

<b>Application Number</b>	08/0508/FUL	<b>Agenda Item</b>	9.3
<b>Date Received</b>	4th April 2008	<b>Officer</b>	Mrs Angela Briggs
<b>Target Date</b>	30th May 2008		
<b>Ward</b>	Market		
<b>Site</b>	Waterstones 20 - 22 Sidney Street Cambridge Cambridgeshire CB2 3HG		
<b>Proposal</b>	Change of use of 3 floors from ancillary A1 retail use to C2 student accommodation and the creation of an additional 40m2 of student accommodation.		
<b>Applicant</b>	Sidney Sussex College C/O Bidwells		

---

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

- 1.1 20 – 22 Sidney Street fronts onto both Sidney Street and Hobson Street, with side access via Hobson’s Passage on the southern side of the site and Common Yard, an enclosed courtyard to the north. The locality is characterised mainly by a mix of shops, banks, cafes, restaurants and bars.
- 1.2 The ground and first floors are currently occupied by an A1 retail use (Waterstones). ‘The Place’ nightclub (Sui Generis Use) occupies the basement floor with its entrance at street level, set back from the public walkway, adjacent to the principle entrance to Waterstones. The nightclub also has a secondary entrance along Hobson’s Passage for disabled access and emergency exit only. The 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors are not presently used but were until recently occupied by Waterstones.
- 1.3 The application site falls within an area allocated as Primary Shopping Frontage by the Cambridge Local Plan 2006 and falls within the Central Conservation Area. The building is a Building of Local Interest (BLI). The site also falls within the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The application is for full planning permission for a change of use of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors of the building from A1 (Retail) to C2 (Student accommodation) for Sidney Sussex College. The application also proposes an extension of 40m<sup>2</sup> to be achieved by replacing and increasing the existing mansard roof, making a useable fourth floor. The circular windows on the Hobson's Passage elevation will also be re-instated to allow additional light into the building. The change of use will create 48 en-suite student bedrooms with kitchen and dining facilities across the three floors.
- 2.2 The elevations that front Sidney Street and Hobson Street will remain largely unchanged, retaining much of its historic character.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Noise Survey

## **3.0 SITE HISTORY**

- 3.1 There is extensive history relating to the site but these relate mainly to Waterstones and the nightclub only (shopfront and advertisement applications) and as such do not affect the areas, subject of this application.

## **4.0 PUBLICITY**

- |                                         |     |
|-----------------------------------------|-----|
| 4.1 Advertisement:                      | Yes |
| Adjoining Owners:                       | Yes |
| Site Notice Displayed:                  | Yes |
| 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 **PPS6 Planning for Town Centres (2005):** States that the key objective for town centres is to promote their vitality and viability by planning for growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. The statement seeks to enhance consumer choice to meet community needs and ensure new development is well served by a choice of means of transport.
- 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 **PPG15 Planning and the Historic Environment (1994):** This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.
- 5.6 **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.
- 5.7 **East of England Plan 2008**

SS1 Achieving sustainable development

SS6 City and town centres  
ENV6 The historic environment  
ENV7 Quality in the built environment  
WM8 Waste management in development

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

6/1 Development-related Provision  
9/8 Infrastructure Provision

## 5.9 **Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating Successful Places  
3/14 Extending buildings  
4/11 Conservation Areas  
4/12 Buildings of Local Interest  
4/13 Pollution and amenity  
7/7 College and University of Cambridge Staff and Student Housing  
8/6 Cycle parking

Planning Obligation Related Policies

10/1 Infrastructure improvements (*informal and formal open space*)

## 5.10 **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.

**Cambridge Historic Core – Conservation Area Appraisal (2005):** Provides an appraisal of the Historic Core of Cambridge.

## **6.0 CONSULTATIONS**

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

- 6.1 The plan shows several doors opening outwards onto Hobson's Passage. Hobson's Passage is a public highway. The plans must be amended to remove any door that open over the public highway.

### **Head of Environmental Services**

- 6.2 No objection to the revised noise report, subject to conditions relating to noise mitigation and insulation.

