

Application Number	18/0887/FUL	Agenda Item	
Date Received	15th June 2018	Officer	Aaron Coe
Target Date	14th September 2018		
Ward	Market		
Site	73 Newmarket Road		
Proposal	Proposed mixed Use Development, comprising part demolition of the existing building (with the retention of the front and side elevations and erection of 7 studio units and 2 x 2 bedroom units and Commercial/Restaurant/Public House (A1, A2, A3, A4, A5 and B1 in the alternative) flexible Use, with associated works.		
Applicant	Mr Aldo Marino c/o Swann Edwards Architecture		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The design and scale of the proposed development would not have an adverse impact on the character of the surrounding area; - The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers; - The proposed development would provide a high quality living environment for the future occupiers.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the northern side of Newmarket Road and is occupied by a two storey building that is currently used as an Indian restaurant which fronts the back edge of the pavement.

To the rear of the building is an area of hardstanding. The rear boundary is defined by a 2.5 metre high brick wall which also extends along the western boundary and part of the eastern boundary. The western boundary wall is hidden behind a piece of public art which extends along the entire length of the boundary.

- 1.2 The site is located within an area of mixed uses such as residential apartments, offices and other commercial uses. To the west of the site is the main entrance/access into Kingsley Walk which contains blocks of apartments with car parking at ground level. On the other side of the main entrance is Brooke Court which is an apartment block. Newton Court which is an apartment block is located adjacent to the northern boundary of the site. To the east is a three storey office building which is set back from the front elevation of no.73. Opposite the site; south of Newmarket Road, are office buildings and other commercial uses with car parking within the frontage
- 1.3 The site is located within the Riverside and Stourbridge Common Conservation Area (2012) and a Controlled Parking Zone. There is a tree which is subject to a Tree Preservation Order close to the eastern boundary of the site. There are no listed buildings or other heritage assets within close proximity of the application site.

2.0 THE PROPOSAL

- 2.1 The proposed development involves the part demolition of No.73 Newmarket Road with the retention of the front and side elevations of the existing building. The proposal also involves the creation of an attached block of studio apartments at the rear of the restaurant. The apartment block would consist of 9 apartments over three storeys. The ground floor would consist of the main entrance which would be accessed from the west of the site with bin and cycle storage, and two ground floor studio apartments with private external amenity spaces. On the first floor, the proposal includes two new studios, a two bedroom unit, each with an outdoor balcony and two studio units on the first floor of within the footprint the existing building. On the second floor the proposal would include one studio and one two bedroom unit each with an outdoor balcony.
- 2.2 This planning application as originally submitted proposed the demolition of the entire existing building (No. 73 Newmarket Road) and erection of 10 units following the demolition. However, during

the course of the application a number of amendments have been made to the proposal.

2.3 The amendments to the proposed development include:

- Retention of the front and side elevations of No.73 Newmarket Road.
- Reduced height and massing and a reduction in the number of proposed residential units from 10 units to 9 units.
- The addition of a lift to the proposed development in order to comply with Cambridge Local Plan 2018 Policy 51.

2.4 There is an extant permission on the site for an extension to the existing restaurant and construction of 6 studio apartments (approved under application reference 16/0720/FUL).

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement;
2. Heritage statement
3. Topographical survey;
4. Drainage strategy
5. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
05/0182/ADV	Installation of 2 externally illuminated signs of individual letters and one externally illuminated hanging sign.	PERMITTED
08/1142/FUL 10/0547/ADV	Erection of timber framed shelter. Installation of three non-illuminated fascia signs and one externally illuminated hanging sign.	PERMITTED PERMITTED
11/0240/FUL	Installation of acoustic baffle to boundary wall and smoking shelter.	PERMITTED
12/0933/FUL	External works including the installation and modification to doors and windows (following	PERMITTED

16/0720/FUL demolition of existing out-buildings)
 Proposed development of 6 studio flats and extension to the restaurant. **PERMITTED**

4.0 PUBLICITY

4.1 Advertisement: Yes
 Adjoining Owners: Yes
 Site Notice Displayed: Yes

5.0 POLICY

5.1 Cambridge Local Plan 2018

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 3 28 31 32 33 34 35 36 50 51 52 55 56 57 59 61 70 71 81 82

