



NORTH AREA COMMITTEE



AGENDA

To: City Councillors: Todd-Jones (Chair), Price (Vice-Chair), Abbott, Boyce, Bird, Brierley, Gawthrope, Kerr, O'Reilly, Pitt and Tunnacliffe and Ward

County Councillors: Manning, Pellew, Sales and Wilkins

Dispatched: Wednesday, 14 November 2012

Date: Thursday, 22 November 2012

Time: 6.00 pm

Venue: Shirley Primary School, Nuffield Road, Cambridge CB4 1TF

Contact: Glenn Burgess

Direct Dial: 01223 457013

PLANNING ITEMS

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST (PLANNING)

Members of the committee are asked to declare any interests in the items on the agenda. In the case of any doubt, the advice of the Head of Legal Services should be sought **before the meeting**.

3 MINUTES OF THE LAST MEETING

To approve the minutes of the meeting held on 27 September 2012.

(Pages 1 - 4)

4 PLANNING ITEMS *(Pages 5 - 16)*

The applications for planning permission listed below require determination. A report is attached with a plan showing the location of the relevant site. Detailed plans relating to the applications will be displayed at the meeting.

4a 12/0856/FUL - 29-31 Harding Way *(Pages 17 - 40)*

4b 12/1096/FUL - 21 Belvoir Road *(Pages 41 - 70)*

4c 12/1041/FUL - 3 Victoria Road *(Pages 71 - 104)*

5 GENERAL ITEM

**5a PLANNING ENFORCEMENT CONTROL: UNAUTHORISED
CHANGE OF USE AT 70 GREEN END ROAD, CAMBRIDGE**
(Pages 105 - 114)

Meeting Information

Public Speaking on Planning Items

Area Committees consider planning applications and related matters. On very occasions some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

Members of the public who want to speak about an application on the agenda for this meeting may do so, if they have submitted a written representation within the consultation period relating to the application and notified the Committee Manager that they wish to speak by **12.00 noon on the working day before** the meeting.

Public speakers will not be allowed to circulate any additional written information to their speaking notes or any other drawings or other visual material in support of their case that has not been verified by officers and that is not already on public file.

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<http://www.cambridge.gov.uk/public/docs/Having%20your%20say%20at%20meetings.pdf>

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**Representations
on Planning
Applications**

Public representations on a planning application should be made in writing (by e-mail or letter, in both cases stating your full postal address), within the deadline set for comments on that application. You are therefore strongly urged to submit your representations within this deadline.

Submission of late information after the officer's report has been published is to be avoided. A written representation submitted to the Environment Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report.

Any public representation received by the Department after 12 noon two working days before the relevant Committee meeting (e.g. by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

The same deadline will also apply to the receipt by the Department of additional information submitted by an applicant or an agent in connection with the relevant item on the Committee agenda (including letters, e-mails, reports, drawings and all other visual material), unless specifically requested by planning officers to help decision-making.

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www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203.

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Queries reports

on If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

General Information

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NORTH AREA COMMITTEE

27 September 2012

6.30 - 7.05 pm

Present: Councillors Todd-Jones, Price (Chair), Ward, Abbott, Boyce, Bird, Brierley, Kerr, Pitt and Tunnacliffe

Officers: Tony Collins (Principal Planning Officer) and Glenn Burgess (Committee Manager)

FOR THE INFORMATION OF THE COUNCIL

12/52/NAC Apologies for Absence

Apologies were received from Councillor Gawthrop and Councillor O'Reilly.

12/53/NAC Minutes of the last meeting

The minutes of the 26 July 2012 meeting were approved and signed as a correct record.

12/54/NAC Declarations of Interest (Planning)

None

12/55/NAC Planning Applications

12/0626/FUL - 1 Searle Street, Cambridge

The committee received an application for full planning permission.

The application sought approval for alterations and additions to ground floor accommodation following part demolition of existing garage/store and existing extension.

The applicant spoke in support of the application.

The committee received a representation in objection to the application from the following:

- Mr Coffin

The representation covered the following issues:

- i. The loss of the off street car parking would lead to more competition for on street car parking and would set a precedent.
- ii. The design and pitch of the roof would be out of character and fill in the skyline.
- iii. The roof pitch would be steeper than the existing and the ridgeline was too long and high.
- iv. A flat roof design would be less Intrusive.

Councillor Todd-Jones (Ward Councillor) spoke in opposition to the application.

The representation covered the following issues:

- i. Height, scale and massing along the boundary wall would result in domination of the rear garden of the neighbouring property and lead to a sense of enclosure and a loss of amenity.
- ii. The removal of the garage and decanting of a parking space would put additional pressure on parking in the area.
- iii. The detailing of the boundary wall would have a detrimental impact on the Conservation Area.

The Committee:

Resolved (by 5 votes to 2) to accept the officer recommendation to refuse planning permission for the following reasons:

1. The proposed development includes an increase in the height of the boundary wall to Fisher Street and the projection of the side elevation of the proposed extension above the new boundary wall which would have a dominant and enclosing effect on the streetscene. In so doing the extension would be out of character with the area and detrimental to the visual amenities of the streetscene. The development is contrary to East of England Plan (2008) policies ENV6 and ENV7 and Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/11 and to guidance provided by the National Planning Policy Framework.

12/0204/FUL - 82-84 Victoria Road, Cambridge

The committee received an application for full planning permission.

The application sought approval for change of use from HMO and A1 shop to sui generis 9 bedroom HMO.

The committee received a representation in objection to the application from the following:

- Heather Richards

The representation covered the following issues:

- v. The proposal would have an adverse affect on the appearance of the Conservation Area.
- vi. Moving the entrance would increase noise and disturbance.
- vii. The police had been called recently to address a disturbance at the property.
- viii. The proposal was inappropriate for the character of the area which mainly housed families and the elderly.

The Committee:

Councillor Tunnacliffe proposed and Councillor Pitt seconded that a condition be added to create a green space on the forecourt of the building.

The proposal was carried by 5 votes to 3.

Resolved (by 6 votes to 0) to accept the officer's recommendation not to contest the appeal but to add the following to the Council's list of suggested conditions:

1. Within three months of the date of this permission, full details of a landscape scheme to create a green space on the forecourt of the building shall be submitted to the local planning authority for approval and these works shall be carried out as approved within six months of their approval. These details shall include proposed hard surfacing materials, planting plans, schedules of plants (noting species, plant sizes and proposed numbers) and an implementation programme.

Reason: To ensure an acceptable level of amenity for future occupiers and to maintain the quality of the street scene and the character of the conservation area. (East of England Plan 2008 policies ENV6 and ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 4/11)

The meeting ended at 7.05 pm

CHAIR

APPENDIX 1 – DEVELOPMENT PLAN POLICY, PLANNING GUIDANCE AND MATERIAL CONSIDERATIONS

1.0 Central Government Advice

1.1 National Planning Policy Framework (March 2012) – sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

1.2 Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

1.3 Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

2.0 East of England Plan 2008

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

SS3: Key Centres for Development and Change

SS6: City and Town Centres

E1: Job Growth

E2: Provision of Land for Employment

E3: Strategic Employment Locations

E4: Clusters

E5: Regional Structure of Town Centres

E6: Tourism

H1: Regional Housing Provision 2001to 2021

H2: Affordable Housing

C1: Cultural Development

T1: Regional Transport Strategy Objectives and Outcomes

T2: Changing Travel Behaviour

T3 Managing Traffic Demand

T4 Urban Transport

T5 Inter Urban Public Transport
T8: Local Roads
T9: Walking, Cycling and other Non-Motorised Transport
T13 Public Transport Accessibility
T14 Parking
T15 Transport Investment Priorities

ENV1: Green Infrastructure
ENV3: Biodiversity and Earth Heritage
ENV6: The Historic Environment
ENV7: Quality in the Built Environment

ENG1: Carbon Dioxide Emissions and Energy Performance

WAT 2: Water Infrastructure
WAT 4: Flood Risk Management

WM6: Waste Management in Development

CSR1: Strategy for the Sub-Region
CSR2: Employment Generating Development
CSR4: Transport Infrastructure

3.0 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision
P9/8 Infrastructure Provision
P9/9 Cambridge Sub-Region Transport Strategy

4.0 Cambridge Local Plan 2006

3/1 Sustainable development
3/3 Setting of the City
3/4 Responding to context
3/6 Ensuring coordinated development
3/7 Creating successful places
3/9 Watercourses and other bodies of water
3/10 Subdivision of existing plots
3/11 The design of external spaces
3/12 The design of new buildings
3/13 Tall buildings and the skyline
3/14 Extending buildings
3/15 Shopfronts and signage

4/1 Green Belt
4/2 Protection of open space
4/3 Safeguarding features of amenity or nature conservation value
4/4 Trees

4/6 Protection of sites of local nature conservation importance
4/8 Local Biodiversity Action Plans
4/9 Scheduled Ancient Monuments/Archaeological Areas
4/10 Listed Buildings
4/11 Conservation Areas
4/12 Buildings of Local Interest
4/13 Pollution and amenity
4/14 Air Quality Management Areas
4/15 Lighting

5/1 Housing provision
5/2 Conversion of large properties
5/3 Housing lost to other uses
5/4 Loss of housing
5/5 Meeting housing needs
5/7 Supported housing/Housing in multiple occupation
5/8 Travellers
5/9 Housing for people with disabilities
5/10 Dwelling mix
5/11 Protection of community facilities
5/12 New community facilities
5/15 Addenbrookes

6/1 Protection of leisure facilities
6/2 New leisure facilities
6/3 Tourist accommodation
6/4 Visitor attractions
6/6 Change of use in the City Centre
6/7 Shopping development and change of use in the District and Local Centres
6/8 Convenience shopping
6/9 Retail warehouses
6/10 Food and drink outlets.

7/1 Employment provision
7/2 Selective management of the Economy
7/3 Protection of Industrial and Storage Space
7/4 Promotion of cluster development
7/5 Faculty development in the Central Area, University of Cambridge
7/6 West Cambridge, South of Madingley Road
7/7 College and University of Cambridge Staff and Student Housing
7/8 Anglia Ruskin University East Road Campus
7/9 Student hostels for Anglia Ruskin University
7/10 Speculative Student Hostel Accommodation
7/11 Language Schools

8/1 Spatial location of development
8/2 Transport impact
8/4 Walking and Cycling accessibility
8/6 Cycle parking

8/8 Land for Public Transport
8/9 Commercial vehicles and servicing
8/10 Off-street car parking
8/11 New roads
8/12 Cambridge Airport
8/13 Cambridge Airport Safety Zone
8/14 Telecommunications development
8/15 Mullard Radio Astronomy Observatory, Lords Bridge
8/16 Renewable energy in major new developments
8/17 Renewable energy
8/18 Water, sewerage and drainage infrastructure

9/1 Further policy guidance for the Development of Areas of Major Change
9/2 Phasing of Areas of Major Change
9/3 Development in Urban Extensions
9/5 Southern Fringe
9/6 Northern Fringe
9/7 Land between Madingley Road and Huntingdon Road
9/8 Land between Huntingdon Road and Histon Road
9/9 Station Area

10/1 Infrastructure improvements

Planning Obligation Related Policies

3/7 Creating successful places
3/8 Open space and recreation provision through new development
3/12 The Design of New Buildings (*waste and recycling*)
4/2 Protection of open space
5/13 Community facilities in Areas of Major Change
5/14 Provision of community facilities through new development
6/2 New leisure facilities
8/3 Mitigating measures (*transport*)
8/5 Pedestrian and cycle network
8/7 Public transport accessibility
9/2 Phasing of Areas of Major Change
9/3 Development in Urban Extensions
9/5 Southern Fringe
9/6 Northern Fringe
9/8 Land between Huntingdon Road and Histon Road
9/9 Station Area
10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.0 Supplementary Planning Documents

5.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design

considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

- 5.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 5.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 5.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.
- 5.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.
- 5.6 **Old Press/Mill Lane Supplementary Planning Document (January 2010)** Guidance on the redevelopment of the Old Press/Mill Lane site.
Eastern Gate Supplementary Planning Document (October 2011) Guidance on the redevelopment of the Eastern Gate site. The purpose of this development framework (SPD) is threefold:

- To articulate a clear vision about the future of the Eastern Gate area;
- To establish a development framework to co-ordinate redevelopment within
- the area and guide decisions (by the Council and others); and
- To identify a series of key projects, to attract and guide investment (by the Council and others) within the area.

6.0 **Material Considerations**

Central Government Guidance

6.1 **Letter from Secretary of State for Communities and Local Government (27 May 2010)**

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

6.2 **Written Ministerial Statement: Planning for Growth (23 March 2011)**

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

6.3 City Wide Guidance

Arboricultural Strategy (2004) - City-wide arboricultural strategy.

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001) - This document aims to aid strategic and development control planners when considering biodiversity in both policy development and dealing with planning proposals.

Cambridge Landscape and Character Assessment (2003) – An analysis of the landscape and character of Cambridge.

Cambridge City Nature Conservation Strategy (2006) – Guidance on habitats should be conserved and enhanced, how this should be carried out and how this relates to Biodiversity Action Plans.

Criteria for the Designation of Wildlife Sites (2005) – Sets out the criteria for the designation of Wildlife Sites.

Cambridge City Wildlife Sites Register (2005) – Details of the City and County Wildlife Sites.

Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) - a tool for planning authorities to identify and evaluate the extent and nature of flood risk in their area and its implications for land use planning.

Strategic Flood Risk Assessment (2005) – Study assessing the risk of flooding in Cambridge.

Cambridge and Milton Surface Water Management Plan (2011) – A SWMP outlines the preferred long term strategy for the management of surface water. Alongside the SFRA they are the starting point for local flood risk management.

Cambridge City Council (2011) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development. It sets out to ensure that open space in Cambridge meets the needs of all who live, work, study

in or visit the city and provides a satisfactory environment for nature and enhances the local townscape, complementing the built environment.

The strategy:

- sets out the protection of existing open spaces;
- promotes the improvement of and creation of new facilities on existing open spaces;
- sets out the standards for open space and sports provision in and through new development;
- supports the implementation of Section 106 monies and future Community Infrastructure Levy monies

As this strategy suggests new standards, the Cambridge Local Plan 2006 standards will stand as the adopted standards for the time-being. However, the strategy's new standards will form part of the evidence base for the review of the Local Plan

Balanced and Mixed Communities – A Good Practice Guide (2006)
– Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change and as a material consideration in the determination of planning applications and appeals.

A Major Sports Facilities Strategy for the Cambridge Sub-Region (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Cambridge Sub-Region Culture and Arts Strategy (2006) - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

Cambridgeshire Quality Charter for Growth (2008) – Sets out the core principles of the level of quality to be expected in new developments in the Cambridge Sub-Region

Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012) - sets out in more detail how existing council policy can be applied to proposals for tall buildings or those of significant massing in the city.

Cambridge Walking and Cycling Strategy (2002) – A walking and cycling strategy for Cambridge.

Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004) – Guidance on how development can help achieve the implementation of the cycle network.

Cambridgeshire Design Guide For Streets and Public Realm (2007): The purpose of the Design Guide is to set out the key principles and aspirations that should underpin the detailed discussions about the design of streets and public spaces that will be taking place on a site-by-site basis.

Cycle Parking Guide for New Residential Developments (2010) – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

Air Quality in Cambridge – Developers Guide (2008) - Provides information on the way in which air quality and air pollution issues will be dealt with through the development control system in Cambridge City. It compliments the Sustainable Design and Construction Supplementary Planning Document.

The Cambridge Shopfront Design Guide (1997) – Guidance on new shopfronts.

Roof Extensions Design Guide (2003) – Guidance on roof extensions.

Modelling the Costs of Affordable Housing (2006) – Toolkit to enable negotiations on affordable housing provision through planning proposals.

Interim Planning Policy Guidance (IPPG) on the Protection of Public Houses in the City of Cambridge (2012) - sets out how applicants should justify their proposals for change of use, conversion or redevelopment of pub sites. It also lists the criteria that should be used in the assessment of the application for development proposals affecting the loss of a current or former public house on the safeguarded list of public house sites. The criteria include the public house to be marketed for 12 months as a public house free of tie and restrictive covenant, evidence to support diversification options have been explored and proven that it would not be economically viable to retain the building or site for its existing use and it has been otherwise demonstrated that the local community no longer needs the public house.

6.6 Area Guidelines

Cambridge City Council (2003)–Northern Corridor Area Transport Plan:

Cambridge City Council (2002)–Southern Corridor Area Transport Plan:

Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:

Cambridge City Council (2003)–Western Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

Buildings of Local Interest (2005) – A schedule of buildings of local interest and associated guidance.

