representing the ward for you .
- If you are submitting your own planning application, or have a disclosable pecuniary interest or a personal and prejudicial interest in a planning application, you should be particularly careful to avoid any impression of either seeking or receiving special treatment. You should also make sure that the relevant Delivery Manager is aware of the interest. You may wish to consider employing an agent to act on your behalf in dealing with officers and/or addressing the committee. However, as mentioned above, you may exercise the same speaking rights as are afforded to members of the public at the planning committee meeting where your application is to be determined, provided that you then withdraw from the meeting when the item is considered and remain (as a member of the public would) within the public gallery.

4. Open and Fair decision making

- 4.1 Planning Committee takes decisions on planning matters openly and in public. For a decision to be open and fair:
- Those taking the decision should not be biased or have pre-determined how they will decide;
 - Those taking the decision should not have a prejudicial interest in the outcome;
 - The decision should be consistent with others taken previously unless there are good reasons to decide otherwise; and
 - The reasons for the decisions should be clearly set out, based on proper planning grounds and in accordance with the development plan.

Predetermination, Predisposition or Bias

- 4.2 In addition to declaring personal or prejudicial interests, Members of a Planning Committee must avoid any appearance of bias or of having predetermined their view before taking a decision on a planning application.
- 4.3 Predetermination goes beyond predisposition by failing to weigh up and balance all the relevant factors and taking into account other viewpoints which are reached as a result of the Committee's determination process and importantly includes the Officer's report, the Officer recommendation and presentation and any public participation. Section 25 (2) of the Localism Act 2011 introduced provisions for dealing with allegations of bias or pre-determination. Under the provisions of the Act, a Member is not to be taken to have had, or appeared to have had a closed mind when making the decision just because
- (a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter
 - (b) the matter was relevant to the decision.
- 4.4 It is permissible for a Member to be *predisposed* towards a particular outcome. There is however a distinction between being predisposed and predetermined and it is this distinction which Members need to be aware of throughout the decision making process. It follows, the fact that a Member may have campaigned for or against a proposal does not automatically mean that they have a closed mind, *but* Members must be extremely careful to ensure that it is clear that they have considered, all relevant information and made their decision in accordance with the principles of openness, transparency and their statutory duty.
- 4.5 Members should be prepared to change their view right up to the point of voting on the application having listened to the application in full.

- 4.6 Members can absent themselves from an application where they wish to represent the views of their constituents as a Ward Councillor and in these circumstances they should take no part in the determination of the application.

Predisposition

- 4.7 A distinction is drawn by the Courts between a Member having clearly expressed an intention to vote in a particular way before a Committee meeting (*pre-determination*) and a *predisposition* on the application having formed a preliminary view where that view has been reached without full knowledge of all the relevant information. Where a Member is clear that they have an open mind and are willing to listen to all the information presented to the Planning Committee before deciding on how to exercise their vote, there will be no predetermination.

Predetermination

- 4.8 If a Member of the Planning Committee has formed a view before the Committee sits, they should consider whether the view they have formed could be regarded as being predetermined. In other words, whether they have already made up their mind (to vote in a particular way) and are unprepared to fully consider the information presented to the Planning Committee before deciding on how to exercise their vote.
- 4.9 If a Member of the Planning Committee has predetermined their position they must not take part in the decision making for that application for to do so represents a breach of the Member Code of Conduct and leave the decision open to legal challenge by way of Judicial Review.

Bias

- 4.10 Bias is defined as the inclination to favour or disfavour certain people or things especially a personal prejudice.
- 4.11 The test for establishing whether a Member has shown bias is: "*would the fair-minded observer, knowing the background, consider that there was a real possibility of bias?*" It is not the Member's view of whether they are biased but the view of the independent observer. Perception is important and can lead to judicial challenge in the High Court i.e., Judicial Review proceedings. If a Member believes that their participation would lead a fair-minded observer to consider there is a real possibility of bias, they should not participate in the decision making process and should withdraw from involvement in the application's determination. The Courts have held it is primarily a matter for the Member to judge on whether to withdraw but given the scope for challenge the Member should always err on the side of caution or if in doubt seek guidance from the Monitoring Officer or the Legal Adviser to the Committee.

Lobbying

- 4.12 Concerns on poor practices within local authorities have often been based on the issue of lobbying. Lobbying can lead to the impartiality and integrity of a Member being called into question, unless care and common sense is exercised. When being lobbied Members should be mindful about expressing an opinion that may be taken as indicating that they have already made up their mind on the planning application before the Committee sits and thus avoid any risk of an accusation of predetermination and/or bias. In such situations, the Member should direct the lobbyist to either speak or write to the relevant planning officer with conduct of the application.
- 4.13 Members of the Planning Committee should not organise support or opposition, lobby other Members or act as an advocate or put pressure on Officers for a particular recommendation.

Avoiding Bias or Pre-determination

- 4.14 It is entirely permissible for Planning Committee Members who are democratically accountable decision makers, to be pre-disposed towards a particular outcome. Nonetheless they must address

the planning issues before them fairly and on their merits. That means they can have a view on the application but must not make up their mind on how to vote before formally considering the application and any representations. Planning Committee Members must have an open mind on the merits of a proposal before it is formally considered at the committee meeting. They must be prepared to be persuaded by a different view in the light of any detailed arguments or representations concerning the particular matter under consideration.

- 4.15 If the committee's decision on a planning application is challenged in the High Court by way of judicial review on the grounds that some of the committee members were biased, or had pre-determined the application, the court will assess the matter on the basis of what a fair-minded observer, knowing the relevant facts would think.
- 4.16 Councillors should approach planning applications with an open mind and are able to weigh all the arguments right up to the point at which a decision is made. The safest course is to avoid statements as to support or opposition for an application (that may leave the impression that minds have been made up). If a Member has made such a statement they must be satisfied they can still consider the application with an open mind and be prepared to take into account any matters in favour or against the proposed development until the decision is made.
- 4.17 Care should be taken with the following, where you are likely to be a decision-maker:
- Making statements in advance of the meeting that you have made up your mind how you are going to vote;
 - Taking up a campaigning role for or against an application;
 - Acting as an advocate for groups opposed to or supporting the application;
- 4.18 Issues around bias and predetermination are difficult and getting it wrong can lead to legal challenge and/or reference to the Local Government Ombudsman. Each case needs to be considered on its facts and if you are in any doubt you should seek advice from the Head of Legal Practice.

5. Contact with Applicants, Developers and Objectors

- 5.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process and is important to local democracy; those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or a member of the Planning Committee. However, unless care is taken, lobbying can lead to the impartiality of a member being called into question and to difficulties for the member participating in the decision.
- 5.2 When being lobbied, members should have regard to the advice in Section 4 about the dangers of appearing to approach a decision with a "closed mind". However, unless you have a disclosable pecuniary interest or a personal and prejudicial interest, you can:
- Listen to/receive viewpoints from residents or other interested parties
 - Make comments and express views to residents, interested parties, other members or appropriate officers
 - Give non-technical advice on planning procedures, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officers report to Committee

- Seek information through appropriate channels
 - Alert the decision-making committee to issues and concerns that have been drawn to your attention.
- 5.3 If you are approached by applicants or others seeking planning, procedural or technical advice, they should be referred to officers.
- 5.4 If you are invited to, or asked to arrange, a formal meeting with applicants, developers or groups of objectors (for instance, residents' associations) or supporters, you should inform the case officer dealing with the application. It is generally better to put formal meetings on an official basis, with Planning Department support and a note taken of the meeting. This applies to all stages of the planning process, including the pre-application stage.
- 5.5 If you receive any approaches which raise new issues or bring new information to light, you should let the case officer know what these are as soon as possible. If a developer offers any planning gain or offers to accept any conditions on development in return for consent, be sure to let the case officer know as soon as possible.
- 5.6 If any approach by a developer or anyone else gives you cause to feel uneasy, please approach the Head of Legal Practice.
- 5.7 In addition, if you consider any issue or fact to be a relevant consideration, and other members may not be aware of it, be sure to raise it when the application is considered. You should not rely on information which is not in the public arena in reaching a decision.
- 5.8 In personal dealings with applicants, objectors etc, you should be mindful of the need to avoid giving a firm commitment to support/oppose the application if you are to participate in the decision. Bear in mind that your overriding duty is to the whole community not just to the people in your ward, that planning decisions need to be taken on planning grounds and that you should avoid the appearance of improperly favouring any person, company, group or locality
- 5.9 You should not accept gifts or hospitality from developers or from any person involved in or affected by a planning proposal including pre-application proposals. If acceptance of some hospitality is unavoidable, it should be kept to a minimum and should be declared and recorded in the Council's hospitality register. The Council's policy is that all hospitality beyond the insignificant (tea and biscuits or similar) should be entered in the register. If significant hospitality is offered, you should seek advice from the Head of Legal Practice before accepting.
- 6. Pre Application Discussions**
- 6.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged by the National Planning Policy Framework. However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. For this reason the Council have developed pre-application processes that enables engagement at the pre-application stage.
- 6.2 For major applications the Council offers a service to potential applicants to present their schemes to the Council's Planning Committee. This is the way in which Planning Committee Councillors engage with these schemes and there should therefore be no need to attend any other meeting with potential applicants or their agents/representatives.

- 6.3 In other cases potential applicants may seek to meet Councillors. For minor or household applications these can be treated as a form of lobbying and Councillors, including Planning Committee Members, should follow the advice set out above.
- 6.4 Where the application is more substantial, but not subject to pre-application committee presentations, these meetings will be subject to the following procedures:
- No meeting shall be convened without the presence of a Council planning officer for the entire duration of the meeting.
 - Both this guidance and the Members' Code of Conduct will apply when attending such meetings.
 - Any Planning Committee Member involved in such a meeting, who sits on the Committee that subsequently considers any resulting application, should declare their attendance at the meeting in the same way as lobbying would be declared.
 - Officers (and any Councillor, if present) should make it clear from the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
 - Any advice given should be consistent and in accordance with the Development Plan and officers should agree, prior to any meeting, on a consistent interpretation of Development Plan policies as applied to the particular proposal.
 - Councillors should not become drawn into any negotiations, which should be done by officers (keeping interested Councillors up to date) to ensure that the authority's position is co-ordinated.
 - A contemporaneous note of the meeting should be prepared by the planning officer attending wherever possible and a copy sent to all parties for their agreement.
 - The final version of the note of the meeting will form part of the planning file and should a planning application subsequently be received, it will thereby be open to public inspection.
- 6.5 Although the term 'pre-application' has been used, the same considerations should apply to any discussions which occur before a decision is taken.
- 6.6 Planning Committee Members should not attend pre-application meetings that are not organised through officers.

7. Site Visits

- 7.1 Individual Planning Committee members may wish to visit a site on which they have been asked to determine an application. If you decide to visit a site, you should avoid putting yourself in a position where you could be accused of partiality by any interested party to the application. It is best to visit a site unaccompanied by the applicant or by objectors. However, if a site visit is carried out in the presence of the applicant and/or their agent, or of residents/objectors, you should bear in mind the advice given in paragraphs 4.14 and 4.15 of this Guidance. You should avoid being put under undue pressure from any interested party to visit a site.
- 7.2 You should not enter onto private land or premises without first obtaining the permission of the owner. Where possible, you should seek to familiarise yourself with the site from a public viewpoint. If you go onto a site, you should only do so if satisfied that it is quite safe to do so. You should not, for instance, enter a site where excavations or building works are in progress unless guided by a responsible site manager. If you anticipate a need to ask to enter onto land, you should attempt to make arrangements in advance and should carry (and produce) your Council identity card.
- 7.3 You should ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.

7.4 The decision on whether to carry out a formal committee site visit will rest with the relevant lead Delivery Manager and will be based on

- The complexity or sensitivity of the development proposal.
- The characteristics of the site and its surroundings.

7.5 No formal notes of the site visit will be made. An officer, who will point out any relevant factors and issues concerning the site and its surroundings, will accompany committee members. A site visit is not a meeting to discuss the planning merits of the scheme or to make decisions. The Lead DM or planning case officer will make a record of the date and time of the site visit, attendance and the locations visited. Further information can be found in The Formal Planning Committee Protocol for Officer-Led Site Visits, February 2023.

8. Post submission Documents

8.1 A Planning Committee Member should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.

8.2 In limited circumstances Planning Committee Members may legitimately engage in post-submission discussions. An example would be in the case of a large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers and run under the same procedural rules as pre-application discussions.

8.3 If a Planning Committee Member is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted. A Councillor should report to the Delivery Manager any significant contact with the applicant or other parties, explaining the nature and purpose of the contacts and their involvement in them, so that it can be recorded on the planning file.

8.4 Planning Committee Members should not attend post-submission meetings that are not organised through officers.

9 Public Speaking at Meetings

9.1 You should not allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give an appearance of bias or special access to councillors.

9.2 All planning matters will be considered in public session, unless there are specific reasons for dealing with an item as confidential under the provisions of the Local Government Act, 1972, in which case the public will be asked to leave the room.

9.3 Applicants, agents, ward members, parish councils, members of the public and petitioners will be allowed to speak at Planning Committee meetings, but only in accordance with the agreed Council Public Speaking procedures.

9.4 You should avoid overfamiliarity with applicants, objectors and other members of the public when attending meetings, as this is open to misinterpretation.

10. The role of Officers

- 10.1 Planning officers must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct; primarily the Royal Town Planning Institute's Code of Professional Conduct. The views, opinions and recommendations of planning officers may on occasion differ from the views, opinions or decisions of the Committee or its Members. Officers are there to give professional and impartial advice, to make sure that members have all the information they need for decision making. They are there to advise on the context of the planning application in terms of the development plan and all other relevant material planning considerations. Officers will give a clear, accurate written analysis of the issues and a recommendation with reasons for the decision they are suggesting. Officers are there to advise (other than where the decision has been delegated to them) and to carry out the decisions of the planning committee.
- 10.2 It is critical to the openness and transparency of the planning service that mutual trust between members and their officers is demonstrated and that there is clear understanding of and respect for the other's role.
- 10.3 All members should pay particular attention to the professional advice and recommendations from officers. Planning decisions are not an exact science so interpretations may vary from time to time. You are not bound to follow officers' advice or recommendations, but you should only depart from advice or recommendations where you have good reason to do so, based on clear and legitimate planning grounds. These will need to be voted on and recorded.

11. Decision Making

- 11.1 If, as ward councillor, you ask for a proposal to be determined by Planning Committee rather than be determined through officer delegation, make sure that your material planning reasons are included in that request.. Any such request must state the material, relevant planning grounds, and where possible citing development plan policies, on which it is based.
- 11.2 As Committee Members you should demonstrate through your conduct at the meeting that you are giving careful, fair and balanced consideration to the issues under discussion. It is particularly important that applicants and members of the public have confidence in the way in which decisions are reached. The conduct of members can be important in ensuring that faith in the planning process is maintained.
- 11.3 You should keep in mind your obligation to make decisions in accordance with the Development Plan unless material considerations indicate otherwise, as required by section 38(c) of the Planning and Compulsory Purchase Act 2004.
- 11.4 The Council's own proposals for development must be dealt with on exactly the same basis as applications submitted by members of the public. You should be particularly careful to ensure that any decision on a Council application is based purely on relevant planning considerations.
- 11.5 As committee members you should make a decision only after you have considered all the relevant information needed to make a decision. If you feel you have had insufficient time to digest new information or that you need further information, you should say so and, if necessary, ask for a deferral or abstain.
- 11.6 Committee members should not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter.
- 11.7 If, as a committee member, you are expressing a view contrary to officer recommendations or the development plan, you should identify clearly the planning reasons leading you to take a different view.

12. Training and Development

- 12.1 Planning decisions are often complex and differ in nature from some of the other decisions taken by the Council. It is crucial that planning decisions are based on legitimate planning grounds and that appropriate weight is given to possibly competing factors. The Council offers training and development to councillors on planning law and procedure and Members who sit on regulatory committees will need to have had at least minimum planning familiarisation training before they attend their first meeting.
- 102.2 Post hoc review of new development by the Planning or Joint Development Control Committees will be arranged on a bi-annual or more frequent basis to aid ongoing development of Members and officers. Bite sized updates and briefing sessions will be provided on committee days along with thematic training sessions on specific topics each municipal year.

13. Appeals

- 13.1 Appeals into the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Members are able to attend. Members are encouraged to attend such hearings, as they can be a good learning experience. This part of the guidance is concerned with Members who wish to actively participate in these appeals.
- 13.2 If a Member wishes to attend a public inquiry or informal hearing as a Ward Member or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the Delivery Manager to ensure that they are aware of the process and that they do not act in a manner which compromises their position as a Member of the Council, brings the Council into disrepute or puts the decision made at risk of challenge.
- 13.3 A Member of a Planning Committee cannot attend an appeal on behalf of the Council's Planning Committee, even if they sat on the Committee that made the decision, unless this is as part of the Council's case as decided by the Delivery Manager. The decision of the Committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision. The inspector is required to determine the appeal on its planning merits and therefore all representations should be so directed.
- 13.4 Where the appealed decision was contrary to the officer's recommendation, officers are generally able to present the Council's case in a satisfactory manner. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.

14. Planning Compliance

- 14.1 It is perfectly legitimate for Members to bring to the attention of the Planning Service suspected breaches of planning control so that they may be investigated to see whether any action is possible or necessary. They should bring these to the attention of the Planning Compliance Manager via the online reporting tool:

[Report a breach of planning control \(scams.gov.uk\)](https://scams.gov.uk)

- 14.2 The Council's planning compliance service operates to a priority system so that those breaches that cause the most harm are dealt with first. This priority system is designed to produce a fair and responsive compliance service.
- 14.3 For planning committee members, you are advised that when reporting a breach if no opinion on the development / work is given (and you are simply passing on something a resident has reported)

then if a subsequent application is brought to planning committee to regularise the development you are able to sit on the committee. However, if you are considered to be pre-determined by what has been included in breach report then you are advised not sit on the committee when any retrospective application is determined.

DRAFT

MEMBER GUIDANCE ON REQUESTS TO REFER PLANNING APPLICATIONS TO COMMITTEE

1. The scheme of delegation for planning, allows any Member of the Council and any County Member representing a Ward to request that an application be referred to the Planning Committee for determination, provided the request is made within the timescales set out, that it is in writing, and that it states the planning grounds on which the request is made. Late requests should be avoided.
2. Members are advised to check the progress of the application with the case officer before making a request and also to inspect the application file. This may avoid the need for a referral.
3. It is important that the planning grounds for referral are stated in the written request. An information leaflet entitled 'How to Comment' explains what factors can typically be considered in assessing planning applications, depending on the circumstances of the case. This leaflet is sent out with neighbour notification letters.
4. Relevant material planning grounds can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

In summary, Members should consider whether the development accords with planning policy set out within the development plan; whether the development is appropriate for the area; whether the development would cause harm to neighbouring amenity; whether the proposal would cause traffic congestion or be a danger to highway safety. Loss of view, loss of property value, loss of trade to businesses and moral objections are not material considerations. The case officer can give further advice if required.

5. Members may feel that a particular planning application raises material planning issues, of the kind described above, that ought to be discussed and determined at Committee, rather than being determined under delegated powers. In deciding whether to make such a request, it is important that Members consider any role and responsibility they may have in the decision making process, for example sitting on the planning committee and whether another ward member may be better placed to request a call in to committee.
6. On receipt of a written request by a Member for an application to be determined by Committee, the case officer will acknowledge the request in writing or by telephone. The case officer will also check with the Member that it is necessary for the application to be determined by Committee, rather than under delegated powers. There may be particular circumstances, depending upon the

officer recommendation where a committee decision is not necessary; this should be discussed with the planning case officer.

7. Members' representations are summarised in the officer report.
8. It is not appropriate for a Member to request that Committee determines an application if they have a disclosable pecuniary or personal and 'prejudicial' interest in it under the Council's Member Code of conduct.

DRAFT

Agenda Item 6



Planning Committee Date	8 January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/03448/FUL
Site	Units B And C, Beadle Industrial Estate, Ditton Walk
Ward / Parish	Abbey
Proposal	Change of use from flexible commercial use as Vehicle Auto Centre/MOT Station (Class Sui Generis), to indoor climbing centre (Class E(d)), and associated alterations to provide parking and waste facilities.
Applicant	Rainbow Rocket Limited
Presenting Officer	Melissa Reynolds
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Loss of protected industrial area2. Amenity3. Car parking
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The application seeks full planning permission for the change of use of a unit that was last used as an MOT / car a servicing centre. The use applied for is as climbing centre, which falls within the Class E(d) use class. No associated development is proposed.
- 1.2 Officers recommend that the Planning Committee refuse the application, which is contrary to Policy 41: Protection of business space. The site is in a Protected Industrial Area and there has been insufficient evidence that the property has been marketed to ensure its retention for industrial type uses.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	1
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	
Railway Buffer Consultation Zone: Asset Protection Team, Network Rail	X	Protected Industrial Area: Ditton Walk (North) - Beadle	X
Lord's Bridge	X	Cambridge Airport Safeguarding Zones (15m)	X

*X indicates relevance

- 2.1 The site, measuring approximately 0.57 hectares, comprises two commercial units. These are metal clad with gable roofs in two sections over each unit. The units are approximately 6m to the eaves and 8.3 m to the ridges. The units are combined to make one large unit, with a small mezzanine at first floor providing additional office space. two floors.
- 2.2 Entrance to the building is via unit C, off Beadle Trading Estate. Further access is available from a door and large roller shutter in the northeastern elevation. These open onto an area of hard paving for serving and car parking. This area is enclosed by 1.8m, high metal railings and gates. The side wall of Unit A forms the southwestern boundary. Within this service yard are 12 car parking spaces. A further 12 car parking spaces are available within the site, alongside the access road through the estate.
- 2.3 The site is on the northern side of Beadle Trading Estate. The estate comprises a mix of metal clad, commercial units and a former Maltings

building. The Old Maltings building at No.135 Ditton Walk is a Building of Local Interest.

- 2.4 North of the site is Ditton Meadows, a Protected Open Space, City Wildlife Site, and Cambridge Green Belt. The Chisholm Trail, a shared pedestrian and cycleway, runs parallel to the northern boundary within the meadow and is separated from the site by a narrow tree belt.
- 2.5 Northeast of the site is a depot.
- 2.6 Opposite the site, to the south, is the former maltings. This is now in use for commercial purposes including as a self-storage site. A further run of commercial units lies southwest of the site.
- 2.7 Beadle Trading Estate is accessed via Ditton Walk. Ditton Walk predominantly comprises residential dwellings. The closest dwellings to the site are nos. 123-133, which have their back gardens onto the Beadle Trading Estate and have a line-of-sight to the application site.
- 2.8 Beadle Trading Estate is designated as a 'Protected Industrial Area' in the Cambridge Local Plan 2018.

3.0 The Proposal

- 3.1 Change of use from flexible commercial use as Vehicle Auto Centre/MOT Station (Class Sui Generis), to indoor climbing centre (Class E(d)), and associated alterations to provide parking and waste facilities.
- 3.2 The application seeks full planning permission for the change of use of the units from sui generis use to Class E(d) to enable its use as an indoor climbing centre. No external alterations are sought.
- 3.3 Within the service yard it is proposed to provide new cycle racks for a minimum of 100 cycles and bin storage.
- 3.4 The submitted plans show an indicative signage design. This falls outside the proposal as it is an advertisement. Separate consent will be needed necessary.
- 3.5 A Transport Statement and a request to vary the hours of operation applied for have been received.

4.0 Relevant Site History

Reference	Description	Outcome
16/0388/FUL	Change of use from B8 use to flexible use B1c/B2/B8 use in the alternative. Use as Vehicle Auto Centre/MOT Station and associated	Permitted

external rearrangements to provide 6 new parking bays.

