

Application Number 21/01625/FUL

Agenda Item

Date Received 9th April 2021

Officer Lewis Tomlinson

Target Date 9th July 2021

Ward East Chesterton

Site Church Hall 6A Chapel Street Cambridge

Proposal Refurbishment, reconfiguration and extension of the existing chapel building to create an improved day nursery facility with external play area and 13 residential apartments (following part demolition), together with associated landscaping and infrastructure

Applicant c/o Agent

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">• The proposal will have a harmful impact on the BLI Chapel building and surrounding heritage assets• The proposal fails to provide acceptable external amenity space for
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	<p>residents of all flats</p> <ul style="list-style-type: none"> • The proposal fails to provide acceptable accessibility for all flats • The proposal constitutes an overdevelopment of the site
RECOMMENDATION	REFUSAL

0.0 BACKGROUND

0.1 The application was presented to Members at the 14TH January Planning Committee. The item was deferred to allow officers to consider CAMCYCLE's comments and also to conclude the assessment of the viability appraisal. Following the conclusion of the viability assessment, the reason for refusal in regard to S106 and affordable housing that was reported on the amendment sheet has been removed. Please see the relevant section for further commentary on this.

0.2 The following paragraphs have been amended:

- 7.5 (Camcycle comments)
- 8.15 (Updated re Viability and Enabling)
- 8.18 (OFSTED designed scheme)
- 8.29 (Removed refusal reason reference to units 1 & 2)
- 8.30 (noise impact – EHO objection removed)
- 8.35 (Cycle parking assessment)
- 8.36 (Drainage - LLFA objection removed)
- 8.41 (Viability assessment)
- 8.48 (Viability assessment)

0.3 The remainder of the report remains the same.

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is no 6A Chapel Street, a former Victorian Baptist Chapel (1842) situated on the western side of Chapel Street. It is a Building of Local Interest (BLI) and located within the Chesterton Conservation Area. Adjacent to the site, to the south, is Chesterton Tower which is a grade I Listed Building and a Scheduled Monument. The site to the north, 6 Chapel Street (Rose Cottage), is also a BLI and to the north east of

Church Hall is 1 Chapel Street which is a grade II Listed Building as is 5 Chapel Street to the south east. The building has its main entrance from Chapel Street, but there are clear views of the side elevation from both that road, the High Street and the grounds of Chesterton Tower which contains a row of garages along the shared boundary with the site.

- 1.2 The site is outside of the controlled parking zone. There are no other relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal is for the *‘Refurbishment, reconfiguration and extension of the existing chapel building to create an improved day nursery facility with external play area and 13 residential apartments (following part demolition), together with associated landscaping and infrastructure.’*
- 2.2 The proposal is to demolish the existing building at the very rear of the site. The proposal seeks to add a four storey extension to the south west elevation, one or two storeys over parts of the existing building, and to add a clerestory to the triangular pediment. The extensions would accommodate 13 residential units and the nursery would be located at the front of the building across all floors including a roof top play area.
- 2.3 The application is accompanied by the following:
 1. Gawn Associates Structural Report
 2. Gawn Associates Drainage Assessment
 3. Barton Willmore Heritage Assessment
 4. NRAP Design and Access Statement
 5. Joel Gustafsson Consulting Energy Statement
 6. SLR Consulting Transport Statement
 7. MKA Ecology Preliminary Ecological Appraisal and Preliminary Roost Assessment
 8. MKA Ecology Nocturnal Bat Survey
 9. Carter Jonas Planning Statement
 10. Cass Allen Noise Assessment
 11. Savills Viability Assessment

3.0 SITE HISTORY

None relevant

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, 73, 74, 80, 81, 82

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

Central Government Guidance	National Planning Policy Framework 2021 National Planning Policy Framework Circular 11/95 (Annex A) Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)
Supplementary Planning Guidance	Sustainable Design and Construction (2020) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

	Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Chesterton and Ferry Lane Conservation Area Appraisal (2009)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection. The streets in the vicinity provide uncontrolled parking, and so, as there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets, a more accurate description of the proposal would be dedicated parking provision-free rather than car-free. Taking the above into consideration any increased demand for on street car parking is likely to appear on-street in competition with existing residential uses. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

Recommends the inclusion of conditions regarding traffic management plan and 3.5 tonne time delivery restriction Informative regarding works within the highway.