Brooklands Avenue Conservation Area Appraisal (2002)

Cambridge Historic Core Conservation Area Appraisal (2006)

Storeys Way Conservation Area Appraisal (2008)

Chesterton and Ferry Lane Conservation Area Appraisal (2009)

Conduit Head Road Conservation Area Appraisal (2009)

De Freville Conservation Area Appraisal (2009)

Kite Area Conservation Area Appraisal (1996)

Newnham Croft Conservation Area Appraisal (1999)

Southacre Conservation Area Appraisal (2000)

Trumpington Conservation Area Appraisal (2010)

Mill Road Area Conservation Area Appraisal (2011)

West Cambridge Conservation Area Appraisal (2011)

Guidance relating to development and the Conservation Area including a review of the boundaries.

Jesus Green Conservation Plan (1998)

Parkers Piece Conservation Plan (2001)

Sheeps Green/Coe Fen Conservation Plan (2001)

Christs Pieces/New Square Conservation Plan (2001)

Historic open space guidance.

Hills Road Suburbs and Approaches Study (March 2012)

Long Road Suburbs and Approaches Study (March 2012)

Barton Road Suburbs and Approaches Study (March 2009)

Huntingdon Road Suburbs and Approaches Study (March 2009)

Madingley Road Suburbs and Approaches Study (March 2009)

Newmarket Road Suburbs and Approaches Study (October 2011)

Provide assessments of local distinctiveness which can be used as a basis when considering planning proposals

Station Area Development Framework (2004) – Sets out a vision and Planning Framework for the development of a high density mixed

use area including new transport interchange and includes the **Station Area Conservation Appraisal**.

Southern Fringe Area Development Framework (2006) – Guidance which will help to direct the future planning of development in the Southern Fringe.

West Cambridge Masterplan Design Guidelines and Legal Agreement (1999) – Sets out how the West Cambridge site should be developed.

Mitcham's Corner Area Strategic Planning and Development Brief (2003) – Guidance on the development and improvement of Mitcham's Corner.

Mill Road Development Brief (Robert Sayle Warehouse and Co-Op site) (2007) – Development Brief for Proposals Site 7.12 in the Cambridge Local Plan (2006)

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Application Number	12/0856/FUL	Agenda Item	
Date Received	9th July 2012	Officer	Mr John Evans
Target Date	3rd September 2012		
Ward	Arbury		
Site	29-31 Harding Way Cambridge CB4 3RW		
Proposal	Erection of a terrace of four town houses following demolition of existing semi-detached bungalows and garages.		
Applicant	Susan Baggaley 72a Girton Road Cambridge CB3 0LN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The development is an acceptable plot subdivision, which will not detract from the open character of the area. 2. The Scale and massing of the proposed terrace will not detract from the character and appearance of the street scene. 3. There will not be a significant visual impact upon number 27 Harding Way.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated on the northern side of Harding Way and is formed of two rectangular garden plots, currently occupied by two bungalows 29 –31 Harding Way. There is a grass verge adjacent to Harding Way which is part of the adopted highway.

- 1.2 To the north of the site is a private courtyard from which several residential properties along Harding Way gain rear access to the their garden. Number 29 Harding Way has a single storey garage (to be demolished) fronting onto the courtyard.
- 1.3 The area is characterised by a mix of 2 storey dwellings and bungalows.
- 1.4 The site is not within a Conservation Area or the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 Permission is sought for the erection of a terrace of four town houses. The terrace has an eaves height of 4.7m and an overall ridge height of 7.6m. The building will be finished in render with a tiled roof.
- 2.2 Externally, each dwelling will be served with a front car parking space and a rectangular shaped rear garden area. Each house has a rear outbuilding with access from the communal courtyard to the north.
- 2.3 The application is accompanied by the following supporting information:
 1. Design and access Statement

Amended Plans

Revised plans have been received detailing the following changes:

- Front elevation recessed to provide articulation of the front gables.
- Additional two windows in the east elevation.
- Minor alteration to roof design.
- Minor reconfiguration of the front car parking spaces.

Neighbour residents have been reconsulted on these changes.

3.0 SITE HISTORY

Reference	Description	Outcome
10/0336/FUL	Replacement of existing pair of bungalows at 29-31 Harding Way with five 3-bed flats.	Withdrawn

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV7
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/4 3/6 3/7 3/10 3/11 3/12 4/13 5/1 8/2 8/6 10/1

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Open Space and Recreation Strategy

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

- 6.1 The rear courtyard is not adopted by the Highways Authority. Clarification needed as to the rights of residents to park in this court.

Head of Environmental Services

- 6.2 Refuse access for the two middle properties rely on the private land behind. Another arrangement must be made.

Landscape Team

- 6.3 The design of the building is overly dominant in the street scene.

Access Officer

- 6.4 I oppose this as it is loss of suitable housing for older and disabled people unless 'Lifetime Homes Standard' properties are built.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

Councillor Mike Todd Jones has made comments on this application. I have set out his comments below:

- The terrace of four townhouses is an overdevelopment of the site.
- The mass of the proposal would be out of character with the street scene.
- The neighbouring bungalow would be dominated by the west elevation of the terrace.
- There would be a reduction of garden land.
- Internal spaces cramped.
- Sections of the grass verge and two trees would be removed.
- Numbers 25 and 27 do not have two car parking spaces.
- It cannot be assumed the rear car parking court can be used for extra car parking.
- Extra car parking would affect the amenities of existing residents.

- 7.1 The owners/occupiers of the following addresses have made representations:

21 Harding Way
27 Harding Way
38 Harding Way
40 Harding Way
41 Harding Way
48 Harding Way

50 Harding Way
52 Harding Way
54 Harding Way
58 Harding Way
2 Acton Way
6 Acton Way
7 Acton Way
9 Acton Way

7.2 The representations can be summarised as follows:

Principle of Development

- The bungalows form part of a harmonious street scene.
- The ownership of the land to the north is in dispute and should not be built on.
- If rented out there may be as many as 20 residents.

Design Issues

- The proposed houses will not be in keeping with the area.
- There are no terraces or town houses in Harding Way.
- The plot is too small for a development of this size.
- The area when built in 1956 was very well planned.
- The two ornamental cherry trees would have to be removed.

Amenity Issues

- The internal layout of the proposed houses is cramped with very small rooms.
- Insufficient amenity space.
- Overlooking to the front of number 52 Harding Way.
- There will be a significant increase in 'people noise'. Noise will be concentrated in a smaller space.
- Council funds will be diverted from other resources to deal with noisy neighbours.
- Invasion of privacy to number 27. The skylight bedroom windows of number 29 will allow occupants to look directly into the living room on no. 27.
- Overshadowing to number 27.

Car parking

- Four car parking spaces inadequate.

- The 4 houses will create too much traffic.
- The adjacent side access is a hazard.
- There is no dropped kerb to the front of the property.
- The development would increase car parking on the unadopted space to the north which is unacceptable.

Other

- When our house was purchased there was a covenant that only a bungalow shall be built on the plot.
- There is a condition on the original permission from 1954 that only bungalows are permitted.
- The proposed outbuildings are unlikely to be used for refuse storage, since the route for collection is round the outside path.
- The block plan is misleading, it shows car parking for 2 vehicles at number 25 side by side.

Second Consultation on the amended plans

6 Acton Way
 38 Harding Way
 60 Harding Way

The following comments have been made:

- The amendments are so minor. The proposed townhouses would tower over the adjacent bungalows.
- My views are unchanged. (No. 38).

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety

6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

Principle of Development

- 8.2 The provision of additional dwellings and higher density housing in sustainable locations is generally supported by central government advice contained within The National Planning Policy Framework 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The broad proposal is therefore in compliance with these policy objectives.
- 8.3 The NPPF declassifies garden land from the definition of brownfield land and such sites are no longer included within the Authority's five year housing land supply. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots which remains acceptable in principle, subject to design and the impact on the open character of the area. Policy 3/10 recognises the important part of the character and amenity value gardens contribute to the City. The contribution that the existing garden land makes to the character of the area, the comparative density of the development and the visual impact of the new dwellings on the prevailing character of the area are all important considerations in assessing whether the proposed development is acceptable. The density, design and layout are appropriate in this context (discussed in design section below) and justification has been provided for this redevelopment.
- 8.4 I do not consider the redevelopment of the 2 previous bungalows will significantly detract from the openness, and general development pattern of the area and adequate justification has been provided for its development. It follows therefore that the principle of development of this site is acceptable.
- 8.5 In my opinion, the principle of the development is acceptable in accordance with policy 3/10 and 5/1.

Context of site, design and external spaces

- 8.6 The key design issue is the design and appearance of the new terrace in its setting.
- 8.7 The previous application (10/0336/FUL) was withdrawn primarily because of its unusual siting, design and unacceptability high density. The footprint of the new terrace closely follows the siting of the 2 existing bungalows. The set back from the street is consistent with other 2 storey dwellings to the east, so the terrace will not be unduly prominent or intrusive in the street scene. The development leaves a generous gap either side of the east and west boundaries of the site ensuring the terrace will not be cramped and constrained in the subdivided plots. As such the design of the terrace will have positive impact on its setting required by Local Plan policy 3/12.
- 8.8 The scale, massing and detailed design of the terrace reflects the characteristics of the site and will not in my view detract from the character and appearance of the street scene. The front elevation has been articulated to reflect the front gables of the adjacent bungalows, and the eaves level and roof height are consistent with that of nearby 2 storey houses.
- 8.9 The proposed render and roof tiles will reflect the materials palette seen in the locality and will ensure a satisfactory relationship with adjacent buildings. The imposition of a suitable planning condition will ensure attractive block paving is used for the car parking spaces.
- 8.10 Externally, I note the four proposed car parking spaces will result in the removal of some of the grass verge and 2 small cherry trees. The car parking spaces do not encroach on the verge which is in the ownership of the Highways Authority. The verge and hedging is not a solid boundary along Harding Way and there is hard standing and vehicle crossovers at numbers 23 to 27 Harding Way. In my view, subject to the replacement of the 2 trees between the proposed vehicle crossovers, the development would not detract from the verdant character of this section of Harding Way.

- 8.11 In my opinion the proposal is an acceptable plot subdivision to redevelop the existing bungalows, which is compliant with Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.12 The development will have some visual impact upon number 27 Harding Way to the west. The proposed western most end of terrace house is sited beyond the rear building line of number 27 which follows the bend of Harding Way. The proposed terrace has been designed with a hipped roof to its west facing elevation, with a single storey side lean-to. As such a distance of 3m, tapering to 4m, will be provided from the common boundary in relation to the main 2 storey extension. I do not consider the visual harm and sense of enclosure to be of such significance as to justify refusal of the application.
- 8.13 Given the orientation of the site, additional overshadowing is only likely to occur during the early morning. The north facing garden of number 27 is already in shade through the majority of the daytime, so I do not consider significant additional harm to result from the redevelopment of the site.
- 8.14 The proposed terrace is orientated towards number 52 Harding Way to the south. This is a conventional relationship of dwellings which face one another across the street and would not cause harmful overlooking of that property.
- 8.15 Concerns have been raised that the overall density of development will result in noise and disturbance and unneighbourly comings and goings. I do not consider the noise which can be expected from four family homes to be out of character with site context.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.17 The proposed new terraces will provide desirable accommodation with useable rear garden areas. The ground floor living areas are dual aspect. In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

8.18 Refuse storage would be provided within the rear outbuildings. I note concerns from the Environmental Health team that the outbuildings are accessed from the private courtyard to the north. Number 29 currently has a garage with access from the courtyard. There are also other garages from adjoining properties accessed from the courtyard. I do not consider this to be an unacceptable arrangement because the courtyard is clearly in communal use.

8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

8.20 The application provides 1 car parking space to serve each house. This provision does not exceed the Council's maximum standards and is appropriate for the size of housing and the location of the site with benefits from bus and cycle accessibility. An amended block plan has been received which sets out wider spaces with accurate vehicle templates. The scheme does not rely on car parking within the private courtyard to the north. Adequate provision is provided within the application site.

8.21 Cycle parking is provided within the rear outbuildings, which are adequate in size. I do not consider the fact that the garages are accessed from the private courtyard to the north an unacceptable arrangement. As rehearsed in paragraph 8.17 above, number 29 already enjoys garage access from the courtyard. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.22 The following issues have also been raised:

I oppose this as it is loss of suitable housing for older and disabled people unless 'Lifetime Homes Standard' properties are built.

The development will meet part M of the Building Regulations for disabled access. The overall size of the houses have flexible internal spaces suitable for adaptation over time and will be desirable accommodation for a variety of different people.

There is a condition on the original permission from 1954 that only bungalows are permitted.

The Council does not have any policy to retain bungalows. The application proposal would override this historic condition. The proposed scheme of townhouses is an efficient use of the site.

The ownership of the land to the north is in dispute and should not be built on.

It is unclear as to the ownership of the car parking courtyard to the north. The application site does not include any part of it. Access to the rear outbuildings will be from the courtyard, which is currently enjoyed by the occupants of the 2 bungalows.

Planning Obligation Strategy

Planning Obligations

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

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.24 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476		
3-bed	3	238	714	2 net	1428
4-bed	4	238	952		
Total					1428

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538		
3-bed	3	269	807	2 net	1614
4-bed	4	269	1076		
Total					1614

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484		
3-bed	3	242	726	2 net	1452
4-bed	4	242	968		
Total					1452

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948	2 net	1896
4-bed	4	316	1264		
Total					1896

8.25 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

- 8.26 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882	2 net	3664
4-bed	1882		
Total			3764

- 8.27 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	2 net	2
Flat	150		
Total			150

8.29 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

8.31 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

9.1 The proposed development is an acceptable plot subdivision which will not detract from the character and appearance of the Harding Way Street scene. I do not consider significant harm to result on the amenities currently enjoyed by number 27 Harding Way. APPROVAL is recommended.

10.0 RECOMMENDATION: APPROVE subject to the following conditions:

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

4. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours 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 2006 policy 4/13)

5. The development shall not be occupied until full details of replacement tree planting, and the proposed times of planting, have been submitted to and approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the satisfactory implementation of tree planting in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV7

Cambridge Local Plan (2006): 3/4, 3/7, 3/10, 3/11, 3/12, 4/13, 5/1, 8/2, 8/6, 10/1.

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are □background papers□ for each report on a planning application:

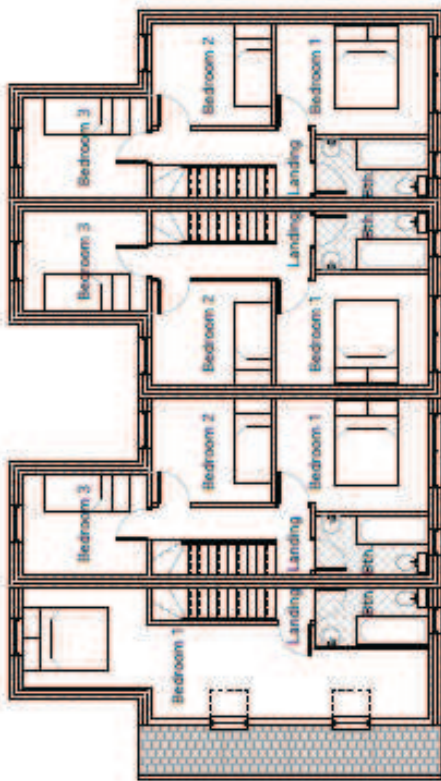
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses - exempt or confidential information
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at: www.cambridge.gov.uk/planningpublicaccess or by visiting the Customer Service Centre at Mandela House.

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FIRST FLOOR 1:100



29, 31 Harding Way
 Cambridge
 Proposed Plans
 November 2012



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Application Number	12/1096/FUL	Agenda Item	
Date Received	24th August 2012	Officer	Miss Sophie Pain
Target Date	19th October 2012		
Ward	West Chesterton		
Site	21 Belvoir Road Cambridge CB4 1JH		
Proposal	Side and rear roof extension		
Applicant	Mr Ian Jolley 21 Belvoir Road Cambridge Cambridgeshire CB4 1JH		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development addresses the reasons for refusal of earlier planning applications and appeal decisions; 2. The proposed alterations to remove the extension over the projecting rear wing considerably reduce the scale and massing of the 'as built' development. Taking the decisions of the Inspectors as important material considerations the proposal must be accepted as not having a harmful impact on the character and appearance of the Conservation Area. The proposal is therefore compliant with East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11; and 3. The proposed alterations to remove the extension over the projecting rear wing considerably reduce the scale and massing of the 'as built' development. Taking the decisions of the Inspectors as important
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	material considerations the proposal must be accepted as not having a harmful impact on the amenity of neighbouring residents and the enjoyment of their properties. The proposal is therefore compliant with Cambridge Local Plan 2006 policies 3/4 and 3/14.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 21 Belvoir Road is located on the west side of the street, about 30 metres south of the junction with Aylestone Road. It is the southern half of a pair of semi-detached bungalows, which when built each had an L-shaped footprint, combining to form a U-shape; the main roof of the pair has a ridge parallel with Belvoir Road and was high enough to allow some accommodation in the roof and was hipped at the ends, with lower ridges at 90 degrees to the main ridge, projecting down the gardens over the rear 'wings'.
- 1.2 At some time both properties have introduced small additions (not as deep as the rear 'wing') to the centre of the 'U'. No 21 has had a flat roof, timber-clad, 'garden room' built a short distance back from the rear wing.
- 1.3 In late 2008 works were commenced to the roof of 21 Belvoir Road. The works comprised a change to the main roof involving the introduction of a gable to the southern end instead of a hip, and behind the newly extended main ridge a substantial 'box' dormer projecting out from just below the ridge; it is 6 metres wide (from the new gable to the chimney), 3.6 metres deep and stands 3.0 up from a point about 300 mm above the eaves. A further addition was made above the rear wing, projecting a further 3.2m out from the back of the box dormer already referred to (7.0 metres in all from the ridge) at the same height as the 'box dormer' with a lean-to over the last 1.4m of the 'wing'. Tiles have been used on the front of the hip to gable element and the box dormers are finished in painted timber. To the rear a casement window is shown in the study/bedroom and French doors and a 'juliet' balcony have been introduced to the bedroom. These works do not have the benefit of planning

permission, having been refused and the subsequent appeals dismissed (see Section 3 below).

