

Application Number	17/1614/FUL	Agenda Item	
Date Received	15th September 2017	Officer	Michael Hammond
Target Date	10th November 2017		
Ward	Petersfield		
Site	103 Mill Road Cambridge CB1 2AZ		
Proposal	Demolition of existing building. Erection of a two and a half storey building with part basement to provide a commercial unit (A1, A2 and A3 in the alternative) and 8 self contained residential units.		
Applicant	Mr M Tariq c/o Studio11 Development 79 St. Barnabas Road Woodford Green IG8 7BY Essex		

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 fenestration, appearance and layout of the proposed development would be of a poor quality design that would fail to preserve or enhance the character and appearance of the Conservation Area and the nearby Buildings of Local Interest. <input type="checkbox"/> The proposal would adversely impact upon the residential amenities of adjoining properties in terms of loss of light, visual dominance and noise. <input type="checkbox"/> The servicing arrangements and forecourt layout would pose a threat to highway safety. <input type="checkbox"/> Insufficient information has been submitted to demonstrate that the proposed A3 use would not harm the amenity of the adjacent flats or future occupants of the proposed units.
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	<input type="checkbox"/> The proposal would provide a poor quality living environment for future occupants.
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located on the north side of Mill Road, between Gwydir Street and Kingston Street. The building is single-storey, constructed of brick with a corrugated sheet roof. The site lies to the east of the Bath House, and is set back from the street frontage. The Gwydir Street car park lies behind and partly to the west side of the building. The curtilages of terraced houses in Kingston Street abut the application site at its north-east corner, but the area is mixed in use, with many retail premises in Classes A1, A2 and A3 on both sides of Mill Road at this point.
- 1.2 The site lies within the area defined as Local Centre 20 (Mill Road West) in the Cambridge Local Plan (2006). It also lies within the Mill Road section of the City of Cambridge Conservation Area No.1 (Central). The Mill Road Conservation Area Appraisal 2011 identifies the application building as a negative feature in the conservation area. There are several Buildings of Local Interest in close proximity to the site.
- 1.3 There are no trees on the site.
- 1.4 The site lies within the controlled parking zone. There are loading/ unloading restrictions on both sides of Mill Road in this area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the demolition of the existing building and replacement with a two-and-a-half storey building (including part-basement) to provide a commercial unit (A1, A2 and A3 in the alternative) and eight self-contained residential units.
- 2.2 The proposed replacement building would occupy a broadly similar rectangular footprint on the site to that of the existing

building. It would be tucked in from the eastern and western boundaries slightly to provide gardens and access for the proposed flats at the rear. The main difference in positioning would be that the proposed building would be pulled forward by approximately 5.6m compared to its former position. The eaves of the proposed building would be approximately 5.75m and the ridge 8.3m at its highest point, both higher than the original building.

- 2.3 The proposed development is effectively split into two main elements.
- 2.4 The frontage building would comprise the flexible commercial unit at ground-floor level and two flats above at first-floor level. The front elevation would be clad in a combination of stone and facing brickwork with a shopfront. The upper-floor windows would project along the front wall and also extend up into the plane of the pitched zinc roof. The commercial unit would be accessed from the front along Mill Road. The upper-floor flats would be accessed from the side (west) entrance of the building.
- 2.5 The rear element would act as a mews style development with the frontage of the six flats at the rear facing to the west, with rear patios to the east. This element of the proposed works would be lower than the frontage building and would measure approximately 5.1m to the eaves of the pitched roof and 7m to the apex. This part of the development would be clad predominantly in zinc with smaller aspects of timber cladding and low level brickwork in other areas. The proposed units, bedroom numbers and internal sizes are listed in the table below:

Unit No.	Number of bedrooms	Size (M ²)
1	2	57
2	1	56
3	2	65
4	1	56
5	2	65
6	1	56
7	1	42
8	3	72

