

Application Number	15/1940/FUL	Agenda Item	
Date Received	13th October 2015	Officer	Lorraine Casey
Target Date	8th December 2015		
Ward	Market		
Site	48 New Square Cambridge CB1 1EZ		
Proposal	Conversion of existing end terrace known as No.48 New Square, 3No. self-contained flats, demolition of existing garage and erection of 1No. self-contained studio-flat and removal of 4No. parking bays accessed via Willow Walk and erection of 2No. self-contained flats. All with associated landscaping and access arrangements.		
Applicant	Mr Simon Hawkey		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal would not be detrimental to the character or appearance of the Conservation Area or setting of adjacent Listed Buildings</p> <p>The development would not have a significant adverse impact on the amenities of adjacent residents</p> <p>The proposals would not be detrimental to highway safety</p> <p>The loss of trees can be adequately mitigated against through replacement planting and landscaping</p>
RECOMMENDATION	Approval

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 No.48 New Square is a Grade II Listed dwelling located within the Central (Kite) Conservation Area on the north side of New

Square. New Square is an open space enclosed on three sides by dwellings all of which are Grade II listed.

- 1.2 The property is double-fronted and, unlike the other houses in the terrace, faces westwards into its own plot rather than towards the green space in the middle of New Square. There is a single garage to the west/front of the property that is accessed from New Square. The site bounds Willow Walk to the north and includes four car parking bays that are accessed from Willow Walk. These currently lie outside the garden boundary but are included in the application site.
- 1.3 Beyond the northern boundary of the site is a terrace of Grade II listed houses located on the northern side of Willow Walk. To the east, is a row of 2 storey terraced houses along New Square with rear gardens backing onto Willow Walk. To the south is New Square, an area of open space that links to Christ's Pieces further to the west. Immediately to the west, is a three storey dwelling, No.49 New Square.
- 1.4 The site lies within the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application proposes to provide 6 flats in total on the site. The proposal consists of: the conversion of the existing house to form 3 flats (1 x 2-bed and 2 x 1-bed units); the demolition of the garage on the west side of the house and its replacement with a 1¹/₂ storey building containing a single 1-bed dwelling; and the erection of a detached two-storey building with 2 x 1-bed flats in Willow Walk in place of the existing car park.
- 2.2 The building proposed in place of the garage would be sited close to the south-western boundary of the site. It would be 5.1m high to the ridge and 3.4m high to the eaves, and would incorporate a single-storey lean-to at the front. The structure would be constructed from buff brick walls under a grey tile roof, with the accommodation consisting of an en-suite bedroom on the ground floor and living room and kitchen above.
- 2.3 The proposed block adjoining Willow Walk would be a detached two-storey structure standing 6.2m high to the ridge and 4m high to the eaves. It would be constructed from buff brick under a grey tiled roof. The accommodation would comprise a flat on

each floor with part of the ground floor of the building proposed to provide enclosed cycle storage.

2.4 The buildings would be arranged around a shared internal courtyard/garden area. The existing vehicular access to the site (off New Square) would be removed and no car parking would be provided as part of the development proposal. The site would have pedestrian and cycle access only, with this access being obtained solely from New Square. The proposals involve the removal of 11 trees from the site, all of which are classified as categories C or U in the accompanying tree survey. The existing lime tree in the south east corner of the site would be retained and pollarded and replacement tree planting undertaken behind a new boundary wall and fence.

2.5 The application has been amended since the original submission following comments made by the Urban Design and Conservation Team, and at the Development Control Forum. The following revisions/additional information have been received:

- Updated section drawing with accurate topographical survey levels. The section has been enlarged and includes levels and dimensions, and takes into account the slope of Willow Walk and the site.
- Submission of a BRE daylight and sunlight assessment.
- 1m reduction in width of ground floor window to Flat 5.
- Drawing updated to show retention of chimney breast to Flat 3, and to address discrepancy with stair positioning.

2.6 The application is accompanied by the following information:

- Planning Statement
- Design and Heritage Impact Assessment
- Visual Impact Appraisal
- Statement of Community Involvement
- Daylight and Sunlight Assessment
- Tree Survey

3.0 SITE HISTORY

Reference	Description	Outcome
C/68/0404	Erection of 4 concrete garages	Approved

	Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cycle Parking Guide for New Residential Developments (2010) Kite Conservation Area Appraisal

5.3 Status of Proposed Submission – Cambridge Local Plan 2014

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 submitted to the Secretary of State on 28 March 2014 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 that are considered to be of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 The residents of the new properties would not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes in surrounding streets. This should be brought to the attention of the applicant by way of planning informative. Otherwise the proposal should have no

significant highway safety implications subject to the following conditions and informatives being incorporated into any planning permission: redundant vehicle crossover of footway to be returned to normal footway and kerb; traffic management plan.

