

<b>Application Number</b>	16/0720/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	20th April 2016	<b>Officer</b>	Sav Patel
<b>Target Date</b>	15th June 2016		
<b>Ward</b>	Market		
<b>Site</b>	73 Newmarket Road Cambridge CB5 8EG		
<b>Proposal</b>	Proposed Residential Development of 6No. Studio Apartments, Kitchen Extension to Existing Restaurant and associated Works including demolition of existing single storey structures.		
<b>Applicant</b>	Mr Aldo Marino 19 Rutherford Road Cambridge		

<p><b>SUMMARY</b></p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development is considered to be of acceptable design for this site which would improve the appearance of the site and character of the area;</li> <li>- The scale of the proposed development is considered to be acceptable in this context and would sympathetically assimilate into the site without appearing dominant or out of keeping.</li> <li>- The proposed development would not have any significant adverse impact on the residential amenity of the adjacent neighbours.</li> </ul>
<p><b>RECOMMENDATION</b></p>	<p><b>APPROVAL</b></p>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is located on the northern side of Newmarket Road and is occupied by a two storey building that is currently used as an Indian restaurant which fronts the back edge of the pavement. To the rear of the building is an area of hardstanding and an area laid to lawn. The rear boundary is

defined by a 2.5 metre high brick wall which also extends along the western boundary and part of the eastern boundary. The western boundary wall is hidden behind a piece of public art which extends along the entire length of the boundary.

- 1.2 The site is located within an area of mixed uses such as residential apartments, offices and other commercial uses. To the west of the site is the main entrance/access into Kingsley Walk which contains blocks of apartments with car parking at ground level. On the other side of the main entrance is Brooke Court which is an apartment block. Newton Court which is an apartment block is located adjacent to the northern boundary of the site. To the east is a three storey office building which is set back from the front elevation of no.73. Opposite the site; south of Newmarket Road, are office buildings and other commercial uses with car parking in front. The Elizabeth Way roundabout is located approximately 100 metres to the east of the site.
- 1.3 There is a shallow slope from Newmarket Road and into Kingsley Walk.
- 1.4 The site is located within the Riverside and Stourbridge Common Conservation Area (2012) and a Controlled Parking Zone (B). There is a London Plane close to the eastern boundary of the site which is protected by a Tree Preservation Order. There are no listed buildings or other heritage assets within close proximity of the application site. The office building to the east of the site is identified as being a 'building which detracts' from the Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is to extend the existing restaurant and create an attached block of studio apartments at the rear of the restaurant.
- 2.2 The extension to the restaurant consists of an enlarged kitchen with w/c, store room and bin store. The proposal also includes a first floor office at the rear of the restaurant.
- 2.3 The apartment block would consist of 6 studio apartments over three storeys. The ground floor would consist of the main entrance which would be accessed via a courtyard area to the side of the restaurant, bin and cycle storage, and a ground floor

studio apartment. The ground floor would also consist of plant room and laundry which would be accessed via the main entrance. On the first floor, the proposal includes three studios each with an outdoor balcony. On the second floor the proposal would include two studios each with an outdoor balcony. The roof would be surrounded with a parapet wall and include rooflights to serve the second floor studios and stairwell but would not be visible from the public realm.

2.4 The proposal has been amended following concerns with the potential impact on the residential amenity of the occupiers of the flats in Newton Court which are located adjacent to the site.

2.5 The proposed amendments consist of the following:

- The development has been pulled away from the rear boundary to increase the separation from Newton Court;
- The rear section of the development has been modified to reduce the dominance and enclosing impact on Newton Court;
- The layout of the ground floor of the studio block has been altered to increase studio 1, give the main entrance better legibility, and provide secure access to the cycle parking area;
- Studio 1 now includes a private threshold space;
- The courtyard serving the studio block has been segregated from the courtyard for the restaurant by a gate.