- 1.4 The site falls within the De Freville Conservation Area, an area dominated by late 19th and early 20th century houses but with small pockets of more recent development, including the appeal premises.

2.0 THE PROPOSAL

- 2.1 The proposal as submitted seeks retrospective planning permission for the roof extension and alterations to the 'as built' structure in the following manner:

- To remove the roof extension that projects over the original single storey rear wing of the property, save for a 400 mm nib that allows the airing cupboard and toilet to remain. This extension is 3.2 m in length and of the same height as the main box dormer; and
- The removal of this extension would allow the applicant to restore the roof of the former single storey rear extension to a dual pitched roof with hipped north elevation. The eaves of the restored single storey rear extension would match the existing and the ridge would be no more than 4 m in height.

- 2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans

- 2.3 The application has been brought before North Area Committee because in the opinion of Officers there is a complicated history to the site that North Area Committee have participated in through previous planning application decisions.

3.0 SITE HISTORY

Reference	Description	Outcome
08/0625/FUL	Addition of new first floor accommodation. Rooms in new roof with dormers to side and rear.	Refused
09/0798/FUL	Loft conversion with roof extension	Withdrawn
09/1089/FUL	Loft conversion with roof extension (retrospective)	Refused Appeal dismissed
11/0405/FUL	Proposed alterations to reduce bulk of existing loft rooms.	Refused Appeal dismissed
12/0322/FUL	To reduce height of dormer.	Refused

3.1 Copies of the Planning Inspector appeal decisions can be found attached at Appendix 1 of this report.

3.2 The most recent reason for refusal relating to 12/0322/FUL was as follows;

The rear additions to the roof are of a size and scale that do not reflect or successfully contrast with the form or materials of the existing building. Their size and height, particularly the length and height of the rear projection over the original rear 'wing' and the discord is unacceptable. The additions proposed are intrusive and have a harmful, overbearing and dominating affect upon No.19 which will cause the occupants of that property to suffer a sense of enclosure that will unduly detract from and be harmful to the level of amenity they should reasonably expect to enjoy. For these reasons the proposal is contrary to Cambridge Local Plan 2006 policy 3/14. It follows that the proposal has failed to respond to its context or to draw inspiration from key characteristics of the surroundings and is therefore also contrary to East of England Plan (2008) policy ENV7 and Cambridge Local Plan 2006 policy 3/4.

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV6 ENV7
Cambridge Local Plan 2006	3/4 3/14 4/11

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u>

	Roof Extensions Design Guide
	<u>Area Guidelines:</u> Conservation Area Appraisal: De Freville

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No comment.

Historic Environment Manager

6.2 Due to the size of the box dormer window and the use of timber cladding, this application is not supported as it is detrimental to the character and interest of the conservation area and does not conform to policy 4/11.

6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations in support of the application:

- 1 Aylestone Road
- 14 Highfield Avenue
- 20 Belvoir Road
- 24 Belvoir Road
- 27 Belvoir Road
- 36 Belvoir Road

7.2 The representations can be summarised as follows:

- Fully supportive of the proposals; and
- The extension is not visible from the street.

7.3 The owners/occupiers of the following addresses have made representations in objection to the application:

- 19 Belvoir Road
- 23 Belvoir Road
- 34 Belvoir Road
- Pear Tree Cottage, Hutton Magna, County Durham.

7.4 The representations can be summarised as follows:

- Although an improvement on previous proposals the remaining extension, particularly at first floor level will overlook the gardens of neighbours at No's 19 and 23;
- Overbearing nature caused by the extension;
- The materials used and the their colour are deeply unsympathetic to the environment of the conservation area;
- Harassment to neighbouring properties; and
- The building is too high and provides overshadowing to No.23.

7.5 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 The site is in the Conservation Area and the development has been undertaken without the benefit of planning permission; there have been four retrospective planning applications which were refused and two of these decisions have subsequently been appealed and dismissed by Planning Inspectors. Notwithstanding that background, this further application needs to be properly assessed; the current application proposes to remove the projecting extension that sits above the existing single storey rear extension. The most recent Planning Inspector came to the view that there were two main issues:

- (i) the effect of the development upon the character and appearance of the De Freville Conservation Area; and
- (ii) the effect upon residential amenity of the occupiers of nearby dwellings owing to overlooking and loss of privacy or the creation of an overbearing effect.

- 8.2 As the application proposal is relatively little different from that previously considered, I consider those are the still the main issues to consider.

Design, Context and the effect of the development on the character and appearance of the De Freville Conservation Area

- 8.3 As built, the design of the retrospective roof extensions are cumbersome and heavy handed. The very square form of what is built and the materials are such that I have some sympathy with the comment that its appearance is not unlike a container. From neighbouring gardens, particularly No.19, the 'as built' rear additions appear disproportionate and intrusive, overwhelming the rear roof of the dwelling and not reflecting or successfully contrasting with the existing form.
- 8.4 The proposal to remove the extension over the single storey rear wing save for a nib of 400 mm is considered to be appropriate. This will allow for the dormer window to be contained within the rear roof slope of the property, where it has been set in from the northern elevation, adjacent to No.19 and the existing eaves of the property. This would allow for the roof of the single storey rear projection to be restored to its original form as a dual pitched roof with a hipped end.
- 8.5 The Conservation Officer acknowledges that the removal of this rear projection greatly reduces the bulk of the extension, improving the existing situation. However, the proposal still retains a large dormer window that goes up to the ridge and appears as a second storey and not acting as a subservient extension.
- 8.6 However, in the appeal decision dated 23 November 2010, the Planning Inspector, when coming to his decision recognised that there are a number of dormers in the rear roofs of houses which are visible in the local street scene and that they were part of the character of the Conservation Area when it was designated in 2009. It was accepted that the upper part of the rear dormer at No.21 as built was clearly visible from Aylestone Road, but he took the view that it was not intrusive and that the proposal had no harmful impact upon the character and appearance of the Conservation Area, which, he stated, could be preserved.

- 8.7 In the second appeal decision dated 24th August 2011, the Planning Inspector shared this view and considered that beyond the neighbouring gardens, views were limited, and when viewed against the backdrop of the wall of No.23 Belvoir Road, the character and appearance of the Conservation Area would be preserved.
- 8.8 In my view the proposed removal of the projecting extension has improved the setting of the extension as the 3.2 m extension is the element which can be seen most predominantly from Aylestone Road. With this section removed and the extension confined to the main roof slope, I believe that the harm upon the Conservation Area is reduced further.
- 8.9 In the Inspectors decision of 23 November 2010, he considered that the green painted cladding did not draw attention to itself...when seen against the side wall of...23 and had no material impact when glimpsed through the gap on the frontage in Belvoir Road. I am also in agreement with this view. Although the chosen material is not of exceptional quality, and the Conservation Officer would prefer to see it clad in lead or slate, I consider that a recommendation of refusal on this basis could not be justified.
- 8.10 Therefore, I am of the view that the proposed alterations to remove the extension over the projecting rear wing considerably reduce the scale and massing of the 'as built' development. It will now allow views back towards the brick north elevation of No.23 and the roof extension would then be contained within the main roof slope of the property. Given this view and taking the decisions of the Inspectors as important material considerations, it is my opinion that the proposal must be accepted as not having a harmful impact on the character and appearance of the Conservation Area. The proposal is therefore compliant with East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11.

Effect upon residential amenity of the occupiers of nearby dwellings owing to overlooking and loss of privacy or the creation of an overbearing effect

8.11 In the previous applications, small amendments were made that provided minimal improvements on the living conditions of neighbouring properties. As such, both Officers and Planning Inspectors considered that the proposed development was harmful to the neighbouring occupiers.

Overlooking and loss of privacy

8.12 Neighbours have raised objection to the continued presence of full height French doors and Juliet balcony, which serve the main bedroom. It is argued that the presence of such a feature does result in a loss of privacy to the attached neighbour, No.19 and has affected their ability to use the garden in the manner, which they desire. Prior to the construction of the development, unlike No.19, there were no windows in the roof of No.21.

8.13 Although Officers recommended refusal of an earlier application to North Area Committee, who upheld the decision, partly on the basis of overlooking, the Planning Inspector in his decision of 23 November 2010 concluded that the degree of overlooking was not significant enough to amount to a reason for refusal of planning permission.

8.14 The Inspector considered that the affect of these windows would be mitigated by the presence of net curtains. However, such a request cannot be imposed and when the doors are open as they were through the summer, net curtains have little mitigation effect. In saying this, the Inspector continued to state that as the doors relate to a bedroom, the number of occasions when overlooking might occur would be limited. Such overlooking is commonplace at the rear of two storey houses and these predominate in the area. There is a dormer window to No.17, which is to the north of No.19 that overlooks the garden and the development to No.21 does not provide views over any area of the garden that is not already overlooked by No.17. Therefore, taking the Inspectors decisions as material considerations and coming to my own view, I do not consider that there is an unacceptable impact created by the presence of French doors upon the amenity of No.19 Belvoir Road.

8.15 With the removal of the projecting extension along the boundary with No.23, there may be the argument that this improves visibility towards No.23. Taking a 45 degree sight line from the centre of the French doors means that views towards No.23 are

likely to be obstructed by the existing conservatory and will not result in a loss of privacy to either the house, via the velux window in the single storey extension to No.23 or the garden of No.23, especially given the distances involved.

Overbearing

- 8.16 In previous decisions the reason for refusal referred to additions having a harmful, overbearing and dominant impact on No.19, thereby causing the occupants of that property to suffer a sense of enclosure.
- 8.17 Referring back to the Inspectors decision of 23 November 2010, it acknowledges that the impact of the projecting extension although closer to No.23 has a greater impact on No.19, a view that the Council concurs with. This element is stark in appearance and in the view of the Conservation Officer very angular. In the comments made by the Conservation Officer relating to 09/1089/FUL it is suggested that in order for the development to be less imposing it should be reduced to a full width box dormer and the extension over the rear extension removed. The Inspector goes on to say that the size of the rear projection is particularly intrusive and has a harmful overbearing impact on No.19. The second appeal decision concurred with this view.
- 8.18 As such, in response to the Inspectors decisions and the Council's the applicant now seeks to remove the projecting extension, save for a 400 mm nib and to restore the roof of the single storey extension. I consider that this proposal addresses the reasons that have previously been cited for refusal and that by removing this projecting wing it also removes the overbearing and dominant impact to No.19. This would result in the extension within the main roof providing a more comfortable relationship with the attached bungalow and could not be considered as overbearing or dominant in the proposed form.
- 8.19 For these reasons, I consider that the proposal overcomes previous reasons for refusal and no longer harms the amenity of the neighbouring property to such an extent as to justify a recommendation of refusal for this application. Taking the decisions of the Inspectors as important material considerations, it is my opinion that the proposal must be accepted as not having a harmful impact on the amenity of

neighbouring residents. The proposal is therefore compliant with Cambridge Local Plan 2006 policies 3/4 and 3/14.

Third Party Representations

8.20 I appreciate the frustration of neighbours but the planning application and any Enforcement proceedings are independent of one another, although they are two processes that are running in parallel with one another.

9.0 CONCLUSION

9.1 I consider that the proposal has amended the development in such a way as to address the previous reasons for refusal. The removal of the projecting roof extension has removed the overbearing and dominant element of the development and I do not consider that the presence of a full height French door significantly harms the amenity of the attached neighbour, 19 Belvoir Road.

10.0 **RECOMMENDATION: APPROVAL** subject to the following conditions:

PLEASE NOTE in connection with the current enforcement notice:

North Area Committee gave delegated authority for officers to take action on behalf of the Council in respect of the failure to comply with the requirements of the Enforcement Notice on 24th November 2011. This has led to current prosecution proceedings, which are on-going.

If Members are minded to approve the planning application then the approval will partially over-ride the existing enforcement notice. This is because the development as built and presently in situ exceeds the amount of development that would be permitted if the application is approved. In order to comply with planning control, the roof extension over the original single storey rear wing of the property would need to be removed and the roof restored. The existing roof extension within the rear roof slope, including the 400 mm nib would be approved by this application if Members are minded to agree with the Officer recommendation. Only compliance with the dimensions of this application and restoration of the rest of the roof to its original condition would eliminate the breach.

The authority that was agreed on 24th November 2011 will remain in force until such time as all the remaining breaches of planning control have been eliminated.

However, if this permission is granted and implemented (including restoration of the roof to its original condition), then the requirements of the Enforcement Notice may be mitigated once the works are complete.

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV6 and ENV7

Cambridge Local Plan (2006): 3/4,3/14,4/11

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are □background papers□ for each report on a planning application:

1. The planning application and plans;

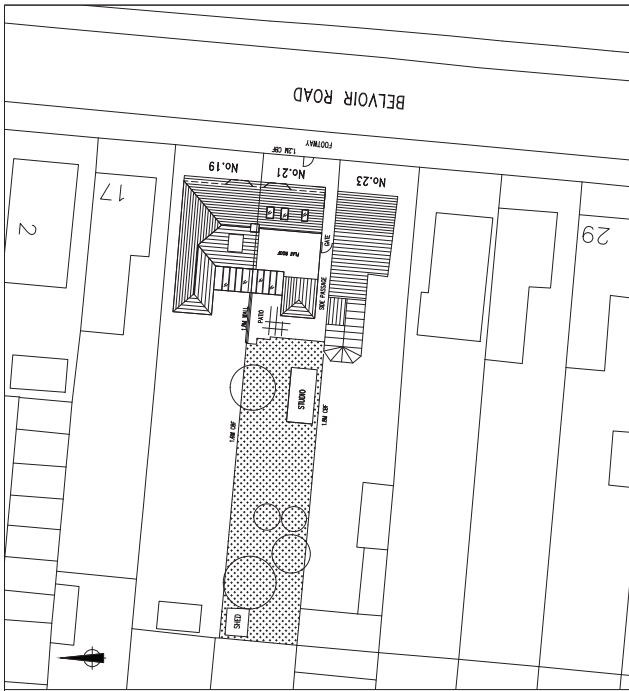
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses 『 exempt or confidential information 』
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:
www.cambridge.gov.uk/planningpublicaccess
or by visiting the Customer Service Centre at Mandela House.

