

Application Number	17/0974/FUL	Agenda Item	
Date Received	13th June 2017	Officer	Michael Hammond
Target Date	12th September 2017		
Ward	West Chesterton		
Site	18 Chesterton Road		
Proposal	Full Planning Application for the proposed erection of a mixed use scheme comprising 13 flats and 2 retail units following demolition of existing buildings at 18, 18a, 18b and 18c Chesterton Road, Cambridge		
Applicant	Afterway Ltd		

SUMMARY	<p>The development fails to accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><input type="checkbox"/> The proposed scale, massing, fenestration and materials of the proposed development would dominate the street scene and views from Jesus Green, failing to preserve or enhance the character and appearance of the Central Conservation Area.<input type="checkbox"/> The proposal would involve the loss of visually significant trees, visible from sensitive views along Jesus Green, and the proposed replacement planting would not mitigate the long-term loss of amenity and harm to the Central Conservation Area.<input type="checkbox"/> The proposed development would visually overbear the adjoining properties at no.20 Chesterton Road and no.1 Riverside Court to the detriment of residential amenities of exiting occupiers of these properties.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is comprised a two-storey building with some single-storey additions. The existing building is rendered white with a slate hipped roof. There are currently three shops along the street frontage and three residential flats, one of which is in the basement and the other two at first-floor level with flat roof terraces.
- 1.2 To the east are nos.20 and 22 Chesterton Road, a two-storey semi-detached pair with a restaurant and clinic at lower level and residential accommodation above. To the south-east of the site are the flats of Riverside Court and to the west is the distinctive Tivoli public house which is currently empty following a fire. Opposite the site to the north there is a row of commercial uses situated in a hung tile mansard roof building.
- 1.3 The site falls within the Central Conservation Area, Flood Zone 2, Air Quality Management Area and Controlled Parking Zone. The site also lies within the Mitcham's Corner Development Framework SPD (2017) and Mitcham's Corner District Centre. The River Cam to the south is designated as a County Wildlife Site.

2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks planning permission for the erection of a mixed-use scheme comprising 13no. flats and two retail units following the demolition of the existing buildings on site.
- 2.2 The proposed development would consist of a four-storey flat-roof building and associated landscaping at the rear of the site. The ground-floor would accommodate the two retail units and the remaining ground-floor and upper-floors would host the proposed 13 flats. The proposal has been amended to remove the plant room at roof level and introduce replacement planting at the rear of the site. Cycle parking and bin storage would be accessed down the side (east) of the proposed building, with some visitor parking for the retail units provided at the front of the site also. The proposed building would occupy a larger footprint than that of the existing building as it would project further towards the River Cam to the south.

- 2.3 There would be a net increase of 10 units on the application site as a result of the proposed development as there are already three units on the site. The proposed sizes of each of the units are as follows:

Flat No.	Number of bedrooms	Size (m ²)
1	2	72
2	1	61
3	2	69
4	1	61
5	1	46
6	2	71
7	2	69
8	1	61
9	1 (studio)	41
10	1	56
11	1	52
12	1	50
13	1 (studio)	46

- 2.4 The application has been accompanied by the following additional information:

1. Drawings
2. Design and access statement
3. Ecology statement
4. Energy statement
5. Flood risk assessment
6. Acoustic design report
7. Heritage statement
8. Phase 1 contaminated land desktop study
9. Air quality assessment
10. Planning statement
11. Sustainability assessment
12. Tree survey and arboricultural impact assessment
13. Retail survey

3.0 SITE HISTORY

- 3.1 The site has an extensive planning history but none of this is considered relevant to this application.

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 3/6 3/7 3/9 3/11 3/12 3/15
		4/3 4/4 4/6 4/9 4/11 4/13 4/14 4/15
		5/1
		6/7
		8/2 8/4 8/6 8/9 8/10 8/16
		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 (Annex A)

Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge Landscape and Character Assessment (2003)</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge City Wildlife Sites Register (2005)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p>

	<u>Area Guidelines</u> Cambridge Historic Core Conservation Area Appraisal (2015) Mitcham's Corner Development Framework SPD (2017)
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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 The development will impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.
- 6.2 A traffic management plan condition is recommended, as well as residents parking and highways informatives.