2.6 The application has been accompanied by the following additional information:

1. Drawings
2. Design and Access Statement
3. Planning statement
4. Daylight and sunlight assessment
5. CGI images

3.0 SITE HISTORY

3.1 The site has an extensive planning history. The recent history is as follows:

Reference	Description	Outcome
14/0964/FUL	Change of use from Pool and Snooker Club to A1 (Shops)	Permitted
14/0966/FUL	Change of use to A2 (Financial and Professional Services), A3 (Restaurant and Cafes), and A4 (Drinking Establishments) in the alternative.	Approved
12/1071/FUL	Change of use from Pool and Snooker Club to A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurant and Cafes), and A4 (Drinking Establishments) in the alternative.	Refused: appeal dismissed
11/0710/FUL	Change of use from Pool Hall (Use Class D2) to a Sainsbury's Local Store (Use Class A1) together with external alterations.	Refused

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

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 Local Plan 2006		3/1 3/4 3/7 3/11 3/12 3/15
		4/4 4/11 4/12 4/13 4/14
		5/1
		6/1 6/7 6/8 6/10
		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)

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>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>Cambridgeshire Design Guide For Streets and Public Realm (2007)</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> <p>Buildings of Local Interest (2005)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</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 The application shows the installation of a delivery bay that would block the footway of Mill Road. No undertaking is made, unlike in previous proposals, to install a footway bypassing the loading on this frontage and to dedicate land within the site to provide this footway and retain as a right in perpetuity a route for pedestrians without entering the busy carriageway of Mill Road.
- 6.2 The forecourt is also shown as providing a location for tables and chairs, which would obstruct the forecourt to the passage of pedestrians. To summarise no provision is made to allow the safe passage of pedestrians past the development site.
- 6.3 The Highway Authority therefore recommends that this proposal be REFUSED planning permission.

Environmental Health

- 6.4 If A3 use is still sought at this stage, it is advised that the applicant is able to demonstrate the following prior to determination of this application:
 - That the design of the commercial unit allows for the accommodation of the internal commercial kitchen extract ductwork considering the potential impacts of noise, odour

and smoke on the adjoining residential units (proposed and existing). Consideration will need to be given to layout and location of ductwork, riser locations, fan locations and the potential for structure-borne noise and

- That the external plant/ductwork can be positioned at such a location and height that noise and smoke/odour will not become a significant issue to the amenity of future residents within the proposed new units or existing/nearby residents.

6.5 It is considered that these issues are too complex to deal with through condition, especially given the proposed residential premises adjoining and above the commercial unit. If the unit is not designed to accommodate A3 use, it may result in significant adverse impacts through noise, smoke and odour if eventually introduced.

Refuse and Recycling

6.6 No comments received.

Urban Design and Conservation Team

6.7 The Design and Access Statement states that the Mill Road block has taken reference from the local architecture and will be interpreted with contemporary detailing and materials. Whilst in terms of massing and scale the building has done the architectural elements do not sit comfortably in the context of this part of Mill Road.

6.8 Detailing will be critical to the final quality of the scheme and it is unclear from the elevations and DAS how the junctions between different materials and planes will be handled, e.g. between the roof and the retail block end gable, dormers etc. There needs to be much more clarity at this stage on the materials used for both this block and the residential mews behind.

6.9 There are a number of functional design issues with the scheme in its current form. Losing a unit could resolve some of the issues relating to quality of amenity space, cycle storage and bin location and access. While in principle the proposal of a scheme like this one is supported, there are a number of

detailed design changes that need to be incorporated before it can be considered acceptable.

Access Officer

6.10 No comments received.

Head of Streets and Open Spaces (Tree Team)

6.11 No comments received.

Head of Streets and Open Spaces (Landscape Team)

6.12 The consideration given to the relationship of the development to the public open space to the west is disappointing. The area immediately to the west of the commercial unit and the entrance to the residential units above it seems to simply blur into the open space with little explanation as to how the development is presented to the open space and vice versa. The reduced area of public realm to the south of the commercial unit is also not explained. Please provide more detailed information on how the area will be treated. The substantial stainless steel bollards to the south of the building are shown to be retained. These could be removed to improve the relationship with Mill Road and the overall streetscene.

6.13 We would not support the removal of the small tree (Cercis) to the west of the development. The Arboricultural Officer will comment further, but the tree could easily be integrated into an area of soft landscape which would enhance the entrance to the mews. Some sort of subtle definition of the ownership boundary may be sensible.

6.14 The development would involve the removal of some public cycle parking immediately to the west of the existing building which would need to be replaced. The idea that some of the private amenity spaces integrated into the residential units will have surveillance over the public open space is supported. However, we would like to see shadow studies for these spaces (both east and west of the properties).