Head of Refuse and Environment

6.2 No objections subject to the following conditions being added to any consent:

- Demolition and construction hours
- Demolition and construction delivery/collection hours
- Piling
- Airborne dust mitigation
- Scheme for insulation of plant

Urban Design and Conservation Team (Conservation)

Original comments

6.3 It is not possible to fully comment on the proposal, and the additional information set out below will be required in order to provide full comments:

Willow Walk building

The proposed new building on Willow Walk is on an area that was previously developed as can be seen on the historic maps in the Design and Heritage Impact Assessment. The proposed design takes the form of stabling which is appropriate for this location provided that the materials and finish are of a high quality. The fenestration pattern, the blind arches and the false doors give animation to the street and are traditional in character. However, the elevation facing the communal garden has more modern fenestration. This is acceptable. However, the very large ground floor window is oversized. Unless sufficient justification can be provided for this, it should be replaced with a smaller opening.

48 New Square

The existing plans for 48 New Square are incorrect in their depiction of the existing windows. Would they remain, as their replacement would not be supported? It is understood that the porch is to be replaced but there are no plans or drawings

showing what it will look like. Confirmation of the proposals should be required. The entrance for Flat 3 is through a new door in the side elevation with steps up to a raised landing. The plans do not show any form of handrail or guard for this. Will there be a requirement to fix one and, if so, what form would this take? The living room for Flat 3 does not show the chimney breast that can be seen in the basement and on the first floor. This must remain in situ. Also, the proposed new staircase from the living room up to the bedroom does not show how it will rise at the upper floor. Will there be a lobby or door? Revised plans showing these details need to be submitted.

One and a half storey building

The proposed new structure has a larger footprint than the existing garage and is taller, but the scale and massing are appropriate to the site. Clarification of the materials is needed. The materials need to work with those around so that it is tonally the same and does not detract from the listed buildings.

External areas

All the access would be through the communal garden resulting in a landscape plan that changes the setting of the building from overgrown vegetation to a heavily hard landscaped area. There might be an opportunity to introduce some more planting to soften the impact of the paving. The proposed new piece of railing in front of the one and a half storey building is supported. No details of its design have been provided but it should match the existing railings that form the front boundary to the New Square properties.

Comments on documents

It is also noted that the submitted Design and Heritage Impact Assessment is based on the previous Conservation Area appraisal rather than the one published in 2014, and there are some inaccuracies:

- (i) There are no longer derelict buildings at the eastern end of Willow Walk. These have now been replaced.
- (ii) Para 5.0 states the windows have horned sashes but it is believed they are still boxed sashes
- (iii) The dates regarding the development of New Square are incorrect

Amended comments following response from applicant's agent

It is considered that all of the questions raised in the previous response have been addressed through the additional information and new plans submitted by the agent. The applications are therefore now supported subject to the following conditions:

- Details of any new, replacement or altered joinery
- All new joinery to be recessed back from the face of the wall
- Sample panel of facing materials
- Roofing details
- Full details of all metalwork

Urban Design and Conservation Team (Urban Design)

- 6.4 The Urban Design Team have reviewed the submitted Daylight and Sunlight Study (dated 22nd January 2016, produced by Right of Light Consulting) and have the following comments to make. The study assesses the impact of the proposed development on the light received by the neighbouring properties at 4, 5, 6, 7, 8 and 9 Willow Walk and 46, 47 and 49 New Square. The study is based on the methodology set out within the BRE guide 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' 2011 and measures the amount of diffused daylight to all habitable rooms where daylight is required.

The guidance states that a window must fail all three of the tests below before a development can be deemed to have a significant impact.