2.6 The application is accompanied by the following supporting information:

1. Design and Access Statement;
2. Shadow study;
3. Topographical survey;
4. Plans

### 3.0 SITE HISTORY

Reference	Description	Outcome
05/0182/ADV	Installation of 2 externally illuminated signs of individual letters and one externally illuminated hanging sign.	PERMITTED

08/1142/FUL	Erection of timber framed shelter.	PERMITTED
10/0547/ADV	Installation of three non-illuminated fascia signs and one externally illuminated hanging sign.	PERMITTED
11/0240/FUL	Installation of acoustic baffle to boundary wall and smoking shelter.	PERMITTED
12/0933/FUL	External works including the installation and modification to doors and windows (following demolition of existing out-buildings)	PERMITTED

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/14 4/4 4/9 4/11 4/13 5/1 8/2 8/6 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95  Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Area Guidelines	Riverside and Stourbridge Conservation Area Appraisal (2012)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)

### 5.4 Status of Proposed Submission – Cambridge Local Plan

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

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Control)**

First comments:

- 6.1 The proposed layout removes the possibility for motor vehicles to enter the site and leave in forward gear. The proposal would therefore increase risk of accident for users of the very busy carriageway including non-motorised users. The recommendation is for this proposal to be refused. This objection could be overcome by closing the vehicular access to motor vehicles.
- 6.2 The proposal does not include off street car parking for the new residential units. The applicant is advised to reassess the proposed parking provision.
- 6.3 If permission is granted, the future residents will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Scheme. This should be brought to the applicant's attention.
- 6.4 If the scheme is amended as above, the highway authority is satisfied the proposal will have no significant adverse effect upon the public highway and would recommend the following conditions and informatives:
- Redundant vehicle crossover must be returned to normal footway;
  - Traffic Management Plan;
  - Offence to carry out works to highway without relevant consent – informative;
  - No overhanging of public highway – informative;
  - Public utility informative;

Second comments – following clarification from the agent that the existing arrangement has no provision for turning on site

and this will not change and there is no residents parking on site:

- 6.5 The clarification has overcome the highway authority's objection.

### **Landscape Architect**

- 6.6 The proposed development is acceptable subject to a hard and soft landscaping condition and boundary treatment condition.

### **Urban Design and Conservation Team**

#### Conservation

- 6.7 The Conservation Team consider there to be no material Conservation issues with the proposal.

#### Urban Design

#### First comments

- 6.8 The proposed development is unacceptable and should be refused as the scheme would create overbearing, overlooking and potentially overshadowing impacts on the adjacent rooms and balcony in Newton Court at 1<sup>st</sup> and 2<sup>nd</sup> floor.

#### Second comments – following submission of revised plans

- 6.9 The amendments have largely addressed the concerns raised in the original application. However the following amendments and further information is needed before we could fully support the submitted scheme:
- Provide an updated shadow study for the revised scheme;
  - Provide a BRE VSC analysis for the 1st floor unit in Newton Court.
  - Introduce rusticated brickwork on the north elevation and green/brown roofs on the flat roof sections so as to break up the north elevation and improve the outlook from Newton Court.
  - Increase the size of the threshold space for Studio 1 and increase the depth of the planting bed.
  - Introduce gates and railings to separate and define the two courtyards.

- Clarify access/management arrangements for the cycle store and restaurant bin store.

Third comments – following submission of amended plans and revised shadow studies

- 6.10 The submitted amendments has addressed all of the outstanding concerns raised in our comments dated 25th July 2016, the scheme is therefore acceptable in design terms. The minor changes noted in the additional amendments section above need to be made and should be provided as part of the discharge of conditions. Details of materials, landscape treatment and railings and gates should be conditioned should the application be approved. A condition is recommended to require the store room window to be obscure glazed to prevent overlooking of Flat 4's balcony.

### **Environmental Health**

- 6.11 The proposed development is acceptable subject to the following conditions:
- Demolition/construction hours
  - Demolition/construction collection/delivery hours
  - Piling
  - Fume and odour control
  - Building noise insulation
  - Plant noise insulation
  - Plant noise insulation informative

### **Waste Team**

- 6.12 The plans show an oversupply of waste provision for the residential units, and the bin storage is shown too far from the highway. The commercial bin store will require bins for both general and recyclable waste. The storage point indicated is far from the highway but the plans show a collection point which would be acceptable.

### **Sustainable Drainage Engineer**

- 6.13 No comments to make.



## **Access Officer**

- 6.14 The proposal should include a flat threshold entrance perhaps served by a ramp and an identified accessible toilet.

## **Historic Environment Team (County Council)**

- 6.15 No objection to the proposed development subject to a condition requiring a programme of archaeological investigation by the developers.

