



## WEST/CENTRAL AREA COMMITTEE



City Councillors for:

**Castle** (John Hipkin, Simon Kightley, Tania Zmura)

**Market** (Mike Dixon, Colin Rosenstiel, Tim Bick)

**Newnham** (Rod Cantrill, Sian Reid, Julie Smith)

Co-opted non-voting members: County Councillors White (Castle), Griffiths (Market) and A Reid (Newnham)

Committee Manager: Glenn Burgess (01223 457169 or [glenn.burgess@cambridge.gov.uk](mailto:glenn.burgess@cambridge.gov.uk) or write c/o Room 11, The Guildhall, Cambridge CB2 3QJ)

*Published and placed on public deposit Wednesday 2<sup>nd</sup> July 2008*

<b>Date:</b>	Thursday 10 <sup>th</sup> July 2008
<b>Time:</b>	7.15pm for 7.30pm start
<b>Place:</b>	1 <sup>st</sup> South Room, The University Centre, Granta Place Mill Lane, Cambridge CB2 1RU

### INFORMATION ON PUBLIC SPEAKING

**Open Forum:** Members of the public are invited to ask any question, or make a statement on any matter related to their local area covered by the City Council Wards for this Area Committee. The Forum will last up to 30 minutes, but may be extended at the Chair's discretion. The Chair may also time limit speakers to ensure as many are accommodated as practicable.

**Committee reports by Council officers:** It would be helpful if you wish to speak to inform a Council officer before the meeting starts, alternatively raise your hand and the Chair will call you to speak. You will have up to three minutes to speak. The Chair has discretion over these rules.

**Applications for planning permission:** public speaking rules are different and are shown under the agenda heading.

# **CLIMATE CHANGE EXHIBITION**

**6.30pm - 7.30pm**

**There will be an exhibition for members of the public and councillors on the Council's strategy and action plan to address the impact of climate change. Consultation on this strategy and action plan is currently being carried out. Come and make your views known to the Climate Change Officer who will be present to answer questions and to collect your views.**

## **Agenda**

**1 ELECTION OF CHAIR AND VICE CHAIR FOR 2008/09**

**2 APOLOGIES FOR ABSENCE**

**3 MINUTES**

To confirm the minutes of the meeting held on 15<sup>th</sup> May 2008

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**7 MATTERS ARISING**

Additional information to that reported in the minutes

**7 OPEN FORUM**

**7 DECLARATIONS OF INTEREST**

Members of the committee are asked to declare any interests in the items on the agenda. In the case of any doubt the advice of the Head of Legal and Democratic Services should be sought before the meeting

## **7 ENVIRONMENTAL IMPROVEMENTS PROGRAMME**

*Dinah Foley-Norman (Principal Landscape Architect) 01223 457134*

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## **8 APPLICATIONS FOR PLANNING PERMISSION**

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Public representations on a planning application should be made in writing (by e-mail or letter, in both cases stating your full postal address), within the deadline set for comments on that application. You are therefore strongly urged to submit your representations within this deadline.

The submission of late information after the officer's report has been published is to be avoided.

A written representation submitted to the Environment and Planning Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report. Any public representation received by the Department after 12 noon two business days before the relevant Committee meeting (e.g by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

The same deadline will also apply to the receipt by the Department of additional information submitted by an applicant or an agent in connection with the relevant item on the Committee agenda (including letters, e-mails, reports, drawings and all other visual material), unless specifically requested by planning officers to help decision-making.

At the meeting public speakers at Committee will not be allowed to circulate any additional written information to their speaking notes or any other drawings or other visual material in support of their case that has not been verified by officers and that is not already on public file.

### **Public speaking rules relating to planning applications:**

Anyone wishing to speak about one of these applications, may do so provided that they have made a representation in writing within the consultation period and have notified the Area Committee Manager shown at the top of the agenda **by 12 Noon on the day before the meeting** of the Area Committee.

<b>1</b>	
<b>Site</b>	9 Oxford Road Cambridge Cambridgeshire CB4 3PH
<b>Proposal</b>	Erection of a three-bed semi-detached house
<b>Officer Recommendation</b>	APPROVE subject to the satisfactory completion of s106 agreement by 31 <sup>st</sup> August 2008 and subject to conditions
<b>Application No</b>	08/0609/FUL
<b>Applicant</b>	Ms Caroline Stenner 9 Oxford Road Cambridge Cambridgeshire CB4 3PH
<b>Case Officer</b>	Andrew Thompson
<b>Contact No</b>	01223 457152

<b>2</b>	
<b>Site</b>	1 Halifax Road, Cambridge, Cambridgeshire CB4 3QB
<b>Proposal</b>	Erection of 4 one bed duplex flats and 11 bed-sitting rooms for Graduate accommodation with 2 parking spaces and associated external works (following demolition of existing shop, offices and outbuildings/workshops).
<b>Officer Recommendation</b>	APPROVE subject to conditions
<b>Application No</b>	08/0280/FUL
<b>Applicant</b>	Fitzwilliam College Mr Christopher Pratt MA ACIS Fitzwilliam College Storey's Way Cambridge CB3 0DG
<b>Case Officer</b>	Neville Doe
<b>Contact No</b>	01223 457126

Any comments that you want to make about the way the Council is running Area Committees are very welcome. Please contact the Committee Manager listed at the top of this agenda

**The next meeting of West/Central Area Committee will be on 18<sup>th</sup> September 2008 at University Centre, Granta Place, Mill Lane, Cambridge CB2 1RU**

**Present: City Councillors**

**Castle:** John Hipkin, Simon Kightley (Chair)

**Market:** Mike Dixon, Colin Rosenstiel, Tim Bick

**Newnham:** Rod Cantrill, Sian Reid

**County Councillors:** David White (Castle)

**8/16 MINUTES OF 3 APRIL 2008**

The minutes of the meeting held on 3 April 2008 were confirmed as a correct record.

**08/17 APOLOGIES FOR ABSENCE**

Apologies for absence were received from City Councillor Smith and County Councillors Gaynor Griffiths and Alex Reid

**08/18 DECLARATIONS OF INTEREST**

The following members declared the interests indicated:

Cllr Hipkin Declared a personal and prejudicial interest as an officer of the Oxford Road Residents Association, which had made an application for a Community Development Grant. (Item 7 refers) Cllr Hipkin was not present for the discussion of the application and did not vote.

Cllr Hipkin Said that he had discussed planning application relating to 7 Marion Close (Item 8.4) with a neighbour and might be seen to have pre-determined the application. Cllr Hipkin was not present for the discussion of the application and did not vote.

Cllr Rosenstiel Declared a personal interest in relation to the application for funding by the Round Church as a member of the Cambridge Union Society which was adjacent to the Round Church

Cllr Dixon Said that, in relation to the planning application on Revolution, 3 - 8 Downing Street (Item 8.3), he was the Chair of the Council's Licensing Committee, which had overlapping responsibilities with planning in terms of applying conditions.

**08/19 MATTERS ARISING FROM THE MINUTES**

None that were not covered in a report on the agenda.

## **08/20 OPEN FORUM**

### **Q1: Poor state of the paths on Queens Green**

The resident said that following the recent wet weather, the paths across Queens Green had been flooded and were frequently unusable. This was particularly unwelcoming for tourists arriving at the coach point on Queens Road as well as residents and other pedestrians.

The Chair said that the dredging of the ditch further along the Kings Ditch might have had an impact on the surface water drainage in that area. This was drawing to a close, following which the situation might improve.

Cllr S Reid said that she would investigate what action needed to be taken.

***Cllr S Reid to Action***

### **Q2: Jesus Green, Barbecues, Drugtaking**

Cllr Hipkin said that residents had drawn to his attention the increasing damage done to Jesus Green by the use of barbecues in the recent spell of good weather. He asked whether there were any controls over this activity.

The City Ranger present said that he and a colleague had been operating on the Saturday and had been able to address some of the perpetrators to discourage the use. Unfortunately there was no guarantee that they simply continued after the Rangers had moved on to other duties. The service did not operate on Sundays or the Bank Holiday.

Cllr Rosenstiel said that the Council's enforcement team was trying to address the issue and were able to issue Fixed Penalty Notices for infringements.

Cllr Hipkin said, in relation to the apparently common open use of drugs on the Green, some aspects of prohibitions on the use of drugs was in confusion and sought clarification on the legislation.