Test 1: Vertical Sky Component (VSC)

Diffuse daylight may be adversely effected if, after a development, the VSC is both less than 27% and less than 0.8 its former value. The report provides VSC calculations for 41 separate windows for dwellings in Willow Walk and New Square. Only 2 windows receive less than these values; window 18 (6 Willow Walk) receives 0.89 and window 21 (7 Willow Walk) receives 0.88 of the former VSC value. Both of these dwellings are located immediately opposite the proposed Willow Walk building. Given that these windows will receive a VSC score of 30.1% (window 18) and 29.8% (window 21) with the proposed development in place diffuse daylight will not be

affected. All of the windows are in accordance with the BRE criteria.

Test 2: Daylight to windows (No Sky Line)

The no sky line is a line which separates areas of the working plane that do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The results (provided for 5 Willow Walk) indicate that the lounge and two bedroom windows receive no loss of light. The dining room window will receive 0.86 of the former VSC value (representing a loss of 10%). The loss of daylight is in accordance with the BRE guidance.

Test 3: Sunlight availability to windows - Annual Probable Sunlight Hours (APSH)

The report provides APSH results for 30 windows (serving habitable rooms) for dwellings in Willow Walk and New Square that face within 90 degrees of due south. These windows have been assessed against the three BRE criteria used to measure potential loss of sunlight (pages 16 and 17 of the BRE report).

The results show that window 21, a ground floor living room window at 7 Willow Walk, and window 25, a lounge window at 8 Willow Walk, have a 7% reduction in sunlight received over the whole year with the proposed development in place. This exceeds the BRE guidance which states that reduction in sunlight received over the whole year should not exceed 4% of APSH. However all of the windows receive more than 0.8 times the former total APSH with the proposed development in place.

The winter APSH (between 21st September and 21st March) shows that window 21 receives 0.74 and window 25 receives 0.75 of the former sunlight hours (minimum former sunlight hours is 0.8), however both of these windows receive significantly more than the minimum 5% APSH for winter with the proposed development in place (window 21 receives 20%, whilst window 25 receives 21%).

All windows assessed either meet the minimum probable sunlight hours (annual – 25% and winter – 5%) or receive more than 0.8 times the former sunlight hours or the reduction in sunlight over the whole year is no greater than 4% of APSH. No

single window fails all three of these tests; the loss of sunlight is therefore in accordance with BRE guidance.

Test 4: Overshadowing to Gardens and Open Spaces

The BRE guidance recommends that for amenity spaces to appear adequately sun lit throughout the year, at least half of the amenity area should receive at least two hours of sunlight on the 21st March. Three gardens have been assessed (46, 47 and 49 New Square), the results show that none of the gardens will receive any loss of sunlight on the 21st March as result of the proposed development. The development therefore passes the BRE overshadowing to gardens and open spaces test.

Conclusion

Based on the evidence provided in the submitted study, the loss of daylight and sunlight to existing houses in Willow Walk and New Square is minimal and is entirely within the acceptable limits recommended within BRE best practice. We have no reason to doubt the methodology used to assess the level of impact

Landscape Design

- 6.5 The development is acceptable subject to an adequate response to the following and to the imposition of conditions requiring the submission of a hard and soft landscaping scheme, and landscape maintenance and management plan.
- Remove potted box plants from drawing
 - Include intended clipping height of hedges
 - The hedge adjacent Willow Walk should include breaks and lowered areas at the false doors and windows
 - The planting against the western boundary wall could benefit from being a more shade tolerant species

Streets and Open Spaces – Trees Officer

- 6.6 The majority of trees are not a reasonable constraint to an otherwise acceptable proposal. The opportunity for replacement tree planting has not been fully explored. The replacement apple is acknowledged but insufficient alone to mitigate the loss of amenity brought by the extent of tree removals proposed. Subject to amendment of the proposed landscaping to include an additional and significant new tree and the following

conditions, there are no objections to the scheme subject to a condition requiring the submission and implementation of a phased Arboricultural Method Statement and Tree Protection Plan.

7.0 REPRESENTATIONS

Comments in respect of original submission

- 7.1 Councillor Bick requested the submission of a cross-section to show how the new building would fit into its context, stating this is vital to assist assessment of the impact and context of the proposed building in Willow Walk.
- 7.2 Councillor Gillespie requested that the application be called in to Planning Committee. His concerns were that this is a change of use that would increase density quite severely and sets a precedent that could see the whole street change in character. This is a protected heritage area and the green wall beside the parking slots on Willow Walk fit the character of the street. The planned changes may also cause loss of light and loss of amenity.
- 7.3 The owners/occupiers of the following addresses made representations objecting to the application as originally submitted.
- 26 Baldock Way
 - 1, 2 Brunswick Walk
 - 16, 18 Clarendon Street
 - 10, 12, 18, 22, 26, 34, 36, 51, 53 Maids Causeway
 - 49 New Square
 - 3, 5, 6, 7, 9, 10, 12, 13, 14, 16 Willow Walk

The main concerns raised can be summarised as follows.