Conservation and Urban Design Team

- 6.2 Objects. The scale of the proposed building conversions and extensions overwhelms and 'out competes' the original building and sits uncomfortably against the prevailing scale and massing of existing properties on Chapel Street and Church Street. The height, and continual flat roof of the proposed extension, that spans 34m at 3-4 storeys, is excessively larger in bulk and mass than the front section of the retained building, and is much larger than the surrounding fine grain context of the area. For the above reasons, the proposal would adversely affect the character, special interest and setting of the BLI and the setting of the adjacent grade I Listed Building and would not preserve or enhance the character or appearance of the conservation area contrary to policies 55, 56, 58 , 61 and 62 and paragraphs 197, 199 and 203 of the NPPF.

Developer Contributions Officer

- 6.3 Planning contributions are recommended.

Drainage Officer

- 6.4 Supports. Recommends the inclusion of conditions regarding a surface water drainage scheme, long term maintenance arrangements and foul drainage.

Environmental Health

- 6.5 Objects. Insufficient information has been submitted to demonstrate that the proposed residential units would have an acceptable level of noise from the roof top play space of the nursery and adjacent pub garden.

Ecology Officer

- 6.6 No objection, subject to a condition regarding biodiversity enhancements.

Environment Agency

- 6.7 No comment.

Lead Local Flood Authority (Cambridgeshire County Council)

- 6.8 Objects. On grounds of no permission to discharge into Anglian Water Sewer and discharge rates.

Sustainability Officer

- 6.9 No objection subject to conditions regarding carbon reduction measures and water efficiency.

Design and Conservation Panel

- 6.10 On pre-application scheme: Real concern that the current proposals would result in harm to both the character and appearance of the Chesterton Conservation Area and the significance of nearby Listed Buildings through adverse impact on their settings.
- 6.11 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:

Support

- 38 Newton Road
- 32 Kathleen Elliott Way
- 23 Iver Close (employee of Snap! 4 Kids)
- 14 Caithness Court
- 109 Union Lane
- 10 Camside
- 18 Chesterfield Road
- 19 Alwyn Close
- 60 Verulam Way
- 2 Somerset Close

- 122 Ditton Fields
- 100 Grange Road
- 52 Mortlock Avenue
- 25 Humphreys Road
- 3 Wilson Court, Anstey Way
- Roebuck House, 28 Ferry Lane
- 9 Chadwick Court, Ordchard Park
- 6 Reynolds Close, St ives
- 23 Willow Way, Hauxton
- 135 Capper Road, Waterbeach
- 18 Burrowmoor Road, March
- 19 Briars End, Witchford
- Flat 8, The Counting House, Limetree Court, Saffron Walden
- 4 Oatlands, Orwell
- 37 Westwood Avenue, March
- Cleveden, Woodmill Road, Dunfermline
- 3 Roise Court, Newnham Street, Ely
- 30 Selkirk Avenue, Glasgow
- 120 The Rowans, Milton
- 7 Huttles Green , Shepreth
- 6 White Field Way, Sawston
- 55 Hollytrees, Bar Hill
- 66 Field View, Bar Hill
- 29 De Freville Road, Great Shelford

Object

- 13 Church Street
- 14 Church Street
- Flat 3 Chesterton Towers, Chapel Street
- Flat 7 Chesterton Towers, Chapel Street
- Flat 12 Chesterton Towers, Chapel Street
- 1 Chapel Street
- 2 Chapel Street
- 3 Chapel Street
- 4 Chapel Street
- 14 Earl Street (owners of 3 Chapel Street)
- 10 Unwin Square
- 11 Pye Terrace, Church Street
- 70 High Street, Chesterton
- 76 High Street, Chesterton
- 129 High Street, Chesterton

- 165 High Street, Chesterton
- 208 High Street, Chesterton
- 22 St Andrews Road
- 24 St Andrews Road
- 71 Fitzgerald Place
- 5 Scotland Road
- 4 Charles Street
- 33 Waterhouse, Water Lane
- 17 Pakenham Close
- 19 Pakenham Close
- 1 Craister Court
- 185 Campkin Road
- 101 Woodhead Drive
- 60 Kendal Way
- 29A Garden Way
- 51 Frankes Lane
- 295 Chesterton Road
- 297 Chesterton Road
- 15 Izaak Walton Way
- 7 Lynfield Court
- 141 Kings Hedges Road
- 88 Hillcrest, Bar Hill
- 14 Brewhouse Lane, Soham
- 5 Abbots Way, Horningsea