06/0496/CL2PD	Application for a Certificate of Lawfulness (S192) for proposed use for motor vehicle repair and servicing and storage of new and used vehicles.	Certificate not granted
C/00/0913	Change of use from light industrial use (Class B1) to storage and distribution use (Class B8)	Permitted
C/00/1203	Change of use from light industrial use (Class B1) to fibre optic relay station (sui Generis) (Class B8)	Permitted

- 4.1 In 2006 a certificate of lawfulness of proposed use was not granted. This was on grounds that the proposal was not a permitted change of use and full planning permission was required.
- 4.2 In 2000, two applications for change of use were permitted. These allowed use of the units for either storage and distribution use (Class B8) or fibre optic cable relay station (sui generis).
- 4.3 In 2016 planning permission was granted for units B and C to change from B8 (storage or distribution) to a flexible use of B1c (business), B2 (general industrial) and B8 (storage or distribution). This application also permitted six new car parking bays. Permission was granted subject to conditions that included, amongst others, restrictions on the use permitted, delivery and working hours. This permission was implemented.

5.0 Policy

National

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Conservation of Habitats and Species Regulations 2017

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

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.1 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 2: Spatial strategy for the location of employment development

Policy 4: The Cambridge Green Belt

Policy 5: Sustainable transport and infrastructure

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding

Policy 39: Mullard Radio Astronomy Observatory, Lord's Bridge

Policy 41: Protection of business space

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 61: Conservation and enhancement of historic environment

Policy 62: Local heritage assets

Policy 69: Protection of sites of biodiversity and geodiversity importance

Policy 70: Protection of priority species and habitats

Policy 73: Community, sports and leisure facilities

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

5.2 Neighbourhood Plan

N/A

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 East West Rail Company Ltd. – No Objection

6.2 Under the Safeguarding Directions that came into force on 14th November 2024, East West Rail Co., as the organisation responsible for delivering

East West Rail (EWR), a project of national significance aiming to deliver new and enhanced rail infrastructure to provide frequent, fast, and reliable rail links for communities between Oxford, Milton Keynes, Bedford, and Cambridge, was consulted.

6.3 The application site falls within the safeguarded area and is covered by the Safeguarding Directions. EWR Co has reviewed the application and concluded that it will not prejudice the delivery of the railway.

6.4 County Highways Development Management – No Objection

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

6.6 Following the submission of a Transport Statement the LHA has confirmed that its comments remain unchanged.

6.7 Access Officer – No Objection

6.8 The proposal requires a Blue Badge parking space; wheelchair accessible toilet; changing room to meet Sport England access guidance; a lift to upper rooms; and provision of equipment suitable for disabled climbers.

6.9 Conservation Officer – No Objection

6.10 The proposal would not give rise to any harm to any heritage assets.

6.11 Environmental Health – No Objection

6.12 Conditions are recommended relating to opening hours, and external windows and doors to ensure that when amplified music is played, these are kept closed.

6.13 Following a request to revise the hours of operation, Environmental Health has confirmed the hours of 7am to 11pm on weekdays and 7am to 9pm on weekends would be acceptable.

7.0 Third Party Representations

7.1 28 representations have been received.

7.2 No representations in objection have been received.

7.3 Those in support have raised cited the following reasons:

- Physical activity and health benefits (active lifestyles)
- Inclusive and accessible

- There is need for the additional capacity in Cambridge – existing centre is often full
- Sports people learning and training for competitions in climbing
- Convenient location
- Easy to travel to by foot, bike and public transport
- Safer to get to by active modes
- Well-connected e.g. Chisholm Trail, Cambridge North Station
- Few travel to the existing site by car
- The car park at the existing facility is often mostly empty
- Needs lots of bike racks
- Extra parking is required for people who travel into Cambridge
- Easily accessible by people from outside Cambridge
- Potential for carpooling
- Moving to a new location will benefit other local businesses with increased footfall
- Despite high footfall there is little disruption to the local surrounding residents and businesses
- Positive impact socially for young people and elders alike
- Enhances sporting opportunities
- Contributes to the city's cultural and social vibrancy
- The site will be managed to ensure parking issues for other occupiers of the estate are not caused.
- Will build the sense of community in Cambridge
- It will remove the need to travel further afield for roped climbing
- Balance provision of jobs with leisure for which there are limited opportunities in Cambridge
- It would create 20 or more jobs, offsetting the loss of industrial employment
- Cambridge requires more community and sports facilities
- The existing site is often overcrowded – they have a one-in-one-out policy then, which can deter people from attending - demand has outgrown capacity
- Reuse of a build that may otherwise be dormant
- Industrial buildings are most suitable / viable for locations climbing.

7.4 In addition, a petition in support of the proposal has been submitted. This has been signed by 182 individuals.

8.0 Member Representations

8.1 Cllr Elliot Tong, Abbey Ward, has made a representation supporting the application on the following grounds:

- It would provide fantastic amenity value for residents, giving local children in a particularly deprived area access to sports provisions that would otherwise be inaccessible.
- Many people living in Abbey are disappointed by the recommendation made by officers, as this application has widespread support locally.

- Although this site is intended for industrial use, a new indoor climbing facility would provide many job opportunities, especially for young people who engage with the sport.
- It would draw people from outside of Abbey into the area, giving local businesses, many of which are struggling, the support that they desperately need.

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

9.0 Assessment

9.1 Principle of Development

9.2 Loss of protected business space

9.3 Policy 41: Protection of business space of the Cambridge Local Plan (2018) seeks to ensure that loss of floorspace or land in use Class B or sui generis research institutes is not permitted and lists two exceptions.

- Where it would facilitate the redevelopment and continuation of employment uses (within B1(c), B2 or B8 use class) and will modernise buildings that are out of date and do not meet business needs; or
- The site has been realistically marketed for 12 or more months for employment uses (within B1(c), B2 or B8 use class), including 'the potential modernisation for employment uses (in use class B1(c), B2 or B8) and no future occupiers have been found, in which case other employment uses will be considered. If other employment uses do not prove possible, then other uses will be considered, subject to their compatibility with surrounding uses'.

The policy goes on to explain that: '*employment use' refers to the B use classes and sui generis research institutes. It does not refer to other uses that generate employment (such as, for example, retail, schools, and care institutions)*'.

9.4 The proposal seeks the change of use of a building in an area designated in the Cambridge Local Plan (2018) as a 'Protected Industrial Site'. Following revisions to The Use Classes Order in 2015, the current use of the site as a Vehicle Auto Centre/MOT Station falls within Use Class B2 (General Industrial) / sui generis use.

9.5 Appendix K, para. K.8 of the Cambridge Local Plan sets out the marketing strategy requirements for all facilities and sites. The applicant acknowledges that there has not been a 12-month marketing period. In a letter dated 2 December 2024, the agent, on behalf of the applicant, explained: "it is notable that the marketing that has taken place has not revealed there to be demand for the space from prospective occupiers

operating in the uses that fall/fell within classes B1 (c), B2 and B8.” This marketing, by a local agent, has been summarised by the letting agent via email to the applicant:

“We were instructed to market the unit B/C Beadle on the 6th March 2024. We went out to interested parties for best final proposals to be returned on 2nd July 2024. (Two climbing wall companies, including Rainbow Rocket). Heads of terms and lawyers [were] instructed on the lease drafting on 1st August 2024.

The majority of interest in the building came from the leisure sector including the Padel Courts, Racket Clubs and Climbing Wall operators.

For those businesses of a more traditional industrial nature reasons for not progressing their interest from a property perspective were as follows;

- *Lack of yard space*
- *Lack of trade footfall / prominence*
- *Age and look of the building wasn’t appropriate for their business aspirations*

Furthermore, many traditional industrial requirements within the size bracket that came out in H1 2024 and that were in the market beforehand were put on hold due to wider economic market conditions, holding decision making due to general election, government budget announcement etc.”

This was accompanied by a marketing brochure which detailed the space as being an available to let warehouse.

9.6 This does not meet the standards for marketing, set out in Appendix K at para. K.8. Below is a summary of the requirements:

a. details shall be provided of the company/person who carried out the marketing exercise;	Done
b. the marketing process should last for at least 12 months, unless a focused marketing strategy has been pre-agreed in writing with the local planning authority, in which case only six months is required;	No
c. the facility/site should be marketed for the existing or most recent use and not under a generic ‘all options’ use;	No - refers to warehouse
1. a ‘for sale/for rent’ signboard; 2. advertisements in the local press; 3. advertisements in appropriate trade/charity/leisure magazines/journals; 4. advertisements on appropriate trade/charity/leisure websites;	Not provided

5. advertisements through national and local estate agents (including their websites); and 6. a targeted mail shot or email to an agreed list of potential purchasers.	
Evidence of all sales literature (and in the case of a signboard, dated photographs) will be required.	Not provided
e. copies of all details of approaches and offers should be provided together with full reasons as to why any offer has not been accepted;	Not provided
f. any attempts to sell the business at a price which reflects its current use should relate to the business in its entirety, and not to parts of it, for example the buildings without the associated garden or car park.	Not provided

- 9.7 At the time of writing, the Planning Policy Team is awaiting the conclusions of a study into the need for industrial / non-R&D employment uses in the district/s. Early insights indicate that it will show a substantial unmet need for industrial floorspace. Given the protected status of the site, the loss of industrial floorspace to leisure use conflicts with Policies 2 and 41 of the Cambridge Local Plan 2018.
- 9.8 The principle of the change of use is not acceptable and is not in accordance with Policies 2 and 41 of the Cambridge Local Plan 2018.
- 9.9 Provision of a new sports and leisure facility
- 9.10 Policy 73 of the Cambridge Local Plan 2018 encourages the provision of new facilities for the community, sports and leisure. It stipulates that these will be permitted where:
- a. the range, quality and accessibility of facilities are improved;
 - b. there is a local need for the facilities; and
 - c. the facility is in close proximity to the people it serves.
- 9.11 In the supporting text to Policy 73, the important role sports and leisure facilities can play in 'stimulating and supporting social cohesion and interaction' is recognised. New facilities will be supported where need has been demonstrated through a local needs assessment'. It goes on to note that 'these facilities also help attract people to the city as a place to work, study and live'.
- 9.12 New and replacement city-wide facilities will need to demonstrate the need within the catchment and that this will not adversely affect the city centre.
- 9.13 The application has received much support from the climbing community. The feedback provides anecdotal evidence of the need for a larger facility in Cambridge. Representations highlight the benefits those engaged in the sport have experienced in social and health terms. It is reasonable to accept that the nature of the sport necessitates a larger building than might otherwise be available to the applicant within the city confines.

9.14 No local need assessment has been submitted. It is officers' view, however, that it would be difficult to state that the objectives of Policy 73 are harmed by the proposal, given its relatively modest scale and largely local user profile. The proposal is not sufficiently harmful to the objectives of Policy 73 of the Cambridge Local Plan (2018) to warrant a planning reason for refusal.

9.15 Design, Layout, Scale and Landscaping

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

9.17 No external alterations are proposed.

9.18 The proposal is compliant with Cambridge Local Plan (2018) policies 55 and 56, and the NPPF.

9.19 Heritage Assets

9.20 The application site lies adjacent to Riverside Conservation Area, which is to the north. The site is within the setting of The Old Maltings, a Building of Local Interest to the south of the site.

9.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

9.22 Para. 212 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.

9.23 Policy 61 of the Cambridge Local Plan (2018) requires development to preserve or enhance the significance of heritage assets, their setting and the wider townscape, including views into, within and out of the conservation area. Policy 62 seeks the retention of local heritage assets and where permission is required, proposals will be permitted where they retain the significance, appearance, character or setting of a local heritage asset.

9.24 Para. 216 of the NPPF states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into

account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

9.25 The Conservation Officer has advised that the proposal would not give rise to any harm to heritage assets.

9.26 It is considered that the proposal, by virtue of it being a change of use for which no development is required, would not harm the character and appearance of the Riverside Conservation Area or the setting of The Old Maltings, a Building of Local Interest. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1987, the NPPF and Local Plan policies 60 and 61.

9.27 Carbon Reduction and Sustainable Design

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

9.29 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.

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

9.31 The application is for a change of use of an existing building.

9.32 The proposal is not required to comply with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

9.33 Biodiversity

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

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

9.35 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is exempt from meeting statutory BNG requirements as the development falls below the *de minimis* threshold, meaning development which:

- (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

9.36 Taking the above into account, the proposal is compliant with Policies 69 and 70 of the Cambridge Local Plan (2018). No planning conditions are required.

9.37 Water Management and Flood Risk

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

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

9.40 As the application seeks the change of use of an existing building, the issues of water management and flood risk are in accordance with Local Plan policies 31 and 32 and NPPF advice. No planning conditions are required.

9.41 Highway Safety and Transport Impacts

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

9.43 Para. 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.

9.44 The application is supported by a Transport Statement.

9.45 The site is accessed via the industrial estate road off Ditton Fields. Access to the site would remain unaltered.

9.46 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, which raises no objection to the proposal and no planning conditions are required.

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

9.48 Cycle and Car Parking Provision

9.49 Cycle Parking

9.50 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 leisure uses, should be 2 spaces for every 5 members of staff; 1 short stay space for every 25 sq m net floor area and 1 for every 15 seats provided for spectators. These spaces should be located in a purpose-built area at the front of each building and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

9.51 The requirement for cycle parking to serve the use proposed equates to 68 cycle parking spaces. This can be secured by planning condition.

9.52 Car parking

9.53 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 2 spaces for every 3 staff, plus 1 space for every 4 seats, including disabled car parking where a site is outside a controlled parking zone.

9.54 Noting that the applicant states that the facility would not include seating for spectating, the requirement for car parking to serve the use proposed equates to a minimum of 7 car parking spaces for staff. The site has 24 car parking spaces. Given the location is easily accessible by foot, cycle and public transport, this level of parking is considered sufficient. Two of these should be Blue Badge Holder spaces and located close to the main entrance to the building. This can be secured by planning condition.

9.55 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at 'at least one rapid EV Charge Point for every 1,000m² non-residential floor space (as per Institute of Air Quality Management guidance) or one fast EV Charge Point for every 1,000m² non-residential floor space (if the installation of a rapid charge

point is technically impossible due to grid supply constraints evidence must be provided). This would be secured by planning condition.

9.56 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.

9.57 Amenity

9.58 Policy 35 seeks to preserve the amenity of neighbouring occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

9.59 Neighbouring Properties

9.60 The nearest residential properties are approximately 90m away on Ditton Fields. Back gardens abut the Beadle Trading Estate's boundary.

9.61 The operational impacts of the use proposed are unlikely to be negative for the residential properties given the nature of the use for leisure purposes.

9.62 The Council's Environmental Quality and Growth Team has assessed the application and recommended that, subject to conditions limiting opening hours and having doors and windows closed when amplified music is being played, the proposed use would not have a harmful affect.

9.63 Summary

9.64 The proposal adequately respects the amenity of its neighbours and is considered that it is compliant with Cambridge Local Plan (2018) policy35.

9.65 Other Matters

9.66 Bins

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

9.68 Waste collections / servicing will be carried out within the existing service yard. This arrangement is acceptable given the location and proximity the access road.

9.69 Access

9.70 The council's Access Officer has reviewed the proposals and made recommendations, which the applicant has viewed positively.

9.71 Planning Balance

- 9.72 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 9.73 Summary of benefits
- 9.74 The proposed leisure use would support the social and economic aims of the Local Plan.
- 9.75 The use would provide a leisure facility and encourage people to lead healthy lifestyles, raising the quality of life for local residents.
- 9.76 Summary of harm
- 9.77 The proposal would result in the loss of industrial floorspace within a Protected Industrial Area under Policy 41.
- 9.78 The property has not been marketed as per the requirements of Policy 41, as set out in Appendix K of the Local Plan. Permitting a change of use when the property has not been adequately marketed would result in the loss of industrial floor space for other occupiers less suited to more sensitive settings within the city area. The policy has established a clear, unambiguous and ongoing need for this type of employment floorspace in the city. Its loss is highly unlikely to be replaced elsewhere in the city such that its loss is likely to result in the irreversible loss of industrial employment space. The Local Plan aims to prevent this type of incremental loss of this industrial floorspace, and given the current market has resulted in greater pressure. The principle of its loss is not supported.
- 9.79 Officers recognise the strength of support for a leisure facility, which is desirable and would promote the health and well-being of residents. It has not been demonstrated that the proposed use needs to be in this protected location.
- 9.80 As noted above, the harm resulting from the loss of protected industrial floorspace is great. This significant harm is not outweighed by the social benefits noted.
- 9.81 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for refusal.

10.0 Recommendation

10.1 **Refuse** for the following reasons:

1. The proposed change of use from an MOT and car servicing centre (sui generis use) to a climbing centre falling with use class E(d) would result in the loss of a protected employment space within the Ditton Walk (North) – Beadle Industrial Estate Protected Industrial Site area. The application has not demonstrated that the property has been marketed appropriately. The proposal is contrary to the requirements of Policy 41 of the Cambridge Local Plan 2018 which seeks to protect against the loss of protected industrial sites due to the need to retain a more traditional industrial estate-type land due to the loss of sites across Cambridge to redevelopment resulting in a significant shortage of this type of space.

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

This page is intentionally left blank



Planning Committee Date	08 January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/03913/S73
Site	23A Unit 1, Hooper Street, Cambridge, CB1 2NZ
Ward / Parish	Petersfield
Proposal	S73 to vary conditions 2 (Noise management plan) and 3 (external areas) of planning permission 23/00600/S73 (S73 to vary conditions 2 (noise management plan) and 3 (external areas) of ref: 20/02619/S73 (S73 to vary condition 5 of ref: 19/0902/FUL (Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities) to vary condition no.2 to read as: "Operation of the premises to be carried out in strict accordance with the submitted/approved Noise Management Plan" and to vary condition no.3 to read as: The external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101, including accessing this seating area from inside. This external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00") to retain the outdoor seating beyond the one-year timeline permitted by condition 3 to make them a permanent feature of the premises.
Applicant	Calverley's Brewery
Presenting Officer	Charlotte Spencer
Reason Reported to Committee	Third party representations

Member Site Visit Date
Key Issues

N/A
1. Noise/ impact on residential amenity

Recommendation

APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks to vary condition nos. 2 (noise management plan) and 3 (external areas) of permission 23/00600/S73. These conditions allowed for the use of an external seating area for a maximum period of 1 calendar year and the aim of the current application is to allow the permanent use of the external seating area.
- 1.2 The submitted Noise Management Plan and the Outdoor Seating Plan are the same as previously approved for one calendar year.
- 1.3 Representations have been received from neighbouring properties in objection to the application with concerns relating to noise and disturbance associated with the external seating area. There are also representations from other properties in support of the proposal.
- 1.4 Since the granting of 23/00600/S73, no noise complaint has been made to Environmental Health. The Environmental Health Team have raised no objection to the application and consider that with the proposed Noise Management in place it will be acceptable.
- 1.5 Subsequently Officers recommend that the Planning Committee APPROVE the application subject to conditions as drafted by officers.

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 The application site is situated on the northern side and eastern end of Hooper Street. To the west are adjoining residential properties and to the east the railway line. Opposite the site to the south is the former Mill Road Depot which has been redeveloped as housing. To the north is 23B Hooper Street, a detached residential dwelling.
- 2.2 The application site comprises brick-built buildings within a courtyard of buildings occupied in business uses.

2.3 The application site is adjacent to the Mill Road Conservation Area.

3.0 The Proposal

3.1 The application seeks to vary conditions nos. 2 (noise management plan) and 3 (external areas) of planning permission 23/00600/S73. The purpose of this is to allow the use of the external seating area of 17.5sqm to be permanent. 23/00600/S73 was considered by Planning Committee.

3.2 Condition 2 (noise management plan) is proposed to be amended to read as:

"The premises shall continue to operate in accordance with the submitted and approved "Noise Management Plan To: Cambridge City Council Ref: Calverley's Brewery. 23A Hooper Street, Cambridge" (Version 1.1 dated 28th July 2021). The Noise Management Plan will be reviewed and updated at the request of the Local Planning Authority and/or in response to noise complaints. Updates shall be approved in writing by the Local Planning Authority prior to implementation of any changes to opening hours or the provision of outdoor seating."

3.3 Condition 3 (external areas) is proposed to be amended to read as:
"The external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101 and this external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00"

3.4 The aim of the proposal is to remove the limitation of the external seating area to one calendar year only and to allow a full compliance with the noise management plan and external seating plan without the need to revert back to the previously approved Noise Management Plan to retain the outdoor seating beyond the one-year timeline permitted by condition 3 to make them a permanent feature of the premises.

3.5 No other elements of the previously approved scheme are proposed to be altered and the Noise Management Plan and drawing demonstrating the approved outdoor seating remaining as previously approved.

4.0 Relevant Site History

Reference	Description	Outcome
23/00600/S73	S73 to vary conditions 2 (noise management plan) and 3 (external areas) of ref: 20/02619/S73 (S73 to vary condition 5 of ref: 19/0902/FUL (Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of	Permitted 11.09.2023

	cycle storage facilities) to vary condition no.2 to read as: "Operation of the premises to be carried out in strict accordance with the submitted/approved Noise Management Plan" and to vary condition no.3 to read as: The external seating area for patrons shall be strictly limited to the 17.5sq m seating area as shown by the blue line within approved drawing number P101, including accessing this seating area from inside. This external seating area shall only be used by patrons during the following hours: Tuesday to Thursday: 16:00-21:00, Friday: 16:00-22:00 and Saturday: 12:00-22:00"	
20/02619/S73	S73 to vary condition 5 of ref: 19/0902/FUL (Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities) to read: The Premises shall only be open to the public at the following times: . Tuesday-Friday 16:00hrs-23:00hrs . Saturday: 11:00hrs-23:00hrs	Permitted 09.02.2022
19/0902/FUL	Change of use from existing automobile repair shop (vacant unit) to a mixed use Class B2 (micro-brewery) and Class A4 (drinking establishment) and installation of cycle storage facilities.	Permitted 11.10.2024
18/1123/FUL	Retrospective planning application for the change of use of existing buildings from Class B2 micro-brewery to Class B2 micro-brewery and Class A4 Drinking establishment.	Permitted 11.03.2019

- 4.1 On 11 March 2019, temporary planning permission was granted for the retrospective change of use of the existing buildings from Class B2 microbrewery to Class B2 micro-brewery and Class A4 drinking establishment. This permission did not include any restrictions on the use of the external areas but the permission only lasted for one year and expired on 11 March 2020. The external area was capable of accommodating 10 tables and over 50 people.

- 4.2 Following the expiry of the temporary permission, permanent permissions (19/0902/FUL and 20/02619/S73) were subsequently granted but these did not include external seating and attached a condition (no.3) which strictly prohibited patron use of the external areas at all times.
- 4.3 23/00600/S73 permitted the use of 17.5sqm of the external area for outdoor seating. This was strictly in accordance with the plans and submitted Noise Management Plan, however, conditions 2 and 3 ensured that this could only occur for one calendar year, after which the permission reverted to the 2020 decision which prohibited the use of the outdoor area. The temporary time limit ended on 11 September 2024 and so the brewery does not have permission for outdoor seating. The time limit was added to effectively allow for a trial of the external seating area and to understand the effectiveness of the measures set out within the Noise Management Plan.

5.0 Policy

5.1 National

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 41: Protection of business space

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 58: Altering and extending existing buildings

Policy 61: Conservation and enhancement of historic environment

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Sustainable Design and Construction SPD – Adopted January 2020

5.5 Other Guidance

Mill Road conservation area

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 No significant adverse effect upon the Public Highway would result from the proposal.

6.3 Conservation Officer – No Objection

6.4 Would not give rise to any harm to heritage assets

6.5 Environmental Health – No Objection

6.6 Have checked the records and Environmental Health have not received a noise complaint within the one-year temporary period.

6.7 The Noise Management Plan remains valid and relevant and it is important that reference to it remains in condition 2.

