



<b>Planning Committee Date</b>	7 February 2023
<b>Report to Lead Officer</b>	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
<b>Reference</b>	22/03861/S73
<b>Site</b>	1 Mere Way, Cambridge
<b>Ward / Parish</b>	Arbury
<b>Proposal</b>	S73 Variation of condition 2 (Approved plans) of planning permission 17/1894/FUL (Demolition of existing garage. Erection of attached dwelling and extension to existing house)
<b>Applicant</b>	Mr Oliver Trisic
<b>Presenting Officer</b>	Nick Westlake
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Impact on the Character of the Area 2. Neighbour Amenity
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The S73 variation of condition application seeks to vary Condition 2 (Approved plans) of planning permission 17/1894/FUL. The 2017 permission approved the demolition of the existing garage on site and the erection of a new attached dwellinghouse and an extension to the existing dwellinghouse.
- 1.2 The proposal is not considered to cause harm to the character and appearance of the area and is appropriately designed.
- 1.3 The proposal is not considered to cause undue harm to the amenity or living conditions of neighbouring occupiers and would provide an acceptable level of amenity for future occupiers.
- 1.4 The proposal would not have any significant adverse effect upon the Public Highway and would not result in any undue highways safety implications.
- 1.5 Officers recommend that the Planning Committee APPROVE the proposal.

## 2.0 Site Description and Context

None-relevant	X	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The subject site is located within the northern half of the side garden of No. 1 Mere Way, the host or doner dwelling. No. 1 Mere Way is a two-storey end of terrace gable-fronted dwellinghouse finished in red brick. It is located on the eastern side of Mere Way near the junction with Arbury Road. The surrounding area is residential in character and is former primarily of similarly sized properties.
- 2.2 Development has commenced at site, originally for the approved development 2017 application. However, the footing and wall positions indicate that development has partly commenced for the current application not the original approval 17/1894/FUL layout. Planning Enforcement action against this undertaking has occurred and requested a stop in development

via a Breach of Condition Notice. Any further Enforcement Action is on hold until the outcome of this current application is known.

- 2.3 There is an overgrown hedge along part of the northern rear boundary, adjacent to the rear garden boundaries of 231 to 327 Arbury Way. The hedge appears to be partly within the ownership of the applicant and partly within the neighbours land.
- 2.4 The site is not within a Conservation Area and falls outside the Controlled Parking Zone.

### **3.0 The Proposal**

- 3.1 The proposal is a Section 73 application also known as a 'variation of condition' application. The application seeks to change or vary condition 2 (Approved plans) of planning permission 17/1894/FUL that approved the demolition of existing garage and the erection of attached dwellinghouse, including an extension to the existing dwellinghouse.
- 3.2 The original 17/1894/FUL application approved a new 2 bedroom dwellinghouse, with a front facing two storey projection. The original 2017 also allowed for a two-storey side extension to the host dwelling, No. 1 Mere Way. Thus allowing the host dwelling to become a 3 bedroom dwelling (currently a 2 bedroom). Both dwellings had one off street parking space each.
- 3.3 Within the 2017 approval, the new dwellinghouse had a rear building line at both ground and first floor level, flush with the existing rear building line of the host dwelling. The flank elevation of the new dwellinghouse was staggered at both ground and first floor levels. Following the original approval, an initial Section 73 application (similar to the host proposal), was submitted via application 22/02714/S73, this was refused in 2022 for the following reason:

*'The proposal by virtue of its form, scale and mass would result in an overly dominant form of development and thereby give rise to significant harm to the appearance of the existing dwelling and the character of the area including the terrace within which it is situated. The unduly large, bulk and domineering addition to the approved dwelling and the existing property. The totality of the alterations proposed would constitute a poor standard of design that would have an unacceptably detrimental impact on the character and appearance of the host dwelling and the wider area.'*

*The proposal is not compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 58 and 59.'*

- 3.4 Despite this reason for refusal, the initial refused S73 application, (22/02714/S73) within the Officer report, concluded there was no reason to object to that application on grounds any significant impact on neighbouring residential amenity. Furthermore, as there were no changes to approved

parking arrangement, there was deemed no impact on highway safety or drainage, relative to originally approved planning permission Ref: 17/1894/FUL.