Neutral

- 11 Redfern Close
- Pegasus House, Pembroke Avenue, Waterbeach

7.2 The representations in support can be summarised as follows:

- Enhancement to the area
- Sustainability credentials
- Biodiversity enhancements
- Protecting a local community asset
- Putting early years children in the centre of decision making
- Improve early years children facilities
- Plenty of parking within the surrounding streets
- More housing

7.3 The representations in objection can be summarised as follows:

- Overdevelopment
- Out of keeping with surrounding character of the conservation area
- The proposed development is highly intrusive and dramatically extends the bulk
- The impact of the proposed western elevation
- The proposal will significantly taller than the existing building and compete with surrounding buildings such as Chesterton Tower
- Cramped development
- Lack of parking will result in parking stress on nearby streets
- Inadequate resident and visitor cycle parking
- Inadequate noise assessment
- Noise levels from the nursery roof top garden especially as its adjacent to flats
- Noise from adjacent pub garden could affect the new flats
- It's a commercial venture not a community asset
- Chapel Street is very narrow and busy, the proposed development will result in additional delivery vehicles having to park on Chapel Street causing congestion.
- Construction traffic will cause disruption
- There is no rear access to the proposed flats. The only apparent provision is a narrow alleyway down the side. 13 flats could have 26 occupants all using this alley with their bikes.
- Waste strategy? 13 bins on the street outside on collection day and stored in alleyways.
- Those in support aren't local

7.4 The neutral representations can be summarised as follows:

- The Haymakers is 0m away from the site, the pub garden is adjacent and is 340sqm with a capacity of 100 people.
- Concerned that our existing use of the Haymakers site may be affected by complaints about noise from future residents of the proposed development. Since the applicant is the agent of change introducing a new use for the proposed development site, it is their responsibility to manage the impact of that change (National Planning Policy Framework, February 2019, paragraph 182) and provide suitable

mitigation before the development is completed. We suggest that a suitable mitigation might be the creation of a Deed of Easement permitting the pub to continue emitting noise at its present level.

7.5 Camcycle have objected on grounds of inadequate and poorly designed cycle parking.

- The Transport Statement indicates a maximum of 10 staff and up to 86 children, requiring a minimum of 21 cycle parking spaces for the nursery. The plan shows a total of 4 spaces, in a very inaccessible location through 2 gates and a play area, and in a location that will block access to the bin store when the cycle stands are in use. As such, the cycle parking provision for the nursery is very significantly below the required quantity, and completely inappropriate for less able users and those with non-standard cycles.
- General accessibility of cycle parking for the proposed flats
- Cycle parking provision for residents of the new flats
- Visitor cycle parking for the flats
- Cycle parking for the redeveloped nursery

7.6 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. Biodiversity
9. Sustainability
10. Affordable Housing

11. Third party representations

Principle of Development

8.2 The site contains the existing Chapel building, and 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.

8.3 The applicant's Planning Statement sets out that:

The scheme comprises the conversion and extensions of the existing Chapel Building. "SNAP! 4 Kids" has run a children's nursery from Chapel for more than 20 years – since 2000. It currently has an Ofsted capacity for 106 children. The Nursery serves the local and wider community offering care and education with a creative focus to children from 0 – 5. The setting currently employs a staff of 14 and currently cares for 38 children each week. In more usual years that number would be between 55 to 60, and this level of provision will be retained within the new facility. As is currently the case the nursery will be likely to operate between the hours of 07:30 – 18.30 daily for 51 weeks of the year (closing for a week between Christmas and New Year as well as Bank Holidays). The refurbished facility is expected to have capacity for 86 children.

The nursery focus is on the provision of high quality childcare for the local community. Unfortunately, a multitude of unfavourable economic factors, including the need for investment into the fabric of the building, means there is an urgent need to better utilise the potential of the chapel building to generate funds that are vital to create the ability to continue to provide childcare within the setting.'

8.4 The principle of developing the site (retaining part of the Chapel building) for mixed nursery and housing uses is acceptable as is the principle of supporting enhanced community and educational facilities (such as a Nursery) through policies 73 and 74, subject to the material planning considerations discussed below.

Context of Site, Design and Heritage

8.5 The site falls within the Chesterton Conservation Area and is also a Building of Local Interest (BLI). 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.

8.6 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'

8.7 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.

8.8 The respective national policy guidance is set out in paragraphs 199-208 of the NPPF. Para. 199 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. 200 makes it clear that any harm to, or loss of significance of a heritage asset should require clear and convincing justification. Para. 202 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. 206 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.

- 8.9 In respect of non-designated heritage assets para.203 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.
- 8.10 The proposal is to add a four storey extension to the south west elevation, one or two storey over parts of the existing building, and to add a clerestory to the triangular pediment. All of the additional elements would be in a metal cladding to contrast with the existing gault brick so that the new additions are clearly visible within the proposals.
- 8.11 The proposed extensions would result in additions which would dominate the existing BLI and the other designated and non-designated buildings close by. The extensions unbalance the chapel by giving greater emphasis to the south-west of the building which currently sits more quietly alongside the Chesterton Tower site. The street frontage would be altered in a manner that is not sensitive to the character of the existing building, forming a beacon in the street above the pediment. The proposal would have a negative impact on the setting of the grade I listed building (Chesterton Towers) and scheduled monument by dominating the local area and detracting from it.
- 8.12 The existing building has three distinct elements that are decreasingly subservient forms, with a front section that announces itself and addresses the street, and which is characterised by its pedimented roof and arched window

arrangement. The scale of the proposed building conversions and extensions overwhelms and 'out competes' the original building and sits uncomfortably against the prevailing scale and massing of existing properties on Chapel Street and Church Street. The height, and continual flat roof of the proposed extension, that spans 34m at 3-4 storeys, is excessively larger in bulk and mass than the front section of the retained building, and is much larger than the surrounding fine grain context of the area.

- 8.13 Whilst a more contemporary extension could be supported in principle, a scheme that retains the prominence of the existing building frontage and reads as secondary to the original chapel would be considered acceptable in Urban Design and Conservation terms. The scheme should also be subservient to the adjacent grade I listed and scheduled Chesterton Tower so that it does not have a negative impact on the setting and therefore significance of that building. An alteration to the setting of that building should be something that improves the existing situation rather than dominating it.

Viability

- 8.14 The applicant has put forward a viability argument, which sets out that:

'The residential element of the proposed scheme provides revenue which will facilitate retaining, upgrading and future-proofing the valuable community asset that the established nursery facility provides. As outlined in the above-mentioned report, the cost associated with vital refurbishment work is significant and there is categorically no opportunity for the existing use to support the cost of such works. This situation is not unique to the current use of the chapel and would apply to any community use which generates a low annual income. However, the planning use class of the chapel building is D1 (now Use Class E) and the narrow spectrum of use to which the building could be put, together with the Local Plan policy which

resists the loss of a day nursery community facility, ties the viability question to a specific use for the building, however, the granting of consent for this planning application would allow an additional use to coexist alongside that which facilitates the retention of nursery and preservation of the building as this premise forms the basis of the viability assessment'

- 8.15 Separate viability advice had been commissioned by the Council and is now received (following the previous committee) which is summarised in para. 8.41 below and which shows a small residual surplus of around £34,225. The revenue assumptions are generally within acceptable parameters. If members were minded to support the proposal, any positive recommendation would then have to ensure a comprehensive scheme of repair works, a phasing plan and re-provision of the nursery facility were secured in order to ensure restoration of the retained historic fabric and the provision of the 'up-graded' nursery space.
- 8.16 Enabling arguments are ordinarily put forward in respect of listed buildings for otherwise unacceptable development where a LB is in a state of disrepair and an applicant needs to generate revenue. The chapel building is not a listed building, it is a BLI, however, it is clear that it is in a poor state of repair and not efficient in terms of energy use (roofs and floors need replacing (water ingress), all walls need repointing, no insulation, dry rot is present in wood panelling in the main hall, drainage issues, perimeter wall in poor state of repair and needs complete re-erection). Officers have no reason to dispute the survey outcomes as reported by the applicants or disregard the approach to cross subsidizing the project to retain the nursery. However, in order to address the on-going viability of the business in what is a dilapidated building, significant harm would in turn arise from the proposals on the significance of the BLI heritage asset and those surrounding it.
- 8.17 In coming to this conclusion, officers are mindful that the Design and Access Statement sets out how the applicants have

attempted to try and address the earlier negative responses from the Council at pre-application and post submission stages, including the D&C Panel. However, it is clear to officers that the ambitions for the site far exceed the capacity of the BLI building, Conservation Area and adjacent LB's to accommodate. The result of the quantum of residential development proposed leads to a significant shift in the building's current form and the introduction of significant and dominant additions that have the effect of overwhelming the BLI and harming the conservation area especially. It may be the case that the quantum of development proposed to enable the upgrade and refurbishment of the nursery use and the building cannot be reconciled.