Environmental Health

Original comments (29/06/2017)

- 6.3 It is recommended that noise mitigation details for the balcony facing Chesterton Road are provided prior to determination of this application. It may not be possible to provide suitable mitigation at this location and therefore, a condition may be inadequate.

Comments on additional information (15/09/2017)

- 6.4 No objection subject to the following conditions:

- ☐ Construction hours
- ☐ Collection during construction hours
- ☐ Piling
- ☐ Dust
- ☐ Contaminated land
- ☐ Plant noise insulation
- ☐ External/ floodlighting details
- ☐ Noise insulation
- ☐ Retail delivery times
- ☐ Informatives

Refuse and Recycling

- 6.5 No comments received.

Urban Design and Conservation Team

Original comments (25/07/2017)

- 6.6 Whilst the principal of the replacement of the existing building no.18 is acceptable, scale, bulk and massing concerns, elevational issues, and functional design issues, demonstrate the current proposal is contextually inappropriate and would be dominating of the streetscene. The proposed materials would exacerbate this. The scale of the elements of the proposed front elevation need to be reduced; the top partial storey omitted; the river elevation is too tall and bulky.
- 6.7 The proposed replacement building would fail to preserve or enhance the character or appearance of the conservation area

contrary to Local Plan policy 4/11. The proposals would be contrary to Local Plan policy 3/12 as the new building is not considered to have a positive impact on its setting.

Comments on additional information (27/10/2017)

- 6.8 The amendments set out in the document titled 'cover letter' (uploaded on 08/09/2017) do not materially amend the nature of the proposals. The materials as described in the D&A Design section (3) and design would result in a building that fails to blend into the street context and would present a jarring contrast.

Senior Sustainability Officer (Design and Construction)

- 6.9 No objection subject to condition.

Access Officer

- 6.10 Flat layouts should be re-designed to meet Code 2 (formerly lifetime homes) standard building regulations.

Head of Streets and Open Spaces (Tree Team)

Original comments (17/07/2017)

- 6.11 There are visually significant trees in the garden that will be lost to accommodate the development. The loss of these trees will have a material impact on the character of the area and the scale of development prohibits replacement planting that might mitigate the longterm loss of amenity. For these reason there are objections to the proposal and refusal is recommended.

Second comments (27/10/2017)

- 6.12 The amended proposal does not seek to satisfy concerns regarding tree losses and lack of space for replacement planting. For this reason my previous objection stands and I still recommend that the application is refused.

Head of Streets and Open Spaces (Landscape Team)

Original comments (01/08/2017)

- 6.13 No assessments of potential visual and landscape impacts the development may have on the Conservation Area, Protected Open Space, Public Rights of Way and the River Cam have been submitted. CGI's of the development from the rear show a building which intrudes significantly closer to the site boundaries than the existing which we consider to be a harmful impact on the domestic scale and setting of the views towards this side of the River.
- 6.14 The proposals seek to remove a number of trees on the site, which we also consider to have a harmful effect on the character of the area. The site and its surrounding context is marked by the trees and gardens visible from the banks of the River and Jesus Green which mask and soften this aspect of the Chesterton Road buildings and create a green and domestic appearance to the bank sides of the River Cam.

Comments on additional information (29/09/2017)

- 6.15 The original objections have not been overcome and still stand.

Head of Streets and Open Spaces (Walking and Cycling Officer)

- 6.16 No comments received.

Cambridgeshire County Council (Lead Local Flood Authority)

- 6.17 The drainage scheme does not adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework (2012). Insufficient information has been submitted on storage rates. The applicant should revise the surface water drainage layout to include above ground SUDS or provide reasonable justification why this is not possible.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.18 No objection subject to surface water drainage condition.

Head of Streets and Open Spaces (Nature Conservation Officer)

- 6.19 No objection subject to bird and bat box provision and securing of green roof through landscaping condition.

Environment Agency

- 6.20 No objection subject to informatives.

Anglian Water

- 6.21 No comments received.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.22 No objection.

Cambridgeshire County Council (Historic Environment Team)

- 6.23 No objection subject to archaeology condition.

