

<b>Application Number</b>	19/1141/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	14th August 2019	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	9th October 2019		
<b>Ward</b>	Trumpington		
<b>Site</b>	1 Fitzwilliam Road		
<b>Proposal</b>	Demolition of existing building and construction of three dwellings.		
<b>Applicant</b>	Mr William Macdonald Compass House Vision Park, Histon		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal will enhance the Conservation Area.</li> <li>• The proposed development would not have any adverse impact on the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers.</li> <li>• The proposal would have an acceptable impact upon the trees within and surrounding the site.</li> <li>• The proposal overcomes the previous reasons for refusal on 15/1855/FUL</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The site is situated on the northern side of the junction of Clarendon Road and Fitzwilliam Road and comprises a 2.5

storey brick building defined on its public edges by a low-rise brick wall and mature landscaping. In 1972, the former property on the site was acquired by Cambridgeshire & Isle of Ely County Council as a hostel for working-age boys, adapting the existing building. On the 14th September 1993, planning permission was granted to demolish the home and build a replacement hostel, which was implemented and the present building at 1 Fitzwilliam Road was constructed. The building is currently vacant and has been for the last few years.

- 1.2 The site lies in the very south eastern corner of the Brooklands Avenue Conservation Area, which was designated in 2002. The Appraisal defines Nos. 3-9 Fitzwilliam Road (which are immediately to the west of the site) as Buildings of Local Interest. It states that this group is an austere but imposing terrace that dominates the street. The impact that the subject property makes to the character of the area remains undefined, but it is fair to describe its contribution as neutral. Across the road from the site lies the substantial contemporary development of Kaleidoscope, which has been the subject of major redevelopment in recent years and is not located in a Conservation Area.
- 1.3 There are two mature sycamore trees with TPO status located at the front of the site facing the junction of Fitzwilliam Road and Clarendon Road. The site is also located within a controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the demolition of the existing building and the erection of a terrace of 3 dwellings. Unit 1 is 3 storey plus basement and unit's 2 & 3 are 4 storey plus basement. The properties would have rear gardens and associated parking. There is also additional parking from Clarendon Road from an existing access point.
- 2.2 Amended plans have recently been received which have sought to address the recent appeal decision on the site and neighbour concerns. Unit 4 has been removed from the scheme entirely. At the time of writing this report the amended plans are subject to further re-consultation and any further comments will be reported on the amendment sheet.

2.3 A previous application (15/1855/FUL) for six dwellings was refused for the following three reasons:

1. The scale, bulk and design of the proposal would result in an overly dominant built form that would appear too prominent, cramped (significantly diminishing the existing space) and too deep in footprint in views from Clarendon Road and which would poorly reflect and inadequately relate to the adjacent Buildings of Local Interest along Fitzwilliam Road with regard to the detailed design but also the form and shape of the roofing elements. The result is a scheme which would constitute an overdevelopment of the site, which would neither preserve or enhance the character or appearance of the Conservation Area. The proposal has not demonstrated that it has responded to its context or drawn upon key characteristics of the surroundings. For these reasons, the proposal conflicts with policies 3/4, 3/7, 3/12, 4/11 and 4/12 of the Cambridge Local Plan (2006) and guidance within paragraph 64 of the NPPF (2012).
2. The use of the rooms, position and substantial amount of glazing used on the upper floors (first to third) on the rear facade of the proposal and the increased massing and dominance of built form from that existing would all contribute to the unacceptable loss of privacy and sense of enclosure to the occupiers of No. 3 Fitzwilliam Road and No. 21 Clarendon Road which are in close proximity to the site. In addition and in the absence of information to demonstrate otherwise, the lack of adequate space for landscaping, particularly tree planting, along the boundaries with these properties due to the proposed basement structure underneath, would mean that views of the proposed building could not be adequately or partially mitigated. For these reasons, the proposal would be contrary to policies 3/4 and 3/12 of the Cambridge Local Plan 2006.
3. There is insufficient evidence to suggest that the proposed development would not endanger the health of two trees with TPO status on the front of the site. These trees positively contribute towards the character and appearance of the Conservation Area. For these reasons, the proposal would be contrary to policies 4/3, 4/4 and 4/11 of the Cambridge Local Plan (2006).