Nursery Layout Concerns.

- 8.18 The nursery at present operates throughout the ground floor of the existing building, with some first-floor sensory and sleeping room space and an external ground floor garden. The proposal would result in a net loss of nursery space (current 365sqm, proposed 200sqm = loss 165sqm) resulting in a nursery facility which is distributed across 4 floors at the front of the building. The reduced ground floor footprint would accommodate most of the re-provided nursery floorspace and would be entirely wheelchair accessible with a limited external space adjacent. Upper floors would, however, be much narrower in floor plan, with a raised garden at roof top level providing the majority proposed amenity space for the nursery children. No lift is provided for the children or employees of the nursery, the four flights of stairs would be compliant for ambulant disabled use. As such, officers are concerned that operationally the layout appears partially impractical for the retained nursery use. Whilst not forming a recommended reason for refusal because there is no express local plan standard which this scheme conflicts and it has the support of the current provider, officers would nonetheless want, as part of any revised scheme negotiation (if this proposal were to be refused in line with the recommendation), to explore opportunities to better the nursery

layout. Officers note that the maximum number of children that can be catered for - because of the reduction in space – is reduced from 106 to 86. Following the previous Planning Committee, the applicants have confirmed that the layout of the nursery has been designed to be compliant with OFSTED requirements. There is clearly no point for the applicants in seeking to gain planning consent for a scheme which would not comply with OFSTED standards.

Heritage Summary

- 8.19 The proposal would adversely affect the character, special interest and the setting of the Building of Local Interest (BLI) Chapel building, harm the setting of the adjacent listed buildings including the Grade I Listed Chesterton Towers and harm the character and appearance of the Chesterton Conservation Area. The level of harm would be moderate, less than substantial. The public benefits arising from the scheme, which would include investment in the repair of the BLI and in helping to secure the retention of a viable nursery use on the site, do not outweigh the level of harm to the heritage assets identified. The proposal is therefore contrary to policies 55, 56, 58, 61 and 62 of the Cambridge Local Plan 2018 and paragraphs 199, 202 and 203 of the NPPF 2021.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.20 Given its siting the proposal is not considered to have a significant impact upon the residential amenity of any neighboring properties.

Wider area

- 8.21 It would be standard practice to include various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction if the proposal was being recommended for approval. The impact

of additional demand for car parking spaces on residential amenity is assessed in the 'car parking' section below.

- 8.22 For the above reasons 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

- 8.23 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the units would either comply or exceed size requirement. 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 ²)	Proposed size of unit (m ²)	Difference in size
1	1	1	1	39	42	+3
2	1	1	1	37	37	0
3	1	2	1	50	51	+1
4	2	4	2	70	73	+3
5	1	2	1	50	51	+1
6	1	2	1	50	51	+1
7	1	1	1	39	47	+8
8	2	4	1	70	70	0
9	1	2	1	50	50	0
10	1	1	1	39	47	+8
11	1	1	1	37	38	+1
12	2	4	1	70	70	0
13	1	2	1	50	50	0

- 8.24 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. Within the supporting text of Policy 50 it also states that new homes created through residential conversions should seek to meet or exceed the standards as far as it is practicable to do so.

- 8.25 The applicant has set out within the submitted Planning Statement that the proposal is a conversion scheme and the

provision of external balconies would not be an appropriate as it has been judged they would be at odds with the character and appearance of the BLI and would disrupt the form of the proposed extension.

- 8.26 While the majority of the conversion is set within the existing building walls, the proposal includes a substantial 4 storey extension. Within the extension, units 1 & 2, which are ground floor units, have their own front doors facing onto the passageway running along the side of the building. Also within the extension, there is the front door to the stair core which provides access to units 4, 5, 8, 9, 12 & 13.
- 8.27 As the above units are accessed purely from the extensions, they should be considered as new build units. Officers disagree that the whole proposal can be considered as conversion and extension. This would mean that in order for the proposal to be in accordance with policy 50, all of the above mentioned units which are accessed purely from the extension should have direct access to an area of private amenity space. Units 1, 2 & 3 (ground floor units) have access to a private terrace area. However, this would be circa 2m away in depth and would feel very enclosed against the proposed building and back of the garages to the south.
- 8.28 The proposal therefore fails to provide direct access to a private amenity space for units 4, 5, 8, 9, 12 & 13 and fails to provide an acceptable private amenity space for units 1, 2 & 3 contrary to Policy 50 of the Local Plan.