- Willow Walk is a characterful street of unified Georgian design. The proposed new two-storey block adjacent to Willow Walk would harm the character of the Kite Conservation Area and setting of adjacent Listed Buildings, notably those in Willow Walk.
- The design of the Willow Walk building is out of keeping with the area, including a depressing blank eastern elevation and

muddled arrangement of windows on the Willow Walk side of the building.

- There was never a dwelling on the footprint of the proposed Willow Walk block. There was a stable that was removed a long time ago. The proposed building is not even on the footprint of the previous stable.
- The new building adjacent to Willow Walk should be omitted from the scheme.
- The Conservation Area description states that extensions should not be built on the backs of houses in New Square.
- The demolition of the existing garage is welcomed. However it is lower and smaller than the building proposed to replace it.
- The plot is too small to accommodate 6 dwellings and their associated bin and bike storage needs.
- A detailed landscaping plan for the courtyard area should be provided.
- The proposed building adjacent to Willow Walk would result in a loss of light to and overshadowing of properties on the opposite side of the road in Willow Walk. These properties have south facing ground floor and basement windows
- A daylight and sunlight assessment should be required that includes an assessment of overshadowing in the winter months. Afternoon sunlight from October-April would be particularly restricted.
- The development would result in overlooking of houses opposite.
- The service areas for the flats in the block adjoining Willow Walk would face the houses opposite, and discharges from the flues (smell, sounds, steam etc) could affect nearby residents.
- Willow Walk is narrow, and access will be made more difficult by the narrowing of the street.

- The proposal could set a precedent for similar development on Willow Walk, leading to the piecemeal destruction of the character of the area.
- A pre-application enquiry relating to the erection of a dwelling in the grounds of 49 New Square was recently resisted due to the impact on the setting of the listed building and potential loss of trees.
- Where would the new residents park? The development would result in the loss of 4 existing spaces.
- No site notices were evident in the area.

Comments received in response to amended and additional information

- 7.4 Councillor Sinnott expresses disappointment that the developer failed to adequately respond to issues raised at the DCF by the residents of Willow Walk.
- 7.5 The owners/occupiers of the following addresses made representations following the submission of additional information from the applicant's agent:
- Brunswick and North Kite Residents' Association
 - 33 Cow Lane, Fulbourn
 - 26 Maids Causeway
 - 5, 7, 9, 10, 11, 13 Willow Walk

The main concerns raised are as follows:

- The amendments, if any, are negligible, and take no account of the Forum process.
- The site section drawing provided by the agent is misleading as it shows the new structure as appearing subservient to the Willow Walk terrace. The land on the north side of Willow Walk is lower than on the south side, meaning the development will only be 9-18cm lower than the properties on the opposite side of the road.

- There seems to be a discrepancy in the distance shown between the new build and Willow Walk properties, between the site section drawing (8.05m) and proposed site plan (8.8m)
- The width of the properties in Willow Walk is misrepresented in the section drawing (8m rather than 6.17m)
- The ridge height of 5 Willow Walk is misrepresented in the drawings.
- The additional Daylight and Sunlight Assessment does not appear to accurately reflect winter sun exposure. The development would result in a loss of light to all of 6-9 Willow Walk's living room and basement windows.
- The consultants that carried out the Right of Light study did not access No.7 Willow Walk to do so. This raises concerns about the accuracy and impartiality of their findings.
- The amendments have failed to take account of the discussion at the DCF. On this basis, a 2nd DCF should be called.

Development Control Forum

7.6 Residents from the following 26 addresses signed a petition requesting that the application be considered at a Development Control Forum (DCF):

- 3, 10, 11, 28 Clarendon Street
- 17 Emmanuel Road
- 8, 10,14, 18, 36, 41, 49 Maids Causeway
- 40 Occupation Road
- 6, 12 Orchard Street
- 39 Oyster Row
- 31 Parkside
- 18 Richmond Road
- 3, 6, 7, 9, 10,11, 12, 14 Willow Walk

The grounds for asking for a DCF were as follows, with the requested changes being the deletion of the two flats fronting Willow Walk.

“That the proposal for the erection of 2 self contained flats is highly damaging to the Kite Conservation Area and to the setting of the early Charles Humfrey listed terrace in Willow Walk.

Although the residents of Willow Walk support the bringing back into use of 48 New Square there is genuine concern over the impact of the Willow Walk element of the scheme which increases density on the application site and impacts on the Willow Walk street scene which is historically open in aspect along its New Square side.

The petitioners believe that if there is no value to Jesus College in maintaining the car spaces there is scope for enhancing the Conservation Area by means of including the car space land within the curtilage of No.48.”

7.7 The DCF was held on December 2015 and the minutes of this meeting are attached as an Appendix.

7.8 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 the site design and external spaces
3. Residential amenity
4. Trees and landscaping
5. Highway safety, car and cycle parking
6. Refuse arrangements
7. Third party representations

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan 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.”

- 8.3 The site is situated within an established residential area, and the principle of further residential development in the area would therefore be broadly in accordance with Policy 5/1.
- 8.4 Policy 5/2 of the Local Plan supports the conversion of large properties into additional dwellings recognising that conversion makes a useful contribution towards housing provision. This is subject to proposals meeting the various tests set out in the policy with regards to impacts upon residential amenity, on-street parking, provision of satisfactory bin and bike storage, and the standard of accommodation that would be provided.
- 8.5 Policy 3/10 of the Local Plan states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:
- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance.
 - b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties.
 - c) Detract from the prevailing character and appearance of the area.
 - d) Adversely affect the setting of Listed Buildings within or close to the site.
 - e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
 - f) Prejudice the comprehensive development of the wider area of which the site forms part.

Part f) is not of relevance to this application. Parts a-e inclusive will be discussed in further detail in the following sections of this report.

Context of site, design and external spaces including impact upon the Conservation Area and setting of Listed Buildings

- 8.6 The site occupies a highly sensitive location within the Central (Kite) Conservation Area. It is occupied by a Grade II Listed Building and all other properties in the vicinity, grouped around New Square and in Willow Walk to the north, are also Grade II Listed.
- 8.7 The proposal includes three distinct elements and I will consider each of these in turn:

Conversion of No.48 to 3 flats

- 8.8 The application includes the conversion of the existing listed house to 3 flats. At the pre-application stage, it was proposed to add a stairwell extension to the existing building in order to enable this conversion. Following concerns raised by Officers regarding the impact this would have on the setting of the building, this element has now been removed. In responding to the current proposal, the Conservation Officer still felt that further details and clarification of the plans was required. In response to this, the applicant's agent has confirmed the following:

- The existing sash windows would be retained and refurbished.
- It is proposed to replace the porch but it is requested this be conditioned as part of any permission to enable further detailed discussion.
- The entrance to flat 3 has intentionally been designed as a stepped access, and hand rails can therefore be avoided.
- The chimney breast will be retained and the drawing has been updated accordingly. The discrepancy with the new stair positioning has also been addressed in the amended plans.

- 8.9 Following clarification of the above, the Conservation Team has advised that the works to convert the building are acceptable, and I concur with their conclusions. However, I disagree with the agent's suggestion that the replacement of the porch could be dealt with by way of planning condition and, in my opinion, this would need to be the subject of a new planning application.

One and a half storey building

- 8.10 The 2nd element of the proposal involves the demolition of the existing garage in the south-western corner of the site and its replacement with a 1^{1/2} storey building.
- 8.11 The Conservation Team has advised that the existing garage is of no architectural merit and its demolition is therefore supported. The proposed new structure has a larger footprint and is taller than the existing garage. In pre-application discussions, Officers raised concerns about the potential impact that a taller building in this location could have on the setting of the main dwelling and adjacent listed house at No.49. In response to these concerns, the design has been modified since the pre-application discussions to reduce its height, to set the building back into the site by approximately 3m, thereby enabling additional landscaping to be provided along the frontage, and to modify the roof form to incorporate a hipped element reducing in height towards New Square. The new building would be visually separate from, and appear as an ancillary outbuilding to, the main listed house, and the Conservation team have advised that its scale and massing are acceptable and appropriate for the site.