2.4 The application was dismissed at appeal (APP/Q0505/W/18/3218079). The inspector upheld reason 1 (conservation area impact) and reason 2 (impact upon neighbouring properties). A copy of the appeal decision is attached to appendix 1.

### 3.0 SITE HISTORY

15/1855/FUL - Demolition of existing building and construction of six new dwellings and associated access and landscaping (refused, appeal dismissed)

### 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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 3, 28, 29, 31, 32, 33, 34, 35, 36, 50, 51, 55, 56, 57, 59, 61, 62, 70, 71, 80, 81, 82

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

Central Government Guidance	National Planning Policy Framework 2019 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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	<p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (2020)</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>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge Landscape and Character Assessment (2003)</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridge City Wildlife Sites Register (2005)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p>

	<p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p>
	<p><u>Area Guidelines</u></p> <p>Brooklands Avenue Conservation Area Appraisal (2013)</p>

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 No objection. Recommends the inclusion of conditions regarding visibility splays, falls and levels and bound material. Informative regarding works within the highway.

#### **Conservation Officer**

- 6.2 Supports. Recommends the inclusion of conditions regarding a sample panel, roofing materials and cladding materials (oriel window).

#### **Environmental Health**

- 6.4 No objection subject to conditions regarding construction hours, collection during construction, construction, demolition noise, vibration and piling, dust condition, electric vehicle charging points and associated informatives.

## **Tree Officer**

- 6.5 No objection subject to conditions regarding implementation of energy statement, water efficiency, sustainable construction and green roofs.
- 6.8 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:

- 18 Brooklands Avenue
- 22 Brooklands Avenue
- 1 Clarendon Road
- 3 Clarendon Road
- 5 Clarendon Road
- 9 Clarendon Road
- 11 Clarendon Road
- 15-17 Clarendon Road
- 19 Clarendon Road
- 21 Clarendon Road
- 3 Fitzwilliam Road
- 5 Fitzwilliam Road
- 7 Fitzwilliam Road
- 11A Fitzwilliam Road
- 3 Shaftesbury Road
- 1 Glenalmond Avenue
- 4 Glenalmond Avenue
- 282 Glenalmond Avenue
- 34 Emery Street (Dr Linda Jones - County Councillor)
- Councillor Daniel Summerbell
- Camcycle
- The Brooklands Avenue Area Residents Association

- 7.2 The representations can be summarised as follows:

- The scale of the buildings is excessive and dominant
- Overdevelopment

- Result in the loss of 3 on street car parking spaces on an already congested road
- The level of parking provision is inadequate
- Loss of trees
- Materials are out of keeping
- Loss of privacy for neighbouring properties due to overlooking
- Overlooking of 21 Clarendon Road from the terrace properties
- Disturbance
- Potential high turnover of residents of the houses, could be used for rental apartments such as Airbnb
- Bikes on plot 4 being located in rear garden and access adjacent to No.21 Clarendon Road
- Insufficient space for cycle parking
- Too many bedrooms in the houses
- Impact upon the conservation area
- Common boundary wall of 3 Fitzwilliam Road should be rebuilt to existing standard
- Impact of noise and dust pollution during demolition/construction
- The building isn't vacant as it has been inhabited by property guardians on behalf of Cambridgeshire County Council
- The proposal seeks planning permission for three large houses in multiple occupation (HMO's)
- There is an issue with traffic congestion on Fitzwilliam Road, Clarendon Road and Shaftesbury Road. The proposal will result a significant impact in terms of traffic. The applicant should provide an updated traffic assessment.
- The coloured street elevations are misleading as it misrepresents trees.
- The updated Arboricultural Information is also misleading as the colour scheme is inconsistent on the site plan.
- The proposal does not comply with Policy 52 (Protecting garden land and the subdivision of existing dwelling plots)
- Various comments about a more suitable use for the site such as sheltered accommodation

7.3 Councillor Dan Summerbell called in the application due to the substantial change on the site. This pre-dates the removal of the 4<sup>th</sup> dwelling the scheme.



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

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, 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. Drainage
8. Trees
9. Affordable Housing
10. Third party representations

### **Principle of Development**

8.2 The former use of the site was a hostel. The building has been vacant for a number of years. The site contains an existing building, it is classed as previously developed (brownfield) land. Policy 3 of the Cambridge Local Plan (2018) states that the majority of new development should be focused in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally. The principle of redeveloping the site for housing is acceptable subject to the material planning considerations discussed below.