6.8 Network Rail – No Response

6.9 East West Rail – No Objection

6.10 No objections

7.0 Third Party Representations

7.1 Two representations have been received in objection. Those in objection have raised the following issues:

- Noise impacts
- Noise monitoring which was originally mandated did not occur

7.2 Four representations have been received in support. Those in support have raised the following reasons:

- Not disruptive
- Community asset
- Scale of business is suitable for the area

8.0 Local Interest Groups and Organisations

- 8.1 The Cambridge and District Branch of the Campaign for Real Ale (CAMRA) has made a representation supporting the application on the following grounds:
- Unaware of any adverse effects
 - The taproom enhances the area's reputation.

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

9.0 Assessment

9.1 Principle of Development

9.2 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].

9.3 The applicant has sought to amend the conditions attached to the planning permission by seeking to make a minor material amendment. Paragraph 13 of Planning Practice Guidance advises that there is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission.

9.4 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].

9.5 In this instance, the proposed amendment would vary conditions 2 (noise management plan) and 3 (external area) of permission 23/00600/S73. The purpose is to allow the permanent use of the external seating area.

9.6 The proposed amendment is considered to constitute a minor material amendment. The material consideration for the application is the impact on the residential amenity of nearby occupiers.

9.7 Amenity

9.8 Policy 35, 36, 55, 56 and 58 seek to preserve the amenity of neighbouring occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces. As the proposed amendment would seek to vary conditions 2 and 3 only, it is only the matters of noise and disturbance to neighbours that could be materially affected by the proposed variations.

- 9.9 The nearby row of terraces properties to the west at Nos.80-108 Ainsworth Street and Nos.23 and 23B Hooper Street all have rear elevations and gardens that face towards the application site and/or in close proximity to the site. No.23B is unique in that it is situated immediately to the north of the site.
- 9.10 It is noted that there have been third party objections from immediate neighbours in regards to noise and disturbance from the outdoor seating area stating that they have not been able to enjoy outdoor spaces or leave windows open due to the noise. Whilst, as stated within the Officer report for 23/00600/S73, the unrestricted use of the outdoor seating between March 2019 and March 2020 was considered to be harmful, the Environmental Health Officer has confirmed that within the year where outdoor seating was permitted under 23/00600/S73, no noise complaints regarding the premises had been received.
- 9.11 The Environmental Health Officer has also reviewed the submitted information and has confirmed that the information remains valid and has no objections to this information subject to the Noise Management Plan being complied with. As the application only requests the one year restriction to be removed, compliance with the Noise Management Plan will remain as part of condition 2.
- 9.12 Whilst it is noted that neighbours have objected in terms of noise and disturbance, there is a caveat within Condition 2 that states 'The Noise Management Plan will be reviewed and updated at the request of the Local Planning Authority and/or in response to noise complaints'. The application does not seek to remove this element from the condition and so this allows the Local Planning Authority to review this if it is found to be failing.
- 9.13 It is also noted that a third party objector raised that the noise monitoring which was originally mandated to take place did not occur. Officers have reviewed the previous conditions attached to 23/00600/S73 and reviewed the Noise Management Plan and there are no requirements for noise monitoring to take place. It is noted that the 23/00600/S73 was originally deferred by Committee to allow the Officer to consider whether a noise monitoring condition could be worded. However, following discussions with the Environmental Health Team it was considered that this could not be enforceable and as such no such condition was added to the final decision by committee.
- 9.14 Subsequently, it is considered that 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, 36, 55, 56 and 58.

9.15 Third Party Representations

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

Third Party Comment	Officer Response
Noise and Disturbance	Paragraphs 9.8-9.14
Noise Monitoring	Paragraph 9.13

9.17 Planning Balance

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

9.19 Due to the lack of noise complaints about the application premises within the trial period of one calendar year permitted under 23/00600/S73 Officers considered that the outdoor seating area as per drawing P101 in strict accordance with the submitted Noise Management Plan would not result in an unacceptable level of noise and disturbance which would be considered to have a detrimental impact on the residential amenity of the neighbouring properties.

9.20 Whilst it is noted that there would still be a risk of noise and disturbance from the outdoor seating area it is considered that the wording of Condition 2 allows for the Local Planning Authority to review the Noise Management Plan in the case of noise complaints being received. The proposed outdoor seating to the drinking establishment would bring certain benefits including supporting the viability of a local business and community facility and expanding the range of community facilities available to residents and visitors.

9.21 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 amendment is recommended for approval.

9.22 In accordance with the PPG, to assist with clarity, a decision notice for the grant of planning permission under section 73 will also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

10.0 Recommendation

10.1 **Approve** subject to:

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

11.0 Planning Conditions

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

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

2. The premises shall be operated and managed in accordance with the submitted and approved "Noise Management Plan To: Cambridge City Council Ref: Calverley's Brewery. 23A Hooper Street, Cambridge" (Version 1.1 dated 28th July 2021). The Noise Management Plan will be reviewed and updated at the request of the Local Planning Authority and/or in response to noise complaints. Updates shall be approved in writing by the Local Planning Authority prior to implementation.

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

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

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

4. The Premises shall only be open to the public at the following times:
 - Tuesday-Friday 16:00hrs-23:00hrs
 - Saturday: 11:00hrs-23:00hrs

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

5. Music (to include internal or external amplified and unamplified music) and amplified voice is not permitted on site at any time.

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

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

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

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

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

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

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

9. There shall be no preparation or cooking of hot food on the site at any time.

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

10. The premises shall be operated and used for the purposes as details/defined within the Planning Statement submitted within application 19/0902/FUL; Ref: Calverleys Brewery, 23a Hooper Street, Cambridge (prepared by Maidenhead Planning and dated 4th June 2019) and for no other purpose (including any other purposes in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (Amended 2020), or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the granting of a specific planning permission.

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

11. The cycle facilities shall be provided in accordance with the approved details before the use of the development commences and permanently maintained thereafter.

Reason: To ensure satisfactory provision for the secure storage of bicycles and refuse arrangements. (Cambridge Local Plan 2018 policies 82 and 56)

Agenda Item 8



Planning Committee Date	8 January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/03207/FUL
Site	17 High Street, Cherry Hinton
Ward / Parish	Cherry Hinton
Proposal	Single storey front and rear extensions, rear roof extension and change of use to large House in Multiple Occupation (HMO) consisting of seven units
Applicant	Mr Girish Ramrous
Presenting Officer	Melissa Reynolds
Reason Reported to Committee	Called-in by Councillor Ashton
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Residential amenity2. Noise and disturbance
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks full planning permission for ‘Single storey front and rear extensions, rear roof extension and change of use to large House in Multiple Occupation (HMO) consisting of seven units’ at 17 High Street, Cherry Hinton.
- 1.2 Cllr Ashton has called-in the application for determination by Planning Committee.
- 1.3 Officers have considered the impact on neighbours and the surrounding area. The issues on the amenity of neighbours are minor in terms of additional overlooking. The site is in a highly sustainable location with excellent access to pedestrian, cycle routes and public transport. It is located in the Cherry Hinton District Centre.
- 1.4 The benefits of providing an additional two-bed spaces in a sustainable location outweigh the slight harm to neighbouring amenity.
- 1.5 Officers recommend that the Planning Committee approve the application, with conditions.

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 17 High Street, Cherry Hinton is a semi-detached house fronting the High Street. It currently has a single storey conservatory extension to the rear and a two storey side extension with a hipped roof. It is built of red brick at ground floor and pebble dash at first floor with a plain tile roof.
- 2.2 The front garden is hard paved with block paving and has an access off Mill End Road. A verge separates the pavement to the front of the site from High Street and Mill End Road. Mill End Road is one-way at the site’s access point, limiting exit to right-hand turns out of the driveway towards High Street. A cycle lane runs along the High Street and there is a bus stop across the road.

- 2.3 It is adjacent to the Red Lion Public House, which is located to the south of the site. The house sides on to the pub access, car park and garden.
- 2.4 No.17 adjoins no. 19, to the north. No. 19 has a single-storey front and side extension, rear extension in the form of a conservatory that lies adjacent to the boundary with no. 17. The roof to no. 19 has been extended to create a second floor. This is formed by the addition of rooflights and a side facing dormer window.
- 2.5 Beyond no.19 are nos. 21 and 23, another pair of semi-detached properties in the same style and form as the application site. This pair has been renovated to form flats.
- 2.6 Opposite the site to the east is Cherry Hinton Recreation Ground.
- 2.7 The application site backs onto the rear gardens of 1 and 3 Mill End Close, a residential street to the north of the site.

3.0 The Proposal

- 3.1 The full planning application seeks permission for: 'Single storey front and rear extensions, rear roof extension and change of use to large House in Multiple Occupation (HMO) consisting of seven units'.
- 3.2 The proposals are:

- Single-storey front extension with a lean-to roof.
- Removal of existing single storey rear conservatory.
- Single storey rear extension with lean-to roof.
- Conservatory off the single-storey extension.
- Roof extension to change the side hip to a side gable.
- Flat roofed rear dormer extension to the roof.
- Cycle and bin stores to the front.
- Change of use from a small HMO (five persons in five households) (Use Class C4) to a large HMO (seven households) (sui generis use).

4.0 Relevant Site History

Reference	Description	Outcome
C/71/0078	Extension to form garage and store on ground floor and bedroom above.	Permitted
05/0376/FUL	Single storey rear conservatory.	Permitted
24/01133/FUL	Single storey front and rear extensions, two storey rear extension and rear roof extension.	Withdrawn

Change of use to large 10 bed HMO
for 10 persons (sui generis).

- 4.1 An application for a 10-bedroom HMO, which proposed a two-storey rear extension, was withdrawn earlier in the year. The withdrawal followed officers having raised concerns that it would provide a cramped communal area, restricted garden, small bedroom sizes, and result in an intensification of the use of the rear garden that would be likely to result in noise and disturbance of neighbours.

5.0 Policy

5.1 National

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Technical Housing Standards – Nationally Described Space Standard (2015)

Human Rights Act 1998

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 6: Hierarchy of centres and retail capacity

Policy 28: Sustainable design and construction, and water use

Policy 32: Flood risk

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding

Policy 39: Mullard Radio Astronomy Observatory, Lord's Bridge

Policy 48: Housing in multiple occupation

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 59: Designing landscape and the public realm

Policy 72: Development and change of use in district, local and neighbourhood centres

Policy 76: Protection of public houses

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

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

5.5 Other Guidance

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

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 The effect of the proposed development upon the Public Highway should be mitigated if conditions are included in any planning permission re. hours for demolition and construction vehicles.

6.3 It also notes 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. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application’.

6.4 Environmental Health – No Objection

6.5 The development is acceptable subject to conditions relating to construction hours and the use of piled foundations. Informatives are also recommended re. the Housing Health & Safety Rating System, management of Houses in Multiple Occupation (HMOs), and HMO licensing.

6.6 The HMO is already licensed by the council for five persons in five householders. A variation of the existing HMO licence will be required should planning permission be granted.

7.0 Third Party Representations

7.1 Ten representations have been received.

7.2 Those in objection have raised the following issues:

- Principle of development
- Character, appearance, and scale
- Overdevelopment
- Residential amenity impact - impacts on daylight, sunlight, overshadowing, privacy, noise and disturbance
- Construction impacts (need for H&S measures)
- Highway safety including impact on cycle routes, bus stops, and access to high street
- Car parking and parking stress
- Cumulative increase in HMOs - loss of family homes changing the nature of Cherry Hinton; and impact on community cohesion
- Bins and litter
- Impact on infrastructure
- Impact on the human rights under protocol 1, Article 1 of the Human Rights Acts, Article 8 of the Human Rights Act

8.0 Member Representations

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

- Over development.
- Out of keeping with the area.
- Car parking.
- No area for vehicles to park or deliver whilst any work was carried out.
- Already congested area for parking and no space for further vehicles.

He requested that, if the recommendation from officer's is approval, that the application be considered at Planning Committee.

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

9.0 Assessment

9.1 Planning Background

9.2 The property is already in use as a small HMO, as confirmed by the Environmental Health Officer's comments. This report focusses, therefore, on the impact of (a) the extensions and (b) the additional occupants the proposal would enable as a large HMO (sui generis use).

9.3 Principle of Development

- 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.

9.4 The requirements under Policy 58: Altering and extending existing buildings are considered in the following sections.

9.5 The principle of the development, including the change of use Class C4 to sui generis (large HMO), is acceptable and in accordance with policies 3 and 58 of the Cambridge Local Plan (2018).

9.6 Design, Layout, Scale and Landscaping

9.7 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. Appendix E of the Local Plan provides a 'Roof extensions design guide'.

9.8 Front extension and hip to gable roof extension

9.9 Of the two pairs of semi-detached houses in this row, no. 19 has closely retained its original form and character. The other three properties in this short row have been significantly altered and consequently, it has not overall retained the uniformity it would originally have had. In this context, the proposed alterations to no. 17 are sympathetic to the dwelling and will be in-keeping with the other dwellings in this part of the High Street, which also feature side gabled roofs and small additions at ground floor to the front.

9.10 The proposed single-storey front extension would project in line with an existing front extension to the neighbouring dwelling at no. 19.

9.11 The proposed hip to gable alteration of the roof will be similar in form, scale, and appearance to the roof extension undertaken at no. 19 and elsewhere in the street. In accordance with Policy 58 the proposed roof extension is sympathetic to the original dwelling and surrounding context.

9.12 Rear box dormer, single-storey extension, and conservatory

9.13 Appendix E of the Local Plan indicates that roof extensions which 'perpetuate forms of existing, but poorly designed roof extensions' or 'are insensitively designed large 'box type' roof extensions' are unlikely to be acceptable. The rear dormer will be visible in glimpsed views from Mill End

Close and High Street, across the pub's frontage and between neighbouring houses. While the proposed box dormer is large, it will not be unduly prominent in the streetscene or appear visually out-of-keeping with the extended dwelling and the proposed gable roof. It would sit below the ridgeline and in from the edges and eaves.

- 9.14 It would introduce four rear facing windows at roof level two serving ensuite shower rooms, two serving bedrooms. Policy 58 permits extensions and / or alterations to existing buildings provided they do not unacceptably overlook, overshadow or visually dominate neighbouring properties. The proposed extensions comply with policy 58. This is covered in more detail later in this report.
- 9.15 Provided materials used reflect the existing ones this will not be harmful to visual amenity or character of the area; this can be secured by condition.
- 9.16 Overall, the proposed development is of a sufficiently high-quality design that would contribute positively to its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 59 and the NPPF.

9.17 Biodiversity

- 9.18 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 9.19 The Development is below the de minimis threshold, meaning it impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- 9.20 Officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and is not required to achieve a biodiversity net gain beyond enhancements required by Local Plan Policy. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

9.21 Water Management and Flood Risk

- 9.22 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. 162-169 of the NPPF are relevant.

9.23 The site is in Flood Zone 1 and is therefore considered at low risk of flooding. The proposals are for extensions to an existing dwelling.

9.24 There is no conflict with Local Plan policies 31 and 32 and NPPF advice.

9.25 Highway Safety and Transport Impacts

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

9.27 Para. 116 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.

9.28 Access to the site would be as per existing.

9.29 The extensions to the dwelling are to enable the owner to change the use to a large HMO. The concerns are noted; however, the change of use would result in two additional occupants. The scale of development proposed is not one that would give rise to highway safety or transport impacts that would warrant a refusal of the application.

9.30 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority which raises no objection to the proposal.

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

9.32 Cycle and Car Parking Provision

9.33 Cycle Parking

9.34 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 58 requires extensions to existing buildings to 'retain sufficient amenity space, bin storage, vehicle access and cycle and car parking' under point (g).

9.35 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the

- encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.
- 9.36 The application proposes seven secure, enclosed cycle parking spaces. The submitted block plan indicates there is room to the front of the house for eight cycle stands. A planning condition is recommended to secure the provision of cycle parking along with details of an enclosure for these to ensure sufficient cycle parking is provided.
- 9.37 Car parking
- 9.38 Policy 58 requires extensions to existing buildings to retain sufficient vehicle access and cycle and car parking.
- 9.39 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.
- 9.40 The site currently has a dropped kerb, and the front garden is hard surfaced, providing space to park two cars off-street. Subject to the necessary provisions for bin and bike stores in relation to the small HMO use, two spaces on site can be retained.
- 9.41 Concerns locally about the need for additional car parking arising from the large HMO use are noted. The proposed layout enables two spaces to be retained, which meets the standards set out in Appendix L. This is adequate for an HMO with very good access to active travel routes and public transport.
- 9.42 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.
- 9.43 Provision for an EV charging point has not been made. As no additional parking is proposed, the EV requirement is not to be applied. The proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 9.44 The proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 9.45 Amenity**
- 9.46 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking, or overbearing and through providing high quality internal and external spaces. This is also the case for HMOs.

Policy 48 seeks to ensure that ‘the intensification of such activity associated with any HMO is proportionate to the size of the property’ (see para. 6.24 of the supporting text).

- 9.47 Appendix E indicates that roof extensions that give rise to significant additional overlooking of neighbouring property will not be supported. In assessing the degree of overlooking, factors such as the size, scale and orientation of the existing house, extent of existing outbuildings and garden curtilage will be taken into account.
- 9.48 Neighbouring Properties
- 9.49 Impact on No. 19 High Street.
- 9.50 The single-storey rear extension and conservatory are stepped away from the boundary with no. 19. These are sited to the south of its garden, however, the rear extension would not project past its conservatory. The proposed conservatory has an eaves height of 2.3m and is it has a rear conservatory extension and would approximately 5.6m from the boundary. At this height and distance, it will not have a detrimental effect on the amenity of no. 19.
- 9.51 Its rear garden is relatively small, at approximately 8m deep. The main impact would be from the windows in the proposed dormer in terms of additional overlooking of its garden. These windows are not the main habitable part of the second-floor rooms and any overlooking would be limited.
- 9.52 Impact on nos. 1 and 3 Mill End Close
- 9.53 The rear gardens to nos. 1 and 3 Mill End Close border the garden to no. 17. The distance and angle of any views from the second-floor dormer windows and, taking into account that these windows are not the main habitable part the second-floor rooms, is such that any additional overlooking would be limited.
- 9.54 Due to the single storey rear extension and conservatory’s positioning in relation to these gardens, no loss of light or overlooking would result from this element of the proposals.
- 9.55 Future Occupants
- 9.56 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government’s Technical Housing Standards – Nationally Described Space Standards (2015).
- 9.57 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	2	1	11.5	12.6	+1.1
2	1	1	1	7.5	11.14	+3.64
3	1	2	1	11.5	13.7	+2.2
4	1	2	1	11.5	11.79	+0.29
5	1	1	1	7.5	11.09	+3.59
6	1	2	1	11.5	16.65	+5.15
7	1	1	1	7.5	10.03	+2.53

9.58 Policy 50 paragraph 6.32 states that residential units created through conversions should seek to meet or exceed the internal space standards as so far as practicable to do so. The proposed change of use is capable of accommodating seven rooms within the space standards required. The space standards require dwellings of three storeys for 8 persons to have 138 sq.m. of floor space. The proposed dwelling exceeds this by approximately 100 sq.m.

9.59 Garden Size(s)

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

9.61 Policy 48 also requires that HMOs provide 'appropriate refuse and recycling storage, cycle and car parking and drying areas'. The remaining garden measures approximately 107sq.m. This is considered adequate for the purposes required and large enough to ensure that sitting out space is also available.

9.62 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. While this is a policy requirement, the proposal is a conversion and would utilise the existing stairwells, the proposed rooms would not be housed completely within a new building envelope. Therefore, it is not practicable to require part M4(2) compliance in this instance.

9.63 Construction and Environmental Impacts

9.64 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of

future occupiers. These conditions are considered reasonable and necessary to impose.

9.65 Impact on neighbouring properties from the large HMO use has been raised as a concern by local residents. These concerns relate to the impact on the amenity of the area and neighbouring properties from an intensified use of the site. The site is already in use lawfully as a small HMO for up to five persons. The application seeks permission for a seven-room large HMO. The increase in size could potentially theoretically accommodate up to 11 persons. It is reasonable to limit the numbers of occupants to seven persons by condition to ensure that the site can meet the needs of the occupants without detriment to the neighbouring area. This includes appropriate cycle and bin storage, car parking, and communal spaces within the dwelling and its garden.

9.66 The Council's Environmental Health team has assessed the application and recommended approval subject to planning conditions.

9.67 Summary

9.68 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, 51, and 58.

9.69 Other Matters

9.70 Bins

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

9.72 The application drawings indicate space is available to the front of the property for a bin storage area. No detail of bin stores has been provided and a condition to secure suitable bin enclosure to ensure the amenity of the neighbours and area is protected is recommended.

9.73 Third Party Representations

9.74 A representation has raised concern that neighbours' rights under The Human Rights Act would be breached by the council if permission were granted. Planning case law has established that the relevant principles are:

- Article 8 does not give a right to a home;
- Article 8 rights are a material planning consideration and should be respected but are not guaranteed;
- The rights have to be balanced against all other material considerations and this will be a planning judgment.

It should not be assumed that they would “outweigh the importance of having coherent control over town and country planning” and that in most cases the courts were unlikely to intervene (Source: <https://www.localgovernmentlawyer.co.uk/planning/318-planning-features/32634-planning-and-human-rights>). In its research briefing, the house of commons Library advises: ‘*Courts seem to feel that the whole process of planning decisions should not be overturned just because of the effects of particular decisions on householders who already have rights to make representations to a democratic body within the planning system.*’

9.75 This report sets out the careful considerations officers have been through to ascertain that a modest extent of additional overlooking would result from the proposal. This additional overlooking would not be significantly detrimental to the amenities enjoyed by neighbours. Officers are satisfied that the Human Rights of neighbours would not be breached as a result of the proposed development and change of use.

9.76 Planning Balance

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

9.78 Summary of harm

9.79 The proposals would result in minor degree of additional overlooking of neighbouring gardens.

9.80 Summary of benefits

9.81 The proposals would provide accommodation for two additional persons.

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

10.0 Recommendation

10.1 **Approve** subject to:

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

11.0 Planning Conditions

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

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

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

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

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

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

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

a) management of the property and how any management issues will be addressed

b) external display of contact information for on-site management issues and emergencies for members of the public

c) provision for refuse, cycle and car parking and drying areas etc.

d) details of guidance for tenants re acceptable standards of behaviour/use of the premises.

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

Reason: In order to ensure the occupation of the site is well managed and does not give rise to significant amenity issues for nearby residents (Cambridge Local Plan 2018 policies 35 and 47).

5. Notwithstanding the approved plans, details of the bike and bin stores associated with the development shall be submitted to and approved in writing by the local planning authority prior to commencement of the development hereby approved.

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, 48 and 82).

6. 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).

7. The application site shall have no more than seven 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).

8. Notwithstanding the approved plans, the flat roof(s) 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 mm thick.

- b) Provided 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 approved development 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: green-roofs.co.uk

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

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

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. Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between the hours of 09.30hrs - 15.30hrs, Monday to Friday.

Reason: in the interests of highway safety

12. 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)

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

This page is intentionally left blank

Agenda Item 9



Planning Committee Date	8 January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/03749/FUL
Site	5 High Street, Cherry Hinton
Ward / Parish	Cherry Hinton
Proposal	Conversion of 1 no. flat to a large 8bed (8 persons) HMO including extension to ground and second floors.
Applicant	Aldo Marino
Presenting Officer	Melissa Reynolds
Reason Reported to Committee	Called-in by Cllr Russ McPherson Third party representations
Member Site Visit Date	N/A
Key Issues	1. Neighbouring amenity 2. Highways impact
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks full planning permission for ‘Conversion of 1no. flat to a large 8bed (8 persons) HMO including extension to ground and second floors’.
- 1.2 The application has been brought before members because it has been called in by Cllr Russ McPherson and there are representations that conflict with the officer recommendation, which cannot be overcome by planning conditions.
- 1.3 Officers have considered the impact on neighbours and the surrounding area. The issues on the amenity of neighbours are minor in terms of additional overlooking. The site is in a highly sustainable location with excellent access to pedestrian, cycle routes and public transport where car-free development can be supported. It is located in the Cherry Hinton District Centre where commercial uses are encouraged at ground floor.
- 1.4 The benefits of providing an additional two-bed spaces in the HMO in a sustainable location is supported by officers.
- 1.5 Officers recommend that the Planning Committee (insert recommendation)

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 5 Cherry Hinton comprises a two-storey, flat roofed, mid-century building. It is built of gault and red bricks. Windows are metal framed, and at ground floor is a shop front and signs.
- 2.2 The existing building is set back from the road, with an area of hard surface to the front. It has an area of outdoor amenity area to the rear. The building comprises a launderette at ground floor and a 3-bedroom flat at first floor.

