

Application Number	15/0663/FUL	Agenda Item	
Date Received	28th April 2015	Officer	Michael Hammond
Target Date	23rd June 2015		
Ward	Market		
Site	70 Paradise Street Cambridge CB1 1DR		
Proposal	Erection of a three storey building to accommodate 5x studio flats, together with minor alterations to the rear of existing building.		
Applicant	Mr M Tariq 35 St. Albans Road Cambridge CB4 2HF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The development would not be overbearing or cause any significant loss of amenity in terms of light or privacy to neighbouring properties. - The design of the proposed building would be acceptable and would not harm the character of the area or adjacent Conservation Area. - The proposed building is in a city centre location and provides an acceptable level of amenity for future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a broadly rectangular shaped plot, situated on the northern side of Paradise Street.
- 1.2 The northern side of Paradise Street has a service yard character serving the shop units which address Burleigh Street. There has been recent residential developments fronting onto Paradise Street at numbers 80 to 87 Paradise Street.

- 1.3 To the north and north east are residential flats. To the immediate south is Burleigh House, a relatively tall, bulky building containing various uses above the ground floor Cancer Research shop.
- 1.4 The site is adjacent to, but not within the Central Conservation Area.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the erection of a three storey building to accommodate 5x studio flats, together with minor alterations to the rear of the existing building.
- 2.2 The proposed building would measure 8.9m to the ridge with a flat but eclectic roof form, designed in zinc externally. The building at first and second floor would overhang the ground floor and would be supported by steel columns. The proposed building has been designed in brick on the ground floor, as well as acrylic resin render on the first and second floors.
- 2.3 The proposed extensions is very similar in terms of design and built form to a previous planning permission granted on this site (12/1288/FUL).
- 2.4 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
12/1288/FUL	Erection of 2 x 2 bed dwellings, together with minor alterations to rear of the existing building	Permitted.

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, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 4/11 4/13 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 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
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Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Following implementation of any Permission issued by the Planning Authority in regard to this proposal neither the residents of the new dwellings, nor the residential part of the existing development on the site will qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

- 6.2 No objection subject to condition and informative; *Traffic Management Plan, Standard Highways Informative*

Head of Refuse and Environment

- 6.3 No objection subject to conditions and informatives; *Construction Hours, Piling, Dust, Noise Assessment and Mitigation, Contaminated Land, Waste and Recycling, Dust Informative*

Conservation Team

- 6.4 The principle of the development is acceptable, and as the current design largely reflects the former scheme, with no changes to legislation or guidance in the intervening period, the proposal continues to preserve the character of the area. A materials sample condition is recommended for the external finishes to the roof and wall.

Urban Design Team

- 6.5 The submitted scheme cannot be supported in design terms. The arrangement of communal amenity space is poor and likely to be overshadowed from the proposed scheme and existing surrounding buildings. The size of the units are small and would fail to meet the required space standards set out within the draft Cambridge Local Plan 2014: Proposed Submission Policy 50: Residential Space Standards.
- 6.6 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:
- 54 Burleigh Street
 - 55 Burleigh Street

7.2 The representations can be summarised as follows:

- It is not clear how the proposed building could be built.
- Lack of internal and external amenity space for future occupiers.
- The construction works would block access to no.54 Burleigh Street.
- The built form would block fumes from the extract fan at the nail bar at no.54 Burleigh Street which could cause smells for the occupiers of no.70 Paradise Street, as well as the future occupiers of the proposed dwellings.

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

Principle of Development

8.1 Policy 5/1 of the Cambridge Local Plan (2006) is relevant. The policy generally supports additional residential development within the City:

“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”.

8.2 The site is situated within an established residential area, where a degree of residential development already exists (no.68 and nos.80 to 87 Paradise Street). I therefore consider that residential development on this site could be supported.

8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces and Impact on Conservation Area

8.4 The key design issue is the design and appearance of the new building within its setting adjacent to the Conservation Area. The proposed building is very similar to a previous planning

permission granted on this site (12/1288/FUL) in terms of design and built form.