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

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

8.3 The site falls within the Brooklands Avenue Conservation Area and is close to a number of Buildings of Local Interest. The application is accompanied by a Heritage Statement which provides an overview of the significance of nearby heritage assets and the relative impact of the scheme upon them. The

statutory considerations as set out in section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, are matters to which the determining authority must give great weight to when considering schemes which have the potential to impact on heritage assets.

- 8.4 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for a local planning authority, in the exercise of its planning powers with respect to any buildings or other land within a Conservation Area, to:

*'Pay special attention to the desirability of preserving or enhancing the character or appearance of that area'*

- 8.5 In respect of development proposed to be carried out within the setting of, or which may impact upon a listed building, or in a conservation area, a decision-maker must, in respect of a conservation area, give a high priority to the objective of 'preserving or enhancing the character or appearance of the area', when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status.

- 8.6 The respective national policy guidance is set out in paragraphs 193-196 of the NPPF. Para. 193 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation (meaning the more important the asset, the greater the weight should be). Para. 194 makes it clear that any harm to, or loss of significance of a heritage asset should require clear and convincing justification. Para. 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. Para. 200 makes it clear that local planning authorities need to look for opportunities for new development within Conservation Areas,

World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals which make a positive contribution to the asset or better reveals its significance should be treated favourably.

- 8.7 In respect of non-designated heritage assets para. 197 of the NPPF states that the effect that a proposal will have on such an asset should be taken into account in determining the application, and in considering such applications a balanced judgment is required having regards to the scale of any harm or loss and the significance of the heritage asset.
- 8.8 The proposal is for the erection of a terrace of 3 dwellings fronting Fitzwilliam Road. The terrace would be set to generally align with the building line of 3 Fitzwilliam Road to the west. Unit 1 would be 2 storey and units 2 and 3 would be 3 storey. There would be car parking to the front of each property and gardens to the rear.
- 8.9 The Inspector states in paragraph 9: *'The built-up end of the proposed east elevation would be too close to 21 Clarendon Road and would jar with the lower, hipped two-storey forms of this property and its neighbours. Closure of the gap between No 21 to the extent proposed would effectively preclude views into the CA.'*
- 8.10 As outlined above, the proposal has taken a different design approach to the previously refused and dismissed scheme. A key part of this has been to erect a set of terrace properties fronting Fitzwilliam Road. This would not only leave the existing gap on site between the building on 1 Fitzwilliam Road and 21 Clarendon Road but would expand it, retaining the important view through the site into the Conservation Area.
- 8.11 The Inspector states in paragraph 11: *the new fourth storey within the roof would contrast significantly with the rest of the building as well as with its neighbours. Despite the set-back its essentially flat roof form with balustrading, use of glazing and metal would have an overly dominant and incongruous effect,*

*and be out of context in relation to properties on either side of the north and east elevations.*

- 8.12 The proposed design of the terrace (plots 1 to 3) has been carefully designed to reflect more traditional aspects of the neighbouring properties along Fitzwilliam Road but in a contemporary design. It is very different to the refused scheme which incorporated a fourth storey set back, flat roof, with a heavy use of glazing and metal. The 4<sup>th</sup> storey element of plots 2 & 3 is set within a mansard roof form which would help keep the bulk of the proposal down as well ensuring the 4th storey would not appear top heavy in comparison to the rest of the building. This proposed roof form would not detract from the appearance of the adjacent BLI's.
- 8.13 The site has a number of trees on the site. The corner between Clarendon Road and Fitzwilliam Road is green in character and an important part of the Conservation Area character. The proposal retains this green corner and therefore preserves the Conservation Area. The impact of the scheme on the existing trees is discussed in further detail below. Standard conditions such as landscaping and boundary treatments are recommended to ensure the site is treated appropriately. A low wall with railing above and hedge behind will form the boundary onto Clarendon Road to help retain the green and open character of the corner. The Conservation Team support the application subject to a number of conditions requiring further details or materials and the oriel window to be submitted.
- 8.14 In officer's view, the proposal would enhance the Conservation Area and adequately respect the proximity of the adjacent BLI's. It is considered that the proposal overcomes the 1<sup>st</sup> reason for refusal on the previous scheme (15/1855/FUL). As such, the proposal is compliant with Cambridge Local Plan 2018 policies 55, 56, 59, 57, 61 and 62, NPPF guidance and meets the statutory tests as set out in paragraphs 8.2 - 8.4 above.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.15 The 2<sup>nd</sup> reason for refusal on the previous application concerned the impact upon the adjacent property No.3 Fitzwilliam Road and No.21 Clarendon Road. This reason for