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.15 Sufficient surface water drainage details have not been submitted to 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.

Anglian Water

- 6.16 No objection subject to informative.
- 6.17 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- ☐ 105 Mill Road
- ☐ Flat no.2 105 Mill Road
- ☐ Flat no.3 105 Mill Road
- ☐ Flat no.4 105 Mill Road
- ☐ 107 Mill Road
- ☐ 1 Kingston Street
- ☐ 10 Ascham Road
- ☐ 69 Glisson Road
- ☐ 101 Catharine Street
- ☐ 17 Romsey Road (Mill Road History Society)
- ☐ 30 Lyndewode Road
- ☐ Camcycle, 140 Cowley Road
- ☐ Cambridge Past, Present and Future
- ☐ Massucco Buttress Solicitors, 162 Tenison Road

- 7.2 The representations in objection can be summarised as follows:

- ☐ No information has been submitted to demonstrate what will be delivered following the 'incorporation' of the open space.

- ☐ Poor quality design and living environment for future occupants.
- ☐ The existing forecourt area provides a comfortable breathing space along Mill Road which would be lost as a result of this development.
- ☐ The proposed development would have a significant impact on the street scene.
- ☐ The proposed materials are out of character with the area and dominant in appearance.
- ☐ The potential restaurant use could harm the amenity of future occupiers in terms of extractor fans.
- ☐ The proposed delivery area would block the pavement.
- ☐ Will any of the units be affordable?
- ☐ The proposed rear units are too small.
- ☐ Insufficient and poor quality cycle parking provision.
- ☐ Poor quality entrance for future occupants of the development given proximity of car park and bins.
- ☐ The application lacks sufficient information to make a robust assessment.
- ☐ The proposal fails to preserve or enhance the character and appearance of the Conservation Area.
- ☐ Insufficient information regarding overshadowing/ light has been submitted.
- ☐ Poor quality bin storage arrangements.
- ☐ The access width appears too narrow for disabled users.
- ☐ The proposal is an overdevelopment of the site and lacks a sense of place.
- ☐ Could tree pits be introduced into the car park as a Section 106 improvement?
- ☐ Loss of light/ overshadowing
- ☐ Overlooking/ loss of privacy

7.3 The owner/occupier of the following address has made a representation neither objecting to or supporting the application:

- ☐ 27 Ainsworth Street

7.4 The representation can be summarised as follows:

- ☐ Can there be assurances that residents of this "car free" scheme will have no entitlement to parking within any current or future residents' parking scheme in the nearby area?

7.5 The owner/occupier of the following address has made a representation supporting the application:

- ☐ 142 Gwydir Street

7.6 The representation can be summarised as follows:

- ☐ The mixed use redevelopment of what is currently an eye sore is supported.
- ☐ It would be beneficial to have some form of parking provision for future occupants.

7.7 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. Highway Safety and Disabled access
4. Residential amenity
5. Refuse arrangements
6. Car and cycle parking
7. Drainage
8. Third party representations
9. Planning Obligations (s106 Agreement)

Principle of Development

8.2 The principle of development in respect of the loss of the leisure facility and introduction of commercial uses on this site has both been established under planning permissions 14/0966/FUL and 14/0964/FUL. Although these permissions are due to expire imminently on 18th November 2017, I consider that it would be unreasonable in this current context to warrant coming to any other conclusion than that the principle of the loss of this leisure facility is acceptable on this occasion. In my opinion, given the planning history of the site, I consider the principle of

development, at the time of writing this report, in terms of the loss of the leisure facility and introduction of a flexible commercial unit acceptable.

- 8.3 Notwithstanding the above, it must be stressed that if a future application were to come in at a later date the local planning authority may consider coming to a different conclusion on the loss of the leisure facility and as such I reserve my position on this potential scenario. This is because the justification for the loss of the leisure facility was based on evidence that was formulated over four years ago.
- 8.4 The rationale for the loss of the leisure facility was, in part, based on the snooker and pool facilities at WT's on the corner of East Road and Burleigh Street being expanded by way of a former extension permission which also included improvements to accessibility in the form of a lift to the first-floor. It has not been demonstrated by the applicant that this other permission has commenced or been implemented.
- 8.5 In addition, the housing demand and demographic makeup of the local Petersfield and Romsey wards, as well as the wider City, will have evolved significantly since the original permission (12/1071/FUL) and appeal were considered. Furthermore, there could be further demands for leisure facilities in the area with the large 270 student development at the end of Mill Road due to be occupied in 2018 and also a potential large scale development at the Mill Road Depot within extremely close proximity to the site.
- 8.6 It is also pertinent to note that Emerging Local Plan (2014) policy 73 is far more restrictive in terms of the marketing information and rationalisation for the loss of leisure facilities than the current Local Plan (2006) policy 6/1. Whilst this emerging policy only has limited weight at the time of writing this report, it may be the case that if formally adopted a more robust marketing exercise would be required as part of a future application for the loss of the facility due to the expiration of the extant permissions.
- 8.7 There is a technical issue in terms of insufficient information being submitted to demonstrate that the proposed restaurant/café (A3) use would be acceptable in terms of noise and disturbance and this is expanded on in the residential amenity

section of this report. Nevertheless, the principle of a restaurant/ café use has been established under the previous permission on this site.

- 8.8 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.
- 8.9 In my opinion and at this point in time, the principle of the development is acceptable and in accordance with policies 5/1, 6/1, 6/7 and 6/10.

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

- 8.10 The existing building is identified in the Mill Road Conservation Area Appraisal (2011) as a negative building and the Urban Design and Conservation Team has raised no objection to the proposed demolition of the building. I consider the principle of demolishing the building to be acceptable.
- 8.11 The proposal is for a block facing Mill Road with two first floor apartments above a single commercial unit. Six residential units would be built to the rear of this element but within the existing building's footprint but taller. The frontage building has been brought forward to create a better relationship with the adjacent terraced houses.

Mill Road Frontage Block

- 8.12 From a scale and massing perspective the proposed Mill Road frontage block would successfully assimilate into its context in my opinion. Although more prominent and taller than the original building in the street scene, the general two-storey approach with a pitched roof would be reflective of the surrounding area and the Urban Design and Conservation Team is supportive of the massing proposed.
- 8.13 Notwithstanding the above, there are issues with the architectural treatment and detailed design of the proposed

block. The design of the front first-floor elongated windows appears heavy on this front elevation due to the way the zinc roof cascades down onto the main wall. This unorthodox treatment is exacerbated by way of the use of the rhythmmed alternate brick and glass openings beneath these windows.

- 8.14 Furthermore, the appearance of the shop front is overly long and generally out of keeping with the aesthetics of the majority of other commercial frontages along Mill Road. The presence of the shop frontage is also elongated by the way the entrance wraps around the side of the building which would be highly visible when travelling eastwards along Mill Road. The shops in the vicinity have mostly retained their small traditional shop units some with the original shop fronts. Introducing these large glazed panels almost the whole length of the ground floor is out of character in the area. In addition, information regarding the detailed design of specific features, notably the shop door, are missing which are necessary to be able to determine whether the shopfront would be acceptable from a design perspective. In the absence of this information it cannot be confirmed whether the relationship with the Buildings of Local Interest (BLIs) would be acceptable.

Residential mews block

- 8.15 The scale and massing of this aspect is considered to be acceptable as it transitions down to a lower two-storey scale than the front building and would not appear out of character with the area. The general rhythm of windows and creation of a frontage with large cut out balconies would, in my view, create a successful active frontage that would be acceptable in design terms.
- 8.16 However, once again, insufficient information regarding the detailed design of this element has been provided and it is not possible to make an informed decision as to whether the contemporary materials and finishes would preserve or enhance the character and appearance of the conservation area, as well as the local interest of the nearby BLIs.

Layout and functionality

- 8.17 I have serious concerns with the proposed accessibility and layout of the proposed development.

- 8.18 The main entrance to the residential units from Mill Road would be unresolved and the proposal lacks adequate detail to make an informed assessment as to whether the quality of this entrance would be acceptable. The proposed block plan indicates that the public space, owned by Cambridge City Council, immediately to the west of the main access point could be incorporated into the development by way of a section 106 agreement. This land falls outside the red-line plan of the application site and not within the ownership of the applicant and consequently it cannot be guaranteed that improvements to this space could be delivered.
- 8.19 At present, this space outside the proposed entrance consists of low level planting and cycle parking. If this adjacent public space remains as is then there would only be a 1m narrow pinch-point between the edge of the building and the site which as the main entrance for eight flats would be cramped, harsh and impractical in terms of maneuvering cycles in and out of the development. Furthermore, given the tightness and proximity of the existing car parking spaces in the Gwydir Street car park, the access at the northern end is not suitable. This would create an uncomfortable entrance to the residential units, especially when the car park is full.
- 8.20 In addition to providing a poor quality entrance for future occupants, it is pertinent to note that there is a strong presence of anti-social behavior already in this area and in the adjacent open space which the proposal fails to adequately account for. The proposed side access is jagged and provides lots of corners and hiding places which could encourage congregation in these spaces and fail to create a safe living environment for future occupants. I am not at all confident that the proposed access and layout of external spaces adheres to the principles of the Secured by Design (2016) principles and guidance.
- 8.21 The position of cycle storage in a long row spanning along the western perimeter of the site appears to be somewhat of an afterthought and fails to integrate successfully into the proposed scheme. The clutter introduced into what is supposed to be a permeable route though the site would also further tighten what is already a relatively cramped access point. The proposed stores appear small and no information has been submitted to demonstrate how many cycle parking spaces have been

provided nor whether the numbers of spaces would meet the minimum standards of the Local Plan (2006).

- 8.22 The siting of the residential refuse at the far end (north) of the building would be inadequate from a layout and usability perspective. The future occupants of units 7 and 8 in the first-floor of the Mill Road frontage block would have to walk a significant distance when emptying bins into the communal store. In addition, the lack of a level access through the site would mean that the bins would have to be wheeled over 35m to the edge of Gwydir Street for collection and this would also involve navigating through a car park. I am not convinced that a refuse lorry would be able to enter and leave the car park as the position of parked cars would likely block this route.

Conclusion

- 8.23 Overall, the proposal lacks adequate detail regarding the detailed finish of the proposed elevations to determine that the proposal would preserve or enhance the character or appearance of the Conservation Area, and whether it would respect the local interest of the opposite BLIs. The proposed shop frontage would be out of keeping with the traditional appearance of other shop fronts along Mill Road. There are fundamental issues with the layout of the proposed scheme.
- 8.24 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 3/15, 4/11 and 4/12.

Disabled access and Highway Safety

- 8.25 The narrow 1m wide pinch-point on the southern entrance, coupled with the lack of a level access from the northern end, would fail to provide a satisfactory layout for disabled users. The cramped layout of external spaces and constriction exacerbated by the positioning of the cycle storage along the western boundary would represent a poor quality of design from this perspective
- 8.26 In addition to the above, the shifting of the building line forward, indicative positioning of tables and chairs on the forecourt and siting of the service bay over the existing path, would severely hinder the ability of pedestrians, including disabled users, to safely move along this key pedestrian route. This path

experiences a high volume of footfall and any restriction of this right of way would inevitably pose a threat to highway safety. Requiring service vehicles to block this path is unacceptable and would endanger pedestrians. Whilst tracking plans have not been provided it appears clear to me that to park in the proposed space a service vehicle would have to over-run the re-aligned pavement. Mill Road has a very high accident record, for example in the last five years there have been 74 recorded highways incidents between a 800m stretch of Mill Road from Covent Garden to Hope Street. There have also been two serious highway incidents in close proximity to the site in-between Kingston Street and Gwydir Street during this period (Crashmap.co.uk, 2017).

- 8.27 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policies 3/7, 3/12, 8/2, 8/4 and 8/9.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.28 The main consideration is the impact of the proposed development on the flats and properties to the east of the site.

Overlooking/ loss of privacy

- 8.29 The proposed development includes a series of first-floor windows that would face towards the side windows and rear garden of the adjacent upper floor flats above no.105 Mill Road, as well as the rear garden and windows of nos.1 and 3 Kingston Street. These windows would however be high level and be positioned above 1.6m above the finished floor level. It is usually required that a 1.7m finished floor level is needed to safeguard neighbour amenity but I am confident that this could be conditioned or amended, if officers were minded to approve, to overcome this.

- 8.30 In my opinion, I do not consider a harmful loss of privacy would be experienced as a result of this development.