Sgt Barnes was present and confirmed that such open use of cannabis was indeed illegal and undertook to draw the attention of a relevant colleague to the comments.

***Sgt Barnes to Action***

### **Q3: Cycle Lanes, Potholes and Surface Water Drains**

Cllr Hipkin said that residents had regularly brought up the poor state of road maintenance and the particularly inadequate repairs to the cycle lanes, which might well be the cause of serious accidents.

Drainage of major and minor roads was similarly badly maintained with frequent regular flooding, again causing danger and inconvenience to pedestrians, cyclists and road users.

He said that he was aware that both issues were the responsibility of the County Council but were frequently being raised by residents to no evident effect. County Councillor members on the area committees were willing to lobby for improvements but this had had little impact on the majority group on the County Council.

Cllr White said the lack of resources for maintenance was not only a citywide problem but a County wide one

Cllr S Reid said that the County Council had invited the City's co-operation on a cycling project, which would give her an opportunity to reinforce the City's views. She was aware that the officers dealing with these areas had been restructured and that another approach might be better received.

***Cllr S Reid to Action***

The Chair said that he would be willing to approach the County Council on these issues.

***Cllr Kightley to Action***

#### **Q4: What work has been done to update the Conservation Areas?**

Cllr S Reid outlined the current progress and said that a recent report considered by Environment Scrutiny Committee contained the relevant information. She would send the resident a copy of the report.

***Cllr S Reid to Action***

#### **08/21 SAFER NEIGHBOURHOODS UPDATE**

Sgt Chris Barnes introduced the Neighbourhood profile update for the Area. He noted that Cllr Smith and Cllr S Reid had submitted emails asking for consideration of the problem of cyclists ignoring red lights at crossings. He also noted the comments made about drug use on Jesus Green both issues would be taken up outside the remit of the Safer Neighbourhoods scheme.

Cllr Dixon drew attention to the changes in road layout coming into effect on 19 May which would have an impact on traffic flow in the area; there was continued use of Hobson Street and St Andrews St as a 'rat-run' by traffic which would be affected by the changes.

Sgt Barnes said that he would draw that to the attention of officers dealing with the new layout.

Cllr Rosenstiel said that a nightclub operating in the area frequently flouted licensing conditions and while the City was preparing a prosecution, the Police appeared not to be using their existing powers to take appropriate action.

Sgt Barnes said that he was aware of this situation and invited to Cllr Rosenstiel to discuss it with him outside the meeting.

Cllr Hipkin asked for advice on how best to deal with a situation which regularly occurred on Histon Road Recreation Ground involving young people and dogs.

Sgt Barnes said that initially any problem with dogs was the responsibility of the City Councils Dog Warden service. However if there was an issue of assault then the Police should be called.

Members discussed the priorities suggested for prioritisation and

**Agreed** on the following priorities, taking into account the issues discussed,

- Violent crime within the city centre to remain a priority.
- Partnership to improve signage and investigate ways of tackling cycling the wrong way in the city centre.
- Community safety messages to be circulated re leaving satellite navigation systems in vehicles.

## **08/22 COMMUNITY DEVELOPMENT AND LEISURE GRANTS**

The Grants Officer reported on an application by the Oxford Road Residents' Association for a grant of £425 towards the running costs and social events to set up the Association. She confirmed that the application complied with other similar applications and that the events referred to would not be open to the community.

**Agreed** that a grant of £345 be made to the Oxford Road Residents' Association for this purpose.

## **08/23 ENVIRONMENTAL IMPROVEMENT PROGRAMME**

The Landscape Architect had set out the projects which needed approval.

Cllr S Reid suggested that members convene a workshop to discuss the strategy to be applied to the grant budget available to the Area. This followed the citywide workshop to discuss the strategy for the city. This would be held after 5pm on a date to be agreed.

***Cllr S Reid and Cllr Kightley to Action***

The following schemes were considered and the actions and related costs set out were **agreed**:

**Elizabeth Way Underpass** (joint scheme with East Area): replanting work to be carried out in Autumn 2008. £7,250



**Canterbury Street Traffic Calming:** progress discussion with County Highways Officers on practicable options identified with residents at the Scoping Workshop held on 2 April and take those practicable options to public consultation. £1,500

**Mud Lane lighting:** Defer pending discussion with County Officers and revenue budget identified. -

***Cllr S Reid to Action***

**Histon Road Recreation Ground:** consult Active Communities and Arboriculture Team on the replanting of the area. -

**Lammas Land Pavilion:** proceed with public consultation in collaboration with Active Communities, and costing. -

**Round Church Grounds:** proceed with investigation and costing. -

## **08/24 APPLICATIONS FOR PLANNING PERMISSION**

Full details of the decisions, conditions of permissions and reasons for refusal may be inspected in the Environment and Planning Department, including those, which the committee has delegated to the Head of Development Control to draw up.

These minutes should be read in conjunction with the reports on applications to the committee, where the conditions to the approved applications or reasons for refusal are set out in full and with the Amendment Sheet issued at the meeting. Any amendments to the recommendations are shown.

1

**Application No**  
**Site**  
**Proposal**

08/0280/FUL

1 Halifax Road

Erection of 4 one bed duplex flats and 11 bed-sitting rooms for Graduate accommodation with 2 parking spaces and associated external works (following demolition of existing shop, offices and outbuildings/workshops).

**Previous**  
**Decision and**  
**updated**  
**information**

The report drew attention to consideration of this application on 3 April 2008. The application had been recommended for approval but Members had determined to refuse the application on the grounds of the impact that the development would have upon the neighbouring occupier at 3 Halifax Road in terms of overshadowing and enclosure. Further information was included and the Inspector's letter was appended to the report.

Advice from the City Council's Solicitor had been received which suggested that in view of the fact that Members did not have sight of the Inspector's Decision letter dated 14 January 2008, in relation to a very similar scheme on the site, they could be criticised for not taking all 'material considerations' into account in refusing the application.

Due to an administrative error, officers failed to notify those making representations about the application and the applicant's agent of their public speaking rights and therefore they were not afforded the opportunity to address the Committee.

Both of these issues had now been addressed in bringing this report back to Committee to enable a fresh decision to be made.

An email had been received shortly before the meeting that indicated that the applicant might be minded to amend the application. However, the email had been received outside the deadline for submissions and could not be taken into account.

**Recommendation**  
**Applicant**  
**Public Speakers**  
**Decision**

Approve subject to conditions set out in the report.

Fitzwilliam College

Mr R Kay

**Defer** (by 6 votes to 2) on the following grounds

1. To enable clarification to be obtained in respect of alleged inaccuracies in the Inspector's Decision Notice in respect of the previous scheme on the site and to explore potential for challenge of the Inspector's Decision. (Officer Note – It was subsequently agreed that advice would be sought from the City Council's Legal Officer and circulated to Members to establish whether or not a legal representative should be available at the next Committee Meeting)

2. To enable full consideration of potential amendments which the Applicants have indicated could be brought forward to reduce the impact of the development on the occupiers of 3 Halifax Road.

<b>2</b>	
<b>Application No</b>	08/0461/FUL
<b>Site</b>	Mason's Court St Peter's Street
<b>Proposal</b>	Erection of a three storey dwelling
<b>Recommendation</b>	Approve subject to the satisfactory completion of the s106 agreement by 24 <sup>th</sup> May 2008 and subject to conditions
<b>Applicant</b>	Mr N Hellowell
<b>PSR</b>	Mr P Wales, Mr N Hellowell
<b>Decision</b>	<p><b>Approve</b> (by 8 votes to 0) subject to completion of the s106 agreement by 24 May 2008, subject to the conditions set out in the officer's report and the following amendments to the reasons for those conditions:</p> <p>Condition 2 replace 'Cambridgeshire and Peterborough Structure Plan policy P1/3' with 'East of England Plan 2008: ENV7'.</p> <p>Condition 4 replace 'Cambridgeshire and Peterborough Structure Plan policy P1/3' with 'East of England Plan 2008: ENV7'.</p> <p>Condition 5 replace 'Cambridgeshire and Peterborough Structure Plan policy P1/3' with 'East of England Plan 2008: ENV7'.</p> <p>Condition 6 replace 'Cambridgeshire and Peterborough Structure Plan policy P1/3' with 'East of England Plan 2008: ENV7'.</p> <p><b>Refuse</b> Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 24th May 2008 it is recommended that the application be refused.</p>

3

**Application No** 08/0093/S73  
**Site** Revolution, 3 - 8 Downing Street  
**Proposal** Variation of condition 1 of planning permission C/98/0231/FP, as amended by C/99/0671/FP, 06/1007/FUL, 07/0217/S73 to extend opening hours until 2:00hrs with an additional 30 minute dispersal time on Sunday to Thursday nights  
**Recommendation** Approve subject to conditions  
**Applicant** Inventive Leisure PLC  
**PSR** Mr M Pardoe  
**Decision** **Approve** (by 8 votes to 0) subject to conditions and the following amendments to conditions:  
Amendment to condition 1: replace 'Cambridgeshire and Peterborough Structure Plan policy P1/3' with 'East of England Plan 2008: ENV7'  
Amendment to condition 4: to read **23:30hrs**, not 23:00hrs.  
Amendment to condition 5: to read **23:30hrs**, except for Sundays where 23:00hrs is correct.  
(The above times were stipulated on the previous planning permission (Ref: 07/0217/S73) and have been carried over for consistency purposes and after discussions with the Environmental Health Officer.)

4

**Application No** 08/0286/FUL  
**Site** 7 Marion Close Cambridge  
**Proposal** Two storey rear extension and single storey studio to house  
**Recommendation** Approve subject to conditions  
**Applicant** Mike & Jo Sheldon  
**PSR** Mr J Rogers  
**Decision** **Approve** (by 7 votes to 0) subject to conditions set out in the officer's reports, the following amendment to  
Amend to condition 2: replace 'Cambridgeshire and Peterborough Structure Plan policy P1/3' with 'East of England Plan 2008: ENV7'.  
and an additional Informative to read:  
INFORMATIVE: In submitting details for discharge of Condition 2 the applicant is required to use non-reflective glass for the windows or to submit reasons why the use of such a material is not possible.

5

<b>Application No</b>	08/0366/FUL
<b>Site</b>	31 John Street Cambridge
<b>Proposal</b>	First floor extension to house
<b>Recommendation</b>	Refuse or the reasons stated in the officer's report
<b>Applicant</b>	Mr And Mrs Howard Jones
<b>PSR</b>	Mr P H Jones
<b>Discussion</b>	Members said that they could not support the reasons for refusal set out in the officer's report. They felt the design was satisfactory, that the loss of the gap at first floor level was not sufficiently significant and the residential amenities of neighbours had been respected. They were therefore minded to approve the application
<b>Decision</b>	<b>Approve against officer recommendation</b> (by 8 votes to 0) Reasons for Approval: 1. This development has been approved subject to conditions because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies: East of England Plan 2008: ENV7 Cambridge Local Plan 2006: 3/4, 3/14, 4/11 2. After representations had been made by the applicant and the Planning Officer and with knowledge of the local area Committee took the view that the proposed development will not be visually detrimental to the streetscene, will not detract from the terrace, has regard to its context and draws inspiration from its surroundings, reflects the character of the local area, protects amenity of adjoining occupiers and will enhance the Conservation Area. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

The meeting finished at 10.40pm

**CHAIR**

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**Report by:** Head of Policy and Projects

**To:** West/Central Area Committee 10 July 2008

**Wards:** Castle, Newnham and Market

**Environmental Improvements Programme**

**DECISION TO BE MADE: -**

***Proposed New Schemes:***

***Marlow Road/Eltisley Avenue junction yellow lining:*** *To proceed with detailing a yellow line proposal in consultation with County Highways and to agree costs of £1000 + 10% contingency.*

**1. BUDGET**

- 2.1 The budget for West/Central Area Committee is as shown below. Please note that the Outturns for the Area Committees have not, as yet, been completed.

<b>WEST/CENTRAL AREA COMMITTEE - ENVIRONMENTAL IMPROVEMENT PROJECTS 2007/2008</b>		
<b>Last updated 28 May 2008</b>		
	<b>£</b>	<b>£</b>
Budget for 2007/2008 financial year	£99,789	
Add roll-over from 2006/2007 budget	£96,274	
<b>TOTAL BUDGET FOR 2007/2008 FINANCIAL YEAR</b>		<b>£196,063</b>
Minus Actual 07/08 Budget Spend to end March 2008		-£42,504
<b>Committed Projects</b>	<b>Estimated Reserved Cost</b>	
	<b>£</b>	
Auckland Road/Parsonage St paving and lighting	£7,300	
Lammas Land cycle parking	£2,350	
Contribution towards Burleigh/Fitzroy Phase 3 refurbishment	£50,000	
Pinch point removal	£500	
Elizabeth Way underpass re-planting costs	£7,250	
Canterbury Street consultation costs	£1,500	
Minus Committed project budgets		-£68,900
<b>BALANCE OF 07/08 BUDGET as at end MARCH 2008</b>		<b>£84,659</b>
<b>ANTICIPATED BALANCE at 1 April 2008 INCLUDING 08/09 ALLOCATION OF £89,700</b>		<b>£174,359</b>



<b>Projects agreed by Ctte to be investigated, but no budget committed. Costs shown are estimated and will depend on detailed design and site investigation</b>	<b>Estimated Cost £</b>	
Canterbury Street traffic calming	£100,000	
Wall adjacent to the Student Union, Park Street	£15,000	
Manor Place cycle racks	£2,500	
Lammas Land Pavilion rebuild	£20,000	
Histon Road recreation ground seating	£1,000	
Mud Lane lighting	£5,000	
Round Church grounds	£7,500	
Mobility Crossings allowance	£2,000	
Pinch Point Removal allowance	£7,500	
<b>Estimated costs for projects under investigation</b>	<b>£160,500</b>	
<b>N.B.</b> The estimated costs shown above are merely given as a rough guide until the projects can be designed and costed.		

## **2. PROGRESS ON SCHEMES WITH BUDGET APPROVAL**

### **2.1 Elizabeth Way Underpass**

Replanting to be carried out in the autumn.

### **2.2 Auckland Road / Parsonage Street**

Expected to go to public consultation shortly.

### **2.3 Lammas Land Cycle Parking**

Design for cycle parking is complete and expected to be implemented shortly.

## **3. PROGRESS ON SCHEMES BEING PROGRESSED**

### **3.1 Canterbury Street**

A Scoping Workshop took place on 2 April 2008 with invited representative local residents and businesses. An update has been sent to all residents giving progress on the scheme.

The Workshop has enabled the EIP team to put together an informed brief to discuss with County Highways and to take a draft scheme to full public consultation.

### **3.2 Histon Road Recreation Ground Replanting Mound**

Planting design has been produced which is being discussed with the Arboricultural Team and Streetscene prior to consultation with the neighbouring landowner.

### **3.3 Manor Street / King Street Cycle Parking**

Installation of wall mount cycle racks or a rail. We are in consultation with the landowner Jesus College and with King Street Housing and we are awaiting a response from Bidwells who are acting as agents for Jesus College.

### **3.4 Round Church Street**

Recycling Area behind the Student Union and wall is unsightly and wall is in need of repair.

Officers have contacted the University to discuss but have had little response to date. Officers will continue to progress.

### **3.5 Lammas Land pavilion**

Proposal for the possible replacement of the existing dilapidated pavilion. Public consultation/leaflet drop is being organised to ascertain if and how many members of the public wish to participate in the consultation process and attend a meeting to take forward views and ideas for the replacement.

### **3.6 Round Church grounds**

Funding of minor repairs to be carried out in the grounds of the Round Church. Suppliers, craftsmen and costs to be investigated.

## **4. NEW SCHEMES FOR CONSIDERATION**

### **4.1 Marlowe Road and Eltisley Avenue junction**

Proposal to fund the introduction of double yellow lines at the junction of Marlowe Road and Eltisley Avenue.

Complaints have been received by County Councillor Reid from residents of Marlowe Road that parking on the 'bulge' that has recently been built at the junction of Marlowe Road and Eltisley Avenue is creating access problems for large vehicles. In particular, there have been occasions when waste collection vehicles could not get into Marlowe Road.

A survey has been carried out by Councillor Reid to all houses in Marlowe Road, and to houses in the adjacent sections of Eltisle Avenue and Grantchester Meadows. The survey included the plan below, indicating the proposed position of double yellow lines around the 'bulge'. A total of 28 responses were received, of which 89% were in favour of the double yellow lines.



*Recommendation: To allow officers to detail the yellow line proposal in consultation with County Highways and to agree funds of £1,000 + 10% contingency.*

*Decision to be made: To agree project and costs of £1,100.*

## 5. BACKGROUND PAPERS

None.

## 6. IMPLICATIONS

- a) **Staffing Implications:** Staff resources will result in only a limited amount of progress on Environmental Improvement projects in the near future.
- b) **Equal Opportunities Implications:** These are taken into account on individual schemes.
- c) **Environmental Implications:** All of the projects seek to bring about an improvement in the local environment.

- d) **Community Safety:** This has been included as one of the assessment criteria agreed by Committee and is considered on each project.

## 7. INSPECTION OF PAPERS

To inspect or query the background paperwork or report, please contact,  
Dinah Foley-Norman, Principal Landscape Architect  
**Telephone:** 01223 - 457134  
**Email:** [Dinah.foley-norman@cambridge.gov.uk](mailto:Dinah.foley-norman@cambridge.gov.uk)

<b>Application Number</b>	08/0609/FUL	<b>Agenda Item</b>	8.1
<b>Date Received</b>	6th May 2008	<b>Officer</b>	Mr Andrew Thompson
<b>Target Date</b>	1st July 2008		
<b>Ward</b>	Castle		
<b>Site</b>	9 Oxford Road, Cambridge, Cambridgeshire CB4 3PH		
<b>Proposal Applicant</b>	Erection of a 3 bed semi-detached house. Ms Caroline Stenner 9 Oxford Road, Cambridge, Cambridgeshire CB4 3PH		

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## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 This application relates to a detached house situated on the north-west side of Oxford Road. Number 9 Oxford Road is a buff-brick, Victorian building with a grey slate pitched roof, and two-storey bay windows to the front. The property has a garden to both the south-west and north-east side. The house has a two-storey, pitched-roof rear off-shoot, with a gable end facing the north-west. There is a first-floor, clear-glazed window, and clear-glazed, ground-floor windows in this north-west facing gable end. There is a single-storey, pitched-roof element on the north-east side of the rear off-shoot, and a single-storey conservatory on the south-west side of the house. The rear garden is predominantly grass, with some low shrubs and small insignificant trees around the border.
- 1.2 The front boundary structure to the front garden of number 9 comprises an approximately one metre high wall for part of its length, and a 1.8 metre high close-boarded fence for the south-west part of its length. This fence continues, to form the front boundary structure between numbers 5 and 9. There is a moderate-sized, twin-stemmed tree within the front garden of number 9, adjacent to the front boundary, in the south-east corner, adjacent to the boundary fence separating number 9 from number 5. There is a timber shed in the front garden of number 9, adjacent to this tree.

- 1.3 To the north-east, the neighbouring property, number 13 Oxford Road, is a semi-detached house. The side wall of the house is approximately one metre from the common boundary with number 9 which is delineated by an approximately 1.8 metre high timber fence for the majority of its length. There is a small conservatory attached to the rear of number 13, with clear-glazed windows along half its south-west elevation. There are also clear-glazed windows at ground, first, and second floor (attic) in the main south-west elevation of this neighbouring house. There is a substantial tree in the rear garden of number 13, in the corner adjacent to the rear boundary fence of number 9.
- 1.4 The neighbouring property to the south-west, number 5 Oxford Road, is a detached, pitched-roofed house, with buff-brick walls and grey slate roof. The north-east wall of this house abuts the boundary with the application site. There are no windows in this north-east elevation. This neighbouring house has a steep, mono-pitched roofed rear element, with the higher side of the pitched roof, at two-storey level, abutting the boundary, sloping down away from it. There is also a single-storey, mono-pitched roofed element to the rear of this, with the roof sloping down towards the rear. The common rear boundary between the two properties comprises an approximately 1.8 metre high close-boarded fence.
- 1.5 To the north-west, the rear garden of number 9 backs onto the rear gardens of numbers 2 and 3 Marion Close, two detached houses in a cul-de-sac that runs parallel to Oxford Road. The common rear garden boundary structure comprises an approximately 1.8 metre high close-boarded fence. There are two moderate-sized trees in the rear garden of number 2 Marion Close, adjacent to, and approximately mid way along the length of this boundary fence.
- 1.6 Oxford Road is residential in character, with a variety of ages and styles of detached, semi-detached and terraced houses, and a two-storey complex of flats, 'Australia Court', near the junction with Huntingdon Road.
- 1.7 There are no on-street car parking controls on Oxford Road.
- 1.8 The application site is not within a Conservation Area.

## 2.0 THE PROPOSAL

2.1 Erection of a three-bed, semi-detached house

2.2 The application is accompanied by a Design Statement.

## 3.0 SITE HISTORY

Reference	Description	A/C, REF, W/D
07/1334/FUL	Erection of a three-storey house	W/D

## 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

## 5.0 POLICY

### 5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3 (PPS 3) Housing :** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice;

sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

- 5.4 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.6 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
- 5.7 **East of England Plan 2008**

T1 Regional Transport Strategy Objectives and Outcomes  
T9 Walking, Cycling and other Non-Motorised Transport



T14 Parking  
ENV7 Quality in the built environment  
WM8 Actions for Waste Authorities, Waste Companies and  
other Partners

## 5.8 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision  
P9/8 Infrastructure Provision

## 5.9 **Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/11 The design of external spaces  
3/12 The design of new buildings  
4/4 Trees  
4/13 Pollution and amenity  
5/1 Housing provision  
8/2 Transport impact  
8/6 Cycle parking  
8/10 Off-street car parking  
10/1 Infrastructure improvements

Planning Obligation Related Policies

3/8 Open space and recreation provision through new  
development  
5/14 Provision of community facilities through new development  
10/1 Infrastructure improvements (*transport, public open space,  
recreational and community facilities, waste recycling, public  
realm, public art, environmental aspects*)

## 5.10 **Supplementary Planning Documents**

**Cambridge City Council (May 2007) – Sustainable Design  
and Construction:** Sets out essential and recommended  
design considerations of relevance to sustainable design and  
construction. Applicants for major developments are required to  
submit a sustainability checklist along with a corresponding  
sustainability statement that should set out information indicated

in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

## 5.11 Material Considerations

**Cambridge City Council (2004) – Planning Obligation Strategy:** Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

**Cambridge City Council (2006) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The proposal provides no off-street car parking space for either the existing or proposed dwellings. This has the potential to increase demand for on-street car parking in an area where competition for such spaces is already intense. There is, however, sufficient space within the curtilage of the site to provide two parking spaces.
- 6.2 It would be preferable for the bicycle parking spaces to be located at the front of the properties to encourage their use.

### Head of Environmental Services

- 6.3 No objection, subject to the imposition of conditions relating to construction hours and hours of collections and deliveries during construction.

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

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations:

- 5 Oxford Road

7.2 The representations can be summarised as follows:

- Would be too close to number 5 Oxford Road and would effectively create a terrace which would be out of character with the area;
- Risk of structural damage to number 5 because of proximity;
- Air vents in number 5 could become blocked;
- Overlooking of rear garden of number 5 from double door windows at first-floor;
- Loss of sunlight to rear garden of number 5.

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

## **8.0 ASSESSMENT**

8.1 The main considerations in the determination of this application are as follows:

1. Planning history
2. Principle of development
3. Context of site, design and external spaces
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Disabled access
9. Third party representations
10. Planning Obligation Strategy

## **Planning History**

- 8.2 This application has been submitted following the withdrawal of a previous application which was also for the erection of a three-bed, semi-detached house, but of a different design. This previous proposal included a large, flat-roofed element to the rear of the house, and a balcony at first-floor level. It was considered that the flat roof was inappropriate in appearance, and that the balcony would result in unacceptable overlooking of the dwellings in Marion Close which back onto the site. The present application overcomes these objections with a smaller, pitched roof rear element without a useable balcony.

## **Principle of Development**

- 8.3 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing, and PPS 13 Transport, subject to other criteria being met, including good design. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses. The proposed development is between two dwellings in a residential area. The proposal is therefore in compliance with this policy. There is no objection in broad principle to the proposed development, but the proposal has to be assessed against the criteria of other relevant development plan policies.

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

- 8.4 The proposal represents an in-fill development between two houses. The proposed house is described as being semi-detached, in that it would be attached to number 9 Oxford Road to the north-east, which is within the application site. However, the plans also show the proposed house as being attached to number 5 Oxford Road, to the south-west, which is outside the application site. The development would therefore effectively create a terrace of three houses.
- 8.5 The design of the proposed house replicates that of number 9, and would be of the same ridge and eaves height as this house and number 5. The design of the proposed house, in itself, is

acceptable with respect to the neighbouring houses to which it would relate.

- 8.6 An objection has been raised, by the occupant of number 5, on the grounds that the creation of a terrace of three houses as proposed, would be out of character with the street. However, as mentioned in the site description above, Oxford Road does not have a clearly-defined uniform character, but is instead comprised of a variety of ages and styles of detached, semi-detached and terraced houses, and a two-storey complex of flats, 'Australia Court', near the junction with Huntingdon Road. The creation of a terrace of three houses in this location would therefore not be out of character with the street, and is acceptable.
- 8.7 The proposal incorporates a substantial rear element that would project approximately 5.6 metres beyond the rear wall of the main part of the proposed house. However, this would be between the two-storey, pitched-roof, rear off-shoot of number 9 to the north-east, and the two-storey section of boundary wall to the mono-pitched roof rear extension of number 5, (and the mono-pitched roofed element to the rear of this), to the south-west, and would not project further to the rear of either. This particular element of the proposed house would therefore not be visually intrusive, and is, in itself, considered to be of an appropriate scale and design.
- 8.8 The proposal would have no impact on any trees of importance within or near the site.
- 8.9 The proposal is considered to be compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, and 4/4.

### **Residential Amenity**

- 8.10 As mentioned in the Planning History, this application has been submitted as an amendment to the previously withdrawn scheme, which was considered unacceptable partly because of concerns about loss of privacy to the houses in Marion Close that back onto the site. The present proposal incorporates a Juliet balcony at first-floor level, in the rear gable end. This style of window has been used apparently to maximize light to the bedroom that it would serve, there being no other window

directly serving this room. There would be a distance of approximately 12.5 metres from this gable wall to the rear garden boundary of number 2 Marion Close, and a further 15 metres or so between this boundary and the rear wall of the house of 2 Marion Close itself. At this distance, there would, in planning terms, be no significant overlooking of this neighbouring property, or of the others in Marion Close.

- 8.11 The occupant of the neighbouring property to the south-west, number 5 Oxford Road, raises an objection on the grounds of loss of privacy to his rear garden which he uses regularly. However, number 5 has a two-storey, blank side wall to the mono-pitched-roof rear extension abutting the side boundary of the application site. Views from the rear windows of the proposed house would be only of the end of the rear garden of number 5. This would not be sufficient, in planning terms, to justify refusal of the application. There would similarly be no significant overlooking of the rear garden of number 9 Oxford Road, to which the proposed house would be attached, because of the extent of the rearward projection of its two-storey off-shoot approximately 3.4 metres beyond the rear gable wall of the proposed house.
- 8.12 The occupant of number 5 objects to the proposal on the grounds of loss of sunlight to his rear garden. However, the relationship of the proposed house to this neighbouring property, as described above, is such that any loss of sunlight to the rear garden would be marginal, and insufficient, in planning terms, to warrant refusal.
- 8.13 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Refuse Arrangements**

- 8.14 Refuse stores are to be provided in the rear gardens of the existing and proposed houses, with access to both via a path adjacent to the side and rear boundary of number 9. Subject to the imposition of a condition requiring submission of details of the proposed stores, the proposal is compliant with East of England Plan (2008) policy WM8 and Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.15 The Highway Authority has raised no objection on the grounds of highway safety. The proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.16 The parking standards allow for the provision of 2 car parking spaces for dwellings of three or more bedrooms outside the Controlled Parking Zone. The present proposal provides none. Being relatively close to the city centre, with ready access to it by bus and bicycle routes, the site is considered to be appropriate for car-free development. It is recognised that there is a possibility that the occupants of a three-bed house would have a car, and that this would increase pressure on existing on-street parking facilities. However, it is considered that this would not, in this instance, constitute a reason for refusal, given the present policy emphasis on discouraging car use, together with the proximity of the site to the city centre. With regard to parking for disabled people, the parking standards require the provision of one space, and indicate that where such parking cannot be provided on site, it should be within 100 metres of it. In view of the policy aim of discouraging car use, and the potential availability of on-street car parking adjacent to the site (although not guaranteed), it is considered that refusal of the application solely on the grounds of lack of on-site disabled car parking facilities would not be appropriate in this instance.
- 8.17 For a three-bed house, the parking standards require the provision of three bicycle parking spaces. The proposal provides bicycle shelters in the rear gardens of the existing and proposed dwellings, with access to both via a path along the north-east side boundary and rear boundary of number 9. Subject to the imposition of a condition requiring the submission of details of the proposed shelter itself, this is considered acceptable.
- 8.18 The proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Disabled access**

- 8.19 The applicants have indicated that there is to be a ramped access to the principal entrance, details of which can be secured by condition. No off-street car parking space is provided. However, as indicated above, this is not, in this particular instance, considered sufficient grounds to refuse the application. On balance, the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Third Party Representations**

- 8.20 The occupant of number 5 Oxford Road has raised objections on the grounds of possible damage to his property and blockage of air-vents from the construction of the proposed house so close to his. However, these are civil matters and cannot be taken into consideration in the determination of this application. The other matters raised in the letter of objection have been addressed in the above assessment.

## **Planning Obligation Strategy**

- 8.21 The proposal generates the following contributions under the Planning Obligation Strategy:

Formal public open space:	£1080
Informal public open space:	£918
Children's play space:	£1197
Community facilities:	£1625

- 8.22 The applicants have agreed to enter into a Section 106 Agreement, in the form of a Unilateral Undertaking, to make these contributions. The Agreement has yet to be completed but subject to its completion, the proposal is compliant with the relevant Development Plan policy.

## **9.0 CONCLUSION**

The design of the proposed house is considered to be appropriate with regard to its immediate neighbours and to the wider context of the street. The creation of a terrace of three houses here is not considered to be detrimental to the appearance of Oxford Road, given that the street comprises a



mix of different dwelling types, including terraces. The proposal would result in no significant overlooking of neighbouring properties, nor significant overshadowing. Adequate provision for bicycle and bin storage can be made. The lack of off-street car parking provision, including specific provision for disabled people, is not, in the circumstance of this particular site, considered to be sufficient grounds for refusing the application. The applicants have agreed to comply with the terms of the Planning Obligation Strategy by means of a Section 106 Agreement.

## **10.0 RECOMMENDATION**

### **FOR RECOMMENDATIONS OF APPROVAL**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 31<sup>st</sup> August 2008 and 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 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

3. Except with the prior written agreement of the local planning authority, there shall be no collections from, or deliveries to, the site during the demolition and construction stages, outside the hours of 0700 hrs and 1900 hours Monday to Saturday (inclusive), and there shall be no collections from, or deliveries to, the site during the demolition and construction stages on Sundays or Bank and public holidays.

Reason: To protect the amenity of the occupants of nearby dwellings (Policy 4/13 of the Cambridge Local Plan 2006)

4. Bicycle parking: No development shall commence until details of facilities for the covered, secure parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

5. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 3/12)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policy 3/4)

7. 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policy 3/4)

9. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been made available for inspection on site and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

10. Before the building hereby approved is first occupied, the existing dropped kerb to the site shall be reinstated as a full-faced kerbed footway.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2)

11. Before the commencement of development, details of the proposed ramped access to the principal entrance to the dwelling hereby approved, shall be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure adequate access for disabled people (Cambridge Local Plan 2006 policy 3/12)

**INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

**INFORMATIVE:** The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or that cause a disturbance of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England Plan: T1, T9, T14, ENV7 and WM8

Cambridgeshire and Peterborough Structure Plan 2003: P6/1 and P9/8

Cambridge Local Plan 2006: 3/1, 3/4, 3/7, 3/8, 3/11, 3/12, 4/4, 4/13, 5/1, 5/14, 8/2, 8/6, 8/10 and 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

**2. In the event that the planning obligation required in connection with this planning application is not completed by 31st August 2008, it is recommended that this planning application be reviewed and, following consultation with Chair and Spokes of this Committee, REFUSED planning permission for the following reasons:**

The proposed development does not make appropriate provision for public open space in accordance with policies 3/8, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, Guidance for Interpretation and Implementation of Open Space Standards 2006.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



**08/0609/FUL**  
**9 Oxford Road Cambridge Cambridgeshire CB4 3PH**

<b>Application Number</b>	08/0280/FUL	<b>Agenda Item</b>	8.2
<b>Date Received</b>	26th February 2008	<b>Officer</b>	Mr Neville Doe
<b>Target Date</b>	22nd April 2008		
<b>Ward</b>	Castle		
<b>Site</b>	1 Halifax Road, Cambridge, Cambridgeshire CB4 3QB		
<b>Proposal</b>	Erection of 4 one bed duplex flats and 11 bed-sitting rooms for Graduate accommodation with 2 parking spaces and associated external works (following demolition of existing shop, offices and outbuildings/workshops).		
<b>Applicant</b>	Fitzwilliam College Mr Christopher Pratt MA ACIS Fitzwilliam College, Storey's Way, Cambridge CB3 0DG		

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### **UPDATE FOLLOWING CONSIDERATION BY WEST CENTRAL COMMITTEE ON 15 May 2008**

Members of the West Central Committee considered this application at their meeting on 15 May 2008. The application was deferred by Members in order to enable clarification to be obtained in respect of alleged inaccuracies in the Inspector's Decision Notice in respect of the previous scheme on the site and to explore potential for challenge of the Inspector's Decision. It was subsequently agreed that advice would be sought from the City Council's Legal Officer and circulated to Members to establish whether or not a legal representative should be available at the next Committee Meeting.

Legal advice was sought from the Council's Legal officers and this has been circulated to Members via email and is also attached to the Committee report (Appendix 1). This advice also contains the professional views of the case officer with regard to the alleged inaccuracies contained within the Inspector's Notice of Decision, concluding that this would not have affected the recommendation as presented to the Area Committee on 3<sup>rd</sup> April 2008 and then subsequently on 15<sup>th</sup> May 2008.

Since the application was last presented to Area Committee, the Bursar of Fitzwilliam College (the applicant) has met with the immediate neighbour from no. 3 Halifax Road to discuss his concerns about the profile of the new building along the boundary between the two sites and the effect of this on the residential amenity experienced by the occupant.

In response to the neighbours concerns, the applicant has agreed to make an amendment to the profile of the proposed new building on the boundary, by replacing the flat roofed section with a pitched roof. This alteration has resulted in a reduction at eaves level on the boundary of 750 mm, to reduce the sense of enclosure to the rear of no. 3 Halifax Road and to increase the levels of daylight that reaches the property. This minor amendment to the original scheme is considered to address the issues that were raised by the occupant of no. 3 Halifax Road and is considered to be a solution that is acceptable. The recommendation to approve the application remains unchanged.

## **UPDATE FOLLOWING CONSIDERATION BY WEST CENTRAL COMMITTEE ON 3 APRIL 2008**

### **INTRODUCTION**

Members of the West Central Committee considered this application at their meeting on 3 April 2008. The application was recommended for approval but Members determined to refuse the application on the grounds of the impact that the development would have upon the neighbouring occupier at 3 Halifax Road in terms of overshadowing and enclosure.

A reason for refusal was drafted by officers and subsequently agreed by the Chair. The agreed reason for refusal was as follows:

The proposed development would, by reason of the height, scale and massing of the proposed rear wing and its proximity to the north-eastern boundary with 3 Halifax Road, be likely to result in overshadowing and enclosure of that property to a degree that would have a significant adverse impact upon the amenities currently enjoyed by the occupiers of that property. In so doing the development fails to respond positively to its context or to recognise the constraints of the site. The development is therefore contrary to policy P1/3 of the Cambridgeshire and Peterborough Structure Plan (2003), policies 3/4 and 3/14 of the



Cambridge Local Plan 2006 and to guidance provided by PPS1 – Delivering Sustainable Development.

The Decision Notice has not been issued for two reasons:

- 1 Advice from the City Council's Solicitor has been received which suggests that in view of the fact that Members did not have sight of the Inspector's Decision letter dated 14 January 2008, in relation to a very similar scheme on the site, they could be criticised for not taking all 'material considerations' into account in refusing the application.
- 2 Due to an administrative error, officers failed to notify those making representations about the application and the applicant's agent of their public speaking rights and therefore they were not afforded the opportunity to address the Committee.

Both of these issues have now been addressed in bringing this report back to Committee to enable a fresh decision to be made.

## **THE INSPECTOR'S DECISION LETTER**

A copy of the Inspector's Decision Letter in respect of planning application reference 07/0112 is attached to this Update Report. As described below this application related to a very similar scheme to that which is now under consideration the principle difference being the design of the dormer window to the front elevation.

The previous application was not refused on the grounds of impact on 3 Halifax Road, however the Inspector did quite clearly consider this issue in reaching her decision. At paragraph 6 she states 'Bearing in mind the existing buildings and that their replacement would be set in 1.5m from the boundary, it would not appear unduly dominant from no. 3 Halifax Road.'

In the light of the Inspector's comments it would be difficult to argue that the issue of impact on residential amenity has not already been properly considered.

## **PUBLIC SPEAKING RIGHTS**

Both those making representations and the applicant's agent have been notified of their public speaking rights and are free to address the Committee directly should they wish to do so.

## **CONCLUSION**

Were the application to be determined on the basis of the decision made on 3 April 2008 then, given the circumstances described above, the decision would be open to challenge and were an Appeal to be submitted then the Council would almost certainly be liable to costs. This Update Report has addressed both of these matters and Members are invited to review their decision in the full knowledge that all material considerations have been brought to their attention and residents/the applicant has been afforded public speaking rights.

### **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is the first property on the north-western side of Halifax Road approximately 50 metres north-east of its junction with Huntingdon Road. The site currently contains a dwelling on the frontage which has at some time been converted for commercial use. To the rear, and wrapping around the north-west end of the site is a range of single and two-storey brick outbuildings which have up until recently accommodated a variety of low key, B1 light industrial uses.
- 1.2 The site is bounded to the south-west by the rear gardens of houses that front Huntingdon Road, and to the north-west by the rear gardens of the houses that front Richmond Road. To the north-west of the site and immediately adjoining, is the next house in the terrace fronting Halifax Road. On the opposite side of Halifax Road to the south-west are residential properties. The street and immediate context of the application site is characterised by terraced properties mostly in occupation by families or subdivided into flats. There is a large mature tree outside the site on the south-western boundary.
- 1.3 The site does not fall within a conservation area neither does it fall within a controlled parking zone.

## 2.0 THE PROPOSAL

- 2.1 The proposal is to demolish the existing buildings on the site, to which there is no objection in principle, and erect a two and half-storey frontage building which is to be divided into 11 bed sits with shared facilities, including common room and kitchens, and a linked single-storey block to the rear, along the north-eastern boundary, which contains four duplex flats. The accommodation is for graduate students of Fitzwilliam College.
- 2.2 The application is accompanied by the following supporting information:
1. Design Statement
- 2.3 This proposal follows an earlier scheme that was refused permission under Delegated Powers and was dismissed at a subsequent planning appeal. The inspector concluded that while the proposed development was acceptable in principle, the large box dormer that was proposed at the front of the building was unacceptable and would have a harmful impact upon the street scene. Therefore the proposal that is now for consideration is for an identical building in terms of its footprint, height, design and number of rooms, with the only difference being that the large dormer window [of the previous refused scheme] is replaced with two smaller dormer windows.

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>A/C, REF, W/D</b>
82/0872/FUL	Use of premises for restoration and sale of antiques with flat above	A/C
83/0188/FUL	Use of premises for light industrial use, ancillary shop and offices	A/C
07/0112/FUL	Erection of 4 no 1 bed duplex flats and 11 bedsits	REF dismissed on appeal

#### 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

#### 5.0 POLICY

##### 5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3 (PPS 3) Housing :** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing

style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

- 5.4 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.5 **PPG16: Archaeology and Planning (1990):** Provides policy advice with regard to archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.
- 5.6 **PPS25 Development and Flood Risk (2006):** States that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and that development should be directed away from areas at highest risk. It states that development in areas of flood risk should only be permitted when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding.
- 5.7 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.8 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
- 5.9 **Cambridgeshire and Peterborough Structure Plan 2003**

P1/3 Sustainable development in built development

## 5.10 Cambridge Local Plan 2006

- 3/1 Sustainable development
- 3/4 Responding to context
- 3/7 Creating successful places
- 3/11 The design of external spaces
- 3/12 The design of new buildings
- 4/4 Trees
- 5/1 Housing provision
- 8/2 Transport impact
- 8/4 Walking and Cycling accessibility
- 8/6 Cycle parking
- 8/10 Off-street car parking
- 10/1 Infrastructure improvements

### Planning Obligation Related Policies

- 3/7 Creating successful places (*public art/public realm*)
- 3/8 Open space and recreation provision through new development
- 10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

## 5.11 Material Considerations

**Cambridge City Council (2003) – Sustainable Development Guidelines:** Highlights issues that should be considered when drawing up policies and development briefs, appraising sites and development proposals. The Guidelines identify opportunities for mitigation of the impacts of development and for delivering environmental enhancement, giving examples of how this has been achieved in successful projects. The Guidelines include practical ways of implementing the principles of sustainable development at all stages of the development process. Applicants for major developments will be asked to complete and submit a Sustainable Development Checklist and a Sustainability Statement to accompany their planning application, setting out the key sustainable development issues relevant to the development, and describing how they have complied with the Guidelines.

**Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001)** - This document aims to aid strategic and development control planners when considering biodiversity in both policy development and dealing with planning proposals.

**Cambridge City Council (2004) – Planning Obligation Strategy:** Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

**Cambridge City Council (2006) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

6.1 No Objection

#### **Head of Environmental Services**

6.2 No objection subject to standard planning conditions to control noise and disturbance during demolition and construction.

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

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations:

4, 25, 33a Halifax Road

7.2 The representations can be summarised as follows:

The design of the proposed replacement building would be out of character with the existing terraces of houses.  
The proposed parking provision is inadequate.

Increased noise and disturbance.  
The density that is proposed for the site is too high.

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

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

### **Principle of Development**

8.2 Policy 7/7 of the Cambridge Local plan 2006 states that planning permission will be granted for windfall and student hostel sites subject to a) amenity considerations, b) their proximity to the institution they serve, c) supervision, if necessary, is provided as appropriate to their size, location and nature of the occupants, d) they do not result in a loss of family residential accommodation.

8.3 The current B1 light industrial use is not part of a site that is protected Industrial floor space through policy 7/2 of the Cambridge Local Plan 2006.

8.4 The site is within close proximity to Fitzwilliam College and also within an existing residential area. In my opinion, the redevelopment of this site for student accommodation would seem appropriate and the principle of the development is acceptable and in accordance with policy 7/7 of the Cambridge Local Plan 2006.



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

- 8.5 The site is approximately 525 square metres, which is on average approximately twice the size of the plots on Halifax Road. The site is surrounded on 3 sides by residential properties in an area of small to medium sized family housing that is laid out in a traditional street pattern.
- 8.6 The proposed scheme is for a total of 15 units arranged in a large building comprising a two and a half storey frontage building which spans most of the width of the site, and a rear linked element of one and a half storeys which in combination with the frontage part runs the entire depth of the site along the northern boundary, which it shares with the adjoining property, number 1 Halifax Road. There are small paved areas to the front and rear of the site to accommodate cycle parking and bin storage and which also provides a limited level of amenity space for occupants.
- 8.7 Whilst the external spaces would provide a sufficient area for the storage of cycles and waste/recycling bins, it would also allows some limited opportunity to be used as private amenity space, where residents could spill out of the common room onto the area immediately outside its rear doors.
- 8.8 The proposed development is a complete new build, which replaces a C19 house and later outbuildings. The frontage building loosely follows the existing form of the existing building, albeit with an increased depth of approximately half a metre, but keeping the same roof-pitch and formal fenestration which is characteristic of the general area. In addition however there is a pair of flat-roofed dormer windows at roof level on the street elevation, and between them, two rooflights.
- 8.9 The two smaller dormers, read as subservient elements in the roof plane, and line through vertically with the fenestration pattern of the first and ground floor below. In my view this revision improves the overall design and appearance of the proposed building by reducing the bulk and removing the 'top-heavy' appearance of the street elevation, to achieve a more refined and logical composition that I find to be acceptable.

8.10 Subject to agreeing building materials, I am satisfied that the design and appearance of the proposed building are appropriate to the context and that there is no harmful impact on the existing surroundings. The proposal is therefore in accordance with policies 3/4, 3/7 and 3/12 of Cambridge Local Plan 2006.

### **Disabled access**

8.11 The application is accompanied by a Design and Access Statement which states that the ground floor of the main block and the 4 duplex units will be fully wheelchair accessible and will include a disabled WC. The approach to the site from either direction is virtually flat and the small level change will be taken up in ramping of the ground space. The Council's Access Officer has commented on the proposal and raised no objection to it with regard to disabled access.

8.12 In my opinion the proposal addresses issues of disabled access and provision of disabled facilities adequately in accordance with policy 3/12 of the Cambridge Local Plan 2006.

### **Residential Amenity**

8.13 The proposed building has two distinct parts to it. The main frontage block is of a similar massing and scale to the existing and occupies an almost identical footprint. The rear-projecting element which contains the duplex flats is of similar height to the existing outbuildings at approximately 5.4 metres and is stepped in from the boundary by around 1.4 metres. Therefore in terms of impact on adjoining dwellings, there will be no greater impact than the existing built form.

8.14 All windows above ground floor level in the proposed building face towards the street or directly out onto the rear yard. There are no windows that look directly into neighbouring gardens or habitable room windows. I am satisfied that the proposed development would not result in any undue overlooking of residential properties or loss of privacy.

- 8.15 The Planning Inspector in her report commented that in her opinion, even if all the proposed units were in occupation at the same time, she would not expect comings and goings and general activity to adversely affect residents in Halifax Road as the access would remain on the south side.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Refuse Arrangements**

- 8.17 The submitted plans indicate an area to the rear of the site where bins will be stored although no details are supplied of the type of enclosure that will be on the site. However the developer could be required to provide full details through a planning condition.
- 8.18 In my opinion the proposal makes adequate provision of waste storage facilities in accordance with Cambridge Local Plan 2006 policy 3/12.

### **Highway Safety**

- 8.19 The Local Highway Authority has been consulted on this proposal and raises no objection in terms of highway safety. I am therefore satisfied that development is compliant with policy 8/2 of the Cambridge Local Plan 2006.

### **Car and Cycle Parking**

- 8.20 The proposal provides 2 off-street car-parking spaces, which is below the recommended provision of the Council's Car and Cycle Parking Standards. As these are maximum standards and the fact that the proposed development would be within easy walking distance of the college, it is considered that this level of parking provision is acceptable.
- 8.21 The submitted application drawing shows 19 cycle parking spaces, including 3 at the front of the building for visitors, which accords with the adopted Car and Cycle Parking Standards. In my opinion the proposal is compliant with Cambridgeshire and

Peterborough Structure Plan (2003) policy P8/1 and Cambridge Local Plan (2006) policy 8/2.

- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.23 Those concerns and objections that have been raised by third parties, have been addressed elsewhere in the assessment part of the report.

### **Planning Obligation Strategy**

- 8.24 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city.

- 8.18 The applicant contested the necessity of a Unilateral Undertaking on the grounds that the College already made adequate provision of formal and informal open space through its existing facilities within its ownership.

- 8.19 The Inspector made a consideration of the open space with regard to the needs of the occupiers and concluded that because the playing fields of Fitzwilliam College are less than 450 metres away from the development site that no contribution would be necessary. The Inspector also found that the college was well provided for in terms of useable informal spaces and concluded that in these circumstances there was no necessity for there to be a contribution towards informal open space as part of the proposed development.

## **9.0 CONCLUSION**

Given the findings and conclusion of the Appeal Inspector and the subsequent amendments to the proposed development, in my view the proposal is considered to be acceptable and is recommended for approval.