5.2 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 from 3 March 2014 onwards Circular 11/95 (Annex A) Technical housing standards – nationally described space standard – published by
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	<p>Department of Communities and Local Government March 2015 (material consideration)</p>
<p>Previous Supplementary Planning Documents</p> <p>(These documents, prepared to support policies in the 2006 local plan are no longer SPDs, but are still material considerations.)</p>	<p>Greater Cambridge Sustainable Design and Construction (Jan 2020)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

As submitted

- 6.1 The forecourt is accessed by an existing vehicular crossing of the footway, leaving a short length that is too short to accommodate a car without it overhanging and obstructing the footway. This parking opportunity must be designed out to remove the temptation to park in the space. This issue could be resolved by reducing the width of the dropped kerb.
- 6.2 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.
- 6.3 Officer comments: The scheme has been amended and the originally proposed forecourt has been removed. The following conditions are recommended: Traffic Management Plan, reinstatement of kerb, retention of access.

Environmental Health

- 6.4 Acceptable subject to conditions covering construction hours, collection during construction, piling, dust, plant noise, noise insulation, hours of opening, restriction on external windows/doors to commercial unit, use of commercial waste receptacles, odour and smoke control, protection of external spaces and lighting.

City Council Sustainable Drainage Engineer

As submitted

- 6.5 Unacceptable due to lack of a surface water drainage strategy.

As amended

- 6.6 The proposals have indicated that a suitable surface water drainage scheme can be delivered. However further refinement of the design including infiltration tests are required to ensure that the design follows the drainage hierarchy and can be maintained for the lifetime of the development. The development is acceptable subject to a surface water drainage and maintenance plan condition.

Lead Local Flood Authority

As submitted

- 6.7 Object due to lack of surface water drainage strategy.

Anglia Water

- 6.8 Surface water drainage condition required.

City Council Conservation team

As submitted

- 6.9 Objects to the demolition of buildings in the Conservation Area as there is no evidence that the building is incapable of use for structural reasons. It appears capable of being used beneficially if upgraded or converted. The proposed replacement building would neither preserve nor enhance the CA as it merely replicates nearby examples of 'modern' design and fails to appreciate the contribution the existing building makes in retaining some of the character of this part of the CA. The proposal is overly bulky, bland commercial architecture which, particularly in relation to the front façade, fails to contribute to the townscape and the suggested restaurant use at GF fails completely to meet the requirements of the approved Shopfronts Design Guide. The existing consent demonstrates clearly that there is no necessity to demolish the existing building to further develop the site.

As amended (December 2019)

- 6.10 The suggestion that a 'façade-retention' scheme would be a "pragmatic" solution seems to miss the point about the historic presence of the building in the CA and this being one of last vestiges of the traditional nature of this part of town. It is the building itself, not a replica or fragment of the building, that conveys this presence and reminds citizens and passers-by that the scale and form of this area was once very different. The idea that rebuilding significant

areas of the historic building will be 'identical' seems unlikely; to repeat the previous comments "The patina of age and the qualities of traditional construction give the existing building much of its merit in providing a last reminder of what this area used provide before the comprehensive redevelopment of the area removed most of the historic environment."

As amended (August 2020)

- 6.11 This seems to represent a fairly satisfactory position regarding external appearance. It is a given that the interior would be re-worked. I note that the first floor is shown as two separate studio flats which does not take account of the CAMRA concern that for the operation of a pub below, two bed accommodation above should be possible. I think this is a shortcoming of the scheme in relation to achieving viable use of the heritage asset as encouraged by NPPF para 192 a.
- 6.12 Should approval be recommended a condition to secure the details of external facing, window or roofing materials including for 'making good' or repairs will be required.

Landscape Architect

- 6.13 Hard and soft landscaping condition and boundary treatment conditions required.

Policy Team

- 6.14 Proposed Commercial/Restaurant/Public House (A1, A2, A3, A4, A5 & B1) flexible Use.
- The site is a safeguarded site, which has the intention of allowing the site's use to oscillate amongst 'A' and 'D1' Class Use Types when it has been proven that the site is no longer needed for public house use. While there are other public houses in the area, each public house provides a variation in local service and therefore caters to different parts of the community while providing a degree of competition for local people. This means they create a vibrant and appealing destination by providing a competitive range of local facilities. This is exemplified by The Corner House public house hosting a small, performance venue and The Wrestlers providing Thai food. The rebuilt Five Bells is expected to have a gaming theme to it. The Burleigh Arms is currently a gastro pub with a large beer