- 8.5 The north side of Paradise Street has a mixed service yard character from the businesses which front onto Burleigh Street. The southern side has a more regular street scene of terraced dwellings.
- 8.6 Local Plan policy 3/12 requires new buildings to have a positive impact on their setting in terms of scale and form. There is no overriding building line along the north side of Paradise Street, but the proposal would be consistent with the recently approved serviced apartments approved to the east. In terms of scale and massing I consider the new building appropriate in its context.
- 8.7 The proposed Paradise Street frontage may appear prominent which is exacerbated by the set back of adjacent buildings. It is worth noting that planning permission was granted at the neighbouring site at no.68 Paradise Street to add an additional storey for two new residential flats which is similar in scale to this proposed scheme. I am satisfied by the visuals submitted that the building will make a positive contribution to the mixed, evolving character of the street scene.
- 8.8 The application site is very narrow and deep which results in the proposed building, and the dwellings within it, having an unconventional orientation and outlook. Notwithstanding the above, I do not consider the wider development of adjacent plots to be compromised by the proposed orientation of the building.
- 8.9 The new building will be visible from Burleigh Street, but I do not consider this harmful to its character. The Conservation Team is supportive of the proposal and has recommended a material samples condition. I agree with this advice and have included the condition to preserve the character of the adjacent Conservation Area.
- 8.10 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The main consideration is the impact on the existing flats at nos.68 and 70 Paradise Street immediately adjacent to the site.

Overlooking

- 8.12 The outlooks for the proposed dwellings are on the north and south elevations and the windows on the side elevation are proposed in obscure glazing. In light of the lack of outlook towards no.68 Paradise Street and that any windows facing this direction will be obscure glazed, I am satisfied that the privacy of the occupiers of no.68 will be unaffected by the proposed development.
- 8.13 There are only two windows on the south elevation of the existing flat at no.70, one of which is a small obscure glazed bathroom window and so will be unaffected by the proposed development. The other window serves a bedroom, but given that this window faces towards a public street it does not benefit from any significant levels of privacy. In my opinion, in consideration that the nearest window of the proposed development will be over 13.5m from this neighbouring window, and the lack of dependency on this window as a private outlook for this neighbouring property, I do not consider that the proposed development will lead to any harmful loss of privacy at this neighbouring property.

Overshadowing

- 8.14 Whilst there will be some enclosure of the south facing window of no.70, I consider that as this is a bedroom window, the dependency and value of this outlook is less significant than that of a living room for example. Furthermore, as there is a previous permission for a building identical in form and scale on this site, it would be difficult to argue this as a reason for refusal. In my opinion, while the building will block a degree of sunlight reaching this bedroom window, I do not perceive that the nature of the bedroom affected requires significant exposure to sunlight compared to that of a living room which is more dependent on sunlight and outlook. In considering the separation distance from the proposed building, I do not

consider that the loss of light resulting from this proposed building would adversely harm the amenity of this neighbour to such an extent as to warrant refusal.

- 8.15 The majority of light is already blocked in the morning hours by Burleigh House and given that the proposed building only projects 2m beyond this much larger structure, I am satisfied that the levels of sunlight reaching the south facing bedrooms of no.68 will be retained.

Visual Enclosure/ Dominance

- 8.16 In my opinion, given the compact nature of the site, the absence of any outdoor amenity space for no.70, and the lack of an existing positive outlook for this neighbouring property, I do not consider that the proposed building would visually dominate outlook from it.
- 8.17 The views out of the two south-facing bedroom windows of no.68 will be retained as the proposed building would be built at a tangent to these outlooks and so the proposed building will not be perceived as visually dominant from these windows.
- 8.18 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

- 8.19 I note that the Urban Design team has raised concerns with the quality of the outdoor amenity space for future occupiers. However, in my opinion, given the city centre location of the site, coupled with the nearby outdoor amenity spaces offered by New Square, Christ's Pieces and Midsummer Common which are all within walking distance of the application site, I do not consider private outdoor amenity space for these occupiers a necessity in this case. As a result, while the outdoor communal space is not of the highest quality given that it will be overshadowed by the proposed building, I consider there to be more than adequate alternative outdoor amenity areas available to future occupiers in the surrounding area and that the application should not be solely judged on the quality of the communal space provided on site.