Willow Walk building

- 8.12 The third part of the proposal involves the construction of a detached two-storey building on the southern side of Willow Walk. This element has resulted in significant concerns, most notably from residents on the north side of Willow Walk, about the impact the building would have on the character of the Conservation Area and setting of Listed Buildings. There are also residential amenity concerns relating to this building and these will be addressed later in the report.
- 8.13 In view of these significant concerns, the local residents sought, through the DCF process, to persuade the developers to either remove this block from the scheme altogether or, at the very least, to amend it to a single-storey structure. Neither of these requested revisions have been put forward, with the only modification since the original submission consisting of a reduction in size of a ground floor window to Flat 5 to address concerns raised by the Conservation Team in its original

comments. However, the application cannot be rejected on the grounds that it has failed to resolve the concerns raised at the DCF, and can only be assessed against the relevant material planning considerations.

- 8.14 With regard to the visual impact of the development, the Visual Impact Appraisal submitted on behalf of the applicants purports to demonstrate that the development would have a negligible impact when viewed from New Square as a result of existing and proposed tree cover and the location of the rear block relative to the frontage houses.
- 8.15 There are views across the site from New Square through to Willow Walk. In my opinion, given the size and location of the new building, it will be visible from New Square and will be seen against the backdrop of the listed dwellings on Willow Walk behind and in relation to the listed dwellings of New Square in the foreground. The building will also be a prominent feature in Willow Walk itself.
- 8.16 Although the building would be a prominent structure, the fact that it would be visible and would represent a change to the existing situation does not, however, automatically mean that it would be harmful to the Conservation Area and setting of these Listed Buildings.
- 8.17 The Conservation Team has commented that the proposed new building is on an area that was previously developed (as can be seen on the historic maps in the Design and Heritage Impact Assessment) and so there is historical evidence of a building in this approximate location. Whilst there is no photographic evidence showing the form and scale of the historic building, the Conservation Team has advised that the proposed design, which takes the form of stabling, is appropriate in this location, that the scale, being subservient to the host dwelling, is acceptable, and the detailing of the fenestration with blind arches and false doors is traditional in character and gives animation to the street. I give little weight to the historical precedent as it is unclear what any building/stable may have appeared like, what footprint it may have occupied together with its scale but, nonetheless, I accept the more general points regarding subservience of form in this location the Conservation Team are making.

- 8.18 With regard to the visual impact within Willow Walk, this part of the site presently comprises 4 parking bays enclosed by a high wall. The removal of this parking would, in my opinion, improve the appearance of this side of the street. Whilst there are no buildings immediately adjoining the site in Willow Walk, there are examples of dwellings on the southern side of Willow Walk further to the east and west so the proposal does not seek to introduce a new building into an otherwise undeveloped frontage. No.49 New Square is a three-storey structure that is situated directly adjacent to Willow Walk and, when approaching the site from the east, the new building would be seen against the backdrop of this dwelling whilst avoiding undue harm to its setting. Further to the east towards Fair Street is a modern terrace of two-storey dwellings against which the new building would be seen when viewed from the west.
- 8.19 In conclusion, the site occupies a highly sensitive location within the historic heart of Cambridge. Although the supporting documentation purports to demonstrate otherwise, my assessment is that the new development on the site would be very prominent in views from both New Square and Willow Walk, as well as views across the site from New Square through to Willow Walk. The new building on Willow Walk takes a subservient form in this location, whilst the new building fronting New Square would replace a poor quality garage. The works to the main house would not alter its character, whilst the scale, design and detailing of the two new buildings are concluded by the Conservation Team to be acceptable and of sufficiently high design quality to preserve the character of the area and the setting of adjacent Listed Buildings. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11, 4/10, 4/11 and 5/2.

Residential Amenity

- 8.20 The conversion of the existing property proposes to utilize the existing fenestration and would not therefore give rise to any significant neighbour amenity issues. In addition, the building proposed in place of the existing garage, although taller than the existing structure, is sited sufficiently far from the adjacent property at No.49 to avoid any significant adverse impact in terms of its overshadowing or enclosure impacts.