Planning Policy Team

- 6.24 If the development site meets the criteria of Policy 5/10 Dwelling mix, it is recommended that the applicant discuss the proposed dwelling mix with the Council's Housing Strategy Team to determine if this is considered acceptable.
- 6.25 It is recommended that a survey of the units in the Local Centre showing the percentage of A1 units (as measured against all units in the A use class including the last known use of any vacant properties), both before the development takes place and after should be undertaken to determine if the proposal is compliant Policy 6/7 Shopping Development and Change of Use in District and Local Centres.
- 6.26 The applicant should explain how the introduction of residential use will not compromise the adjacent public house site from operating as a public house to its previous capacity.

Cambridge International Airport

6.27 No objection.

Ministry of Defence

6.28 No objection.

Developer Contributions Monitoring Unit

6.29 The guidance states that contributions should not be sought from developments of 10-units (net) or less, 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.

6.30 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 objecting to the application:

- ☐ 8D Corona Road
- ☐ Church End Cottage, Rushden
- ☐ 1 – 8 Riverside Court
- ☐ 24 Chesterton Road
- ☐ 24A Chesterton Road
- ☐ 23 Ferry Path
- ☐ 177 Chesterton Road
- ☐ Howes Percival, Terrington House, 13-15 Hills Road

7.2 The representations in objection can be summarised as follows:

- ☐ The scale and massing is out of keeping with the area and unacceptable.
- ☐ The use of grey brick and facings would be out of character with local surroundings.
- ☐ The proposal fails to blend with its surroundings or relate to the Tivoli and is of a poor design.
- ☐ Visual enclosure/ overbearing impact

- ☐ Overlooking/ loss of privacy
- ☐ Dust, dirt and noise during construction.
- ☐ Insufficient car parking and increase in car trips.
- ☐ Further information regarding surface water drainage is needed.
- ☐ Structural damage during construction works to adjoining properties.

7.3 The owner/occupier of the following address has made a representation neither objecting to nor supporting the application:

- ☐ 52 Chesterton Road

7.4 The neutral representation can be summarised as follows:

- ☐ The frontage of the proposed plan looks acceptable.
- ☐ Lack of parking is always a concern
- ☐ Is there sufficient provision for 20+ bikes?
- ☐ Will the current tenants be offered the new units on similar terms? It is not good for the area if shops are empty.

7.5 The owners/occupiers of the following addresses have made representations supporting the application:

- ☐ 45 Pretoria Road
- ☐ HTS Estates Ltd, Salisbury House
- ☐ 24 De Freville Avenue
- ☐ 29 Victoria Road

7.6 The representations in support can be summarised as follows:

- ☐ The proposal would lift the whole area and encourage further regeneration.
- ☐ The existing building is ugly and the proposed development would improve the appearance on Chesterton Road and Jesus Green.
- ☐ The scheme will attract other business to Mitcham's Corner.
- ☐ The proposal may encourage the development of the Tivoli.
- ☐ If Mount Pleasant house was allowed by the planning department then this should be allowed also.

- ☐ Bike storage arrangements should be carefully considered given that this is a car free development.
- ☐ The proposed design is of high quality and would fit into the context of the area.

7.7 Councillor Sargeant has objected to the application. Concerns have been raised regarding the lack of car parking, massing and density, design and effect on the view from Jesus Green.

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 site, design and external spaces (and impact on heritage assets)
3. Trees
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Ecology
11. Drainage
12. Archaeology
13. Third party representations
14. Planning Obligations (s106 Agreement)

Principle of Development

Residential Development

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). The site is already used to accommodate three flats and the proposal would increase the total number of flats up to 13. As policy 5/1 points out, proposals for housing development on windfall sites will be

permitted, subject to the existing land use and compatibility with adjoining uses. The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan.