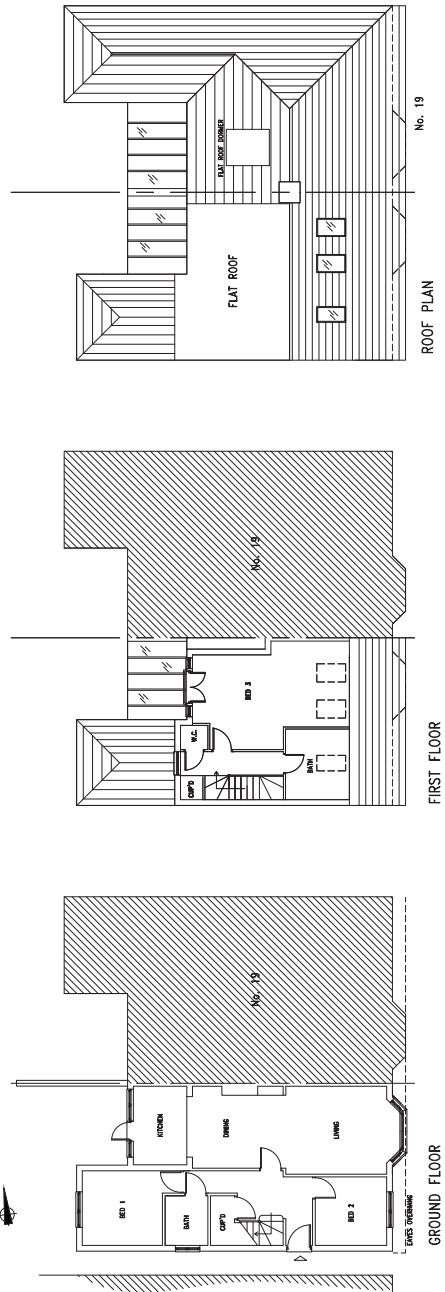


LOCATION PLAN 1:250 @ A4

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SITE PLAN 1:250

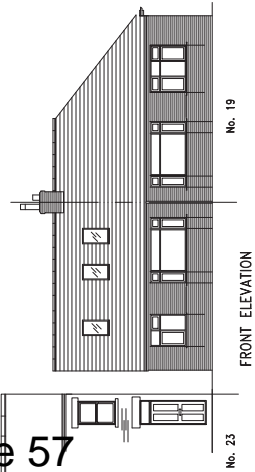


ROOF PLAN

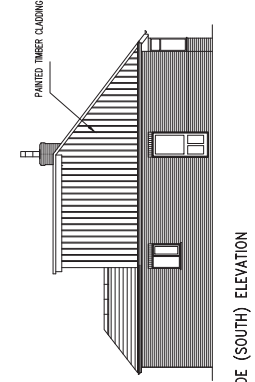
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FIRST FLOOR

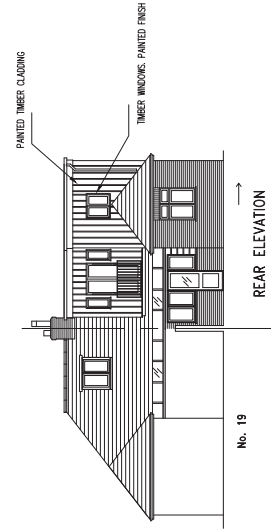
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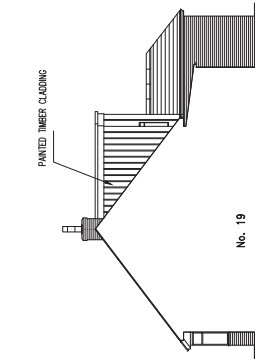
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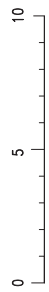
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REAR ELEVATION



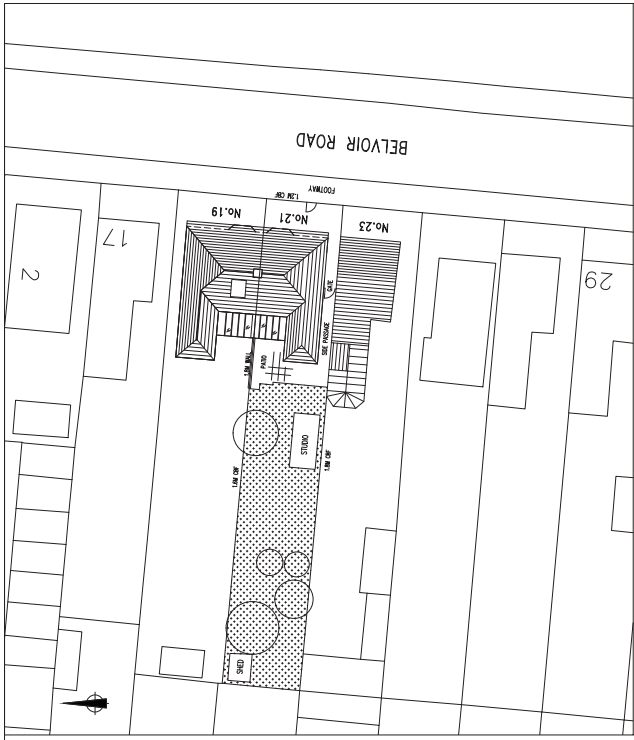
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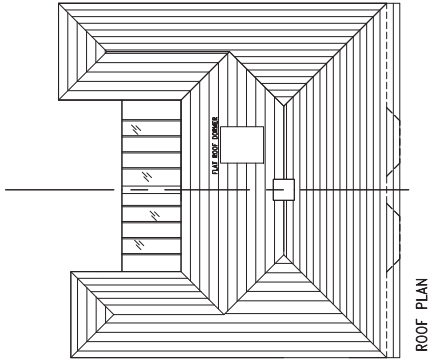
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PROJECT	SIDE & REAR ROOF EXTENSION 21 BELVOIR ROAD, CAMBRIDGE
TITLE	AS PROPOSED
DRAWING STATUS	PLANNING
DRAWN	NP
CHECKED	
SCALE	1:100 @ A1
DATE	
THE GALLERY 94 KING ST CAMBRIDGE CB1 1LN T: 01223 341803 F: 01223 341808 e: info@thegallery.co.uk www.thegallery.co.uk	
JOB NO.	052
DRAWING NUMBER	P-03
REV	

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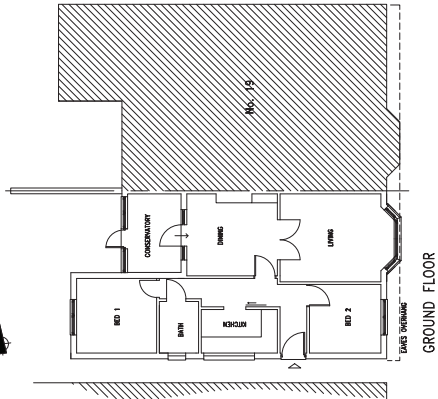
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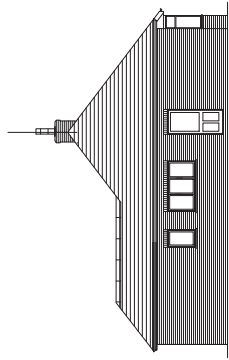
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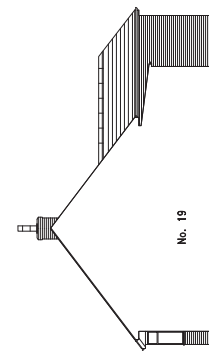
ROOF PLAN



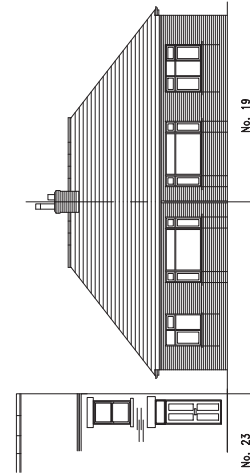
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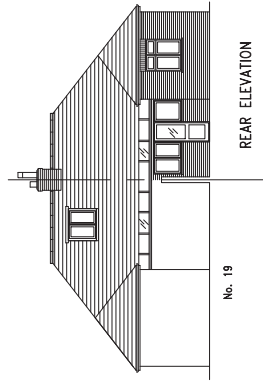
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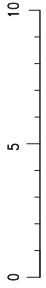
SIDE (NORTH) ELEVATION



FRONT ELEVATION



REAR ELEVATION



CLIENT	MR. IAN JOLLEY
PROJECT	SIDE & REAR ROOF EXTENSION 21 BELVOIR ROAD, CAMBRIDGE
TITLE	AS EXISTING IN 2008
DRAWING STATUS	PLANNING
DRAWN	NP
CHECKED	
SCALE	1:100 @ A1
DATE	
JOB NO.	052
DRAWING NUMBER	P-01
REV	

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Appeal Decisions

Site visit made on 3 November 2010

by **David Harrison BA DiPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2010

Appeal Refs: APP/Q0505/C/10/2121824 & 2121825 21 Belvoir Road, Cambridge CB4 1JH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Ian George Michael Jolley and Ms Katrina Julie Petrie-Symes against an enforcement notice issued by Cambridge City Council.
- The Council's reference is P558/332. The notice was issued on 4 January 2010.
- The breach of planning control as alleged in the notice is without planning permission, the carrying out of operational development, namely the erection of a full width roof dormer on the rear and side of the property.
- The requirements of the notice are to remove the roof extension and reinstate the roof to its original condition.
- The period for compliance with the requirements is six months.
- The appeals are proceeding on the grounds set out in section 174(2) [a] [c] [f] and [g] of the Town and Country Planning Act 1990 as amended.

Decision

1. I dismiss the appeals and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matters

2. I requested the submission of copies of the plans illustrating the proposed roof extension that were shown to the Council in October 2008. Copies of Drawing Nos. C.100.1A and C.100.2 both dated September 2008 were produced at the site visit.

Background

3. The plans shown to the Council in Oct 2008 indicate a "hip to gable" roof extension with a flat roofed dormer at the rear approximately 0.8 m lower than the ridge of the semi-detached bungalow, and French windows allowing access to a balcony. A note on Plan C.100.1A states "timber cladding to dormers". The Council advised that if the balcony element of the design were removed, the rest of the development would be permitted under Class B.1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, (GPDO).
4. Drawing Nos. D.100.1 and D.100.2 dated August 2009 show the roof alterations that were actually carried out and were submitted with a retrospective planning application to retain the structure. This application was refused, and this is the development which the enforcement notice requires to be removed.

The appeals on Ground (c)

5. For the appeals on ground (c) to succeed the appellants need to demonstrate that there has been no breach of planning control. Advice relating to the types of development which may be carried out without the need for planning permission are set out in the amended version of the GPDO which came into effect on 1 October 2008. Class B allows *The enlargement of a dwellinghouse consisting of an addition or alteration to its roof* but paragraph B.1
- Development not permitted* sets limitations on what is permitted. B.1 (c) (ii) sets a limit of 50 cubic metres and B.1 (d) (i) excludes a veranda, balcony or raised platform. B.1 (e) requires that the dwellinghouse is not on article 1(5) land, which includes land within a conservation area. The De Freville Conservation Area was designated in March 2009 and includes the appeal property.
6. Paragraph B.2 *Conditions* stipulates that (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
7. The work commenced before the designation of the conservation area but it did not proceed in accordance with the plans shown to the Council in October 2008. It is agreed by both parties that the original plans showed an extension of 50 cubic metres and at one stage both parties agreed that the as built extension was 53 cubic metres. The appellant's agent subsequently maintained in his final comments that it was 51 cubic metres. I have not done any calculations of my own, but rely on the agreement between the parties that it is in excess of 50 cubic metres. There is therefore a conflict with criterion B.1 (c) (ii) of the GPDO.
8. Although the point was not raised in October 2008¹ the Council argues that there is also conflict with condition B.2 (a) which requires the use of materials of "similar appearance". I agree. The green painted timber is not "similar" to the red clay tiles or the buff brick of the original bungalow.
9. Before the designation of the conservation area the addition to the roof failed to qualify as permitted development on two counts. Since designation there is also clearly a conflict with B.1 (e). The appellant maintains that as the development commenced before the designation of the conservation area the "non conservation area permitted development rights" should be "preserved" until completion. Even if I were to adopt this approach there would still be a conflict with the requirements of Class B with regard to the volume of the development (albeit marginal) and the materials used.
10. The roof extension does not constitute permitted development under Class B and there has been a breach of planning control. The appeals on ground (c) therefore fail.

The appeals on Ground (a) : The deemed planning application

11. The deemed application is to retain the roof extension as built. There has been a change in the roof shape from hipped to gable end, with a dormer to the rear. The part of the dormer nearest to the other half of the semi-detached bungalow, No.19, is set into the original rear roof slope of the bungalow and has a French window. The part nearest to No.23 projects further outwards over a single storey extension to the rear of the bungalow.

¹ A note on Plan C.100.1A states "timber cladding to dormers".

18. The effect is particularly dominating because the flat roof is level with the ridge of the bungalow and the flank wall of the part of the dormer that projects out over the single storey rear extension and which faces towards No.19 is stark in appearance. The Council's Historic Environment Manager describes the design of the development as "very angular making the extensions look as though they have been plonked onto the roof and extension of the bungalow". It is suggested that in order for it to be less imposing it should be reduced to a "full box dormer on the rear of the property, and that the extension over the rear extension is removed". It seems to me that the size of this rear projection is particularly intrusive and has a harmful overbearing effect upon No.19. For this reason I find the development unacceptable, and in conflict with the aims of Policy 3/14 *Extending Buildings* of the Cambridge Local Plan (1996) which requires an extension to, among other things,(b) not unreasonably overlook, overshadow or visually dominate neighbouring properties.

The "fall back position", and the weight to be given to PPG18.

19. I have carefully considered the appellant's argument that if the development cannot be retained in its entirety an opportunity should be allowed to modify the dormer by slightly reducing its volume so that it complies with the permitted development rights available when work began prior to the designation of the conservation area. Paragraph 18 of PPG18 refers to unauthorised development by private householders and concludes that LPAs should not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by the GPDO. However, the significance of a "fall back position" is that it is an actual rather than a theoretical alternative, and in this case if the roof extension was to be removed as required by the notice, it could not be replaced by any other form of roof extension using permitted development rights under Class B as they are all removed by paragraph B.1(e). I reach this conclusion even though the aim of paragraph B.1(e) is to allow the opportunity to control development which could harm the character or appearance of a conservation area, and in this case I have concluded that there is no such harm. The fact remains that there is no "fall back position" in terms of permitted development rights.

Conclusion on the ground (a) appeals

20. My conclusion is that the development which is the subject of the deemed planning application has a harmful overbearing effect upon the amenities of the adjoining semi-detached bungalow and notwithstanding the "fall back position" and the advice in PPG18, planning permission to retain the development should be refused. The appeals on ground (a) therefore fail.

The appeals on Ground (f)

21. For the appeals on ground (f) to succeed the appellants need to demonstrate that the steps required to comply with the requirements of the notice are excessive, and that lesser steps would overcome the objections. Appellants are encouraged to state how they think the wording of the requirements should be varied. The appellants have repeated some of the arguments in favour of allowing the roof extension to be retained and suggest that at most the requirement should be to reduce it to a size that would have qualified as "permitted development" at the time the work commenced. However, these arguments have already been addressed, and no specific alternative requirements are suggested.

Main issues

12. The main issues are (i) the effect of the development upon the character and appearance of the De Freville Conservation Area, (ii) the effect upon residential amenity of the occupiers of nearby dwellings owing to overlooking and loss of privacy or the creation of an overbearing effect, and (iii) the weight to be given to the "fallback position" and the advice in PPG 18 *Enforcing Planning Control*.

The effect upon the character and appearance of the conservation area

13. The area comprises mainly late 19th and early 20th century houses with small areas of more recent development, including the appeal premises.

14. There are a number of dormers in the rear roofs of houses which are visible in the local street scene. The appellants maintain that these dormers were part of the character of the conservation area when it was designated in 2009, and I accept this. The upper part of the rear dormer at No.21 is clearly visible from Aylestone Road above the fences and garden vegetation but it is not intrusive. The green colour of the vertical timber boarding does not draw attention to itself, and it is seen against the side wall of the two storey house beyond, No.23, which rises above it. The green painted cladding of the new gable end can be glimpsed from Belvoir Street through the narrow gap between No.21 and No.23 but it has no material impact in my view. Apart from these glimpses of the dormer, views of the development are limited to those obtainable from the rear gardens of the adjoining houses, and I will consider this later. I think the unauthorised development has no harmful impact upon the character and appearance of the conservation area, which can be said to be preserved.

Residential amenity

15. The Council's *Roof Extension Design Guide* has a paragraph relating to development on rear roof slopes which are only visible from other gardens. According to the guide these still matter, since they may have an impact on the amenity of neighbouring houses. However, in these circumstances a more flexible approach may be acceptable and there may be situations in which extensions to the rear roof slope of a less conventional style are appropriate.

Overlooking and loss of privacy

16. I saw that both the windows in the dormer overlook the garden of the adjoining semi-detached bungalow, No.19, and to a lesser extent the adjacent detached two-storey house No.23. The effect is accentuated by the full depth glazing of the French windows nearest to No.19 but also mitigated by the presence of net curtains. However, these are both bedroom windows and the number of occasions when overlooking might occur are limited. Such overlooking is commonplace at the rear of two storey houses and these predominate in the area; the bungalows are an anomaly. The degree of overlooking is not significant enough to amount to a reason for refusing planning permission.

Overbearing effect

17. The roof extension can be seen from the rear garden of No.23, but it is not particularly intrusive. It is also visible through the rooflight in the single storey part of the rear of No.23 but I do not attach any particular significance to this. The dormer is much more intrusive when seen from the rear garden of No.19, the adjoining semi-detached bungalow. Although the "longer" section is nearer No.23, the impact is greater at No.19.

22. Although I have concluded as part of the ground (a) appeals that some form of rear roof extension could be acceptable, there is no specific alternative scheme or set of plans that could be referred to in any alternative wording of the requirements of the notice. The appeals on ground (f) therefore fail.