Accessible homes

- 8.29 The applicant has set out within the submitted Planning Statement that the requirements of Part M4 (2) of the Building Regulations and Policy 51 do not apply to this proposal as it is for a conversion. As set out above, units 4, 5, 8, 9, 12 & 13 are accessed purely from the extension and they should be considered as new build units and served via a lift. It has not been demonstrated that it would not be practicable to provide a lift. These units therefore should meet with the requirements of Part M4 (2) of the Building Regulations in order to comply with Policy 51. The proposal fails to provide accessible units contrary to Policy 50 of the Local Plan.

Noise Impact

- 8.30 Environmental Health originally objected on grounds that insufficient information was submitted to demonstrate that the proposed residential units would have an acceptable level of noise from the roof top play space and adjacent pub garden. Additional information has been submitted by the applicants. The issue had the potential to manifest itself as a separate reason for refusal relating to policy 35 and it is noted that the nearby PH has made representations to the scheme. Following the submission of additional information, Officers have discussed the issue with the Environmental Health Team and they have advised their objection has been overcome. Windows on the northern elevation will have to be fixed shut and make use of mechanical ventilation. This approach has been accepted on other sites within Cambridge. However, Members should be aware of this especially when considering the fact that these units don't have access to external amenity space either.

Refuse Arrangements

- 8.31 The bins would be located in a bin stores for the residential element and the nursery element. A condition could be recommended to secure a waste collection strategy. The proposal is therefore compliant with policy 57 of the Cambridge Local Plan (2018).

Highway Safety

- 8.32 Neighbouring properties have raised concern about congestion on Chapel Street with the nursery use, residential use, deliveries etc. Whilst officers have sympathy with residents over these concerns, officers cannot control the behaviour of motorists or prevent motorists from parking illegally. 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

- 8.33 The proposal would provide no car parking on site. Neighbouring properties have raised concern about the lack of car parking for the proposed development noting it is a mixed use development.
- 8.34 The site and the streets in the immediate vicinity of the site predominantly fall outside the controlled parking zone. Members should note that the nursery is an existing business on the site. The applicant has submitted a Transport Statement which states a parking beat survey was carried out. This showed that there were 68 spaces out of 112 available. The site is in a highly sustainable location within Chesterton. Therefore, it is officer's view that the proposal would not increase parking pressures on nearby streets to an unacceptable degree and would not therefore be detrimental to the amenity of nearby residents. The proposal would be in accordance with Cambridge Local Plan 2018 policy 82.

Cycle Parking

- 8.35 The proposal would include a secure cycle parking store for the residential units with a total of 16 cycle spaces. The proposal also includes a cycle store of 4 spaces for the nursery. Camcycle has objected to the application on the grounds of inadequate and poorly designed cycle parking. Members should note that the proposal is for the conversion and extension of the existing building and the site is therefore constrained. It is common practice for parents to drop their children off at the main entrance of the nursery. The size of the nursery has also decreased and the provided cycle provision is based on the nursery's requirements given that it is an existing business. Officers note Camcycle's concerns but given the nature of the proposal and the constraints of the site, officers consider the cycle provision to be acceptable in this instance and meets the aims of appendix L of the Cambridge Local Plan 2018 and policy 82 of the Cambridge Local Plan 2018.

Integrated water management and flood risk

- 8.36 The Drainage Officer supports the application and recommends conditions regarding a surface water drainage scheme, a maintenance scheme and foul drainage. The Lead Local Flood Authority originally objected on grounds of discharge rates and sewage undertaker consent. Additional information has been submitted. The Lead Local Flood Authority has assessed the information and removed the objection. If the application was to be approved, the above conditions would be recommended.

Biodiversity

- 8.37 Given the nature of the existing site, there are limited opportunities to enhance the biodiversity on the site. If the application was being recommended for approval, a condition would be recommended to secure biodiversity enhancement. The proposal therefore complies with Cambridge Local Plan 2018 policy 70.

