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|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------|
| <b>Application Number</b> | 15/1314/FUL                                                                                                                       | <b>Agenda Item</b> |              |
| <b>Date Received</b>      | 17th July 2015                                                                                                                    | <b>Officer</b>     | Mr Sav Patel |
| <b>Target Date</b>        | 11th September 2015                                                                                                               |                    |              |
| <b>Ward</b>               | Petersfield                                                                                                                       |                    |              |
| <b>Site</b>               | 40 Cambridge Place Cambridge CB2 1NS                                                                                              |                    |              |
| <b>Proposal</b>           | Redevelopment of land adjacent to 40-42 Cambridge Place, Cambridge for the erection of a 2 storey block of 5No. 1 bed apartments. |                    |              |
| <b>Applicant</b>          | Mr James Arnold<br>Bennell Farm West Street Comberton<br>Cambridgeshire CB3 7DS                                                   |                    |              |

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SUMMARY        | <p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal would preserve and enhance the established character and appearance of the Conservation Area</li> <li>2. The proposed development would not adversely impact the amenities of neighbouring properties.</li> <li>3. The sharing of cycle and refuse storage with Ryedale House is acceptable and adequate refuse and cycle storage is proposed for both developments.</li> </ol> |
| RECOMMENDATION | APPROVAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is an almost rectangular parcel of land situated on the south-eastern side of Cambridge Place, which was most recently used as a car park. The site is situated between Ryedale House to the northeast, which is currently

being converted into flats; and 44 Cambridge Place to the south, which is the first of a row of 1.5 storey houses. Cambridge Place is mixed in character, with commercial and residential uses. The site lies within City of Cambridge Conservation Area 1 (Central).

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for a two storey building to provide three one-bedroom flats on the ground floor and two one-bedroom flats on the first floor. The proposal also includes cycle and bin storage provision.
- 2.2 This planning application is a similar application to that approved in 2014 under planning permission ref: 14/0166/FUL). The approved application was presented to East Area Committee on 3 March 2014. The proposed scheme contains some detailing alterations compared to the approved scheme such as four solar panels on the rear roofscape and removal of the firebreak parapet walls on both side elevations. Other than these, the proposed scheme is identical to the approved scheme.
- 2.3 The proposed building would adjoin 44 Cambridge Place, leaving a gap of 2m between the proposed building and Ryedale House. Ryedale House is also in the applicant's ownership.
- 2.4 The ground floor flats would be accessed from individual entrance doors on the front elevation. At ground floor level, the building would extend back to the rear boundary with Glisson Road, with the rear elevation split into three and chamfered off. These flats would have small rear gardens.
- 2.5 The first floor flats would be accessed from a communal door at the front of the building. The first floor would be set back 2.2m from the rear boundary.
- 2.6 A bin store would be provided in Ryedale House for the use of the occupants of Ryedale House and the proposed building. A shared cycle store would be provided between the two buildings.

2.7 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Shadow Studies

2.8 The main reason the applicant has re-applied for planning permission is to avoid making planning obligations, which were attached to the previous permission. The City Council is unable to accept financial contributions unless they are linked to specific identified local projects. In this instance, no local projects have been identified by service departments. This could be for a range of reasons such as only 5 pooled contributions can be linked to a specific project.

### 3.0 SITE HISTORY

| <b>Reference</b> | <b>Description</b>                                                                                                                                                             | <b>Outcome</b> |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 12/1558/FUL      | Conversion of existing buildings to form 4no 1bedroom flats, along with cycle and refuse store, first floor dormer side extension and part demolition of rear. [Ryedale House] | Approved       |
| 13/1262/FUL      | Redevelopment of land adjacent to 40-42 Cambridge Place, Cambridge for the erection of a block of 3No. 1 bed apartments and 3No. 1 bed studios.                                | Refused        |
| 14/0166/FUL      | Redevelopment of land adjacent to 40-42 Cambridge Place, Cambridge for the erection of a 2 storey block of 5No. 1 bed apartments.                                              | Approved       |

### 4.0 PUBLICITY

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

## 5.0 POLICY

### 5.1 Central Government Advice

National Planning Policy Framework 2012  
National Planning Practice Guidance 2014  
Community Infrastructure Levy Regulations 2010  
Circular 11/95 – The Use of Conditions in Planning Permissions  
(Annex A)

