

<b>Application Number</b>	17/0548/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th April 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	5th June 2017		
<b>Ward</b>	Trumpington		
<b>Site</b>	60 Trumpington Road Cambridge CB2 8EX		
<b>Proposal</b>	Demolition of former restaurant, with redevelopment of the site for the erection of 2x3 bedroom and 1x2 bedroom detached linked dwellings; 1x2 bedroom apartment; 2x1 bedroom apartments; associated cycle and car parking provision and landscaping		
<b>Applicant</b>	Longbeach Estates Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> The principle of the loss of the former public house is considered to be acceptable.</li><li><input type="checkbox"/> The proposed works would respect the amenities of neighbouring properties.</li><li><input type="checkbox"/> The proposed development would successfully contrast with the character and appearance of the area.</li></ul>
RECOMMENDATION	APPROVAL

## **0.0 UPDATE REPORT**

- 0.1 Planning Committee considered this application at the meeting on 1 November 2017 and resolved to accept the officer recommendation. Planning permission has not been issued in the light of concerns raised by a local resident.
- 0.2 During the Committee meeting a resident of North Cottages addressed the Committee as a 'public speaker'. The resident subsequently submitted a formal complaint to the Council on

the basis that she was disadvantaged because she was not able to circulate her annotated plans and speak to them. Officers have concluded that in order to ensure a fair process is followed it is appropriate to bring the application back to Committee.

- 0.3 The purpose of bringing the item back to Committee is to enable the resident to address the Committee again but with the benefit of reference to annotated plans. The agent/applicant have been advised of this course of action and have been invited to address the Committee in the interests of fairness. The officer assessment/recommendation remains unchanged. The Committee's task is to decide, in the light of comments made by the public speakers, whether to confirm approval of the application or to refuse the application for reasons that are related to comments made by public speakers at the meeting.

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is comprised of a former restaurant/takeaway and associated car parking on the east side of Trumpington Road, close to the vehicular junction between Trumpington Road and Long Road. The building on the site is two-storeys in scale, rendered and has a hipped roof. There is an ancillary outbuilding to the rear and side of the existing building which has been dismissed at appeal and is awaiting enforcement action, pending the outcome of this planning application.
- 1.2 The surrounding area is residential in character. To the north there is a pair of semi-detached properties known as Nightingale Cottages. To the south of the site runs the private lane that connects North Cottages to Trumpington Road. No.1 North Cottages is positioned to the south-west of the site and has a small garden on its eastern side. To the south is the row of terraced properties that form nos.2 – 4 North Cottages. These properties are unique in that the majority of habitable rooms are single aspect and are served only by north-facing windows. To the east of the site are the remaining properties that form nos.5 – 17 North Cottages.
- 1.3 There is an article 4 direction on the site (which is carried over from when the site was last used as the Volunteer Public

House) which prohibits the demolition of the building without planning permission being obtained.

## **2.0 THE PROPOSAL**

- 2.1 The proposal, as amended, seeks planning permission for the demolition of the existing building and redevelopment of the site for the erection of 2no. three-bedroom and 1no. two-bedroom detached linked dwellings; 1no. two-bedroom apartment; 2no. one-bedroom apartments; and associated cycle and car parking provision and landscaping. The proposal is effectively split into two key elements, the front block (accommodating the apartments) and the rear dwellings which project deeper into the plot.

### Front Block

- 2.2 The proposed front block would involve demolishing the existing building and replacing it with a three-storey building. The proposed building would be constructed in a contemporary manner with a pair of rectangular buff brickwork blocks forming the main mass of the building up to two-storeys to a height of approximately 6.8m. There would be a glazed element linking the two-blocks up to two-storey level and there would also be a terrace at first-floor level. Above this there would be a metal clad third-storey which would be set in from the two-storey building line.
- 2.3 Unit 4 of the proposed scheme would be a two-bedroom duplex apartment that would have bedrooms at basement level and the living area at ground-floor. The bedrooms would be served by large lightwells on the west and east elevations of the building to provide daylighting to these areas. The rear lightwell, on the east elevation, would also serve as a sunken courtyard area for the future occupants of this unit.
- 2.4 Proposed units 5 and 6 would take the form of a pair of one-bedroom duplex apartments situated over the first and second-floors of the building. Unit 6 would have a small terrace at first-floor and both units would have terraces at second-floor level.
- 2.5 Three car parking spaces are proposed in an undercroft area of the building which would provide one car parking space for each unit. Each of the proposed three units in this front block would

have their own integral cycle stores. Bin storage would be communal and situated in the undercroft area, with the bin storage collection point being situated on the opposite side of the access road through the site.

### Rear Block

- 2.6 The proposed rear block would accommodate the 3no. dwellings at the rear of the site which would project close to the southern boundary and out to the eastern boundary. The proposed works would be constructed predominantly in buff brickwork with some lime render on the southern elevation at first-floor level.
- 2.7 Units 1 and 3 would be two-storeys in scale and would have first-floor flat roofs that would be set in from the side (south) building line and measure approximately 5.7m to the ridge. The proposed chimneys would project above these flat roofs to a height of around 6.7m. These two units would be three-bedroom in size and have lower courtyards, although unit 1 would also have a private garden in the north-east corner of the site. Unit 3 would have its own first-floor external terrace area. These lower courtyards would also provide natural lighting to the basement rooms adjacent. These two units would have their own dedicated car parking spaces in undercroft areas which includes space for bin and cycle storage.
- 2.8 Unit 2 would be situated in the centre of the proposed development and would be two-bedroom in size. This proposed dwelling would be single-storey and would have access to a basement and ground-floor level, similar to units 1 and 3. The proposed dwelling would have a first-floor terrace as its main amenity space. Cycle and bin storage would be provided in an internal store but there would be no dedicated car parking for this unit.

### Amendments

- 2.9 The most significant aspects of the amendments have consisted of the following:
- ☐ Removing a large bulk of the originally proposed first-floor of units 1, 2 and 3 at the rear of the site to attempt to alleviate

overbearing concerns raised by officers, consultees and third parties;

- ☐ Bringing the footprint of the proposed front building block forward by approximately 1.55m;
- ☐ Alterations to the front landscaping area to include two car parking spaces at the front of the site;
- ☐ Alterations to cycle and bin storage arrangements;
- ☐ Changes to fenestration; and
- ☐ Removal of the works to the private lane of North Cottages.