Sustainability

- 8.38 The Sustainability Officer has been consulted as part of the application and supports the proposal subject to condition regarding water efficiency and carbon deduction. The proposed approach is as follows:

Key points:

- This is an all-electric scheme, no gas will be used on site.
- The approach to inherently low energy design and is supported through high levels of insulation and a passive approach to overheating mitigation.
- The use of MVHR within the dwellings reducing heat loads.
- An air source heat pump in the nursery reduces electricity usage
- The areas of the scheme with full solar exposure are used to generate electricity using PV panels.
- The configuration of the electrical infrastructure maximises use of the PV generated electricity on site.
- The water efficiency target of 100 l/person/day is to be targeted through a combination of low flow rate fittings and flow limiting isolation valves installed on all final connections to showers within residential apartments.

- Efficient servicing through MVHR
- No gas on site

The general approach being taken to sustainable design and construction is welcomed. The scheme includes a number of measures to enhance environmental performance and future proof the proposals for net zero carbon. The proposal therefore complies with Cambridge Local Plan 2018 policy 28.

Affordable Housing

- 8.39 The proposal would result in 13 residential units. Taking into consideration, the thresholds set out in the NPPF and the aims of Policy 45 of the Cambridge Local Plan (2018), the scheme should provide a requirement for 3 units to be affordable. The applicant has put forward an argument regarding viability. Para 57 of the Local Plan states:

'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force'

- 8.40 In relation to viability, the applicants set out at paragraph 5.09 that:

'The viability appraisal submitted with this application confirms that in order to retain the nursery on site, the 13 residential units within the scheme, will effectively cross subsidise the renovation of the building and create an enhanced nursery facility, with associated external open space. The provision of the part third floor residential accommodation is critical to supporting the implementation of the development, without it there is insufficient revenue to allow the scheme to be viable. Similarly, avoiding the need to enlarge the building any more than is necessary, at what combines the minimum level of income-generating residential accommodation with the element of nursery accommodation that strikes a balance between the shape of the building, the need to keep separate the nursery facility from the residential accommodation, the Ofsted and

other requirements that have to be met for a given level of nursery provision and the viability issues connected with operating a nursery facility of a certain size (including child spaces provided), redevelopment costs are such that there is no scope for the application scheme to deliver any element of affordable housing.'

- 8.41 The Council has instructed an independent viability consultant to review the submitted viability appraisal. The independent viability consultant has concluded that the appraisal generates a residual land value of £34,225. Consequently, the proposed scheme can support a payment towards affordable housing of £34,225. The applicant has confirmed they would be agreeable to the contribution subject to agreement of an appropriate payment trigger given the non-commercial nature of the scheme. If members were minded to approve the scheme, officers would also seek a review mechanism within the S106 and a claw back clause in case the scheme generated a further surplus.

S106 Contributions

- 8.42 The proposal would result in 13 residential units. The Developers Contributions Monitoring Unit has stated that the following contributions are required:

Community Facilities:

- 8.43 The proposed development is within $\frac{3}{4}$ mile of Browns Field Community Centre, which is on the Councils 2016/17 target list of community facilities for which specific S106 contributions may be sought. The Community Facilities Audit 2016 has highlighted local need for additional facilities to help mitigate the impact of development. Given the scale of the proposed development on this site, and in line with the funding formula set out in the Councils Planning Obligations Strategy 2010, a specific S106 contribution of £16,328 (plus indexation) is requested towards the provision of and / or improvement of the facilities and /or equipment at Browns Field Community Centre, Green End Road, Cambridge.

Indoor Sports:

- 8.44 The proposed development is within 1300m of Chesterton Sports Centre, which is identified in the Council's 2019 Playing Pitch and Indoor Sports Strategies Update target list of facilities for which specific S106 contributions will be sought. The indoor sports audit (2019) highlights that the capacity of this facility needs to be improved to mitigate the impact of local development, like that proposed by this planning application. Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the Council requests £5,514.50 (plus indexation) towards the provision of and/or improvement of, and/or upgrading of equipment and/or access to, indoor sports facilities to include improvements and upgrading of the sports hall, gym and changing rooms at Chesterton Sports Centre, Gilbert Road.