- 8.21 The key area of concern from a residential amenity point of view relates to the impact of the proposed new building adjoining Willow Walk. This is a 6.2m high building located approximately 8 metres to the south of dwellings in Willow Walk, the most affected of which would be Nos. 6-9 (inclusive). Significant concerns have been raised by residents of all these dwellings regarding the impact the development would have upon light to their properties, particularly in the winter months (late September through to late March). In response to these concerns that were also expressed by local residents at the DCF, an additional Daylight and Sunlight Assessment based on the Building Research Establishment guidance has been carried out. The affected residents have voiced their concerns, however, that this does nothing to allay their original fears and have stressed that the Council should insist on a full Right-to-Light study being carried out.
- 8.22 The Urban Design Team has assessed and commented on the submitted study. In order to argue that a development would cause significant harm to daylight and sunlight levels, the impact on affected window(s) would need to fail all three of the tests referred to in the response set out in Paragraph 6.4 of this report. The sole ground floor living room window of No.7 Willow Walk (window 21) and the lounge window to No.8 (window 25) do fail one of tests. However, no single window fails all three tests and, as a result, it is concluded that the development would not have a significant impact in terms of loss of sunlight/daylight to nearby properties.
- 8.23 With regard to the request that the Council should require an assessment based on Right to Light legislation, it should be stressed that this is separate non-planning related legislation, and that a planning application can only be assessed (and decision made) against the relevant planning guidance issued by the Building Research Establishment. This has been undertaken and deemed acceptable.
- 8.24 Residents in Willow Walk have expressed concern that the new building in Willow Walk would be unduly dominant in the outlook from their south facing windows. Although the presence of this building would alter the existing outlook from these windows given its relatively low ridge and eaves heights (6.2m and 4m respectively) and approximately 8m separation, I consider this

would not have such a significant impact that a refusal could be justified on these grounds.

- 8.25 With regard to concerns about overlooking impacts of the building adjoining Willow Walk, the first-floor north-facing openings serve non-habitable rooms (2 x landing windows and a bathroom) whilst a rooflight to a study is at a high level. The only habitable room window in this elevation is at ground floor level and serves a bedroom. Given that the majority of the openings are to non-habitable rooms and that the relationship is to the front of properties where occupiers would already experience some overlooking and loss of privacy from pedestrians passing on the footpath, in my opinion this relationship is acceptable and would not give rise to a harmful level of overlooking of dwellings on the opposite side of Willow Walk to the north.
- 8.26 The south elevation of the Willow Walk block has lounge and bedroom windows at first floor level, both of which would look towards the shared courtyard area. The bedroom window would be just 10m from the rear of the adjacent property at 47 New Square. However, the top of the window would be just 1.1m above the internal finished floor level and the low height of this opening lower than the normal eye height level would, in my opinion, prevent any adverse overlooking of the adjacent property or garden.
- 8.27 The building proposed in place of the existing garage has first-floor openings to the front, east side and rear. As no openings are proposed in the west side elevation facing No.49 New Square's private garden, I consider the development would not give rise to overlooking problems of the neighbouring property and garden to the west.
- 8.28 The owner of No.7 Willow Walk has raised concern regarding discharge from the flues, extractor ducts, vent pipes, soil stacks etc. The Environmental Health Officer has been consulted on the proposal and has not raised any specific issues relating to these elements of the scheme. He has, however, raised some concern regarding the noise that could be associated with any air source heat pumps, and recommends a plant insulation condition to ensure such impacts are adequately assessed.

- 8.29 With regard to the amenities of future occupiers, the proposal includes a south-facing central communal garden space measuring 15m deep x 6m wide for the use of residents of all 6 properties. Whilst this is modest in size, it is sufficient to provide some sitting-out space for residents as well as space for storage of refuse bins (cycle storage would be accommodated within the Willow Walk building). Given this, together with the fact the site is located adjacent to the open space areas at New Square and Christ's Pieces, and within easy walking distance of the substantial areas of public open space at Midsummer Common and Jesus Green, I consider the level of amenity space provided to be appropriate for this site.
- 8.30 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) Policies 3/4, 3/7, 3/10 and 5/2.

Trees and landscaping

- 8.31 The proposal includes the removal of 11 trees, which are all identified as Category C and U in the accompanying Tree Survey. The Trees Officer has raised no objections to the proposal although has stressed that any landscaping scheme should include a better quality of replacement planting than is currently shown. The Landscape Design Officer has raised some reservations regarding the proposed landscaping, but I consider these issues, together with those raised by the Trees Officer, can be considered further and resolved by way of conditions requiring detailed landscaping and landscape management proposals. In my opinion, the development is therefore compliant with Policy 4/4 of the Cambridge Local Plan.