2.10 The application has been accompanied by the following information:

1. Drawings
2. CGI images
3. Daylight and Sunlight assessment
4. Contaminated land desktop study
5. Archaeological desk based assessment
6. Planning statement
7. Protected species survey
8. Design and access statement
9. Viability assessment of pub and operator opinions

### 3.0 SITE HISTORY

Reference	Description	Outcome
15/0152/FUL	Retrospective application for a separate single storey dry storage building, extension to existing extract duct and single storey rear extension	Refused – Appeal Dismissed
05/1349/ADV	External signage	Application returned.
C/87/0108	ALTERATIONS and ERECTION OF SINGLE STOREY EXTENSION TO EXISTING PUBLIC HOUSE.	Permitted.
C/64/0441	Extension to car park, new fencing to private road, demolition of outbuilding and new shed	Permitted.
C/64/0322	Extension to existing car park.	Refused.
C/64/0235	Proposed Batley Garage	Permitted.

- 3.1 A copy of the Inspector's Decision letter in relation to the appeal is attached.

#### 4.0 PUBLICITY

- 4.1 Advertisement: No  
 Adjoining Owners: Yes  
 Site Notice Displayed: No

#### 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 Local Plan 2006		3/1 3/4 3/7 3/11 3/12
		4/3 4/4 4/9 4/13
		5/1 5/11
		8/2 8/4 8/6 8/9 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 (Annex A)
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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>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012)</p>
	<p><u>Area Guidelines</u></p> <p>Trumpington Road Suburbs and Approaches Study (March 2012)</p>

#### 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 No objection subject to the following conditions:

- ☐ No unbound material;
- ☐ No gates erected;
- ☐ Highways drainage;
- ☐ Manoeuvring area as shown;
- ☐ Access as shown;
- ☐ Traffic management plan
- ☐ Traffic management plan informative

### **Environmental Health**

6.2 No objection subject to the following conditions:

- ☐ Construction hours;
- ☐ Collection during construction;
- ☐ Construction/ demolition noise/ vibration & piling
- ☐ Dust
- ☐ Contaminated land conditions;
- ☐ Air quality – ventilation;
- ☐ Dust informative;
- ☐ Site investigation informative;
- ☐ Remediation works informative;
- ☐ Materials chemical testing informative; and
- ☐ Contaminated land guide informative

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

Original comments (05/05/2017)

6.3 No formal objections to the proposal and the creation of a front garden is welcomed. The space at the front appears limited for tree planting and sufficient space for a medium/ large tree should be incorporated.

Comments on revised proposals (08/09/2017)

6.4 The revised layout reduces the garden space at the front of the plot and therefore opportunity for the planting of trees that will



make a significant and long term contribution to amenity. For this reason the revised layout is not supported.

## **Urban Design and Conservation Team**

### Original comments (18/05/2017)

- 6.5 Some concerns were raised at the pre-application stage about the impact on the existing North Cottages and whether adjustments to the parapets and louvres were needed to reduce the potentially overbearing impact of the proposals. These adjustments have not been made, and whilst the submitted Vertical Sky Component (VSC) assessment shows that windows along North Terrace are compliant with the BRE guidance, our detailed analysis of the scheme leads us to conclude that it will create an unacceptable overbearing impact from the ground floor windows of the existing North Cottages, particularly the proposed housing units 2 and 3 but also the ground floor southern elevation of all proposed housing units. The proposal is not supported.

### Comments on revised proposal (25/09/2017)

- 6.6 We previously raised significant concerns that the proposal would create an unacceptable overbearing impact from the ground floor windows of the existing North Cottages. To address these concerns, the applicant has undertaken appreciable revisions to the scheme. The previous second floor roof terraces to units 1, 2 and 3 and the setback first floor elements of units 3 and 2 have been removed. Furthermore, unit 2 has been amended to remove the full first floor volume, and with the exception of the stair case access for the roof terrace, this unit has been reconfigured to essentially be a 1 storey dwelling. Overall, these changes creates a more modelled and stepped form, that in our view will successfully break up the scale and massing of the proposal. Our previous concerns regarding the potential overbearing impact of the proposal on the existing North Cottages have been overcome and we can now support the application.
- 6.7 We acknowledge the adjustments undertaken to the proposed landscape along the Trumpington Road frontage. However, we consider that the amendments have gone some way in trying to maintain the original approach whilst meeting the parking needs

of an amended scheme. A meaningful element of 'green' is still proposed along this frontage, in addition to hedging and additional tree planting, all of which will contribute to the character of the street. We consider that on balance, these amendments are acceptable in urban design terms.

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

#### Original comments (28/04/2017)

- 6.8 It is unclear from the drawings whether there is internal access from within the dwellings out to the patios, terraces and gardens. There could be inter-overlooking between the terraces of the units. If planters on the roof terraces are expected to be permanent installations which are part of the building fabric, then irrigation of the planters will need to be considered.

#### Comments on revised proposal (21/09/2017)

- 6.9 The revision reduces the frontage landscape by approximately 1/3 in order to locate two parking bays. The landscape along the frontage plays a very important role in extending the verdant nature of the edge of Cambridge and providing ample space for significant tree planting. We do not support the relocation of the parking bays in this area.

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

- 6.10 No objection subject to surface water drainage condition.

### **Head of Streets and Open Spaces (Nature Conservation Officer)**

- 6.11 No objection subject to bird and bat box provision condition.

### **Cambridgeshire County Council (Archaeology)**

- 6.12 No objection subject to archaeological condition.

### **Planning Policy Team**

- 6.13 For this particular site, it is considered unreasonable to ask the applicant to market the site any further. Given the lack of

interest from existing public house operators in the site, the policy conflict that arises from one viable option for the site's diversification and the lack of community objection to the site's loss, it is considered reasonable to conclude that the development site is no longer viable for public house use.

- 6.14 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:

1 North Cottages x5	2 North Cottages
3 North Cottages	4 North Cottages
5 North Cottages	6 North Cottages
7 North Cottages	8 North Cottages x3
9 North Cottages	12 North Cottages
13 North Cottages	14 North Cottages x2
15 North Cottages	16 North Cottages
2 Nightingale Cottages	3 Porson Road
5 Porson Road	11 Porson Road
13 Porson Road	16 Porson Road
17 Porson Road	25 Porson Road
6 Eltisley Avenue x2	Cherrybrook Retirement Village
East House, The Leys School	Old Mill House, Trumpington Road
24 Crossways House, Anstey Way	7 Barrow Road
12 Barrow Road	21 Barrow Road
25 Barrow Road x2	27 Barrow Road
29 Barrow Road	30 Barrow Road
55 Atkins Close	26 Beech Drive
53 Shelford Road	76 Alpha Terrace
Campaign for Real Ale	Whitton Close, Swavesey
81 Winfold Road, Waterbeach	2 The Cotes, Soham
45 Walpole Road	

## 7.2 The representations can be summarised as follows:

### Design/ Character

- ☐ The development would be more visually pleasing than that of the current property.
- ☐ The scale of the proposal is out of keeping with the surrounding cottages.
- ☐ The proposed development is out of keeping and not sympathetic to the existing Victorian cottages.
- ☐ The metal cladding is out of character with the area
- ☐ The proposed development would be cramped and out of character with the area.
- ☐ The Trumpington Road Suburbs and Approaches Study (2012) draws attention to the high status of this section of the road and its road leafy character.
- ☐ The existing building has architectural merit and should be retained.