- 2.3 It lies at a similar position to the road as the neighbouring commercial property at 3 High Street with flats above (nos. 3a, 3b, and 3c High Street), beyond which is a three-storey residential building. To the north of the site, it neighbours a row of shops, including the post office, with flats above (nos. 11a, 11b, and 11c High Street) which project beyond the rear of the building at no. 5-7 High Street. Opposite and to the rear of the site are residential properties at High Street and Friar's Close.
- 2.4 Cherry Hinton's High Street is a busy road route through the area and there are parking bays off the road in front of the site, including one for disabled drivers. No dropped kerb is in place at present. Bus stops are located within 100m to the south on Cherry Hinton Road.
- 2.5 South of the site is an area of wildlife interest known as Giants Grave and the Cherry Hinton Brook lies west of the site.
- 2.6 The vernacular locally is a mix of modern and some 18th – early 19th century buildings.

3.0 The Proposal

- 3.1 Conversion of 1no. flat to a large 8bed (8 persons) HMO including extension to ground and second floors.
- 3.2 The components and arrangement of parts of the proposal within the site include:

Ground level

- 3.2.1 Single-storey front extension to form two commercial units
- 3.2.2 Single-storey rear extension to provide living accommodation
- 3.2.3 Cycle parking to the front (6no.) serving the commercial units
- 3.2.4 Cycle parking to the rear in a covered, secure store to serve the HMO
- 3.2.5 Bin store to the front for the commercial units
- 3.2.6 Bin store to the site for the HMO
- 3.2.7 Associated landscaping

Upper floors

- 3.2.8 Upward extension to create a second floor for the HMO use
- 3.2.9 New pitched roof comprising two front gables, rear hipped roof with dormer

Exterior

- 3.2.10 Ground floor, front shop fronts with space for signage
- 3.2.11 The frontage would comprise a mix of brickwork and composite timber cladding
- 3.2.12 Render finish to the side elevations

- 3.2.13 The rear walls would be rendered at ground floor and brickwork at first floor. The dormer at second floor would be composite timber clad
- 3.2.14 Roof materials are proposed to be composite slate roof tiles
- 3.2.15 Flat roofs to the single storey front and rear extensions would be green roofs.

4.0 Relevant Site History

Reference	Description	Outcome
C/97/1194	Erection of single storey extension to existing launderette.	Permitted
C/94/0332	Change of use from shop (class A1) to launderette/dry cleaners (sui generis) ground floor only.	Permitted
C/88/1379	Retention of storage building (extension of period consent).	Permitted
C/83/0735	Retention of storage building (extension of period consent).	Permitted
C/78/0604	Retention of storage building (extension of period consent).	Permitted
C/73/0519	Erection of storage building.	Permitted

- 4.1 The property has a history related to its use as storage building and more recently as a launderette. Its most recent use is as a launderette with flat above.

5.0 Policy

5.1 National

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Technical Housing Standards – Nationally Described Space Standard (2015)

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 2: Spatial strategy for the location of employment development

Policy 3: Spatial strategy for the location of residential development

Policy 5: Sustainable transport and infrastructure

Policy 6: Hierarchy of centres and retail capacity

Policy 28: Sustainable design and construction, and water use
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 37: Cambridge Airport Public Safety Zone and Air Safeguarding
Policy 39: Mullard Radio Astronomy Observatory, Lord's Bridge
Policy 40: Development and expansion of business space
Policy 41: Protection of business space
Policy 48: Housing in multiple occupation
Policy 50: Residential space standards
Policy 51: Accessible homes
Policy 55: Responding to context
Policy 56: Creating successful places
Policy 58: Altering and extending existing buildings
Policy 59: Designing landscape and the public realm
Policy 64: Shopfronts, signage and shop security measures
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 72: Development and change of use in district, local and
neighbourhood centres
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 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

6.0 Consultations

6.1 County Highways Development Management – No objection

6.2 Planning conditions are requested to mitigate the impact of the development including a Traffic Management Plan for the demolition and construction phase, hours for construction related vehicles over 3.5 tonnes weight.

6.3 It notes that the streets in the vicinity provide uncontrolled car parking and that there is no effective means to control residents from owning a car and seeking to keep it on local streets. This may cause an increase in on-street parking demand with an impact on the amenity of the area.

6.4 Ecology Officer – No objection (verbal comments)

6.5 BNG is feasible on-site and the gain is in excess of 10%, so no off-site requirement is necessary. The submitted Preliminary Ecological Appraisal (PEA) is accepted and no further surveys are required. Species rich green roofs are welcomed.

6.6 A condition to secure an ecologically sensitive lighting scheme is requested given the proximity to the city wildlife site.

6.7 Environmental Health – No Objection

6.8 A condition relating to demolition / construction hours is requested and informatives relating to the HMO use proposed.

7.0 Third Party Representations

7.1 Six representations have been received.

7.2 Those in objection have raised the following issues:

- Principle of development- HMO use
- Character, appearance and scale
- Density and overdevelopment
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy (overlooking), noise and disturbance, light pollution)
- Highway safety
- Car parking and parking stress
- Loss of biodiversity - natural wild spaces like the Gorge and Chalk Pits home to many wild species.
- Impact on demand for use of public space and facilities which are already scarce in the area
- Community cohesion

7.3 Those in support have cited the following reasons:

- The site would be well-managed with an out of hours emergency cover for any issues that arise
- It would provide accommodation for professionals who work in and around Cambridge
- The proposal would have good access to Addenbrookes Hospital and companies such as ARM, who regularly seek accommodations or their staff
- The accommodation would be spacious and have adequate light, and facilities for key workers
- Parking is not required for most occupants who work locally and use public transport or cycle
- The building would meet the latest Building Regulations in terms of insulation, keeping heating costs affordable
- It is not a given that affordable accommodation attracts less than desirable occupants or that they would not contribute to the village. Luxury

apartments are not the only type of accommodation needed in a diverse and inclusive village.

8.0 Member Representations

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

- Non-conducive to the area
- Lack of parking facilities
- Over development in the already very crowded newly built high-rise flats in the Hight Street.

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

9.0 Assessment

9.1 Principle of Development

9.2 Policy 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.

9.3 Policy 48: Housing in multiple occupation of the Cambridge Local Plan 2018 sets out the requirements for large houses in multiple occupation (HMOs). These include not creating an over-concentration in the local area of HMOs, causing harm to residential amenity or the surrounding area; the site must be suitable for a HMO with appropriate refuse recycling and cycle storage, car parking, and drying area; and they will be accessible to sustainable modes of transport, shops and other local services.

9.4 The Council's records do not indicate that there is a significant prevalence of HMO's in the area. Cognisant that an application at no. 17 High Street Cherry Hinton for a HMO is on the agenda, whether that application is granted permission or not, it does not have a significant bearing on the acceptability of this proposal. The provision of a HMO on this site is acceptable in principle, subject to the considerations referred to below in relation to the other requirements of Policy 48. These matters are covered in the sections below.

9.5 The proposals seek to replace a launderette (sui generis use class) with two commercial units. The proposed extension enables the provision, to

the rear, of a bedroom and kitchen/dining room for the proposed HMO. The proposed HMO is acceptable in principle.

- 9.6 The provision of employment development is supported in the Cambridge Local Plan (2018). Policy 2 states that employment development will be focused on the urban area, Areas of Major Change, Opportunity Areas and the city centre. The site is within the urban area and such, employment use in this location can be supported, noting the comments, below, relating to the District Centre.
- 9.7 The application site falls within the Cherry Hinton High Street 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 comprise former B1 (office), B2 (light industrial), B8 (storage and distribution), C2 (residential institutions), C3 (dwellinghouses), C4 (houses of multiple occupation) and other 'sui generis' uses.
- 9.8 Commercial uses now largely fall within Class E of the Town and Country Planning (use Classes) Order (amended). Not all uses within this class would be suitable in this location given the designation. The application seeks to limit the proposed uses on the frontage to ones that are not listed as 'inappropriate' above.
- 9.9 The requirements under Policy 58: Altering and extending existing buildings are considered in the following sections.
- 9.10 The principle of the development is acceptable and in accordance with policies 2, 3, 48, 58 and 72 of the Cambridge Local Plan (2018).

9.11 Design, Layout, Scale and Landscaping

- 9.12 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 9.13 The proposed extensions would result in an enhancement of the overall building. The use of a varied palette of external wall finishes assists in breaking up the elevations. The form of the building reflects that of buildings on either side by introducing gabled roofs to create a second floor.
- 9.14 The Council's policy on shopfronts (Policy 64) and guidance set out in appendix H of the Local Plan 2018 has been adhered to. The design respects the scale, proportions, character and materials of the whole building. Any signage will require separate advertisement consent in due course.

- 9.15 Appendix E of the Cambridge Local Plan (2018), relating to roof extensions, has been accorded with in terms of the materials, detailing, windows, neighbour amenity, and sustainability.
- 9.16 The proposals provide an opportunity to enhance the site's frontage through introducing high-quality landscaping that will enhance the wider appearance of the area. Care has been taken to ensure that bike and bin stores do not dominate the small area retained to the front of the building.
- 9.17 Outdoor amenity areas are addressed below.
- 9.18 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59 and the NPPF.

9.19 Biodiversity

- 9.20 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 9.21 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out that the estimated biodiversity net gain that equates to an increase of over 149%.
- 9.22 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends conditions securing a sensitive lighting scheme and the estimated biodiversity net gain is delivered.
- 9.23 In consultation with the Council's Ecology Officer, subject to appropriate conditions, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

9.24 Water Management and Flood Risk

- 9.25 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 162-169 of the NPPF are relevant.
- 9.26 The site is in Flood Zone 1 and is therefore considered at low risk of flooding. The proposals are for extensions to an existing building.
- 9.27 There is no conflict with Local Plan policies 31 and 32 and NPPF advice.

9.28 Highway Safety and Transport Impacts

- 9.29 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 9.30 Para. 116 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.
- 9.31 The site does not have vehicular access and does not have a dropped kerb.
- 9.32 Access to the site would be on foot, bicycle and public transport.
- 9.33 The scale of development proposed is not one that would give rise to highway safety or transport impacts that would warrant a refusal of the application.
- 9.34 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, which raises no objection to the proposal subject to conditions recommended.
- 9.35 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

9.36 Cycle and Car Parking Provision

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

provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

- 9.39 The application proposes twelve secure, enclosed cycle parking spaces to the rear of the HMO. The arrangement will be close to the entrance to the HMO, which is to the side of the building, and so convenient to access. Six further cycle parking spaces to the front of the commercial units are also proposed. The overall distribution of provision is reasonable and appropriate given the commercial element to the proposal, the amount of space available to the front and layout of the HMO. A planning condition is recommended to secure the provision of cycle parking to ensure sufficient cycle parking is provided.
- 9.40 Car parking
- 9.41 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L.
- 9.42 The site is on a cycle and bus route, with bus stops adjacent to it. As it is in a District Centre, day-to-day needs can be met locally with out needing to travel further afield. Car-free development in this sustainable location can be supported, also noting there is no parking at present.
- 9.43 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.
- 9.44 Amenity**
- 9.45 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.
- 9.46 Neighbouring Properties
- 9.47 No objections from the occupiers directly adjacent to the site at no. 3 High Street. An objection has been received from an occupier in relation to a dwelling west of the site. The impact on these properties is covered below.
- 9.48 Impact on occupiers at no. 3 High Street
- 9.49 Three flats, one at ground floor and two at first floor at no. 3 to the south of the site. Windows serving habitable rooms face the site boundary.
- 9.50 There are no windows serving habitable rooms facing towards no. 3. The second floor will be formed in the sloped roof so the visual impact will not be dominating to the outlook from these windows. The entrance to the existing flat will be the main HMO entrance.

- 9.51 Impact on occupiers at Friars Close
- 9.52 Properties at Friars Close the west of the site are between 40 and 50 metres back-to-back with Cherry Hinton Brook in between. This area is Protected Open Space and a City Wildlife Site. It is heavily treed the existing first floor flat at no. 5. Additional overlooking is limited to the proposed second floor dormer and given the distance and intervening protected open space, the opportunity for overlooking is not harmful to the amenities of those occupiers.
- 9.53 Future Occupants
- 9.54 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 9.55 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	2	1	11.5	16.9	+5.4
2	1	2	1	11.5	16.1	+4.6
3	1	2	1	11.5	16.2	+4.7
4	1	2	1	11.5	13.0	+1.5
5	1	2	1	11.5	12.7	+1.2
6	1	2	1	11.5	13.9	+2.4
7	1	2	1	11.5	16.8	+5.3
8	1	2	1	11.5	21.3	+9.8
Overall	8	16/8	3	138	233.87	+95.87

- 9.56 Policy 50 paragraph 6.32 states that residential units created through conversions should seek to meet or exceed the internal space standards as so far as practicable to do so. The proposals achieve a generous amount of floorspace above the policy requirement, noting that although the rooms may be large enough to accommodate 16 person the application seeks permission for an 8-person HMO, which can be secured by planning condition.
- 9.57 The proposal includes a kitchen diner measuring approximately 25sqm. No other communal area is proposed. As the property would be three-storeys, a separate dining / living area is normally required by Licencing, and the proposed arrangements may not satisfy Cambridge City Council's standards for the Private Rented Sector Housing, however, as there is a separate seating area in the kitchen dining room large enough to accommodate the residents this is considered acceptable in planning terms. Informatives are recommended.

- 9.58 Garden Size(s)
- 9.59 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers.
- 9.60 93sqm (approximate) of outdoor amenity space would be provided. This is adequate for the needs of the eight occupiers proposed.
- 9.61 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. While this is a policy requirement, the proposal is a conversion and would utilise the existing stairwells, the proposed rooms would not be housed completely within a new building envelope. Therefore, it is not practicable to require part M4(2) compliance in this instance.
- 9.62 Construction and Environmental Impacts
- 9.63 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 minimised through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.
- 9.64 The Council's Environmental Health team has assessed the application and recommended condition relating to demolition and construction hours.
- 9.65 Summary
- 9.66 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, 57 and 58.
- 9.67 Third Party Representations**
- 9.68 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Trespass	This falls outside of planning controls. If necessary, it can be avoided through the provision of a boundary treatment between the two properties.

9.69 Other Matters

9.70 Bins

9.71 Policy 57 requires refuse and recycling to be successfully integrated into proposals. The proposals include details of a bin stores and collection points for the two commercial units and the HMO, which accord with the relevant standards.

9.72 Planning Balance

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

9.74 Summary of harm

9.75 No harm has been identified that cannot be overcome by planning conditions, e.g. construction traffic, BNG, lighting.

9.76 Summary of benefits

9.77 The proposals would provide accommodation for eight persons in a highly sustainable location.

9.78 The proposal would provide two commercial units at ground floor, which supports the function of the District Centre.

9.79 The proposal would bring back into use a building that is currently unoccupied and in need of renovation.

9.80 The proposal would increase biodiversity in the area, which is particularly beneficial given the location in relation to a City Wildlife Site.

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

10.0 Recommendation

10.1 **Approve** subject to:

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

11.0 Planning Conditions

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

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

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

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

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

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

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

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

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

Reason: In order to ensure the occupation of the site is well managed and does not give rise to significant amenity issues for nearby residents (Cambridge Local Plan 2018 policies 35 and 47).

- 5 Notwithstanding the approved plans, details of the bike store associated with the development shall be submitted to and approved in writing by the local planning authority prior to commencement of the development hereby approved.

The bike store and cycle parking 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, 48 and 82).

- 6 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).

- 7 The application site shall have no more than eight 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).

- 8 Notwithstanding the approved plans, the flat roof(s) 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 mm thick.
- b) Provided 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 approved development 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: green-roofs.co.uk

- 9 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and

1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 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 Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between the hours of 09.30hrs -15.30hrs, Monday to Friday.

Reason: in the interests of highway safety

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

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

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

- 13 Prior to the installation of any artificial lighting in any phase, an ecologically sensitive artificial lighting scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the baseline condition of lighting, any existing and proposed internal and external artificial lighting of the site in that phase and an artificial lighting impact assessment with predicted lighting levels. The scheme shall:

a) include details (including luminaires, fittings and any shrouds) of any artificial lighting on the site and an artificial lighting impact assessment with predicted lighting levels at the site boundaries;

b) unless otherwise agreed, not exceed 0.4 lux level (against an agreed baseline) on the vertical plane at agreed locations;

c) detail all building design measures to minimise light spillage;

d) set out a monitoring and reporting regime for the lighting scheme.

The approved lighting scheme shall be fully installed, maintained and operated in accordance with the approved details. The scheme shall be retained as such thereafter.

Reason: To fully conserve and enhance ecological interests (Cambridge Local Plan 2018 policies 57, 59 and 70).

- 14 No development, other than demolition, shall commence until a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation program agreed in writing with the Local Planning Authority.

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

- 15 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

Reason: To safeguard the privacy of adjoining occupiers (Cambridge Local Plan 2018 policies 55, 57/58).

- 16 For the avoidance of doubt, the ground floor commercial units shall only be used for purposes falling within Use Class E (Commercial, Business and Service) including those falling within subheadings a, b, c, e, and g as defined by The Town and Country Planning Use Classes Order 1987 (as amended).

Reason: The site falls within the Cherry Hinton District Centre where uses at ground floor are limited to 'centre uses', as defined by Policy 72 (table 8.1) of the Cambridge Local Plan (2018) in order to ensure that the centre is able to meet day-to-day needs close to where people live and work.

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

The principal areas of concern that should be addressed are:

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

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

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

- 18 No dwelling shall be occupied until the approved carbon reduction strategy for that dwelling as set out in the approved Carbon Reduction has been implemented in full. Any associated renewable and / or low carbon technologies shall thereafter be retained and remain fully operational in accordance with the approved details.

Water efficiency measures for the scheme shall be implemented in accordance with the optional requirement as set out in Part G of the Building Regulations, which requires all dwellings to achieve a design standards of water use of no more than 110 litres/person/day.

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

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

This page is intentionally left blank

Agenda Item 10



Planning Committee Date	8 th January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/03237/S73
Site	1 Fitzwilliam Road, Cambridge, Cambridgeshire, CB2 8BN
Ward / Parish	Petersfield
Proposal	S73 to vary condition 26 (Biodiversity Net Gain) of ref: 22/05093/S73 (S73 to vary condition 2 (approved drawings) of ref: 19/1141/FUL (Demolition of existing building and construction of three dwellings) to replace the requirements of Biodiversity net gain with a Scheme of Ecological Enhancement.
Applicant	Blues Property Fitzwilliam Ltd
Presenting Officer	Amy Stocks
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Biodiversity Net Gain
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks permission for variation of condition 26 of permission 22/05093/S73 to replace the requirements of Biodiversity net gain (BNG) with a Scheme of Ecological Enhancement.
- 1.2 In May 2023 application 22/05093/S73 was reported to planning committee where a BNG planning condition was wrongfully imposed on the permission.
- 1.3 Government guidance states the requirement for BNG cannot be imposed on applications made before day one of mandatory BNG on 12th February 2024 or any subsequent Section 73 applications where the host permission pre-dates 12th February 2024. This application was made before this date and therefore statutory net gain does not apply to this site.
- 1.4 The condition is a pre-commencement condition thus preventing the applicant from progressing with development. However, the applicant has agreed to provide an ecological enhancement scheme of the site to provide some level of ecological betterment, which officers and the ecology department are agreeable to.
- 1.5 Officers recommend that the Planning Committee **Approve** the application subject to conditions.

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 The site is located on the northern side of the junction of Clarendon Road and Fitzwilliam Road. The site comprised of a 2.5 storey brick building (which has been demolished). To the west of the site are 4 buildings of local interest, to the north of the site is the garden of 21 Clarendon Road, located to the east and south of the site is a contemporary design project known as the Kaleidoscope development which has been the subject of major redevelopment in recent years and is not located in a Conservation area.

2.2 The site lies within the Brooklands Avenue Conservation Area. There are two mature sycamore trees on site that benefit from TPO status, these trees are located to the front of the site facing the junction of Fitzwilliam Road and Clarendon Road. The site is also located within a controlled parking zone.

3.0 The Proposal

3.1 The application seeks permission to vary condition 26 (Biodiversity Net Gain) of ref: 22/05093/S73 (S73 to vary condition 2 (approved drawings) of ref: 19/1141/FUL (Demolition of existing building and construction of three dwellings) to replace the requirements of Biodiversity net gain with a Scheme of Ecological Enhancement.

3.2 In May 2023 application 22/05093/S73 was reported to planning committee where a BNG planning condition was wrongfully implemented on the permission.

3.3 Government guidance states the requirement for BNG cannot be imposed on applications made before day one of mandatory BNG on 12th February 2024 or any subsequent Section 73 applications where the host permission pre-dates 12th February 2024. This application was made before this date and therefore statutory net gain does not apply to this site.

3.4 The application has been amended to address representations and further consultations have been carried out as appropriate. Originally the applicant wanted to remove the condition completely but then agreed to provide a scheme of ecological enhancement to secure some level of ecological enhancement on site. This was reviewed and agreed with by officers and the ecology department.

4.0 Relevant Site History

Reference	Description	Outcome
16/00025/REFUSL	Demolition of existing building and construction of six new dwellings and associated access and landscaping.	Dismissed
15/1855/FUL	Demolition of existing building and construction of six new dwellings and associated access and landscaping.	Refused (dismissed at appeal)
19/1141/FUL	Demolition of existing building and construction of three dwellings.	Permitted (at appeal)
19/1141/NMA1	Non material amendment of planning permission	Permitted

	19/1141/FUL (Demolition of existing building and construction of three dwellings) for the relocation of the ground floor protruding element to plot 3, internal reorganisation of rooms and minor amendments to windows including four additional rooflights.	
21/03630/S73	Variation of condition 2 (Approved plans) of planning permission 19/1141/FUL (Demolition of existing building and construction of three dwellings) improvements to the design quality of the proposed development.	Refused
22/05493/S73	S73 to vary condition 2 (approved drawings) of ref: 19/1141/FUL (Demolition of existing building and construction of three dwellings) to allow for minor material amendments including the retention of basements.	Approved
22/05093/S73	S73 to vary condition 2 (approved drawings) of ref: 19/1141/FUL (Demolition of existing building and construction of three dwellings) to allow for minor material amendments.	Approved

5.0 Policy

5.1 National

National Planning Policy Framework 2024
National Planning Practice Guidance
National Design Guide 2021
Environment Act 2021
Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
Conservation of Habitats and Species Regulations 2017
ODPM Circular 06/2005 – Protected Species
Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
Policy 55: Responding to context

Policy 56: Creating successful places
Policy 57: Designing new buildings
Policy 61: Conservation and enhancement of historic environment
Policy 62: Local heritage assets
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 70: Protection of priority species and habitats
Policy 71: Trees

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Health Impact Assessment SPD – Adopted March 2011
Landscape in New Developments SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted January 2009

5.4 Other Guidance

Brooklands conservation area

6.0 Consultations

6.1 Local Highway Authority- No Objection

Comment dated 19th September 2023:

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

Comment dated 5th September 2024:

6.3 No comment with regards to these proposals

6.4 Conservation Officer –No Objection

Comment dated 7th September 2023:

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

Comment dated 13th September 2024:

6.6 See previous comment.

6.7 Drainage- No Objection

Comment dated 18th September 2023:

6.8 Condition 26 relates to biodiversity and therefore drainage has no comments.

6.9 Ecology Officer – No Objection

Comment dated 9th September 2024:

6.10 The original application predates the statutory BNG requirement for small sites, as detailed within the applicants covering letter, therefore the

department are content for the proposed replacement of the BNG condition with an Ecological Enhancement Scheme condition.