The appeals on Ground (g)

23. The appellants argue that a 12 month compliance period is necessary as they are living in the property and it would be difficult to organise the demolition work within the 6 months required by the notice. In the light of my decision on the ground (a) appeals, time may be needed for the preparation and consideration of an alternative scheme, before any demolition and/or modification work can be carried out. I propose to increase the compliance period to 9 months and to this extent the appeals on ground (g) therefore succeed.

David Harrison

Inspector



Appeal Decision

Site visit made on 16 August 2011

by Hilary Lock BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 August 2011

Appeal Ref: APP/Q0505/D/11/2156579

21 Belvoir Road, Cambridge, Cambridgeshire, CB4 1JH

- 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 Ian Jolley against the decision of Cambridge City Council.
 - The application Ref 11/0405/FUL, dated 28 March 2011, was refused by notice dated 24 June 2011.
 - The development is described as 'proposed alterations to reduce bulk of existing loft rooms'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of the development, the extension of the hipped roof to gable and the 'L'-shaped rear dormer, as constructed, do not benefit from planning permission. The development the subject of this appeal therefore comprises these existing additions to the property with the proposed alterations shown on the submitted plans.

Main Issues

3. The main issues are the effect of the extension on (1) the appearance of the appeal building and the wider De Freville Conservation Area; and (2) the living conditions of neighbouring residents, with particular reference to outlook.

Reasons

Appearance

4. The appeal property is a semi-detached dwelling with rooms in the roofspace, located in a road of primarily two-storey period houses. As noted above, the dormer window and other roof alterations form part of the appeal proposals. The attached property retains the original hipped roof, and has a rear dormer window.
 5. An appeal to retain the roof extensions as constructed was dismissed under refs. APP/Q0505/C/10/2121824 & 2121825. In dismissing the appeal, the Inspector concluded that some form of rear roof extension could be acceptable, and that the unauthorised development has no harmful impact upon the
-

character and appearance of the conservation area. However, the proposals the subject of this appeal would introduce an awkward design, with a part-chamfered and part-flat roof that would be discordant in relation to the main dwelling. Although it is proposed to use matching reclaimed tiles on the slope and the side elevation of the deepest part of the dormer, the mix of tiling and green painted timber to this elevation would exacerbate the disharmony.

6. Whilst I acknowledge the reasons for dismissing the previous appeal, this proposal introduces matters of detailed design which did not arise in the previous scheme, and these conflict with the aims of Policy ENV7 of the East of England Plan (EEP) and Policies 3/4 and 3/14 of the Cambridge Local Plan 2006 (LP), through the failure to reflect or successfully contrast with the form, materials and architectural detailing of the main dwelling. Moreover, the proposals would not accord with national policy set out in Planning Policy Statement 1, *Delivering Sustainable Development* (PPS1), which advises that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted.
7. There is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. Although I conclude that the proposed design would be unacceptable in relation to the main dwelling, on balance, glimpses of the extension beyond neighbouring gardens would be limited, and when viewed against the backdrop of the wall of 23 Belvoir Road the character and appearance of the conservation area would be preserved.
8. I conclude that the proposed development would be harmful to the appearance of the appeal building, and would conflict with the aims of PPS1, EEP Policy ENV7 and LP Policies 3/4 and 3/14.

Living Conditions

9. In determining the previous appeal, the Inspector noted that the development was dominating, and that the size of the rear projection was particularly intrusive, causing a harmful overbearing effect upon the occupants of No.19. The change in materials to part of the side elevation and the incorporation of a partly pitched roof would not materially reduce its scale, bulk and visual impact. Due to the depth of the projecting section over the single-storey wing, it would remain an unacceptably overbearing addition that would be harmful to the living conditions of occupants of No.19.
10. For this reason, I conclude that the proposal would conflict with the aims of LP Policy 3/14b, in that it would visually dominate the outlook from that property.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, including the impact on other neighbouring residents, I conclude that the appeal should be dismissed.

Hilary Lock

INSPECTOR

Agenda Item 4c

NORTH AREA COMMITTEE

22ND NOVEMBER 2012

Application Number	12/1041/FUL	Agenda Item	
Date Received	11th August 2012	Officer	Miss Sophie Pain
Target Date	6th October 2012		
Ward	West Chesterton		
Site	3 Victoria Road Cambridge CB4 3BW		
Proposal	Erection of a dwelling (following demolition of existing dwelling).		
Applicant	Mr Peter Shenton 3 Victoria Road Cambridge CB4 3BW		

SUMMARY	The development accords with the Development Plan for the following reasons: <ul style="list-style-type: none"><input type="checkbox"/> The proposed development is to replace an existing residential property with the same number of bedrooms, which is in accordance with national and local policy;<input type="checkbox"/> The proposed development is sympathetic to the character and appearance of the Conservation Area in accordance with policy 4/11 of the Cambridge Local Plan 2006;<input type="checkbox"/> Providing that conditions are imposed to protect the amenity of neighbouring properties, the development is in accordance with policies 3/14 and 4/13 of the Cambridge Local Plan 2006.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site presently comprises a two storey Victorian terrace property, which has had a later single storey extension added which accommodates a garden room. At the southern end of the site is a garage, which is accessed from Croft Holme Lane. Both the neighbouring properties are taller than No.3, with no.5 rising to 3 storeys. Opposite the site is 'Victoria Homes' which is a sheltered housing scheme with a warden for the fail and the elderly. The properties are terraced bungalows, which date back to the early 1900's.
- 1.2 The site is located close to the junction of Victoria Road and Croft Holme Lane, which forms the western boundary of Mitcham's Corner. The area is largely residential in character containing a mixture of terraced and semi-detached properties although there are some ground floor retail units further west and north west of the subject property.
- 1.3 The site lies within the Victoria Road and Castle Conservation Area (2012).

2.0 THE PROPOSAL

- 2.1 The applicant seeks planning permission to demolish the existing property and rebuild a three-storey house, including the excavation of a basement, which accommodates a gym and home cinema. The proposed property has three bedrooms, which extend up into the roof. The design of the property has two roof terraces at first and second floor.
- 2.2 Amended plans have been sought that amend the fenestration of the front and rear elevations in alignment with comments received from the Conservation Officer. The Officer recommendation has been made in accordance with the amended plans.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
12/1280/CAC	Demolition of existing 2 storey single dwelling.	Pending
10/1163/FUL	Erection of a dwelling (following demolition of existing dwelling).	Refused and appeal dismissed
09/0913/FUL	Replacement of existing dwelling house with a new three storey house (following demolition of existing residential building).	Withdrawn
04/1179/FUL	Single storey rear extension and a loft extension to existing dwelling house	Permitted
C/93/0838	Conversion of loft with dormer window to rear, erection of garage and rebuilding of conservatory.	Permitted

3.1 The decision notice for the previously refused application 10/1163/FUL is attached to this report as Appendix 1.

3.2 The decision of the Planning Inspector in the appeal on the previous application 10/1163/FUL is attached to this report as Appendix 2.

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1, H1 T2 T9 T14 ENV6 ENV7 WM6
Cambridge Local Plan 2006	3/1 3/4 3/7 3/12 4/10 4/11 4/13 4/14 5/1 8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments Air Quality in Cambridge – Developers Guide
	<u>Area Guidelines:</u> Conservation Area Appraisal: Victoria Road and Castle

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Prior to development, the applicant must provide details of the proposed basement structure to the Highway Authority, and demonstrate compliance with the Highway Authorities requirements for structures supporting the public highway.

The future occupants will not qualify for Resident's Parking Permits in the existing scheme and this will be brought to the applicants attention through an informative.

Historic Environment Manager

First Response 28th September 2012:

- 6.2 Alterations need to be made to the fenestration of the front and rear elevations. As proposed, the development would be detrimental to the character and appearance of the Conservation Area.

Second Response 17th October 2012:

The amended plans have addressed the issues raised regarding the design of the elevations of the building. The proposed building is now of similar character to the existing and is therefore supported as it will not be detrimental to the character and appearance of the Conservation Area.

Head of Environmental Services

- 6.3 Given that the proposed development is within an air quality management area, conditions should be imposed to protect the future amenity of the occupiers. Other conditions have also been recommended in order to protect the amenity of neighbouring occupiers during the construction process.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- 1 Victoria Road
- 5 Victoria Road
- 3 Croftholme Lane

7.2 The representations can be summarised as follows:

- Risk of structural damage to surrounding properties;
- The development would be of considerable length and would cause noise and disruption to neighbours;
- Increase security risk both at construction stage and from the design of the building;
- Loss of light to No.1 as the building will be higher than existing;
- Anticipation of a cinema/music room in basement would be difficult to insulate to ensure neighbours are not disturbed; and
- Use of green roofs as seating areas.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. The loss of the existing structure and the merit of its replacement
3. Context of site, design and external spaces and impact on the Conservation Area.
4. Residential amenity
5. Refuse Arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligations Strategy

Principle of development

- 8.2 The proposed development is to replace an existing residential property with a new residential property that has the same number of bedrooms. The provision of dwellings in sustainable locations is generally supported by central government advice contained in The National Planning Policy Framework (NPPF) 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.3 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with policy 5/1, Cambridge Local Plan 2006.

The loss of the existing structure and the merit of its replacement

- 8.4 The National Planning Policy Framework (2012) refers to heritage assets as a building, monument, site or area, which is identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. They are valued components of the historic environment and include assets identified by the local planning authority.
- 8.5 The National Planning Policy Framework (2012) goes on to state in paragraph 132 that the more important the asset, the greater the weight should be placed upon the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 8.6 The Design and Access Statement justifies the demolition of the existing building through the argument that the house requires a great deal of modernisation in order to accommodate them, as they get older. The building has been identified as a Building Important to the Character within the Castle and Victoria Road Conservation Area Appraisal. It is considered that the proposed replacement dwelling is of a design, which is

acceptable as it retains the character of the local area and retains the positive characteristics of the existing building in the proposed design.

- 8.7 Given the above, I consider that the justification provided complies with East of England Plan 2008, policies ENV6 and ENV7 and with policy 4/11 criterion of the Cambridge Local Plan 2006 and guidance within the National Planning Policy Framework 2012.

Context of site, design and external spaces and impact on the Conservation Area.

- 8.8 Since the previous application the site is now within a Conservation Area, which has a greater bearing on the appearance and design of the replacement property.
- 8.9 The southern side of Victoria Road is quite traditional in appearance with a mixture of Victorian terraced housing, interspersed with some three-storey townhouses. The site in question sits between a two-storey and three-storey property, on a road, which inclines towards the north. Victoria Road has a well-defined building line along the public highway, which has been respected in the proposed development.
- 8.10 The design of the proposed development has taken guidance from the local context and has introduced some rhythm to the building with the choice of windows and the introduction of stone cills and brick soldier courses to the front façade.
- 8.11 At present the ridge height of no.3 sits below that at no.1 by approximately 1.5 metres and below no.5 by 4.7 metres. The proposed design seeks to increase this ridge height by 2 metres, so that it sits no more than 0.5 metres above the ridge of no.1, but still remains below that at no.5 by 2.7 metres. This assists in providing some balance in the ridge level between no's 1 and 5 and creating a gradual step up between the three properties.
- 8.12 I consider that with the introduction of the amendments to the fenestration on the front elevation, the proposed street elevation of the property is acceptable and that it enhances the appearance of the road through the use of appropriate materials and detailing which I believe the existing property lacks.

- 8.13 The rear elevation of the proposed development will be relatively enclosed within the rear garden environment of the neighbouring properties. There may be some oblique views of the first and second floors through from the vehicular access off of Croft Holme Lane. However, the hierarchy of windows ensures that the openings are smaller towards the top of the property and if views do occur then I do not consider that the proposed contemporary design of the development would be detrimental to the character of the area.
- 8.14 Given the reasons discussed above, I consider that the proposal is compliant with East of England Plan 2008 policies ENV6 and ENV7 and Cambridge Local Plan Policies 3/4, 3/7, 3/12 and 4/11 and guidance provided within the National Planning Policy Framework (2012).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.15 I consider that the proposed dwelling has the potential to impact upon both 1 and 5 Victoria Road. Given the incline of the road towards the north, no.3 is located a little higher than no.1 and consideration needs to be given to this when assessing the impact of the additional proposed development.
- 8.16 At present the projecting two-storey wing and later single storey extension of no.3, create a boundary with no.1. The two-storey wing is at a height of 5.3 metres and projects beyond the rear elevation of no.1 by 2.6 metres. This then reduces to a single storey, which is 2.8 metres in height for a distance of 3.6 metres. Therefore, this creates quite a presence within the small courtyard garden of no.1, especially given the difference in ground levels between the two properties.
- 8.17 The previous reasons for refusal were that;
1. The proposed dwelling, by virtue of its scale, height, depth and its proximity to the common boundary with the neighbouring properties to the east, 1 Victoria Road, and west, 5 Victoria Road, will result in a loss of light within the rear gardens of their properties. The proposal therefore fails to respond to its context or to relate satisfactorily to its

surroundings. For these reasons the proposal is contrary to policy ENV7 of the East of England Plan 2008, policy 3/4 and 3/12 of the Cambridge Local Plan 2006 and to advice provided by Planning Policy Statement 1 - Delivering Sustainable Development (2005).

2. The proposed depth of the proposed dwelling will create a dominant eastern flank wall, which will form the boundary with 1 Victoria Road causing the occupiers to suffer an undue sense of enclosure, to the detriment of the level of amenity that they should reasonably expect to enjoy. The proposal therefore fails to respond to its context or to relate satisfactorily to its surroundings. For these reasons the proposal is contrary to policy ENV7 of the East of England Plan 2008, policy 3/4 and 3/12 of the Cambridge Local Plan 2006 and to advice provided by Planning Policy Statement 1 - Delivering Sustainable Development (2005).

8.18 The Planning Inspector was of the view that the proposed development would result in an increase in height and bulk of the dwelling on all floors, with the greatest increase in mass at the upper level. The proposed roof terraces with side screening would add further depth and height to each projection.

Overbearing

8.19 The proposed scheme seeks to increase the heights and depth of each floor of the property. The eastern profile of the proposal (adjacent to No.1), increases in height in a terracing effect beginning with a single storey extension, 3.4 m in height and 4.2 m in depth. As a result, the proposal seeks an additional 450 mm in depth and 500 mm in height when compared to the existing. This element of the proposal has not been altered from the previous application, but is considered to be acceptable as the increases are marginal and shall not materially harm the amenity of the neighbouring occupier to the east.

8.20 The proposed first floor extension has a depth and height that is no greater than the existing, which is considered to be acceptable. The previous application proposed a timber screen that projected for a further 1.5 m in depth. The view of Officers and the Inspector was that this feature introduced further bulk and scale to the east elevation, which was overbearing to the

neighbour. By removing this feature in the present application it is considered that the situation is no worse than existing and that the previous concerns have been addressed.

8.21 The largest difference between the previous application and the current application is the way that the new second floor extension is designed. Previously the design sought to introduce a new high level extension that sat on the common boundary with No.1 and projected in depth for 5.5 m beyond the rear elevation of No.1. This was considered to be unacceptable and this additional height would have resulted in an overbearing impact upon No.1 and a material loss of light to the courtyard garden. To overcome these concerns, the current design is much reduced. A 45 degree angle has been taken from the dormer window of No.1 at second floor height and this has assisted in forming the parameters of development to No.3. On the boundary with No.1 a new gable end is formed that projects no more than 700 mm beyond the rear elevation of No.1. A new extension is then formed on the west boundary with No.5, that projects for 2.75 m at a distance of 2 m from the common boundary with No.1. As such, I believe that the scale of this extension is less overbearing and does not enclose No.1 to such an extent as the previous application. The current proposal also improves the level of light that will reach the windows and courtyard of No.1 too. For this reason, I consider that the proposal has overcome previous reasons for refusal and shall not significantly harm the amenity of the neighbour to the east, 1 Victoria Road.

8.22 Turning to No.5, who is the neighbour on the western boundary. The previous application was refused in part because of the impact upon the occupants of No.5. This was because the development sought to project beyond the rear elevation of No.5 in a manner that was considered to be harmful to the occupants amenity. However, in order to overcome this, the current application has greatly reduced this impact. Like with No.1, the ground floor will be 450 mm longer and 500 mm higher than the existing, which is considered to be acceptable. The first floor does not seek a material alteration to the existing and at second floor, the development does not project any deeper than the eastern flank wall of No.5, ensuring that there is no overbearing impact. I am satisfied that this proposal has addressed previous concerns and will not harm the amenity of No.5 in such a way as to stop their enjoyment of their property.

Loss of privacy

- 8.23 The proposed development seeks to alter the fenestration of the property and to introduce a roof terrace to the first floor. At first floor it is proposed to incorporate French doors that will allow access to the roof terrace. However, in order to reduce the bulk and massing of the proposed development, the screening to east and west elevations has been removed. As such, to use this area as a roof terrace would have significant implications to both No.1 and No.5 in terms of overlooking of their properties. For this reason, an amendment has been sought to replace the French doors with a window and the outcome of this request shall be reported on the amendment sheet.
- 8.24 Given the presence of other properties who have second floor extensions and the very nature of this area, I do not consider that there is a significant loss of privacy from the introduction of a second floor extension to the property.

Other issues

- 8.25 In the representations, concerns about security and the construction process have been raised.
- 8.26 There are concerns that the introduction of roof terraces to the development will be a security risk to neighbours as it provides an easy means of jumping between properties. Policy 3/7 of the Cambridge Local Plan 2006 does require that new development is secure and does not pose a security risk. Although I have some sympathy with the neighbour, I do not consider that the reality of introducing roof terraces will significantly increase the risk of more burglaries as the rear gardens are well overlooked in this area.
- 8.27 The proposal does require significant engineering works in order to achieve the proposed design. The existing property is sandwiched between two properties, and to remove the existing building, create a basement level and then re-construct a two storey dwelling with loft extension will have a major impact upon neighbours. This is in terms of creating new foundations and piling procedures, the general noise of construction and the creation of dust for a period of at least 1 year, that are all going to impact upon the living conditions for the neighbours.

However, it is not the role of the local planning authority to prevent all forms of development that may result in some measure of pollution (vibration or noise), but rather to control the development in order to minimise this pollution. Conditions have been recommended for each of the above points, in order to mitigate against the potential harm to the amenity of neighbouring properties, arising from the pollution of development.

- 8.28 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.29 Given the location of the property on a busy road, which is located within an Air Quality Management Area (AQMA) a condition has been suggested by Environmental Health that a scheme is submitted which will protect future residents from exposure to high levels of air pollution and exhaust fumes. While I appreciate that all properties along Victoria Road are in the same circumstances, the opportunity provided by the redevelopment of this site, allows for improved ventilation in order to protect future occupants.

- 8.30 I consider that if the above condition is satisfied, that the proposal is acceptable as it has been designed so that the property can be easily adapted when the occupant requires a wheelchair. The proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.31 The application does not detail where the proposed bin storage will be facilitated. It is my understanding that the wheelie bins are presently located in the rear garden and are taken through the garage and along the vehicle access for collection on Croft Holme Lane. I consider that such an arrangement could still be retained as part of this proposal as none of the houses along this section of Victoria Road have access to the front of the

properties from the garden except through the house which would be unacceptable. I consider that as the site remains as one residential property with no intensification of use, it is unreasonable to apply a condition requiring details of the waste storage prior to occupation as the owners will continue to make arrangements for their waste collection in the manner that already exists.

- 8.32 In my opinion the proposal is compliant with East of England Plan 2008 policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.33 The proposed development does not endanger highway safety.
- 8.34 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.35 The Car Parking Standards (2006) allow a maximum of 2 spaces per dwelling over 2 bedrooms. Off-street car parking for 1 car is provided by way of a garage at the southern end of the site, which is accessed from a vehicular access off of Croft Holme Lane. This arrangement will not alter as a consequence of the proposed development and as the property is located close to a local centre and public transport routes, I consider that the provision of only one space is acceptable.
- 8.36 The proposed development is required to provide cycle parking for at least 3 cycles in accordance with the cycle parking requirements set out in the Cambridge Local Plan 2006. No details have been provided detailing the proposed cycle parking, however, given the presence of a garage and rear garden, I consider that an appropriate location can be achieved. However, I consider that as the site remains as one residential property with no intensification of use, it is unreasonable to apply a condition requiring details of the cycle storage prior to occupation as the owners will continue to make arrangements for storage of the bicycles in the manner that already exists.

8.37 In my opinion the proposal is compliant with East of England Plan 2008 policies T9 and T14 and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.38 I consider that I have addressed the representations regarding noise and sociable construction hours above. The former part of the objection related to the fact that they considered that their property would be vulnerable in terms of security and structurally when the demolition and re-building process occurred. I have suggested that if the application were approved, conditions could be imposed which would mitigate against this vulnerability, but that ultimately such concerns are a civil matter and would be addressed under the Party Wall Act 2004. As a result this issue cannot be considered as part of the planning application as no material consideration can be given to it.

Planning Obligation Strategy

8.39 There is no requirement for a planning obligation strategy as the proposed dwelling is a replacement dwelling and contains the same number of bedrooms as the existing.

9.0 RECOMMENDATION: APPROVE subject to the following conditions:

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours 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 2006 policy 4/13)

3. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

4. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway);

- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street;

- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway);

- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan policy 8/2).

5. No part of the structure shall overhang or encroach under the public highway and no gate, door or ground floor window shall open outwards over the public highway.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

6. The access shall be provided as shown on the approved drawings and retained free of obstruction.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

7. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area 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 2006 policies 3/14 and 4/11)

8. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

9. All new joinery [window frames and doorways] shall be recessed at least 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

10. Prior to the commencement of the development a scheme to protect future residents of this development from exposure to high levels of air pollution and exhaust odours associated with the Victoria Road façade, shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To safeguard amenity and health of future occupants of the residential unit (Cambridge Local Plan 2006 policies 3/12, 4/13 and 4/14)

11. a. Prior to the occupation of the development a noise report that considers the impact of noise on the Victoria Road façade upon the proposed development shall be submitted in writing for consideration by the local planning authority.

b. Following the submission of the noise report and prior to the occupation of development, a noise insulation scheme for protecting the affected residential units from noise as a result of the proximity of the bedrooms and living rooms to high ambient noise levels on the Victoria Road façade (dominated by traffic and vehicle noise), shall be submitted to and approved in writing by the local planning authority.

The scheme shall detail the acoustic noise insulation performance specification of the external building envelope of the affected residential units (having regard to the building fabric, glazing and ventilation) and achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

Reason: To protect the amenity of future occupants of this property from the noise from the public highway (Cambridge Local Plan 2006 policy 4/13)

12. Before the development hereby permitted is occupied, a scheme for the insulation of the plant that is installed in order to ventilate the basement shall be submitted to and approved in writing by the local planning authority which specifies how the level of noise emanating from the said plant shall be minimised to ensure that neighbouring properties are not disturbed. The scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of the adjoining properties (Cambridge Local Plan 2006 policy 4/13)

13. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

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

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2006 policy 4/13).

14. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition/construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of the adjoining properties (Cambridge Local Plan 2006 policy 4/13)

15. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/12 and 4/11)

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties.
(Cambridge Local Plan 2006 policies 3/4 and 3/14)

INFORMATIVE: The air quality condition above is likely to be achieved by mechanical ventilation, complying with the requirements of approved document F (Ventilation) for both background and purge ventilation / summer cooling, sourcing air from the rear of the development away from the road. Such ventilation may also be required to achieve the internal noise levels required by PPG 24.

INFORMATIVE: The applicant is advised that implementation of the application hereby approved will result in neither the existing residents of the site, nor future residents able to qualify for Residents' Parking Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

INFORMATIVE: To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the good internal noise levels of British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria.

INFORMATIVE: The level of noise insulation between the proposed new dwelling and those existing must comply with Building Regulations approved document E to provide resistance to the transmission of sound. This will be particularly important in respect of the proposed basement home cinema. It is assumed that Building Control will deal with this matter.

INFORMATIVE: The applicant is advised to contact housing standards at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS, in the event that the property is to be let in the future as a HMO.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008:
SS1,H1,T2,T9,T14,ENV6,ENV7,WM6

Cambridge Local Plan (2006):
3/1,3/4,3/7,3/12,4/10,4/11,4/13,4/14,5/1,8/2,8/6,8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

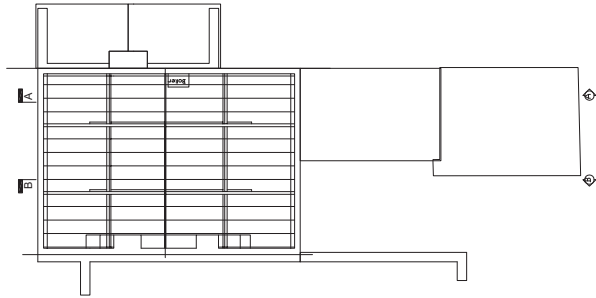
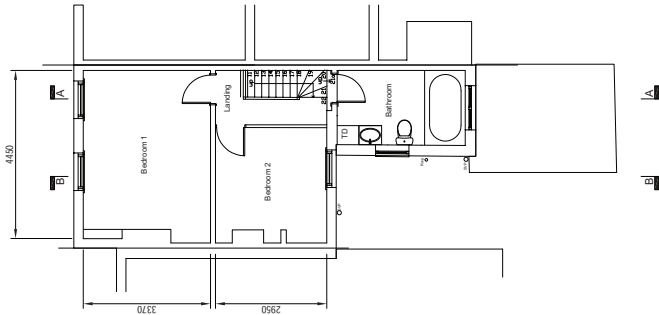
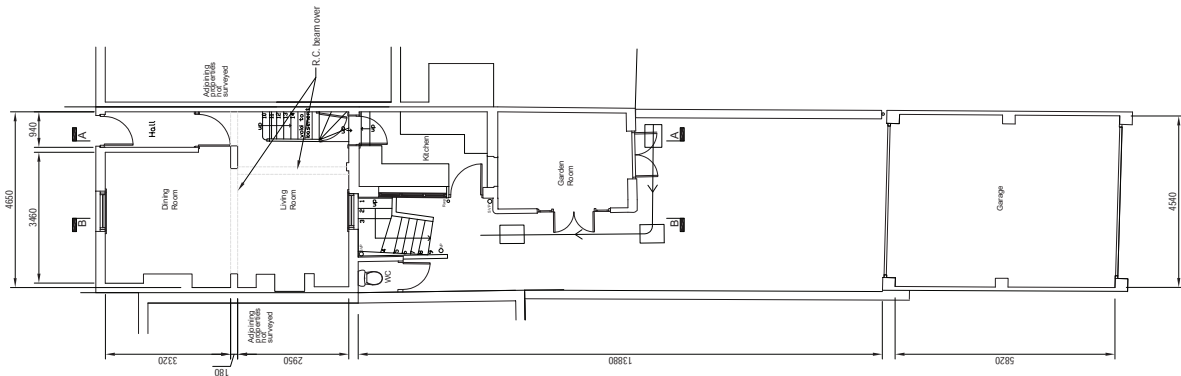
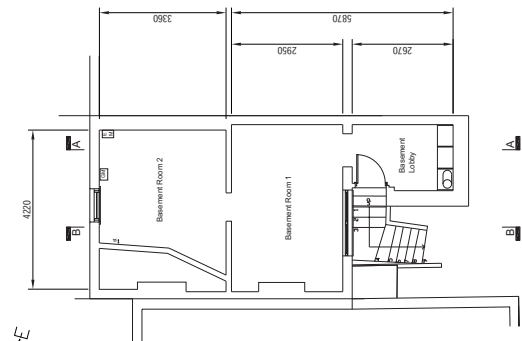
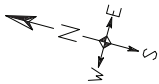
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are background papers for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses exempt or confidential information
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at: www.cambridge.gov.uk/planningpublicaccess or by visiting the Customer Service Centre at Mandela House.



3	Site Plan presented to Eng No.	10/10/20
2	For Planning Approval.	26/07/20
1	For preliminary issue.	01/07/20
REV	DESCRIPTION	DATE

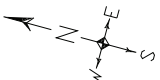
991 LOVELL ROAD
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Tel: (01223) 553826
Fax: (01223) 553828
mailto:info@changeplan.co.uk

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Peter Shenton
3 Victoria Road
Cambridge, CB4 3BW.

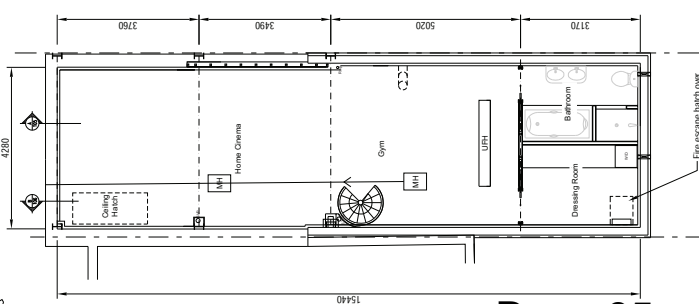
TITLE
Proposed New Build Terrace House
Existing Plans

SCALE	DATE	CHECKED
1:100	01/07/20	
PLANNING NUMBER	DATE	REV
CPL / 2188 / 003		3

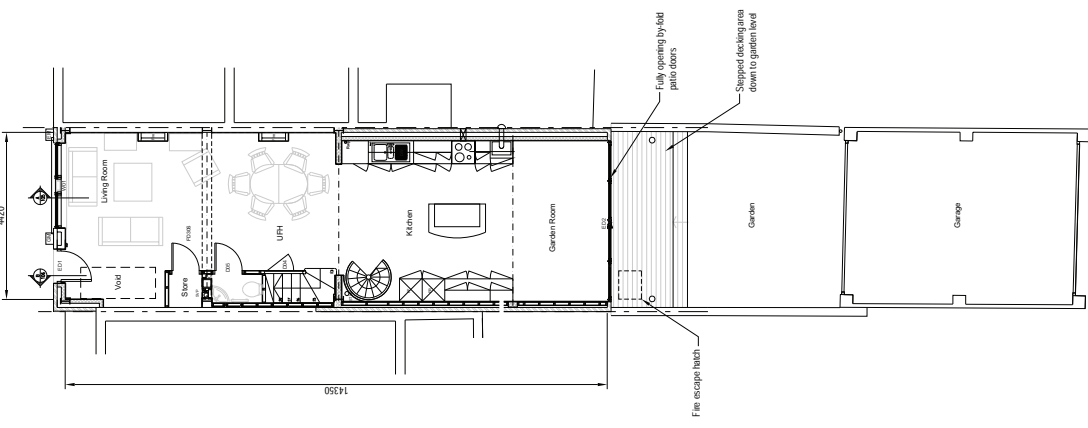
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Basement Plan

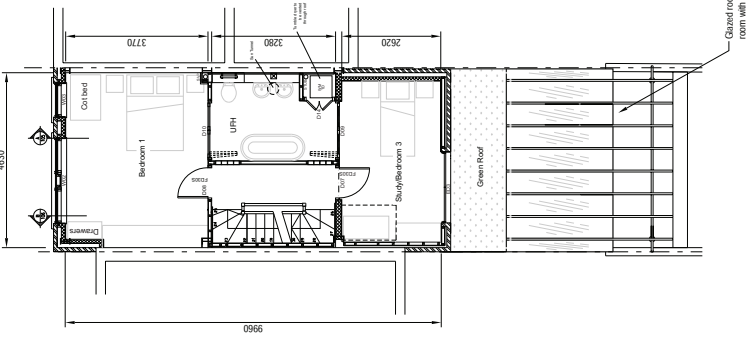


Ground Floor Plan

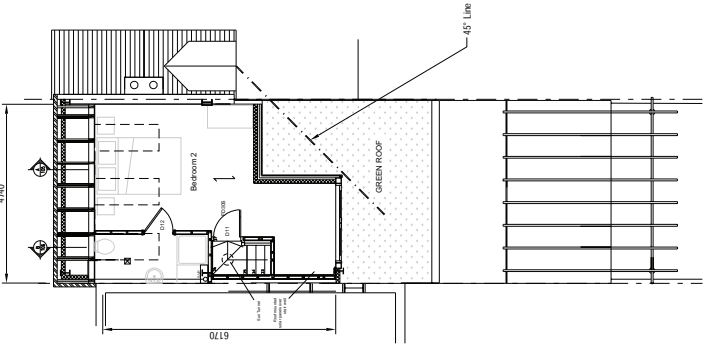


First Floor Plan

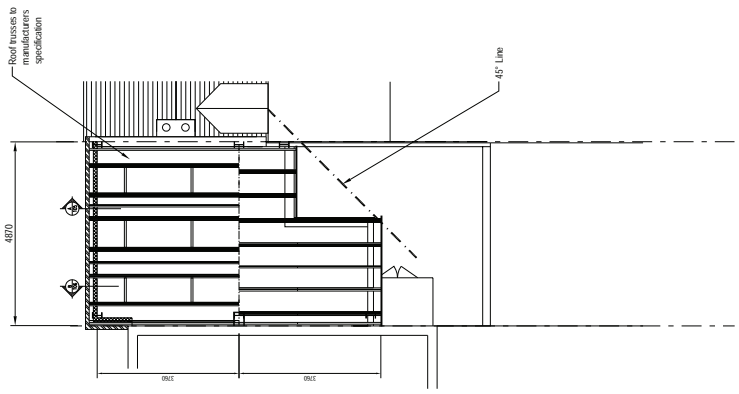
Total Floor Area: 255.27 sqm
Total External Area: 1420.07 sqm