### Residential Amenity

- ☐ Loss of privacy from people using the lane.
- ☐ Loss of privacy/ overlooking
- ☐ Loss of light/ overshadowing
- ☐ Visually overbearing/ enclosure
- ☐ Noise disturbance from terraces
- ☐ Noise and disturbance from increased traffic movements to the area.
- ☐ Health implications in terms of air quality due to increased vehicle movements.
- ☐ The refused permission on the site (15/0125/FUL) is a material consideration and this ruled that the single-storey dry storage building was harmful to neighbour amenity and was only marginally higher than the existing fence.
- ☐ The vertical sky component used in the daylight/ sunlight assessment does not account for loss of reflected light which makes a considerable difference to the amount of light a property enjoys.
- ☐ It should be conditioned that the deeds of each of the housing units does not have access to the private lane by vehicle.
- ☐ Overshadowing of no.5 from proposed tree planting at the rear of the site.

### Parking/ Traffic

- ☐ Increased number of cars and pedestrians using the narrow lane.
- ☐ Insufficient car parking and impact on surrounding streets from car parking.
- ☐ No room for delivery vehicles to turn within the site.
- ☐ Trumpington Road is the third most dangerous cycling blackspot in the UK and no cycle safety improvement have been proposed.
- ☐ Increase in parking from contractor parking.
- ☐ No deliveries should take place before 09:30hrs or after 15:00hrs Monday to Friday during the term time dates of the Perse Prep School and St Faiths School.
- ☐ No right turn restriction should be put on entering the development from the south.
- ☐ A compulsory left turn should be put on traffic exiting the development during construction and in perpetuity.
- ☐ A yellow box should be painted across the whole of the traffic light controlled junction at Long Road/ Trumpington road before construction starts and in perpetuity.
- ☐ Highway safety concerns from use of proposed access and associated planting blocking visibility.

### Use of the site

- ☐ The restaurant use could still function viably in this location.
- ☐ Loss of local business and employer not calculated.
- ☐ The previous restaurant was commercial successful and the information submitted by the applicant is incorrect.
- ☐ The pub site has not been marketed for the 12 months as recommended by the Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (IPPG).
- ☐ The Volunteer pub site is viable and should not be lost to the community through demolition and redevelopment as housing.

### Other

- ☐ The applicant has no ownership of the land shown on North Cottages lane.
- ☐ The property has no use of the access of the privately owned lane of North Cottages.
- ☐ Pressure on infrastructure (water supplies, sewers and broadband)

- ☐ Planning permissions C/03/0289 & 08/0110/FUL were refused for residential development on land adjacent to no.4 North Cottages. The reasons for refusal are still valid to this application.
- ☐ The fence to the east of the site is owned and maintained by no.5 North Cottages and there is no permission for it to be altered.
- ☐ The street lamp at the corner of the proposed development is not within the application site.
- ☐ Sewer put at risk by proposed basement in close proximity
- ☐ Subsidence risk increased at nearby properties due to basement.
- ☐ The examples referred to in the design and access statement of other narrow streets in the City are not applicable to this site.
- ☐ The width of the north cottage access is not wide enough to accommodate a fire vehicle.
- ☐ Increased number of bins on Trumpington Road would block the lane to North Cottages and obstruct views for highways users.
- ☐ The applicant did not inform residents of the intention to submit an application despite promising to do so.
- ☐ Failure to demonstrate that this is sustainable development.
- ☐ Conditions regarding piling and excavation for the basement are necessary.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 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
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Ecology
8. Drainage
9. Archaeology

10. Third party representations
11. Planning Obligations (s106 Agreement)

## **Principle of Development**

### Principle of residential development

- 8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). 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.

### Loss of public house site

- 8.3 The application site is identified as a protected public house in the Interim Planning Policy Guidance on The Protection of Public Houses in the City of Cambridge (2012) due to its former status as the Volunteers Public House. It is pertinent to note that the public house has not been in operation for over 10 years.
- 8.4 Policy 5/11 of the Cambridge Local Plan (2006) states that development leading to the loss of community facilities will only be permitted if it can be demonstrated that the facility can be replaced to at least its existing level and quality within the new development; the facility is to be relocated to another premises; or that there is no longer a need within the local community for the facility.
- 8.5 Paragraph 70 of the National Planning Policy Framework (2012) states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decision should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meets its day-to-day needs.
- 8.6 Prior to the submission of this application during pre-application discussions regarding the principle of demolition, the applicant was advised to supply additional information explaining how recent development proposals which have managed to retain or

re-introduced the A4 use on-site are not viable options for the site at 60, Trumpington Road.

- 8.7 The information supplied included responses from a number of businesses operating in the public house trade explaining the types of sites currently sought by public house operators and how the application site failed to meet these requirements. The additional information also explained how the site's size and location are very different to other public house sites where it has been possible to re-introduce or retain an A4 use on-site.
- 8.8 While the site has not been marketed in accordance with the IPPG, a number of public house operators have been contacted about the site's potential for A4 use in some form including microbreweries. The operators have responded in kind listing the key factors that their public house businesses require and how the proposal site (including its edge of village location) fails to meet their requirements.
- 8.9 The Planning Policy Team suggested that if no further proposals for the site which include an A4 use come forward and there are no objections from the local community about the loss of the public house, it would be reasonable to conclude that the loss of the safeguarded public house site is acceptable to the local and public house community.
- 8.10 During the consultation stage, CAMRA objected to the development proposal for two reasons: the lack of adequate marketing of the site for public house use (A4 Use Class); and on grounds of viability. Following the receipt of CAMRA's objections, a meeting was held (Friday 30 June 2017) with CAMRA, the applicant (including their agent and independent viability assessor) and officers from the Council's Development Management and Planning Policy teams.
- 8.11 A key matter discussed was what additional marketing work which could be considered appropriate for the site. Any further marketing would need to be aimed at other public house businesses that were similar to that of the last tenant's business model which was also discussed. As cited in CAMRA's objections, it was agreed that the business would have appeared to have relied on the take-away part of the business. The barrelage information provided by Enterprise Inns to Longbeach Estates Ltd highlighted the very low alcohol sales



and confirmed its reliance on non-alcohol sales. It was therefore reasonable to conclude the viability of the public house site appeared to rely on significant take-away business.

- 8.12 In addition to the public house operators already consulted by the applicant regarding the site's viability and their interest in operating the site as a public house (A4 Use Class), the question of identifying other public house operators whose business model might suit the site was also discussed. They would need to be willing to operate the site as a public house (A4 Use Class) knowing that the previous business appeared to be reliant on a significant food/take away business. Any further marketing would therefore need to be for not just for a pub/restaurant use (A4/A3 Use Class, respectively) but also as a takeaway business (A5 Use Class).
- 8.13 The need to include significant takeaway use raises policy issues in terms of the current 'saved policies in the Local Plan. Developments for new A5 Use Class are controlled by Local Plan (2060) Policy 6/10 Food and Drink Outlets. They are only allowed where they will not have an unacceptable impact on local amenity (criterion a) within an existing centre (criterion b). The development site is not within an existing centre and therefore, even if the impact of the takeaway use could be satisfactorily mitigated the promotion of the site with a takeaway business would be contrary to current Local Plan policy.
- 8.14 The adopted IPPG is intended to provide guidance on how to plan positively for public houses and guard against the unnecessary loss of valued facilities as per the NPPF. It sets out the tests which should be satisfied for development proposals affecting the loss of a current or former public house. These require the site to be marketed, evidence of attempts to retain the site through diversification and the site is no longer needed by the community.
- 8.15 While the site has not been marketed according to the IPPG's requirements, the site has been the subject of a pre-application marketing exercise the details of which have been submitted as part of the planning application. From the evidence provided during the planning application public consultation, it would appear the site's viability relied on the site's ancillary takeaway business. This demonstrates that it has already had to diversify to retain any form of A4 use. Other diversification schemes

including its use as a micro-brewery were also considered but found to be unsuitable. The limited number of objections to the loss of the public house site during both the local consultation undertaken by the applicant and the application's public consultation indicate the facility is no longer needed by the community.

- 8.16 Any further marketing of the site would need to be aimed at a public house operator that included a significant takeaway business which would permit the site to diversify to retain the public house use. While this may satisfy the requirements of the IPPG, the takeaway business, would however be contrary to the current 'saved' Local Plan (2006) Policy 6/10. In policy terms, Policy 6/10 has much greater weight than that of the IPPG which is only guidance. It should also be noted that it is the Council's strategy to safeguard public houses from development by ensuring they are no longer viable or able to diversify. This approach reflects the Council's recognition that some public house sites may no longer serve their local community and, or be economically viable. However, to reach these conclusions reasonable attempts should be made to avoid their unnecessary loss to the community.
- 8.17 In conclusion, for this particular site it is considered unreasonable to ask the applicant to market the site any further. Given the lack of interest from existing public house operators in the site, the policy conflict that arises from one viable option for the site's diversification and the lack of community objection to the site's loss, it is considered reasonable to conclude that the development site is no longer viable for public house use. I do not consider there to be a need within the local community for this facility and the loss of this facility would not reduce the community's ability to meet its day-to-day needs.
- 8.18 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 5/11 of the Local Plan (2006), as well as paragraph 70 of the NPPF (2012).

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

#### **Demolition of existing building**

- 8.19 The existing building is a two-storey hipped roof building that is set back from the wide pavement of Trumpington Road. In my

opinion the building is relatively unassertive and of a comparable scale to other forms of development in the surrounding area but does not possess any intrinsic value in terms of its contribution to the character and appearance of the area. The building is not covered by any designations and I do not consider the demolition of the building would have a detrimental impact on the surrounding context.

#### Proposed front block (units 4, 5 and 6)

- 8.20 The proposed front block would be three-storeys in scale and of a similar width to the existing building on the site. The existing two-storey building is situated around 14.5m from the Trumpington Road pavement. The proposed works would project further forward than the existing building and the front two-storey wall of the proposal would be set back approximately 7m from the edge of the pavement on Trumpington Road, with the edge of the basement lightwell set around 4.8m from the front of the site.
- 8.21 It is acknowledged that the vast majority of third parties have objected to the proposed three-storey scale of the works and how this would be out of keeping with the two-storey domestic scale of the area. In studying the immediate context, it is evident that the built form is typically two-storeys in scale. However, in surveying the wider area there is a notable exception to this in the form of the four-storey development known as The Orangery which faces onto Long Road to the south of the site.
- 8.22 The proposed front block would inevitably be more visually prominent than the existing building by virtue of the fact that it would be higher and would also project closer towards Trumpington Road. Nevertheless, I do not consider that being taller and more prominent automatically constitutes a proposal appearing harmful within its context.
- 8.23 The proposed front block, whilst closer to the street than that of present, would nonetheless be set back from the road a considerable distance and retain the staggered nature of building lines between no.1 North Cottages to Nightingale Cottages. In addition, whilst a storey higher, the proposal would only be approximately 0.6m higher than the pitched roof of no.1 North Cottages to the south and would be of a comparable

overall height to that of Nightingale Cottages to the north. The proposed third-storey would be of an alternative material and set well in from the two-storey edges of the proposed block which, in my view, enables the top-storey to read as a subservient and appropriately portioned additional level of massing. In addition, the use of buff-brickwork, a contemporary flat roof form and unorthodox fenestration approach would clearly demarcate this proposal as a deliberate contrast to the character and appearance of this section of Trumpington Road.

- 8.24 In my opinion, the proposed front block would be interpreted as a successful contrast to the typical two-storey pitched roof architectural context in the area and would enhance the appearance of the area without appearing harmfully at odds with the character of the area. I have recommended a materials sample condition to ensure the proposed brickwork and metal cladding blends in successfully with the surrounding area.

Proposed rear block (units 1, 2 and 3)

- 8.25 The proposed rear units would project close to the southern boundary of the site and extend out to the very rear (east) of the site. At present, the space that would be developed over is formed of car parking hardstanding and ancillary single-storey built forms and I do not consider the principle of replacing this to be an issue from a design perspective.
- 8.26 The layout of North Cottages and the surrounding area is somewhat unusual and there is not a consistent pattern of development or overriding building line that a proposal necessarily needs to conform to in my view.
- 8.27 The design and access statement submitted makes reference to the presence of other narrow streets within Cambridge that the proposal would seek to replicate. The narrow nature of the lane means that the proposal would be read in conjunction with the existing two-storey form of nos.2 – 4 North Cottages. Although I appreciate the proposal expands a considerable depth projecting along the entire depth of the site, the physical built form proposed would be representative of a contemporary intervention into a relatively historic environment that reads subserviently to the adjacent long-standing terrace. The scale of this element of the proposal would be limited to two-storeys and

the massing of the upper-floors staggered back away from the adjacent terrace.

- 8.28 Similar to the proposed front block, the proposed works to the rear have been purposefully designed to be portrayed as a contrast to the surrounding context rather than trying to be in keeping with the established character and appearance of the area. In my opinion, the one and two-storey scale of development, coupled with the pulling and pushing of the upper floor blocks, helps to create an interesting frontage facing the lane of North Cottages. It would not be perceived as trying to compete with the two-storey domestic scale of North Cottages and would read comfortably within its plot.
- 8.29 The proposed dwellings would be orientated with their main front doors and active frontages on the north elevation looking across the proposed access road into the site which makes sense given the need to avoid overlooking of North Cottages to the north and providing a suitable level of active surveillance over the new access road.

#### Landscaping

- 8.30 The Trumpington Road Suburbs and Approaches Study (2012) references the application site and its surroundings when explaining the character of this part of Trumpington Road:

*“The large area of hard-standing outside the Bollywood Spice Indian Restaurant, formerly the Volunteer public house, is contrary to the character of this section of Trumpington Road. Similarly, the side and rear elevations of the row of North Cottages can be seen beyond the car park, creating a rare sense of dense built development in this otherwise very green character area.”*

- 8.31 The proposal seeks to replace the large area of hard-standing on the site with a front garden area which in my view cannot be viewed as anything but an enhancement to the character and appearance of the area. The proposal originally included a larger front garden area but the applicant has elected to replace part of this with an additional two car parking spaces.
- 8.32 Concerns have been raised by the Landscape Team regarding the amended proposals and how the garden frontage is not

substantial enough following the shifting of the footprint of the proposed building forward and the addition of the parking bays. In addition, the Streets and Open Spaces Team has questioned the practicality of the large tree proposed due to its proximity near the parking bays and proposed basement level.

8.33 In my opinion, although it would be desirable if more of the frontage could be covered by soft landscaping, I remain of the view that the proposal would nonetheless represent an enhancement to the area in terms of contributing to the green character of the area. The current site is an eyesore in terms of landscaping and the proposal would go a considerable way to improving the image of the site. There may be scope for an alternative surface for the car parking to avoid pressure on the roots of the proposed tree planting which could be secured through a hard and soft landscaping condition. Similarly, the planting of the proposed trees could be agreed by way of condition to ensure that the species and size would grow comfortably within the plot.

8.34 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/4.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

8.35 It is acknowledged that the majority of properties in the surrounding area have objected to the proposal. I have assessed the impact of the proposed works on the immediate neighbours, as well as the impact on the surrounding properties more generally in terms of car parking and noise/ disturbance.

#### Impact on no.1 North Cottages

8.36 No.1 North Cottages is a two-storey detached property situated to the south-west of the application site. This neighbour has objected on the grounds of loss of light/ overshadowing, overlooking and visual enclosure, as well as more general matters that have been addressed elsewhere in this report.

8.37 I do not consider the proposal would have a harmful impact in terms of loss of privacy. The nearest terraces of the front block

would have frosted glass screens up to a height of 1.7m and there would be no side (south) facing windows. The first-floor terrace of unit no.3 would have a 1.5m high timber louvered screen. This screen should in my view be 1.7m high to avoid any harmful overlooking but I am comfortable that this could be controlled by way of condition. The view from the first-floor south-west facing cantilevered window of unit no.1 would be situated over 20m away from the garden of this neighbour. The proposed first-floor window of unit no.3 would be relatively oblique and would not offer a direct window-to-window view of this neighbour.

- 8.38 The proposed works would not in my opinion harmfully overbear this neighbour's outlooks. The position of the proposed three-storey building forward on the site would inevitably mean that the proposed development would be visible from some of this neighbour's window. The north-facing window serving the snug would also have a side (east) facing bi-folding door that leads onto the garden and I am confident that this habitable room would not feel enclosed as a result. The first-floor bedroom window closest to the proposed works would retain reasonable outlooks out over the proposed works by virtue of its position high up on the elevation.
- 8.39 There would be a degree of impact caused on the single-aspect kitchen window of this neighbour as the proposed development would be visible from this outlook. The very front of the proposed two-storey mass would be situated approximately 10m directly opposite this window. The remaining two-storey side element of the proposal, although closer at around 6.1m from this window, would appear more in the periphery of this outlook and would not obstruct the direct line of sight. In my opinion, having visited this affected room, I do not consider the visual presence of the proposed works would be so great as to visually overbear the outlook to this kitchen to such a degree as to adversely impact on this neighbour's amenity. There would still be a reasonable outlook to the north-west and I consider the 10m separation distance sufficient to preserve this neighbour's amenity in this respect.
- 8.40 Concerns have also been raised by this neighbour regarding the outlook of the dining and living room windows which are situated further to the front of no.1. However, the direct views out from these windows would not be interrupted and any view

of the proposed three-storey mass would be limited to more oblique views out to the north-east.

- 8.41 As the proposed works would be situated to the north-east of this neighbouring property, it is unlikely that there would be any significant overshadowing in terms of sunlight. Any direct loss of sunlight would likely be limited to the extreme early morning hours in the summer and I do not consider the impact would be significant enough to demonstrate harm to this neighbour in this respect. I consider the levels of light reaching this neighbour's garden would be similar to that of present.
- 8.42 No.1 North Cottage is similar to other properties along this side of the terrace in that many of the windows are single-aspect north facing window and so consideration as to the loss of daylight is crucial. The applicant has prepared a daylight and sunlight assessment which has been amended to take into account the arrangement of No.1's windows.
- 8.43 The assessment demonstrates that the most affected window in terms of daylight would be the single-aspect north-facing kitchen window which is unsurprising given that this window would be situated opposite the main bulk of the proposed front block. Whilst there would be some daylight lost, the percentage of daylight reaching the room in terms of the vertical sky component (VSC) would be over the 80% level recommended by the BRE Site Layout Planning For Daylight and Sunlight Good Practice (2012). All of the other rooms of this property would also retain 80% of their current daylight levels. In my opinion, the applicant has demonstrated in line with the relevant BRE guidance that the levels of light reaching no.1 would be acceptable.