Ministerial Statement (1 December 2014) by Brandon Lewis  
Minister of State for Housing and Planning (Department of  
Communities and Local Government)

### 5.2 Cambridge Local Plan 2006

Relevant Development Plan policies

| PLAN                      | POLICY NUMBER                                             |
|---------------------------|-----------------------------------------------------------|
| Cambridge Local Plan 2006 | 3/1 3/4 3/7 3/8 3/10 3/12<br>4/11<br>5/1 5/14<br>8/6 8/10 |

### 5.3 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and  
Construction  
Cambridgeshire and Peterborough Waste Partnership  
(RECAP): Waste Management Design Guide Supplementary  
Planning Document (February 2012)  
Sustainable Design and Construction

### 5.4 Material Considerations

#### City Wide Guidance

Cycle Parking Guide for New Residential Developments (2010)

## **Area Guidelines**

Cambridge Historic Core Conservation Area Appraisal (2006)

### **6.0 CONSULTATIONS**

#### **Cambridgeshire County Council (Engineering)**

- 6.1 Loss of three car parking spaces with no explanation of usage and how demand will be accommodated in future. The proposal may impose additional parking demands upon on street parking on surrounding streets. Whilst this is unlikely to result in any significant adverse impact on highway safety there is potential impact on residential amenity.
- 6.2 It should be brought to the applicant's attention that future residents will not qualify for Residents' Permits within the existing scheme.
- 6.3 The proposal should have no significant impact on public highway subject to conditions and informatives relating to surface water drainage and contractor management plan.

#### **Head of Refuse and Environment**

- 6.4 The proposal is acceptable subject to conditions relating to construction hours, collections/deliveries, and contamination informative.

#### **Urban Design and Conservation team**

- 6.5 This application is supported as it will not be detrimental to the character or appearance of the conservation area and therefore complies with policy 4/11 of the Cambridge Local Plan 2006.

#### **Drainage**

- 6.6 The proposal will increase in impermeable area. Whilst small it needs to be adequately managed. The proposal should utilise permeable paving. The proposal is acceptable subject to condition on surface water drainage.

## **Cycle and Walking Officer**

- 6.7 The aisle width for the narrower section of the cycle parking is too narrow. As set out in our Residential cycle parking guide an aisle width of 1100mm is needed (with 2m for a parked bike). They also need to provide a couple of racks for visitor parking.

## **Landscape Officer**

- 6.8 Concerns with the amount and quality of outdoor space for the ground floor units. The outdoor space would be in shade and not comply with the BRE guidance. The proposed building would enclose the street scene by filling in a gap. If recommended for approval then a hard and soft landscaping condition is recommended.
- 6.9 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:

- 23 Gilsson Road

- 7.2 The representations can be summarised as follows:

- Concerned with the proposed alteration to the boundary line which could cause damage during building operations;
- Privacy and land ownership should be protected;

- 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 Policy 5/1 of the Cambridge Local Plan states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The site is surrounded by residential uses and it is therefore my opinion that the proposed residential development is acceptable

in principle, and is in accordance with policy 5/1 of the Cambridge Local Plan (2006).

### **Context of site, design and impact on the Conservation Area**

- 8.2 The New Town and Glisson Road Conservation Area Appraisal states that *‘Cambridge Place...has been repaved and much rebuilt with largely two storey, modern houses in the narrow street...very much in scale and very much in keeping’*. The buildings to either side of the site are considered to be buildings important to the character of the area within the Townscape Analysis map of the New Town and Glisson Road Conservation Area Appraisal.
- 8.3 Policy 4/11 of the Cambridge Local Plan (2006) states that developments within, or which affect the setting of or impact on views into and out of the Conservation Area, will only be permitted if the design of any new building preserves or enhances the character or appearance of the Conservation Area by faithfully reflecting its context or providing a successful contrast with it. The design of the proposed building reflects the wider context, if not the immediate context, and is supported.
- 8.4 The proposed building is different in design to the buildings directly adjacent to it on either side. Diagonally opposite the site is the recently constructed block of flats, 20-24 Cambridge Place. This building is four storeys in height but is similar to the proposed building in terms of its design.
- 8.5 In my opinion, the proposed building would not appear out of place with the prevailing character of the built form along Cambridge Place. The ground floor windows and doors line up with the garage door and entrance door of No. 44 and the first floor windows line up with the first floor windows on No. 44. The proposed development maximises the space of the site and there is no opportunity, in my view, for any meaningful landscaping to be incorporated into this scheme.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 4/11.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.7 Due to the positioning of the proposed building, the proposals may potentially impact on 44 Cambridge Place to the southwest; 19-23 Glisson Road to the southeast; the flats at 20 Cambridge Place to the northwest; and the soon to be completed flats in Ryedale House to the northeast.