garden. These public houses help the area retain its attractive and vibrant appeal as a location to visit throughout the day and evening for people to meet and socialise in. The site's retention as a viable public house site is essential to ensure this area is able to serve and support the day-to-day needs of a growing local community. There is no manager's flat linked to the proposed public house A4 use. Public houses that include a manager's flat are more attractive to public house operators than those without. There is no such unit proposed in this scheme. Without a manager's flat it is unlikely a publican would be interested in the site. There is an example of this occurring at the Seven Stars public house on Newmarket Road which was rebuilt retaining the A4 use on the ground floor but without a manager's flat and has not re-opened since its refurbishment. The retention of the public house (A4 Use Class) on-site is welcomed however its co-location with new residential units must be satisfactorily designed. The overall design should ensure the use can operate normally without having an adverse effect on residential amenity which leads to disputes over noise pollution restricting the public house's long term viability. The layout should also include both a bar area and a cellar to ensure the public house can function properly as a public house. An adequately sized accommodation unit for the manager, and/or business owner is also needed to provide a sustainable and attractive business opportunity.

- 6.15 The proposal to allow the site's use to include a B1 use type class has not been justified nor has it been explained how this use would not prevent the return of an A4 public house use due to the difference in land values between these uses. The introduction of a B1 use is considered to be contrary to the Council's approach and without further justification should not be considered to be an appropriate alternative use.

Access Officer

- 6.16 The toilet in the commercial use needs to be wheelchair accessible.

Public Art Officer

- 6.17 No public art details submitted.

Developer Contributions Monitoring Unit

- 6.18 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. 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.

City Council Tree Officer

- 6.19 Acceptable subject to tree protection conditions.

Designing Out Crime Officer

- 6.20 There is no section in the Design and Access statement regarding security or crime prevention. My concerns at this time are: -
- What access control is proposed in relation to a side fence/gate
 - Access control for residents only into the building
 - Cycle store security – this should be secure with access only to residents.
 - Bin storage security – over the last few years the City has seen problems with rough sleepers gaining access to insecure bin stores, causing damage and anti-social behaviour.
 - Proposed exterior lighting

Sustainability Officer

- 6.21 Acceptable subject to conditions securing renewable energy strategy and water efficiency details.

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 which object to the application:

- 13 Newton Court, Kingsley Walk
- 46 Newton Court, Kingsley Walk
- 34 Marlowe House, Kingsley Walk
- 19 Brooke House, Kingsley Walk
- 33 Brooke House, Kingsley Walk
- Cambridge Riverside Residents Association
- CAM cycle
- CAMRA
- 7a Adams Road

7.2 The representations can be summarised as follows:

- Concerned that the proposal is overdevelopment and will be overbearing with overshadowing impacts on Newton Court properties.
- The additional mass is too much compared to the approved scheme (16/0720/FUL).
- The increase in height of the new building above the front elevation of the existing building will be unattractive.
- The density of the proposal is too high
- Concerned by the access arrangements for vehicles during the construction process
- Overlooking issues
- Lack of car parking
- The design of the building is out of character with surrounding buildings
- Negative impact of smells from the future potential ground floor restaurant use.
- Loss of trees.
- Insufficient space between the proposed cycle parking layout.
- The proposal does not provide any family housing above the pub which would make it less attractive to licensees
- Loss of an existing attractive building in the streetscape.

The owners/occupiers of the following addresses have made representations which support the application:

- 74 Newmarket Road
- 1 The Lakes, Cottenham
- 169 East Road

- 141 Flamstead Close
- 54 Greville Road
- 57 Catharine Street

7.3 The representations can be summarised as follows:

- Attractive design which fits in with the adjacent developments
- There is a need for more housing
- Better use of the land than existing
- Good sized residential units and high quality materials

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

Principle of Development

8.1 Policy 3 of the Cambridge Local Plan (2018) seeks to ensure 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. A previous application for 6 residential units was granted permission (16/0720/FUL) and the site is considered appropriate for residential development.

8.2 The existing use of the site is an Indian restaurant (use class A3) with a garden area to the rear which is not used in connection with the restaurant. It is used as a storage area and enclosed by a 2.5 metre high brick wall. This application seeks consent for the ground floor to have a flexible use for Commercial /Restaurant/Public House (A1, A2, A3, A4, A5 & B1). In respect of the proposed uses, given that the existing use is a restaurant it would be permitted development for the restaurant to be changed into A1 or A2 use. Therefore, it is only necessary to assess the impact of the proposed potential alteration to A4 (public house), A5 (hot food takeaway) and B1 (office). The site was previously used as an A4 public house and the principle of the site returning to this use would be considered acceptable. The existing Indian restaurant has been operating since 2014 and has offered a takeaway service during its operation and therefore the A5 use would be acceptable for this site. The City Council Policy team have raised concern regarding the loss of the

pub use, this information is outdated as the existing use of the site is a restaurant as detailed under the previous consent 16/0720/FUL. CAMRA have made comments suggesting a resident unit should be provided that is suitable for a landlord and family. Given that the existing building and use does not include first floor residential accommodation which is restricted to the occupancy of the ground floor commercial use it would be considered unreasonable to impose this requirement under this application. In relation to the proposed potential introduction of a B1 use at ground floor, it is necessary to take into account the recent changes to the use classes order in England. As of 1st September 2020 use classes A1, A2, A3 and B1 will be subsumed into a new use class (Class E). Therefore, the proposed alteration from the existing A3 use to B1 use is no longer classed as development and does not require planning permission. Notwithstanding the changes to the use classes order, there are a number of office use developments surrounding the site and therefore an office use within the application site would not be considered inappropriate or out of character with the surrounding area. The proposed flexible use is therefore considered acceptable subject to other material planning considerations.

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

- 8.3 The application site consists of an existing two storey building which is used as an Indian restaurant. To the rear is a garden area which is not used in connection with the restaurant. It is used as a storage area and enclosed by a 2.5 metre high brick wall. The western boundary is screened by an existing artwork as part of the Kingsley Walk development, which is set off the boundary. The site is surrounded on three sides by 4 to 5 storey apartment blocks on the northern and western side, and a three storey office building on the eastern side. The existing two storey domestic scale building on the site is dwarfed by the surrounding built form.
- 8.4 The proposed development of the rear garden space is considered to be acceptable as it would read as part of the overall development of this part of Newmarket Road without appearing out of character. The Kingsley Walk development consists of a 5 storey block of flats accessed off a private road. The scale of the proposed development is much smaller than the existing development to the rear of the site but proportionate with the size of the site. The design of the

proposed development is acceptable and appropriate for the size of the plot.

- 8.5 The proposal involves the demolition of the rear of the building and addition of the proposed apartment block which connects to the existing building via a flat roofed link that is proposed to be used as a balcony space for a first floor unit. The overall apartment block involves a series of flat roofs. The proposed block is located directly behind the footprint of the existing building. In respect of views of the proposed development, the circulation space area is proposed to project 1.2m above the ridgeline of the existing building but due to being set back approximately 17.5m from the Newmarket Road frontage views of this element will be limited. Balconies are proposed to project out along the west elevation and these will be visible from the public realm in the same way they were under the previously approved scheme.
- 8.6 The proposed building has been designed to incorporate the main bulk within the centre of the site with the height and massing gradually reducing to the north of the site in order to respond to the adjacent flats in Newton Court. The flat roof form of the centre three storey element responds to the flat roof apartment buildings to the rear of the site. This is considered to be an acceptable response. The proposal would not appear as overdevelopment of the plot as it satisfactorily accommodates the necessary provisions such as bins and bike storage facilities.
- 8.7 In terms of external space, 7 out of the 9 units have access to private external space. The two ground floor units have garden spaces, whilst five of the upper floor units have balconies. The two units proposed to be located within the existing building which are being converted from dining spaces to residential units are not proposed to have access to private external space.
- 8.8 In relation to the impact of the development on the Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Area. Paragraph 193 of the National Planning Policy Framework states that, when considering the impact of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Para 196 goes on to state that, where

a proposal will lead to less than substantial harm to the significance of an asset, this harm should be weighed against the public benefits of the proposal. It is acknowledged that the proposal involves the demolition of part of the building. However, given that the main frontage and side elevation is being retained as existing it is considered by officers that the impact of the proposal will not result in detrimental harm to the appearance or character of the Conservation Area. Part of the revised submission involved additional bulk and height which resulted in an overbearing and adverse impact on the existing building. However, during the course of the application this additional height and bulk was removed in order to respect the character of the Conservation Area and minimise the prominence of the proposed development when viewed from Newmarket Road. The City Council Conservation team has reviewed this revision and consider the external appearance to be satisfactory.