refusal was upheld by the Inspector at appeal. It is to be noted that the dismissed appeal scheme was for a building that wrapped round the whole site fronting both Fitzwilliam Road and Clarendon Road in comparison to the current scheme which is a terrace of 3 dwellings fronting Fitzwilliam Road only.

- 8.16 The Inspector states in paragraph 16 of the appeal decision that: *Several upper floor windows to habitable rooms would face neighbouring rear gardens at 3 Fitzwilliam Road and 21 Clarendon Road, where no direct views over them exist. Some overlooking in a new building could be expected. Most windows would be bedrooms so they would not be as extensively used as main habitable space. Nevertheless, as I saw from the rear garden of No 3, the sense of privacy enjoyed within it would be significantly compromised by the sheer number of the new openings and their position at the increased height and depth into the plot over the existing building. No 21 would be similarly adversely affected. Obscure glazing might reduce overlooking but would be undesirable in bedrooms and not overcome the sense of loss of privacy.*

#### *3 Fitzwilliam Road*

- 8.17 3 Fitzwilliam Road is a three storey plus basement end of terrace dwelling located to the west of the site. The existing building and the refused building were both in an L shape form. The proposed terrace would be set in line with the rear elevation of 3 Fitzwilliam Road which would therefore remove any potential significant overlooking opportunities. A condition is recommended to remove permitted development rights for the insertion of new windows and dormers. For these reasons, the proposal would therefore not have any significant impact upon 3 Fitzwilliam Road in terms of overlooking, overbearing or overshadowing. Unit 1 steps down in height to ensure 'right to light' on the windows on the side elevation of 3 Fitzwilliam Road is protected.

#### *21 Clarendon Road*

- 8.18 No.21 Clarendon Road is a two storey detached dwelling to the north of the site. The existing building is 2.5 storey in height in an L shape. The proposal would include 5 windows at first floor and above on the rear (north facing) elevation not including the 5 small rooflights. The number of windows contained with the

current scheme is considerably less than the refused scheme. Unit 3 is set behind the rear elevation of 21 Clarendon Road so only unit 1 (1 first floor window and 1 second floor window) and unit 2 (1 first floor window) would be sited opposite No.21 Clarendon Road. Only 3 of the 5 windows would be opposite. All of these windows on the rear elevation are set within stepped in elements. It is to be noted that the previous scheme was for 6 dwellings, the current scheme is for 3 dwellings. The proposal is within an urban setting and a degree of overlooking of neighbouring properties is to be expected. Given the low number of windows proposed and their positioning, the proposal would not cause a significant level of overlooking of 21 Clarendon Road.

- 8.19 Unit 1 is only two storey in comparison to the neighbouring property No.3 Fitzwilliam Road and units 2 and 3. Unit 1 would also include low eaves at mid first floor level at the rear of the building. It is considered that this step down in height would provide a new view and relief for the garden of 21 Clarendon Road as unit 1's height would be lower than the existing 2.5 storey building. The proposed building would also be set in line with the rear elevation of 3 Fitzwilliam Road. The proposal would therefore be set further back than the existing building. The refused scheme concluded that the proposal would not significantly overshadow any of the neighboring properties. The current scheme would also not cause any significantly detrimental overshadowing impact.

#### *Wider area*

- 8.20 The Environmental Health Team has recommended various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction. This advice is accepted and the conditions are recommended accordingly. The impact of additional demand for car parking spaces on residential amenity is assessed in the 'car parking' section below.
- 8.21 For the above reasons, it is considered that the proposal overcomes the 2nd reason for refusal on the previous scheme (15/1855/FUL) and the proposal adequately respects the residential amenity of its neighbours and the constraints of the site in accordance with Cambridge Local Plan 2018 policies 57 and 35.