Overshadowing/ loss of light

- 8.31 A daylight and sunlight assessment has been submitted with the application which demonstrates the likely impact on the first-

floor windows of the upper-floor flats above no.105 Mill Road. Whilst the results of the windows that have been surveyed are within the required levels in terms of retained light, there is a significant error in this assessment in that it has labelled a single-aspect kitchen/ dining room window as a bathroom and has not calculated the impact on this room. In my opinion, given the proximity of this habitable window to the proposed development and the noticeable increase in scale and massing compared to the original building, an assessment of this window is critical to be able to make an informed assessment on the amenity of this neighbour. The proposed building appears to fall outside the 25° line of the rear windows of properties along Kingston Street and I do not consider it would be reasonable to ask for these windows to be included in an assessment.

8.32 In addition to the above, the application also lacks a basic shadow study which is vital to understand whether the increased massing proposed would harmfully overshadow the rear amenity space for the flats of no.105 Mill Road, as well as that of no.1 Kingston Street, all of whom have objected on the grounds of loss of light.

8.33 In my opinion, without an accurate daylight and sunlight assessment or a basic shadow study, I cannot be certain that the proposal would have an acceptable impact on one of the habitable windows of the upper floor flats and the adjacent external amenity spaces of neighbours. Therefore, in the absence of this required information, I consider the proposal unacceptable from a loss of light perspective.

Visual enclosure/ dominance

8.34 I have visited the adjoining flats of No.105 Mill Road and looked out of the main habitable outlooks. At present, the views out to the south-west from the side (west) facing windows allow for some unobstructed views across the front of the building. The existing long corrugated sheet roof features in views out to the west and north-west from these first-floor windows. However, given the gentle rise of the slope as it reaches the apex of the roof, I do not consider it can be argued that these views are visually enclosed or dominated severely at present. The relationship is nonetheless very sensitive given that these outlooks are single-aspect and serve habitable rooms.

8.35 The proposal would introduce a large two-storey gable end measuring approximately 5.9m to the eaves and 8.35m to the ridge set around 5.6m forward of the original front building line. In addition to this, the long 6.7m high pitched roof would be replaced with a larger roof form that has a higher ridge and eaves. In my opinion, the proposed works would introduce a significant level of scale and massing in very close proximity to three side and rear facing first-floor single-aspect habitable windows that would harmfully overbear these rooms to the detriment of neighbour amenity. These rooms have a limited outlook at present and I am concerned that the proposed development, by way of being taller and bulkier, would exacerbate the outlook for these rooms and cause an overbearing effect on the future occupants.

8.36 In addition to the above, I also have significant concerns with the enclosing impact the proposal would have on the amenity space for the flats of no.105 Mill Road and the adjacent gardens of nos.1 and 3 Kingston Street. At present, these amenity spaces look out onto the existing building which measures around 3.4m to the eaves and 6.7m to the ridge. This existing relationship is, in my view, un-neighborly and oppressive. The rear projecting element of the proposal would be set back from the current building line on this side by approximately 2.2m but would be higher than the original building, notably by approximately 1.7m at eaves level. Although the setting back of the building line provides a degree of separation from these gardens, the increase in the height of the eaves by 1.7m would represent a demonstrable change compared to the current outlooks for these external spaces. There would be a sharp 5.1m high wall in close proximity to these amenity spaces which would be far more oppressive, in my opinion, than the current pitched roof. Overall, I consider the proposal would worsen what it already a poor relationship and would adversely impact on the amenities of the adjoining properties.

Noise and disturbance

8.37 I have concerns that the introduction of storing commercial bins externally in close proximity to these habitable rooms would result in noise and disturbance being experienced in the adjoining upper-floor flats of no.105 Mill Road. The applicant has not demonstrated that the disposal of bottles and glass, as well as the general movement and collection of bins in this

space, would be within acceptable background noise levels in the event that the proposed restaurant/ café use is occupied.

- 8.38 Furthermore, the proposed restaurant/ café use could also introduce noise and odour from external extraction and associated plant. No details have been submitted to accompany this application and the Environmental Health Team has recommended the application be refused in the absence of this. In my opinion, given the proximity of the neighbouring windows to the proposed commercial use, I do not feel confident that this could be controlled by way of condition without first knowing that there is potential to facilitate the associated plant/ extraction.