6.11 The supplied Ecological Enhancement Plan requires the following minor amendments before it can be supported to discharge the proposed revised condition if the S73 application is approved:

- Suggest relocate swift boxes from above entrance ways. Although swifts tend not to produce significant waste beneath a box, there is potential for House Sparrows to colonise, which may mean undesirable detritus within doorways.
- Suggest both bee hotels are located on the northern fence, providing a southerly aspect. The eastern location is considered too shaded by the mature tree.

Comment dated 26th September 2024:

6.12 It is not clear how the submitted 236 PC(26)01-P2 Ecological Enhancement Plan differs from the original 236 PC(26)01 in relation to the previously suggested relocation of the swift boxes. However, this is not considered a reason for refusal

6.13 Sustainability– No Objection

Comment dated 5th September 2023:

6.14 Condition 26 relates to biodiversity net gain, which does not fall within the remit of the sustainability officers. As such we have no specific comments to make on this section 73 application.

Comment dated 3rd September 2024:

6.15 See previous comments.

6.16 Environmental Quality & Growth Officer – No Objection

Comment dated 21st September 2023

6.17 Comments and recommended conditions remain unchanged from the earlier Environmental Health memo dated 25th August 2020.

Comment dated 10th September 2024:

6.18 Comments and recommended conditions remain unchanged from the earlier Environmental Health memo dated 25th August 2020.

6.19 Trees Officer- Objection

6.20 The trees officers does not support the relocation of the replacement tree from the corner of Clarendon Road and Fitzwilliam Road as the new location does not provide the same public benefit. Replacement trees to the rear appear to have been pushed closer to the boundary walls, which is less sustainable. The removal of the hedges, which are in keeping with the residential character of the area are also not supported. It is requested these elements be changed.

7.0 Third Party Representations

7.1 3 representations have been received.

7.2 Those in objection have raised the following issues:

- Removal of trees has a negative impact on the conservation area
- Works have only started on the foundations; therefore, the developer is wrong to claim the permission has been implemented.
- 10% Net gain is required by the Environment Act (November 2022)
- There is excessive parking on site, which further removes wildlife.
- The car parking will dominate the front gardens while bin storage will dominate the rear gardens which will lead to a detriment to residential amenity. Biodiversity measures will improve this.
- The proposal will allow for 30+ residents on site which will have a larger environmental footprint therefore it is reasonable to ask the developer to enhance the landscape.
- The proposed Ecological Enhancement Plan drawing number PC(26)01 does not show one tree and 3 extensive areas of native hedge that are shown in the approved Proposed Site Plan (drawing number PL(90)01 rev P4 for the Section 73 22/05093 which was approved in May 2023.
- A new small tree in the south-eastern corner of the site to replace the removed mature sycamore tree. The tree it is replacing made a large impact on the street scene and residential amenity, this tree is not shown and would be needed.
- The permitted hedging along neighbouring boundaries have been removed.
- It is unclear if green biodiverse roofs as secured by condition 27 will be installed.
- The tree on the south-eastern corner of the plot and the various native hedges should be added back on the plans as shown on Section 73 (22/05093) that was approved in May 2023 drawing number PL(90)01.
- This plan as it does not offer an adequate level of enhancements to mitigate for the loss of 9 trees.
- The Environment Act (November 2021) included a mandatory requirement for planning applications to provide a 10% net gain in biodiversity. The developer should have to make additional environmental improvements because they have removed so much wildlife habitat. This includes planting more trees and shrubs, and ensuring that they install bird and bat boxes, as well as hedgehog holes in fences.
- The local plan does require that all 'New developments should have regard for and maximise opportunities to incorporate features that support biodiversity (see Appendix J). Therefore, the developer is incorrect in saying the local plan does not require BNG.
- Excessive parking permitted on the site adversely impacts the provision of biodiversity enhancements on site and residential amenity on site

- Comments published by DEFRA on 20 July 2023 that were referenced by the applicant's agent do not appear to necessitate removing conditions in approved s73 planning permissions.
- The development will be a tripling of the number of residents on site (the previous building onsite was a young people's home for less than 10 people). The presence of 30+ residents on site will have a larger environmental footprint than previously, justifying the planning condition for biodiversity enhancements.
- Condition 26 was informed by the Biodiversity SPD adopted in 2022.
- The local planning authority was correctly following government planning policy when they imposed the BNG condition on the s73 permission in May.
- The NPPF states applications should contribute to the natural environment and achieve net gain for biodiversity.
- Biodiversity on the site at 1 Fitzwilliam Road has been significantly reduced by the design approved for this development of three houses.

8.0 Assessment

8.1 The application is for the variation of a planning condition and is made under S73 of the Town and Country Planning Act 1990. National Planning Practice Guidance in respect of such applications states:

8.2 “In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.” [Paragraph: 031 Reference ID: 21a-031-20180615]

8.3 The principle of development of the dwellings on the site has already been established through the granting of the original application (19/1141/FUL).

8.4 Officers are satisfied that there has been no material change in policy or the surrounding context that requires a re-assessment of the principle of development. The assessment for this application focuses on the proposed variations of the plans and their consequences as described below.

8.5 Design, Layout, Scale, Landscaping and Ecology

8.6 Policies 55, 56 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.

8.7 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological

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

- 8.8 The section 73 application seeks permission for the amendment of condition 26 of permission reference 22/05093/S73. As referred under paragraph 3.3 of this report the BNG condition was wrongfully imposed on the decision notice and therefore the condition has been varied to provide enhancement on site rather than the removal of the requirement to improve ecology locally completely. Officers consider this approach to be acceptable.
- 8.9 The ecological enhancement scheme includes hedgehog holes, swift boxes, general bird boxes, bat boxes, bee hotels and hedgehog hibernation log piles. While the council's ecologist had requested for minor amendments to the plan, the overall decision from the ecology officers where the minor amendments would not warrant a refusal should the plan remain unchanged. Planning officers consider the enhancement measures to be acceptable and are a positive contribution to the scheme.
- 8.10 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 55, 56, 59 and 70.

8.11 Trees

- 8.12 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. 136 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.13 The trees officer has objected to the scheme on the grounds the current ecological plan does not show a tree where T002 has been removed (to the front of the site between T001 and T003). The tree officer has objected to the replacement trees to the rear of the site and the removal of hedgerows.
- 8.14 The replacement of T002 under permission 22/05093/S73 (which varied permission 19/1141/FUL) was not secured via condition. The site plan approved under these permissions labels this area as:

Proposed replacement shade tolerant shrub or small tree e.g. guelder rose to compensate for loss of T002 (which is in poor condition and needing to be removed to ensure long term health of T003); Type and specification to be agreed by way of condition

- 8.15 The replacement planting of the tree was proposed under condition 17. A full hard and soft landscaping scheme (condition 17) was submitted to and approved by the LPA (22/05093/CONDB). Drawing P3304-SLS01 revision 1 depicts the planting proposed onsite. In place of T002, two '*Buddleja davidii* *Nanho blue*' shrubs have been proposed. Planning officers consider the planting of the shrubs in this location is necessary for the health of T003 which is also protected and is still existing on site. Therefore, the replacement of T002 is considered acceptable and addressed. The trees to the rear of the gardens were also shown in this plan, given the wording under the approved site plan, officers do not consider these trees to be replacement trees but as additional trees. As condition 17 has already been approved and is not being varied under this condition, the decision of this condition cannot be challenged or changed under this application.
- 8.16 The soft landscaping scheme shows hedging along the borders of the site and to the front of the properties. As this is an approved plan, the developers will be required to implement the soft landscaping scheme as approved.
- 8.17 The Council's Tree Officer has advised that the plan be amended to show a replacement tree in place of T002. However, after reviewing the site history, planning officers consider the refusal of the application on grounds T002 has not been replaced to be unreasonable.
- 8.18 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.
- 8.19 Heritage Assets**
- 8.20 The application falls within the Brooklands Avenue Conservation Area. The application site borders a designated building of local interest no.BLI0117 (no.3-9 Fitzwilliam Road).
- 8.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.22 Para. 206 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.

- 8.23 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.
- 8.24 The Conservation Officer has advised that the proposed changes would not give rise to any harm to any heritage assets.
- 8.25 It is considered that the proposal, by virtue of its scale, massing and design, would not harm the character and appearance of the Conservation Area or the setting of Buildings of Local Interest. 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.

8.26 Third Party Representations

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

Third Party Comment	Officer Response
<i>Biodiversity on the site at 1 Fitzwilliam Road has been significantly reduced by the design approved for this development of three houses</i>	The principle of the development has been agreed under the host permissions, officers cannot rescind the decision.
<i>The NPPF states applications should contribute to the natural environment and achieve net gain for biodiversity.</i>	The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report. Officers consider the enhancement strategy will provide an opportunity for biodiversity to flourish on site.
<i>The local planning authority was correctly following government planning policy when they imposed the BNG condition on the s73 permission in May.</i>	The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.
<i>Condition 26 was informed by the Biodiversity SPD</i>	The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.

<i>adopted in 2022.</i>	
<i>Comments published by DEFRA on 20 July 2023 that were referenced by the applicant's agent do not appear to necessitate removing conditions in approved s73 planning permissions.</i>	The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.
<i>The local plan does require that all 'New developments should have regard for and maximise opportunities to incorporate features that support biodiversity (see Appendix J). Therefore, the developer is incorrect in saying the local plan does not require BNG</i>	The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.
<i>This plan as it does not offer an adequate level of enhancements to mitigate for the loss of 9 trees.</i>	Please see section 8.14-8.16 of this report. Officers consider the level of enhancements offered are adequate.
<i>The tree on the south-eastern corner of the plot and the various native hedges should be added back on the plans as shown on Section 73 (22/05093) that was approved in May 2023 drawing number PL(90)01.</i>	This comment has been addressed under paragraphs 8.14-8.16 of this report.
<i>It is unclear if green biodiverse roofs as</i>	Condition 27 is outside of the remits of this application, as condition 27 still stands, the developer

<i>secured by condition 27 will be installed.</i>	will be required to provide biodiverse roofs unless this condition is removed.
<i>The permitted hedging along neighbouring boundaries have been removed.</i>	This comment has been addressed under paragraphs 8.14-8.16 of this report.
<i>A new small tree in the south-eastern corner of the site to replace the removed mature sycamore tree. The tree it is replacing made a large impact on the street scene and residential amenity, this tree is not shown and would be needed.</i>	This comment has been addressed under paragraphs 8.14-8.16 of this report.
<i>The proposed Ecological Enhancement Plan drawing number PC(26)01 does not show one tree and 3 extensive areas of native hedge that are shown in the approved Proposed Site Plan (drawing number PL(90)01 rev P4 for the Section 73 22/05093 which was approved in May 2023.</i>	This comment has been addressed under paragraphs 8.14-8.16 of this report.
<i>The proposal will allow for 30+ residents on site which will have a larger environmental footprint therefore it is reasonable to ask the developer to enhance the landscape.</i>	The developer has put forward a landscaping scheme which the LPA considers to be acceptable. The number of potential occupants on the site is immaterial to this as the sizes of the dwellings have been accepted under the planning permissions.

<p><i>The car parking will dominate the front gardens while bin storage will dominate the rear gardens which will lead to a deterrent to residential amenity. Biodiversity measures will improve this.</i></p>	<p>This is outside of the remit of this application, the level of parking has been established under the host permissions and therefore considered acceptable.</p>
<p><i>There is excessive parking on site, which further removes wildlife.</i></p>	<p>This is outside of the remit of this application, the level of parking has been established under the host permissions and therefore considered acceptable.</p>
<p><i>10% Net gain is required by the Environment Act (November 2022)</i></p>	<p>The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.</p>
<p><i>Removal of trees has a negative impact on the conservation area</i></p>	<p>Officers consider this comment has been addressed under section 8.19 of the report.</p>
<p><i>Works have only started on the foundations; therefore, the developer is wrong to claim the permission has been implemented.</i></p>	<p>Foundation works are considered a material start and would constitute implementation of the permission.</p>
<p><i>The Environment Act (November 2021) included a mandatory requirement for planning applications to provide a 10% net gain in biodiversity. The developer should have to make additional environmental improvements because they have removed so much wildlife habitat. This</i></p>	<p>The reasons as to why the implementation of the condition in accordance was wrong has been explained under paragraph 3.3 of this report.</p>

<p><i>includes planting more trees and shrubs, and ensuring that they install bird and bat boxes, as well as hedgehog holes in fences.</i></p>	
--	--

8.28 Planning Balance

- 8.29 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).
- 8.30 The site is not obliged to achieve 10% net gain on site for the reason outlined under section 3.3 of this report. The enhancement scheme will allow for an adequate level of enhancement which would not have been secured if the condition were to be simply removed.
- 8.31 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

9.0 Recommendation

9.1 **Approve** subject to conditions

9.2 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.

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.

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

4. Two pedestrian visibility splays of 2m x 2m shall be provided each side of the proposed vehicular accesses measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.

Reason: In the interests of highway safety.

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

Reason: for the safe and effective operation of the highway.

6. The construction of the development shall be undertaken in accordance with the approved Details: BS5228 Noise & Vibration Impact Assessment (Ref: 36493-R1) produced by Sound Solution Consultants and dated 27th April 2021 The development shall be carried out in accordance with the approved details under application 19/1141/CONDB.

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

7. Measures to minimise the spread of airborne dust from the site during the demolition / construction period shall be undertaken in accordance with the Approved details: Airborne Dust Method Statement, 1 Fitzwilliam Road, Cambridge, for This Land (Sept 21) The development shall be carried out in accordance with the approved details under application 19/1141/CONDB.

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

8. Electric Vehicle (EV) Charge Points shall be installed in accordance with the approved documents APL100 EV Point Location Layout; and Fast Charging Solo Smart Charger Domestic Datasheet. The development

shall be carried out in accordance with the approved details under application 19/1141/CONDC.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF, 2024) paragraphs 112, 117, 187 and 199 Policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

9. The facing materials used on the development shall be in accordance with Condition 9 - External Materials Planning Ref: 22/05093/S73, Rev- A , dated July 2023 as permitted under reference 22/05093/CONDB. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

10. The roof materials shall be in accordance with Condition 10- Roof Details , drawing no. PC(10)01 Rev P1, dated June 2023 as permitted under reference 22/05093/CONDB. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)) and 61.

11. The installation of the oriel window on unit 3 shall be undertaken in accordance with Condition 11- Oriel Window Detail Sheet 1 of 2, drawing no. PC(11)01 Rev P1, dated June 2023 and Condition 11- Oriel Window Detail Sheet 2 of 2, drawing no. PC(11)02 Rev P1, dated June 2023 as permitted under reference 22/05093/CONDB. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity within the conservation amenity (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)) and 61.

12. The construction of the development shall be undertaken in accordance with Condition 12- General Details Sheet 1 of 2, drawing no. PC(12)01 Rev P1, dated June 2023 and Condition 12- General Details Sheet 2 of 2,

drawing no. PC(12)02 Rev P1, dated June 2023 as permitted under reference 22/05093/CONDB.

Reason: To ensure that the details of development are acceptable. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

13. All works undertaken to trees shall be done so in accordance with the approved Arboricultural Method Statement and Tree Protection Plan Reference 8656-D-AMS, discharged under application 19/1141/CONDA.

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.

14. The submitted and approved HAYDENS ARBORICULTURAL NOTE (Submitted 03 December 2021) has confirmed a site meeting attended by the site manager and the arboricultural consultant to discuss details of the approved AMS has been undertaken. The approved record of this meeting was submitted and approved under application 19/1141/CONDF.

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.

15. 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.

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

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

17. The hard and soft landscaping on site shall be undertaken in accordance with the Soft Landscaping Scheme drawing no. P3304-SLS01 Rev V1, dated 30th June 2023 and the Proposed Hard Landscaping, drawing no. PC(17)01 Rev 01, dated June 2023 as permitted under reference 22/05093/CONDB. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

18. The positions, design, materials and type of boundary treatments erected on site shall be in accordance with Drawing PC (18)01, Titled; Proposed Boundary Treatments, date received 12th July 2023 as approved under reference 22/05093/CONDA. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) 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)

19. The scheme for surface water drainage works shall be undertaken in accordance with the Drainage Report & Appendices, reference 23/0186, dated 20th June 2023, by Andrew Firebrace Partnership Limited as permitted under reference 22/05093/CONDA. The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2018 policies 31 and 32)

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

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

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

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

22. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

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

23. The construction of the proposal shall be in accordance with:

- Energy efficiency Feasibility, Green Heat Ltd, date received 25.07.2023
- Drawing number PC(23)01 - Condition 23 Renewable Technology Locations, date received 25.07.2023
- Building regulations England Part L (BREL) Compliance Report - Plot 1, 1 Fitzwilliam Road, date received 25.07.2023
- Building regulations England Part L (BREL) Compliance Report - Plot 2, 1 Fitzwilliam Road, date received 25.07.2023
- Building regulations England Part L (BREL) Compliance Report - Plot 3, 1 Fitzwilliam Road, date received 25.07.2023
- Twenty Nine Architecture and Planning, Condition 23 - Renewable Technology Noise Mitigation Measures and Maintenance Programme, July 2023, Rev-A, date received 25.07.2023

There shall be no occupation of the development until the carbon reduction measures have been implemented in accordance with the approved details. Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

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 Greater Cambridge Sustainable Design and Construction SPD 2020).

24. The water efficiency specification shall be installed in accordance with the approved details, document SHARMAN GRIMWADE - Building Regulations Part G Water Calculation - Revision P1 - 18/05/2021, approved under application 19/1141/CONDD.

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).

25. For the hereby approved dwellings units 1, 2 and 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses in regards to the insertion of new windows , loft conversion including rear dormers shall not be allowed without the granting of specific planning permission. For the hereby approved dwellings unit 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and 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 enlargement, improvement or other alteration of the dwellinghouses in regards to side extensions and the provision within the curtilage of the dwellinghouses of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling, to protect the character of the area/trees and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 50, 55, 61 and 71)

26. The ecological enhancements on site shall be delivered in accordance with drawing titled 'Proposed Ecological Enhancement' drawing no. PC(26)01-P2, received 10th September 2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological enhancements in accordance with the NPPF 2024 para 187, Cambridge Local Plan 2018 policies 59 and 69 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

27. Notwithstanding the approved plans, the flat roof areas to the rear of the dwellings and on the protruding element of plot 3 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: green-roofs.co.uk

28. Those windows shown to be obscure glazed on the approved plans shall be obscured to at least Pilkington level 3 prior to occupation of the dwelling(s) and shall be retained as such for the lifetime of the development. Any openings shall be above 1.7m from the internal finished floor level nearest the respective window unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity (Cambridge Local Plan policies 55, 56, 57)

Informatives

1. The applicant will be responsible for fully funding the removal of the existing residents parking bay, including all legal, advertisement fees and engineering costs.
2. 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.
3. The residents of the new dwelling will not qualify for Residents' Permit (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.
4. The oriel window referred to under condition 11 of this permission, is the protruding ground floor element on the east elevation of plot 3.



Planning Committee Date	8 th January 2025
Report to Lead Officer	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
Reference	24/02837/FUL
Site	11A Garry Drive Cambridge Cambridgeshire CB4 2PD
Ward / Parish	Kings Hedges
Proposal	Alteration, extension and conversion of existing building to a self-contained 1 bed dwelling and associated works.
Applicant	-
Presenting Officer	Alice Young
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks planning permission for the alteration and conversion of existing building to a self-contained 1 bed dwelling and associated works.
- 1.2 The application follows on from two previously refused applications for extending and converting the outbuilding into a 1-bed dwelling which were then later dismissed at appeal. The Council and Inspector have previously established that all matters, aside from the amenity for future occupiers, are acceptable. The main issue remaining to resolve therefore is whether the proposed dwelling creates an adequate living environment for future occupiers. Matters of overbearing, outlook and noise were all previously considered acceptable and no changes have been made to either policy or the design to alter this previous assessment.
- 1.3 The applicant has submitted a daylight and sunlight assessment to provide further information to the Council as to the daylight and sunlight received in the proposed dwelling. The previous concerns focused on the light levels to the living and dining room. Following thorough review of the daylight and sunlight assessment, officers consider that the evidence supplied demonstrates in accordance with BRE standards, that the living and dining room would receive sufficient light levels to prevent against this space appearing dark and gloomy. Therefore, officers consider that this harm identified in the previous applications has been overcome and the proposal would provide an acceptable living environment for future occupiers.
- 1.4 In terms of bins and bikes, these would be sited in the private amenity space to the front of the dwelling. While not all of the information has been provided for the cycle stores, officers are satisfied that an acceptable scheme can be designed to comply with policy. This can be secured via condition, if the details are not provided before planning committee. The amenity space was considered by the Inspector to not be compromised by the location of the bins or bikes, and therefore officers agree with this stance.
- 1.5 Officers recommend that the Planning Committee approve the application subject to the recommended conditions.

2.0 Site Description and Context

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

*X indicates relevance

- 2.1 The application site, 11A Garry Drive, is a wedge-shaped site located to the north-west of Kings Hedges Road properties, accessed via Garry Drive, with the Guided Busway bordering the site to the north and north-east. To the south and south-west of the guided busway the surrounding area is primarily residential, with two storey semi-detached dwellings fronting Kings Hedges Road and Garry Drive and bungalows behind the building line in a back-land position. To the north and north-east of the guided busway are commercial units located on Cambridge Science Park Road.
- 2.2 The site is not in a Conservation Area nor is it in the controlled parking zone.

3.0 The Proposal

- 3.1 The application seeks planning permission for the alteration, extension and conversion of existing building to a self-contained 1 bed dwelling and associated works.
- 3.2 The application has been amended to provided further information on daylight and sunlight for the proposed new unit.
- 3.3 Two similar proposals have been refused by the Council and dismissed at appeal.

4.0 Relevant Site History

Application	Description	Outcome
23/01183/FUL	Conversion and extension of existing double garage to a self-contained 1bed single storey apartment resubmission of 21/05255/FUL.	Appeal dismissed

21/05255/FUL	Conversion and extension of existing double garage to a self-contained 1bed single storey apartment	Appeal dismissed
21/02632/HFUL	Erection of a garage to front.	Permitted
15/1819/FUL	New double garage/store	Permitted
C/03/1217	Conversion of existing storage building into 2No. residential units..	Refused

5.0 Policy

5.1 National

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

- Policy 1: The presumption in favour of sustainable development
- Policy 3: Spatial strategy for the location of residential development
- Policy 30: Energy-efficiency improvements in existing dwellings
- Policy 31: Integrated water management and the water cycle
- Policy 35: Protection of human health from noise and vibration
- Policy 36: Air quality, odour and dust
- Policy 50: Residential space standards
- Policy 52: Protecting garden land and the subdivision of existing dwelling plots
- 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 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

6.0 Consultations

6.1 County Highways Development Management –No objection

6.2 County Council Guided Busway – No objection

6.3 Environmental Health – No objection

7.0 Third Party Representations

7.1 3 representations have been received, two from the same address.

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

- Increase in motorised traffic
- Safety concerns, due to lack of street lighting and pavement and narrowness of Garry Drive. Accidents are regular occurrences.

8.0 Member Representations

8.1 Not applicable

9.0 Local Interest Groups and Organisations / Petition

9.1 Not applicable

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

10.0 Assessment

10.1 Background

10.2 The application is a resubmission of 23/01183/FUL which was dismissed at appeal. The Inspector concluded that, given the living and dining space would be served by two roof lights only, with one being northwest facing,

natural light would likely be poor creating a dark and secluded space. This would therefore have led to an unacceptable level of amenity internally for future occupiers. This application seeks to overcome this harm.