8.20 I also note that the Urban Design team has raised concerns with the internal size of the proposed dwellings and that these are not in conformity with the standards set out within the draft Cambridge Local Plan 2014: Proposed Submission Policy 50: Residential Space Standards. However, as this policy has not been formally adopted at the time of writing this report, the policy has very little weight in the determination of this application and will be superseded by national standards in any case. Regardless of this, given that this is a city centre location where there is a strong presence of similar, if not smaller, sized studio dwellings in the surrounding area, I consider the level of internal amenity space and the outlooks to be in keeping with that provided in the local housing market and therefore acceptable.

8.21 In my opinion the proposal provides 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

8.22 Waste storage is positioned outside the front of the proposed building, shielded from the road by a low brick wall. The Environmental Health Team has recommended a condition requiring details of the proposed waste facilities prior to the commencement of the development and I agree with the inclusion of this condition.

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

Highway Safety

8.24 The proposal does not involve any car parking or any changes to the public highway. The Highway Authority has raised no objection to the proposal and I agree with this advice.

8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.26 No car parking is provided for the proposed development. As this is in a city centre location within walking distance of services and local amenities, I do not consider it necessary for the development to provide any car parking.
- 8.27 A car club informative has been included in the decision notice to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.
- 8.28 A secure cycle store with provision for 7 cycle spaces has been proposed and I consider this level and type of cycle storage acceptable for the proposed development and in accordance with the cycle parking standards.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.30 The concerns regarding the access during the construction phase of the proposed development is a civil matter and is not a planning consideration. A party wall agreement between users of this access will need to be entered into separately from this planning application.
- 8.31 The objection regarding the lack of internal and external amenity space for future occupiers has been addressed in the main body of this report.
- 8.32 The concern regarding the ability of no.54 to extract air and odour associated with the nail bar has not been addressed as a concern by the Environmental Health Team and so I am satisfied that the amenity of future occupiers will be acceptable in this respect. The ability of air to escape upwards from the extract ducts will not be prevented by the introduction of the proposed building.

Planning Obligation Strategy

Planning Obligations

8.33 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

9.1 In conclusion, it is considered that the proposed development would not detract from the character of the area, and would not harm the amenity of neighbouring occupiers and that therefore approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

2. The development hereby permitted shall be 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.

3. Except with the prior written agreement of the local planning authority 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)

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved 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)

5. 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 nearby properties
(Cambridge Local Plan 2006 policy 4/13)

6. Part A: Prior to the commencement of refurbishment/development works a noise report that includes the provisions of British Standard (BS) 4142:2014, Methods for rating and assessing industrial and commercial sound, which considers the impact of noise upon the proposed development shall be submitted in writing for consideration by the local planning authority.

Part B: Following the submission of a noise report and prior to the commencement of refurbishment/ development works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) for protecting the residential units from noise from the neighbouring industrial use 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 prior to occupation of the residential units and shall thereafter be retained as such.

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

7. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary. (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site. (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology. (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f). (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. (e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. (f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the

closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In order to ensure that any contamination of the site is identified and remediation measures are appropriately undertaken to secure full mitigation in the interests of environmental and public safety. (Cambridge Local Plan 2006 policy 4/13).

8. 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 wheeled bins will be stationed and the specific arrangements to enable collection from kerbside of the adopted highway/ refuse collection vehicle access point. 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 amenity of nearby properties and ensure there is sufficient waste storage for future occupiers (Cambridge Local Plan 2006 policy 4/13)

9. 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: In the interests of highway safety

10. 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 and to avoid harm to the adjacent Conservation Area. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

11. The windows identified as having obscured glass on drawing number (170 (03) 02 A) on the side elevation shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/14).

INFORMATIVE: To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to: o Council's Supplementary Planning Document - "Sustainable Design and Construction 2007": <http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf> o Guidance on the assessment of dust from demolition and construction http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf o Control of dust and emissions during construction and demolition - supplementary planning guidance https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf Regards, Mr Ben Walther Senior Environmental Protection Officer Environmental Quality & Growth Team

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

INFORMATIVE: Following implementation of any Permission issued by the Planning Authority in regard to this proposal neither the residents of the new dwellings, nor the residential part of the existing development on the site will qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

INFORMATIVE: Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

INFORMATIVE: The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.