- 8.3 It is acknowledged that the Planning Policy Team has asked the applicant to explain how the introduction of residential use will not compromise the adjacent public house site from operating as a public house to its previous capacity. This is due to the concern that the proposed residential element of the development could compromise the ability of the public house at the Tivoli to viably return to its current use if and when it is re-occupied. Paragraph 123 of the NPPF (2012) states that planning decision should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- 8.4 Whilst I acknowledge the request for further information I do not consider additional information necessary at this stage and I am of the view that appropriate mitigation could be incorporated into the noise insulation condition recommended by the Environmental Health Team to safeguard the public house use. High performance glazing and alternative means of ventilation could be included in proposed flats that are closest to the public house for example. Furthermore, there are already three residential flats on the application site which would have experienced the Tivoli public house when it was last in operation and there would not be a fresh introduction of residential use on the application site.

Loss of retail unit

- 8.5 At present there are three retail units on the application site with sizes of 13m², 62m² and 44m² respectively, amounting to a total floorspace of 119m². The proposed development would result in the net loss of one retail unit and bring the total floorspace down to 88m² (29m² and 59m²).
- 8.6 Policy 6/7 of the Cambridge Local Plan (2006) states that in district and local centres, change of use from A1 to other uses will not be permitted. At face value, therefore, the policy indicates that the proposal is unacceptable in principle, as it

would involve the loss of a retail unit in the Mitcham's Corner District Centre.

8.7 Notwithstanding this policy conflict, I am of the view that in this case there are material considerations that indicate policy 6/7 is now out of date. These material considerations are threefold. The first is that it can be argued that the adopted policy is overly rigid in the context of the current national and emerging local planning policy. The second is that emerging policy allows for greater flexibility in the percentage of A1 uses in district centres. The third is that a recent appeal decision confirms the first two considerations.

8.8 In considering the relevant appeal, this was for a change of use from A1 to A5 in the Hills Road Local Centre within the city (15/0765/FUL / APP/Q0505/W/15/3137889) where the percentage of A1 uses would have fallen well below the 60% threshold. The inspector allowed the appeal and questioned the merits of the reason for refusal against adopted policy 6/7. The concluding paragraph of this decision is copied below:

"I therefore conclude that the proposed change of use from Class A1 to Class A5 would not have a detrimental effect on the underlying function of the Hills Road Local Centre to meet day-to-day needs as promoted in both CLP Policy 6/7 and emerging Local Plan Policy 72. For the reasons given I have only attributed little weight to the conflict with the provisions of CLP Policy 6/7 with regards to a numerical proportion of A1 uses. This conflict is outweighed by the lack of tangible harm to the vitality and viability of the Local Centre, the economic benefits identified and the consistency with the emerging Local Plan Policy 72, to which I have ascribed more weight given that it better reflects the flexible approach to uses in town centres (and by association local centres) espoused in the NPPF and PPG. In this way the proposal would be in conformity with paragraphs 14, 23 and 70 of the NPPF. It would also accord with the core planning principle at paragraph 17 of the NPPF to support sustainable economic development."

8.9 It is a fact that emerging Local Plan (2014) policy 72 is more relaxed than current local planning policy in terms of protecting the percentage of A1 uses in district centres. It states that changes of use from A1 to another centre use will be permitted where the number of properties in A1 use would not fall below

55%. Although this policy has outstanding objections to it, it does give a sense of the general direction of travel of planning policy in terms of retail protection and district centres.

- 8.10 A retail survey has been submitted alongside the application to justify the reduction in floorspace and net loss of one retail unit. The survey shows that in 2008 there were 25 A1 units in the District Centre, equating to 43% of the district centre. This demonstrates that there is little likelihood that there was ever a 60% proportion of A1 units in the District Centre in 2006 when the policy was devised. A 2017 land use survey shows that there are 24 A1 units which represents a shared of 39% within the District Centre. The 4% drop in the proportion of A1 units is reflected by the loss of one retail unit.
- 8.11 At present, one of the units on site is extremely small at 13m² in size which makes this unit rather limited in terms of its market appeal to new tenants. Whilst there would be a loss of floorspace, the proposed retail units would be 29m² and 59m² which are considered to be of a more marketable size in terms of attracting tenants to the district centre. In addition, the site is relatively close to the Grafton Centre and City Centre and so unlike local centres in the more peripheral areas of the city, there are still a wide variety of retail related uses in close proximity to the local catchment.
- 8.12 In my opinion, given that the percentage of A1 uses within the Mitcham's Corner District Centre does not appear to have ever been above the 60% threshold set out in policy 6/7, I do not consider it would be reasonable to resist the principle of losing one retail unit. Furthermore, the unit that would be lost would be of a niche layout and size and the marketability of this small retail unit is questioned. In addition, there is clear direction in emerging policy and recent similar appeals that the application of policy 6/7 in certain circumstances is overly rigid and not flexible enough in the current retail planning context. The proposal would retain two reasonable sized retail units and would not have a harmful impact on the vitality and viability of the Mitcham's Corner District Centre and is acceptable.
- 8.13 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 6/7 of the Cambridge Local Plan (2006).

