

Application Number	17/1815/FUL	Agenda Item	
Date Received	8th November 2017	Officer	Mairead O'Sullivan
Target Date	7th February 2018		
Ward	Abbey		
Site	143 - 147 Newmarket Road And 149 Newmarket Road Cambridge Cambridgeshire CB5 8HA		
Proposal	Demolition of No.149 Newmarket Road and existing garage structures, the erection of new buildings producing a total of 11 residential units, the formation of a cafe space (use class A3) on the ground floor of Logic House, brick and tile tinting to Logic House and associated infrastructure and works.		
Applicant	N/A C/O Agent		

0.0 Addendum

- 0.1 At the 29th August meeting of Planning Committee, Members resolved to refuse this application for the demolition of No.149 Newmarket Road and existing garage structures and the erection of new buildings producing a total of 11 residential units (an increase of 10). Members found there to be four reasons for refusal. These related to the impact of the development on the ability for the neighbouring church to develop its land, the harm to the amenity of the neighbouring gardens on Beche Road, the impact on the streetscene, conservation area and setting of the listed building, and the lack of amenity for future occupiers of the units.
- 0.2 Following the resolution to refuse the application but prior to the council formally issuing a decision, the inspectors report on, the now adopted, Cambridge Local Plan 2018 was received. The Inspectors concluded that the Local Plan was 'sound' subject to a number of modifications being made. We took legal advice which found that the determination of the application is not when committee makes its resolution but rather when the decision notice is issued. Once the council receives the Inspector's report substantial weight must be given to the

policies in the new plan. As a result, a policy comparison needed to be undertaken to ensure that all of the reasons for refusal comply with policies in the 2018 Local Plan.

0.3 For the avoidance of doubt, I will set out in full the reasons for refusal.

a) By virtue of its scale, mass, and height adjacent to the boundary with the pan handle strip of land which forms part of the Abbey Church site, the proposal would prejudice the future development potential on the adjacent site and would therefore be contrary to Policy 3/6 of the Cambridge Local Plan (2006).

b) By virtue of its scale, mass, height, and proximity to the northern boundary of the site, the proposal would have an unacceptable enclosing, overbearing, overshadowing and overlooking impact on the gardens of dwellings in Beche Road to the north, which are approximately 3.5m lower than the application site. The proposal would therefore harm the amenities of occupiers of the adjacent dwellings contrary to Cambridge Local Plan (2006) policies 3/7 and 3/12.

c) By virtue of the scale, massing and design of the buildings, the development would have a detrimental impact on the streetscene of this part of Newmarket Road and would fail to preserve and enhance the character and appearance of the Conservation Area and would have a detrimental impact upon the setting of the adjacent Grade II Listed Abbey Church. The proposal would therefore be contrary to policies 3/4, 3/7, 3/12, 4/10 and 4/11 of the Cambridge Local Plan (2006) and the National Planning Policy Framework (2018).

d) The proposed development, by virtue of the overly cramped and small internal living spaces within the dwellings and the poor quality of external amenity space for all of the units, would fail to provide a satisfactory quality of living environment and standard of amenity for future occupiers. Consequently, the proposal would be contrary to the requirements of policy 3/7 of the Cambridge Local Plan (2006) which seeks to provide high quality living environments within new developments

0.4 In the below table I will list the policies from the 2006 local plan which were put forward as reasons for refusal and where relevant include the equivalent policy in the 2018 Local Plan. Where there are no equivalent Policies the reason for refusal will fall away

2006 Local Plan policy	Equivalent 2018 Local Plan policy
3/4 Responding to Context	Policy 55 Responding to context
3/6 Ensuring Coordinated Development	None
3/7 Creating Successful Places	Policy 56 Creating Successful Places
3/12 The Design of New Buildings	Policy 57 Designing new buildings
4/10 Listed buildings	Policy 61: Conservation and enhancement of Cambridge's historic environment
4/11 Conservation Areas	Policy 61: Conservation and enhancement of Cambridge's historic environment

0.5 The only policy which does not have an equivalent in the newly adopted local plan is 3/6 which relates to coordinated development. This is the only policy cited in the first reason for refusal. Given there are no other policies to justify the first reason for refusal, officers recommend that this should no longer apply.