### **Conservation Officer**

- 6.3 No objection subject to conditions relating to flues, pipes, window details, roof details, dormers and rainwater goods. The round windows along the southern elevation facing Hobson's Passage should be re-instated.
- 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:

Alliance Planning (acting on behalf of Luminar Leisure who operate 'The Place' nightclub in the basement floor of the building)

- 7.2 The representations can be summarised as follows:

The application fails to consider noise impact.  
A noise report should be commissioned and assessed by the LPA.

- 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. Residential amenity and noise
4. Refuse arrangements
5. Highway safety
6. Cycle parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

8.2 Policy 7/7 of the Cambridge Local Plan generally supports windfall student accommodation associated with the colleges subject to amenity considerations, their proximity to the institutions they serve, supervision, if necessary, is provided as appropriate to their size, location and the nature of the occupants, and the proviso that they do not result in a loss of family residential accommodation.

8.3 The proposed accommodation is in close proximity to Sidney Sussex College. The application does not propose supervision; I do not consider that this is necessary given the proximity to the college and adjacent non-residential uses. The building does not currently accommodate any residential uses and as such the application would not result in the loss of family residential accommodation.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 7/7 of the Cambridge Local Plan 2006, subject to further consideration of amenity impacts.

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

8.5 Policy 3/4 of the Local Plan is relevant and seeks to ensure that development responds to its context and draws inspiration from the key characteristics of their surroundings to create distinctive places. Equally important is Policy 4/11 of the Local Plan which seeks to ensure that all development, including those that

propose to alter existing buildings, in Conservation Areas, enhance or preserve the character of the Conservation Area. Policy 4/12 specifically refers to Buildings of Local Interest and seeks to ensure that applications for planning permission to alter Buildings of Local Interest is considered in the light of the Council's approved Guidance on Alterations and Improvements to Buildings of Local Interest.

- 8.6 Together with the change of use element of the application, the application proposes minor alterations to the external façade of the building, mainly along the Hobson's Passage elevation, which include the addition of new windows on the 4<sup>th</sup> floor, and existing windows opened up at 3<sup>rd</sup> floor level. The round windows at 2<sup>nd</sup> floor level are also proposed to be reinstated, following comments from the Conservation Officer.
- 8.7 In my view, these minor alterations make a positive contribution to the character of the Conservation Area and enhances the historic character of the building by re-emphasising the original historic features that exist on this building of local interest and therefore helping to preserve it.
- 8.8 It is also proposed to replace the existing mansard roof and increasing the floor area by 40m<sup>2</sup>. In my view, this modest enlargement would not have a detrimental impact on the character of the Conservation Area. The Conservation Officer raises no objection to this proposal.
- 8.9 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 4/11 and 4/12.

### **Residential Amenity and Noise**

- 8.10 The site is situated within an area that is characterised by a variety of uses. The level of activity associated with these uses is, in my view, high in terms of the noise and disturbance created by movement along the street mainly by people, including at night when the nearby pubs and restaurants are open. It is therefore safe to assume that if there were any residential uses in the vicinity, which there are, they would be affected by this level of activity on a regular basis. There are also other examples of student accommodation within the City Centre that are also in close proximity to similar active areas,

such as in Jesus Lane, and as such I do not consider that the occupants of the proposed student accommodation will be significantly affected by these current activities. Equally, I do not consider that the change of use to provide student accommodation will have a detrimental impact on neighbouring buildings, especially in terms of noise and disturbance.