### Amenity for future occupiers of the site

8.22 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units comply and exceed the standards. All units have an acceptable level of outlook. In this regard, the units would provide a high quality internal living environment for the future occupants. The floor space of the proposed units is presented in the table below against the requirements of policy 50.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit (m <sup>2</sup> )	Difference in size
1	4	6	4	112	208	+96
2	6	12	5	138	264	+126
3	6	12	5	138	271	+133

8.23 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space. As stated above, all dwellings would have a generous rear garden area that would be appropriate for the proposed number of bedrooms. These private garden spaces have been significantly improved through the latest revisions to the scheme.

### Accessible homes

8.24 The residential element of the development has been assessed for compliance with the requirements of Part M4 (2) of the Building Regulations and Policy 51. A condition is recommended to secure this requirement.

### **Refuse Arrangements**

8.25 The bins would be located in a bin store within the rear garden of each dwelling. The proposal is therefore compliant with policy 57 of the Cambridge Local Plan (2018).

### **Highway Safety**

8.26 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon

highway safety. The proposal would therefore be compliant with policies 81 and 82 of the Cambridge Local Plan (2018).

## **Car and Cycle Parking**

### *Car Parking*

- 8.27 The proposal would result in the loss of 3 parking bays on Fitzwilliam Road and 1 parking bay on Clarendon Road due to the creation of driveways for the proposed 3 units and the additional car parking accessed off Clarendon Road. The Highway Authority has not objected to the application or the removal of the car parking bays. The proposal would provide car parking spaces to the front of each dwelling: unit 1 would have 2 spaces, unit 2 would have 1 space and unit 3 would have 1 space. The scheme also includes 3 car parking spaces accessed from Clarendon Road. These 3 spaces would be shared, as supplemental parking for the residents/visitor car parking. The site and the streets in the immediate vicinity of the site fall within the controlled parking zone. The residents of the new dwellings would not qualify for Residents' Permits within the existing Residents' Parking Schemes operating on surrounding streets and an informative is recommended to this effect. The proposed level of car parking would exceed the maximum standards set out in Appendix L of the Cambridge Local Plan 2018 but in this case this over provision is considered to be acceptable to ensure an appropriate level of car parking is provided for the dwellings.
- 8.28 Officers acknowledge that the removal of on-street parking spaces would increase parking pressure in the nearby streets but conclude that the impact would be limited and not sufficient to form a reason for refusal. It is to be noted that the majority of properties along Fitzwilliam Road and Clarendon Road have off-street car parking spaces in the form of driveways. As the site is located within the controlled parking zone and the proposal includes an acceptable level of car parking, officers do not consider that the loss of the on-street car parking spaces would warrant a refusal of the application. The proposal would therefore meet the aims of Cambridge Local Plan 2018 policy 82.



### *Cycle Parking*

- 8.29 Each dwelling will have its own cycle store placed in each rear garden. It is considered the level of cycle parking provision is policy compliant with appendix L of the Cambridge Local Plan 2018 and the cycle parking arrangements are convenient in accordance with policy 82 of the Cambridge Local Plan 2018.

### **Integrated water management and flood risk**

- 8.30 A surface water drainage strategy can be secured by condition. The proposal is compliant with the paragraph 163 of the National Planning Policy Framework (2018) and policy 31 of the Cambridge Local Plan (2018).

### **Trees**

- 8.31 There are two mature sycamore trees with TPO status located at the front of the site facing the junction of Fitzwilliam Street and Clarendon Street. The smaller sycamore tree is proposed to be felled to allow the lime tree to flourish. The sycamore tree is beginning to decline and is having a detrimental impact upon the growth and form of the lime tree fronting Fitzwilliam Road. The Tree Officer has confirmed that the removal of the TPO'd corner sycamore tree is considered to be acceptable and appropriate given the above reason. 8 smaller trees are also proposed to be removed. The application provides 4 new trees, 3 of the 4 would be larger in size to help replace the canopy cover. The retained larger TPO'd sycamore would be sited within unit 3's plot to the side of the dwelling. It is considered that there is ample space to the rear of unit 3 to ensure there would not be pressure in the future to significantly prune or remove the tree. Officers recommend the removal of permitted development rights in relation to side extensions and outbuildings for unit 3 to ensure any future proposals will be assessed against the impact upon trees on the site.
- 8.32 Following the amendments to the scheme, the Tree Officer now supports the application subject to conditions regarding a tree method statement, tree protection plan, pre-commencement site meeting, compliance with method statement and 5-year guarantee. Suitable replacement planting could be provided by way of the landscaping condition. Subject to the above

conditions, the proposal complies with Cambridge Local Plan 2018 policy 71.