- 8.9 Moreover, as noted within the delegated report for the previously approved scheme (16/0720/FUL) the proposal would fill in an existing gap with a form of development that offers better visual articulation and responds better with the Kingsley Walk development which would improve the appearance of the site. This aspect would make a positive contribution to the character and appearance of the Conservation Area.
- 8.10 The form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area and would not constitute overdevelopment. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The amendments to the previously approved scheme that need reassessing in terms of impact on neighbouring properties include the following: The first floor element has been set 0.6m further to the south of the site (away from the adjacent Newton Court flats). A reduction in height of the second floor element by 1.6m with the second floor element proposed 1.5m further to the north of the site. Repositioning of the proposed balconies on the west elevation.

Overbearingness and Overshadowing

- 8.12 The main area to be assessed in terms of overbearingness is the relationship with the Newton Court apartments to the north. The height of the ground floor element has been reduced by 0.5m and the proposed development maintains a separation of 3 metres from the balcony space and 4.2 metres from the flank wall of the Newton Court properties. It is acknowledged that the revised design involves the second floor element being 1.5m closer to the Newton Court properties than the approved scheme. However, the height of the second floor has been reduced by 1.6m which minimises the impact on the Newton Court properties in terms of overbearingness or the level of overshadowing. Moreover, it is important to note that the adjacent flats have dual aspect rooms and dual aspect balconies. The flats also contain large glazed windows which currently provide views into the garden of no.73 and over the private access to the west.
- 8.13 The proposal would not cause any significant overbearing impact on the occupiers of the flats in Brooke House due to the separation distance which is in excess of 20 metres.

Overlooking

- 8.14 In terms of overlooking the proposed development involves 4 windows on the north elevation adjacent to the Newton Court flats. It is considered appropriate to impose a condition that ensures all of the windows serving the bedrooms of unit 7 to be obscure glazed for the bottom/ lower 1m of glazing on each window to protect the privacy of the Newton Court flats and their balcony spaces.
- 8.15 In terms of external projecting balconies, there would be no overlooking from these areas. The balconies located along the western boundary would not provide any direct view towards the balconies in the Newton Court flats. Furthermore, there are balconies in the Brooke House flats which face directly towards Newton Court.
- 8.16 In terms of overlooking of the flats in Brooke House, it is not considered the proposal would cause any significant loss of privacy over and above the existing. The proposed development would be approximately 20 metres from Brooke House which is an acceptable

level of separation in this urban context. The eastern elevation of Brooke House contains several external balconies which overlook each other and the balconies in Newton Court face these balconies. Therefore, the introduction of the proposed new balconies, in this context, would not cause any significant levels of overlooking or loss of privacy, particularly at the distance proposed.

Amenity for future occupiers of the site

8.17 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units exceed the standards. In this regard, the units would provide a high-quality internal living environment for the future occupants. The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	1	1	1	37	39	+2
2	1	1	1	37	37	0
3	1	1	1	37	37	0
4	1	1	1	37	37	0
5	1	1	1	37	37	0
6	1	1	1	37	37	0
7	2	3	1	61	66	+5
8	2	4	1	70	74	+4
9	1	1	1	37	37	0

8.18 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. All of the proposed new residential units will have direct access to an area of private amenity space. Units 3 and 4 are within the footprint of the existing building and would not have access to private external space. However, the supporting text of policy 50 states that new homes created through conversions will only be required to provide external amenity space where practicable to do so. Given the nature of the site it would not be practicable to do so in this instance and the absence of private external amenity space for these 2 units is considered acceptable.

Accessible homes

- 8.19 The development has been assessed for compliance with Policy 51 in relation to all the new units. The agent amended the internal layout of the block of flats to ensure the proposal complies with the requirements of Part M4 (2) of the Building Regulations. A condition is recommended to secure this requirement and comply with policy 51. It should be noted that the previously approved scheme was not Policy 51 compliant, this is an additional benefit of this scheme.

Refuse Arrangements

- 8.20 The residential uses and future use of the ground floor will have separate bin store areas. The proposal is compliant with the RECAP guidance and in accordance with Cambridge Local Plan (2018) policy 57.

