

Application Number	09/0701/FUL	Agenda Item	11.1
Date Received	30th July 2009	Officer	Mr John Evans
Target Date	24th September 2009		
Ward	Coleridge		
Site	369 Cherry Hinton Road Cambridge Cambridgeshire CB1 8DB		
Proposal	Extension of care home for the elderly and demolition of 2 houses.		
Applicant	Mr John O'Kane Finance House Railway Approach Harrow Middlesex HA3 5AA		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site relates to the Cherry Hinton Nursing Home, a care home for the elderly, situated on the north-west corner of the junction of Cherry Hinton Road and Kelvin Close. The site area totals 0.32 Hectares and includes numbers 1 and 2 Kelvin Close to the north of the current nursing home curtilage. To the north and east, 2 storey semi detached properties front Kelvin Close and to the west are 3 storey buildings containing flats.
- 1.2 To the south of the site, fronting Cherry Hinton Road, are mature established trees which screen the nursing home from the street.
- 1.3 The site is not within the controlled parking zone (CPZ), and does not fall within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 This second revised application seeks consent for the erection of a 2 storey extension which would project 22.6m to the north of the northern flank of the existing building. The extension will create an additional 20 residential bedrooms together with day space and ancillary facilities. An additional 4 members of full time staff will be needed. Staff at the nursing home are spread

over different shifts through the day and night, with daytime staffing levels being at a maximum 11.

- 2.2 The extension will be constructed in materials to match the existing nursing home.
- 2.3 A car parking area is provided to the rear of the new extension and will provide a total of 15 spaces (including the 2 disabled spaces), compared with the 13 that exist to serve the present, smaller building. The existing rear amenity area will be landscaped.

Alterations to this second revised application

- 2.4 The main entrance has now been reconfigured to encourage visitors into the car park behind the proposed extension. The current pedestrian access will be removed completely. In addition, a drop off area is located in front of the main entrance with the 2 proposed disabled parking bays.
- 2.5 The application is accompanied by the following supporting information:
 - 1. Design and access Statement
 - 2. Car park survey
 - 3. Arboriculture and Planning Integration Report

3.0 SITE HISTORY

Reference	Description	Outcome
08/0298/FUL	Extension of care home for the Elderly and demolition of 2 houses.	Withdrawn
08/1233/FUL	Extension of care home for the Elderly and demolition of 2 houses.	Refused by East Area Committee against officer recommendation

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
DC Forum (meeting of): 12 November 08	Yes

Two Development Control forums have been held to discuss this scheme on 12 November 08 and 23 September 09.

The minutes of the DC Forums will be attached to the amendment sheet, as will the previous decision notice.

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 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.

5.4 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.

5.5 **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.

5.6 **East of England Plan 2008**

ENV7 Quality in the built environment

5.7 **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
3/14 Extending buildings
4/4 Trees
5/1 Housing provision
5/9 Housing for people with disabilities
8/2 Transport impact
8/4 Walking and Cycling accessibility
8/6 Cycle parking
8/10 Off-street car parking

5.8 **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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

- 6.1 No objections. The supporting documentation provides a survey of car parking usage at the site, carried out by the applicant.

The car parking provision is based on a pro-rata increase in demand within the site based upon that existing usage.

This would seem a reasonable approach to avoid over-provision.

Concern has been raised by members of the public that visitors to the site do not use the existing car parking, and that this causes problems on street.

Whilst the parking of cars by visitors to the site may cause inconvenience, such parking would not constitute a danger to other road users and is therefore not viewed by the Highway Authority as a reason to recommend refusal of planning permission.

Arboriculture

- 6.2 No objections. Mature trees along Cherry Hinton Road will not be affected, nor will trees along Kelvin Close. Additional planting is welcomed.

Environmental Services

- 6.3 No objections subject to the noise and demolition conditions.

Disability Panel

- 6.4 No objections subject to a number of recommendations for the internal fixtures and fittings.

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 Councillor Lewis Herbert and Councillor Tariq Sadiq have commented on this application. They feel that given concerns about its impact on a small street and its scale, that the application should be determined at East Area Committee rather than under delegated powers. Concerns have also been raised with the timing of the application over the summer when residents are potentially on holiday.
- 7.2 Councillor Chris Howell has also formally objected to the scheme on the basis that the building is too large and that the revised application details only minor alterations to the previously refused scheme.
- 7.3 The lead petitioner against the extension of the care home does not feel that the Development Control Forum was organised at a time convenient to residents of Kelvin Close. It is felt that there has been no opportunity to point out constructive alternatives, which might include moving the care home back from the street to allow larger vehicles access. The data used by the applicant is felt to be a biased sample and cannot be used to make a representative judgement on parking levels.
- 7.4 The owners/occupiers of the following addresses have made representations: 3, 4, 5, 15, 36, 37, 42 Kelvin Close and 17 Lime Tree Close. 206 Milton Road
- 7.5 The representations can be summarised as follows:

Objections in principle

- Objection to the demolition of 2 family homes
- The deeds to number 1 and 2 Kelvin Close state that they should only be used as a private dwelling house
- There does not seem to be any shortage of nursing home beds in Cambridge

Design concerns

- Out of character with Kelvin Close
- Building will look out of place in the street scene and will be imposing

Amenity

- Overshadowing to adjoining properties
- Concerns regarding lighting of building at night
- There will be an increase in noise and disturbance

Traffic and congestion

- The data used by the applicant is not robust to make a decision on this proposal
- Traffic during construction will cause problems in the narrow cul-de-sac.
- Increase in traffic due to extension

External areas and refuse storage

- The development will not provide the nursing home with any additional open space.
- Refuse bins are close to number 3 Kelvin Close

In addition to the above individual representations, a petition has been received that requested a Development Control Forum.

The petition makes the following points:

- The current application is almost the same as the withdrawn scheme.
- Design: Car home would change the character of the area
- Car Parking: The overflow of cars will park on Kelvin Close
- Traffic Flow: Ambulances have difficulty passing on the close.
- Deliveries: Revised main entrance is an improvement, although still unsatisfactory. The Highways Authority need to carry out a full assessment of traffic flows on Kelvin Close
- Intrusiveness: Loss of privacy to adjacent buildings
- Refuse Collection: The collection point is too close to the front door of number 3 Kelvin close.
- Construction Difficulties: noise and disturbance to residents.

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

8.0 ASSESSMENT

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

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

The previous application was refused for the following reasons:

- The proposal did not make appropriate off street provision for vehicular access and parking, particularly of delivery vehicles, which demonstrated that the external spaces of the development had not been designed as an integral part of the scheme.
- The failure to make adequate off street parking provision for delivery vehicles meant that the development would have an unacceptable transport impact on Kelvin Close, a narrow street where on street parking can already prejudice the free flow of traffic on the highway and has potential to obstruct emergency vehicles.

The acceptability of this scheme turns on whether the previous reasons for refusal have been addressed within the revised application. The fact that other issues were considered to have been satisfactorily addressed by the previous application is a material consideration.

Principle of Development

- 8.2 Local Plan policy 5/1 identifies a housing provision target for the city for 12,500 dwellings between the period 1999 and 2016. Furthermore the recently adopted East of England plan set out a minimum target of 16,700 dwellings to March 2021, which would equate to an average annual build target of 1110 dwellings per year.
- 8.3 Local Plan policy 5/4 seeks to resist the loss of housing to other uses unless it can be demonstrated that certain circumstances make it appropriate, such as when there is a need for community facilities or when the lost accommodation is replaced by an equivalent amount of residential floorspace. A nursing/care home is not regarded as a 'community facility' within the Cambridge Local Plan 2006, but does fall within Class C2 (residential institution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, therefore, although resulting in the loss of some housing, does meet criterion e) of Local Plan policy 5/4 in providing at least an equivalent amount of new residential floorspace, albeit residential floorspace of a different character. On this basis I consider the proposal is to be in accord with policy 5/4.
- 8.4 The proposal also needs to be assessed in the context of Local Plan policy 5/7, which addresses supported housing and housing in multiple occupation. Such housing adds to the mix and range of housing to meet the needs of a diverse community. The applicant identifies a national trend for the population of the elderly to increase, although currently Cambridge has a lower proportion of the over 60's as some residents move elsewhere upon retirement. However, I am of the view that an increase in supply of care homes would enable more residents to remain in the city if this is their wish. In addition, an increased provision of care homes is likely to benefit the community through more previously single occupied homes being released for more intensive use by couples or families.
- 8.5 The tests of impact upon the amenity of the area and suitability will be assessed later, but the principle of the development is in my view acceptable, and did not form a reason for refusal on the previous application.

Context of site, design and external spaces

- 8.6 The acceptability of this scheme turns on the detailed design and appearance of the extension in relation to the existing building and street scene.
- 8.7 Local Plan policy 3/14 states that extensions to existing buildings should reflect or successfully contrast their form and architectural detailing and should not dominate or overlook neighbouring buildings. In addition, new development should demonstrate that it has responded appropriately to its context and drawn inspiration from key characteristics of the surroundings to inform its siting, design massing and materials of construction.
- 8.8 This scheme proposes a seamless extension from the existing roof pitch, projecting by 14.6m. From this point the roof is set down from the main ridgeline in the form of a subordinate extension and projects by a further 8m. Whilst the width of the extension will be prominent within the street scene, the 2 gable features and dormer windows adequately break up the mass of the building, providing visual interest. The subordinate hipped end section of the building also provides a stepped progression to the smaller adjacent semi detached property at 3 Kelvin Close. The continuation of the existing form is an appropriate design solution and the matching materials will ensure that the extension will successfully reflect the character and appearance of the existing nursing home building.
- 8.9 Concerns have been raised that the building will be unduly cramped within the street scene and will alter the character of Kelvin Close. However, the building as extended will be of an appropriate size and scale in relation to the plot boundaries and will only rise 1.5m higher than the adjacent 2 storey residential property. The extended nursing home would also be set back by some 10m from the pavement and benefits from tree screening along Kelvin Close. The surrounding context of Kelvin Close is residential in character, although the nursing home is an established institution in the locality. The extended nursing home would not therefore compete with the residential character of Kelvin Close or be unduly prominent. The development is considered suitable for the site and surrounding character of the area.

- 8.10 In terms of the external spaces of the development, the scheme will improve the quality of the existing rear amenity area of the nursing home through a landscaped courtyard. This area is considered sufficient for the scale of the nursing home and will improve its setting through the retention of established trees on the site. Full details of the boundary treatment can be agreed through the imposition of a suitable planning condition, (condition 6).
- 8.11 Although the proximity to local services is not as relevant for this type of residential accommodation, there is a local centre close by and the position close to one of the City's major roads is beneficial for people trying to access the site. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 5/7.

Residential Amenity

- 8.12 Development for supported housing will generally be permitted provided that there is not an unacceptable impact upon the amenities of the area, in accordance with policy 5/7. In addition, extensions should not visually dominate neighbouring properties in accordance with policy 3/14. This application will have greatest impact upon the neighbouring number 3 Kelvin Close. Concerns have been raised regarding the visual impact and overshadowing of the new extension on the residents of this property. However, the gable end of this extension is positioned some 7.5m from the common boundary and will not therefore be unduly visually dominant. The proposed northern flank elevation will have 1 window opening at first floor level to serve the stairwell, although this can be ensured to be obscure glassed through the imposition of a suitable planning condition, (condition 8).
- 8.13 To the rear, the 2 storey rear projection which accommodates the lounge areas, is positioned some 17.5m from the rear wall of the flats to the west. However, there are no windows at first floor level, which will ensure that there will not be any direct overlooking between the 2 buildings.
- 8.14 Objections have been received regarding the increased disturbance from the comings and goings of visitors becoming more frequent should the extension be permitted. However, the number of visitor trips generated by the extended nursing

home will not in my view detract from neighbouring amenity. Generally, the majority of visitor trips to such establishments are made off peak, during daylight hours, which the applicants basic analysis of current car parking provision suggest is also the case here.

- 8.15 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

Tree Issues

- 8.16 The Council's Arboricultural officer has considered this scheme and is broadly content with the proposals. The mature planting to the front of the site will not be affected by the development.
- 8.17 From the Kelvin Close frontage the existing landscaping is mature and contributes positively to the street scene. The scheme retains the Cherry trees near the access which is welcomed. Suitable tree protection measures can be ensured through the imposition of a suitable planning condition.
- 8.18 To the rear, the scheme proposes a landscaped garden area which will improve the level of amenity for the residents of the nursing home and will retain the existing Lime and Cherry trees. In my opinion that application makes adequate provision for the retention of trees and is compliant with Cambridge Local Plan policy 4/4.

Disabled access

- 8.19 The application has been presented to the Council's Disability Panel, who do not wish to object to the proposal, subject to various recommendations relating to handrails and other internal fixtures and fittings. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.20 The application proposes a new bin storage area to the north of the building, which will allow for convenient collection. The bins are provided in a covered secure structure which will not be

prominent within the street scene. Whilst concerns are noted from the neighbouring property that the bins will be stored close to their property, given that there is a covered coverage storage area this is unlikely to occur.

- 8.21 To clarify, further to concerns raised at the September Development Control Forum, refuse will not be permanently stored adjacent to number 3 Kelvin close.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety and car parking provision

- 8.23 The site retains the existing access from Kelvin Close, which serves the new car parking area to the rear of the new extension. The increased bedroom accommodation at the nursing home was, and is still not considered by the County Highways Authority to have any significant adverse impact upon highway safety.
- 8.24 The scheme will provide 20 additional bedrooms and will require 4 new members of staff. In accordance with the adopted car parking standards, based on an average staffing presence of 15 and the 56 bedrooms overall, the development should provide approximately 17 to 18 spaces. The application as submitted shows the layout to provide parking for 14 (12 with 2 disabled) cars, which was the same as the previous application. However, this was submitted in error, and an amended block plan has been received which shows 15 car parking spaces (13 with 2 disabled). Given that the car parking standards are maximum standards, that staffing changeovers occur at different times during the day and that the site has good access to public transport, this provision is considered acceptable.
- 8.25 Further data has been received from neighbouring residents which shows that for approximately 10 to 15 days in every month, the existing car park is nearing capacity, although it is unclear at what times of the day. I recognise that this set of data offers a far more representative sample of the use of the car park than that submitted by the applicant. The applicants survey of car parking use only covers a 1 week period in July, but it does give an indication of usage through the day. The car park

appears to be used more around midday and early in the morning; the data provided by the applicant does not suggest the car park is at capacity. In my view whilst I acknowledge and the usefulness of the data provided by the applicant is limited, the subsequent amenity impact in terms of congestion to Kelvin Close based on all the evidence that is available is not considered to be so harmful, over and above the existing congestion problems that already exist, as to recommend refusal.

- 8.26 The second, linked reason for refusal related to the lack of off street parking for delivery vehicles and its associated impact the free flow of traffic in Kelvin Close. Kelvin Close is a narrow street where there is already congestion and competition for car parking. The application must be assessed on the basis of the impact of the extension over and above the existing traffic and access situation in Kelvin Close.
- 8.27 As a result of discussions at the first Development Control Forum the applicant has amended the main entrance to the care home to discourage parking on Kelvin Close. In addition, a dedicated drop off point has been formed within the site, which in my view adequately addresses the concerns regarding delivery vehicles blocking Kelvin Close. The access way to the rear parking spaces is relatively narrow, although it is satisfactory at 2.75m in width.
- 8.28 The traffic and parking problems in Kelvin Close can be addressed through careful management by the care home. Parking permits are issued by the care home and the use of the car park is monitored. The applicant is keen to engage with local residents to find acceptable solutions to the access and delivery problems and the changes to this revised planning application will contribute to improving the current situation. There are other mechanisms outside the remit of Planning Legislation such as controlled parking which could be explored to relieve parking and congestion in Kelvin Close.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Cycle Parking

- 8.30 Secure covered bicycle parking is provided within the site. This provision is in accordance with adopted parking standards. The application in my view is therefore compliant with Cambridge Local Plan (2006) policy 8/6.

Third Party Representations

- 8.31 The majority of the points raised in letters of representation received have been addressed in the above assessment.

Planning Obligation Strategy

- 8.32 Nursing homes within Class C2 of the Planning Use Classes Order are not required to make contributions in accordance with the Councils Planning Obligation Strategy. There are therefore no S106 requirements in relation to this proposal.

9.0 CONCLUSION

- 9.1 This application is acceptable in principle, providing accommodation for the elderly, which will increase the range of accommodation within the city. The form and appearance of the extension, which did not form part of the previous reasons for refusal is acceptable. The application provides an additional car parking space and dropping off area, which in my view will ease the congestion problem of delivery vehicles on Kelvin Close. Approval is therefore recommended.

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. 1. No work shall start on the application site (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until:
 - a) A Tree Protection Plan, as defined in BS 5837:2005 'Trees in Relation to Construction : Recommendation', containing the following Arboricultural Method Statements/specifications has first been submitted and agreed to, in writing, by the Council's Principal Arboricultural Officer:
 - Arboricultural method statements for the precise location and erection of tree protection barriers and ground protection for all trees retained on, and adjacent to, the site, in order to establish Root Protection Areas and construction exclusion zones;
 - Arboricultural method statements for any special engineering operations within Root Protection Areas;
 - Arboricultural method statement for any development facilitation pruning.
 - and,
 - b) that there has been:

A pre-construction site meeting between the site agent, the developers chosen arboriculturalist, and the Council's delegated Arboricultural Officer.

All development facilitation pruning, where required, has been completed in accordance with BS 3998:1989.

All tree protection barriers and ground protection measures have been installed to the satisfaction of the Council's delegated Arboricultural Officer.

All Arboricultural works shall be carried out by a competent tree contractor, proficient in both root-zone and aerial arboricultural work and shall follow strictly the agreed method statements and specifications.

All tree protection barriers and ground protection must be in accord with BS 5837:2005 clause 9 - "The construction exclusion zone: barriers and ground protection"

Reason: In the interests of adequate provision for the retention of trees on the site, Cambridge Local Plan 2006 policy 4/4.

4. 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)

5. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

6. 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 extension is occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

7. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, the applicant shall provide the local planning authority with a method statement for approval detailing the type of piling and the mitigation measures to be taken to protect local residents from noise and vibration. Development shall be carried out in accordance with the approved details.

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

8. The first floor window within the northern flank elevation of the extension hereby approved (shown in elevation D) shall be fitted with obscured glass and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring properties, Cambridge Local Plan policy 3/14.

9. Prior to the commencement of the development, the on site storage of facilities for waste including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall thereafter be maintained unless alternative arrangements are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, Cambridge Local Plan policy 3/14.

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 2008: ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/11, 3/12, 3/14, 4/4, 5/1, 5/4, 5/7, 5/9, 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.

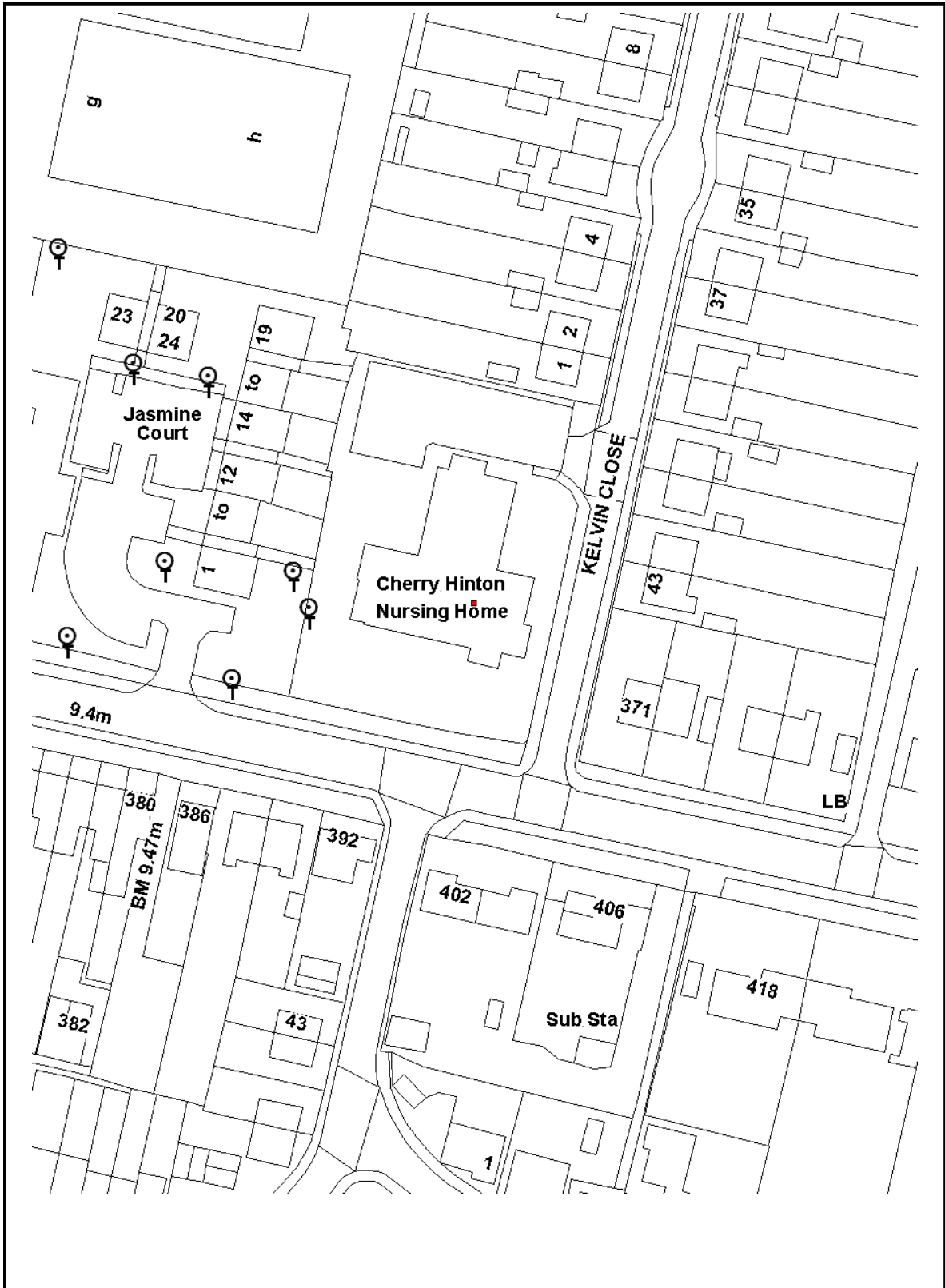
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

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.



09/0701/FUL

369 Cherry Hinton Road Cambridge Cambridgeshire CB1 8DB



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref:08/1233/FUL

Mike Bunyan
Carless and Adams Partnership
Progress Business Park
Whittle Parkway
Bath Road
Slough
Berkshire
SL1 6DQ

The Council hereby refuse permission for

Extension of care home for the Elderly and demolition of 2 houses.

at

369 Cherry Hinton Road Cambridge Cambridgeshire CB1 8DB

in accordance with your application received 16th September 2008 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The failure to make adequate off-street parking provision for delivery vehicles means that the development will have an unacceptable transport impact on Kelvin Close, a very narrow street where on-street parking can already prejudice the free flow of traffic on the highway and has the potential to obstruct emergency vehicles. For this reason the proposal is contrary to Cambridge Local Plan (2006) policy 8/2.

Simon Payne
Director of Environment & Planning
Cambridge City Council The Guildhall Cambridge CB2 3QJ
Telephone 01223 457000 Minicom (non-speaking phone) 01223 457050



2. The proposed extension of the care home is unacceptable in that the proposal does not make appropriate off-street provision for vehicular access and parking, particularly of delivery vehicles, which demonstrates that the external spaces of the development have not been designed as an integral part of the proposals. For this reason the proposal is in conflict with policies 3/11 and 3/14 of the Cambridge Local Plan (2006).

This decision notice relates to the following drawings:

A copy of the refused plan(s) is/are kept in the planning application file.

For further information please go to www.cambridge.gov.uk/planning to view the 'Your Decision Notice' leaflet. If you require a hard copy please contact Development Control on (01223) 457200.

Dated: 2 December 2008

Guildhall, Cambridge, CB2 3QJ

Director of Environment & Planning

SEE NOTES ATTACHED

PLANNING PERMISSION

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development' or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder planning application that was valid on or after 6th April 2009, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from www.planningportal.gov.uk/pcs

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONSENT TO DISPLAY AN ADVERTISEMENT

7. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)