Outdoor Sports:

- 8.45 The proposed development is within $\frac{3}{4}$ mile of North Cambridge Academy facility, which is on the Council's 2016/17 target list of facilities for which specific S106 contributions will be sought. The outdoor sports audit (2016) highlights that the capacity of this facility needs to be improved to mitigate the impact of local development, like that proposed by this planning application. Given the scale of the proposed development on this site, and in line with the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the Council requests £4,879 (plus indexation) towards the provision of and / or improvements to sports pitch facilities (including artificial pitches for football and cricket) at North Cambridge Academy, Arbury Rd, Cambridge CB4 2JF.

Informal Open Space:

- 8.46 This proposed development is within 370m of Scotland Road Recreation Ground. Based on the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the Council requests £4,961 (plus indexation) towards the provision of and / or improvements to the informal open space facilities at Scotland Road Recreation Ground.

Play provision for children and teenagers:

- 8.47 This proposed development is within 370m of Scotland Road play area, which is on the Council's target list of facilities for which specific S106 contributions will be sought. The 2016 report that was approved by the Executive Councillor of the Community Services Scrutiny Committee highlights the scope for improving the play area equipment and facilities in order to mitigate the impact of local development. Based on the funding formula set out in the Council's Planning Obligations Strategy 2010, it is proposed that the Council requests £1,896 (plus indexation) towards the provision of and / or improvements to the play area equipment and facilities at Scotland Road Recreation Ground play area.
- 8.48 As per paragraphs 8.39 – 41 the applicant has put forward an argument regarding viability and this has been assessed by the Council's appointed independent viability consultant. As such, in the event that members were to support this scheme, officers would recommend that the only planning obligation requirement would be in relation to the specified contribution towards the provision of off-site affordable housing with associated claw-back mechanism. The remaining obligations as set out in paras. 8.42-8.47 could not reasonably be sought.

Third Party Representations

- 8.49 The substantive third-party representations have been mainly dealt with in the preceding paragraphs.

9.0 CONCLUSION

- 9.1 Officers have considered the supporting evidence put forward in respect of the public benefits of the scheme but these do not override the fundamental issues with the proposal in respect of harm to the significance of heritage assets identified, the poor residential amenity standards for future residents that would arise and the access issues resulting from the lack of a lift in the new build extensions.
- 9.2 Whilst officers recognise that the existing nursery use is a well-established community facility which is operating out of a building in a poor state of repair, the solution put forward, whilst retaining the use and securing repairs to the BLI, would be a clear over-development of the site. Despite negative pre-application advice, the applicants have chosen to pursue a

scheme which is clearly unacceptable for the reasons as set out.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The scale of the proposed building conversions and extensions overwhelms and out competes the original building and would sit uncomfortably against the prevailing scale and massing of existing properties on Chapel Street and Church Street. The height, and continual flat roof of the proposed extension, is excessively larger in bulk and mass than the front section of the retained building and is much larger than the surrounding fine grain context of the area. For the above reasons, the proposal would therefore adversely affect the character, special interest and the setting of the Building of Local Interest (BLI) Chapel building, harm the setting of the adjacent listed buildings including the Grade I Listed Chesterton Towers and harm the character and appearance of the Chesterton Conservation Area. The level of harm would be moderate, less than substantial. The public benefits arising from the scheme, which would include investment in the repair of the BLI and in helping to secure the retention of a viable nursery use on the site, do not outweigh the level of harm to the heritage assets identified. The proposal is therefore contrary to policies 55, 56, 58, 61 and 62 of the Cambridge Local Plan 2018 and paragraphs 199, 202 and 203 of the NPPF 2021.
2. 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. Units 4, 5, 8, 9, 12 & 13 which are accessed from the extension do not have direct access to an area of private external amenity space. Units 1, 2 & 3 would have a poor quality enclosed private external amenity space. The proposal therefore fails to provide direct access to a private amenity space for units 4, 5, 8, 9, 12 & 13 and fails to provide an acceptable private amenity space for units 1, 2 & 3 contrary to Policy 50 of the Cambridge Local Plan 2018.
3. Units 4, 5, 8, 9, 12 & 13 are accessed purely from the extension and it has not been demonstrated that it would be impracticable or unviable for the scheme to meet with the requirements of Part M4 (2) of the Building Regulations. As such, the proposal

fails to provide accessible units contrary to Policies 50 and 51 of the Cambridge Local Plan 2018.

4. As the proposal fails to respect the surrounding heritage assets, provides poor future residential amenity standards for residents and would result in access issues for future residents, it is considered the proposal constitutes an overdevelopment of the site contrary to policies 55, 57 and 58 of the Cambridge Local Plan 2018