Highway Safety

- 8.21 Neighbours have also raised concerns about construction traffic and access arrangements during construction. A traffic management plan condition is recommended which would address the logistics of construction. As originally submitted the application involved a gated forecourt element which the Highway Officer raised concerns with. This has now been removed from the proposal and officers are satisfied that the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car Parking

- 8.22 Policy 82 of the Cambridge Local Plan (2018) relates to parking management. This states that car free developments will be accepted where they have easy access by walking or cycling to the city centre, there is high public transport accessibility and where the car-free status can be realistically enforced for example through on-street car parking controls. Given that the site lies within the CPZ, it is considered that the proposal meets with the criteria and would satisfy policy 82.

Cycle Parking

8.23 Cycle parking is provided through Sheffield stands for 12 cycle parking spaces. The proposal is compliant with Cambridge Local Plan (2018) policy 82.

Integrated water management and flood risk

8.24 The application has been assessed by the City Council Sustainable Drainage Engineer and has been considered acceptable subject to conditions to secure a drainage strategy and maintenance plan, subject to meeting the requirement of the conditions imposed the proposal is in accordance with Cambridge Local Plan (2018) policies 31 and 32.

Arboricultural Impact

8.25 There is a tree which is subject to a tree protection order located to the south east of the application site. Comments are being sought from the City Council tree officer and an update will be provided on the amendment sheet.

Affordable Housing

8.26 The proposed development is for a scheme of 9 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 of 10 units, 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

8.27 A number of the third party representations have been addressed in the above section of the report. However, other comments are addressed below:

Representation	Response
Overbearing, overshadowing and overdevelopment.	Addressed at paragraph 8.12-8.13. The amount of development

	is considered acceptable for this site.
Additional mass is too much compared to the approved scheme (16/0720/FUL).	Since the original submission the massing has been reduced to address this concern.
The increase in height above the existing building will be unattractive.	Addressed at paragraph 8.5.
Concerned by the vehicle access arrangements during construction	Addressed at paragraph 8.21
Overlooking issues	Addressed at paragraphs 8.14-8.16
Concerned by lack of car parking	Addressed at paragraph 8.22
Concerned by the design being out of character	Addressed at paragraphs 8.3-8.10
Negative impact of the potential future restaurant use	The City Council Environmental Health team have assessed the proposals and considered acceptable subject to an odour and smoke control condition to protect the amenity of residents.
Loss of trees	The loss of the trees within the site were considered acceptable under the previously approved scheme. An update will be provided to committee on the amendment sheet in relation to the TPO'd tree to the east of the site.
Insufficient space between cycle parking spaces.	This has been amended and there is now an acceptable amount of space between cycle parking spaces in accordance with Appendix L of the Cambridge Local Plan 2018.
Lack of family housing provided.	There is no policy requirement for market housing proposals to provide family units. However, this proposal now includes a 2 bedroom (3 persons) unit which would be suitable for a small family.

Loss of an existing attractive building in the streetscape	The proposed development has been revised to retain the front and side elevations of the existing building.
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9.0 CONCLUSION

- 9.1 The proposed development would not result in an adverse impact upon neighbouring properties, it would retain the key elevations of the existing building in the Conservation Area and would also provide an acceptable level of amenity for future occupiers.

10.0 RECOMMENDATION: APPROVE

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. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining 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. Prior to the occupation of the development or the commencement of the use, a noise assessment detailing noise levels emanating from all plant, equipment and vents, relative to background levels, shall be submitted to, and approved in writing by, the Local Planning Authority.

If the assessment demonstrates that noise levels exceed the background level at the boundary of the premises, having regard to adjacent noise sensitive premises, a mitigation scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35)

8. No development above ground level, other than demolition, shall commence until a noise insulation scheme, detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented before the development, hereby permitted, is occupied or the use commenced and shall thereafter be retained as such.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2018 policy 35)

9. Before the development hereby permitted is commenced, a noise insulation scheme for the commercial unit, giving consideration to the impacts of airborne, structural and flanking sound, in order to minimise the level of noise emanating from the commercial unit within the residential units immediately above and within the neighbouring residential premises, (having regard to A1, A2, A3, A4, A5 & B1 Class Uses, potential internal noise generation and acoustic performance of building fabric, glazing, openings and ventilation system requirements) shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area. (Cambridge Local Plan 2018 policy 35)

10. The ground floor commercial unit shall not be open to customers outside the hours of 08:00 and 23.00hrs daily (including weekend and Bank / Public Holidays).