0.6 The reasons for refusal which remain will need to be updated with the new policies. It should also be noted that the last reason for refusal regarding residential amenity for future occupiers can also include policy 50 from the 2018 Local Plan. This requires that units meet with the nationally described space standards and that all units have access to private external amenity space. I have set out the new reasons for refusal, with the updated policies, in full below:

a) By virtue of its scale, mass, height, and proximity to the northern boundary of the site, the proposal would have an unacceptable enclosing, overbearing, overshadowing and overlooking impact on the gardens of dwellings in Beche Road to the north, which are approximately 3.5m lower than the application site. The proposal would therefore harm the amenities of occupiers of the adjacent dwellings contrary to Cambridge Local Plan (2018) policies 56 and 57.

b) By virtue of the scale, massing and design of the buildings, the development would have a detrimental impact on the streetscene of this part of Newmarket Road and would fail to preserve and enhance the character and appearance of the Conservation Area and would have a detrimental impact upon the setting of the adjacent Grade II Listed Abbey Church. The

proposal would therefore be contrary to policies 55, 56, 57 and 61 of the Cambridge Local Plan (2018) and the National Planning Policy Framework (2018).

c) The proposed development, by virtue of the overly cramped and small internal living spaces within the dwellings and the poor quality of external amenity space for all of the units, would fail to provide a satisfactory quality of living environment and standard of amenity for future occupiers. Consequently, the proposal would be contrary to the requirements of policies 50 and 56 of the Cambridge Local Plan (2018) which seeks to provide high quality living environments within new developments and require units to provide an adequate amount of internal and external space.

- 0.7 Whilst the first reason for refusal has fallen away, the new policy situation results in a new reason for refusal. As you will be aware, the NPPF 2018 set a threshold of 10 units or more for the provision of affordable housing. This is contrary to threshold of 11 specified within policy 45 of the new local plan. A report is due before Planning Committee on 7 November which recommends that Members attach significant weight to and apply the lower threshold in the NPPF (2018). The application proposes an increase of 10 residential units on site and there is no affordable housing provision proposed. As a result a new reason for refusal is recommended as set out below:

“The proposal has failed to secure any affordable housing provision and is therefore contrary to NPPF 2018.”

- 0.8 Policy 51 of the Cambridge Local Plan (2018) requires all housing developments to be of a size, configuration and internal layout to enable the Building Regulations requirement on ‘accessible and adaptable dwellings’ to be met. A Building Regulations Officer has assessed the proposed plans. He has found a large number of changes are required to ensure the proposal would comply with part M of Building Regulations. The changes are substantial and include requirements such as wider corridors and stairs. Many of the units proposed are already below the space standards and members have resolved to refuse the proposal on the grounds that the scale of the development is inappropriate so an increase to the scale and massing to accommodate the required changes would not be acceptable. As a result I consider the proposal fails to provide inclusive access and would be contrary to policy 51 of the Cambridge Local Plan (2018). I recommend an additional reason for refusal as follows:

“The proposed development is not of a size, configuration and internal layout to enable Building Regulations requirement M4(2) (relating to ‘accessible and adaptable dwellings’) to be met, and is therefore contrary to Policy 51 of the Cambridge Local Plan (2018).”

0.9 Recommendation

Refuse for the following reasons:-

1. By virtue of its scale, mass, height, and proximity to the northern boundary of the site, the proposal would have an unacceptable enclosing, overbearing, overshadowing and overlooking impact on the gardens of dwellings in Beche Road to the north, which are approximately 3.5m lower than the application site. The proposal would therefore harm the amenities of occupiers of the adjacent dwellings contrary to Cambridge Local Plan (2018) policies 56 and 57.
2. By virtue of the scale, massing and design of the buildings, the development would have a detrimental impact on the streetscene of this part of Newmarket Road and would fail to preserve and enhance the character and appearance of the Conservation Area and would have a detrimental impact upon the setting of the adjacent Grade II Listed Abbey Church. The proposal would therefore be contrary to policies 55, 56, 57 and 61 of the Cambridge Local Plan (2018) and the National Planning Policy Framework (2018).
3. The proposed development, by virtue of the overly cramped and small internal living spaces within the dwellings and the poor quality of external amenity space for all of the units, would fail to provide a satisfactory quality of living environment and standard of amenity for future occupiers. Consequently, the proposal would be contrary to the requirements of policies 50 and 56 of the Cambridge Local Plan (2018) which seeks to provide high quality living environments within new developments and require units to provide an adequate amount of internal and external space.
4. The proposal has failed to secure any affordable housing provision and is therefore contrary to NPPF 2018

- 5 The proposed development is not of a size, configuration and internal layout to enable Building Regulations requirement M4(2) (relating to 'accessible and adaptable dwellings') to be met, and is therefore contrary to Policy 51 of the Cambridge Local Plan (2018)