Context of site, design and external spaces (and impact on heritage assets)

- 8.14 The site is within the Central Conservation Area and occupies a prominent frontage location on the south side of Chesterton Road which is also visible from views along the River Cam and Jesus Green to the south. Although within the conservation area, the application site is not specifically referenced in any conservation area appraisals. The site falls just outside the Riverside and Stourbridge Common conservation area appraisal, the Historic Core appraisal and the Castle and Victoria Road area appraisal.
- 8.15 The Jesus Green chapter of the Historic Core appraisal (2015) does reference the westward view from the Victoria Avenue Bridge as being an important view. The Mitcham's Corner Development Framework (2017) also identifies the view of the rear of the site as being a sensitive view from Jesus Green.
- 8.16 Whilst the characteristics, scale and materials of the existing building are in keeping with the context and street scene of the area, there is no objection to the principle of demolishing the building provided that any replacement development preserves or enhances the character and appearance of the conservation area. The existing building is considered to have little value as a heritage asset beyond its appropriate scale and layout.
- 8.17 The existing building has gaps and breathing space either side of it which allow for glimpsed views of mature trees beyond. In addition, the size of the building and recessive roof form creates a building that is part of a fine-grained context that characterises the frontage eastwards of the site. The scale and massing of the building within its context allows the Tivoli to punctuate the frontage of the road.
- 8.18 The Tivoli, situated immediately to the west of the application site, is a distinctive building which stands out in the street scene. Its unorthodox decorative parapet roof form is the most prominent element of the building which reflects the art deco period of the former cinema building. Whilst it is not specifically referenced in any conservation area appraisals, I consider the Tivoli to be the focal point of this section of Chesterton Road.

- 8.19 The proposed development fails to acknowledge and respond to the key townscape characteristics and in my opinion would harmfully compete with the local 'landmark' building of the Tivoli. The proposal introduces a bulky roof form that doesn't respond to the fine grain of the existing townscape. The overall scale is taller than the Tivoli and the apparent bulk is visible from the street. There is currently a gradual transition of scales between the smaller two-storey scale of buildings and the taller Tivoli building. This would be unbalanced by the introduction of a four-storey building and infilling of the 'breathing space' adjacent to the Tivoli building.
- 8.20 The scale of elements of the proposed front elevation, notably the height of the bays, grid of fenestration and large sheet windows, would appear as an alien feature compared with nos.20 and 22 Chesterton Road, exacerbating the perception of mass and failing in terms of successfully transitioning between the neighbouring buildings either side. This would be particularly evident when viewed from the east heading westwards down Chesterton Road where the large flank wall and zinc clad roof would be highly prominent and appear incongruous in the street scene. The proposed introduction of unorthodox material finishes would also amplify the prominence of the proposed development and exacerbate the dominant form when read in the street scene.
- 8.21 The large four-storey box-like form of the proposal would also have a harmful impact on sensitive views across the river from Jesus Green in my opinion. At present, the existing two-storey building is set well back from the River Cam frontage and development close to the river is typically domestic in scale and modest in appearance, such as Riverside Court. The proposed deep footprint and use of large panels of glazing would appear out of context with the vernacular and grain of development along this important vista and would harm the character and appearance of the conservation area in my view. The Jesus Green section of the Historic Core Conservation Area Appraisal (2015) identifies views of the river and buildings beyond as being visually important to the character of the area. Jesus Green is also identified as protected open space and the footpath along the southern bank of the river features as a frequently used right of way which makes the green appearance of the area and characterisation of buildings being set back

from the river frontage opposite and not dominating views as critical to the value of this open space.