### **Biodiversity**

- 8.33 The application is accompanied by a pre-liminary Ecological Appraisal. This concludes that there is an opportunity to enhance the biodiversity on the site. The applicant is proposing a greater number of bird and bat boxes than the ecology report recommends. An informative is recommended to encourage the inclusion of hedgehog gaps within the fencing. A condition is recommended to secure the scheme for bat and bird boxes. Subject to the above conditions, the proposal complies with Cambridge Local Plan 2018 policy 70.

### **Renewables and Water Use**

- 8.34 Policy 28 requires ...carbon reduction and water efficiency standards for all new homes. The application is accompanied by an Energy and Water Sustainability Statement which states that a reduction in carbon dioxide emissions will be achieved through energy efficiency measures and the provision of renewable technology. Officers recommend conditions regarding a carbon reduction statement and a water efficiency scheme to ensure these policy requirements are met. The proposal therefore complies with Cambridge Local Plan 2018 policy 28.

### **Affordable Housing**

- 8.35 The proposed development is for a scheme of 3 units. Policy 45 of the Cambridge Local Plan (2018) states that affordable housing provision should be calculated on the basis that the thresholds are to be considered against the net increase in the number of units on the site. As the proposed net increase of units on the site would be below the threshold, there is no policy basis to require affordable housing provision as part of this application. The proposal is compliant with policy 45 of the Cambridge Local Plan (2018).

### **Third Party Representations**

- 8.36 The third-party representations have been mainly dealt with in the preceding paragraphs. An AirBnB type use would require

planning permission in its own right. The existing state of the adjoining brick wall between 3 Fitzwilliam Road is a civil matter and falls under the party wall act.

- 8.37 Neighbours have commented that the building isn't vacant as it has been inhabited by property guardians on behalf of Cambridgeshire County Council. It is to be noted that the building has not been used for the intended hostel use for a number of years. The property guardians are to ensure the building remains safe and secure during this transition period.
- 8.38 Neighbours have raised concerns that the proposal seeks planning permission for three large houses in multiple occupation (HMO's). The application is seeking planning permission for dwellings (use class C3) and is therefore being assessed against the relevant housing policies. Any future change of use to a large HMO (use class sui generis) would require planning permission which would be assessed against the relevant policies for HMO's.
- 8.39 Neighbours have raised concerns that the coloured street elevations are misleading as it misrepresents trees. The main aim of the coloured street elevations is to see the proposed building in the context of the neighbouring buildings and these plans would not form part of the approved plans, they have been produced to help make a decision on the application. Officers have noted the comments about the trees not accurately shown and this will be made clear to members in the presentation. Neighbours also raised concerns that the updated Arboricultural Information is also misleading as the colour scheme is inconsistent on the site plan. The arboricultural information is prepared by an arboriculturist who generally use a standard colour key/scheme. It is normal for architects to use their own key/style and this does normally differ from the arboriculturist. The national guidelines for the submission and validation of such documents/plans only ask for very basic information. Officers consider that there are clear keys on both plans. This information has also been accepted by our Tree Officer.
- 8.40 Neighbours have commented that the proposal does not comply with Policy 52 (Protecting garden land and the subdivision of existing dwelling plots). However, the proposal is not for the subdivision of garden land or the subdivision of an existing dwelling plot. The current lawful use of the site is as a hostel not

a residential dwelling. This policy is not considered to relevant for this proposal. This notwithstanding, if members considered this policy as engaged officers do not consider the scheme would be contrary to the criteria listed. Various comments about a more suitable use for the site such as sheltered accommodation have also been made. Officers and members must assess the proposal in front of them not an alternative.

## **9.0 CONCLUSION**

- 9.1 The proposal comprehensively overcomes the previous reasons for refusal on 15/1855/FUL that were subsequently upheld at appeal and would provide a high quality development that respects the character of the area, would not have an adverse impact upon the occupiers of neighbouring properties and would provide an acceptable level of amenity for future occupiers.