- 8.11 Concerns have been raised by Alliance Planning who act on behalf of Luminar Leisure who operate 'The Place' Nightclub located in the basement of the building. Their initial concerns relate to the absence of a noise report with the application. The Environmental Health Officer also raised the same concern. The agent was informed of these concerns and a noise report was commissioned. The noise report was not adequate enough to alleviate the Environmental Health Officer's concerns and more information was requested and submitted.
- 8.12 The Environmental Health Officer, having considered the updated noise report, is confident that a sufficient noise insulation scheme can mitigate the low frequency noise and achieve a suitable noise environment within the development preventing nuisance complaints about the nightclub, in accordance with PPG24. He does however also mention in his comments that full details of sufficient noise insulation scheme including floor and window treatment and details of ventilation have yet to be supplied and agreed. I am of the view that these details can be adequately dealt with by way of a suitably worded planning condition, if approved, and would ensure that these details are agreed before the use commences.
- 8.13 Alliance Planning are, however, still concerned about the technical content and data of the noise report and they are not convinced that the proposed student accommodation can be adequately protected against noise from the basement nightclub (which operates until early morning hours) and as a consequence will result in complaints being made by the students about the noise disturbance.
- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and its future occupiers of the student accommodation, and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4 and 4/13.



## **Refuse Arrangements**

- 8.15 Common Yard is an enclosed courtyard, which is owned by Sidney Sussex College, located to the north of the site, accessed via Hobson's Street, allowing access for refuse storage. An area has been allocated to a secure bin store that is easily accessible from Hobson's Street.
- 8.16 In my opinion the proposal is compliant with East of England Plan (2008) policy WM8 and Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.17 The Local Highways Authority raised initial concerns about the doors opening outwards onto Hobson's Passage. Amended plans have been received to ensure that no doors open outwards onto Hobson's Passage, alleviating the Highway Engineer's concerns.
- 8.18 In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.19 Within the enclosed Common Yard there is an unused cycle store, which has a capacity of 34 cycles. It is the intention to bring this cycle store back into use providing cycle storage for the building. In accordance with the City Council's parking standards a provision of 1 space per 2 bed spaces and 1 space per 5 bed spaces for visitors within the Historic Core Area has been made.
- 8.20 There is no provision for car parking within the site. The occupants of the development will be subject to proctorial control and the application site is well within a controlled parking zone, therefore there will be no impact in terms of overspill parking.
- 8.21 In my opinion 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.

## **Third Party Representations**

- 8.22 1 letter of objection was received from Alliance Planning. I have addressed the third party concerns earlier in my report and have no further comments.

## **Planning Obligation Strategy**

### *Formal and Informal Open Space*

- 8.23 The application triggers the requirement of financial contributions to be made towards Formal and Informal Open Space, in accordance with the Planning Obligation Strategy 2004.
- 8.24 The application includes information, which seeks to demonstrate that Sidney Sussex College have adequate areas of formal and informal open space in close proximity to the site. In terms of Formal Open Space, Sidney Sussex College have an agreement with St John's College to have full access to use St John's College playing fields. The playing fields include rugby, football and hockey pitches as well as a cricket square and tennis courts.
- 8.25 In terms of Informal Open Space, the college has 'green' areas that college students can use for relaxation purposes including all garden areas in outlying properties away from the main college site. These 'green' areas are illustrated on a plan, submitted as part of the application and indicate areas such as Hall Court (in front of the Lodge) and Chapel Court as being areas of informal open space. These areas are within 100m of the site, subject of this application.
- 8.26 The Planning Obligation Strategy 2004 provides us with guidance on whether adequate open space is provided by a proposed development. The table under Section 3.3.13 (page 17) is particularly helpful as it gives us the costings of each type of open space where full provision is not made within the development. Using the site area figures indicated on the submitted plan and the number of students at the main College site (provided by the agent), I have calculated that there would be nearly 40m<sup>2</sup> of open space per student which is well above the minimum amount of 18m<sup>2</sup> shown in the table.

8.27 In my view, therefore, I am satisfied that the application has demonstrated that there is adequate formal and informal open space that are within close proximity to the site, and as such no additional financial contributions would be required as part of this proposed development.

#### *Transport and Other Issues*

8.28 The proposed development will result in a reduction in trips compared with the previous retail use therefore there is no requirement for commuted sum payments towards strategic transport improvements.

8.29 The application does not constitute 'major development'; therefore there is no policy requirement for public art. There are no other planning obligation requirements.

## **9.0 CONCLUSION**

9.1 In conclusion, I am of the view that the proposed change of use to provide student accommodation together with the proposed additional 40m<sup>2</sup> floorspace, complies with the relevant Development Plan Policies as rehearsed above, and the application is recommended for approval.

## **10.0 RECOMMENDATION**

### **FOR RECOMMENDATIONS OF APPROVAL**

#### **1. APPROVE subject to the following conditions:**

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. No boiler flues, soil pipes, waste pipes or air extract trunking, etc. shall be installed until the means of providing egress for all such items from the new or altered bathrooms, kitchens and plant rooms has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

3. Prior to the commencement of development, large scale drawings of details of new / altered external sills, lintels, jambs, transoms, mullions, thresholds, etc. to be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

4. 3. Prior to the commencement of development full details of proprietary rooflights shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

5. All redundant and disused services including cables, pipes, ducts, vents, grilles, trunking, switchgear, wiring, extractor fans, air conditioning plant, conduits and the like, are to be removed carefully from the historic building and the resulting areas made good to match the nearby historic work or to the satisfaction of the local planning authority.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

6. Prior to the commencement of development, full details of opening(s) between this building and the adjacent Listed Building shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the visual amenities of the Conservation Area, listed buildings and Building of Local Interest (Cambridge Local Plan policies 4/10, 4/11 and 4/12)

7. Prior to the commencement of development, full details of all parapet walls and their copings, including type, design [cross-sectional drawings may be appropriate], fixings and materials, to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

8. Prior to the commencement of development, a contractor's method statement shall be submitted to and approved by the local planning authority. The statement shall include the proposed measures to avoid damage to fabric or features of the Building of Local Interest including stone carvings of ship's prows and Prince of Wales feathers, decorative ironwork balconies and grilles, polychrome brickwork and decorative window frames. The works hereby approved shall not commence until after the protective measures required above have been approved and installed to the satisfaction of the local planning authority.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

9. No new windows shall be constructed in the existing building of local interest, nor existing windows altered until drawings at a scale of 1:10 of details of new or altered frames, sills, lintels, jambs, transoms, polychrome surrounds and mullions have been submitted to and approved in writing by the local planning authority. Window construction and alteration shall take place thereafter only in accordance with the approved drawings.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

10. No metal-clad or roofs shall be erected until full details thereof, including materials, colours, surface finishes and relationships to rooflights or other rooftop features have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the agreed details.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

11. No dormers shall be constructed until full details, at a scale of 1:10, showing the construction, materials, rainwater disposal and joinery of the dormers, including their cheeks, gables, glazing bars and mouldings, have been submitted to and approved in writing by the local planning authority. Dormers shall thereafter be constructed only in accordance with the approved details.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

12. No rainwater goods shall be installed until full details of the means of rainwater collection and disposal have been submitted to and approved in writing by the local planning authority. Rainwater goods shall thereafter be installed only in accordance with the approved details.

Reason: In the interests of the visual amenities of the Conservation Area and Building of Local Interest (Cambridge Local Plan policies 4/11 and 4/12)

13. The building shall not be occupied until the cycle parking area shown on the approved plans has been provided. Thereafter the cycle parking shall not be used other than for the parking of cycles.

Reason: To ensure satisfactory provision of cycle parking. (Cambridge Local Plan 2006 policy 8/6)

14. 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)

15. Prior to the commencement development, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the bedrooms/living rooms to the high ambient noise levels in the area (dominated by entertainment and plant noise) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings Code of Practice. Where the external noise environment precludes the use of openings such as windows for ventilation, the scheme shall include details of the ventilation system to be installed. The scheme shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior written approval from the Local Planning Authority.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area (Cambridge Local Plan 2006 Policy 4/13)

16. The development hereby permitted shall be used only for the provision of residential accommodation for students of Sidney Sussex College attending full time courses of education at the University of Cambridge or by delegates attending conferences organised by Sidney Sussex College.

Reason: To secure the occupation of the accommodation in the interests of ensuring that future occupants have access to formal and informal open space and to meet the need for student accommodation within the City of Cambridge. (Cambridge Local Plan 2006 policies 3/8 and 7/7).

**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).

### **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: ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/14, 4/11, 4/12, 4/13, 7/7 and 8/6

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**

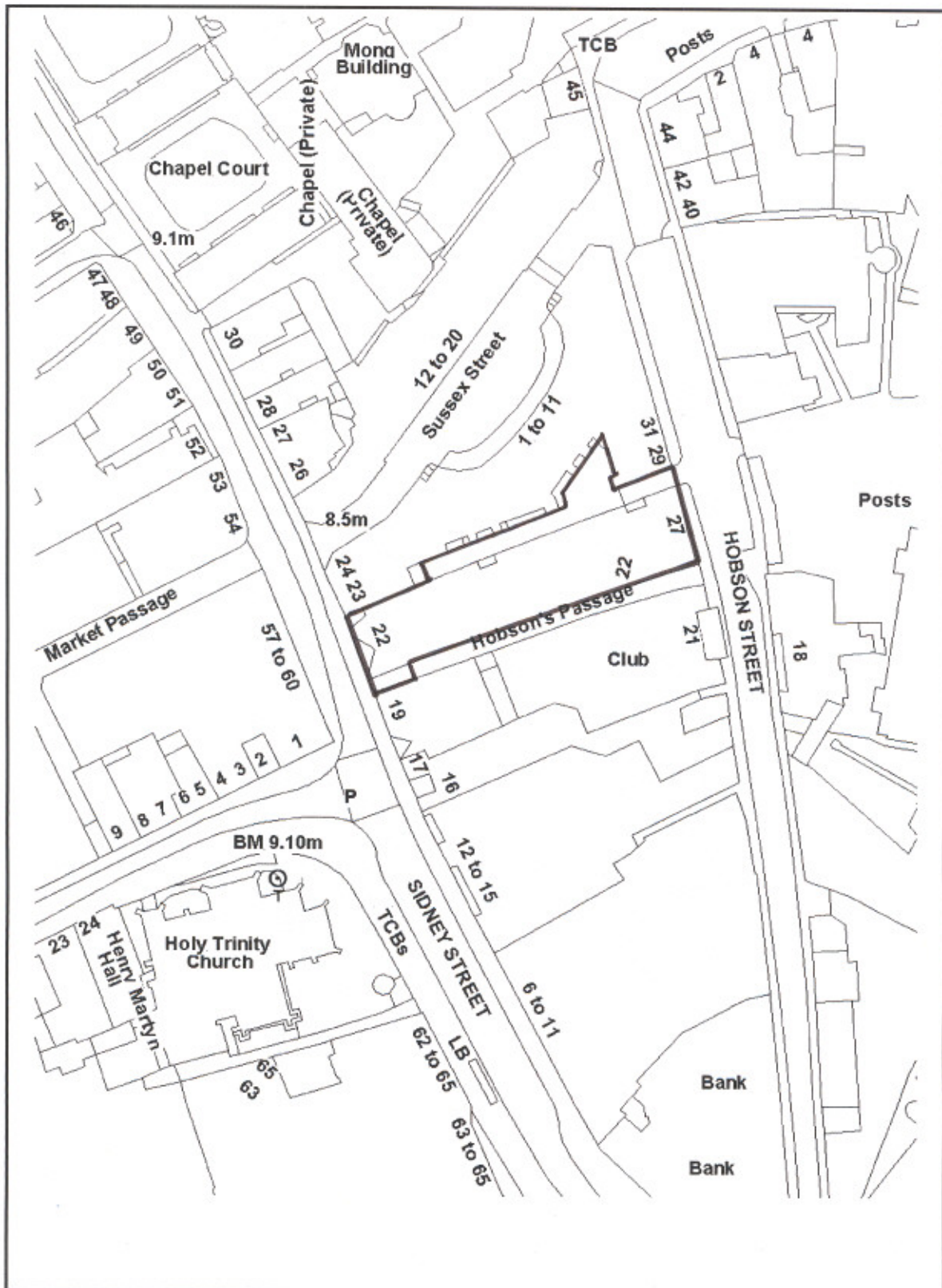
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

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.



**08/0508/FUL**  
**Waterstones 20 - 22 Sidney Street Cambridge Cambridgeshire**