

<b>Application Number</b>	16/1413/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1st August 2016	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	26th September 2016		
<b>Ward</b>	East Chesterton		
<b>Site</b>	207 Green End Road Cambridge Cambridgeshire CB4 1RJ		
<b>Proposal</b>	Mixed use development, comprising of 2No. Hot Food Takeaways (A5 use) and 8 No. Flats following demolition of existing buildings.		
<b>Applicant</b>	Mr & Mrs Zhang 207 Green End Road Cambridge United Kingdom		

SUMMARY	<p>The development is contrary to the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposed design is considered unacceptable and out of character</li> <li><input type="checkbox"/> The siting of the takeaway and residential bins will result in an unacceptable level of noise and disturbance to both adjoining occupiers</li> </ul>
RECOMMENDATION	REFUSAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is located on the south western end of Green End Road adjacent to the junction with Chesterton High Street. The area is predominantly residential in character but the site lies within close proximity to the Chesterton High Street Local Centre. The site is currently occupied by two takeaway outlets at ground level with a 2 bed flat above, and a 4 bedroom house with detached double garage at the rear.

1.2 The site does neither falls within a Conservation Area or the Controlled Parking Zone.

## 2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the erection of a new development comprising of 2 no. hot food takeaway units (A5 use) and 8 No. one bed flats.
- 2.2 The proposal is a resubmission of application 16/0455/FUL which was withdrawn. The proposal has been amended since submission to reduce the height of one element to the north east of the site, adjacent to the boundary with 205 Green End Road, from two storey to single storey.
- 2.3 The proposed development would be finished in buff brick. The development turns the corner by utilising a 'sawtooth' design approach to the street elevation. There would also be three dormer windows to the front elevation.
- 2.4 The two A5 units would be located to the western side of the plot. Both would have a shopfront with stallriser and fascia. An ancillary office space with store and WC are to be provided to the rear. Some cycle parking is proposed to the front of the units.
- 2.5 The two ground floor residential units would be accessed from Green End Road. The other units would all be accessed from a central corridor. This would be accessed from a door fronting onto Green End Road or from a door to the rear adjacent to the proposed bike store. There would be a communal garden to the rear of the property. This would contain a mix of paving and planting. Nine cycle parking spaces would be provided. A bin store is proposed in the northern end of the side adjacent to the rear wall of Flat 2.

## 3.0 SITE HISTORY

Reference	Description	Outcome
16/0455/FUL	Mixed use development, comprising of 2 No. Hot Food Takeaways (A5 use) and 8 No. Flats following demolition of existing buildings.	Withdrawn
12/1481/FUL	Re-building of garage to form games room/study over garage.	Permitted

10/0500/FUL	Conversion of existing garage to games room/study including creation of first floor.	Refused
07/1409/FUL	Two storey and single storey side extension and addition of first floor to create flat above shop.	Permitted
07/0962/FUL	Erection of 3-bedroom house following demolition of existing garage.	Refused
07/0946/FUL	Erection of 1 No. 1 bed flat over shop	Refused
07/0171/FUL	Erection of 1 No. 1 bed flat over shop	Refused

#### 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	3/4 3/7 3/11 3/12 4/13 5/1 6/10 8/2 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annexe A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 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 Management)**

- 6.1 Recent guidance within the NPPF and the IHT guidance on best practice in car parking provision advises that parking for new residential development should be based on a level of access to a private car for existing residential uses in the area. Advise that applicant reassess parking provision proposed. Development is likely to impose additional demand upon on-street parking. Do not consider there would be a significant adverse impacts on highway safety but may impact on residential amenity. The proposed takeaway use suggests a demand for short stay parking. There is an existing takeaway use and no parking restrictions have been imposed to the frontage. As a result do not consider that severe detriment from the proposal could be demonstrated.

### **Environmental Health**

- 6.2 The proposal is acceptable subject to the imposition of 11 conditions and 3 informatives. The conditions relate to construction hours, collections during construction, noise/vibration/piling, dust, odour filtration, noise insulation (residential), building noise insulation, plant noise insulation, ventilation, hours of use and hours of deliveries.

### **Refuse and Recycling**

- 6.3 No issue in terms of waste facilities. There must be a dropped kerb where the bins are brought out to the highway. Any gates/doors need to have hooks so they can be kept open whilst bins are being moved out and in. If there are going to be any locks, they must be digi-code or FB2 key only.

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

- 6.4 Very little has changed since the previous application (16/0455/FUL) was withdrawn. More significant changes are required to the elevation fronting the street. The roof plan, particularly the lean to and rear element, is not working well. The side lean-to appears awkward. The Urban Design Officer requests a reduction in height of the block adjacent to the

barber. There are a number of residential amenity issues. The Urban Design Officer is concerned about the impact on the flat above the barber. The proposal would enclose and overshadow the patio area and kitchen of No. 205 Green End Road. The location of the takeaway bins would create odours which would impact on the flat at No.209. The Urban Design Officer suggests that the number of units be reduced to enable his concerns to be addressed.