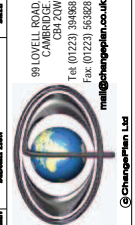
Second Floor Plan



Roof Plan



10	Revised for Planning Department's	10/09/20	
9	Revised for Fire-Application Submission	27/02/20	
8	Revised for Planning Department's	19/09/19	
7	Revised for Planning Application	06/07/19	
6	Floor plans revised to reduce external	29/09/18	
5	REVISED IN ACCORDANCE WITH	06/07/18	
	PLANNING DEPARTMENT		
4	Revised for Planning Department's	04/03/18	
3	ROOF PLAN ADD	16/03/18	
2	For Planning Approval	26/02/18	
1	For preliminary issue	03/02/18	
DATE	18/09/2020	DATE	

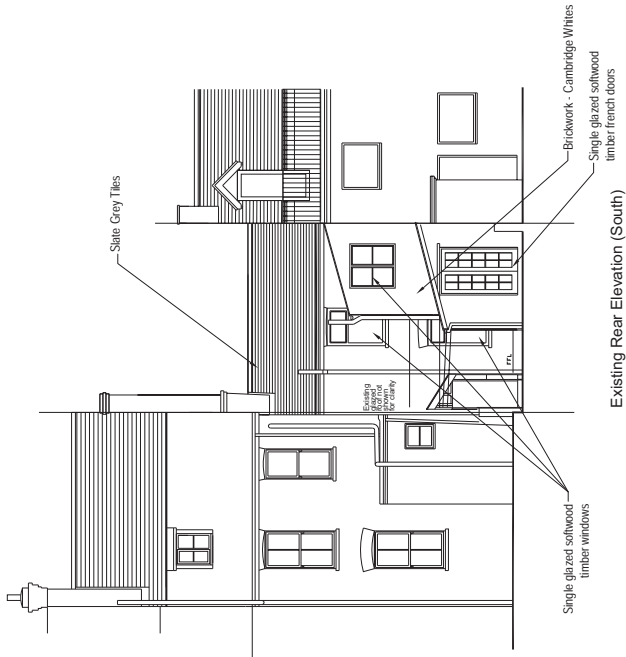


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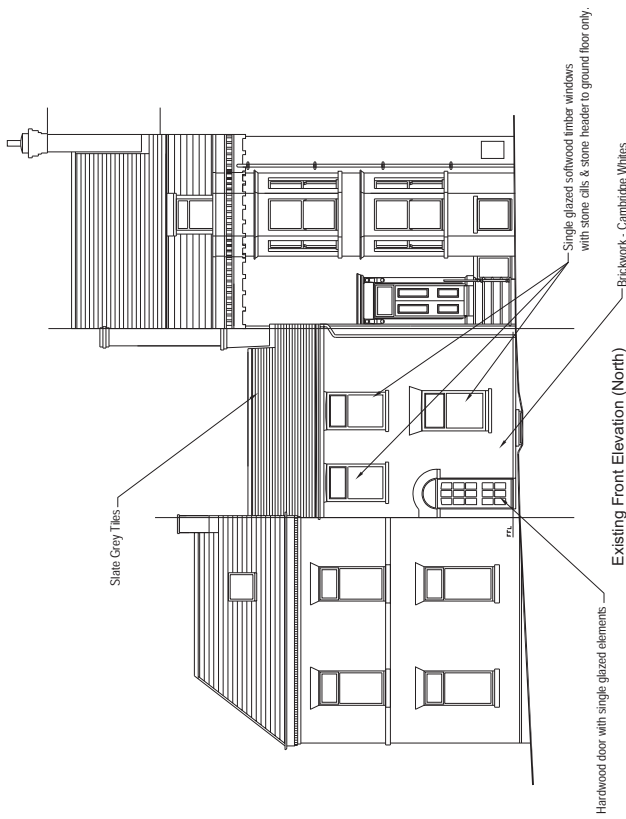
Peter Shenton
3 Victoria Road
Cambridge, CB4 3BW.

SCALE	DATE	CHECKED
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DRAWING NUMBER	CPL / 2188 / 103	REV
	10	

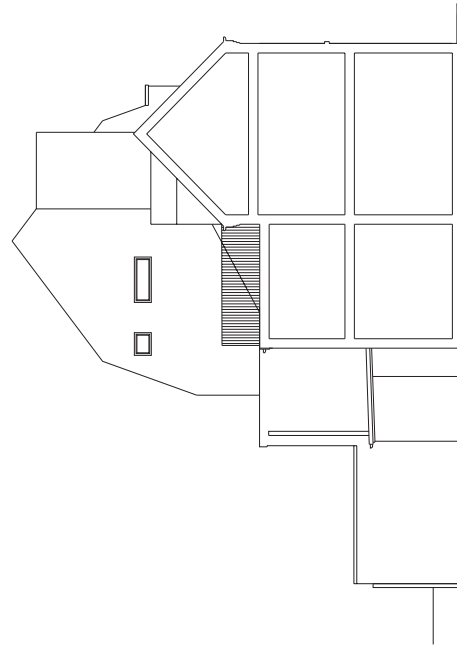
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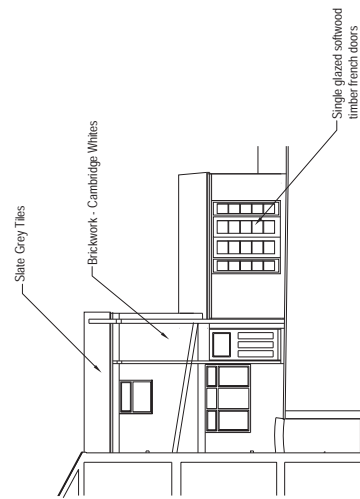
Existing Rear Elevation (South)



Existing Front Elevation (North)



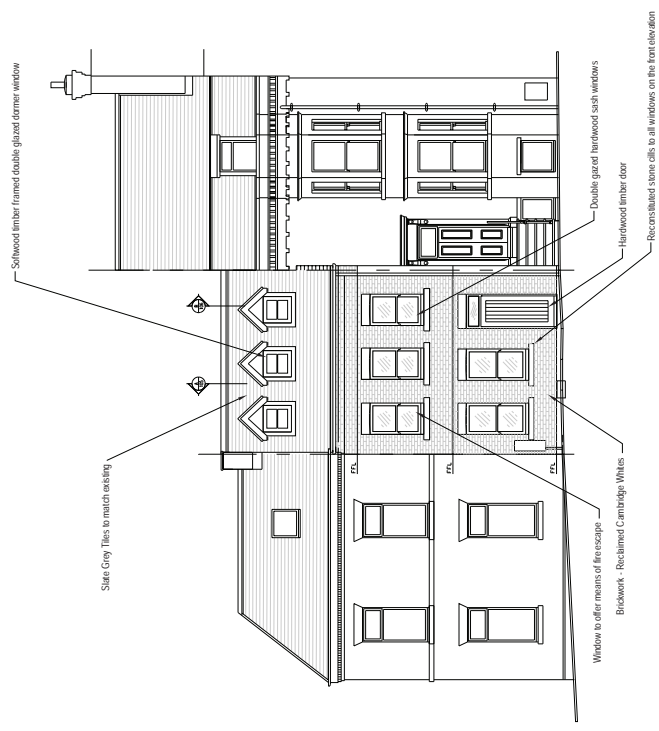
Existing Side Elevation (East)



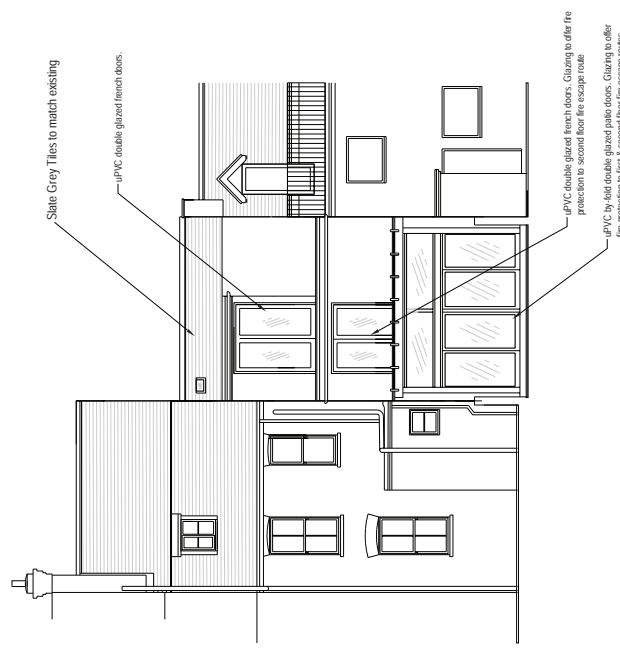
Existing Side Elevation (West)

3	Issued to Planning Department's	27/03/20
2	For Planning Approval	26/03/20
1	For preliminary issue	02/03/20
DATE	DESCRIPTION	DATE
ChangePlan Ltd 99 LOVELL ROAD, CAMBRIDGE, CB4 3BW Tel: (01223) 553826 Fax: (01223) 553828 info@changeplan.co.uk		
CLIENT Peter Shenton 3 Victoria Road Cambridge, CB4 3BW.		
TITLE Proposed New Build Terrace House Existing Elevations		
SCALE	DRAWN	CHECKED
1:100	DRG 18-040	
DRAWING NUMBER	DATE	REV
CPL / 2188 / 004		3

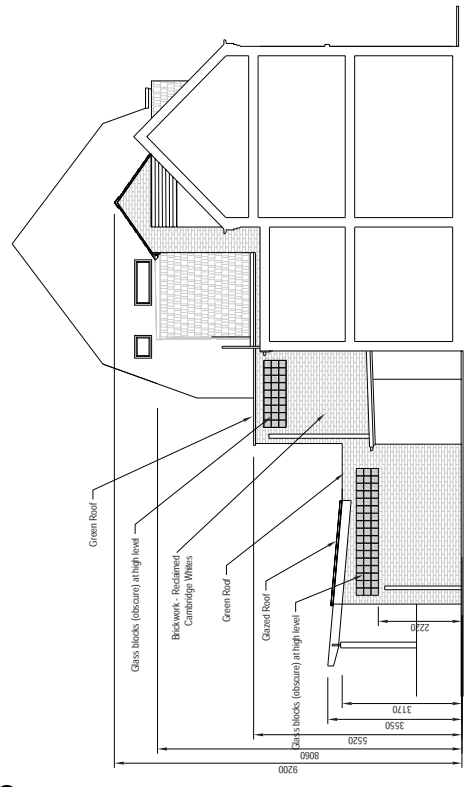
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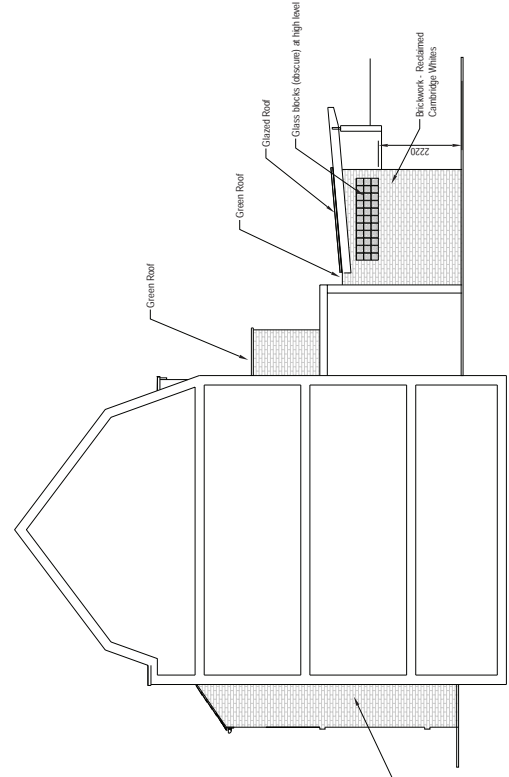
Proposed Front Elevation (North)



Proposed Rear Elevation (South)

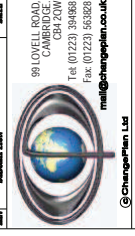


Proposed Side Elevation (East)



Proposed Side Elevation (West)

10	Revised for Planning Department's	10/03/20
9	Revised for Fire-Application submission.	27/02/20
8	Revised for Fire-Application submission.	19/02/20
7	Revised for Planning Department's	19/02/20
6	Revised for Planning Department's	06/02/20
5	Floor plans revised to reflect removal of fire escape.	29/01/20
4	REVISED IN ACCORDANCE WITH PLANNING DEPARTMENT'S	06/01/20
3	Site Erection (ME3) added.	16/10/19
2	For Planning Approval.	26/09/19
1	For preliminary issue.	03/09/19
DATE	REVISION/ISSUE	DATE

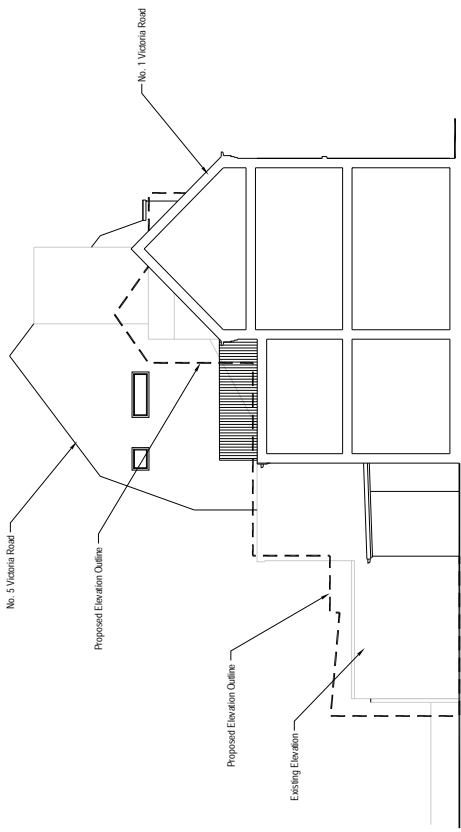


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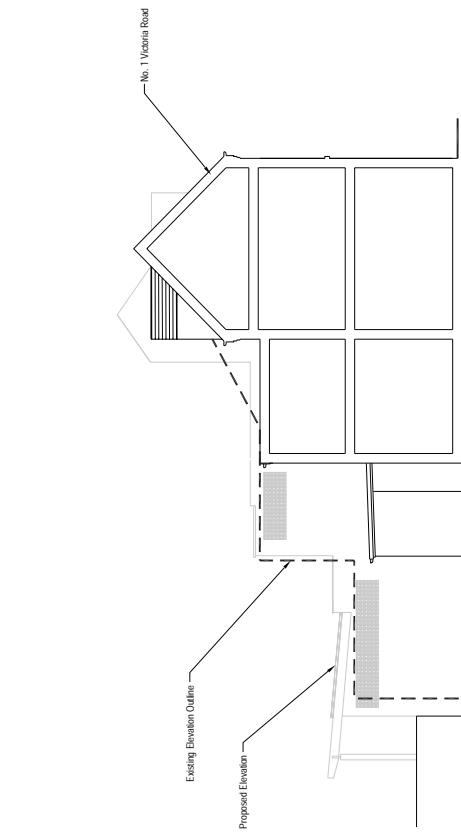
CLIENT
Peter Shenton
3 Victoria Road
Cambridge, CB4 3BW.

TITLE	Proposed New Build Terrace House Proposed Elevations
SCALE	1:100
DATE	18/04/20
PROJECT NUMBER	CPL / 2188 / 104
DATE	10

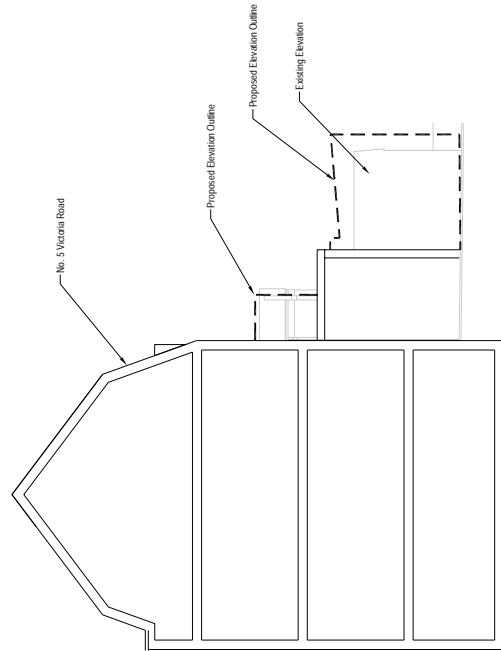
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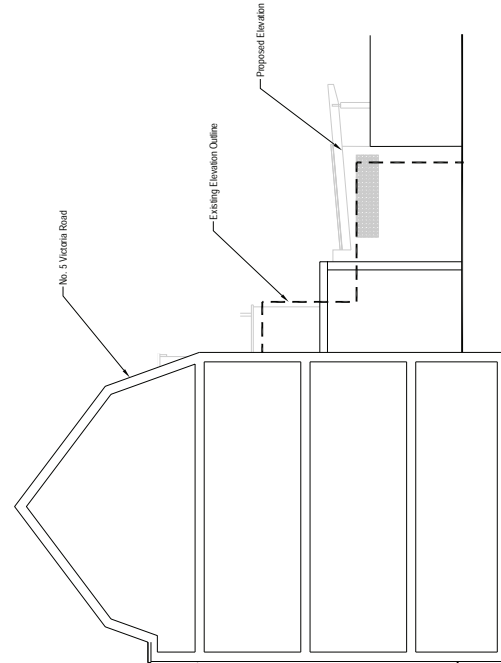
Existing Side Elevation (East) with Proposed Outline Overlaid.