- 3.5 The current application is an attempt to overcome the single reason for refusal associated with the earlier S73 application, 22/02714/S73. Officers note that there has been a raft of planning conditions discharged relating to the original 2017 approval. However, as the layout plans and footprint differ in this current application to the original approval. Officers would recommend that the original planning conditions are re-introduced in the event the current application is successful.
- 3.6 The applicant states the justification for the alterations stem in part from the requirement to work from home in recent times and the need for associated office floor space. Also, the need to provide a suitably sized kitchen/dining room that can accommodate a dining table. The host building 1 Mere Way, shall have some internal alterations though remain as a three bedroom dwelling, with the proposed dwelling shall remain as a two bedroom dwelling. This was as originally approved in the 2017 application. The new dwelling is proposed to increase in size from circa 66 sqm to 89 sqm (both figures rounded up excluding internal wall measurements). Almost all the enlargement is at ground floor in the current application.
- 3.7 The alterations within host submission differ from the 22/02714/S73 refusal and the original 17/1894/FUL approval, in the following ways:
  - i) There is a proposed reduction in depth of the first floor rear building line on the proposed dwellinghouse from the 22/02714/S73 refusal. The first floor rear building line on the proposed dwellinghouse is flush with the rear building line of the host dwelling, 1 Mere Way.
  - ii) A flank wall hip roof is proposed, rather than the originally approved gable end design in 2017, as shown on the plan view drawing on the decision notice, ref: 1505A-S-06 REV A. (Although the approved elevation drawings showed a hipped design).
  - iii) There are no changes to the front or side elevations from the 22/0271/S73 refusal. No flank fenestration is shown. There is a slight widening of the overall width from the original 2017 approval, however this was the case with the 22/02714/S73 refusal. The width of the front elevation was not considered a reason to object to the 22/02714/S73 refusal. In terms of distances, from the boundary with 3 Mere Way. At ground floor, the original approval was 13.6 m wide, the current plans show a distance of 14.1m. At first floor the width was 12.1m, the current plans show a 12.4m width.
  - iv) Differing from the 2017 approval (although identical to the 22/02714/S73 refusal). The current proposal shows changes to the rear elevation of the existing house, include converting the glass conservatory to a single storey rear extension with brick walls and a tiled roof. The existing

Conservatory is 4.3m in depth; the proposed single storey rear extension is 4.8m in depth. The elevation on the shared boundary with No 3 Mere Way is currently a solid wall, this will be extended out 0.5m. The lean-to roof would have a ridge of 3.5m on the shared boundary, similar to the current height. The plans also include the removal of a ground floor W.C window and first floor en suite from the 2017 plans.

v) The current application also includes changes to the proposed dwellinghouse from both the 2017 approval and the 22/02714/S73 refusal. This includes the relocation of the staircase internally to the side of the house with two obscured glass windows to the rear. This allows for a larger Kitchen /Dinning area and an internal Office space at ground floor. The single storey rear outshot would have a depth 0.5m greater than that of the host dwelling, again brick built with a tiled roof to overcome overlooking from above. There are no windows on the flank elevation. A single first floor rear ensuite window is removed on the current plans.

vi) The current application proposes a minor straightening to the alinement of the rear garden boundary between the host dwelling and the proposed dwelling. This differs slightly from the 2017 approval. No new boundary treatments are proposed. The 2017 approval allowed for new timber panel fences and concrete posts to rear at a height of 1.83 metres. These have not been installed. The condition relating to this aspect, namely 17/1894/COND5, has however been discharged.