### **Head of Streets and Open Spaces (Landscape Team)**

- 6.5 The proposal is unacceptable. Only minor changes have been made since the previously withdrawn application (16/0455/FUL). The more fundamental concerns in relation to proximity of the development to the highway and the quality of frontage onto Green End Road have not been addressed.

### **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.6 The proposal is acceptable subject to a condition which relates to the submission of surface water drainage details.

### **Historic Environment Team**

- 6.7 Our records indicate that the site lies in an area of high archaeological potential. We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition. This will secure the preservation of the archaeological interest of the area either by record or in situ as appropriate.

### **Anglian Water**

- 6.8 No objection subject to the imposition of a condition which requires the submission of a surface water management plan.
- 6.9 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations in objection to the proposal:

- 205 Green End Road x2
- 18 Bourne Road

7.1 The owners/occupier of the following address has made a representation in support of the proposal:

- 204 Green End Road

7.2 Councillor Saris has commented on this application. He considers the proposal to be unacceptable in terms of design and requested that the application be decided at planning committee if officers were minded to recommend approval.

7.3 The representations can be summarised as follows:

### Objections

- Unclear if windows on north west elevation could be opened
- Survey shows a two storey garage rather than single storey as existing
- Concerned about loss of light/overshadowing to 205 Green End Road
- Concerned about noise and disturbance
- Lack of parking would be problematic
- What height would proposed boundary fence be?
- Overdevelopment
- City Deal proposes double yellow lines and cycle lanes to this part of Green End Road for safety
- An additional takeaway unit and housing will result in an increase in demand for parking in an already unsafe area
- Concerned about design

### Support

- Improvement to the streetscene
- Design looks good
- There have been a number of new houses in area which have resulted in very little noise and disturbance\_\_\_\_

## Second consultation

### Objection

- The revised plans have not addressed the original concerns regarding loss of light, noise and disturbance, and parking.

### Support

- Architects have worked to overcome concerns raised by 205 Green End Road
- No parking is in line with Cambridge Deal
- Visually new build will be an improvement

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. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 Policy 5/1 states that Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential in character. As a result I consider the proposal to be in accordance with policy 5/1.

8.3 Policy 6/10 states that developments for A5 uses will be permitted where the proposal will not give rise to unacceptable environmental problems or nuisance and the individual and



cumulative impact of the development is considered acceptable; and where it is in an existing centre or is part of a mixed use area in an urban extension or the Station Area. The Environmental Health Officer considers the proposal would not give rise to any significant impact on the environmental or surrounding occupiers subject to conditions. Whilst the proposal does not fall within a local centre there is an existing takeaway use on the site already. I am mindful that the proposal does not satisfy criterion b of policy 6/10 however I consider the proposed use to be acceptable given the existing arrangement and the proximity of the site to the local centre.

- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 6/10.

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

- 8.5 The Urban Design and Landscape officers have both raised objections to the proposal. The site is a large corner plot which is both prominent and visually significant in the street scene. Whilst the existing buildings on site are of poor quality and do not make a positive contribution to the street scene, the benefits of the proposed scheme do not outweigh the harm caused by its poor design and other impacts.
- 8.6 The proposed scale is informed by the adjacent development at 6 - 14 Water Lane and 238 - 246 Green End Road. However this development is accommodated on a larger, less constrained plot. The development is also set back and down from the road which appears less prominent as a result. Since the original submission of the scheme under ref. 16/0455/FUL, only minor alterations have been made to the proposed design. Both Urban Design and Landscape Officers consider that fundamental changes are necessary to make the scheme acceptable. As stated above, the site lies on a prominent corner and the proposed design needs to be carefully detailed and relate well to the street scene.
- 8.7 Given the sensitive and prominent nature of the plot I consider the proposed design inappropriate. It does not respond to the surrounding context and appears overly dominant on the plot. The rear elevation is a mix of multiple different elements which has the appearance of a development which has been extensively extended over time rather than developed as a new

building. The height, massing and form of the front elevation does not read well and would appear incongruous in the street scene.

- 8.8 In my opinion the proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.9 The original proposal was considered to have an unacceptable impact on the amenity of the occupiers of the property to the north, 205 Green End Road, in terms of overshadowing impact. The kitchen and immediate garden area of No. 205 are adjacent to the boundary with the new development. The kitchen, being a habitable room, is single aspect and gets light from the south. The original proposal had a two storey mass adjacent to the kitchen and patio which was considered to result in an unacceptable level of overshadowing of this space. The proposal has been amended and the element which sits directly adjacent to the kitchen and patio has been reduced to single storey. Shadow plans have been submitted showing the impact of the amended proposal. A two storey garage building has previously been granted under permission ref. 12/1481/FUL. Whilst this has not been implemented and has now expired it is a material consideration and the proposed shadow plans show the impact of the proposed scheme in comparison with the previous approval. In my view the height reduction has addressed the overshadowing issue and the proposal would no longer result in a significantly harmful impact on these spaces in terms of loss of light.
- 8.10 The proposed second floor of the south western element of the proposal runs in close proximity to the sole window on the rear elevation of No. 209. Whilst this protrusion would break the horizontal 45 degree rule, when assessed from this window, the proposed first floor element is lower than the neighbouring window and as a result would not appear unduly dominant.
- 8.11 A number of first floor windows face towards the side of No. 205 Green End Road. All of these are to be obscure glazed and as a result would not result in any issues in terms of loss of privacy. If I were minded to recommend approval of the

application a condition would be imposed to ensure that all of these windows were glazed to an adequate level and all rooflights were at least 1.7m above finished floor level to protect privacy.

- 8.12 The positioning of the bin store for all of the residential flats would be located adjacent to the boundary with No. 205 Green End Road. This bin store would serve all 8 flats and is within 1.5m of the common boundary. In my view this would result in a high level of noise and disturbance to the adjacent occupiers. In addition, the proposed bin store for the takeaway units is within close proximity to the boundary with No. 209 Green End Road. Whilst the ground floor of this unit is in use as a barbers the upper floor contains a residential flat with a window which will face towards this store. In my view this bin store would result in an unacceptable level of noise and disturbance to the occupiers of this flat. Given the constrained nature of the site I do not consider that the relocation of both of these bin stores could be adequately dealt with through the imposition of a condition.
- 8.13 In my opinion the proposal does not adequately respect the residential amenity of its neighbours and the constraints of the site as it would result in an unacceptable level of noise and disturbance to both adjoining occupiers. As a result, I consider that the proposal is contrary to Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

- 8.14 The proposed level of amenity space is considered acceptable for this type of development given its proximity to a large area of public open space at Stourbridge Common, a five minute walk from the site. The Environmental Health Officer has recommended a number of conditions regarding plant noise, ventilation and hours of use for the takeaway units. Subject to the imposition of these conditions I consider the proposal would offer a high quality living environment for future occupiers of the units. However this does not overcome or outweigh the other issues set out above.
- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is

compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.16 The Refuse Officer considers the proposed refuse arrangements to be acceptable. However, as noted above the proposed bin store arrangement would result in an unacceptable level of noise and disturbance to both adjoining occupiers.
- 8.17 In my opinion the proposal does not comply with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.18 The Highway engineer notes that the proposal does not accommodate any parking which is likely to result in an increase in demand for on-street parking. He does not foresee that this would result in any significant adverse impact upon the operation of the public highway. He notes that the existing takeaway unit does not have parking restrictions to the frontage. As a result he considers that it would difficult to demonstrate that the lack of parking for the proposal would result in any significant adverse impact to highway safety.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.20 The application does not propose any car parking. Given the sustainable location of the site, within close proximity to bike and public transport infrastructure and within walking distance of the Chesterton High Street Local Centre, I consider that residents would not need to own a car. As a result the lack of car parking is considered acceptable.
- 8.21 Nine cycle parking places are proposed to be accommodated within the internal courtyard to serve the residential units. This meets with the cycle parking standards set out in the Cambridge Local Plan (2006). Two additional spaces are located to the front of the property on Green End Road to accommodate visitors. An additional two spaces are located on

Green End Road to accommodate the takeaway. This is considered an acceptable level of cycle parking provision for the proposed development.

- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10. However this does not outweigh the other concerns expressed in terms of design and impact on residential amenity.

### **Third Party Representations**

- 8.23 I have addressed the third party representations within the body of my report.

## **9.0 CONCLUSION**

- 9.1 The proposed development does not adequately respect the amenity of the occupiers of the dwelling at 205 Green End Road or the occupiers of the flat above 209 Green End Road. The siting of the proposed bin stores for both the residential and takeaway uses on the site would give rise to an unacceptable level of noise and disturbance to these occupiers given their proximity to the respective boundaries. The proposed design does not respond to the surrounding context and would appear overly dominant on the prominent corner plot.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

1. The site lies in a prominent corner location within Green End Road. The design of the proposed development fails to respond to the surrounding context. The scale, form and massing of the proposed development, together with its positioning forward on the site, fails to relate well to the surrounding context. As such the proposal would appear incongruous in this prominent location within the streetscene and would be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

2. The bin stores for both the residential flats and the A3 units are sited so that their use would result in an unacceptable level of noise and disturbance to the occupiers of the adjoining dwellings at No. 205 and No. 209 Green End Road. The siting of these bins store would result in an unacceptable loss of amenity for these occupiers and as such the proposal is contrary to Cambridge Local Plan (2006) policies 3/7 and 3/12.