Proposed Side Elevation (East) with Existing Outline Overlaid.



Existing Side Elevation (West) with Proposed Outline Overlaid.



Proposed Side Elevation (West) with Existing Outline Overlaid.

10	Revised for Planning Department's	10/07/20
9	Revised for Pre-application submission	27/02/20
8	Revised for Planning Department's	19/07/19
7	Revised for Planning Dept submission	06/07/19
6	Floor plans revised to reduce external	29/07/18
5	REVISED IN ACCORDANCE WITH	06/07/18
	PLANNING DEPARTMENT	
4	Revised for Planning Department's	04/07/18
3	Site Elevation (ME2) added.	10/03/18
2	For Planning Approval.	26/02/18
1	For preliminary issue.	03/02/18
DATE	REVISION/ISSUE	DATE

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Cambridge, CB4 3BW

TITLE
Proposed New Build Terrace House
Side Elevation Comparison

SCALE	DATE	STATUS	CREATED
1:100	26/02/20	COMPARISON	JBH
PLANNING NUMBER		DATE	
CPL / 2188 / 210		10	

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Appeal Decision

Site visit made on 16 August 2011

by **Hilary Lock BA (Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 September 2011

Appeal Ref: APP/Q0505/A/11/2150017
3 Victoria Road, Cambridge, Cambridgeshire, CB4 3BW

- 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 Phil Field against the decision of Cambridge City Council.
- The application Ref 10/1163/FUL, dated 16 November 2010, was refused by notice dated 28 January 2011.
- The development proposed is demolition of existing dwelling and new build terrace house.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The grounds of appeal state that the eastern flank wall would remain the same as the existing flank wall. However, comparing the existing and proposed elevations, the plans show that the ridge and eaves heights of the dwelling would increase. At the appeal site visit, it was agreed by the parties that the relative heights of the elements adjacent to the eastern flank boundary would increase to the levels indicated on the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to light and outlook.

Reasons

4. The appeal property is a mid-terrace two-storey house with basement located in an urban area of Cambridge. Within the terrace there are dwellings which range in size and scale, with a varied roof line as a result. The appeal dwelling sits between a two-storey and a three-storey property, both with further rooms in the roofspace. The neighbouring property, No.1 Victoria Road (No.1), is located at a road junction and follows the curve of the road so that the width of its facade belies the small courtyard area to its rear. The appeal property is the lowest in height of the three buildings.
5. The existing dwelling has two-storey and single-storey rear extensions, both with mono pitched roofs which are highest at the boundary with No.1. The

proposal would result in an increase in the height and bulk of the dwelling at all floors, with the greatest increase in mass at the upper level. The proposed roof terraces with side screening would add further depth and height to each projection.

6. The building would project significantly beyond the main rear wall of No.1 at all levels. Although the small courtyard garden and upper floor balcony to No.1 face due south, light is already filtered by other buildings and planting, and the height and proximity of the proposed dwelling would result in material light loss to that property for a significant part of the day. Given the limited amenity space available to No.1, it is appropriate to afford protection to the courtyard and balcony. The relationship between properties is part of the context of a development, and in this case the proposal would not respond to this context in terms of the siting and massing of the building, contrary to the aims of Policy 3/4 of the Cambridge City Council Local Plan 2006 (LP), and would not have a positive impact on its setting in terms of height, scale and form, in conflict with LP Policy 3/12.

7. Furthermore, the significant height of the replacement building at the depths proposed would create an unacceptable sense of enclosure that would be dominant and overbearing on the outlook of occupants at No.1. This impact would be greater than the arrangement that exists at present, and would be harmful to living conditions, contrary to the aims of Policy ENV7 of the East of England Plan 2008 (EEP), which seeks to secure high quality development, part of which is to have regard to the needs and well-being of all sectors of the community.

8. The relative position of buildings means that the impact on occupants of 5 Victoria Road (No.5) would be less intrusive, but due to the height, depth and proximity of the ground and first-floor elements, there would be an adverse impact on outlook, to a degree that would diminish the living conditions of occupants of No.5, contrary to the above policies.

9. I conclude that the proposed replacement dwelling would be harmful to the living conditions of occupants of neighbouring properties, through light loss and diminished outlook, contrary to the aims of EEP Policy ENV7 and LP Policies 3/4 and 3/12.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, including matters relating to the construction of the dwelling, I conclude that the appeal should be dismissed.

Hilary Lock

INSPECTOR

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Planning Services

TO: North Area Committee

DATE: 22/11/12

WARD: East Chesterton

PLANNING ENFORCEMENT CONTROL **Unauthorised change of use at 70 Green End Road, Cambridge**

1. INTRODUCTION

This report seeks delegated authority to serve an Enforcement Notice in the event that a Certificate of Lawfulness is refused. The enforcement notice would be to address a breach of planning control, namely the unauthorised change of use of 70 Green End Road from its lawful planning use as part residential and part bed and breakfast accommodation.

Site: 70 Green End Road, Cambridge.

See Appendix A for site plan

Breach: Unauthorised change of use

2. PLANNING HISTORY

Reference	Description
C/86/0643	Erection of two storey and single storey extension to existing dwelling house. (amended by drawings dated 14/8/86, 12/12/86, 20/07/87 and 05/10/90). APPROVED

- C/87/1104 Change of use from single dwelling house to part residential/part bed and breakfast accommodation.
APPROVED
- C/01/0105/FP Two storey and single storey rear extension to Guest House providing 3 additional guestrooms.
REFUSED
- C/01/1021/VC Section 73 application to allow use of 70 Green End Road without compliance with condition 03 of the Planning Permission C/1104/87, namely as a guest house with 7 guest bedrooms rather than as part residential part bed and breakfast accommodation with the maximum of four guest bedrooms previously allowed
REFUSED
Appealed, APPEAL DISMISSED
- C/01/1025/FP Single storey rear extension to Guest House to provide residential accommodation for the owner/manager; conversion of existing building from four guest bedrooms to 7 guest bedrooms.
REFUSED
Appealed, APPEAL DISMISSED

3. BACKGROUND

- 3.1 The Planning Enforcement Service has received a complaint that up to nine rooms are used as guest accommodation at 70 Green End Road, Cambridge and that this is a breach of planning control.
- 3.2 Planning permission reference C/87/1104 provides the current lawful planning use of 70 Green End Road as 'part residential/part bed and breakfast accommodation.' Condition 3 of C/87/1104 states: 'The maximum number of guest bedrooms shall not exceed four'.
- 3.3 In August 2001 the Enforcement Service investigated the change of use of 70 Green End Road to a Hostel (sui generis). Officers did not find substantial evidence that a change of use had occurred but did establish that a breach of Condition 3 of C/87/1104 was occurring and a Breach of Condition Notice was served on the property. A file note from 10th January 2002 indicates that the Breach of Condition Notice was being complied with.

- 3.4 New allegations that a breach of condition and change of use of 70 Green End Road had occurred were received in the summer of 2012 and a Planning Contravention Notice was served on the owner of the property on 27th September 2012. The completed notice was returned on 12th October 2012.

The notice stated that there has been a change of use of the property and that the use changed to a House in Multiple Occupation 'around 2001'.

- 3.5 On 16th October 2012 officers sent a letter to the owner of 70 Green End Road requesting the submission of a planning application for change of use or an application for a Certificate of Lawfulness for consideration within 28 days. This is the legal mechanism under planning legislation where the 'lawfulness' of a potentially unauthorised use can be proven. A Certificate of Lawfulness application has now been received.

4. LEGAL, POLICY AND OTHER MATERIAL CONSIDERATIONS:

- 4.1 Section 171B of the Town and Country Planning Act (amended) provides:

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

- 4.2 The material change of use of 70 Green End Road, Cambridge from part residential/part bed and breakfast accommodation to a guest house with more than four letting rooms or as a house in multiple Occupation (mixed or sui generis use) requires planning permission.

4.3 If the owner of 70 Green End Road can prove that the change of use of the property from the lawful planning use permitted by C/87/1104 occurred more than ten years ago and has been continuous then no enforcement action can be taken in respect of the breach.

4.3 **National Planning Policy Framework states:**

‘Para 207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

4.4 **Cambridge Local Plan policies**

The following policies from the Cambridge Local Plan would apply to the determination of an application of change of use of a 70 Green End Road to a House in Multiple Occupation:

3/4 Responding to Context

5/4 Loss of Housing

5/7 Supported Housing / Housing in Multiple Occupation

The unauthorised development in question is considered to be contrary to development plan policies detailed above, because the change of use would be detrimental to the residential amenity of neighbouring occupiers, poorly integrated into the locality and would result in the unacceptable loss of an existing residential dwelling (Cambridge Local Plan 2006)

4.5 **Planning Investigation Service Enforcement Policy 2000 Objectives:**

- To promote compliance with planning requirements.
- To remedy the undesirable effects of unauthorised development.
- To bring unauthorised activity under control to maintain the credibility and achieve the purpose, of the planning system.

- To strike an acceptable balance between protecting the amenity of the citizens of Cambridge and other interests of acknowledged importance, and allowing development to take place.
- To provide a service that will pursue pro-active initiatives that would improve the environment and built heritage, safeguard the amenities of the area and support the policies of the development plan.

A copy of the policy can be found at:

<http://www.cambridge.gov.uk/public/pdfs/PIS-enforcement-policy.pdf>

- 4.5 Enforcement is a discretionary power. The Committee should take into account the planning history and the other relevant facts set out in this report. In order to issue an Enforcement Notice there must be sound planning reasons to justify taking such action. The unauthorised development, namely the change from the lawful planning use as part residential and part bed and breakfast accommodation is understood to be ongoing.

5. RECOMMENDATIONS

- 5.1 The Certificate of Lawfulness application will need to be determined. The evidence put forward to support the claim that the use is lawful will be scrutinised by both planning and legal services. In the event that the certificate is refused, delegated authority to proceed with the preparation and service of an enforcement notice is requested.
- 5.2 It is recommended that such delegated authority authorises the Head of Legal Services to issue an enforcement notice under the provisions of S172 of the Town and Country Planning Act 1990 (as amended), for a material change of use from a part C3 dwellinghouse and part C1 bed and breakfast accommodation guest house to use in its entirety as a guesthouse within class C1 or as a House in Multiple Occupation (sui generis). Currently, it is expected that the enforcement notice would contain the wording set out in paragraphs 5.2 to 5.4 of this report (with such amendments as may later be requested by the Head of Legal Services).
- 5.3 Steps to Comply:
- 5.3 1. Cease the unauthorised use of 70 Green End Road, Cambridge as C1 guesthouse use or as a house in multiple occupation (sui generis use).

2. Revert the planning use of 70 Green End Road, Cambridge to its lawful planning use as a part C3 dwelling house and part C1 bed and breakfast accommodation, consisting of no more than four letting rooms.

5.3 Period for Compliance:

3 months from the date the notice comes into effect.

5.4 Statement of Reasons:

It appears to the Council that the breach of planning control has occurred within the last ten years. The applicant has undertaken development (in the form of a change of use / non compliance with a condition) without the benefit of planning permission.

The intensification/change of use has given rise to noise and disturbance to neighbours resulting in an unacceptably adverse impact upon their amenities through noise and general disturbance

Mindful of the advice the development plan policies mentioned above and to all other material considerations, the Council consider it expedient to serve enforcement notices in order to remedy the clear breach of planning control.

5.5 Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that, if a certificate of lawfulness were refused, an enforcement notice in this case would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development. The time for compliance will be set as to allow a reasonable period for compliance.

6. IMPLICATIONS

(a) **Financial Implications** - None

(b) **Staffing Implications** - None

(c) **Equal Opportunities Implications** - None

(d) **Environmental Implications** - None

(e) **Community Safety** - None

BACKGROUND PAPERS:

No background papers were used in the preparation of this report

APPENDICES

Appendix A Site plan

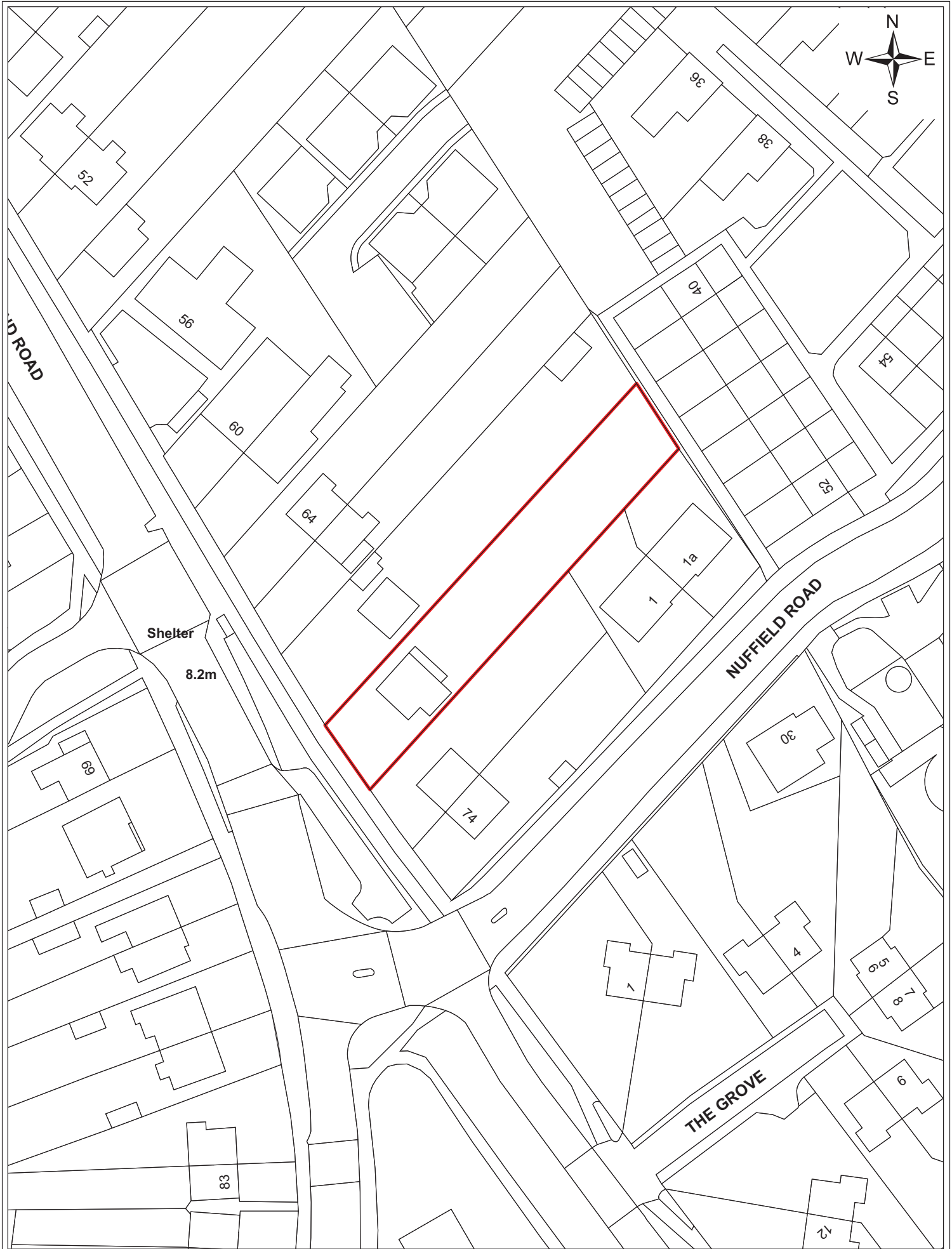
To inspect these documents contact Deborah Jeakins on extension 7163

The author and contact officer for queries on the report is Deborah Jeakins on extension 7163.

Report file: N:\Development Control\Planning\Enforcement\Committee reports\70 Green End Road 2012.doc

Date originated: 29 Oct 2012 Date of last revision: 13 Nov 2012

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70 Green End Road,
Cambridge



Date:	12 November 2012
Produced by:	GIS Team
Section/Department:	Information Systems, Environment Dept
Scale:	1:750 @ A4

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