#### *Impact on 44 Cambridge Place*

- 8.8 The proposed building would stand to the northeast of 44 Cambridge Place. At two storey the rear wall of the proposed building would stand in line with the rear wall of the 1.5 storey part of No.44. Like No. 44, the proposed building would have single storey projections at the rear, but these parts would be at an angle, bringing it away from the common boundary. As the proposed building would stand in line with the neighbouring property, it would not dominate, enclose, overshadow or overlook this neighbour to an unacceptable degree. A glazed door is positioned facing out towards the common boundary but any views from this would be screened by the boundary wall.

#### *19-23 Glisson Road*

- 8.9 The proposed development would stand to the northwest of the rear gardens of the properties on Glisson Road. The single storey projecting elements would be set at an angle abutting the common boundary with 19-23 Glisson Road; with the first floor set back a further 2.2m from the common boundary. The roof would then pitch away from Glisson Road.
- 8.10 Shadow studies have been submitted to demonstrate the impact of overshadowing. They only to 21st March and 21<sup>st</sup> September. Due to the orientation of the buildings, the proposed building would cast shadow over the neighbouring gardens on Glisson Road in the late afternoon. However, in my opinion, the level of overshadowing experienced is not likely to be at a level that would warrant refusal of the application. The setting of the first floor of the building back from the rear boundary by 2.2m would reduce its dominance. The garden of no.21 and 23 Glisson Road are between 8.9m and 9.5 metres in depth respectively. The proposed development would also be the

same height as the existing adjoining building so would not appear dominant. The lower roof slope on the rear elevation further reduces the bulk of the building when viewed from the gardens of the neighbouring houses on Glisson Road. In my opinion, the proposed building would not be excessively overbearing, and would not dominate or enclose the properties on Glisson Road to an unacceptable degree.

- 8.11 No windows are proposed in the rear elevation of the building on the first floor. Four sets of rooflights are proposed in the roofspace. These rooflights would be positioned 1.7m above floor level and would only give views of sky. There is, therefore limited potential for overlooking of the neighbouring properties on Glisson Road.

*Impact on the flats at 20 Cambridge Place*

- 8.12 The proposed building would stand to the southeast of the flats at 20 Cambridge Place, on the opposite side of the street. The submitted shadow diagrams show that the shadow would not reach the flats at 20 Cambridge Place, and the proposed building would therefore, in my view, not have a significant detrimental impact on the occupiers of these flats.

*Impact on Ryedale House*

- 8.13 The proposed building would stand to the southwest of Ryedale House. The two buildings would share bin and cycle stores. As the proposed building would be no deeper than Ryedale House it would not overshadow, dominate or enclose it. Windows are proposed on the side elevation of the building, which would look out over the shared space between the proposed building and Ryedale House. In my opinion, these windows would not have a detrimental impact on the privacy of the occupiers of Ryedale House.
- 8.14 As the development is close to neighbouring residential properties, the building works have the potential to have a detrimental impact on neighbours. To mitigate any disturbance, I recommend conditions relating to construction hours, delivery hours, dust and construction noise, and contractor working arrangements (2-6).

- 8.15 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, 3/7 and 3/12.

#### Amenity for future occupiers of the site

- 8.16 The site is relatively close to the rear of the Bodyworks Dance Studio building on Glisson Road, and there is therefore the potential for noise disturbance. Due to the proposed layout of the flats, with living rooms facing the road and bedrooms at the rear (which is recommended as the Dance Studio has restricted hours of opening), Environmental Health Officers have taken the view that a noise assessment will not be required as long as the layout of the flats is not altered.
- 8.17 There are no known contamination issues on the site. However, Environmental Health have recommended that an informative is added to the Decision Notice advising the applicant to contact the Local Planning Authority if any contamination is discovered during the course of building works.
- 8.18 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**

- 8.19 It is proposed that the refuse store is shared by the occupants of 40-42 Cambridge Place and the occupants of Ryedale House. Environmental Health is satisfied with the size of the proposed bin store.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and advice provided by the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide

## **Car and Cycle Parking**

### Car Parking

- 8.21 The site is close to the City Centre, local shops, facilities and public transport, including Cambridge Railway Station. The flats would be small units, and I consider the size together with the highly accessible location, would mean that lower than average car use would be expected for this development. The site falls within a controlled parking zone and there are double yellow lines along both sides of Cambridge Place. If properly controlled, this would prevent inconvenient parking or parking which might pose a risk to highway safety. Therefore, there would be no harm arising from the lack of on-site parking.
- 8.22 This application sought planning permission for three studio flats and two one bedroom flats, and is therefore a similar development to the proposed development at 40 Cambridge Place. It is my opinion that it would be unreasonable to refuse the application due to a lack of car parking spaces.
- 8.23 It is proposed that Ryedale House and the proposed development at 40-42 Cambridge Place would share a bin store, which would be situated within the footprint of Ryedale House; and a cycle store, which will be situated between the two buildings. The area of land to the front of the cycle store is the location of the disabled parking space for Ryedale House, which will be lost. In my opinion, the loss of the proposed disabled parking space will not render the application at Ryedale House unacceptable, and I therefore accept this.

### Cycle Parking

- 8.24 The proposed cycle store would accommodate nine cycles, and this meets the requirements for 40 Cambridge and Ryedale House combined. The cycle and walking officer has requested visitor parking be provided, however due to the site constraint, there does not appear to be enough space on site to accommodate this. The cycle stands would be access via secured double gates. Whilst the applicant has provided additional information to demonstrate compliance with the Cycle Parking Guide, no details of cover have been provided. I have applied the same cycle parking condition as on the 2014 application so that details of the cycle storage cover is provided.

8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

8.26 The issues raised in the representations received have been addressed above.

### **Planning Obligation Strategy**

#### **Planning Obligations**

8.27 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

- (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.

8.28 This application was received prior to the High Court ruling on 31 July 2015, which quashed the ministerial statement from the Department of Communities and Local Government in late November 2014 that S106 contributions should not be sought from developments of fewer than 11 homes. Whilst this means that new S106 contributions can once again be considered for housing developments of 10 homes or less, the implications of the S106 pooling constraints, which came into effect from 6 April 2015, also need to be taken into account.

8.29 Given the Council's previous approach to S106 contributions (based on broad infrastructure types within the City of Cambridge), the pooling constraints mean that:

- S106 contributions have to be for projects at specific places/facilities.

- The amount of S106 contributions secured has to relate to the costs of the project for mitigating the development in the context of the capacity of existing facilities serving the development.
- Councils can no longer sign up to any more than five new S106 contributions (since 6 April 2015) for particular projects to mitigate the impact of development.

8.30 The Council is, therefore, now seeking S106 contributions for specific projects wherever practicable, but this does not mean that it will be possible to seek the same number or amount of contributions as before. In this case, for example, there has not been enough time, since the High Court ruling, to identify suitable specific on-site projects. Council services are currently reviewing and updating their evidence bases to enable more S106 contributions for specific projects to be recommended in future. More details on the council's approach to developer contributions can be found at [www.cambridge.gov.uk/s106](http://www.cambridge.gov.uk/s106).

## 9.0 Conclusion

9.1 In my opinion the proposed building would preserve and enhance the established character of the Conservation Area. It is my view that, subject to conditions, the proposal would provide satisfactory living accommodation and would not have a significant impact on neighbouring occupiers. I therefore recommend that the application is approved, subject to conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to completion of the s106 Agreement and 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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

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

3. No development shall take place 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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

5. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

6. 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: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

7. Prior to commencement of development a scheme for the disposal of surface and foul water should be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure appropriate surface and foul water drainage/disposal. (Cambridge Local Plan 2006 policy 4/16)

8. The access shall be constructed with adequate drainage measures to prevent surface water runoff onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway (Cambridge Local Plan 2006 policy 4/16)

9. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

10. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority. The traffic management plan shall include details of how deliveries will be managed and what measures will be taken to mitigate the impact on local residents. The development shall be carried out in accordance with the approved traffic management plan.

Reason: in the interests of highway safety

**INFORMATIVE:** If during the works contamination is encountered, the Local Planning Authority should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The applicant/agent to need to satisfy themselves as to the condition of the land/area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future.

**INFORMATIVE:** The residents of the new residential units will not qualify for Residents Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets