



Planning Committee Date	02 August 2023
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/01366/FUL
Site	Land Adj To 39 Hills Avenue, Cambridge, CB1 7UZ
Ward / Parish	Queen Edith's
Proposal	Change of use of land to allow siting of 4 modular homes to provide accommodation for homeless people, together with associated access and infrastructure, on Land adjacent to 39 Hills Avenue, Cambridge CB1 7UZ.
Applicant	Mr Chris Jenkin (It Takes a City Community Land Trust)
Presenting Officer	Sumaya Nakamya
Reason Reported to Committee	Land within ownership of the Council Application raises special planning policy or other considerations
Member Site Visit Date	TBC
Key Issues	1. Principle of Development 2. Character of the area 3. Residential Amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks the change of use of land to allow siting of 4 modular homes to provide accommodation for homeless people, together with associated access and infrastructure.
- 1.2 In terms of the impact upon the character and appearance of the area, the proposed siting of the development would project forward significantly from the established building line along Hills Avenue. This would in turn would result in a loss of openness created by the corner gardens at the junction of Hills Avenue and Baldock Way. It is therefore, considered that the siting of the development is out of character with the area and does cause a degree of visual harm to the streetscene. This carries moderate weight against the proposal in the overall planning balance.
- 1.3 The proposal will result in the loss of a community recreation area (Joy's garden) which has been established since 2019, although this is an unauthorised use of the land and therefore, carries negligible weight in the planning balance. Prior to this the site formed part of the garden of no.39, although this ceased in 2015. It is important to note this was not a fully enclosed space and therefore, was not completely private. Whilst the reduction in garden area for no.39 has impacted upon the overall quality of amenity space provision for these occupants, the property still benefits from a small rear garden and reasonably sized front garden. A 1.8m high front fence and gates has been built across the driveway to create a more private front garden. Given the length of time that the site has been severed from no.39 as a garden area, the impact upon the amenity of occupants of no.39 is not considered harmful and is neutral in the overall planning balance.
- 1.4 The proposal would provide a form of specialist housing to meet an acute need for homeless people. The standard of accommodation, which includes suitable internal living space and a balcony/patio for each pod, is considered to be of an acceptable design and of appropriate quality for the proposed occupants. This is considered to weigh significantly in favour of the proposal in the overall planning balance.
- 1.5 The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers by way of overlooking, loss of light or an unreasonable sense of enclosure.
- 1.6 Whilst the decision is finely balance, Officers recommend the Planning Committee **Approve** the development subject to conditions.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	x
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	x
Local Neighbourhood and District Centre		Article 4 Direction	

2.1 The application site is located on the corner north of Hills Avenue and east of Baldock Way. The site is on the land west of No. 39 Hills Avenue which was formerly a residential garden for this property. Since 2015 the land has been used as a community garden named Joys Garden.

2.2 The site is predominantly in a residential area and is characterised by two storey terrace and semi-detached houses with pitched roofs. There is general consistency in appearance in respect of building heights and widths, with each property having a discernible set back from the road. There is also a notable variety of designs and materials in the area. The gardens of neighbouring properties immediately south, southwest and northeast of the application site have notable large side and front gardens creating an openness on the junction of Hills Avenue and Baldock Way.

3.0 The Proposal

3.1 The proposal is for the change of use of land to allow siting of 4 modular homes to provide accommodation for homeless people, together with associated access and infrastructure, on Land adjacent to 39 Hills Avenue, Cambridge CB1 7UZ.

3.2 The proposed modular homes would be positioned in a staggered layout to the western boundary of the site facing towards Baldock Way (west of the site). The units will have a setback of approximately 5.3m from Baldock Way and approximately 1.2m to 2.6m from Hills Avenue. From the common boundary with No.39 Hills Road and the northern boundary with No.11 Baldock Way, a gap of approximately 1m is proposed.

3.3 Along the southwest is a sweetgum which has a tree preservation order (TPO), this tree will be retained. On the western side of the site is the apple tree, which is proposed for removal and, south of the site is the holly which will also be removed. Soft landscaping will be provided along this boundary. In the north-western corner of the site a covered bin storage

and 2no.sheffield hoop cycle stands are proposed, these will be next to the existing access to the site.