Impact on car parking on surrounding streets

- 8.39 The majority of the surrounding streets fall within controlled parking zones. The site is in a sustainable location, close to the City Centre and well served by public transport links into the City Centre and wider area. The site also falls within the Mill Road (West) District Centre and there are shops and services within walking distance of the site. Although the cycle parking provision is inadequate, if there was sufficient cycle parking this would also alleviate the pressure on on-street car parking in the area. Overall, given the sustainable location of the site, I do not anticipate the proposal would drastically increase on-street car parking in the surrounding area and is acceptable as a car free development.
- 8.40 In my opinion the proposal fails to respect the residential amenity of its neighbours and the constraints of the site and I consider that it is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 4/13 and 6/10.

Amenity for future occupiers of the site

- 8.41 There are fundamental issues with the accessibility and functional layout of the proposed development which have been explained in the preceding paragraphs of this report. The internal space standards (as set out below paragraph 2.5 of this report) of the proposed units would in my opinion be generous in this location and I do not consider this to be an issue.

- 8.42 In my opinion, the quality and quantity of amenity space provided for future occupants of some of the units is inadequate.
- 8.43 I do not consider the provision of external amenity spaces for the proposed one-bedroom units to be necessary given the size of these units and the urban context of the site. Notwithstanding this, these proposed units would benefit from both roof terraces and patios which would be acceptable.
- 8.44 The proposed larger two and three-bedroom units however do not have an acceptable level of private outdoor amenity space. The proposed two-bedroom units in the rear mews style block would only have 9m² private patios which would only have limited light levels and would be extremely cramped environments for what could be occupied as family dwellings. Also, the proposed three-bedroom unit appears to only have a Juliet balcony and it does not appear from the plans that users could walk out onto this balcony. As a three-bedroom duplex property, this level and quality of amenity space, facing out onto the busy Mill Road, is unacceptable.
- 8.45 The future occupants of proposed unit nos. 5 and 6 would have a poor outlook as the front (west) facing windows face out onto a large sign and recycling centre which would physically overbear these outlooks and provide an unsatisfactory living environment for the habitable living rooms of these properties.
- 8.46 The impact on the neighbours from noise and disturbance in paragraphs 8.37 and 8.38 of this report are also applicable to these proposed dwellings and the mixed use development has not adequately accounted for the multiple uses on the site.
- 8.47 In my opinion the proposal provides a poor-quality living environment and an in-appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.48 Refuse arrangements have been addressed in paragraphs 8.22 and 8.37 of this report.

- 8.49 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.50 Car parking has been addressed in paragraph 8.39 of this report. In the event of approval, a car club informative would be recommended.
- 8.51 Cycle parking has been addressed in paragraph 8.21 of this report. The proposal lacks sufficient detail to make an informed assessment in terms of cycle parking for future occupiers.
- 8.52 It is assumed that no cycle parking is proposed for the commercial unit. In my opinion, given that many other commercial uses along Mill Road do not benefit from dedicated on-site cycle parking, I do not consider it would be reasonable to require this for the commercial unit. In addition, there are also public cycle parking spaces outside St Barnabas Church and in the public space to the west which could cater for visitors and staff.
- 8.53 In my opinion the proposal fails to comply with Cambridge Local Plan (2006) policy 8/6.

Drainage

- 8.54 It is acknowledged that the Drainage Team has requested further information regarding surface water drainage prior to determination. I do not consider it would be reasonable to ask for this information at this stage given that the site is a brownfield site and is covered with hard standing at present. The site is not identified as being at any high risk of surface water flooding and I am of the opinion that this could be conditioned if necessary.

Third Party Representations

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

Comment	Response
The existing forecourt area provides a comfortable breathing space along Mill Road which would be lost as a result of this development.	The Urban Design and Conservation Team have no objection to the principle of a building footprint coming forward in this location. There is a building line established beyond no.105 to the east and the proposal would respect this in my opinion.
Will any of the units be affordable?	There is no policy requirement for the units to be affordable as the quantum of development falls below the threshold of policy 5/5 of the Cambridge Local Plan (2006).
Could tree pits be introduced into the car park as a Section 106 improvement?	I do not consider the provision of tree pits in the car park to be necessary in order for the development to be acceptable.

Planning Obligations (s106 Agreement)

- 8.56 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.
- 8.57 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 The proposed shop front would be out of keeping with the traditional appearances of shop fronts along Mill Road and

would subsequently fails to preserve or enhance the character and appearance of the Conservation Area. Inadequate detail has been submitted to demonstrate that the proposed use of alternative and contemporary materials and dormer forms would successfully assimilate into the surrounding context. The proposal would fail to provide a satisfactory living environment for future occupants and would have an adverse impact on neighbouring properties. The proposed servicing arrangements and layout would pose a threat to highway safety.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development would occupy a highly prominent position in the Mill Road Conservation Area. The proposed shop front for the commercial unit would have an elongated appearance that appears out of character with the traditional fenestration of shop fronts in this part of the Mill Road Conservation Area. In addition, insufficient detail has accompanied the application to demonstrate that the proposed finishes and detailed design of the overall development would successfully integrate into the context and appearance of the area. In the absence of this detailed information, it cannot be confirmed that the proposal would preserve or enhance the character and appearance of the conservation area or the Buildings of Local Interest in close proximity. As such, the proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 3/15, 4/11 and 4/12.

2. The proposal would fail to provide a satisfactory living environment for the future residential occupants. The narrow entrance point from Mill Road and northern access from the car park would both represent poor quality access points that would limit accessibility and lack sufficient active surveillance. The cramped patio spaces for the proposed two-bedroom units and the lack of any meaningful private external amenity space for the proposed three-bedroom duplex flat would be inadequate for the level of development proposed and offer a poor level of amenity for future occupants. The future occupants of the proposed unit nos.5 and 6 would have their main ground-floor outlook and entrance facing onto a recycling centre and the amenity standards for these properties would be unacceptable. The refuse arrangements proposed would be convoluted and the provision of cycle parking is poorly planned and inadequate for a scheme of this size. As such, the proposal is contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/13 and 8/6.
3. Insufficient information has been submitted to demonstrate that the proposed restaurant/ café (A3) commercial use could function without having a harmful impact on the amenities of both future occupants of the proposed development and the adjoining flats above no.105 Mill Road in terms of noise and odour. The disposal of commercial refuse and comings and goings associated with this could also detrimentally impact upon the amenities of neighbours and future occupants and the submission lacks suitable detail to make an informed assessment of this. In the absence of this noise and odour information, the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 4/13 and 6/10.

4. The proposed development would introduce a level of massing significantly greater than the existing building which would harmfully overbear the outlooks of nearby windows and amenity spaces of adjoining occupiers. There are three habitable single-aspect windows on the side and original rear elevation in the flats above no.105 Mill Road and the proposed development, by way of projecting further to the front and higher, would adversely oppress these outlooks to the degree that these neighbours would feel visually enclosed when using these habitable rooms. The significant increase in height of the eaves of the rear element of the proposed development compared to the former building would also drastically increase the perceived visual enclosure in the adjoining shared patio of no.105 Mill Road and adjacent gardens of nos.1 and 3 Kingston Street. As such, the proposal would be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.
5. The proposed works would be in close proximity to three habitable windows in the flats above no.105 Mill Road. The daylight and sunlight assessment submitted with the application has not accounted for a single-aspect dining and kitchen room window and it is therefore not possible to determine that the proposal would have an acceptable impact from a loss of light perspective. In addition, a shadow study has not been submitted to accompany the application and it cannot be determined that the proposal would retain sufficient light reaching the adjoining amenity spaces at the rear of no.105 Mill Road and nos.1 and 3 Kingston Street. In light of the inaccurate information, and lack of a shadow study, it cannot be confirmed that the proposal would be acceptable in terms of loss of light and consequently the proposal is considered to be contrary to Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

6. The proposed servicing arrangements and layout of the front of the development would pose a threat to highway safety. The combination of bringing the building line of the proposed development forward of the original building line, potential introduction of outside seating in the limited forecourt area, and, proposed positioning of servicing on the pavement of Mill Road would constrain what is already a very narrow pavement that experiences high volumes of pedestrian footfall. The proposal would severely restrict the ability of disabled users and pedestrian to permeate past the application site safely to the detriment of highway safety. As such, the proposal would be contrary to Cambridge Local Plan (2006) policies 3/7, 3/12, 8/2, 8/4 and 8/9.