Reason: To protect the amenity of adjacent residential premises and future occupants. (Cambridge Local Plan 2018 policy 35)

11. Collections / deliveries to and from the commercial unit (including takeaway food) shall not be made outside the hours 0700-2300 Monday-Saturday and 0900-2300 on Sundays and Bank/Public Holidays.

Reason: To protect the amenity of adjacent residential premises and future occupants. (Cambridge Local Plan 2018 policy 35)

12. No bottles or other commercial refuse / waste or recycling material shall be emptied into external receptacles, taken out or moved around the external area of the site, between 2100-0700hrs.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35).

13. Any uses involving the preparation of hot food within the ground floor of the development shall have installed and maintained an odour filtration/extraction system designed in accordance with the principles of Annex B and C of the, "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005.

Full details of the odour filtration/extraction system shall be submitted to and approved in writing by the planning department prior to use.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35).

14. Prior to the commencement of development, full details and specifications of noise mitigation methods to protect the external amenity spaces from the high ambient noise levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall thereafter be maintained in perpetuity.

Reason: To protect future occupiers of the residential units from excessive noise and disturbance (Cambridge Local Plan 2018 policy 35).

15. Prior to the commencement of use (or prior to the installation of any artificial lighting) an external artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken (horizontal / vertical isolux contour light levels and calculated glare levels) . Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals - Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

The artificial lighting scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 policy 35).

16. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety (Cambridge Local Plan 2018 Policy 81)

17. The redundant vehicle crossover of the footway must be returned to normal footway and kerb at no cost to the Highway Authority.

Reason: for the safe and efficient operation of the public highway (Cambridge Local Plan 2018 Policy 81).

18. The access shall be provided as shown on the approved drawings and retained free of obstruction.

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

19. 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)

20. 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)

21. 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)

22. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before the development commences (Cambridge Local Plan 2018 policy 61).

23. Prior to the occupation of the development, hereby permitted, the lower 1 metre of glazing on all four windows shown on the first floor north elevation on the approved plans shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55 and 57).

24. The flat roofs hereby approved shall be a Green Roof or Brown Roof unless otherwise agreed in writing by the Local Planning Authority. A Green Roof shall be designed to be partially or completely covered with plants in accordance with the Cambridge Local Plan 2018 glossary definition, a Brown Roof shall be constructed with a substrate which would be allowed to self-vegetate.

Reason: To ensure that the development integrates the principles of sustainable design and construction and contributes to water management and adaptation to climate change (Cambridge Local Plan 2018 policies 28 and 31).

25. 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)

26. External facing, window or roofing materials including for "making good" or repairs to the retained elements of the frontage building shall match the existing and any change shall be agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building of local interest and in accordance with Cambridge Local Plan 2018 policy 62.

27. Prior to the commencement of development, with the exception of the demolition of the existing buildings on the site, a renewable energy statement, which demonstrates that at least 10% of the development's total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the following details:

- a) The total predicted energy requirements of the development, set out in Kg/CO₂/annum.
- b) A schedule of proposed on-site renewable energy technologies, their respective carbon reduction contributions, location, design and a maintenance programme.
- c) An assessment of any air quality, noise or odour impact and;
- d) Mitigation measures required to maintain amenity and prevent nuisance in accordance with the Council's Sustainable Construction and Design Supplementary Planning Document.

The proposed renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and agreed in writing by the local planning authority.

No review of this requirement on the basis of grid capacity issues can take place unless written evidence from the District Network Operator confirming the detail of grid capacity and its implications has been submitted to, and accepted in writing by, the local planning authority. Any subsequent amendment to the level of renewable/low carbon technologies provided on the site shall be in accordance with a revised scheme submitted to and approved in writing by, the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that the development does not give rise to unacceptable pollution. (Cambridge Local Plan 2018 policy 29).

28. Prior to the occupation of the first dwelling, a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach sets out in Part G of the Building Regulations 2010 (2015 edition) shall be submitted to 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 that 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).

29. All external windows and doors to the ground floor commercial unit shall be kept closed between 2100hrs and 0900hrs or at any time during entertainment or the playing of music except for general ingress and egress via the main entrance door or in the case of an emergency.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35).

30. 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.

31. 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.

32. No development shall take place above ground level until samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge City Council Local Plan 2018 policy 55 and 61).