## **Cambridge Airport Safeguarding**

- 6.16 No objections
- 6.17 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:

Representations to original scheme:

- 9 Brooke House, Kingsley Walk;
- 19 Brooke House, Kingsley Walk (Support);
- 31 Brooke House, Kingsley Walk (Support);
- 33 Brooke House, Kingsley Walk;
- 11 Darwin House, Kingsley Walk;
- 2 Kingsley Walk;
- 10 Kingsley Walk;
- 34 Marlowe House, Kingsley Walk;
- 13 Newton Court, Kingsley Walk
- 15 Newton Court, Kingsley Walk;
- 17 Newton Court, Kingsley Walk;
- 30 Newton Court, Kingsley Walk;
- 45 Newton Court, Kingsley Walk;
- 46 Newton Court, Kingsley Walk;
- 50 Newton Court, Kingsley Walk;

Representation to amended plans:

- 33 Brooke House, Kingsley Walk;

- 34 Marlowe House, Kingsley Walk;
- 13 Newton Court;
- 50 Newton Court, Kingsley Walk;

## 7.2 The representations can be summarised as follows:

### Design and scale:

- Too much/overdevelopment for the site;
- The approach route should be kept as wide as shown;
- Concerned with the density of development on this small site;
- Happy with the proposed development as it stands no higher than the adjoining building;
- The flats nearest to Newton Court are staggered so highest floors are set away;
- Site is currently under-utilised and restaurant extension and new flats would make better use of the site;
- Back garden of restaurant is an eyesore so welcome the development;
- Out of proportion development with the host structure;
- Rear extension should be restricted to scale of the retained front part and additional space needs to be provided from Newton Court;
- The proposal attempts to cram as much as possible onto the site with no regard to impact on neighbours or the aesthetics of the development;
- Inappropriate design
- The scale of the development should be reduced to mitigate the impact on residents and designed to have a positive effect on the area;
- The design, appearance and size of the building is too large and overbearing for the plot;

### Residential amenity:

- The proposal would significantly reduce sunlight and block views of the existing buildings;
- Loss of privacy of existing apartments due to proximity between buildings;
- Overshadowing and loss of light particularly during winter months;
- Impact of extension to kitchen will result in odour and fumes and more noise late at night from the kitchen;
- Control kitchen fumes;

- Potential increase in noise and disturbance from 6 new residential units especially if rented to students;
- Disturbance from works associated with building the property;
- Fully in favour of the restaurant expanding, however the proposed 3 storey block with balconies overlooking Brooke House is too big and too obtrusive;
- New block too close and too obtrusive to Newton Court;
- Overpowering smells from the restaurant currently and request if permission is granted for all kitchen smells to be eliminated;
- Boundary wall too close to Newton Court restricting light;
- Height is imposing and will restrict light to neighbours;
- Proposed studios are very cramped and do not fit with the area;
- Unable to use external balconies due to odour/smells from the restaurant;

#### Car parking and traffic

- No information on residents parking provided in submission;
- No provision for additional car parking generated by either expanded restaurant and new properties;
- The proposal does not address how the building work will take place without blocking the access of either Kingsley Walk or Newmarket Road;
- Management of deliveries during construction will be difficult and impact traffic on Newmarket Road;
- Limited access for contractors and entry and exit onto Newmarket Road will be hazardous;
- No enough room on site for construction vehicles and machinery;
- Potential for illegal parking on Kingsley Walk will get worse during and after the build;
- Increase parking problems for residence in Riverside;

#### Other issues:

- Existing restaurant would lose trade during construction which could lead to possible closure;
- Damage to private road from construction vehicles;
- Loss of well established ceanothus tree;
- Possible loss of the existing sculpture which is part of the Brunswick site/Kingsley Walk development;

- Complaints have been made about the smell, dumping of bottles and general state of the site by residents but nothing has been done;
- These issues should be addressed before expansion is considered;
- The north boundary wall has brick pillars which the developer cannot knock down without prior agreement;