#### Impact on nos.2 – 4 North Cottages

- 8.44 Nos.2 – 4 North Cottages is a row of terraced cottages which all rely on north-facing windows, some of which are single-aspect, as their main outlooks. Concerns have been raised from neighbours in relation to loss of light, visual enclosure and overlooking.
- 8.45 In terms of overlooking, I do not consider there would be a significant loss of privacy experienced at these neighbouring properties. There would no longer be a need for movements up



and down the private lane following the removal of gates on the southern boundary and removal of gates onto this lane, all movements would take place internally within the application site. The proposed south-facing windows at ground-floor level would look out onto a close boarded fence and I do not consider these would compromise the privacy of these neighbours. The view from the proposed cantilevered window of unit1 would be limited and would not offer direct window-to-window views of these neighbours. The proposed first-floor bathroom windows would be obscure glazed and I have recommended a condition to ensure that these are obscure glazed with restricted openings accordingly. The terrace of unit 2 would have a timber louvered screen and I have recommended a condition for details of this to be secured by way of condition.

8.46 With respect to loss of daylight and sunlight, I do not consider the proposed development would have a harmful impact on these neighbours. The proposed works would be situated to the north of these neighbours and I am confident that there would be no harmful overshadowing by virtue of the fact that the sun rises in the east and sets in the west. Given the close proximity of the proposed development to the north-facing windows, loss of daylight is an important consideration. The daylight and sunlight assessment prepared demonstrates that the proposed development would retain 80% of the former daylight value of the windows opposite which accords with the recommended levels of the BRE guidance. The room which would be most affected is the single-aspect north-facing living room window of no.4 which is anticipated given that this is situated far away from the existing building and is positioned at ground-floor level. Nevertheless the proposal would retain 82.5% of this windows daylight which is acceptable. It is also pertinent to note that the proposal would improve the levels of daylight reaching three of the rooms of no.2 as the two-storey mass of the existing building would be removed and replaced with a single-storey built form opposite these windows.

8.47 The most sensitive impact of the proposed development, in my opinion, that has been considered carefully throughout this process is the likely impact on the north-facing single-aspect living room window of no.4. At present, this habitable room has a relatively open outlook out to the north up and over the timber fence. The existing single-storey storage building on the site is partially visible from this window and was deemed to be visually

oppressive under the previously refused permission which was subsequently dismissed at appeal (see appendix). Having visited this neighbouring property and assessed the amenity of this room, I was of the opinion that the proposal, as originally submitted, would have had a visually overbearing impact on this room to the detriment of this occupier's amenity. The sole aspect of this habitable room would have been dominated visually by the looming two-storey mass of the proposal directly opposite which consisted of an unrelieved bulk within close proximity. This concern was also shared by the Urban Design Team following receipt of the officer site visit photos.

8.48 In response to this, the application has been amended to try and overcome this objection raised by officers and third parties. This has consisted of removing large portions of the first-floor of the rear block element, including directly opposite the key window of no.1, and subsequently introducing noticeable breaks in the first-floor massing of the scheme. The upper terraces, previously proposed on top of the two-storey of the rear block, have been reconfigured onto the first-floor instead and the overall height of the two-storey mass brought down from approximately 6m to 5.7m.

8.49 I consider the amendments to the scheme, in particular the reduction in first-floor massing, to represent a radical amendment to the proposed development that has overcome my original concern. The upper-floor windows of these properties would have reasonable outlooks up over the proposed development and the gaps in the first-floor mass would also ensure that the ground-floor windows of all of these neighbours would not be visually oppressed by the proposed works. The first-floor walls that would be visible from these neighbours' windows would be white rendered which would, in my view, help to reduce the perceived massing of the two-storey elements. The first-floor terrace of no.4 would retain a reasonable outlook out to the east and I do not consider this external space would be visually enclosed by the proposed development.

8.50 It is noted that the inspectors decision (see appendix) on the retrospective application for the storage building (15/0152/FUL) stated that the storage building, which measures approximately 2.6m to the ridge and is 7m wide, has an overbearing impact on the windows of nos. 2 – 4 North Cottages. Nevertheless, I do

not consider that this appeal acts as an automatic ruling that any development above 2.6m high on the rear of the site would be unacceptable from an overbearing perspective. I have carefully assessed the impact on the windows opposite and the unusual relationship that these neighbours have with the site given that they are mainly single-aspect and north-facing. From my inspection of neighbours and the site in relation to the proposed works, my judgement of this subjective assessment of neighbour impact is that this relationship is acceptable.

#### Impact on no.5 North Cottages

- 8.51 No.5 North Cottages forms the end of the terrace of nos.5 – 17 North Cottages. This neighbour has raised concerns regarding the loss of light that would be experienced in their side (west) first-floor window which serves the stairwell.
- 8.52 In my opinion, following the reduction in scale and massing under the amended drawings, I do not consider the proposal would appear visually oppressive from this window. This neighbour's window is situated high up at first-floor level and although I appreciate the window helps to light the ground and first-floor of the property, it does not in my view act as an integral outlook for one of their habitable rooms. The proposed development would not be prominent from this neighbour's garden.
- 8.53 In terms of loss of sunlight, there would be a degree of impact caused in the afternoon hours by virtue of the position of the rear block to the west of this window. However, the daylight and sunlight assessment states that the Annual Probable Sunlight Hours (APSH) reaching this window would be retained at over 90% of that of present. In addition, the levels of daylight reaching this window would be above the 80% threshold and I consider the levels of light reaching this window to be acceptable.
- 8.54 The views out across the garden of this neighbour from the proposed unit no.1 would be similar to that of the existing views between nos.5 and 6 North Cottages whereby there is already a mutual sense of inter-overlooking across gardens.
- 8.55 It is acknowledged that this neighbour has raised a concern regarding the overshadowing that may be experienced in the

garden due to the position of a proposed tree in the north-east corner of the site. However, I consider that this could be controlled through the tree planting condition to ensure that this tree is of an appropriate size to avoid this impact.

#### Impact on no.2 Nightingale Cottages

- 8.56 No.2 Nightingale Cottages is situated to the north of the application site. This neighbour has one window on their south elevation at first-floor which appears to serve a habitable room. However, this window would have a reasonable outlook up and over the terrace of proposed unit no.2 and I do not consider it would be visually oppressed by the proposed works. The main rear (east) windows would not be harmfully affected by the proposed works in my opinion due to the orientation of the scheme away from these windows and comfortable separation distance between these windows and the garden of this neighbour.
- 8.57 In terms of loss of light, the daylight and sunlight assessment has demonstrated that the proposal would retain over 90% of daylight levels and over 80% of the sunlight reaching the rooms of this neighbour.
- 8.58 The views out from the proposed north facing windows to the side elevation, rear elevation and rear garden of this neighbour would have louvered splays to restrict direct views over this neighbouring property. The terrace of unit 2 would have a timber louvered screen up to a height of 1.7m which would prevent overlooking of this neighbouring property.

#### Noise and disturbance

- 8.59 In terms of vehicle movements, I do not consider the proposal would have a harmful impact on neighbouring properties. Car movements would be restricted predominantly to the site itself and there is not a regular need for the private road of North Cottages to be used as a point of access. The existing restaurant has 25 car parking spaces and the proposal seeks to reduce the level of on-site car parking down to seven units. Whilst I appreciate the restaurant is currently vacant, this is the current use of the site and if occupied by another restaurant user then this level of car parking could be achieved and is a material consideration. In my opinion, the proposal would

reduce the level of vehicle movements within the site drastically and I do not consider the comings and goings from the six proposed units would harm the amenity of neighbouring properties.

- 8.60 The main routes into and out of the proposed dwellings, as well as location of bin and cycle storage, are well away from neighbouring windows and gardens and I am confident that there would be no harmful impact experienced in the surrounding area from these movements.
- 8.61 It is acknowledged that concerns have been raised in relation to the noise from the proposed terraces. I am of the opinion that the use of these terraces would not have an adverse impact on the enjoyment of the neighbouring properties. The proposed terraces would be set back from the boundaries and would be used in a domestic capacity, similar to other gardens in the surrounding areas. I consider that any instances of loud music or unsociably late use of the terraces is a civil matter between the users of the site, once occupied, and neighbouring properties that could be dealt through the statutory nuisance procedure in the same manner as other noise disputes concerning external amenity space across the City.

#### Car Parking

- 8.62 The majority of concerns reference the lack of car parking and the subsequent pressure the proposal would put on the surrounding streets in terms of increased parking demand.
- 8.63 The proposal includes seven car parking spaces, five of which appear to be private spaces and two as visitor spaces at the front of the site. This amounts to one car parking space per dwelling, with the exception of unit no.2 which may access the visitor car parking space presumably. The site is located in a relatively sustainable location with frequent bus routes along Trumpington Road and a good cycle link along this road into the City Centre.
- 8.64 It is pertinent to note that the City Council has maximum car parking standards and there is no policy obligation to provide a minimum level of car parking. Trumpington Road and Long Road are both double-yellow lined. The nearest street available to the site in terms of on-street car parking is Porson Road

which is approximately a five minute walk away. North Cottages is a private lane and it is understood that only the land owners of this lane have access to the car parking spaces at the end of this lane.

- 8.65 In my opinion, given that car parking has been proposed on a one-to-one basis, including a visitor car parking space, there would not be a significant pressure on on-street car parking in the surrounding streets as there is sufficient capacity on the site. In addition, the site is in a sustainable location and the nearest on-street parking is a considerable distance from the site and not convenient for future occupants to use on a frequent basis in my opinion.
- 8.66 In my opinion, subject to conditions, 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 and 3/7.

#### Amenity for future occupiers of the site

- 8.67 The proposed dwellings would all have some form of external amenity space and I consider the level of amenity space provided to be acceptable in this suburban location. The daylight and sunlight assessment has demonstrated that the levels of light reaching the habitable rooms of the basements of unit nos.1 – 4 would achieve the recommended levels of the BRE guidance (2012) and I am therefore comfortable that an acceptable living environment would be provided internally. The proposed dwellings would have sufficient bin storage which is within the necessary drag distance of the bin collection point near the front of the site. The level of cycle storage exceeds the minimum cycle parking standards and is convenient and secure for future occupants.
- 8.68 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, 3/12 and 4/13.

## **Refuse Arrangements**

- 8.69 All of the proposed units would have a bin storage area and a suitable collection point is proposed near the front of the site which is acceptable in principle. I have recommended a waste storage condition to ensure that the communal bin store for the flats meets the minimum capacity.
- 8.70 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.71 The Highway Authority has raised no objection to the proposal. The proposal would retain a vehicular entrance in a similar location to one of the existing entrances. The proposal would reduce the number of cars able to occupy the site down from 25 to 7 and I am of the opinion that this would represent a reduction in vehicle movements and that there would not be a significant threat to highway safety from the proposed works. I have recommended the conditions advised by the Highway Authority which includes a traffic management plan for the demolition/ construction phase of the works.
- 8.72 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.73 Car parking has been addressed in paragraphs 8.62 – 8.65 of this report.
- 8.74 The proposal includes 18 cycle parking spaces all of which would be in secure covered environments. I have recommended a cycle parking condition to seek the details of the stores for unit no.1 and what locking mechanism will be used in each of the stores.
- 8.75 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## Third Party Representations

- 8.76 Some of the third party representations have been addressed in the main body of this report. The outstanding representations have been addressed in the table below:

<u>Comment</u>	<u>Response</u>
Health implications in terms of air quality due to increased vehicle movements.	The Environmental Health Team has raised no objection to the proposal and the site is not within an Air Quality Management Area. I consider the reduction in car parking spaces would reduce the number of vehicle movements.
The vertical sky component used in the daylight/ sunlight assessment does not account for loss of reflected light which makes a considerable difference to the amount of light a property enjoys.	The daylight and sunlight assessment has been carried out in accordance with the BRE guidance (2012) and I consider this assessment robust enough to make an informed assessment of the likely impacts on neighbour amenity.
It should be conditioned that the deeds of each of the housing units does not have access to the private lane by vehicle.	This is a legal matter and it would not be reasonable or enforceable to control this through a planning condition.
No room for delivery vehicles to turn within the site.	The Highway Authority has raised no objection to the proposal and I do not envisage delivery vehicles entering and leaving the site would pose a threat to highway safety.
Trumpington Road is the third most dangerous cycling blackspot in the UK and no cycle safety improvement have been proposed.	The Highway Authority has raised no objection to the proposal.