- 3.4 The proposed units would have a total internal space of approximately 32.6sq.m. A small patio/balcony on each unit will be provided for private amenity space. The units would be single storey constructed from combined oak and black timber effect cladding.

4.0 Relevant Site History

- 4.1 There is no relevant planning history on the application site.

5.0 Policy

5.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2021
Technical Housing Standards – Nationally Described Space Standard (2015)
ODPM Circular 06/2005 – Protected Species
Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
Policy 3: Spatial strategy for the location of residential development
Policy 28: Sustainable design and construction, and water use
Policy 31: Integrated water management and the water cycle
Policy 32: Flood risk
Policy 35: Human health and quality of life
Policy 47: Specialist housing
Policy 50: Residential space standards
Policy 52: Protecting Garden land and subdivision of dwelling plots
Policy 55: Responding to context
Policy 57: Designing new buildings
Policy 59: Designing landscape and the public realm
Policy 69: Protection of sites of biodiversity and geodiversity importance
Policy 71: Trees
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016
Landscape in New Developments SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted January 2009

5.4 Other Guidance

None relevant.

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 The Highways Authority has no objection to the proposal subject to the following conditions to be attached to the permission:

- A Contractors Parking Plan to be submitted for approval.
- Paved areas constructed with falls and levels for private water from the site drains across or onto the adopted public highway.
- Use of bound material for the paved areas.
- Requiring hedge or planter to the new buildings be set back at least 1m from the boundary.

6.3 Sustainable Drainage Officer – No Objection

6.4 The Council drainage Officer requested a condition to be attached to the permission:

- Details of surface water drainage scheme.

6.5 Ecology Officer – No Objection

6.6 The Ecologist Officer requested a condition to be attached to the permission requiring:

- An ecological enhancement, including bee lawn, bird and bat boxes and hedgehog gaps are detailed on a plan.

6.7 Tree Officer – No Objection

6.8 The Tree Officer requested a condition to be attached to the permission requiring:

- Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) for approval.
- A site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS.
- Compliance condition of approved tree protection methodology and its implementation.

6.9 Environmental Health – No Objection

6.10 The Council Environmental Health Officer requested the following condition to be attached to the permission:

- Construction hours

6.11 **Housing Advise Service – Support**

6.12 The Councils Housing Advise Service Officer supports the proposed development and have stated that the management of the site will be run by ITAC and all residents will be provided with a tenancy to give them security. At the time of writing, the tenancy will be an assured shorthold tenancy following the relevant legislation and case law. The Officer also explained that the modular homes will have staff for the residents to contact for tenancy related issues and should there be any issues outside of tenancy related issues, ITAC have assured us that additional support can be provided. In this unlikely event, patrols can be provided by a security company that both ITAC and the Council have used in the past. This is not used at any of the other modular homes sites; however, it provides the Officers with confirmation that there is a plan should the need arise.

7.0 **Third Party Representations**

7.1 Seventeen (17) representations have been received.

7.2 Those in objection have raised the following issues:

- Inappropriate used of land for homeless housing; it should be used for family housing.
- Character, appearance, and scale is out of keeping of the area due to single storey nature of the buildings and sited in front of the existing building lines of Hill Avenue.
- Nature of the development would lead to antisocial behaviour and safety on school children at Morley School.
- Inappropriate private amenity of No.39 Hills Road due to a reduced rear garden.
- The Tree Survey was made available on the 24 April 2023 therefore insufficient for public consultation.
- Impact on and loss of trees; the removal includes a TPO of the apple tree and impact on the canopy of the retained tree; there is also limited landscaping around the units.
- Climate crises
- Development of 4 modular units on a small plot of land is overdevelopment and would result inappropriate outdoor amenity space.
- The units on Barnwell Road are comparably different to the application site due to the significant constraints of the site.
- Residential amenity impact of future occupiers (impacts on enclosure and privacy)
- Loss of biodiversity as a result of the loss of the community garden
- Drainage issues

7.3 Those in support have raised cited the following reasons:

- Land used for homeless housing or council housing is an appropriate use of land.
- Limited loss of community garden; there is sufficient public amenity in the area.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

8.0 Assessment

8.1 Planning Background

8.2 Based on information provided by the applicant, the site was subdivided off from the curtilage of no.39 in 2015 and, in 2019 began to be used by Queen Edith's Community Forum as a community garden known as Joy's Garden.