- 8.22 Overall, I consider the proposed development would introduce a level of scale and massing that detracts from the local landmark of the Tivoli building and would appear alien in the street scene. The proposed four-storey form with large flat roofs, coupled with the unorthodox fenestration and material palette, would be out of character with the area and fail to preserve or enhance the character and appearance of the conservation area from street views and vistas along Jesus Green and the River Cam.
- 8.23 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/9, 3/12, 3/15 and 4/11.

Trees

- 8.24 There are five trees at the rear of the application site, of which the three largest trees are readily visible from views along Jesus Green to the south and are also visible from Chesterton Road through the upper-level gaps between no.18 and its two neighbouring buildings. Trees play an important role in lining the north bank of this section of the River Cam and in my opinion have considerable public amenity value in terms of their contribution to the character and appearance of the area.
- 8.25 The proposal would involve the felling of all of these trees and any green shrubbery to accommodate the deep footprint and scale of the proposed building. The Streets and Open Spaces Team and Landscape Team have both objected to the proposal on the grounds that these trees are visually significant and the loss of these trees will have a material impact on the character of the conservation area.
- 8.26 The footprint of development severely hinders the ability for replacement planting to be integrated into the scheme and the Streets and Open Spaces Team does not consider that the level of planting proposed would compensate for the harm caused by the loss of the existing mature trees. In my opinion, the replacement planting suggested is somewhat tokenistic and would not outweigh the harm caused to the character and appearance of the area due to the loss of the established trees.

- 8.27 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policies 3/4, 3/11 and 4/4.

Renewable energy and sustainability

- 8.28 The Sustainability Officer has raised no objection to the proposed development subject to condition. PV panels and thermal efficiency measures would be introduced to meet the requirement that at least 10% of the development's total predicted energy requirements on-site, are from renewable sources.
- 8.29 In my opinion subject to condition, the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

Disabled access

- 8.30 The Access Officer has suggested that the internal layouts of flats should be re-considered to account for Code 2 (formerly lifetime homes) standard building regulations. In my opinion, this is an internal alteration that could be dealt with through building regulations rather than forming a reason for refusal. The access into the site and change in levels appears to be accessible for all users.
- 8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.32 The main considerations in terms of the impact of the proposed works are the potential impacts on no.1 Riverside Court and the flats at no.20 Chesterton Road.

Overlooking/ loss of privacy

- 8.33 The owner of no.1 Riverside Court has raised an objection to the proposal on the grounds of loss of privacy due to the proximity of proposed windows and balconies that face towards

this neighbour. Whilst there would be windows in close proximity, I consider that in the event of approval, these windows could be obscure glazed to 1.7m above finished floor level and any balconies have screens of at least 1.7m high. The proposed side (east) facing windows that would face towards no.20 Chesterton Road would have fixed screens to prevent direct views of this neighbour. In my opinion, any issues regarding overlooking from windows and balconies could be conditioned to prevent any harmful loss of privacy.

Overshadowing/ loss of light

- 8.34 The proposed works would be situated to the north-west of the neighbour at no.1 Riverside Court and I am of the view that there would be no harmful loss of light experienced at this neighbouring property due to this orientation. A shadow study has been submitted which demonstrates that there would be a degree of overshadowing caused during the late afternoon hours during all equinoxes over the rear elevation of no.20 Chesterton Road. However, there would still be ample light reaching the adjoining flats up until the late afternoon and therefore I do not consider this impact would be so great as to harm this neighbour's amenity.

Visual enclosure/ dominance

- 8.35 I have concerns with the impact of the proposed development on the nearest upper-floor windows of no.20 Chesterton Road, as well as the ground-floor and first-floor kitchen windows of no.1 Riverside Court in terms of the overbearing nature of the proposed works. The reason that there are two kitchens at both ground-floor and first-floor at no.1 Riverside Court is because there is a live in carer for the occupant of no.1.
- 8.36 The existing building at no.18 is two-storeys and then drops down to single-storey as it projects deeper into the plot. There is also a significant level change in the ground between the properties of Riverside Court and that of the application site which makes the single-storey elements of no.18 appear very tall and prominent from the ground-floor kitchen window. The proposed development would occupy a much deeper footprint and would extend up to four-storeys in scale with little relief in terms of massing when viewed from the north-facing kitchen windows of no.1 Riverside Court. In my opinion, given the visual

dominance of the existing single-storey elements of no.18, the proposal to significantly increase the scale and footprint of the development would appear overly dominant and visually enclosing from these habitable rooms. This would result in occupants of these nearby habitable rooms feeling hemmed in by the proposed development and severely restrict the outlook from these rooms to the detriment of the amenity of occupiers.