## **10.0 RECOMMENDATION**

**APPROVE** subject to 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 91 of the Town and Country Planning Act 1990 (as amended by 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. 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 2018 policy 35)

4. There shall 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 2018 policy 35)

5. No development shall commence (including any pre-construction, demolition, enabling works or piling), until a written report, regarding the demolition / construction noise and vibration impact associated with this development, has been submitted to and approved in writing by the Local Planning 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. The development shall be carried out in accordance with the approved details only.

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 2018 policy 35)

6. 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 2018 policy 36.

7. Electric Vehicle (EV) Charge Points - Residential Developments

Prior to the installation of any electrical services, a dedicated electric vehicle charge point scheme demonstrating that at least one active electric vehicle charge point will be designed and installed on site in accordance with BS EN 61851 with a minimum power rating output of 7kW for each dwelling shall be submitted to and approved in writing by the Local Planning Authority.

The active electric vehicle charge point scheme as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF, 2019) paragraphs 105, 110, 170 and 181, Policy 36 - Air Quality, Odour and Dust of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

8. Before starting any brick or stonework, a sample panel of the facing materials to be used, which shall include details of the bonding, coursing and colour and type of jointing, shall be erected on site and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

9. Before starting the installation of the roof, a samples of the roof materials shall be agreed in writing with the Local Planning Authority via a site visit or the provision of material samples. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)) and 61.

10. Before starting the installation of the oriel window on unit 3, full details in the form of drawings shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved panel, which shall be maintained on site throughout the course of development.

Reason: In the interests of visual amenity within the conservation amenity (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions)) and 61.

11. No development shall take place above ground level, other than demolition, until details at a minimum scale of 1:20 (including plans, elevations and sections of IN) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of development are acceptable. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

12. Prior to commencement and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any tree works are carried and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Reason: To satisfy the Local Planning Authority that trees to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

13. Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS. A record of this meeting shall be provided to the Council for approval.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

14. The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.



15. If any tree shown to be retained on the approved tree protection methodology is removed, uprooted, destroyed or dies within five years of project completion, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: To satisfy the Local Planning Authority that arboricultural amenity will be preserved in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees.

16. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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, play equipment, refuse or other storage units, signs, lighting); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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 2018 policies 55, 57 and 59)

17. No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59)

18. Prior to the commencement of development, other than demolition, a scheme for surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment 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 the National Planning Policy 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 + an allowance for climate change. The submitted details shall include the following:

- 1) 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;

- 2) 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 for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage. (Cambridge Local Plan 2018 policies 31 and 32)

19. Notwithstanding the approved plans, the dwellings, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51)

20. No development shall take place (apart from demolition and below ground enabling works) until details regarding the specification and locations of the bird and bat boxes has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect local wildlife (Policy 70 of the Cambridge Local Plan (2018)).

21. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: To prevent surface water discharging to the highway, in the interests of highway safety (Cambridge Local Plan 2018 policy 81).

22. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81)

23. No development above slab level, apart from demolition and ground enabling works, shall commence until a Carbon Reduction Statement has been submitted to and approved in writing by the local planning. This shall demonstrate that all new residential units shall achieve reductions in CO<sub>2</sub> emissions of 19 per cent below the Target Emission Rate of the 2013 edition of Part L of the Building Regulations, and shall include the following details:
- a) Levels of carbon reduction achieved at each stage of the energy hierarchy; and
  - b) A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit.

Where on-site renewable or low carbon technologies are proposed, the Statement shall also include:

- c) schedule of proposed on site renewable energy technologies, their location, design, and a maintenance schedule; and
- d) Details of any mitigation measures required to maintain amenity and prevent nuisance

There shall be no occupation of the development until the carbon reduction measures have been implemented in accordance with the approved details. Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28, 35 and 36 and Greater Cambridge Sustainable Design and Construction SPD 2020).

24. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

25. For the hereby approved dwellings units 1, 2 and 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses in regards to the insertion of new windows , loft conversion including rear dormers shall not be allowed without the granting of specific planning permission.

For the hereby approved dwellings unit 3 and notwithstanding the provisions of Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses in regards to side extensions and the provision within the curtilage of the dwellinghouses of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling, to protect the character of the area/trees and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 50, 55, 61 and 71)