## 10.0 RECOMMENDATION

### **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 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/7 and 3/12)

4. No development shall take place until full details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted, shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan Policy 8/6)

5. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

6. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
  - i) contractors access arrangements for vehicles, plant and personnel,
  - ii) contractors site storage area/compound,
  - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
  - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2006 policy 4/13)

7. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the local planning authority for approval.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: To safeguard the amenity and health of future occupants of these residential units (Cambridge Local Plan 2006 policy 4/13)

8. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228 Noise and Vibration Control On Construction and Open Sites, especially Part 1: 1997 Code Of Practice (COP) for basic information and procedures for noise and vibration control, Part 2: Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance and Part 4: COP for noise and vibration control applicable to piling operations, (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

Reason: To protect the residential amenity of neighbouring residents (Cambridge Local Plan 2006 policy 3/4)

9. 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 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 Part 4: COP for noise and vibration control applicable to piling operations, Development shall be carried out in accordance with the approved details.

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

Reason: To protect the residential amenity of neighbouring residents (Cambridge Local Plan 2006 policy 3/4)



10. Prior to the commencement of development, a method statement for demolition (including details of any proposed on-site concrete crushing) and details of dust suppression measures shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the details agreed.

Reason: to protect the amenity of adjoining properties during the construction period. (Cambridge Local Plan 2006 policy 3/4)

11. Before the development hereby permitted is commenced, including any works of demolition, details of proposed wheel washing and other mitigation measures in relation to dust suppression shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.

Reason: In the interest of residential amenity (Cambridge Local Plan 2006 policy 3/4).

12. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

13. The development hereby permitted shall be used only as a hostel for the provision of residential accommodation for students attending full-time courses of education at the University of Cambridge and who are subject to proctorial control.

Reason: Inadequate off-street parking provision is available on site to meet the car parking standards of the City Council for any use other than a sui generis hostel use, the occupation of which is restricted to students who are subject to a system of parking control administered by the University of Cambridge. (Cambridge Local Plan 2006 policy 8/10).

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

**INFORMATIVE:** Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer.

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P1/3

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/11, 3/12, 5/1, 8/2, 8/4, 8/8

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



08/0280/FUL

1 Halifax Road Cambridge Cambridgeshire CB4 3QB

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Request for Legal Advice following decision at West Central Committee on 15/5/08

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TO: Members of West Central Area Committee

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## 1 INTRODUCTION

The applicant is Fitzwilliam College, Cambridge. The Application is to demolish existing buildings (a shop, offices, outbuildings and workshops) on the site and erect a two and a half storey frontage building to be divided into 11 bed sits with shared facilities, including a common room and kitchens, and a linked single storey block to the rear, along the north eastern boundary, which contains four duplex flats. The accommodation is for graduate students of Fitzwilliam College, Cambridge.

This application first came before the Committee on the 3<sup>rd</sup> April 2008. The application was recommended for approval subject to conditions being attached. However, Members determined to refuse the Application on the grounds of the impact the development would have upon the neighbouring occupier at 3 Halifax Road in terms of overshadowing and enclosure. The reason for refusal was:

“The proposed development would, by reason of its height, scale and massing of the proposed rear wing and its proximity to the north eastern boundary with 3 Halifax Road, be likely to result in overshadowing and enclosure of that property to a degree that would have a significant adverse impact upon the amenities currently enjoyed by the occupiers of that property. In so doing the development fails to respond positively to its context or to recognise the constraints of the site ...”

That Decision Notice was not issued following legal advice. At the meeting on 3<sup>rd</sup> April Members did not have sight of an Inspector’s Decision Letter dated 14<sup>th</sup> January 2008, following and an appeal against refusal of a similar scheme on site.

Appeal reference APP/Q0505/A/07/204974. The advice was the decision to refuse consent could be criticised, as members had not had the opportunity to take account of the Inspector's letter, which was a material consideration.

The Committee was invited to reconsider its decision at the meeting on 15 May and the Inspector's letter was placed before it. However Members were concerned that the Inspector's Decision contained a factual inaccuracy. The inaccuracy referred to at the Committee meeting related to paragraph 6 of the Inspector's Decision which states that:

"Bearing in mind the existing buildings and that their replacement would be set in 1.5 metres from the boundary, it would not appear unduly dominant from no. 3 Halifax Road.

Members thought that the replacement building would be closer than 1.5 metres to the boundary.

The Committee resolved to defer consideration of the application pending clarification of the alleged inaccuracy in the Inspector's Decision Notice in respect of the previous scheme on the site and to explore potential for challenge of the Inspector's Decision.

## 2. Legal Advice

1. It is too late to challenge the Decision Notice of the Inspector;
2. The Inspector's Decision is a material consideration but the Inspector's views are not binding;
3. If Members are satisfied that the Inspector's Decision Notice contains a factual inaccuracy, they are entitled to disregard her conclusions to the extent that the mistake of fact undermines the conclusions she has reached.
4. If Members are satisfied that the mistake of fact relates to material consideration, and the actual position with regard to the material consideration is such as to justify a refusal of consent, then Members are entitled to refuse the application.

5. In doing so, Members should be confident that the Council can give a clear account on appeal of the reasons why they concluded the Inspector's decision was inaccurate and of the reasons why this led them to refuse.

### 3. Planning Officer Advice

1. If one reads paragraph 6 of the Inspector's decision letter, it will be clear that she refers to the two distinct parts of the proposed development, referring firstly to the proposed frontage building, and then to the 'rear duplex building. The sentence which reads, "*Bearing in mind the existing buildings and their replacement would be set in 1.5m from the boundary...*", is immediately preceded by the sentence which reads, "*The rear duplex building would not be seen in public views.*". Therefore in my view, when the Inspector makes reference to the replacement being set in 1.5 metres from the boundary, she is referring specifically to the duplex element of the proposal.
2. The only minor discrepancy that I can see in the Inspector's findings, is that she refers to the building being 1.5 metres from the boundary, where as when scaled from the submitted application drawing (564-PL-06 Rev B) I found it to measure approximately 1.3 metres. Therefore if the Inspector's letter were to be read in isolation without the benefit of the application drawings, the reader could get the impression that the proposed development was marginally further from the neighbouring property than is actually the case. However we are only talking a matter of some 200mm (slightly less than a brick's length) and in my view is negligible and would make no difference to the recommendation.
3. Planning Officers have advised that the existing building is on the site boundary but does not extend along the full extent of the boundary. There is a gap at the rear of 3 Halifax Road. Part of the replacement building would be set off the boundary but that part closest to the rear of 3 Halifax Road would be on the boundary.
4. Members should have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Members should indicate whether the development proposed is in accordance with the Plan and the decision should be recorded in the Decision Notice. If there is no clear cut answer as to whether the proposal is in accordance with the Plan, the Committee should make a judgment bearing in mind such factors as the

importance of planning policies which are complied with or infringed, and the extent of the compliance or breach.

5. It is also necessary for Members to consider other material considerations of a planning nature.
6. A previous appeal decision concerning the same application site can be a material consideration in determining a subsequent application for development of the same site. The reason is for like cases to be decided in a like manner so that there is consistency in the decision making process. The Inspector's Decision Notice, is therefore a material consideration for Members to take into account when determining the current application.
7. The Committee is, however, free to disagree with the judgement of the Inspector in the Decision Notice, but before doing so must give reasons for its departure. It would be insufficient for the Committee merely to say that it disagrees with the previous decision, instead it should make it clear why it disagrees.
8. In the case before the Inspector, she concluded that the "harmful visual impact of the dormer means the development would be contrary to the aims of the relevant policies of the Cambridge Local Plan 2006, the saved policies of the Cambridgeshire and Peterborough Structure Plan and also to those of national policy in PPS1". The Inspector then dismissed the appeal.
9. Members should consider carefully the extent to which the present application mirrors that of the application before the Inspector. For example, Planning Officers have advised that the plans for the dormer windows in the present application have been amended so as to be less harmful in terms of visual impact. This is one of the matters Members should have regard to in deciding the amount of weight to attach to the Inspector's Decision and its relevance to the application before Committee.
10. Members should decide if the Inspector's Decision does in fact contain a factual inaccuracy, and if it does, consider the extent to which the inaccuracy affects the Inspector's decision to refuse the appeal before her. Members should then consider the weight to attach to the Inspector's Decision and its relevance to the current application.



11. If the Committee decides to depart from the policies and/ or the Inspector's Decision, it must give clear reasons so that the recipient of the decision will know why the decision is being made as an exception to the policy and the grounds upon which the decision is taken. The reasons should be recorded in the minutes of the Committee meeting.