Highway Safety, car and cycle parking

- 8.32 The proposal involves the removal of the existing four parking spaces adjacent to Willow Walk, and the creation of 6 dwellings with no off-street parking provision. The Highways Authority has raised no objections to the highway safety implications of the development subject to conditions. In my opinion, a car-free development is entirely acceptable in this location within the Controlled Parking Zone. Future residents would have no need to own a car given the central location of the site and ease of access to a wide range of shops, services, facilities and public

transport. There is a Car Club in Cambridge that residents could make use of should they require occasional use of a car, and it is recommended that an informative advising of this service be attached to any planning permission.

- 8.33 Concerns have been raised by local residents that the development would result in the width of Willow Walk being narrowed to the detriment of highway safety. The space proposed to be occupied by the Willow Walk block is currently taken up with parking, and this space is not therefore available for manoeuvring, nor is there any footpath on this side of the road. I do not therefore consider the proposal will have any adverse highway safety implications on Willow Walk.
- 8.34 With regard to cycle parking, the application proposes a lockable store within the Willow Walk block designed to provide storage for a total of 12 cycles. This accords with the policy requirement and is therefore acceptable. The provision and future retention of this space would need to be secured by way of planning condition.
- 8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 5/2, 8/2, 8/6 and 8/10.

Refuse Arrangements

- 8.36 It is proposed that large commercial refuse containers would be provided and stored within a designated area behind the southern boundary wall. Further details of the arrangements, and the provision and retention of suitable storage, would need to be secured by way of planning condition.
- 8.37 In my opinion, subject to such a condition, the proposal is acceptable in this respect and compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 5/2.

Third Party Representations

- 8.38 I have addressed the majority of issues raised in the representations within the body of this report.
- 8.39 A number of concerns have been raised regarding the accuracy of the drawings. In response, the applicant's agent has confirmed that the plans are entirely accurate and based on

verified topographical surveys, and that there is no discrepancy between the site plan and cross-sections. Having checked the plans and visited the site and surroundings, my opinion is that the submitted drawings are accurate.

8.40 Concerns have also been raised that, if approved, this application could set a precedent for development on the south side of Willow Walk, and also within the garden of 49 New Square for which the Council has previously given negative pre-application advice. As each application is determined on its own merits, this would need to be assessed as part of any subsequent future applications and could not constitute a justifiable reason for rejecting the proposed development of this site.

8.41 I can confirm that a site notice was produced and, to the best of my knowledge, displayed on site. The application was also advertised in the Cambridge Evening News and consultation undertaken with neighbouring residents. I therefore consider that the relevant statutory notification requirements have been adhered to.

9.0 CONCLUSION

9.1 In conclusion, the impact of the development is acceptable and I therefore recommend approval subject to conditions.

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. 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 new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (porch, doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades, etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

4. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' is to 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 Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

5. 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 3/12 and 4/11)

6. 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 Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

7. Prior to commencement of any alterations to the listed building, full details, in terms of materials, fixing, surface finish & colour, of all new/altered metalwork [stairs, balustrades, grilles, railings, brackets, window frames, columns, etc.] shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed details unless the Local Planning Authority agrees to any variation in writing.

Reason: To avoid harm to the special interest of the Listed Building and Conservation Area. (Cambridge Local Plan 2006, policies 4/10 and 4/11).

8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

9. A landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

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

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and Local Planning Authority Tree Officer to discuss details of the approved AMS.

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

12. Prior to the first occupation of the dwellings, hereby permitted, the redundant vehicle crossover of the footway must be returned to normal footway and kerb.

Reason: For the safe and efficient operation of the public highway, in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

13. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with Policy 8/2 of the Cambridge Local Plan 2006.

14. Prior to the occupation of the dwellings, hereby permitted, the cycle storage facilities shall be provided in accordance with the approved details. The facilities shall be retained in accordance with these details thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure appropriate provision for the storage of bicycles (Cambridge Local Plan policies 5/2, 3/10 and 8/6)

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 wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside or within 5m 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 amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

16. 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)

17. 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)

18. 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 the adjoining properties.
(Cambridge Local Plan 2006 policy 4/13)

19. 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 policy4/13

20. Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing by the local planning authority and 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)

INFORMATIVE: With regard to condition 13, the principal areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
- iii. Movements and control of all deliveries (wherever possible 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.

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: 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 residents of the new dwellings will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

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.

INFORMATIVE: To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

-Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

-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

INFORMATIVE: To satisfy the plant noise insulation condition, the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

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

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

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

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

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