10.3 Principle of Development

- 10.4 Policy 52 requires development to be of appropriate to the surrounding pattern of development and character of the area, retain sufficient garden space surrounding the existing dwellings, protect amenity for surrounding and future occupiers, provide adequate amenity space, vehicular access and parking for existing and proposed dwellings and not to have a detrimental effect on the potential comprehensive development of the wider area.
- 10.5 The principle of development is considered to have overcome the previous concerns regarding amenity and therefore, officers consider that the proposal now complies with all aspects of policy 52. This will be elaborated in the relevant sections of the following report.
- 10.6 The principle of the development is acceptable and in accordance with Policy 52 of the Cambridge Local Plan (2018).

10.7 Design, Layout, Scale and Landscaping

- 10.8 Policies 55, 56, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 10.9 Garry Drive is a side street which runs parallel to Kings Hedges Road, meaning that properties on Garry Drive sit back-to-back with those on Kings Hedges Road. Here, there is a contrast between two storey street facing properties on Kings Hedges Road and back-land bungalows on Garry Drive which have arisen through historic subdivision of Kings Hedges Road rear gardens. This has created a unadopted vehicular access to the north-west of no. 11 Garry Drive which serves four bungalows, the north-westerly unit being the application site. All of these bungalows face north-east onto the unadopted vehicular access. The site comprises a bungalow set well into the site with a parking forecourt and a long single storey outbuilding along the south-western boundary. The site in question is part of the single storey outbuilding.
- 10.10 The proposal would convert the existing double garage into a self-contained one bed dwelling with associated patio garden, bins and bike store and parking.
- 10.11 The Inspector agreed with the Councils assessment in that the proposed extensions and the conversion would not be harmful to the character and appearance of the area, by virtue of the design. The design of the

proposed dwelling has not changed since this appeal and officers therefore maintain that the design would be appropriate to its context.

- 10.12 Given the existence of the existing garage and the scale, design and siting of the proposed extension, it is considered that the proposal would not be contrary to the pattern of development. While typically dwellings along Garry Drive front the shared access road with gardens to the rear and the converted dwelling would not conform to this character, this would not be harmful.
- 10.13 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 59 and the NPPF.

10.14 Biodiversity

- 10.15 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.
- 10.16 The development would not impact a priority habitat and would impact less than 25 square metres (5m by 5m) of on-site habitat and less than 5 metres of on-site linear habitats such as hedgerows. Therefore, the development falls under a biodiversity net gain exemption. Landscape improvements will secure a biodiversity enhancement, complying with policy 70.
- 10.17 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 enhancement. Taking the above into account, the proposal is compliant with 70 of the Cambridge Local Plan (2018).

10.18 Highway Safety and Transport Impacts

- 10.19 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.
- 10.20 Para. 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.
- 10.21 The Highway Authority Development Management Team have been consulted on the application and have no objections to the proposal.

Officers therefore consider that the proposal would not adversely affect the safe functioning of the highway. It is noted that a third party has objected stating that the proposal would increase traffic and accidents due to the narrow nature of Garry Drive and that it is not lit. Officers do not consider that the addition of a dwelling would lead to a significant increase in traffic or a significant highway safety impact here. The Inspector also did not conclude that there was any highway safety impact resulting from the development.

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

10.23 Cycle and Car Parking Provision

10.24 Cycle Parking

- 10.25 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.

- 10.26 Two stands are proposed within the amenity space of the proposed dwelling. These stands appear to be stands that secure the bike via the wheel which are not supported as they can damage bikes. The spaces would also dominate the amenity space and there are no details on whether the cycle parking is covered. Therefore, a condition is required to secure further details of cycle parking to ensure the provision is secure, covered and convenient to encourage sustainable travel to and from the site.

10.27 Car parking

- 10.28 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. The site falls outside of the controlled parking zone and appendix L states that the minimum standard for a place of worship is 1 space for every 8 seats including disabled car parking.

- 10.29 The proposal includes a 2.5 by 5m car parking space designated for the dwelling to the north of the amenity space. This is considered appropriate given the location of the dwelling. Existing parking for 11A Garry Drive would not be compromised.

10.30 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan.

10.31 Amenity

10.32 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.

10.33 No. 17 shares its north-western boundary with the application site. The proposal converts the existing garage and extends north-east, adjacent to the flank wall of no. 17. This flank wall contains no windows. For these reasons, officers conclude that the proposal would not impact upon no. 17's residential amenity in terms of overbearing, or overshadowing. The insertion of a window on the south-eastern elevation would not give rise to overlooking to no. 17's rear garden given the existing boundary fence. Officers consider that the increased activity and its consequent noise impact would be limited given the extent of development. Given the separation distance between the proposed dwelling and no. 11A, and no. 162 Kings Hedges Road, the proposal would not significantly impact upon these neighbours.

10.34 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.

10.35 The Environmental Health Officer is satisfied that the proposal would not harm the amenity of surrounding occupiers. Officers do consider it is reasonable and necessary to restrict construction and delivery hours given the proximity of the site to neighbours. Accordingly, officers consider the proposal would not give rise to significant noise, vibration or dust, and the proposal is in accordance with Cambridge Local Plan (2018) policies 35 and 36.

Amenity of future occupiers

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	1	1	37	38	+1

- 10.37 Size of external amenity space: 2.2m x 4.2, 9.25 sqm
- 10.38 The converted dwelling would exceed the minimum standard for a one bed one person unit and would provide external amenity space. The Inspector considered that the previous proposal provided an adequate external amenity space and outlook. This has not changed and therefore Officers consider that these aspects are now acceptable. It is noted that there is a study and a bedroom within the unit, however, the bedroom does not meet the minimum standard for a bedroom, but the study does. Therefore, officers have assessed the study as the main bedroom and room listed as the bedroom on the plans as a study. Officers remind members that the Inspector was happy with this approach.
- 10.39 A condition will secure a boundary treatments plan to ensure the amenity space is private from first occupation and all other surrounding neighbours amenity is preserved.
- 10.40 The Inspector did uphold the Council's previous reason for refusal and dismissed the appeal as the living and dining space would receive poor natural light creating a dark and secluded space. This was because the habitable room was served by two roof lights only, one being northwest facing, the other being southeast facing, meaning the room was ultimately dependent on the southeastern rooflight for most daylight and all sunlight.
- 10.41 The Inspector did not find harm to daylight and sunlight to the other rooms within the unit.
- 10.42 Since this appeal decision, the design has not changed. However, a daylight sunlight assessment has been submitted. As the Inspector did not identify daylight and sunlight harm to the kitchen, this was not covered in the submitted daylight and sunlight assessment.
- 10.43 BRE Daylight Sunlight Guidance states for assessing the internal light levels for a proposed converted dwelling the British Standard Daylight in Buildings (BS EN 17037) standard is used. This standard sets out the minimum interior daylight levels as well as medium and high levels and there are two methods for measuring interior daylighting of proposed homes; the illuminance method and daylight factor method. The illuminance method has been chosen by the applicant.
- 10.44 This method uses climatic data for the location of the site (via the use of an appropriate, typical or average year, weather file within the software) to calculate the illuminance from daylight at each point on an assessment grid on the reference plane at an at least hourly interval for a typical year. The target illuminance (ET) should be achieved across at least half of the reference plane in a daylit space for at least half of the daylight hours.

10.45 The UK National Annex gives specific minimum recommendations for habitable rooms in dwellings in the United Kingdom with the minimum level of illuminance for a bedroom being 100 lux and a living room 150 lux. These are the median illuminances, to be exceeded over at least 50% of the assessment points in the room for at least half of the daylight hours.

Room Use	Room Area	Effective Area	Median Lux	Area Meeting Req Lux	% of Area Meeting Req Lux	Req Lux	Req % of Space	Req % of Hours	Daylight hours	Test
Living Room	12.40	8.21	692	8.21	100%	150	50%	50%	4380	YES
Bedroom	6.07	3.47	670	3.47	100%	100	50%	50%	4380	YES
Study	10.35	6.34	490	6.34	100%	150	50%	50%	4380	YES

10.46 As shown above, the living room, bedroom and study would exceed the minimum required lux level for over 50% of the room for over 50% of daylight hours. This is shown again below on an illuminance plan.



10.47 In terms of sunlight, BRE Daylight Sunlight Guidance states that the target is that a living room would achieve at least 1.5 hours of direct sunlight on 21 March. All of the habitable rooms would meet this minimum standard.

Building Ref	Floor Ref	Room Ref	Room Use	Proposed SE (Hours)	Compliance
Flat 1	Ground	R1	LKD	9.4	YES
Flat 1	Ground	R2	Bedroom	9.4	YES
Flat 1	Ground	R1	Study	4.6	YES

10.48 Officers consider that, while the design has not changed, the additional information provided shows that the proposed living and dining room would receive adequate daylight and sunlight in accordance with the BRE guidance.

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

10.50 Third Party Representations

10.51 The third-party representations have been addressed in the transport section of this report.

10.52 Other Matters

10.53 Bins

10.54 Policy 58 requires extensions to existing buildings to retain bin storage. Refuse would be located to the front of the dwelling in a convenient and easily accessible location. Bin store details will be secured via condition.

10.55 Sustainability

10.56 Given the limited nature of the works proposed, officers consider it would be unreasonable to impose a condition requiring a sustainability statement to be submitted and approved by the LPA. However, given the acute water stress Cambridge is currently experiencing, officers do consider it reasonable to impose a water efficiency condition on the consent.

10.57 Planning Balance

10.58 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).

10.59 Summary of harm

10.60 No harm has been identified.

10.61 Summary of benefits

10.62 The proposal would contribute, albeit in a limited way, to the city's housing supply and the new dwelling would be in a sustainable location that has good access to public transport and facilities required to meet day to day needs. The proposal would make efficient use of land and lead to an adequate standard of amenity for the future occupiers, all without harm to surrounding residents, the character of the area or highway safety.

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

12.0 Planning Conditions

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

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

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

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

3 No development 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 to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2018; Policies 55, 52 and 59)

4 The development shall not be occupied or the permitted use commenced, until details of facilities for the covered, secure parking of cycles and the refuse details for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout of the cycle store. A cycle store proposed with a flat / mono-pitch roof shall include plans providing for a green roof. Any green roof shall be planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a

sub-base being no less than 80 millimetres thick. The cycle store, green roof and bin storage as appropriate shall be provided and planted in full in accordance with the approved details prior to occupation or commencement of use and shall be retained as such.

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

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

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

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

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

- 7 For the dwelling hereby approved, notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): any roof additions or alterations shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 52 and 58)

- 8 No development above ground level shall take place until an ecological enhancement scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of bat and bird box installation, hedgehog provisions and other ecological enhancements. The approved scheme shall be fully implemented prior to first occupation or in accordance with a timescale agreed in writing by the local planning authority.

Reason: To conserve and enhance ecological interests in accordance with Cambridge Local Plan policies 59 and 70 and the Greater Cambridge Planning Biodiversity Supplementary Planning Document (2022).

- 9 The boundary treatments and the external 'seating area' as referenced on plan KW04 A for the development hereby approved shall be completed before first occupation of the dwelling in accordance with the approved details and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of biodiversity, visual amenity and privacy and to ensure the private amenity space is delivered and retained to ensure a good amenity for future occupiers for the lifetime of the development (Cambridge Local Plan 2018 policies 52, 55, 58, 59 and 70).

- 10 The rooflights shown on the approved plans shall be installed prior to first occupation of the development hereby approved.

Reason: To protect the amenity of the future occupiers. (Cambridge Local Plan 2018 policy 52 and 58).

- 11 Water efficiency measures for the scheme shall be implemented in accordance with the optional requirement as set out in Part G of the Building Regulations, which requires all dwellings to achieve a design standards of water use of no more than 110 litres/person/day.

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).

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

This page is intentionally left blank



Planning Committee Date	8 January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/02681/FUL
Site	1 St Kilda Avenue
Ward / Parish	Kings Hedges
Proposal	Erection of 1no single storey 1bed dwelling.
Applicant	Mr Michael Wong
Presenting Officer	Phoebe Carter
Reason Reported to Committee	Third party representations
Member Site Visit Date	N/A
Key Issues	1. Neighbour Amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks planning permission for the erection of 1no single storey 1bed dwelling following the demolition of an existing garage.
- 1.2 The proposal is for the subdivision of the existing dwelling plot to provide a single storey dwelling fronting Kings Hedges Road. The proposal would replace an existing single storey garage to the rear of the site and would be proportionate to the plot.
- 1.3 The proposed works have been assessed in relation to the impact on the neighbouring residential amenity. The proposal is not considered to result in significant residential amenity harm to the neighbouring occupiers given the proposed height and relevant conditions.
- 1.4 There are no highway concerns. The parking provision for the host dwelling would retain the existing access off Kings Hedges Road. Car and cycle provision are provided for the host dwelling which would meet the requirements of Policy 82 and Appendix L.
- 1.5 Officers recommend that the Planning Committee approve subject to conditions.

2.0 Site Description and Context

- 2.1 The site is located within the rear garden of number 1 St Kilda Avenue, a two storey end of terrace property located on a prominent corner plot of Kings Hedges Road and St Kilda's Avenue. The property has a vehicle accessed from Kings Hedges Road, with a single storey flat roof outbuilding within the rear garden of No. 1 adjacent to No. 103A Kings Hedge Road. The site is located within a residential area which is predominantly two storey terraced and semi-detached dwellings which are set back from the road.
- 2.2 1 St Kilda's Avenue has a long rear garden, enclosed by soft landscaping which extends along Kings Hedges Road. This provides separation between the properties on St Kilda's Avenue and Kings Hedges Road.
- 2.3 The site falls outside the controlled parking zone and is not within a Conservation Area.

3.0 The Proposal

- 3.1 The application seeks planning permission for the erection of 1no single storey 1bed dwelling.
- 3.2 The application is proposing the subdivision of the rear garden to create a single storey bungalow in the rear garden, sited in a similar location to the existing garage. The dwelling would be accessed off Kings Hedges Road, utilising the existing access. The proposed bungalow is set in the south

eastern corner of the site and would be set adjacent to the boundaries with No. 103A Kings Hedges Road and 3 St Kilda Avenue. The proposed dwelling would measure approx. 7.2m x 7.2 metres with a dual pitched roof, pitching away from neighbouring boundaries. The rood would have an eaves height of 2.6 metres and a ridge height of 4.7 metres. The private amenity area adjoins the amenity area of the host dwelling.

3.3 Additional information has been submitted to support the application regarding Biodiversity Net Gain.

4.0 Relevant Site History

Reference	Description	Outcome
24/00052/FUL	Erection of 1no single storey 1bed dwelling.	Withdrawn
22/01128/FUL	Erection of 1no 1bed dwelling	Refused and dismissed at appeal

4.1 Application 22/01128/FUL was for the erection of 1no. 1 bed dwelling. The design of this dwelling was 2-storey in height and located centrally within the plot between the 1 St Kilda's Avenue and 103A Kings Hedges Road. The proposed dwelling had a modern appearance and was proposed with a variety of materials. To reduce the impact on 3 St Kilda's Avenue the dwelling was proposed with an A-symmetric roof, dropping to 1.5 storeys to the rear. Overall, the Planning Inspectorate concluded that the siting of the dwelling would interrupt the characteristic spatial separation between the dwellings in St Kilda Avenue and Kings Hedges Road, and would appear at odds with the layout, form, width, roof form and material palette. As a result, would appear overly prominent with the streetscene and at odds with the established character and appearance of the area.

4.2 Additionally, the proposed dwelling, located centrally in the plot at 1.5 storeys/2 storeys, would be visible from the rear gardens of the properties on St Kilda Avenue. By virtue of the scale and massing of the dwelling, and limited separation to the boundary with No. 3, the proposed dwelling would appear as overbearing in nature, and the occupants would experience a sense of enclosure to the rear garden which would make it an unpleasant space in which to spend time, to the detriment of the living conditions of the occupants of this property.

4.3 A copy of the Inspector's Decision letter in relation to the appeal is attached at appendix 1.

5.0 Policy

5.1 National

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

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

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 **Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 52: Protecting garden land and subdivision of dwelling plots

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

5.3 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 Initial objection to the proposed access off St Kilda's Avenue given street furniture, but this has now been removed as part of the proposal and no objection is raised. No objection or conditions recommended to the existing access.

6.3 Environmental Health – No Objection

6.4 The development is acceptable subject to a condition regarding construction hours. An informative is recommended regarding Air Source Heat Pumps.

7.0 Third Party Representations

7.1 One representation has been received in objection.

7.2 Those in objection have raised the following issues:

- Density and overdevelopment
- Lack of affordable housing
- Residential amenity impact (enclosure, privacy, noise and disturbance)

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

8.0 Assessment

8.1 Planning Background

8.2 An application, reference 22/01128/ for a two storey dwelling within the rear garden of 1 St Kilda Avenue was subject to appeal. That application proposed a two storey detached dwelling within the centre of the private rear garden fronting onto Kings Hedges Road. The dwelling was considered to interrupt the characteristic spatial separation between the dwellings in St Kilda Avenue and Kings Hedges Road. Consequently, it was considered to appear at odds with the layout of dwellings in the surrounding area. Furthermore, the width, roof form, design and materials were determined by the Inspector to fail in relation to the dwellings which characterise the surrounding area. As a result, the proposed dwelling was considered to appear prominent within the street scene and failed to accord with policies 52, 55,56 and 57 of the Cambridge Local Plan 2018 and the NPPF.

8.3 Additionally the Inspector found that the proposed two storey dwelling, situated centrally within the garden space, would be visible from the rear gardens of No. 3, 5 and 7 St Kilda Avenue. By virtue of the scale and massing it was considered to appear overbearing in nature when viewed from the rear garden of No. 3 and the occupants would have experienced a sense of enclosure to the rear garden which would have made it an unpleasant space in which to spend time, to the detriment of the living conditions of the occupants. The proposal was considered to fail to accord with Policy 52 of the Local Plan.

8.4 Officers will assess how the current application has overcome the previous reasons for refusal within the report assessment below.

8.5 Principle of Development

8.6 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. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with policy 3.

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

8.8 The principle of the development is acceptable and in accordance with policies 3 and 52 subject to details discussed below.

8.9 Design, Layout, Scale and Landscaping

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

8.11 The site is located on a prominent corner plot at the junction of St Kilda Avenue and Kings Hedges Road. Dwellings in the area are predominantly 2-storey terraced and semi-detached dwellings which are set back from the highway. Planting within grass verges and private front gives the area a green and spacious character.

8.12 1 St Kilda Avenue has a long rear garden which is enclosed by boundary treatment which is visible from Kings Hedges Road. This affords a degree of separation between the side elevations of these dwellings and the front

elevation of the properties in Kings Hedges Road. This spatial separation is prominent within the street scene and, along with the hedge-lined nature of boundary treatment, makes a positive contribution to the green and spacious character of the area. Furthermore, there is an existing brick built single storey garage to the rear of the site.

- 8.13 To replace the existing single storey garage to the rear of the property the application proposes a single storey one bed dwelling. By reducing the height to single storey and siting the dwelling on the existing garage footprint, adjacent to 103A Kings Hedges Road it is considered to have overcome the previous reasons for refusal and concerns raised regarding the design and siting and appearance within the street-scene.
- 8.14 Kings Hedges is residential in character and predominantly terraced and semi-detached dwellings that are predominately two storey in scale. There is a linear form of development along the street. The existing dwelling has a single storey garage to the rear of the site. Whilst the proposal would be larger in scale than the existing building, given the scale of the proposal as set out above, the proposed height and scale is subservient to the host dwelling of 1 St Kilda Avenue and it would not appear incongruous within the surrounding pattern of development. Additionally, the existing fence and hedge are proposed to be retained which would prevent wider views of the dwelling.
- 8.15 Overall, it is not considered that the siting of a dwelling would be harmful to the character of the area. The proposed materials within the external construction are brick and tile. To ensure that the proposed materials are in character with the wider setting a condition is recommended in the interests of visual amenity.
- 8.16 A private amenity area is proposed to the site of the dwelling, enclosed by an existing hedge fronting Kings Hedges Road, and boundary fences to the remaining boundaries. A condition is recommended to ensure that the existing hedgerow fronting Kings Hedges Road is retained. No details have been provided regarding the proposed landscaping and therefore an additional condition is recommended to ensure that these details are obtained along with boundary treatments to ensure that the amenity is satisfactory.
- 8.17 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 59 and the NPPF.

8.18 Carbon Reduction and Sustainable Design

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

- 8.20 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.
- 8.21 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 8.22 No evidence has been submitted to demonstrate that the proposal would meet the required 10% carbon reduction from part L of building regulations and achieve water efficiency equivalent to 100 litres per person per day. However, officers are satisfied that the proposal can meet the policy requirements, and this can be secured by via condition. These conditions are reasonable and necessary to impose to ensure the development adopts sustainable design principles.
- 8.23 Subject to conditions relating to carbon reduction technologies and water efficiency, the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

8.24 Biodiversity

- 8.25 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70.
- 8.26 The application is accompanied by a Biodiversity Net Gain Metric and Habitat Sketch Layout Plan. As the proposal is for a self-build scheme the proposal, subject to a condition regarding details of a scheme of ecological enhancement and net gain provision is delivered in accordance with Policy 70 of the Local Plan 2018.

8.27 Water Management and Flood Risk

- 8.28 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.
- 8.29 The site is in Flood Zone 1 (Low Risk) and is not within an area of surface water flooding. Given that the proposal is not within an area of flooding and is for a single dwelling build predominantly on the footprint of an existing building it is not considered necessary in this instance to condition foul and

surface water drainage. These would be reviewed under the Building Control Legislation.

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

8.31 Highway Safety and Transport Impacts

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

- 8.33 Para. 116 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.

- 8.34 The application has been amended to remove the proposed dropped kerb and car parking space to the front of No. 1 St Kilda Avenue. The Local Highways Authority initially raised concerns with the proposed parking space given the limited information and street furniture to the front of the property. This objection has now been removed.

- 8.35 The access to the proposed dwelling would utilise the existing driveway off Kings Hedges Road which serves the existing garage. The proposed dwelling, with a single car parking space, is not considered to intensify the use of the existing access and no concerns have been raised by the Local Highways Authority. A condition is recommended to ensure that proposed driveway is in a bound material.

- 8.36 Officers consider it reasonable and necessary to add a condition regarding falls and levels and bound surfaces to ensure no water drains onto the public highway if the internal driveway is to be altered as no details have been provided regarding materials. Subject to the above conditions it is concluded that the proposal would not have a detrimental impact upon the public highway safety within the local area. The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

8.37 Cycle and Car Parking Provision

- 8.38 Cycle Parking

- 8.39 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.

8.40 A cycle store has been located within the amenity space to the side of the dwelling. A condition is recommended to ensure details of the store are provided and that it is provided prior to the occupation of the dwelling.

8.41 Car parking

8.42 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.

8.43 The proposal would create a single car parking space for the proposed dwelling and is therefore compliant with this policy and is acceptable. The existing dwelling has no existing car parking space to the front of the dwelling and would not be able to achieve an off street parking space. The dwelling is located in a sustainable location, in close proximity to multiple bus routes and within close proximity to a neighbourhood centre. The site also falls outside of a controlled parking zone. The proposed parking standards are therefore considered acceptable.

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

8.45 Amenity

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

8.47 Neighbouring Properties

8.48 Impact on No. 103A Kings Hedges Road

8.49 103A Kings Hedges is sited to the south east of the site. The dwelling has two windows on the ground floor side extension serving a w.c. and a secondary window to a habitable room. The proposed windows are set

0.6m off a 1.8m high boundary fence and the windows would have minimal outlook and provide a limited level of light to the existing rooms. The proposed dwelling is to be built adjacent to the common boundary. The side elevation adjacent to the boundary is a blank gable wall and therefore the proposal would not give rise to any overlooking impacts or loss of privacy.

8.50 Given the proposed form of the dwelling, with a pitched roof and gable end the bathroom window would not have a significant reduction in light and outlook. As this is an obscure glazed window and serves a w.c. which is a non-habitable room it is not considered that the proposal would be harmful to the dwelling. The proposed dwelling is set back from the front elevation of No. 103A Kings Hedges Road by 1.5m. The window in the side elevation serving as a secondary window is set 1metres off the front elevation. Given the siting of the proposed dwelling, according to the measurements provided, it would not project past this window. The proposed dwelling is to the north west of No. 103A and therefore is not considered to lead to a significantly harmful loss of light in this instance. It is accepted that the proposal would lead to a marginal enclosing impact on this window however, given the existing boundary treatment and proximity of the window to the boundary, the proposed dwelling with a low eaves height is not considered to lead to a significantly harmful level of enclosure to refuse the application given that this is a secondary window.

8.51 Overall, whilst there would be some level of harm to the ground floor windows of the property in regard to enclosure and loss of light it is considered that this would not be significantly harmful to lead to a refusal in this instance.

1 St Kilda Avenue

8.52 The proposed dwelling is replacing an existing garage in the rear of the existing garden of No. 1 St Kilda Avenue. The proposed dwelling is set 18 metres from the rear elevation of the dwelling. Given the single storey nature of the proposed dwelling and the single storey nature of the proposed dwelling it is not considered to give rise to any loss of light, privacy or overbearing impact to the host dwelling.

3 St Kilda Avenue

8.53 3 St Kilda Avenue is a two storey, mid terraced property, situated to the southwest of 1 St Kilda. The dwelling is set within a linear plot with a long rear garden. The proposed dwelling is replacing an existing grouping of outbuildings including a brick garage. The proposed dwelling has an eaves height of 2.3metres which would be on the boundary extending to 4.7m at the ridge height. It is noted that the roof slopes away from the boundary. The dwelling would project 7 metres along the boundary. The dwelling would be separated from the dwelling at No. 3 St. Kilda Avenue by approx. 18 metres. Given the relatively low eaves and ridge height it is not considered that the proposal would give rise to a significant loss of light to the rear amenity area of the rear garden. Due to the modest scale of the

proposal and the existing and proposed boundary treatments, the proposal is not considered to cause any undue loss of light or appear overbearing to No. 3.

8.54 In addition, the proposal is replacing an existing garage building to the rear of the plot and would not extend closer to the proposed dwellings than the existing outbuilding. Whilst the garage is lower than the proposed building it also has a pitched roof. Officers accept that a 2.5 metre outbuilding could be built on the same footprint without planning permission and the lowest height would be limited to 0.2 metres above the height of the proposed eaves, for what would be allowed under permitted development. Subsequently, whilst it is accepted that there would be some impact on the residential amenity of No. 3 St Kilda Avenue, it is considered that the impact would not be great enough to warrant a refusal in this instance in regards to overbearing.

8.55 No windows are proposed in the rear elevation, other than one rooflight. As the proposal is single storey the rooflight would be positioned 1.7m above the floor level and is not considered to give rise to any overlooking or loss of privacy to the rear amenity area of No. 3.

8.56 It is noted that the previous application concerns were raised by the Planning Inspectorate regarding overbearing impact and harm to the amenity of the neighbouring properties. Officers have considered these comments and given the proposed siting and reduction to a single storey dwelling has overcome these concerns and reasons for refusal.

8.57 Future Occupants

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

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

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
		1	1	39	43	+4

8.60 As set out in the above table, the proposed development would meet the residential space standards for internal floor areas. The proposed dwelling

8.61 Garden Size(s)

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

practical use of the intended occupiers. The proposal would have approximately 34m² of private garden area, excluding the parking, bin and cycle area. While modest, this is considered to be sufficient for the number of occupants proposed to provide a space for eating and relaxing outside and hanging washing.

- 8.63 A condition is recommended to remove permitted development rights. This is not only to protect neighbouring properties, but also to protect the character of the area and the external amenity space provided for the dwellings. To ensure that adequate private amenity space is retained, and privacy for neighbours, it is recommended that permitted development rights Classes A, B and E are removed for extensions, windows and outbuildings.
- 8.64 The proposed development would leave approx. 80 m² of garden space for 1 St Kilda Avenue. This is considered sufficient for this dwelling, which is a two storey family home, to allow for outside eating, relaxing, socializing and play. In the opinion of officers, the proposal provides an appropriate living environment for future occupiers, and in this respect, it is compliant with Cambridge Local Plan (2018) Policy 50 and 51.
- 8.65 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. 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.
- 8.66 The proposal provides an adequate level of amenity for future occupiers and is compliant with policies 50, 51, 52 and 57 of the Cambridge Local plan 2018.
- 8.67 Construction and Environmental Impacts
- 8.68 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.
- 8.69 Officers note that comments have been received regarding noise impacts and light impacts of a dwelling. It is not considered that the proposed dwelling would significantly increase noise levels to the surrounding properties in a residential area. It is not considered that the proposal would lead to a significantly more impact than the neighbouring properties or potential use of the existing outbuilding on site. Overall, it is not considered that the proposed use would give rise to any significant impacts in regard to noise or light.

8.70 It is noted that a comment has been received regarding an Air Source Heat Pump. No details have been submitted as part of the application and this has not been indicated on the application. As part of the application details regarding sustainability have been conditioned so if one was to come forward as part of the application this would be assessed via condition. Depending on the size and location ASPH's can be installed without the requirement of Planning Permission as it would fall under the remit of the General Permitted Development Order 2015, Part 14, Class H. This would be assessed as part of any additional information submitted to the Local Planning Authority to ensure that the proposal would not give rise to amenity harm to neighbours in regard to noise. An informative shall be attached to any planning permission for the applicants information.

8.71 The proposal is considered to be acceptable in regard to neighbour amenity and, subject to conditions, would not give rise to harm in accordance with Policy 35 and 58.

8.72 Summary

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

8.74 Third Party Representations

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

Third Party Comment	Officer Response
Reasons for Build	This is not a matter which Officers can assess as part of a Planning Application. We assess applications against local and national planning policies.

8.76 Other Matters

8.77 Bins

8.78 Policy 57 requires refuse and recycling to be successfully integrated into proposals. Bins are stored in the rear garden which would be within the recommended drag distances. Details of the proposed bin store would be conditioned to provide these detail ad ensure a refuse store is provided prior to the occupation of the dwelling in accordance with policy.

8.79 Planning Balance

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

- 8.81 Summary of harm
- 8.82 There is a degree of harm arising from the location of the proposed dwelling in proximity to neighbouring gardens in regards to overbearing impact and loss of light.
- 8.83 Summary of benefits
- 8.84 The dwelling would result in a self-build dwelling located in a sustainable location. The proposed dwelling meets the definition of a self-build dwelling and the current needs being unfulfilled. While the proposal would make a very limited impact on meeting this need, it still will aid delivery of one self-build home.
- 8.85 The proposal would also provide economic benefits through employment during construction as well as providing a further home to support the village economy.
- 8.86 When weighing up the harm against the benefits detailed above, officers conclude that the public benefits outweigh the harm in this instance.
- 8.87 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.

- 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 dwelling shall be occupied until a Carbon Reduction and Water Efficiency Statement, setting out how the proposals meet the requirement for all new dwelling units to achieve reductions as required by the 2021 edition of Part L of the Building Regulations has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate how this requirement will be met following the energy hierarchy of Be Lean, Be Clean and Be Green. Where on-site renewable, low carbon technologies and water efficiency measures are proposed, the Statement shall include:

- a) A schedule of proposed on-site renewable energy or low carbon technologies, their location and design;
- b) Details of any mitigation measures required to maintain amenity and prevent nuisance;
- c) Details of water efficiency measures to achieve a design standard of water use of no more than 110 litres/person/day.

The approved measures shall be fully implemented prior to the occupation of any approved dwelling(s) or in accordance with a phasing plan otherwise agreed in writing by the local planning authority.

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

4 No development above ground level, other than demolition, shall commence until all details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be fully carried out in accordance with the approved details prior to the occupation of the development, unless an alternative phasing scheme for implementation has otherwise been agreed in writing by the Local Planning Authority.

If within a period of 5 years from the date of planting of any trees or shrubs, or 5 years from the commencement of development in respect of any retained trees and shrubs, they are removed, uprooted, destroyed, die or become seriously damaged or diseased, replacement trees and shrubs of the same size and species as originally planted shall be planted at the same place in the next available planting season, or in accordance with any variation agreed in writing by the Local Planning Authority.

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

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 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 biodiversity, visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57, 59 and 70).

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

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

- 7 Prior to the commencement of development above slab level, a scheme for biodiversity enhancement shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of bat and bird box installation, hedgehog connectivity, habitat provision and other biodiversity enhancements, including how a measurable net gain in biodiversity will be accomplished, when it will be delivered and how it will be managed. The approved scheme shall be fully implemented within the agreed timescale following the substantial completion of the development unless, for reasons including viability or deliverability, it is otherwise agreed in writing by the local planning authority.

Reason: To provide ecological enhancements in accordance with Cambridge Local Plan 2018 policies 57, 59 and 69, the Greater Cambridge Shared Planning Biodiversity SPD 2022 and NPPF paragraphs 8, 180, 185 and 186

- 8 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)

- 9 The hedge on the boundary with Kings Hedges Road of the site shall be retained except at the point of access; and protective fencing and ground

protection measures applied in accordance with BS5837. Any trees or shrubs within the retained existing vegetation which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area (Cambridge Local Plan 2018 policies 59 and 71).

- 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 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: To protect the amenity of adjoining occupiers (Cambridge Local Plan 2018 policies 52, 55, and 57)

- 12 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: To protect the amenity of adjoining occupiers (Cambridge Local Plan 2018 policies 52, 55, and 57)

- 13 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 protect the amenity of adjoining occupiers (Cambridge Local Plan 2018 policies 52, 55, and 57)

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

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

- 15 Each residential unit ('unit') in the development hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act and shall comply with the following:

- i.) The first occupation of each unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years; and
- ii.) The Council shall be notified of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation

Reason: To ensure the development complies with the self-build and custom house building definition and help to meet the City's self-build requirements, in accordance with Paragraph 63 of the National Planning Policy Framework 2023.

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

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

Informatives

1. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.
2. The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation

measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

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



Appeal Decision

Site visit made on 17 January 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/Q0505/W/22/3304105

1 St. Kilda Avenue, Cambridge, Cambridgeshire CB4 2PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Wong against the decision of Cambridge City Council.
 - The application Ref 22/01128/FUL, dated 08 March 2022, was refused by notice dated 21 April 2022.
 - The development proposed is one bed dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of neighbouring properties 3, 5 and 7 St Kilda Avenue with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises the private rear garden to 1 St Kilda Avenue, a 2-storey end of terrace property located on a prominent corner plot at the junction of St Kilda Avenue and Kings Hedges Road. Dwellings in the surrounding area are predominantly 2-storey terraced and semi-detached properties which are set back from the road. Planting within grass verges and private front gardens gives the area a green and spacious character.
4. The appeal site and 2 St Kilda Avenue, which sits on the opposite side of St Kilda Avenue, have long rear gardens which are enclosed by boundary treatment which is visible from Kings Hedges Road. This affords a degree of separation between the side elevations of these dwellings and the front elevations of the properties in Kings Hedges Road. This spatial separation is prominent within the street scene and, along with the hedge-lined nature of the boundary treatment, makes a positive contribution to the green and spacious character of the area.
5. The proposal would introduce a 2-storey detached dwelling within the centre of the private rear garden fronting onto Kings Hedges Road. The dwelling would have a modern appearance, incorporating vertical boarding to the front and side elevations. The dwelling would be wider than dwellings in the surrounding

area with an asymmetric roof form which drops to 1½ stories to the rear. The front elevation of the dwelling would have a shorter roof span than dwellings in the surrounding area.

6. The siting of the dwelling would interrupt the characteristic spatial separation between the dwellings in St Kilda Avenue and Kings Hedges Road. Consequently, the dwelling would appear at odds with the layout of dwellings in the surrounding area. Furthermore, the width, roof form, modern design and palette of materials would fail to relate to the dwellings which characterise the surrounding area. As a result, the proposed dwelling would appear prominent within the street scene and at odds with the established character and appearance of the area.
7. For the above reasons the proposed development would adversely affect the character and appearance of the surrounding area. The appeal proposal would therefore be contrary to those aims of policies 52, 55 and 56 and 57 of the Cambridge Local Plan (2018) (LP) that seek to ensure that development is appropriate to the surrounding pattern of development and the character of the area and responds positively to its context and site setting. I also find conflict with the National Planning Policy Framework (the Framework) which requires that developments should be sympathetic to the surrounding built environment.

Living conditions

8. The proposed dwelling would be visible from the rear gardens of Nos 3, 5 and 7 St Kilda Avenue. The proposed dwelling would be separated from Nos 5 and 7 St Kilda Avenue by intervening gardens and thus would not appear visually intrusive or overbearing when viewed from the rear gardens of these properties. Nonetheless, by virtue of the scale and massing of the dwelling and the very limited separation from the site boundary, the proposed dwelling would appear overbearing in nature when viewed from the rear garden of No 3. Thus, the occupants of this dwelling would experience a sense of enclosure to the rear garden which would make it an unpleasant space in which to spend time, to the detriment of the living conditions of the occupants of this property.
9. For the foregoing reasons the proposal would harm the living conditions of the occupants of No 3 St Kilda Avenue through the overbearing nature of the proposed development. The Council reference LP policies 55 and 58 in their reason for refusal. LP policy 58 refers to alterations and extensions to existing buildings and LP Policy 55 guides proposals to ensure that they respond positively to site context. The content of these policies does not appear to be applicable to the specific harm I have identified in relation to the second main issue. However, the Council's officer report also cites LP Policy 52, which is relevant to the specific harm I have identified and with which the proposal would conflict. This policy requires, amongst other matters, that proposals that subdivide an existing residential plot will only be permitted where the amenity and privacy of neighbouring properties is protected.

Other Matters

10. I acknowledge the social, environmental and economic benefits of the proposal which include the contribution towards the city's housing supply on a site with reasonable access to facilities and public transport. However, these benefits do not outweigh the harm I have identified above.

11. The proposal is likely to be able to meet with the relevant local and national policies in terms of minimum internal and outdoor amenity space standards and refuse and cycle storage. I also note that the Council has not raised concerns regarding loss of light to neighbouring properties. However, I have determined this appeal on its individual planning merits and none of these matters outweigh or overcome my conclusion on the main issue.

Conclusion

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

Nichola Robinson

INSPECTOR

This page is intentionally left blank



Planning Committee Date	8 January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/04010/S106A
Site	Ray Dolby Centre (Cavendish III Laboratory), Land West Of JJ Thomson Avenue West Cambridge Site Madingley Road Cambridge CB3 0FA
Ward / Parish	Newnham
Proposal	Modifications to the Section 106 agreement associated with full planning permission reference 17/1799/FUL
Applicant	The Chancellor Masters and Scholars of the University of Cambridge
Presenting Officer	Charlotte Burton
Reason Reported to Committee	The application is for a Deed of Variation
Member Site Visit Date	N/A
Key Issues	Provision of transport infrastructure
Recommendation	Agree the Deed of Variation

EXECUTIVE SUMMARY

1. The application seeks to make variations to the Section 106 Agreement associated with the full planning permission application reference 17/1799/FUL for the Cavendish III Laboratory building on the Cambridge West campus. The variations will be secured by a Deed of Variation by making the following variations relating to the provision of transport infrastructure:
 - To remove Schedule 2 paragraph 5 which secures delivery of the Grange Road/Adams Road Enhancements Scheme and associated definitions.
 - To insert a new planning obligation to secure a financial contribution of £12,087.00 towards the Adams Road works as a part of the Comberton Greenway scheme brought forward by the Greater Cambridge Partnership to be paid to the County Council within one month of completion of the Deed of Variation.
 - To include a fallback for the contribution to be used by the County Council towards alternative improvement works in the vicinity, in the event that the Comberton Greenway scheme does not come forward.
 - To include payment of a £250 monitoring fee to the City Council for monitoring.
2. The County Council's transport assessment team support the proposal which, additionally, would comply with relevant policies in the Cambridge Local Plan (2018) and the NPPF (2023) and meet the statutory tests for planning obligations set out in the Community Infrastructure Levy Regulations 2010 (as amended).
3. The recommendation is to approve the completion of a Deed of Variation made under s106A of the Town and Country Planning Act 1990 in respect of the Section 106 Agreement pursuant to full planning permission 17/1799/FUL with delegated authority to Officers to negotiate and settle its terms with the applicant.

1.0 Site description and context

- 1.1 The site is the Ray Dolby Centre (formerly ‘Cavendish III Laboratory’ building) on the Cambridge West campus (formerly known as ‘West Cambridge’). It is located on the western side of JJ Thompson Avenue at the junction with Madingley Road. The building has been fully constructed and is nearing occupation which is expected in mid-January 2025.
- 1.2 The wider Cambridge West campus includes occupied buildings and others under construction. To the south of the site is West Hub which provides amenities and study space. To the east is the Whittle Lab which is currently under construction. To the west is the retained Vet School.

2.0 The proposal

- 2.1 The application has been made under the Town and Country Planning Act 1990 (s106A) and the Town and County Planning (Modification and Discharge of Planning Obligations) Regulations 1992.
- 2.2 The description of the application is for the “Modification of planning obligations contained in a Section 106 Agreement dated 14 August 2018 made between (1) Cambridge City Council, (2) Cambridgeshire County Council and (3) The Chancellor Masters and Scholars of the University of Cambridge to vary Schedule 2 para 5 (the 2018 Agreement) pursuant to principal planning application 17/1799/FUL.”
- 2.3 The relevant planning permission 17/1799/FUL for the Cavendish III Laboratory is explained in Section 3.0 ‘Site History’ of this report.
- 2.4 The application seeks to vary Schedule 2 para 5 of the 2018 Agreement which requires the University to enter into a Highways Agreement to secure the delivery of the Grange Road/Adams Road Enhancements Scheme. The proposal under the application is for the applicant to provide a financial contribution of £12,087.00 towards the Comberton Greenway scheme to be delivered by the Greater Cambridge Partnership (GCP), which will make improvements to the Grange Road/Adams Road junction.
- 2.5 The applicant has provided the following reason for the proposed change:

The University and County Council Highways Department started discussions over what the design should entail. Initial discussions were had with [County highways and signals teams] ... and the University was asked to undertake some traffic count analysis to inform the design and as to whether any changes to the junction signal times needed to take place. This was in addition to some changes suggested around the white lining at the Junction and an advanced stop line for cyclists.

By the time the University had procured the County Council's preferred company to undertake the junction analysis, Covid 19 measures and

various lockdowns were taking place, and it was agreed by all parties that until working patterns returned to normal the analysis of the junction wouldn't be representative.

Running in parallel to this two GCP schemes were under design consultation; the Cambourne to Cambridge busway and Comberton Greenway, both of which included possible changes to Adams Road, and the junction with Grange Road. The two schemes have now been worked up in detail and the design/programme for delivery on Comberton Greenway has greater certainty.

It is therefore considered that the University could make a financial payment towards the GCP scheme (the value of this is £12,000- which was the quote for the cost of junction analysis and changes to the white line at the junction), and that the works would be carried out by the GCP.

Existing

2.6 The existing wording in the 2018 Agreement is:

Schedule 2

5. *The Owner shall within 12 months after Substantial Commencement enter into a Highways Agreement to secure the delivery of the Grange Road/Adams Road Enhancements Scheme.*

2.7 A Highways Agreement is defined as, 'an agreement under section 278 and/or section 38 of the Highways Act 1980 or such other agreement consent and/or undertaking as may otherwise be agreed between the Owner and the County Council'.

2.8 The Grange Road/Adams Road Enhancements Scheme is defined as:

means a scheme of works to the existing public highway to enhance the Grange Road/Adams Road junction which either comprises:

- a) resetting of junction signal times better to accommodate increased pedestrian and cyclist movements along Adams Road; and*
- b) renewal of road markings,*

and which may if agreed in writing between the Owner and the County Council additionally comprise:

- c) provision of cycle 'head start' green times within the traffic signal controls; and / or*

- d) *delivery of further cycle priority by modifying the advanced stop line to increase cycle stacking space;*

Or is such other alternative scheme or schemes for the junction of those named streets deemed appropriate by the County Council and compliant with the Community Infrastructure Levy Regulations 2010 (as amended).

Proposed variations to the 2018 Agreement

- 2.9 (i) to delete Schedule 2 paragraph 5 and the definitions of Grange Road/Adams Road Enhancements Scheme and Highways Agreement;
- (ii) to insert a new planning obligation to secure a financial contribution of £12,087.00 towards the Adams Road works as part of the Comberton Greenway scheme brought forward by the Greater Cambridge Partnership to be paid to the County Council within one month of completion of the Deed of Variation;
- (iii) to include a sufficient fallback for the financial contribution to be used by the County Council towards alternative improvement works in the vicinity, in the event that the Comberton Greenway scheme does not come forward; and
- (iv) to include payment of a £250 monitoring fee to the City Council for monitoring.

3.0 Relevant site history

- 3.1 The Cavendish III Laboratory was granted full planning permission in August 2018 under planning permission reference 17/1799/FUL for:

Development of 37,160 sqm for D1 academic floor space to accommodate the relocation of the Cavendish Laboratory, namely; all associated infrastructure including drainage, utilities, landscape and cycle parking; strategic open space to the south and west of the new Cavendish; modifications to JJ Thomson Avenue to provide disabled parking and changes to road surface materials; alterations to the existing access to Madingley Road to the north west to enable servicing; and demolition of Merton Hall Farmhouse and removal of existing Vet School access road from JJ Thomson Avenue.

- 3.2 The full planning permission was granted subject to conditions and the 2018 Agreement. The planning obligations related solely to the provision of, or contributions towards, transport infrastructure comprising:

- a financial contribution towards the Grange Road/West Road/Sidgwick Avenue Pedestrian and Cycle Enhancements to be paid to the County Council;

- a financial contribution towards the Bin Brook Bridge Widening to be paid to the County Council;
- a financial contribution towards the Madingley Road/Grange Road Safety Measures to be paid to the County Council;
- a financial contribution towards the Madingley Road/Storeys Way Road Safety Measures to be paid to the County Council; and
- to enter into a Highways Agreement to secure the delivery of the Grange Road/Adams Road Enhancements Scheme.

3.3 The site is within the red line boundary of the wider Cambridge West outline application under planning application reference 16/1134/OUT. It was brought forward for full planning permission ahead of the outline due to funding reasons. The Cambridge West outline consent was granted in June 2024 subject to a Section 106 Agreement which contained further planning obligations relating to transport infrastructure which complement those within the Cavendish III Laboratory agreement and agreements related to other full planning permissions such as for West Hub.

3.4 The relevant planning history for the site and wider area includes:

Reference	Description	Outcome
97/0961/OP	1999 masterplan - outline application for the development of 66.45ha of land for University academic departments (73,000sq.m), research institutes (24,000sq.m), commercial research (41,000sq.m) and associated infrastructure	Approved
17/1799/FUL	Cavendish III -Development of 37,160 sqm for D1 academic floor space to accommodate the relocation of the Cavendish Laboratory, namely; all associated infrastructure including drainage, utilities, landscape and cycle parking; strategic open space to the south and west of the new Cavendish; modifications to JJ Thomson Avenue to provide disabled parking and changes to road surface materials; alterations to the existing access to Madingley Road to the north west to enable servicing; and demolition of Merton Hall Farmhouse and removal of existing Vet School access road from JJ Thomson Avenue.	Approved

17/1896/FUL	<p>Shared facilities hub, phase 1 priority project - Mixed use building 4907 sq m in total, comprising 3411 sq m of D1 academic floor space on the first and second floors; 1421 sq m of A3 (Café and restaurant) space on the ground floor; 75 sq m of A1 (retail) on the ground floor; all associated infrastructure, including drainage, service yard area, utilities, landscape and cycle parking; modifications to JJ Thomson Avenue to provide disabled car parking and a substation building.</p>	Approved
19/1763/FUL	<p>Department of Engineering, Whittle Laboratory - Full planning permission for extension of the Whittle Laboratory, including new National Centre for Propulsion and Power (4,251 sq metres of Academic (D1) Floorspace), demolition of 1,149 sq metres of D1 floorspace, and all associated Infrastructure including landscaping, drainage, substation and car and cycle parking.</p>	Approved

3.5 In addition, there are a series of non-material amendments made to the Cavendish III Laboratory consent for minor design changes and the drainage condition. Section 74B applications were also granted to change the construction hours for a temporary period.