8.3 The Housing Strategy vision and objectives takes into account the objectives and priorities of the Homelessness and Rough Sleeping Strategy adopted by the Council for 2021 to 2026 when considering homes for the homeless. The Housing Strategy aims to prioritise the need to prevent and tackle homelessness and rough sleeping within Cambridge by providing secure homes with personalised support for individual challenges. The priorities are based on meeting objectives which are:

- Support those at risk of homelessness to remain in their homes where possible or to find a new home without an intervening period of homelessness.
- Improve access to a range of permanent accommodation.
- Minimise the use of temporary and emergency accommodation.
- Improve access to, and effectiveness of, support services.
- Prevent rough sleeping.
- Break the cycle of chronic and repeat street homelessness and rough sleeping.

8.4 The Planning Statement explains that the operation of the proposed units will be managed through referrals and each resident will be very carefully considered against a set of criteria that ensures the safety and peace of the other residents and of neighbours. The Planning Statement explains that those with high level needs will be directed elsewhere for accommodation. It states that the proposed development is unlikely to suit someone coming directly from rough sleeping. Therefore, the proposed modular homes will be ideal for occupiers that have spent time with either the It Takes A City (ITAC's) Crossways winter emergency accommodation project or similar settings. Also, those seeking to move-on from a hostel or coming from sofa-surfing to find their first home.

8.5 It is clear that ITAC will be responsible for the selection of occupiers at the application site. The comments from the Housing Advice Service Officer

and in line with the applicants supporting documents that there will be a local connection criterion used for the tenant is consistent with other Council policies. The Officer also explained that for modular houses like the proposed development the expected amount of time that a resident will stay will depend on their individual circumstances. However, move on times throughout supported accommodation generally last up to 2 years. Officers are of the view that at the end of the tenancy, avenues from Housing First through Home Link will be made available where the tenant can bid for a permanent accommodation.

8.6 Principle of Development

- 8.7 Policy 47 of the Cambridge Local Plan 2018 states that the development for specialist housing, subject to the development being:
- a. supported by evidence of the demonstrable need for this form of development within Cambridge;
 - b. suitable for the intended occupiers in relation to the quality and type of facilities, and the provision of support and/or care;
 - c. accessible to local shops and services, public transport and other sustainable modes of transport, and community facilities appropriate to the needs of the intended occupiers; and
 - d. in a location that avoids excessive concentration of such housing within any one street or small area.
- 8.8 As part of the application information has been submitted by the applicant that outlines statistical evidence of issues relating to homelessness in the City. Accordingly, the Councils Housing Strategy and the Homelessness and Rough Sleeping Strategy outlines the acute need for homes specifically for homeless people within the Cambridge area. Officers acknowledge that there is a lack of suitable housing available for homeless people within Cambridge. However, the modular homes such as the proposed development will be designed so that they are suitable for the intended occupiers by providing supported and independent living that can be easily managed by the occupant. Therefore, Officers consider that the proposal responds to a clear need for such houses and as such, meets criteria (a) of the policy. Criteria (b) of the policy will be assessed in detail under sub-title 'Amenity of future occupiers.' Criterion (c) and (d) will also be assessed under subheading 'Context, Design, Layout, Scale and Landscaping' in the body of the report.
- 8.9 Policy 52 is relevant to this application given that the proposed development will be within a former garden of a residential dwelling. It states that development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot will only be permitted where:
- a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;
 - b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy

of retention due to their contribution to the character of the area and their importance for biodiversity;

- c. the amenity and privacy of neighbouring, existing and new properties is protected;
- d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties; and
- e. there is no detrimental effect on the potential comprehensive development of the wider area.

8.10 As noted above in the Planning Background, the application site was part of the garden (curtilage) of No.39 Hills Avenue. However, since 2015 the site has not been used as a private residential garden, and was changed to a community garden (Joy's Garden). Although this is unauthorised in planning terms, an extensive period of time has passed since the existing garden has been used in association with a residential dwelling. Nevertheless there are concerns in terms of the impact upon the character and appearance of the area which is discussed in more detail below, along with the remaining criteria.

8.11 The principle of providing accommodation for the homeless is considered to outweigh the harm in terms of the loss of garden land.

8.12 Context, Design, Layout, Scale and Landscaping

8.13 Policies 52, 55, 57 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.

8.14 A noticeable characteristic in the area is the openness at the road junction as a result of the garden spaces for these dwellings. The proposed pods would be located north of Hills Avenue facing towards Baldock Way. The existing building line along Baldock Way would be largely maintained due to a proposed set back of 5.3m from the road. However, along the frontage of Hills Avenue the proposed units will project significantly beyond the existing building line. Given the extent of the forward projection, Officers acknowledge that the prominence of the proposed modular houses will create a degree of visual harm in the street scene. However, the design of the modular house will be contemporary, single storey with a flat roof design and the entrances would be designed to add a domestic feel. Also, the combination of dark oak and black timber effect for the external cladding will create a lightweight appearance. Furthermore, a landscaping scheme within the site and an existing mature street tree in Hills Avenue will help mitigate the visual impact.

8.15 The applicant has confirmed that the proposal would be for a temporary period and has requested a condition for 10 years. This is not an insignificant period of time and is considered by Officers to be in excess of what can reasonably considered temporary for this type of

accommodation. A similar proposal in Newmarket Road was given a temporary period of 3 years. Officers recognise the need for a reasonable period of time to provide a meaningful period time to accommodate the pods, balanced against the visual impact upon the character of the area. On this basis a condition of 5 years is considered reasonable and a condition is proposed to this effect.

- 8.16 The siting of the proposed development is within a residential area where there are no such homes of this kind and, it will be in a sustainable location where nearby local shops and services are provided. The pods are located approximately 8 mins walk to a convenience store and 12 mins walk is a GP Surgery. There are frequent bus services along Hills Road which is 8 mins walk from the site. The proposed layout of the development will incorporate cycle store to further encourage sustainable modes of transportation.
- 8.17 The proposed development would not maintain the existing building line on Hills Avenue, resulting in a loss of openness and the development appearing out of character with the street scene. Although the pods are single storey and smaller in scale than existing dwellings, their appearance is not considered unacceptable. They would also be partly screened by existing and proposed vegetation. Nevertheless, the openness of the corner plots at this junction is a strong characteristic of the streetscene and the proposal will cause harm to this openness. On this basis the proposal is contrary to Cambridge Local Plan (2018) policies 55, 57 and 59 and the NPPF.

8.18 Trees

- 8.19 Policies 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.20 The application is accompanied by a Tree Survey prepared by Ligna Consultancy. The survey identified three trees on site and one tree that is on the public footpath in close proximity to the site. The apple tree (T3) and the Holly (T4) will be removed. The Hornbeam (T1) and the Sweetgum (T2) which has a tree protection order (TPO) will be retained.
- 8.21 The Council's Tree Officer has advised that based on the submitted Tree Survey, it is unclear why trees T2 and T4 have been given a quality assessment C1. The category given to these trees suggested that they are unremarkable trees of very limited merit or such impaired condition that they do not qualify for a higher category. The Officer advised that T2 is especially of a significant presence and its life expectancy means that it has the potential to provide amenity for decades.

8.22 The Officer supports the proposed trees for removal, however there is concerns with respect to the potential impact on the remaining tree T2 during the construction period and its viability post construction. The Officer has assessed that the proposed drainage pipes of 100mm diameter will be only 2m from the tree trunk. This would potentially affect almost a quarter of the tree's root protection area (RPA). Therefore, for the development to be arboriculturally acceptable it is recommended that the surface water drainage strategy is submitted for approval. A drainage strategy that avoids the root protection area (RPA) or use trenchless technology for installation is recommended. A condition will be imposed requiring the submission of a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP).

8.23 Subject to conditions as appropriate, the proposal would accord with policies 59 and 71 of the Local Plan.

8.24 Biodiversity

8.25 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 minimising, 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.

8.26 For several years the site has been cultivated as a community amenity garden creating an area for biodiversity and a distinct openness and green landscaping character in this area. The supporting documents with the application confirm that the use of the site as a community garden was intended for a temporary period.

8.27 In consultation with the Council's Ecology Officer and is satisfied with the survey and recommends an appropriate condition. Officers are satisfied that the proposed development would achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with policies 57, 69 and 70 of the Cambridge Local Plan (2018).

8.28 Water Management and Flood Risk

8.29 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.

8.30 The Drainage Officer raised no objection to the application and advised that a condition requiring details of a surface water strategy be submitted

for approval. Officers are therefore satisfied that the proposal would not amount to significant water drainage issues.

8.31 Subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

8.32 Highway Safety and Transport Impacts

8.33 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions requiring a contactors parking plan for approval. The site is located within a controlled parking zone and given the plot size, it is necessary for the applicant to demonstrate how vehicles will be controlled and regulated during construction.

8.34 Subject to conditions, Officers are satisfied that the proposal would not amount to any harm to highway safety. The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

8.35 Cycle and Car Parking Provision

8.36 Cycle Parking

8.37 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

8.38 The proposed cycle storage will be located north-western corner of the site in front of unit 1, abutting the boundary with Baldock Way. The proposed cycle storage would be covered and secure to ensure theft is minimised. Nevertheless, Officers are satisfied that the provision is adequate for the number of units proposed on site.

8.39 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

8.40 Residential Amenity

8.41 The NPPF and policies 35 and 52 of the Local Plan 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.

Impact on amenity of neighbouring occupiers

- 8.42 The application site was formally part of the private garden of No.39 Hills Avenue. After the subdivision, the remaining rear private garden for No. 39 Hills Avenue is approximately 39.5 sqm. There is also a large front garden which measure approximately 89 square metres. This has been partly enclosed to the front to improve privacy and therefore, provides further amenity space for the occupier of No.39 Hills Avenue. It should be noted that given the location of the garden, it was not a fully enclosed private space, even when it was within the curtilage of no.39. The loss of the private garden space does detract from the overall quality of amenity space available to the occupiers of no.39 however, this has been the arrangement since 2015. Given the passage of time that has passed and the level of outdoor amenity space that is still available, on balance, the existing situation is not considered to be harmful to the amenity of the occupiers of no.39.
- 8.43 The 4 pods would occupy a significant proportion of the total site area which is 327sqm. However, by virtue of the proposed location, height and massing of the proposed development, they would not result in a form of development which causes an unreasonable sense of enclosure, overshadowing and overlooking of neighbouring properties.
- 8.44 With regard to noise and disturbance resulting from the proposed development, the proposed modular homes will be used for residential living for single persons and will be well insulated. Furthermore, most of the external activities from the occupiers will be largely towards the western side away from amenity of No.39 Hills Avenue. By virtue of the siting, design and layout, and the number of occupiers on site would not result in a significant noise and disturbance to neighbouring properties.
- 8.45 In terms of the loss of the community garden, whilst local residents may have enjoyed the benefit of this space, it has never received planning permission and is therefore, unauthorised. Its loss is therefore, considered to carry negligible weight. Furthermore, the Holbrook Road recreation ground is within walking distance of the site (approximately 600m).
- 8.46 Future Occupants
- 8.47 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).
- 8.48 The gross internal floor space measurements for units in this application will be 32.6sqm. Officers acknowledge that the modular homes would be slightly below the internal space standard set out in policy 50. However, the proposed units fall within specialist housing for homeless people under

the Housing First model. The intension of the proposed modular units is to provide suitable and independent housing for a single occupant. The intention of the proposed development is to provide a small housing community as a first instance of “Somewhere to Call Home”, for homeless people at risk of rough sleeping but without high levels of need. The standard of accommodation is therefore, considered appropriate for the intended users.

8.49 Garden Size(s)

8.50 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. Each unit will have a small patio/balcony area providing outdoor private area for each occupier. Again this is considered appropriate to allow the occupants access to an area of outdoor space.

8.51 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. As these are a temporary form of accommodation, it is not considered the pods should be required to meet M4(2) standards.

Other Matter

Sustainability

8.52 Policy 28 encourages principles of sustainable construction and seeks that carbon reduction is achieved for new development. The submitted Planning Statement explains the reasons why such renewable technologies have not been incorporated in the development. The issues of budgetary constraints and the temporary nature of the proposed development are reasons that Officer are satisfied not to request renewable technologies to be provided.

8.53 Third Party Representations

8.54 Matters relating to principle of development, impact of the character and appearance of the area, biodiversity, impact and loss of trees, drainage, loss of the community garden and residential impact have been addressed in the body of the report. 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
Nature of the development would lead to antisocial	Although the application will not provide an onsite warden, the intended user of the proposed modular homes will be subject to a

behaviour and safety on school children at Morley School.	code of behaviour and will be quickly moved on to more suitable accommodation if unable to meet the expectations. Additionally, the intended occupiers of the modular homes will be suited for those not requiring high level support; those with high level needs will be directed elsewhere for accommodation. In the unlikely event of ASB, patrols can be provided by a security company that both ITAC and the Council have used in the past
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8.55 Planning Balance

- 8.56 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).
- 8.57 The proposal for 4 pods by reason of their forward projection towards Hills Avenue would result in the loss of openess which is a strong characteristic of this part of the streetscene and will, consequently, cause a degree of visual harm to the character and appearance of the area. Although it is recognised the pods would be low scale, of an acceptable appearance and screened by existing and proposed landscaping, this does not outweigh the harm in relation to the loss of openess. As such, the proposal is considered contrary to policies. 52, 55, 57 and 59 of the Local Plan which require new proposals to respect existing character of the area and surrounding pattern of development. However, as the proposal is of a temporary nature, this carries moderate weight against the proposal in the overall planning balance.
- 8.58 The garden space to be occupied is currently in use as a community garden which will no longer exist. However, the loss of this as a community space carries negligible weight in the planning balance as its use as a community recreation area is unauthorised. There is also public open space in close proximity to the site on Holbrook Road. The space was formerly part of the garden of no.39 Hills Avenue however, this has not been the case since 2015. Whilst the loss of this garden area does detract from the overall quality of outdoor space for no39, occupiers do still have access to other amenity areas to the front and rear of the site which are in excess of 100m² combined. Given the passage of time that has passed, on balance, the amenity space afforded to occupiers of this dwelling is considered acceptable. This matter is considered to be neutral in the overall planning balance.
- 8.59 The proposal will provide 4 modular pods for homeless people in Cambridge for which there is an acute need. Such facilities are critical for housing homeless people by providing safe and secure accommodation.

The provision of such housing, albeit for a temporary period of 10 years, is afforded significant weight in the overall planning balance.

8.60 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposal is considered to be finely balanced. However, in this instance the benefits of the proposal are considered to outweigh the harm and therefore, it is recommended for approval.

9.0 Recommendation

9.1 **Approve** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. Prior to first occupation of the first unit, hereby permitted, the Local Planning Authority shall be formally notified of the commencement date and five years from the date of notification the use of the proposed units shall cease, and the units together with associated car and cycle parking shall be removed from site within one month from the cessation of use and the land restored to its former state.

Reason: Due to their modular form, the structures would not be appropriate as permanent units of accommodation, and also to ensure the use does not prejudice the comprehensive redevelopment of the site for housing (policies 3, 35, 55, 57 of the 2018 Cambridge Local Plan).

4. No development above ground level shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The details should include bee lawn, bird and bat boxes and hedgehog gaps. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018 policy 57).

5. No demolition or construction works shall commence on site until a contractors parking plan has been agreed in writing with the Planning Authority. The aim of the plan should be to demonstrate how the developer will control and regulate on street motor vehicle parking for the contractors and sub-contractors undertaking the works.

Reason: in the interests of highway safety.

6. The development hereby permitted, all the proposed paved areas be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

7. The development hereby permitted; the proposed paved areas be constructed using a bound material to prevent debris spreading onto the adopted public highway.

Reason: in the interests of highway safety

8. The development hereby permitted, the centre line of any proposed hedge or planter to the new buildings be set back at least 1m from the boundary of the adopted public highway (in this case the back of the footway), to enable the hedge/planting to grow without obstructing pedestrian movements.

9. Reason: For the safe and efficient use of the highway.

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

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

11. Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager and the arboricultural consultant to discuss details of the approved AMS. A record of this meeting is to be submitted to and approved by the LPA.

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

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

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

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

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

14. No development hereby permitted shall be commenced until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with Cambridge City Council local plan policies, has been submitted to and approved in writing by

the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

The detailed scheme shall include:

- a) Full details of the proposed attenuation, of all SuDS features and flow control measures;
- b) Full details of the maintenance/adoption of the surface water drainage system;

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development. (Cambridge Local Plan 2018 policies 31 and 32).