### 7.3 Representation to proposed amendments:

- Still too much development on this constrained site which will impinge on the success of the restaurant;
- View 8 (CGI) appears to be shown car access will be permitted and the rear boundary wall is not shown;
- There should be no access between the site and Kingsley Walk;
- View 9 (CGI) the central staircore structure is too high and should not exceed height of solicitors building;
- Can the Ceanothus be preserved alongside the proposed planting;
- Still overdevelopment of the site which will impinge on the adjacent development;
- Amendments are insufficient;
- Impact on first floor flat in Newton Court still very vulnerable;
- Proximity to existing balconies still a concern and will result in lack of privacy and increased noise;
- Narrow area of planting along north boundary;
- New building will look straight into bedroom window (Brooke House);
- No car parking will cause cars to back onto Newmarket Road which is dangerous and insufficient visitor car parking;

7.4 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. Context of site, design and external spaces
2. Impact on the Conservation Area

3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning obligations

## **Context of site, design and external spaces**

- 8.2 The application site consists of an existing two storey building which is used as an Indian restaurant. To the rear is a garden area which is not used in connection with the restaurant. It is used as a storage area and enclosed by a 2.5 metre high brick wall. The western boundary is screened by an existing artwork as part of the Kingsley Walk development, which is set off the boundary. There is also a small tree in the rear garden which is partially visible from the public realm but is not protected by a Tree Preservation Order. The site is surrounded on three sides by 4 to 5 storey apartment blocks on the northern and western side, and a three storey office building on the eastern side. The existing two storey domestic scale building on the site is dwarfed by the surrounding built form.
- 8.3 The proposed development of the rear garden space is considered to be acceptable as it would read as part of the overall development of this part of Newmarket Road without appearing pastiche. The proposed development has its own identity without appearing out of character. The Kingsley Walk development consists of 5 storey blocks of flats accessed off a private road. The scale of the proposed development is much smaller than the existing development to the rear of the site but proportionate with the size of the site. The design of the proposed development is acceptable and appropriate for the size of the plot.
- 8.4 The proposed extension to the restaurant connects to the proposed apartment block via an ancillary pitched roof two storey link. This link provides a clear distinction between the existing building and apartment block which is important in maintaining separation between the uses. The overall studio block is a series of flat roofs with the exception of the first floor lean-to element which has been designed in to provide relief to the occupier of the flats in Newton Court. The proposed studio block is also located directly behind the footprint of the existing

building, apart from a small section of the staircore. The three storey section of the proposed development would be located within the side elevation of the three storey office building so there would be no views of the overall proposed development from the east. The only visible elements would be the part of the ground floor and first floor lean-to element.

8.5 In this context, the proposed development is acceptable as it would improve the appearance of the site. The angular design and playful use of materials would help to integrate the proposed development into the site and surrounding context without it appearing out of character. The site is constrained by its back land location, existing restaurant use, existing flats adjacent to the site and site area. The proposed building has been designed to incorporate the main bulk within the centre of the site with ancillary elements projecting off to link into the existing building and respond to the adjacent flats in Newton Court. The flat roof form of the centre three storey element responds to the flat roof apartment buildings to the rear of the site. This is considered to be an acceptable response. The proposed design does however introduce forms and features which are not found in the Kingsley Walk development which in itself is considered to be a positive element of the proposal, as it give the scheme its own identity and makes the most of the site constraints without trying to slavishly replicate the recent development to the rear. The proposal offers variation and interest to the site and responds well with the existing development and relates sympathetically with the existing building. The proposal would not appear as overdevelopment of the plot as it satisfactorily accommodates the necessary provisions such as bins and bikes and each studio unit has some external space. The site is also located within close proximity of Midsummer Common.

8.6 In terms of external space, due to the constrained size of the plot and its back land context, the proposal includes two courtyards; one to serve the restaurant and one to serve the residential element with a gate separating both spaces. The proposal also includes external balconies for the first and second floor units and a threshold space for the ground floor unit. I am satisfied the proposal is acceptable with regards to external space.

- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

### **Impact on the Conservation Area**

- 8.8 The Conservation Team has raised no concerns with regard to the impact on the Conservation Area. Currently the western boundary of the site is hidden behind a piece of artwork which extends along the entire boundary. There are views of the existing office building which has been identified as a building that detracts. This open space between no.73 and Newton Court frames the office building and gives it prominence when viewed from Newmarket Road. Therefore, the proposal to fill this gap with a form of development that offers better visual articulation and responds better with the Kingsley Walk development is considered to improve the appearance of the site. This would in turn make a positive contribution to the character and appearance of the Conservation Area. Furthermore, side access which is gated but sometimes open has views of the service yard for the restaurant including bins. The proposal would significantly improve this and, subject to a hard and soft landscaping condition, would improve the views into the site from Newmarket Road.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.10 Concerns were raised with the original scheme in terms of its relationship with the flats in Newton Court to the rear of the site. The original scheme was designed with a staggered form, which stepped down to the rear boundary in an attempt to reduce the dominance of the development on the occupiers of the flats adjacent to the rear boundary. However, due to the proximity of the development to balconies in Newton Court (1.8 metres to the first floor balcony and 3.15 metres to the second floor balcony), it was considered to appear oppressive on the occupiers of the existing flats. The proposal also conflicted with the 25 degree rule of the BRE Guidance. As a result, discussions were held with the applicant to highlight these concerns and other detailing issues, and possible solutions to

address officers concerns. The latest amendments have now taken on board the main concerns.

8.11 The amendments include pulling the development off the northern boundary by 1 metre, introducing a lean-to roof form on the first floor element and removal of the second floor zinc element. These amendments have increased the separation between the development and occupiers of the flats adjacent to the site to the north. The balcony in the adjacent first floor apartment would now be 2.9 metres from the proposed ground floor element and 5.9 metres from the first floor element. The balcony for the second floor apartment would be 4.6 metres from the edge of the first floor lean-to element and 10 metres from the staircore. The amended form of the north elevation is considered to offer better balance to the overall development and relates sympathetically with Newton Court. It should also be noted that the occupiers of the apartments adjacent to Newton Court have dual aspect rooms and balconies.

8.12 In view of the proposed amendments, I set out below my assessment on the impact on the residential amenity.

#### Overbearing

8.13 The northern elevation of the proposed development has been amended to reduce its impact on the occupiers of the adjacent flats in Newton Court. The proposed development has been pulled away off the northern boundary and the first floor element has been turned into a lean-to element with a green roof. This would not only improve the relationship with the adjacent occupiers but would also improve their outlook. It is important to also note that the adjacent flats have dual aspect rooms and dual aspect balconies. The flats also contain large glazed windows which currently provide views into the garden of no.73 and over the private access to the west. These amendments would ensure the proposed development would not be significantly overbearing such that it would create an adverse sense of enclosure. The proposal would not cause any significant overbearing impact on the occupiers of the flats in Brooke House. The proposed extension to the existing restaurant is of ancillary scale such that it would not have any adverse impact.



## Overlooking

- 8.14 The proposal would not contain any windows that would face the adjacent flats at first or second floor level. In terms of external projecting balconies, there would be no overlooking from these areas. The only balcony that could potentially introduce overlooking is from the balcony serving studio 2. The balcony would be located nearer to the western boundary and so would not provide a direct view towards the balconies in the Newton Court flats. Furthermore, there are balconies in the Brooke House flats which face directly towards Newton Court. The proposed development would introduce a similar relationship to this. Therefore, whilst I do not consider the balcony for studio 2 would cause any significant levels of overlooking or loss of privacy over, I have recommended a condition for the details of a 1.7 metre high screen to the northern side of the balcony on studio to be submitted to and approved in writing and thereafter installed prior to occupation of the proposed studio. This would in my view mitigate any overlooking concerns. The proposed extension to the restaurant would not cause any overlooking issues over and above that which already exists.
- 8.15 In terms of overlooking of the flats in Brooke House, I do not consider the proposal would cause any significant loss of privacy over and above the existing. The proposed studio building would be approximately 20 metres from Brooke House which is an acceptable level of separation in this urban context. The eastern elevation of Brooke House contains several external balconies which overlook each other and the balconies in Newton Court face these balconies. Therefore, the introduction of five new balconies, in this context, would not cause any significant levels of overlooking or loss of privacy, particularly at the distance proposed. There is currently an existing sense of mutual overlooking from the existing balconies and roof terraces which the proposed development would not make worse.

## Overshadowing

- 8.16 The application site is located south of Newton Court and so there were concerns with the original scheme regarding the potential overshadowing of the adjacent flats. Following the amendments to the proposal and submission of a shadow

study, which has been carefully assessed by the Urban Design Team, I am satisfied that the level of overshadowing that would be caused would not be significant enough to warrant refusal. The shadow study demonstrates the proposed development would not result in additional overshadowing impact during March, June and September. However, the additional overshadowing would occur in December when the sun is at a low angle. This additional level of overshadowing is not considered to be significant enough to warrant refusal, particularly given the adjacent flats are dual aspect with west and south facing balconies and windows.

#### Odour and smells

- 8.17 The proposed extension to the restaurant would not cause any adverse residential amenity issues. The proposal would result in enhancement to the existing fume extraction system for the kitchen which I understand from the City Council Environmental Health Team is not suitable for the existing use as it was the same system used for the previous pub use and therefore does not contain the higher levels of odour filtration required for an Indian restaurant. The Environmental Health Team has therefore requested a condition for the details of the flue and extraction system to be submitted for consideration prior to commencement. The applicant has made provision for a new extraction system with the proposed design. I am therefore satisfied that the proposal would improve odour nuisance arising from the restaurant to the benefit of existing and future residents.
- 8.18 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/13.

#### Amenity for future occupiers of the site

- 8.19 The future occupiers of the proposed development would be provided with studio units which are sufficient in size and within close proximity to local amenities. The proposed development is considered to be ideally suited to young professionals. Each studio unit would benefit from a private outdoor space and secure provision for cycle storage. The Urban Design Team has recommended a condition requiring the commercial storage

room to be fitted with an obscure glazed window to prevent overlooking of Flat 4's balcony. As this window serves a store and the area overlooked is a balcony rather than window serving a habitable room, I do not consider such a condition to be necessary.

- 8.20 In my opinion subject to condition on the odour extraction system, the proposal would provide 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, 3/10 and 3/12.

### **Refuse Arrangements**

- 8.21 The proposal includes refuse provision integrated into the footprint of the proposed development and accessed via a gated store on the ground floor. The restaurant use would also benefit from an integral refuse store. In response to the comments received from the Waste Team, a revised plan has been submitted to rectify the required number and size of bins, and to add a bin collection area that is accessible from the highway. I consider these revisions have addressed the concerns raised by the Waste Team and are now acceptable.

### **Highway Safety**

- 8.22 The applicant has confirmed that the side courtyard will not be used by motorised vehicles and so there will be no vehicles reversing out of the site. The courtyard will be used by customers and future residents to access the restaurant and flats. The proposal includes the relocation of the front entrance to the restaurant from the front elevation which includes steps, to a lower threshold on the side elevation. The Highway Authority's original objection has been satisfied with clarification from the applicant regarding the restricted use of the access. The Highway Authority has also recommended a condition requiring a traffic management plan to be agreed prior to development. This, together with conditions relating to construction and collection/delivery hours, would mitigate the impact of the construction phase of the development.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

### Car parking

- 8.24 The proposal is 'car-free' as it does not provide any off street car parking on site. The existing site passage is used by the restaurant employees but is not for customers. The proposal is for six studio apartments located within close proximity of local shops including the Grafton Centre. There is also a cycle path opposite the site which leads into the city centre and the nearest bus stop is 150 metres to the west. The Local Plan encourages a modal shift from private car use to alternative modes of transports, particularly in sustainable areas where they are located within close proximity to local shops, services and public transport provision. In this context and in view of the size of the proposed units, I am satisfied that this site is a sufficiently sustainable location to allow a car-free development. In terms of the restaurant use, there is currently no customer car parking and this will continue. There are public car parks located close to the site and there are areas for customers to be dropped off and picked up by taxi.
- 8.25 I have recommended informatives advising that residents wouldn't qualify for residents permits and also advising of the local car club service.

### Cycle parking

- 8.26 The proposal includes secure and covered storage provision for 12 cycles which are accessed via a lockable gate. This is compliant with the Council's Cycle Parking Guide.
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## Third Party Representations

8.28 I have addressed some of the third party representations in the above section of my report. However, I set out below a response comments not addressed:

Representation	Response
<i>Design and scale:</i>	
Too much/overdevelopment for the site;	The amount of development is acceptable for this site and has been suitable arranged without appearing overdevelopment of plot. The proposal makes efficient use of the plot.
The approach route should be kept as wide as shown;	Noted.
Concerned with the density of development on this small site;	The amount of development on this site
Happy with the proposed development as it stand no higher than the adjoining building;	Noted.
The flat nearest to Newton Court are staggered to highest floors are set away;	Noted.
Site is currently under-utilised and restaurant extension and new flats would make better use of the site;	Noted
Back garden of restaurant is an eye sore so welcome the development;	Noted.
Out of proportion development with the host structure;	The proposed development would not appear dominant or out of proportion with the existing structure. The variation in heights and irregular form would contrast sympathetically with the traditional Victorian architect of the host property.

<p>Rear extension should be restricted to scale of the retained front part and additional space needs to be provided from Newton Court;</p>	<p>The main three storey block of the proposed development is located between two ancillary elements which helps to reduce the scale of the studio apartment. The studio building has been pulled away from Newton Court.</p>
<p>The proposal attempts to cram as much as possible onto the site with no regard to impact on neighbours or the aesthetics of the development;</p>	<p>The proposed development is an appropriate amount for the site and does not appear cramped. The proposal has been revised to mitigate any significant impact on the residential amenity of the adjacent neighbours.</p>
<p>Inappropriate design</p>	<p>The design is acceptable and appropriate in the context.</p>
<p>The scale of the development should be reduced to mitigate the impact on residents and designed to have a positive effect on the area;</p>	<p>The proposed development has been revised to mitigate the impact on adjacent residents. The proposal scheme would make a positive contribution to the site.</p>
<p>The design, appearance and size of the building is too large and overbearing for the plot;</p>	<p>I have addressed these issues above.</p>
<p><i>Residential amenity:</i></p>	
<p>The proposal would significantly reduce sunlight and block views of the existing buildings;</p>	<p>The northern elevation of the proposed development has been amended to reduce the oppressive impact on the flats in Newton Court. The introduction of a lean-to roof and setting the building off the boundary provides more relief from the proposal and improve the outlook from the adjacent flats.</p>
<p>Loss of privacy of existing apartments due to proximity between buildings;</p>	<p>There would be no loss of privacy on any of the existing flats.</p>

Overshadowing and loss of light particularly during winter months;	It is accepted that the proposal would cause some overshadowing during December but the level of shadowing is not considered to be significant enough to warrant refusal.
Impact of extension to kitchen will result in odour and fumes and more noise late at night from the kitchen;	The proposal provides an opportunity to update the existing extraction system to meet current standards.
Control kitchen fumes;	The Environmental Services team have recommended a fume filtration/extraction condition which I have applied.
Potential increase in noise and disturbance from 6 new residential units especially if rented to students;	The addition of 6 additional flats are unlikely to cause significant noise disturbance.
Disturbance from works associated with building the property;	I have recommended conditions to ensure construction hours and delivery times are restricted.
Fully in favour of the restaurant expanding, however the proposed 3 storey block with balconies overlooking Brooke House is too big and too obtrusive;	See para 8.14
New block too close and too obtrusive to Newton Court;	See para 8.12
Overpowering smells from the restaurant currently and request if permission is granted for all kitchen smells to be eliminated;	See para 8.16
Boundary wall too close to Newton Court restricting light;	The boundary wall would not cause any significant loss of light as it would not conflict with BRE's 25 degree rule.
Height is imposing and will restrict light to neighbours;	The proposal is compliant with BRE Guidance and the 25 degree rule.

Proposed studios are very cramped and do not fit with the area;	The Council does not have any internal space standards from which to assess proposal on. However, the studio flats offer decent levels of internal and external space.
Unable to use external balconies due to odour/smells from the restaurant;	The odour from the restaurant use will be mitigated by the introduction of a new fume extraction system.
<i>Car parking and traffic</i>	
No information on residents parking provided in submission;	No car parking is proposed – see para 8.23
No provision for additional car parking generated by either expanded restaurant and new properties;	No car parking for residents or the restaurant is proposed – see para 8.23
The proposal does not address how the building work will take place without blocking the access of either Kingsley Walk or Newmarket Road;	The County Highway Authority has recommended a traffic management plan condition to be applied to any consent which I have agreed.
Management of deliveries during construction will be difficult and impact traffic on Newmarket Road;	As above – see para 8.21
Limited access for contractors and entry and exit onto Newmarket Road will be hazardous;	See para 8.21
Not enough room on site for construction vehicles and machinery;	This is not a reason for refusal. I have applied a traffic management plan condition for the developer to discharge.
Potential for illegal parking on Kingsley Walk will get worse during and after the build;	This is not a planning consideration. Any illegal parking should be dealt with by the relevant authority or management company.
Increase parking problems for residence in Riverside;	See para 8.23