4.0 Publicity

4.1 Publicity not required.

5.0 Policy

National

National Planning Policy Framework 2024

National Planning Practice Guidance

Environment Act 2021

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

Planning and Compulsory Purchase Act 2004

Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 5: Sustainable transport and infrastructure

- Policy 14: Areas of major change and opportunity areas – general principles
- Policy 19: West Cambridge Area of Major Change
- Policy 27: Site specific development opportunities
- Policy 43: University development
- Policy 80: Supporting sustainable access to development
- Policy 81: Mitigating the transport impact of development
- Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

Supplementary Planning Documents (SPD) - none relevant.

Other Relevant Documents

- Cambridgeshire and Peterborough Combined Authority Local Transport and Connectivity Plan (2023)
- Transport Strategy for Cambridge and South Cambridgeshire (2014)
- Cambridgeshire’s Active Travel Strategy (2023)

6.0 Consultations

6.1 S106 Monitoring Officer – No objection

The proposal is entirely reasonable. Request a £250 monitoring fee.

6.2 Cambridgeshire County Council – Transport Assessment Team – No objection

Since the application was approved works to this junction are to be made as part of the Greater Cambridge Partnership’s Comberton Greenway scheme. As a result it is proposed that the applicant makes a proportionate contribution to this scheme of £12,000.00. This is appropriate and agreed.

6.3 Cambridgeshire County Council – Highway Development Engineer – No objection

No objection.

7.0 Representations

7.1 No representations have been received.

8.0 Assessment

8.1 The Grange Road/Adams Road Enhancements Scheme was part of a package of transport infrastructure works secured through the 2018 Agreement on the full planning permission as listed in paragraph 3.2. These works were recommended by the County Council’s transport assessment team to mitigate the impact of additional pedestrian and cycle movements

generated by the development. This was in accordance with previous Cambridge Local Plan (2006) policies 8/2 and 8/3 relating to transport impact and mitigating measures. The applicant has confirmed that all other planning obligations within the 2018 Agreement have been met as the financial contributions have been paid to the County Council.

8.2 The scope of the existing Grange Road/Adams Road Enhancements Scheme as defined in the 2018 Agreement covered, as a minimum, resetting the junction signal times and renewal of road markings, and could additionally include other measures to deliver further cycle priority. The applicant has explained that they held discussions with the County Council's signals and highway engineering team over the detailed design, however surveys were delayed until normal patterns of movement for work and study were restored following the Covid-19 pandemic in order to provide representative analysis. During this time, separate proposals were progressed by the GCP for the Cambourne to Cambridge Busway and Comberton Greenway which include possible changes to this junction.

8.3 The Comberton Greenway is an active travel route linking Comberton to Cambridge City Centre via the villages of Hardwick and Coton which will be approximately 15 kilometres long. The scheme will be delivered via a combination of permitted development rights held by the County Council as the local highway authority and planning permission for sections of the route that are not permitted development. The applicant has been in correspondence with the GCP. Work is expected to start on the relevant sections along Adams Road in January 2025. This is supported by a decision taken by the GCP's Executive Board in December 2022 to approve the Outline Business Case for the Comberton Greenway and a further decision in October 2024 to approve the early delivery of Adams Road enhancements.

8.4 The works to Adams Road are described in the papers for the GCP's Executive Board in October 2024 as:

The works along Adams Road will comprise the widening of the footways, reduction of on-street parking and the inclusion of rain gardens and planting. The carriageway will be resurfaced in red asphalt to create a 'cycle-street' giving priority to cyclists and pedestrians over motorised vehicles. At the junction with Sylvester Road, a raised table junction is proposed which will ensure low vehicle speeds are maintained along the street. At the Wilberforce Road junction, a raised table will provide further traffic calming and allow cyclists and pedestrians to access to Coton Path.

It is understood that the works will be carried out by the County Council under its permitted development rights as the local highway authority. The works will require submission of a Traffic Regulation Order which would be subject to consultation.

8.5 In bringing forward recommendations in relation to the proposal, Officers have considered the Community Infrastructure Levy Regulations 2010 (as amended) 'CIL Regulations' which introduced the requirement for all local

planning authorities to make an assessment of any planning obligation in relation to three tests. Planning obligations need to meet three statutory tests specifically that they are:

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

- 8.6 The Comberton Greenway works have been designed to improve and prioritise pedestrian and cyclist journeys along Adams Road to mitigate the impact of development including the Cambridge West campus. The County Council's transport assessment team supports the proposed financial contribution towards the Adams Road works as an acceptable alternative to securing the delivery of junction improvements directly by the University. The proposed mitigation (the financial contribution) would comply with Cambridge Local Plan (2018) policies 80 and 81 and the NPPF (2023). It provides an acceptable alternative and therefore is necessary to make the development acceptable and directly relate to the development, meeting the statutory tests a) and b).
- 8.7 The County Council's transport assessment team considers the contribution of £12,087.00 towards the Adams Road works to be appropriate in principle and quantum. It is understood from the applicant it approximately equates to the cost of the original scheme for signal improvements and junction markings. This is acceptable and the proposal is considered to be fairly and reasonably related in scale, meeting the statutory test c). For these reasons, the proposal meets the three statutory tests set out in the CIL Regulations.
- 8.8 The applicant originally put forward a trigger for the contribution to be paid prior to first occupation of the building. This is anticipated to be mid-January 2025. In order to allow enough time following the Committee's decision to complete the deed before first occupation, an alternative trigger of 'within one month of completion of the Deed of Variation' has now been agreed. This is acceptable as the contribution would be paid to the County Council quickly and at a similar time to first occupation. It would also be prior to completion of the Adams Road works. This is supported.
- 8.9 The applicant also put forward a fallback alternative to which the contribution might be applied in the event that the Adams Road works do not come forward, albeit this is considered an unlikely prospect for the reasons set out in paragraph 8.3. Nonetheless, this is supported as best practice to ensure the contribution towards mitigation in respect of the harm to the highway infrastructure that the contribution seeks to overcome is not lost. The fallback alternative would allow the contribution to be spent by the County Council on alternative improvements in the vicinity. This type of alternative arrangement was used elsewhere in the 2018 Agreement and is acceptable and meets the statutory tests set out in the CIL Regulations.

9.0 Conclusion / Planning Balance

9.1 The proposal would provide acceptable mitigation for the impact of development. It is compliant with Cambridge Local Plan (2018) policies 80 and 82, and the NPPF (2023). It meets the statutory tests set out in the CIL Regulations. For the reasons, the recommendation is to approve the proposal.

10.0 Recommendation

APPROVE the completion of a Deed of Variation made under s106A of the Town and Country Planning Act 1990 in respect of the 2018 Agreement in line with the terms set out in paragraph 2.9 of this report, with delegated authority to Officers to negotiate and settle its final terms with the applicant

This page is intentionally left blank



Planning Committee Date	8 th January 2025
Report to	Cambridge City Council Planning Committee
Lead Officer	Joanna Davies
Reference	TPO/28/2024
Site	1 Nightingale Avenue
Ward / Parish	QUE
Proposal	Confirmation of provisional TPO
Presenting Officer	Joanna Davies
Reason Reported to Committee	Objection received to provisional TPO
Recommendation	APPROVE the confirmation of TPO/28/2024

1.0 Executive Summary

- 1.1 In the interests of amenity a Tree Preservation Order (TPO) was served to protect a beech tree in the front garden of 1 Nightingale Avenue.
- 1.2 An objection to the TPO has been received.
- 1.3 Officers recommend that the Planning Committee approve the confirmation of TPO/28/2024.

2.0 Site Description and Context

- 2.1 1 Nightingale Avenue is a detached property located towards the north end of the road. The property has a large front garden with parking for a number of cars. The subject beech tree is located close to the front boundary, in a green strip that runs down the side of the house and connects to the back garden.
- 2.2 The tree occupies a prominent location and therefore makes a significant contribution to local amenity, with views to it possible from a few locations.
- 2.3 The tree's removal or significant works to it would have a detrimental impact on amenity and be contrary to the Citywide Tree Strategy.

3.0 Legislation and Policy

- 3.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make trees, groups of trees or woodlands the subject of a TPO

Expedience - If there is a risk of trees being cut down or pruned in ways which would have a significant impact on their contribution to amenity it may be expedient to serve a Tree Preservation Order. In some cases, the Local Planning Authority may believe trees to be at risk generally from development pressure and therefore consider it expedient to protect trees without known, immediate threat. Where trees are clearly in good arboricultural management it may not be considered appropriate or necessary to serve a TPO.

Amenity - While amenity is not defined in the Town and Country Planning Act, government guidance advises authorities develop ways of assessing the amenity value of trees in a structured and consistent way. Cambridge City Council Citywide Tree Strategy 2016 – 2026 sets out the criteria for assessing amenity in Policy P2 and considers visual, wider impact, atmospheric, climate change, biodiversity, historic/cultural and botanical benefits when assessing the amenity value of trees.

Suitability - The impact of trees on their local surroundings should also be assessed, taking into account how suitable they are to their particular

setting, the presence of other trees in the vicinity and the significance of any detrimental impact trees may have on their immediate surroundings.

4.0 Consultations

- 4.1 As soon as practicable after making an order, a TPO must be served on anyone who has an interest in land affected by the TPO. This includes neighbours, who may have a common law right to prune overhanging branches back to the boundary and agents who have sought permission for tree works.
- 4.2 TPO/28/2024 was served on the owner/occupier and their neighbours at number 3 Nightingale Avenue.

5.0 Third Party Representations

- 5.1 An objection has been received from the owner.
- 5.2 The objection raises the following issues:
- During bad weather several large branches have broken off causing safety concerns
 - The tree is not yet mature and could cause subsidence.
 - Birds in the tree defecate on the car.
 - Branches grow close to the windows and it is expensive to have the tree trimmed.
 - Have to employ a gardener to clear up leaves in autumn.
- 5.3 No comments were submitted in support of the TPO.

6.0 Member Representations

- 6.1 No comments regarding the provisional TPO or its confirmation have been received from Councillors.

7.0 Assessment

- 7.1 Expedience. It is clear from the objection to the TPO that the current owners of 1 Nightingale Avenue would like to remove the tree. If the TPO is not confirmed there will be a high risk of tree being removed.
- 7.2 Amenity. The beech is a prominent feature of the street and contributes significantly to visual and environmental amenity. Its loss would have a significant and detrimental impact.
- 7.3 Suitability. The tree is located in a space that is adequate for its size. Located close to the front boundary, there is sufficient space for canopy spread before impacting significantly on the house. While some periodic pruning is expected to be required to maintain a reasonable clearance to the house and over the

garden and street the work would not be extreme or considered onerous and would not have a material impact of the tree's appearance. In October of this year permission was granted for a lateral reduction to create a suitable clearance to the house and a crown lift to allow access beneath the tree and improve light to lower windows. (24/0888/TTPO)

7.4 Response to Objections

7.5 Objections are summarised and responded to in the table below:

Objection	Officer Response
During bad weather several large branches have broken off causing safety concerns	Works required to mitigate a clear and accepted health and safety risk would be allowed if the TPO were confirmed. Furthermore, some works of this nature are permitted without the need to apply for permission. Dead wood may be removed at any time without consultation with the council. There is no evidence of a health and safety risk at present.
The tree is not yet mature and could cause subsidence.	The potential risk that subsidence might occur is insufficient justification not to protect a tree with a high amenity value.
Birds in the tree defecate on the car. Have to employ a gardener to clear up leaves in autumn.	Leaf litter, fruit/nut fall, bird droppings and shade are considered to be acceptable inconveniences and insufficient justification not to protect a tree with a high amenity value.
Branches grow close to the windows and it is expensive to have the tree trimmed.	Relatively minor works will be reasonable periodically to maintain an acceptable relationship between the tree at its surroundings. Financial implications of managing a tree are not a material consideration.

8.0 Recommendation

8.1 As any perceived inconvenience associated with the tree's retention is considered by officers to be outweighed by the tree's significant amenity value, the recommendation is to **Approve** the confirmation of TPO/28/2024.

The following list contains links to the documents on the Council's website.

TPO/28/2024

24/0888/TPO

Please contact Joanna Davies for copies if required.

Appendix 1 TPO Plan

Appendix 2 Photo

This page is intentionally left blank

Appendix 1 TPO Plan



This page is intentionally left blank

Appendix 2 Tree Photo



This page is intentionally left blank



Appendix 1: Decisions Notified By The Secretary of State

REFERENCE	SITE ADDRESS	DETAILS	DECISION	DECISION DATE	PLANNING DECISION
24/02961/HFUL (APP/Q0505/D/24/3354864)	23 Long Reach Road Cambridge Cambridgeshire CB4 1UQ	Demolition of existing garage. Part two storey, part single storey side/front extension and extension to existing porch. Installation of roof light to rear roof slope and alterations to existing rear roof lights and doors.	Appeal Withdrawn	02/12/2024	Refusal of planning permission (Delegated Decision)

24/01367/FUL (APP/Q0505/W/24/3349975)	82 Arbury Road Cambridge Cambridgeshire CB4 2JE	Erection of 1no bungalow to the rear.	Appeal Dismissed	10/12/2024	Refusal of planning permission (Delegated Decision)
23/04832/HFUL (APP/Q0505/D/24/3344469)	61 Garden Walk Cambridge Cambridgeshire CB4 3EW	Single storey rear extension, first floor rear juliet balcony and rear dormer roof extension.	Split Decision	11/12/2024	Refusal of planning permission (Delegated Decision)
23/01706/FUL (APP/Q0505/W/24/3347091)	27-29 Clayton Hotel Station Road Cambridge Cambridgeshire CB1 2FB	Erection of an extension to the rear of the hotel to provide 37 additional guest rooms plus other associated works.	Appeal Dismissed	12/12/2024	Refusal of planning permission (Delegated Decision)

Appendix 2: Appeals received

REFERENCE	SITE ADDRESS	DETAILS	DATE LODGED
24/03690/HFUL (APP/Q0505/D/24/3357093)	23 Long Reach Road Cambridge Cambridgeshire CB4 1UQ	Demolition of existing garage. Part two storey, part single storey side extension and extension to existing porch. Roof light to rear and alterations to existing rear roof lights and doors. Extension to existing dropped kerb.	09/12/2024

Appendix 3a: Local Inquiry dates scheduled

NO RESULTS

Appendix 3b: Informal Hearing dates scheduled

NO RESULTS

Appendix 4: Appeals Awaiting Decision from Inspectorate

REFERENCE	SITE ADDRESS	DETAILS	REASON
23/00566/FUL (APP/Q0505/W/23/3324785)	Pavement Outside Y59 Grafton Centre Cambridge CB1 1PS	Installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator	Refusal of planning permission (Delegated Decision)
23/00567/ADV (APP/Q0505/Z/23/3324786)	Pavement Outside Y59 Grafton Centre Cambridge CB1 1PS	Installation of 1no 86 inch LCD screen capable of showing illuminated static displays in sequence.	Refusal of planning permission (Delegated Decision)
23/01694/PIP (APP/Q0505/W/24/3339598)	Land At The Back Of 140 Foster Road Cambridge Cambridgeshire CB2 9JP	Erection of a single storey detached dwelling.	Refusal of planning permission (Delegated Decision)

<p>23/03993/FUL (APP/Q0505/W/24/3343119)</p>	<p>87 - 89 Perne Road Cambridge Cambridgeshire CB1 3SB</p>	<p>Demolition of existing buildings at Nos. 87 and 89 followed by a new building containing 6 flats/units to the front and a single flat to the rear along with bike and bin storage.</p>	<p>Refusal of planning permission (Delegated Decision)</p>
<p>23/03568/FUL (APP/Q0505/W/24/3344601)</p>	<p>Orchard House Fendon Close Cambridge Cambridgeshire CB1 7RU</p>	<p>Change of use of building at rear to separate dwelling, dropped kerb to serve new dwelling and associated works, new dropped kerb to Orchard House and installation of a side gate and associated works (retrospective).</p>	<p>Refusal of planning permission (Delegated Decision)</p>
<p>24/00658/FUL (APP/Q0505/W/24/3348170)</p>	<p>36 Peverel Road Cambridge Cambridgeshire CB5 8RH</p>	<p>Erection of two dwellings and associated works</p>	<p>Refusal of planning permission (Delegated Decision)</p>

23/04054/FUL (APP/Q0505/W/24/3349124)	Land To The Rear Of 6 Friars Close Cambridge Cambridgeshire CB1 9JE	Residential development containing 4 flats, along with access, car parking and associated landscaping.	Refusal of planning permission (Delegated Decision)
24/01837/FUL (APP/Q0505/W/24/3353339)	558 Newmarket Road Cambridge Cambridgeshire CB5 8LL	Erection of a single storey dwelling, with associated landscaping and off street parking, to the rear of the existing dwelling	Refusal of planning permission (Delegated Decision)
24/02869/FUL (3353657)	1 Daws Close Cambridge Cambridgeshire CB1 9LE	Conversion of existing dwellinghouse to 2 No. three- bedroom residential flats, including the replacement of existing front and rear windows with new windows and a ground floor rear door with a new window and insertion of a new side door on the ground floor.	Refusal of planning permission (Delegated Decision)

22/05352/FUL (APP/Q0505/W/24/3352632)	Land Rear Of 18 Adams Road Cambridge Cambridgeshire CB3 9AD	Erection of a single dwelling and garage.	Refusal of planning permission (Committee Decision (Area/Main))
--	---	--	--

Appendix 5: Appeals Pending Statement

NO RESULTS

Data extracted at: 2024/12/16 07:21:53

This page is intentionally left blank

REPORT TO:

Planning Committee January 2025

LEAD OFFICER:

Joint Director of Planning and Economic Development

Compliance Report

Executive Summary

1. On 1st December 2024 there were 550 open cases in South Cambridgeshire and Cambridge City. There are currently 212 identifiable open cases in Cambridge city.
2. From 1st January 2024 to November 29th 2024 the compliance team have received at total of 655 compliance referrals across both South Cambridgeshire and Cambridge City.
3. Details of all compliance investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
4. Statistical data is contained in Appendices 1 and 2 attached to this report.
5. Data contained in the appendices relates to up to end of November 2024 statistical information, The reporting date is one-month in arrears to allow for the provision of the report to committee by the report publishing deadline.

Updates to Service Delivery

The Planning Compliance Team is part of the Development Management service of the Greater Cambridge Shared Planning Service

Lydia Green (Apprentice Planning Officer) will be leaving the compliance team at the end of December and will be joining the S215 team on a permanent basis.

Rebecca Smith
Delivery Manager (Development Management and Compliance)

Chris Braybrooke
Planning Compliance Manager

Chris Barnes
Principal Planning Compliance Officer. Start date 9th September.

Alistair Funge
Principal Planning Compliance Officer

Nick Smith
Senior Planning Compliance Officer

Tony Wallis
Senior Planning Compliance Officer

Robert Bird
Planning Compliance Officer

Oscar Langford
Apprentice Planning Compliance Officer.

Team structure

Planning Compliance Manager – Chris Braybrooke

East Team

Principal Compliance Officer (Secondment)

Alistair Funge

Senior Planning Compliance Officer

Tony Wallis

Compliance Officer

Rob Bird

West Team

Principal Compliance Officer

Chris Barnes

Senior Planning Compliance Officer

Nick Smith

Planning Compliance Apprentices

Oscar Langford

Updates on significant cases

Should Members wish for specific updates on cases they have involvement in or have been made aware of then please feel free to contact the Planning Compliance Manager, or Area Principal Compliance Officers who will be able to update you or advise you of the case officer and request that the officer contacts you.

Performance Management and new reporting update

The case priorities are as follows.

- **High priority (Priority A)** cases are for work which is irreversible or irreplaceable and these will be immediately investigated within 5 working days of receipt. Examples include damage or loss of Listed Buildings or protected trees.
- **Medium priority (Priority B)** cases are for activities have or can cause harm, such as adverse effects on conservation areas or breaches of conditions. Our aim is to instigate the investigation and assess whether a breach of planning control within 10 working days of the site visit.
- **Low priority (Priority C)** cases are for a development which may cause some harm but could be made acceptable by way of implementing conditions or simple correction action. Our aim is to instigate the investigation and assess whether a breach of planning control within 20 working days of the site visit.

The figures at Appendix 2 currently reflect the cases for all enforcement cases within GCSP, and not just Cambridge City. Further reporting enhancements will allow for separate reporting of these figures in the future.

The figures at Appendix 2 relating to the average time to first site visit in days from allocation currently include older casefiles which have been open before the case priority implementation. Due to the way the reporting system works, when older cases are closed this causes discrepancies in the reports This is currently being investigated to ensure the older cases do not impact these figures in subsequent reports. The targets are broadly being met for newer cases and are not reflective to the figures seen in the report.

Further updates on performance management will be provided when they are available.

Background Papers

Planning Enforcement Register.

Statistical Analysis of Uniform Planning Enforcement Software Program.

Appendices

Appendix 1: Notices Served.

Appendix 2: Caseload Statistics.

Report Author:

Chris Braybrooke – Planning Compliance Manager Date: 01/12/2024

This page is intentionally left blank

Appendix 1

Public Enforcement Notices served.

Cambridge City Council

November 2024

Reference	Ward	Parish	Address	Notice Issued
EN/00247/24	Queen Ediths		12 Wulfstan Way Cambridge Cambridgeshire CB1 8QH	Planning Contravention Notice

October 2024

Reference	Ward	Parish	Address	Notice Issued
EN/00147/24	Queen Ediths		49 Mowbray Road Cambridge Cambridgeshire CB1 7SR	Planning Contravention Notice

September 2024

Reference	Ward	Parish	Address	Notice Issued
*** No Notices Issued ***				

Appendix 2

Caseload statistics

These statistics relate to both South Cambridgeshire District Council and Cambridge City Council.

Total open cases	550
South Cambridgeshire	338
Cambridge City	212

Open cases less than 6 months old	187
Cambridge City	74

All Open cases by priority.

Priority A	0
Priority B	15
Priority C	159
Unassigned (new cases to be allocated)	13

Open cases more than 6 months old	362
Cambridge City	133

All Open Cases by priority.

Priority A	12
Priority B	32
Priority C	318

Cases closed 1st Sep - 29th Nov 2024	195
Cambridge City	58

Cases closed by priority Cambridge City.

Priority A	2
Priority B	10
Priority C	46

Average time in days taken from receipt of a complaint by the compliance team to file creation and acknowledgement sent (where applicable) to customer 1st Sep - 29th Nov 2024. The target is 3 days.

Priority A	N/A
Priority B	0.22 days
Priority C	0.43 days

Average time to first site visit in days from allocation of case to the case officer 1st Sep - 29th Nov 2024. The target is Priority A - 1 working days (from 1st October 2024). Priority B – 10 Working days. Priority C – 20 working days.

	(Avg. Days)	(Percentage on target)
Priority A	N/A	N/A
Priority B	106.9 days	28.6%
Priority C	65.9 days	61.7%

As set out in the report these figures are being affected by the way the reporting system works, when older cases are closed this causes discrepancies in the reports.