- 8.37 In addition to the above, the expansion of a four-storey high wall along the eastern boundary of the site would also introduce a large expanse of dominating brickwork in close proximity to the upper-floor windows of no.20 Chesterton Road which appear to serve habitable rooms. Whilst I appreciate there is a degree of separation distance between the site and this neighbour, the proposal would represent a significant change in the south-easterly outlook for this room and would harm the amenity of this room in my opinion.

Noise and disturbance

- 8.38 The proposed residential development would be situated on a site whether there is an established residential use in the form of three flats and I do not consider the day-to-day comings and goings and use of external spaces would be significantly different to that of present. In the event of approval, conditions restricting the delivery hours for the retail uses would be recommended, as well as conditions regarding traffic management and the construction/ demolition process to safeguard neighbour amenity.

Car parking

- 8.39 Concerns have been raised regarding the lack of car parking provided for future occupants and the pressure this would have on the surrounding streets.
- 8.40 The site and the streets in the immediate vicinity of the site predominantly fall within the controlled parking zone which limits on-street parking for future occupants in the area. The City Council has maximum car parking standards. The site is also within a district centre and is within walking and cycling distance of the Grafton Centre and City Centre. The proposal includes space for 21 cycle parking spaces stored internally within the

building for future occupants. The site is well served by public transport routes along Chesterton Road.

- 8.41 In my opinion, the site is situated in a sustainable location and is not wholly dependent on car parking as the main means of transport for future occupants. The proposal includes sufficient cycle parking and there are shops and facilities within cycling and walking distance of the site. Overall I consider the impact on on-street car parking in the surrounding area would be limited and not significant enough as to warrant refusal of the application.
- 8.42 In my opinion the proposal fails to respect the residential amenity of its neighbours and the constraints of the site and I do not consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

- 8.43 The proposed flats would have reasonable internal space standards and provide acceptable outlooks for all habitable rooms. The smallest flat would be a single-bedroom studio unit that would measure 41m² internally which is above the space standards in the emerging local plan (2014). The majority of the units would have access to private balconies with the remaining units able to use the communal space at the rear. In addition, the open spaces of Jesus Green and Midsummer Common are both within walking distance of the site.
- 8.44 In my opinion the proposal provides an acceptable 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

- 8.45 The proposal includes internal bin stores down the side of the building for the residential and commercial units. These would be within close drag distance of Chesterton Road.
- 8.46 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.47 The Highway Authority has raised no objection to the proposed development.
- 8.48 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.49 Car parking and cycle parking have been addressed in paragraphs 8.39 – 8.41 of this report
- 8.50 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Ecology

- 8.51 The Biodiversity Officer has raised no objection to the proposed works subject to bird and bat box provision being secured through condition.
- 8.52 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 4/3 and 4/6.

Drainage

- 8.53 It is acknowledged that there is ambiguity between the advice of the Lead Local Flood Authority and the City Council Drainage Officer. The Lead Local Flood Authority has requested further information be provided prior to determination whereas the Drainage Officer is satisfied that the surface water drainage of the scheme can be dealt with through condition. The Environment Agency has also raised no objection. In my opinion, given the Drainage Officer's expertise in this area, I am satisfied that flooding and surface water drainage can be managed through appropriate conditions in the event of approval.
- 8.54 In my opinion, subject to condition, the proposal is compliant with National Planning Policy Framework (2012) paragraph 103.

Archaeology

- 8.55 The Historic Environment Team has raised no objection to the proposal subject to an archaeological condition.
- 8.56 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 4/9.