<i>Other issues:</i>	
Existing restaurant would lose trade during construction which could lead to possible closure;	This is not a material planning consideration.
Damage to private road from construction vehicles;	This is a civil matter.
Loss of well established ceanothus tree;	The loss of the tree, which is not protected other than being in a Conservation Area, does not outweigh the benefits of redeveloping the site.
Possible loss of the existing sculpture which is part of the Brunswick site/Kingsley Walk development;	The proposal would not result in the loss of or impact the existing sculpture.
Complaints have been made about the smell, dumping of bottles and general state of the site by residents but nothing has been done;	The proposed development would address this problem by making efficient use of this space.
These issues should be addressed before expansion is considered;	Not a reason to restrict development coming forward.
The north boundary wall has brick pillars which the developer cannot knock down without prior agreement;	The north boundary is not protected and is in within the red line boundary of the application site. No prior agreement is therefore required.

## Planning Obligations

8.29 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the [Written Ministerial Statement of 28 November 2014](#) and should be taken into account.

8.30 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of no more than

1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary

## **9.0 CONCLUSION**

- 9.1 The existing site consists of a two storey building which is used as an Indian restaurant with rear garden area used for storage and parking by staff. The rear garden is enclosed by a boundary wall and the east boundary partly defined by the side elevation of a three storey office building. The proposal is to retain the existing restaurant building and extend it to create a larger ground floor area and office space at first floor. Projecting off the rear extensions the proposal is to create a three storey block of studio flats consisting of six studios. The proposal also includes bin and cycle storage provision for both uses.
- 9.2 The design and scale of the proposed development has been amended, particularly the northern elevation to address concerns with the potential overbearing impact on the adjacent flats in Newton Court. The scale of the north elevation has not only been reduced to provide more relief to the existing residential flats in terms of outlook but the ground floor element has been pulled away from the boundary. The flat roof angular design of the apartment block responds to the surrounding block of apartments whilst having its own identity. The overall design and scale of the proposed development is considered to be acceptable and would make a positive contribution to the site and surrounding area.
- 9.3 The proposed development has been carefully assessed in terms of impact on the residential amenity of the surrounding residents. The surrounding development consists of 5 storey flats with external projecting balconies. Therefore, there is an existing sense of mutual overlooking which the proposal would not make worse. The impact on the neighbour directly to the rear of the site in Newton Court has been carefully considered and the scheme has been revised to mitigate the impact on them in terms of outlook and overshadowing.

## 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 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 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)

5. 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)

6. Before Studio 2 is occupied, the northern side of the balcony shall be fitted with a minimum 1.7m high screen in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained in accordance with the approved details thereafter.

Reason: To protect the amenities of neighbouring residents (Cambridge Local Plan Policies 3/7 and 3/14)

7. 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)

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

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

9. 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)

10. Prior to the occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such.

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

11. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be retained as such.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2006 policy 4/13)

12. 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 surrounding residents and future occupants of this property from plant noise associated with the residential use and restaurant use. (Cambridge Local Plan 2006 policy 4/13)

13. The redundant vehicle crossover of the footway must be returned to normal footway and kerb.

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

14. 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 the following:

- 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.

The development shall be carried out 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.

15. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

**INFORMATIVE:** Any fixed mechanical plant associated with the application will need to be assessed for impacts on the new build residential apartments and surrounding area. This must include equipment associated with the operation of the residential units and also of the restaurant.

**INFORMATIVE:** It is noted from the Design and Access Statement that the proposals include a larger kitchen and that the location of the kitchen flue is to change. Given that the application involves changes to the kitchen, we recommend the standard odour and smoke control condition. The applicant should provide details of the proposed pre-filtration and odour filtration systems to be installed, in line with DEFRA's "Guidance on the Control of Odour and Nosis from Commercial Kitchen Exhaust Systems", (January 2005).

**INFORMATIVE:** There are no significant air quality issues. However, if the existing noise climate dictates that mechanical ventilation is required for proposed new habitable rooms, air intakes should be located towards the rear of the building, away from Newmarket Road.

**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.

**INFORMATIVE:** 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 site 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.