Increase in parking from contractor parking.	A traffic management plan condition has been recommended.
<ul style="list-style-type: none"> <li><input type="checkbox"/> No deliveries should take place before 09:30hrs or after 15:00hrs Monday to Friday during the term time dates of the Perse Prep School and St Faiths School.</li> <li><input type="checkbox"/> No right turn restriction should be put on entering the development from the south.</li> <li><input type="checkbox"/> A compulsory left turn should be put on traffic exiting the development during construction and in perpetuity.</li> <li><input type="checkbox"/> A yellow box should be painted across the whole of the traffic light controlled junction at Long Road/ Trumpington road before construction starts and in perpetuity.</li> </ul>	The Highway Authority has not requested these to be conditioned. In addition, three of the proposed conditions fall outside the control of the application site and so are not enforceable as conditions.
The previous restaurant was commercially successful and the information submitted by the applicant is incorrect.	There is no policy on which the restaurant use needs to be protected.
<ul style="list-style-type: none"> <li><input type="checkbox"/> The applicant has no ownership of the land shown on North Cottages lane.</li> <li><input type="checkbox"/> The property has no use of the access of the privately owned lane of North Cottages.</li> </ul>	These are civil/ legal matters that have been addressed through the removal of North Cottages from the red-line location plan.
<ul style="list-style-type: none"> <li><input type="checkbox"/> Pressure on infrastructure (water supplies, sewers and broadband)</li> <li><input type="checkbox"/> Sewer put at risk by proposed basement in close proximity</li> </ul>	These are building control/ infrastructure provider matters and not planning considerations.

Planning permissions C/03/0289 & 07/0110/FUL were refused for residential development on land adjacent to no.4 North Cottages. The reasons for refusal are still valid to this application.	I have reviewed these two permissions and do not consider this proposal prejudices the proposed application. This was for a development on a different parcel of land.
<input type="checkbox"/> The fence to the east of the site is owned and maintained by no.5 North Cottages and there is no permission for it to be altered. <input type="checkbox"/> The street lamp at the corner of the proposed development is not within the application site. <input type="checkbox"/> Subsidence risk increased at nearby properties due to basement.	These are civil/ legal matters.
Failure to demonstrate that this is sustainable development.	The proposal is considered to be sustainable development and accords with the necessary local and national planning policies.
The applicant did not inform residents of the intention to submit an application despite promising to do so.	This is not a requirement of the planning application in terms of consultation.
The width of the north cottage access is not wide enough to accommodate a fire vehicle.	The proposal does not include works to the private lane.

### **Planning Obligations (s106 Agreement)**

8.77 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.

- 8.78 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 proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 I am of the opinion that the proposed development would successfully contrast with the established character of the area and is acceptable from a design perspective. The proposed development would respect the amenities of neighbouring properties and has been carefully amended to avoid detrimentally impacting on nearby properties in terms of overlooking, loss of light and visual enclosure. The proposal would provide an acceptable living environment for future occupants and would not have a significant impact on car parking in the surrounding area.

## **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. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:

- Detailed history of the site uses and surrounding area (including any use of radioactive materials)

- General environmental setting.

- Site investigation strategy based on the information identified in the desk study.

(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:

(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors

(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

5. Implementation of remediation.

Prior to the first occupation of the development (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.

(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:

- a) Include details of the volumes and types of material proposed to be imported or reused on site
- b) Include details of the proposed source(s) of the imported or reused material
- c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
- d) Include the results of the chemical testing which must show the material is suitable for use on the development
- e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13.

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and/or the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13.

9. 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)

10. 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)

11. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. 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 nearby properties  
(Cambridge Local Plan 2006 policy 4/13)

12. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

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

13. Prior to the commencement of development/construction, details of a ventilation scheme as an alternative to open windows for the accommodation units 4, 5 & 6 on the Trumpington Road façade shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed before the use hereby permitted is commenced and shall not be altered.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area (Cambridge Local Plan 2006 policies 3/4, 3/7 and 4/13)

14. 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, 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). Soft Landscape works shall include planting plans, including tree planting; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, 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, 3/12 and 4/4)



15. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development. The landscape plan shall be carried out as approved.

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)

16. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

17. 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 and 3/12)

18. The first-floor side (south) facing bathroom windows of unit no.1 of the development hereby permitted, as shown on drawing number P 05 REV H, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the dwelling) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12)

19. Prior to occupation of the development hereby permitted, details of the frosted glass terrace screens, louvered terrace screens and louvered window splays shall be submitted to and approved in writing by the local planning authority. The details shall include drawings of the type of louvered screens and splays, as well as confirmation that the frosted screens conform to Pilkington Glass level 3 or equivalent. The terraces and windows shall be implemented in accordance with the approved details and maintained and retained thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12).

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be constructed on the development hereby permitted.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

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

Reason: To ensure appropriate provision for the secure storage of bicycles (Cambridge Local Plan 2006 policies 3/7 and 8/6).

22. No development shall commence until details of facilities for the storage of bins for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the storage of bins (Cambridge Local Plan 2006 policies 3/7 and 4/13).

23. No development shall commence until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

ii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

Reason: To minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

24. No development shall commence until a plan has been submitted to and approved in writing by the Local Authority detailing the proposed specification, number and locations of bird and bat boxes on the development hereby permitted. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancement to the surrounding area (Cambridge Local Plan 2006 policy 4/3).

25. No development shall take place within the area indicated until the applicant, or their agents 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 secure the preservation of the archaeological interest of the area either by record or in situ as appropriate. (Local Plan 2006 Policy 4/9)

26. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety (Cambridge Local Plan 2006 Policy 8/2)

27. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved vehicular access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

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

Reason: To prevent surface water discharging to the highway (Cambridge Local Plan 2006 policy 8/2).

29. Before first occupation of the dwellings, hereby permitted, the access shall be provided as shown on the approved drawings and retained in accordance with the drawings thereafter.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 Policy 8/2)

30. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety (Cambridge Local Plan 2006 Policy 8/2).

**INFORMATIVE:** Traffic Management Plan informative: The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
- iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

**INFORMATIVE:** Dust condition informative

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

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

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

-Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

-Control of dust and emissions during construction and demolition - supplementary planning guidance  
[https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014\\_0.pdf](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf)

**INFORMATIVE:** The site investigation, including relevant soil, soil gas, surface and groundwater sampling should be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling, analysis methodology and relevant guidance. The Council has produced a guidance document to provide information to developers on how to deal with contaminated land. The document, 'Contaminated Land in Cambridge- Developers Guide' can be downloaded from the City Council website on <https://www.cambridge.gov.uk/land-pollution>. Hard copies can also be provided upon request

**INFORMATIVE:** Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

**INFORMATIVE:** Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m<sup>3</sup> or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

**INFORMATIVE:** The Council's document 'Developers Guide to Contaminated Land in Cambridge' provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Council's website on <https://www.cambridge.gov.uk/land-pollution>. Hard copies can also be provided upon request.