Third Party Representations

- 8.57 The majority of the third party representations have been addressed in the main body of this report. Those outstanding have been addressed below:

<u>Comment</u>	<u>Response</u>
Structural damage during construction works to adjoining properties.	This is a civil/ legal matter and is not a planning consideration.
Will the current tenants be offered the new units on similar terms? It is not good for the area if shops are empty.	The letting of the retail units falls outside the remit of planning in terms of the specific occupier.
If Mount Pleasant house was allowed by the planning department then this should be allowed also.	This was for a different development within a different context and sets no precedent for decision making on this application.

Planning Obligations (s106 Agreement)

- 8.58 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.
- 8.59 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The net increase in units would be 10 as there are

already three units on the site. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

9.0 CONCLUSION

- 9.1 The proposed development, by virtue of its scale, massing, form and fenestration, would be out of character with the Conservation Area and harmfully detract from the local landmark of the Tivoli building. The removal of all of the existing trees and limited replacement planting would adversely affect the appearance of the area and harm views from Jesus Green, the River Cam and Chesterton Road. The significant increase in massing would have a harmful impact on no.1 Riverside Court and no.20 Chesterton Road by way of visually enclosing key habitable rooms. Based on the representations received and my assessment of the material planning issues, refusal is recommended.

10.0 RECOMMENDATION

The application was advertised in the local press (Cambridge News) as proposed development affecting Conservation Areas and/or Listed Buildings of Special Architectural or Historic Interest. However, it should also have been advertised within the same publication as Major Development. This administrative error has been corrected and the advertisement is to be published in the Cambridge News on 24 November 2017 with a consultation period expiry date of 15 December 2017. As a result, the application should not be determined until after this date and subject to consideration of any further representations received. Delegated powers are therefore sought to refuse the application subject to no new issues arising from any further representations received.

DELEGATED REFUSAL for the following reasons:

1. The proposed development, by way of filling the width of the plot and projecting up to a height of four-storeys, would introduce a level of scale and massing that would appear dominant and out of context with the character of the Mitcham's Corner and Chesterton Road area. The proposed flat roof design, use of alien materials, large window planes and box-like form would appear bulky and out of scale with the level of

development present in the surrounding area. The dominant structure proposed fails to successfully navigate the transition of scales between the local landmark of the Tivoli building and the two-storey scales adjacent to this, resulting in a scale of development that overpowers the street scene. As such, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would be contrary to policies 3/4, 3/7, 3/12, and 4/11 of the Cambridge Local Plan (2006) and paragraph 58 of the National Planning Policy Framework (2012).

2. The proposed development would introduce an incongruous form of development into the area that would dominate and detract from sensitive views from Jesus Green and the River Cam. The north bank of the River Cam is characterised by soft greenery and modest scales and designs of built form that respect the sensitive setting of the Central Conservation Area and the green character of the protected open space of Jesus Green. The proposed four-storey scale, deep footprint, excessive use of glazing and material palette would be alien within the context of the area and appear overly prominent from key public viewpoints from Jesus Green. As a result, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would not complement and enhance the waterside setting. The development is therefore contrary to policies 3/4, 3/7, 3/9, 3/12 and 4/11 of the Cambridge Local Plan (2006) and paragraph 58 of the National Planning Policy Framework (2012).
3. The proposed works would necessitate the removal of all of the trees on the application site, the majority of which make a positive contribution to the green character and appearance of the area from public views along Chesterton Road, Jesus Green and the River Cam. The proposal only offers limited replacement planting which is not considered to outweigh the significant harm caused to the character and appearance of the area caused by the loss of the existing trees which have an important role in contributing to the green character of the north bank of the River Cam. As such, the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/9, 3/11 and 4/4.
4. The proposed development would introduce a four-storey built form that would visually dominate outlooks from habitable

rooms in no.1 Riverside Court and the upper-floor flat of no.20 Chesterton Road. The proposed works would represent a significant change in the level of massing on the site by way of an increase from two-storey with ancillary single-storey built forms to a large four-storey form that occupies a deep footprint. The resulting impact would be to visually dominate and overbear outlooks from the adjoining neighbours to the detriment of their amenity which is in part exacerbated by the significant level change between the site and no.1 Riverside Court. As such, the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12 and paragraph 17 of the National Planning Policy Framework (2012).