#### 4.0 Relevant Site History

Reference	Description	Outcome
EN/00264/22	Development not constructed as approved plans application ref 17/1894/FUL	Breach of Condition Notice Served - Work Stopped on Site, awaiting outcome of current application (22/03861/S73).
22/02714/S73	S73 variation of condition 2 (Approved plans) of planning permission 17/1894/FUL (Demolition of existing garage. Erection of attached dwelling and extension to existing house)	Refused
17/1894/COND5	Boundary Treatment	Discharged in Full
17/1894/COND11	Surface Water Drainage	Discharged in Full
17/1894/COND12	Drainage	Discharged in Full
17/1894/COND14	Hard and Soft Landscaping	Discharged in Full

17/1894/COND17	Cycle Parking and Refuse Strategy	Discharged in Full
19/1771/FUL	Extension to existing conversion to form 4 flats and 1 studio apartment.	Non- determination Appeal Dismissed
17/1894/FUL	Demolition of existing garage. Erection of attached dwelling and extension to existing house.	Permitted
09/1156/FUL	Erection of two storey side extension with integrated garage (following demolition of detached garage)	Permitted

4.1 The principal of the construction of the new dwelling and the enlargement of the host dwelling was established under application 17/1894/FUL. This case went to Planning Committee on the 10<sup>th</sup> January 2018 the decision was resolved to grant planning permission in line with the Officers' recommendation. This included the removal of permitted development rights for both the proposed dwelling (Class A, B, E) and the existing dwelling (Class A and E). Both new and enlarged dwelling had one off street parking space.

## 5.0 Policy

### 5.1 National

National Planning Policy Framework 2021  
National Planning Practice Guidance  
National Design Guide 2019

Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)  
Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)

### 5.2 Supplementary Planning Documents

Greater Cambridge Biodiversity – Adopted February 2022

### 5.3 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use  
Policy 29: Renewable and low carbon energy generation  
Policy 30: Energy-efficiency improvements in existing dwellings  
Policy 31: Integrated water management and the water cycle  
Policy 32: Flood risk  
Policy 34: Light Pollution Control  
Policy 35: Protection of human health and quality of life from noise and vibration  
Policy 50: Residential space standards  
Policy 51: Accessible Homes  
Policy 52: Protecting garden land and subdivision of existing dwelling plots  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 57: Designing new buildings  
Policy 58: Alerting and extending existing building  
Policy 59: Designing landscape and the public realm  
Policy 69: Protection of sites of biodiversity and geodiversity importance  
Policy 70: Protection of priority species and habitats  
Policy 80: Supporting sustainable access to development  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

#### **5.4 City Wide Guidance**

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001).  
Buildings of Local Interest (2005)  
Cambridge and Milton Surface Water Management Plan (2011)  
Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (2010)  
Greater Cambridge Sustainable Design and Construction SPD (2020)  
Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste  
Cambridgeshire Design Guide For Streets and Public Realm (2007)  
Cycle Parking Guide for New Residential Developments (2010)  
Roof Extensions Design Guide (2003)

#### **6.0 Consultations**

##### **6.1 Local Highways Authority**

6.2 The proposed alterations do not change the Highway Authority's original comments and it is requested that conditions 8 and 9 sought by the Highway Authority and required by the Planning Authority under application 17/1894/FUL be reapplied.

##### **6.3 Environmental Health**

6.4 No objections. The comments detailed within the memo dated 01/12/2017 remain pertinent to this application.

6.5 The proposed development incorporates two off-street car parking spaces for the proposed dwellings, one existing for the proposed extended property and one new. As of 15th June 2022, Building Regulations require that all new dwellings with allocated car parking require at least one active electric vehicle charge point (EVCP) with a minimum charging capacity of 7kW as detailed in Approved Document S 'Infrastructure for the charging of electric vehicles'.

## **6.6 Sustainable Drainage Officer**

6.7 No objections, the conditions dated 08/12/2017 for application 17/1894/FUL remain valid.

## **7.0 Third Party Representations**

7.1 3 representations have been received.

7.2 The 2 objections have raised the following issues:

- Single storey too close to the neighbouring dwellings
- Cramp development negatively effecting the character, appearance and scale
- Residential amenity impact (impacts on daylight, overlooking, privacy, noise and disturbance, privacy, light pollution)
- Construction impacts
- Traffic Increase
- Highway Safety with a new dwelling near Arbury Road, Mere Way junction.
- Car parking and parking stress
- Impact on and loss of hedgerow

7.3 One supporting comment from the immediate neighbour 3 Mere Way, simply offering support to the current plans.

## **8.0 Member Representations**

8.1 Not applicable

## **9.0 Assessment**

### **9.1 Principle of Development**

9.2 This application is made under Section 73 of the Town and Country Planning Act 1990. Consideration has therefore been given to the question of the conditions subject to which planning permission should be granted if this Section 73 is approved. Due regard has been had to the development plan and any and all material considerations including any changes to



policies and circumstances since the granting of the original planning permission. This includes the adopted 2018 Cambridge City Local Plan and the 2021 NPPF in particular.

9.3 The principal of the construction of the new dwelling was established under the original application 17/1894/FUL. The 2017 application is considered extant due to the fact the original garage has been demolished and cleared. This is in accordance with Section 56 of the Town and County Planning Act 1990. Furthermore, the recent 2022 refusal 22/02714/S73 was not refused on grounds of the 17/1894/FUL application being out of date. The original application, 17/1894/FUL, was approved on 10/01/2018 and would have expired 10/01/2021 unless development had commenced. Officers are content development has commenced on the original approval therefore, the original 2017 application remains extant and can be built out in full today if the applicant so wishes (subject to the discharging of all relevant planning conditions).

9.4 The key issues to consider in the determination of this application relate to whether the proposal would represent appropriate development in terms of visual amenity, impact on the character of the area, neighbouring residential amenity, drainage and highway safety.

### **9.5 Design, Layout, Scale and Landscaping**

9.6 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

9.7 The application site relates to an end terrace property. Most noticeably from the most recent refusal, the current application reduces the depth of the first floor rear building of the proposed new dwellinghouse, to be in line with the existing dwelling. This was as established in the 2017 approval. The flank elevation is staggered as was the case in the original approval in 2017.

9.8 In Officers opinion, the reduction in first floor depth proposed at the new dwellinghouse, significantly reduces the overall massing, scale and depth of the new dwellinghouse. Allowing the new dwellinghouse to appear in keeping with the proportions of the existing terrace. The roof form with the hipped design to the side and rear is considered subservient and in keeping with the existing terrace, acceptable in terms of impact on character and appearance in the locality. The reduction in fenestration to the rear is welcomed, the windows within the W.C features and stairwells shall be conditioned to be of obscured glass.

9.9 The proposed front elevation is largely indistinguishable from the approved 2017 scheme. There is a slight widening of the ground floor overall width of the front elevation (from the boundary with 3 Mere Way) from 13.6 m to 14.1m, while at first floor from 12.1m to 12.4m. The ground floor width in particular leaves a circa 300mm gap to the side boundary fence. However,

this aspect was not objected to in the recent 2022 refusal, and it would be considered unreasonable to object to this aspect now. In any event, it could be demonstrated that via the host buildings original permitted development rights (before the 2017 approval). An outbuilding could have been built up to the boundary (at less than 2.5m in height), to together with a two storey side extension. This would have enclosed the gap to the boundary in a similar fashion. Overall, the proposed width is not objectional.

- 9.10 In design terms there are no objections to the single storey rear extensions / outshots proposed at either the host or proposed dwelling. A suitable amount of rear useable garden space is retained. The host dwelling has an area of some 69 sqm, 14m in depth and the proposed some 68 sqm, just under 14m in depth. These sizes are considered acceptable for 3 and 2 bedroom dwellings respectively.
- 9.11 The Cambridge Local Plan includes a design guide for roof extensions at Appendix E. This recognizes that roof extensions should relate well to the proportions, roof form and massing of the existing building and should not dominate the existing roof or overwhelm the immediate setting. The proposed rear hipped roof on the proposed dwelling (as opposed to a rear facing gable end on the existing dwelling) was approved in the 2017 application. The proposed design has an element of subservience to the host dwelling, in that the ridge is lower than the main ridge of the terrace and lower than the gable ended existing rear projection on No. 1 Mere Way. The reintroduction of a side hipped roof is welcomed matching the angle of the existing. Overall, subject to materials to match the existing, the proposed roof alterations to the proposed dwellinghouse would not be out-of-keeping to the character demonstrated locally.
- 9.12 The changes to the fenestration would be acceptable from a character and appearance perspective. Under approved application 17/1894/FUL permitted rights were removed for both the proposed dwelling (Class A, B, E) and the existing dwelling (Class A and E). Officers considered these should be reapplied in order to manage any further extensions on site carefully, in the interests of local amenity and character. Officers are mindful about the neighbour comments regarding the boundary hedge. The boundary treatment condition of the extant 2017 approval, 17/1894/COND5 has been approved. A new boundary treatment condition is recommended as the layout of the plots differ, also a hedge row management plan during construction is recommended as a separate condition.
- 9.13 In conclusion, it is considered the alterations are modest in scale, bulk and mass. They are considered sympathetic additions to the approved 2017 scheme, that would not have a detrimental impact on the character and appearance of the host dwelling or wider area. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57,58 and 59.

#### **9.14 Amenity**

- 9.15 Policy 34, 35, 50, 52 and 58 seek to preserve the amenity of neighbouring and/or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

### 3 Mere Way

- 9.16 As part of achieving well designed places, the NPPF recognizes that new development should provide a high standard of amenity for existing and future occupiers. Policy 58 of the Cambridge Local Plan also requires that extensions do not unacceptably overlook, overshadow or visually dominate neighbouring properties.
- 9.17 The application involves a ground floor rear extension on the existing dwelling of approx. 4.8 meters in depth adjacent to the shared boundary with 3 Mere Way. The ground floor extension has a lean to roof, with ridge of 3.5 meters, there is to be a side brick wall located on the shared boundary that is to be remodelled to accommodate the new extension. Effectively, a single storey rear extension 0.5m greater in depth than the existing Conservatory (that has a similar walled finish on the shared boundary) is to be created. The neighbouring dwelling has specifically written to support the proposal in its current form. Officers do not consider the proposed single storey rear extension would lead to any significant material harm to neighbouring amenity by virtue of overlooking, loss of light or overbearing in comparison to the existing arrangements.
- 9.18 There are no side windows that would face upon 3 Mere Way. The 1st floor windows would face into the site. Therefore, the proposal would not lead to material harm to neighbouring amenity by virtue of overlooking into 3 Mere Way.
- 9.19 The application site is located to the north side of No.3. Therefore, the proposed extensions would not give rise to negligible loss of daylight and sunlight to the attached neighbours.

### 233-235 Arbury Road

- 9.20 There are two objections from neighbours along Arbury Road. The proposal would bring development of a greater scale than the original 2017 approval closer to the rear gardens of 233 and 235 Arbury Road. However, the majority of the enlargements would be at ground floor level. Furthermore, given the separation distances between the properties (approximately 23m and 27m respectively), it is not considered the proposal would result in an overbearing relationship or cause an unreasonable sense of enclosure. The previous recently refused 2022 application 22/0271/S73, that was significantly greater in mass and bulk at first floor for the proposed new dwellinghouse, did not include a reason for refusal that focused on loss of residential amenity to the neighbouring properties. Officers are in agreement with that conclusion and consider it would be both unreasonable

and unwarranted to object to this, reduced in scale submission, on such grounds.

9.21 Officers accept that the proposed extensions would be located to the south of No.233 and 235 Arbury Road. Whilst the proposal would bring development closer to the common boundary with these properties and therefore create some overshadowing of the rear gardens, due to the separation distances, it would not impact upon light into the dwellings themselves. Consideration also should be given to the footprint and scale of the original 2017 approval that is not altering significantly at first floor level on the proposed dwelling house in particular. Therefore, is not considered the proposal would be detrimental to the amenity of these residents by virtue of loss of daylight or sunlight.

Overlooking 223-235, 229 and 231 surrounding area.

9.22 It is acknowledged that the variations will bring forward the rear windows from the approved 17/1894/FUL on the proposed dwelling. However, it is considered a degree overlooking is inevitable in a residential area and the existing and approved upper floors windows already provide some opportunities to view into neighbouring gardens. Therefore, it is considered the proposal will not lead to material harm by virtue of overlooking impacts to neighbouring amenity.

9.23 Due to the proposed removal of permitted development rights, classes A (extensions), B (roof alterations) and E (outbuildings) for the new dwelling and classes A and E for the existing dwelling. Further developments at the site that could affect residential amenity, would be controlled.

9.24 As such, subject to planning condition, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 34, 35, 52 and 58.

9.25 Amenity of future occupiers

9.26 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).

9.27 The gross internal floor space measurements for the new dwellinghouse in this application are shown in the table below, (figures rounded up excluding internal wall measurements):

<b>New Dwelling House</b>	<b>Number of bedrooms</b>	<b>Number of bed spaces (persons</b>	<b>Number of storeys</b>	<b>Minimum Policy Size requirement (m<sup>2</sup>)</b>	<b>Proposed size of unit</b>	<b>Difference in size</b>
	2	4	2	79	89.2	12.2

9.28 The proposed variations to the 2017 approval, are shown below (figures excluding internal wall measurements). Officers note, the original 2017 approval would have been considered too small to be a 2 bed for 3 people dwelling (the minimum space requirement being 70 sqm).

<b>Proposed Dwelling Total Size</b>	<b>Ground Floor</b>	<b>First Floor</b>	<b>Approved Dwelling 2017, Total Size</b>	<b>Ground Floor</b>	<b>First Floor</b>	<b>Difference in size</b>
89.2 sqm	56.7 sqm	32.5 sqm	65.7 sqm	34.2 sqm	31.5 sqm	Circa 23.5 sqm

9.29 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 which should be of a shape, size and location to allow effective and practical use of the intended occupiers. A garden area of 68sqm would be provided for the new dwellinghouse and circa 70 sqm for the host dwelling, which is sufficient for the size of the properties.

9.30 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. The new dwelling has an increased level of ground floor accommodation, including a toilet and living space. This could be converted to a bedroom if required. Officers consider that the layout and configuration enables inclusive access and future proofing.

9.31 The proposal provides an adequate level of residential amenity and outdoor amenity for future occupiers and is compliant with Cambridge Local Plan (2018) policies 50, 51 and 56.

9.32 Refuse Storage Arrangement

9.33 The refuse storage arrangement does not alter with the proposed arrangements previously approved with the variations. Planning conditions are recommended to see confirm the exact details.

9.34 Construction and Environmental Impacts

9.35 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance.

9.36 The Council’s Environmental Health team have assessed the application and recommended that they have no objections to the development subject to the imposition their original 2017 conditions as well as an Electrical Vehicle Charging point for each dwelling. Noise and disturbance during construction would be minimized through a Construction Management plan

and limiting construction hours to protect the amenity of neighbouring occupiers. These conditions are considered reasonable and necessary to impose.

- 9.37 Subject to Planning Condition, the proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, 57 and 58.

### **9.38 Highway Safety and Transport Impacts**

- 9.39 Policy 82 states that planning permission will not be granted for developments that would be contrary to the parking standards set out in Appendix L. The site is located outside of a controlled parking zone. The Policy states outside of controlled parking zone no less than a mean of 0.5 spaces per dwelling, up to a maximum of 2 spaces per dwelling.

- 9.40 The Highway Authority was consulted on the application and stated the proposed alterations do not change the Highway Authority's original comments and it is requested that conditions 8 and 9 sought by the Highway Authority and required by the Planning Authority under application 17/1894/FUL be reapplied which is considered to be reasonable if the application was recommended for approval.

- 9.41 The application proposes two car parking spaces, one for each dwelling, as previously approved. The application also shows cycle storage in a similar location to the previously approved dwellings. The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking. It is considered that this can be achieved via a planning condition for the new dwelling. Therefore, the proposal meets the requirements of policy 82.

- 9.42 The proposal is compliant with Cambridge Local Plan (2018) policy 80, 81 and 82.

### **9.43 Biodiversity**

- 9.44 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimizing, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.

- 9.45 Officers do not consider the application would, subject to planning conditions in relation to the protection of the neighbouring hedge during construction, result in any harm to biodiversity in the area. Taking the above

into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

**9.46 Carbon Reduction and Sustainable Design**

9.47 The Council’s Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimize their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

9.48 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve, as a minimum, water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions.

9.49 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimized as far as possible.

9.50 To ensure compliance with Cambridge Local Plan (2018) policies 28 and 30 and the Greater Cambridge Sustainable Design and Construction SPD 2020, conditions will be attached to any consent granted requiring submission of a Carbon Reduction Statement to meet part L of Building Regulations, and a water efficiency specification, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations.

**9.51 Other Matters**

9.52 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimize flood risk. The Drainage Officer had no objections subject to the original conditions being reapplied.

9.53 Officers consider that all the original conditions of the 2017 approval should be reapplied due to the changes in footprint and layout throughout the current scheme.

**9.54 Third Party Representations**

9.55 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Impact on highway safety	The Highway Authority has been consulted and stated the proposed alterations to not alter their previous comments and condition should be reapplied. Which is considered to be

	reasonable if the application was recommended for approval. The application is considered compliant with Local Plan policy 80 and 81.
Office Space could be converted into an additional bedroom	The Office space is proposed to be on the ground floor of the new dwelling. The space is too small to accommodate a bedroom. Officers consider that objection unwarranted and erroneous.
Loss of Hedgerow	This can be protected during construction via a hedgerow management plan.

### 9.56 Planning Balance

9.57 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004). This application has been made under Section 73 of the Town and Country Planning Act 1990. Consideration has been given to the question of the conditions subject to which planning permission should be granted if the s.73 application is approved. Due regard has been had to the development plan and any and all material considerations including any changes to policies and circumstances since the granting of the original planning permission.

9.58 The principle of a new 2 bedroom dwelling and an extension to the host property has been approved via the original extant 2017 application. The proposal before members, in Officers opinion subject to planning conditions, would not cause harm to the character and appearance of the area or significantly impact on the amenity of any neighbouring occupiers. The proposal would also not have any highways safety implications and would comply with the parking and cycle parking guidance set out within Appendix L of the Local Plan.

9.59 Having taken into account the provisions of the 2018 development plan, the 2021 NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

### 9.60 Recommendation

9.61 **Approve** subject to:

-The planning conditions as set out below:

### 10.0 Planning Conditions



1. The original permission 17/1894/FUL is considered extant. 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.

2. 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).

3. In the event of the foundations for the proposed development requiring piling, prior to the development taking place 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.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 Policy 35 and 58).

4. No development shall take place 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 treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2018 Policy 35 and 58).

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the hereby approved attached dwellinghouse; the construction of dormer windows/roof extensions; and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling, to protect the character of the area and to protect the amenities of adjacent residents. (Policies 55, 56 and 57 of the Cambridge Local Plan and Section 12 NPPF).

- 6 Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of No. 1 Mere Way, and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwelling and to protect the character of the area. (Policies 55, 56 and 57 of the Cambridge Local Plan and Section 12 NPPF).

- 7 Before occupation of the dwelling, the access to the existing dwelling shall be provided in accordance with the approved drawings and shall be retained in accordance with these details and free of obstruction thereafter.

Reason: In the interests of highway safety

- 8 The new access and driveway shall be constructed from an unbound material and with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

Reason: In the interests of highway safety

- 9 The curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Policies 55, 56 and 57 of the Cambridge Local Plan)

- 10 No development hereby permitted shall be commenced until a foul water and surface water drainage scheme based on sustainable drainage principles and following the drainage hierarchy has been submitted to and approved in writing by the local planning authority. The drainage system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding or flooding of third party land for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

- A) identify the proposed method of surface water disposal;
- B) include infiltration testing results and calculations in accordance with BRE Digest 365

C) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to achieve greenfield equivalent runoff rates;

D) provide information on the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

E) provide a management and maintenance plan for the proposed SuDS features.

F) Details of the foul water drainage arrangements.

Reason: To ensure appropriate surface water and foul water drainage. To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69 and the National Planning Policy Framework 2021)

- 11 No building hereby permitted shall be occupied until drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan for the lifetime of the development.

Reason: To ensure appropriate surface water drainage. (National Planning Policy Framework 2021)

- 12 The scheme hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area, (in accordance with Policies 55, 56 and 57 of the Cambridge Local Plan).

- 13 No development shall take place until full details of both hard and soft landscape works to the frontage of the development have been submitted to and approved in writing by the local planning authority and these 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); 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.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69)

- 14 All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. 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.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69)

- 15 The ground floor front facing toilet window and first floor bathroom window on the hereby approved new dwellinghouse and the first floor ensuite window on the front elevation of the existing dwellinghouse shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 Policy 35 and 58).

- 16 The ground floor and first floor rear facing stairwell windows on the hereby approved new dwellinghouse shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 Policy 35 and 58).

- 17 Prior to the occupation of the new dwelling, hereby permitted, details of facilities for the covered, secured parking of bicycles and storage of bins for use in connection with both the existing and proposed dwellings shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details before occupation of the dwelling and maintained as such thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and bins (Cambridge Local Plan 2018 policies 31).

18. Notwithstanding the approved plans, the new dwelling 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)

19. The development, hereby permitted, shall not be used or occupied until, carbon reduction measures have been implemented in accordance with a Carbon Reduction Statement which shall be submitted to and approved in writing by the local planning authority prior to implementation. This shall demonstrate that all new residential units shall achieve reductions in CO2 emissions of 19% below the Target Emission Rate of the 2013 edition of Part L of the Building Regulations, and shall include the following details:

- a) Levels of carbon reduction achieved at each stage of the energy hierarchy;
- b) A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit;

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

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

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The approved revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

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

20. Prior to the installation of any electrical services, information to demonstrate that at least one dedicated active electric vehicle charge point will be designed and installed on site in accordance with BS EN 61851 with a minimum power rating output of 7kW, shall be submitted to and approved in writing by the Local Planning Authority. The active electric vehicle charge point as approved shall be fully installed prior to first occupation and maintained and retained thereafter.

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

21. The new dwelling hereby approved shall not be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

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

22. Prior to commencement a hedge protection methodology in the form of an Arboricultural Method Statement (AMS) and Hedge Protection Plan (HPP) shall be submitted to the local planning authority and written approval given, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and HPP will consider all phases of construction in relation to the potential impact on neighbouring hedges, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any hedge 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 hedges neighbouring the site are protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with the Biodiversity SPD (2022).

23. 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.

The principle areas of concern that should be addressed are:

- i) Movement and control of muck away vehicles (all loading and unloading should be undertaken where possible off the adopted public highway)
- ii) Contractor parking, with all such parking to be within the curtilage of the site where possible

- iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible.)
- iv) Control of dust, mud and debris, and the means to prevent mud or debris being deposited onto the adopted public highway.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that before development commences, highway safety will be maintained during the course of development. (Cambridge Local Plan 2018 Policy 81).

### **Informatives**

1. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.
2. To satisfy the condition requirements the applicant / developer will need to demonstrate that practical consideration has been given to all aspects of Electric Vehicle (EV) charge point infrastructure installation and that the provision of an operational EV charge point or multiple points is deliverable, as part of the residential and/or commercial development. The intention or commitment in principle to install an active EV charge point will not be considered acceptable. Information should include numbers of charge points, intentions for active and passive provision, location, layout (including placement of EV infrastructure), Charge Rates of active EV charge points (slow, rapid or fast) and availability of power supply.
3. The Council recommends the use of low NO<sub>x</sub> boilers i.e. appliances that meet a dry NO<sub>x</sub> emission rating of 40mg/kWh, to minimise emissions from the development that may impact on air quality.
4. In order to facilitate the upgrade of heating systems to efficient (i.e. heat pump) electric heating, radiators shall be sized and fitted on the basis of running at a maximum of 45°C flow temperature to all residential units. In addition, for all residential units identify an appropriate space for external

air source heat pump units that are acceptable within permitted development requirements for noise, proximity to boundaries and physical size and provide valved and blanked pipe work connections between the external unit and the primary heating installations (heating pump and hot water tank) to enable the use of the heat pump system with minimum disruption upon gas boiler removal. The hot water tank is to incorporate sufficient heat exchanger area and storage volume to allow a designated heat pump system with domestic hot water capabilities to be used without the need for replacement or upgrade.

5. The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.

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



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Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs