



Public Document Pack

Cambridge City Council

Planning Committee

To: Councillors Stuart (Chair), Tunnacliffe (Vice-Chair), Blencowe, Brown, Dryden, Hipkin, Marchant-Daisley, Saunders and Znajak

Alternate Councillors: Herbert and Tucker

Published & Despatched: Tuesday, 27 March 2012

Date: Wednesday, 4 April 2012
Time: 9.30 am
Venue: Committee Room 1 & 2 - Guildhall
Contact: James Goddard

AGENDA – AMENDMENT SHEET

4 Planning Applications

Information for the Public

QR Codes
(for use with Smart
Phones)

Local Government (Access to Information) Act 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each of the above reports on planning applications:

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 Patsy Dell (01223 457103) in the Planning Department.

Location

The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.



Development Control Forum

Meetings of the Development Control Forum are scheduled for a week after the meetings of Planning Committee if required.

Public Participation

Some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

Members of the public who want to speak about an application on the agenda for this meeting may do so, if they have submitted a written representation within the consultation period relating to the application and notified the Committee Manager that they wish to speak by **12.00 noon on the day before** the meeting.

Public speakers 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.

For further information on speaking at committee please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

**Representations
on
Planning
Applications**

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 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.

**Filming,
recording and
photography**

Filming, recording and photography at council meetings is allowed subject to certain restrictions and prior agreement from the chair of the meeting.

Requests to film, record or photograph, whether from a media organisation or a member of the public, must be made to the democratic services manager at least three working days before the meeting.

The Democratic Services Manager can be contacted on 01223 457013 or democratic.services@cambridge.gov.uk.

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disabled people**

Access for people with mobility difficulties is via the Peas Hill entrance.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Adapted toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request.

For further assistance please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Queries on reports

If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.



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PLANNING COMMITTEE MEETING – 4TH APRIL 2012

Amendment/De-brief Sheet

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: **11/1538/S73**

Location: Redevelopment Station Area CB1, Station Road

Target Date: 15.03.2012

To Note:

Comparison between Previous Government Guidance and National Planning Policy Framework

Previous Government Guidance	National Planning Policy Framework Reference	Comment
PPS1	Section 7	I am satisfied that the proposal is in accordance with this section. In particular (paragraph 58) the development will function well and add to the quality of the area, will establish a strong sense of place when read on conjunction with other approved development and form part of the creation of an appropriate mix of uses.
PPS3	Section 6	I am satisfied that the proposal is in accordance with this section. In particular the proposal meets the need to provide for a mix of housing to meet the needs of different groups in the community (paragraph 50).
PPS4	Section 2	I am satisfied that the proposal is in accordance with this section. In particular the guidance highlights the importance of residential uses as part of town centre uses (paragraph 23).

PPS5	Section 12	I am satisfied that the proposal is in accordance with this section. In particular the application is supported by a Heritage Statement which correctly identifies heritage assets and the impact of the development upon them. (paragraph 129). This new development also benefits the appearance of the Conservation Area (paragraph 137).
PPS9	Section 11	I am satisfied that the proposal is in accordance with this section. In particular the development includes tree and shrub planting and green roofs which will enhance biodiversity (paragraph 118).
PPG13	Section 4	I am satisfied that the proposal is in accordance with this section, particularly the requirements to locate development where the need to travel will be minimised (Para 34), to exploit opportunities for the use of sustainable transport modes (Para 35), to use Travel Plans (Para 36), and to assess the appropriateness of car parking in the local context (Para 39).
PPS 22	Section 10	I am satisfied that the proposal is in accordance with this section. In particular the development incorporates a strategy to reduce energy use combined with the use of solar panels (paragraphs 96 and 97).
PPS 25	Section 10	I am satisfied that the proposal is in accordance with this section. In particular the development incorporates a surface water drainage strategy (paragraph 103).
Circular 05/2005	Paragraphs 203-206	I am satisfied that the planning obligation contributions sought are in accordance with the three tests in Para 204.

Amendments To Text:

Comments from Head of Streets and Open Spaces (Landscape Team)

Our previous concerns on this application related primarily to the visual impact of M4 on Hills Road and the limited space available for trees along the eastern boundary of M3. Where possible, and within the application site, these concerns have been allayed within the proposed amendments.

Whilst our concerns remain about the threshold space between M4 and Hills Road, it is understood that this area of land is beyond the control of the applicant and is therefore no longer a concern in the context of the subject application.

The revised tree planting and landscape treatment of Block M3 is supported by the landscape team. In particular, the revised tree planting proposals along the eastern boundary of M3 are considered an appropriate response to the agreed landscape strategy with adequate provision of space for the trees to establish and mature.

The Biodiverse roofs on the top of Blocks M3 & M4 are a welcome addition to the landscape proposals of this application.

Conclusion

The landscape team therefore supports the proposed development of M3 & M4.

Paragraph 8.10 – The site plan, basement plan and ground floor plans have been revised. The drawing numbers have changed and the amended condition 5 will introduce three new approved plans that would relate to Blocks M3 and M4 only (A10231 D1001 P2 Site Plan, A10231 D1099 P4 Proposed Basement Plan, A10231 D1100 P5 Proposed Ground Floor Plan).

Pre-Committee Amendments to Recommendation:

Condition 5 should read as follows:

The development should be carried out in accordance with the approved Development Proposal Parameter Plans refs RSHP_100_X_P_PP10, REV C, RSHP_0003_P_PMP, REVD, RSHP_0004_P_PMP, REVD, RSHP_0005_P_PMP, REVD, RSHP_0006_P_PMP, REVD, RSHP_0007_P_PMP, REVD, RSHP_0008_P_PMP, REVD, RSHP_0009_P_PMP, REVD, 217382/EAD/SK1020 REV P10, A10231 D1001 P2 Site Plan, A10231 D1099 P4 Proposed Basement Plan, A10231 D1100 P5 Proposed Ground Floor Plan in respect of Blocks M3 and M4 only.

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **11/1537/REM**

Location: Station Area Redevelopment
Land Between Cambridge Station And Hills Road - Blocks M3 And M4
Of The CB1 Station Area Masterplan

Target Date: 05.04.2012

To Note:

Comparison between Previous Government Guidance and National Planning Policy Framework

Previous Government Guidance	National Planning Policy Framework Reference	Comment
PPS1	Section 7	I am satisfied that the proposal is in accordance with this section. In particular (paragraph 58) the development will function well and add to the quality of the area, will establish a strong sense of place when read on conjunction with other approved development and form part of the creation of an appropriate mix of uses.
PPS3	Section 6	I am satisfied that the proposal is in accordance with this section. In particular the proposal meets the need to provide for a mix of housing to meet the needs of different groups in the community (paragraph 50).
PPS4	Section 2	I am satisfied that the proposal is in accordance with this section. In particular the guidance highlights the importance of residential uses as part of town centre uses (paragraph 23).
PPS5	Section 12	I am satisfied that the proposal is in accordance with this section. In particular the application is supported by a Heritage Statement which correctly identifies heritage assets and the impact of the development upon them. (paragraph 129). This new development also benefits the appearance of the Conservation Area (paragraph 137).
PPS9	Section 11	I am satisfied that the proposal is in accordance with this section. In particular the development includes tree and shrub planting and green roofs which will enhance biodiversity (paragraph 118).
PPG13	Section 4	I am satisfied that the proposal is in accordance with this section, particularly the requirements to locate development where the need to travel will be minimised (Para 34), to exploit opportunities for the use of sustainable transport modes (Para 35), to use Travel Plans (Para 36), and to assess the appropriateness of car parking in the local context (Para 39).

PPS 22	Section 10	I am satisfied that the proposal is in accordance with this section. In particular the development incorporates a strategy to reduce energy use combined with the use of solar panels (paragraphs 96 and 97).
PPS 25	Section 10	I am satisfied that the proposal is in accordance with this section. In particular the development incorporates a surface water drainage strategy (paragraph 103).
Circular 05/2005	Paragraphs 203-206	I am satisfied that the planning obligation contributions sought are in accordance with the three tests in Para 204.

Amendments To Text:

6.1 Comments from Cambridgeshire County Council (Engineering)

A revised plan has been submitted which shows bollards outside the application site. To resolve this issue I would recommend a condition to control the detailed location of the bollards as follows:

Notwithstanding the details shown on the approved plans, the location of the bollards hereby approved shall be submitted to and approved by the local planning authority, prior to commencement of either block hereby approved, with the exception of below ground works. The development shall be carried out in accordance with the approved plans.

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

6.7 Additional comments from Head of Streets and Open Spaces (Landscape Team)

Our previous concerns on this application related primarily to the visual impact of M4 on Hills Road and the limited space available for trees along the eastern boundary of M3. Where possible, and within the application site, these concerns have been allayed within the proposed amendments.

Whilst our concerns remain about the threshold space between M4 and Hills Road, it is understood that this area of land is beyond the control of the applicant and is therefore no longer a concern in the context of the subject application.

The revised tree planting and landscape treatment of Block M3 is supported by the landscape team. In particular, the revised tree planting proposals along the eastern boundary of M3 are considered an appropriate response to the agreed landscape strategy with adequate provision of space for the trees to establish and mature.

The Biodiverse roofs on the top of Blocks M3 & M4 are a welcome addition to the landscape proposals of this application.

Conclusion

The landscape team therefore supports the proposed development of M3 & M4.

6.8 Additional comments from Head of Streets and Open Spaces (Walking and Cycling Officer)

The amended plans are generally fine. Information should be provided regarding means of access to the cycle parking.

Small changes needed/suggested are:

Block M3 cycle store - the aisle width is too narrow to get past the sheffield stands - if these are put at a 30 degree angle this should provide enough space. I would also suggest that an additional sheffield stand is put in the space near the door - these sheffield stands can be then used by those with large baskets who cannot use the double decker racks very easily.

The doors should have an opening width of 900mm - these are slightly narrower - and should open automatically.

The rack image on drawing D1401 shows the Josta style racks which I would not recommend due to the wheel clamp mechanism which is hard to use. I would recommend either the Falco or Bellsure (Beta) racks.

6.12 English Heritage – no further comments.

8.50 Refuse Arrangements

No further comments received. The discharge of planning condition 42 will be delayed until Environmental Health officers have agreed arrangements.

8.55 Cycle Parking

The Cycling and Walking Officer has suggested minor changes. Condition 28 will not be discharged until these have been made.

Pre-Committee Amendments to Recommendation:

Additional condition 19 - Notwithstanding the details shown on the approved plans, the location of the bollards hereby approved shall be submitted to and approved by the local planning authority, prior to commencement of either block hereby approved, with the exception of below ground works. The development shall be carried out in accordance with the approved plans.

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

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **11/0008/FUL**

Location: Cambridge City Football Ground, Milton Road

Target Date: 21.03.2012

To Note:

- A.1 The Planning Policy Manager and her team have been involved in discussions about this application from the pre-application stage. The Planning Policy Manager has given formal advice on three occasions: 09.11.2010 (pre-application), 07.02.2011 (post-application), and 04.10.2011 (post-first amendments). In each case the advice was that the proposal did not provide satisfactory provision to meet the requirements of policy 4/2.
- A.2 These comments informed my assessment of the application at these various stages, and led to discussions between the case officer, the Policy Manager's team, other officers, and the applicants and their agents about this issue. These discussions led in turn to the revised proposals with respect to planning obligations which were put forward in February 2012.
- B.1 The applicants submitted additional information on 26th March 2012. This information comprised clarification of the affordable housing provision, copies of comment from the Senior Housing Development Officer, and explanatory drawings relating to distribution of affordable and lifetime homes, and unit details.
- C.1 Paragraphs 6.4 and 8.79 refer to a highways obligation of £163,989. This reflects the original advice from the highway authority. Subsequent discussions between the applicants and the highway authority resulted in revised advice that a contribution of £89,376 to the Area Transport Plan plus £2000 towards amendment of Mitcham's Corner traffic signals is required.
- D.1 I have received confirmation from the Housing Strategy Manager (30.03.2012) that he is content with the affordable housing provisions of the proposal.
- E.1 Following completion of the Committee report, the National Planning Policy Framework has come into force, superseding previous policy guidance. A comparison of the NPPF with the previous policy guidance, with reference to this application is shown below

Previous Government Guidance	National Planning Policy Framework Reference	Comment
PPS1	Section 7	I am satisfied that the proposal is in accordance with this section, particularly the requirements to contribute to making places better for people (Para 56), to secure high-quality and inclusive design (Para 57), and to ensure a strong sense of place, optimise the potential of the site, including the incorporation of green space, create a safe and accessible environment, and ensure visual attractiveness (Para 58).
PPS3	Section 6	I am satisfied that the proposal is in accordance with this section, particularly the requirements to use identified housing sites (Para 47), and to plan for a mix of housing and provide affordable housing on-site (Para 50)
PPG13	Section 4	I am satisfied that the proposal is in accordance with this section, particularly the requirements to locate development where the need to travel will be minimised (Para 34), to exploit opportunities for the use of sustainable transport modes (Para 35), to use Travel Plans (Para 36), and to assess the appropriateness of car parking in the local context (Para 39).
PPG17	Section 8	Notwithstanding the concerns raised in representations, I am satisfied that in terms of real recreational value to the community in this part of the city, the proposed enhancements to public open space at Chesterton Rec. and Logan's Meadow are a provision of equal or better quality than the existing privately-owned pitch at Cambridge City Football Ground. The improved facilities at these sites would be based on a robust and up-to-date assessment of the needs for open space, sports and recreation facilities and opportunities for new provision. I am therefore of the view that the proposal does not involve any conflict with Paras 73 and 74.

PPS23	Section 10	I am satisfied that the proposal avoids adverse air quality impacts, as required by Para 124.
PPS24	Section 10	I am satisfied that the inclusion of conditions will ensure that the proposal avoids adverse noise impacts, as required by Para 123.
Circular 05/2005	Paragraphs 203-206	I am satisfied that the planning obligation contributions sought are in accordance with the three tests in Para 204.

Amendments To Text:

At 6.15A, insert:

Strategic Housing Manager second advice (08/04/2011)

- It is required that the affordable housing be 75% social rented and 25% intermediate
- Integration of affordable housing is much improved, and addresses earlier concerns about the integration of Blocks F and G, and about lifts
- Still concerned about number of upper maisonettes in the affordable group
- Breakdown of dwelling sizes is improved; still short of Annex 2 guidance, but in line with market housing mix
- Floor sizes are generally acceptable but two one-bed units are too small to be accepted as affordable.

Strategic Housing Manager third advice (10/05/2011)

- Noted that all unit floor sizes are acceptable
- Accept applicants' submission about upper maisonettes. Content with distribution proposed.

In 6.19, correct second part of final sentence to read:

'it requires replacement by provision of equivalent or better quality.'

At 7.3A, insert:

Representations have been received from the occupiers of 27 Gilbert Road, and the Friends of Mitcham's Corner (FMC). Both representations, whilst not objecting to the proposed improvements to Chesterton Rec. and Logan's Meadow, express the view that this would be an inadequate recompense for the loss of the existing pitch. Both representations also express dissatisfaction with the planning obligation contributions proposed under other heads, and reiterate earlier concerns about the density, scale and transport impact of the proposal, and its effect on neighbour amenity. Both indicate that their earlier objection to the proposal is unaffected by the

revised planning obligation proposal.

A separate representation from FMC has raised the concern that there may be a covenant on the land prohibiting use other than recreation.

A representation from a local resident has suggested that a more detailed site investigation is required for potential ground contamination if the application is approved. It is attached to the amendment sheet.

A representation on behalf of Old Chesterton Residents' Association and Chesterton Community Association has been received. It is attached to the amendment sheet. The representation expresses the view that the application should be refused, both because no adequate replacement for the CCFC playing pitch is proposed, and because the amount of on-site open space proposed is unsatisfactory. The representation refers to Section 74 of the NPPF.

At 7.3B, insert:

Following publication of the Committee report, a petition of 162 signatures has been received. The petition states that the signatories object to the application even in its recently amended form. The signatories believe the density, height and layout of the proposal to be inappropriate to the area, and also consider that it would have a negative impact on traffic, parking, and access to public facilities such as healthcare and education.

At 8.2, insert at end of paragraph:

For the avoidance of doubt, the statement in the comment column of the proposals schedule of the Cambridge Local Plan (2006) against site 5.05, which reads 'Development dependent on relocation of football club' is an acknowledgement that the site would not be available for development unless the football club relocates. It needs to be read in the context of the more detailed comment from the Development Brief referred to above. It is not intended to suggest that the Council must be satisfied with the arrangements for relocation made by the club; those are matters over which the local planning authority has no control.

At 8.7: Replace last two sentences with this revised version which shows the financial totals involved:

The upgrading at Chesterton Rec. would involve improvements and an extension to the existing pavilion (£225,000) and pitch improvements (£90,000), while at Logan's Meadow a new pavilion and changing facilities would be provided (£275,000) together with pitch improvements (£90,000). These sums would be additional to contributions made towards the enhancement of local open space by the Vie development.

At 8.42, replace paragraph with this amended version:

The proposed houses would not be aligned with the rear elevations in Green's Road,

so there would not be direct window-to window overlooking. No windows facing in this direction are proposed at second floor level; the town houses would have louvred screens on this elevation, and would gain light indirectly from windows facing south-east into a light well. The applicants have suggested that the difference in levels between the application site and the Greens Road houses would prevent overlooking from first-floor windows. Despite the angle of view and the level difference, I am not completely confident that the first-floor bedroom windows in the six town houses in the centre of the row would pose absolutely no threat to the privacy of the occupiers of 32-46 Greens Road. I am of the view that this is an issue which could be resolved by altering the configuration of first-floor windows in each of these houses. There are a number of possibilities, including projecting visibility screens, canted windows, a similar arrangement to that proposed on the second floor, or some combination of these. In my view, although this is a significant issue, it is one which could be addressed by an appropriate condition, which I recommend. A condition is also required to ensure that the louvred screens are retained at second floor level, and that no new windows are added to the town houses.

Insert at 8.83A:

The total planning obligation contribution sought, excluding affordable housing, public art, and monitoring costs is £1,462,939. These sums would be triggered by the commencement of development.

CIRCULATION: First

ITEM: APPLICATION REF: **11/1534/FUL**

Location: St Colettes Preparatory School, Tenison Road

Target Date: 08.02.2012

To Note:

Since the Committee Report was completed, correspondence has been received from Sancton Wood School, CCSS Tutorial College, and the Russian Orthodox Church stating that they are interested in the site. These emails are attached to the Amendment Sheet as Appendix 1. The applicant's agent has responded to this and this is attached to the Amendment Sheet as Appendix 2.

Previous Government Guidance	National Planning Policy Framework Reference	Comment
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PPS1	Section 7	I am satisfied that the proposal is in accordance with this section, particularly the requirements to contribute to making places better for people (Para 56), to secure high-quality and inclusive design (Para 57), and to ensure a strong sense of place, optimise the potential of the site, including the incorporation of green space, create a safe and accessible environment, and ensure visual attractiveness (Para 58).
PPS3	Section 6	I am satisfied that the proposal is in accordance with this section, particularly the requirements to use identified housing sites (Para 47), and to plan for a mix of housing and provide affordable housing on-site (Para 50)
PPG13	Section 4	I am satisfied that the proposal is in accordance with this section, particularly the requirements to locate development where the need to travel will be minimised (Para 34), to exploit opportunities for the use of sustainable transport modes (Para 35), to use Travel Plans (Para 36), and to assess the appropriateness of car parking in the local context (Para 39).
Circular 05/2005	Paragraphs 203-206	I am satisfied that the planning obligation contributions sought are in accordance with the three tests in Para 204.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **11/0988/FUL**

Location: Doubletree By Hilton, Granta Place, Mill Lane

Target Date: 01.11.2011

To Note:

- A.1 Paragraph 6.16. Response from the City Council Policy Team - it is my view that the changes that have been made to the building design and the significant additional landscaping overcome the concerns raised by officers in the Policy Team for the reasons set out in my Assessment.
- B.1 A petition has been received from the Residents' Association of Old Newnham (RAON) signed by 804 members of the public who object to the planning application.
- C.1 Following completion of the Committee report, the National Planning Policy Framework (NPPF) has come into force, superseding previous policy guidance. A comparison of the NPPF with the previous policy guidance, with reference to this application is shown in the table below:

Previous Government Guidance	National Planning Policy Framework Reference	Comment

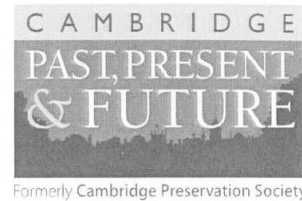
<p>PPS1 (Sustainable Development)</p>	<p>Section 7</p>	<p>The Government's objective is to promote good design that ensures attractive, usable and durable places. The NPPF reiterates advice in PPS1 by stating: "<i>Good design is indivisible from good planning</i>".</p> <p>The Government's objective is to create strong, vibrant and healthy communities by creating a good quality built environment, with accessible local services that reflect Community needs and support well being.</p> <p>I am satisfied that the proposal is in accordance with this section, particularly the requirements to contribute to making places better for people (Para 56), to secure high-quality and inclusive design (Para 57), and to ensure a strong sense of place, optimise the potential of the site, including the incorporation of green space, create a safe and accessible environment, and ensure visual attractiveness (Para 58). I also consider the proposal to successfully address the connections between people and places and the integrate into the natural, built and historic environment (Para 61).</p> <p>Paragraph 65 states that Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of the concerns about incompatibility with an existing townscape if these concerns have need mitigated by good deign, unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits.</p>
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PPG2 (Green Belts)	Section 9	<p>The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF reiterates the 5 purposes of Green Belt as contained within PPG2:</p> <ul style="list-style-type: none"> • To check the unrestricted sprawl of large built-up areas. • To prevent neighbouring towns merging into one another. • To assist in safeguarding the countryside from encroachment. • To preserve the setting and special character of historic towns. • To assist in urban regeneration by encouraging the recycling of derelict and other urban land. <p>I am satisfied that the proposal accords with these objectives (Para 80) as discussed from paragraph 8.4 of the Committee Report.</p>
PPS4 (Sustainable Economic Growth)	Section 1	<p>I am satisfied that the proposal accords with the objectives of the NPPF which requires the planning system to do everything that it can to support sustainable economic growth (Para 18).</p>
PPS5 (Historic Environment)	Section 12	<p>The Government's objectives are to: conserve heritage assets in a manner appropriate to their significance; and contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly where a heritage asset is to be lost.</p> <p>I am satisfied that the proposal is in accordance with this section, particularly the requirements for the application to describe the significance of the heritage assets affected and the contribution these make to their setting (Para 128) which was met by submission of a Heritage Statement with the application. The proposal meets the requirements of the framework by preserving and enhancing the surrounding conservation area (Para 137). I am satisfied that the design response of the proposal and the mitigation of the development through well considered landscaping proposals addresses the requirements of the NPPF (Para 132)</p>

PPG9 (Biodiversity and Geological Conservation)	Section 11	I am satisfied that the proposal is in accordance with this section, particularly the requirements to contribute the natural and local environment by enhancing valued landscapes (Para 109) and by effectively re-using land that has been previously developed (Para 111).
PPG13 (Transport)	Section 4	<p>The NPPF seeks to facilitate economic growth by taking a positive approach to planning for development; support reductions in greenhouse gas emissions and congestion, and promote accessibilities through planning for location and mix of development.</p> <p>I am satisfied that the proposal is in accordance with this section, particularly the requirements to locate development where the need to travel will be minimised (Para 34), to exploit opportunities for the use of sustainable transport modes (Para 35), to use Travel Plans (Para 36), and to assess the appropriateness of car parking in the local context (Para 39).</p>
PPS22 (Renewable Energy)	Section 10	<p>The Government's objective is that planning should fully support the transition to a low carbon economy in a changing climate.</p> <p>I am satisfied that the proposal is in accordance with the requirements of the NPPF in respect to renewable energy by proposing the delivery of renewable and low carbon energy and associated infrastructure (Para 93). It is recognized that even the small-scale project incorporated as part of this proposal is a valuable contribution to cutting greenhouse gas emissions (Para 98).</p>
PPS25 (Development and Flood Risk)	Section 10	I am satisfied that the proposal is in accordance with this section, particularly by ensuring that flood risk is not increased elsewhere (Para 100 and 103)
Circular 05/2005	Paragraph s 203-206	I am satisfied that the planning obligation contributions sought are in accordance with the three tests in Para 204.

C.1 Below is a copy of the third party representation received from Cambridge Past Present and Future:

Cambridge Past, Present & Future
Wandlebury Ring, Gog Magog Hills,
Babraham, Cambridge CB22 3AE
Phone 01223 - 243830
www.cambridgeppf.org



Cambridge City Council
Guildhall
Cambridge
CB2 3OJ

FAO: Amy Lack

23 September 2011

Dear Amy,

Ref: Planning Application 11/0988/FUL | Demolition of existing single storey leisure centre, and erection a three storey extension to provide 31 additional bedrooms and a new leisure centre. | **Doubletree By Hilton, Granta Place, Mill Lane, Cambridge CB2 1RT**

With reference to the above application Cambridge Past, Present & Future **strongly objects to the proposal** to develop the site with a higher building than existing for the following reasons:

- **The adverse impact on the Green Belt and Protected Open Space** [Local Plan [LP] Policies 4/1; 4/3] This is highlighted in the **Conservation Plan – Coe Fen & Sheep’s Green (2001)** (e.g. page 41, para 5.1.3 Conservation Policies and Guidance) “*prepare planning briefs for any significant new developments or extensions to existing buildings in the area to ensure that all the issues concerning the site’s interrelationship with Sheep’s Green and Coe Fen are taken into account. Require that these be of high quality and worthy of the location. Consider what impact tall developments even at considerable distance, will have on the skyline around these open spaces.*” We consider this document as essential within the planning process for this area and applicable to this application. To date the applicant has not yet provided such documentation. Despite the reduction in height **the proposed extension is of too big scale and height, massing and bulk** and would result in an adverse impact on the nearby Protected Green Space and the Green Belt; not only when viewed from the immediate vicinity but also from further away within the green corridor/Green Belt - see also Old Press/Mill Lane AAP – page 26 – where the Doubletree Hilton Hotel has been clearly identified as a Negative Landmark . To date no detailed planning brief has been provided nor any assessment highlighting alternative hotel development opportunities within the city. There is no need to extend the hotel at this very sensitive and special site as other viable hotel sites are present in Cambridge and indeed such land use is proposed nearby as part of the Old Press/Mill Lane Area Action Plan (issued 2010 – see page 34-35 and 38-42, particularly paragraph 6.3.8) and could easily be managed by the same hotel chain/ management and share local facilities.
- **The adverse impact on the Central Conservation Area;** as the proposal neither enhances, nor successfully contrasts the Conservation Area [LP Policy 4/11]. The proposed development does not make any serious attempt through high quality built fabric nor any substantial landscape mitigation to integrate well with its surroundings – this is unacceptable and wholly inappropriate. There is no strategy how the existing hotel

structure would be improved in time and no real commitment by the applicant to contribute positively to the setting of the historic River Cam corridor and Conservation area.

- The Cambridge **Landscape Character Appraisal** [LCA 2003] **categorises this stretch as the River Corridor ‘Commons’** (map p 28) and its significance is highlighted as being of a **‘defining character in relation to Views, Green Corridor and Environmental Features’** (p 23). It also highlights that **“these tracts of land are one of Cambridge’s most important resources as they provide a green bridge right across and through the heart of the City”** (p32) . The proposed extension does meet the demands as set out by the LCA. The development makes flagrant attempts to mitigate its impact and quite the opposite clearly stating within its Design and Access Statement (additional information dated 28-7-11) with its first bullet point to **“retain and enhance existing views to the River Cam to the South West”**. This is the wrong approach and the common good of the Green Belt land, Protected Open Space and City Wildlife Site should be placed first. The original small mill or subsequent “Garden House character” is not retained – indeed the bulky development of the 1970s is being extended despite high public dislike and totally inadequate integration with its sensitive setting.
- **Overdevelopment of the site** - the development proposal is still too close to the River and the River Corridor and may have an adverse impact on the flood plain [LP Policy 4/15].
- **Adverse impact on an already congested and high conflict area at local junctions –**
a) along Granta Place/ Laundress Lane/ Mill Lane and crossing over the Cam and b) Mill Lane with Trumpington Road and Pembroke Street. The increased transport impact of drop-off and the later re-collection of hotel guests and visitors/ public (including greater than before usage of the leisure spa) will result in increased traffic and is unacceptable at this prominent location [LP Policies 4/11; 8/2; 8/3]. Already during recent summer month the problems have exacerbated creating a poor environment for pedestrians (locals and tourists) as well as cyclists using this area at high frequency for commuting and leisure activities along the river and commercial enterprises such as adjacent pub and university centre.

Should the development go ahead we would like to see:

- It is considered that **the proposals are still of poor design** and do not meet LP Policies 3/4; 3/14; 4/15 etc. Although improvements in design have been made, following presentations to the Design and Conservation Panel over recent years, the design is still too visually intrusive on this green space, and river corridor of local importance, particularly in the winter months. Any light spillage from the hotel rooms, the leisure centre and other spaces is unacceptable (this includes light spillage from rooms and staircases) and will result in an adverse and undesirable impact on the Protected Open Space/Green Space and the Conservation Area. No attempt has been made to properly screen the existing building and the proposed extension using appropriate native plant species at low and higher levels (i.e. low formal box hedges and 2 medium-sized trees are not acceptable) all round to edge of the Green Belt. This special site requires a much more sensitively designed building warranting this prime location.
- **Planning Obligation / Section 106** contributions being made to improve the nearby Green Spaces and Commons **using high quality material throughout** – Sheep’s Green & Coe Fen. This should include improvements to the path infrastructure and a reduction in wear and tear; good planting buffers on the edges of the various Commons; improving the public open space at the edge of the River and Mill Lane/Granta Place area whilst

carrying out historic environment restoration and using appropriate materials and native species and improvements to revetments at the edge of the River Cam as well as sluice gates, weirs and punt routes etc.

- **A greater reduction in car parking provision** than that included in the plans and **a stipulation that there be no non-resident parking**. That means no parking for the general public should be provided and a much more detailed transport plan developed and active traffic management undertaken. Overprovision of parking should be addressed and reduced such as enabling further tree planting in this area, to replace car spaces, and should be provided to better mitigate on-site the adverse impact of the bulk and massing of this building particularly with the edge of Coe Fen. Lack of public/ visitor cycle parking is astonishing and needs to be addressed should leisure centre be also used by local people or the hotel receive local visitors.
- Leisure centre provision should **remain accessible to local people** (non-hotel users) as an important recreational facility.

We **strongly object to the proposed development** as the scale and massing will so adversely affect the surrounding special landscape.

If you have any queries regarding this letter please do not hesitate to contact me.

Kind regards



Carolin Göhler

CC Alistair Wilson – Green Space Manager - Cambridge City Council

Cambridge Past, Present & Future —

a local charity working to keep Cambridge and its surroundings special by positively influencing planning developments, delivering environmental education and managing the green spaces and historic buildings in its care — for the benefit of all.

Registered Charity No. 204121. Non-profit making company limited by guarantee, registered in England No. 239835.

Amendments To Text: None.

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: **APPLICATION REF:** **11/0975/CAC**

Location: Doubletree By Hilton, Granta Place, Mill Lane

Target Date: 27.09.2011

To Note:

A.1 Following completion of the Committee report, the National Planning Policy Framework (NPPF) has come into force, superseding previous policy guidance. A comparison of the NPPF with the previous policy guidance, with reference to this application is shown in the table below:

PPS5 (Historic Environment)	Section 12	<p>The Government's objectives are to: conserve heritage assets in a manner appropriate to their significance; and contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly where a heritage asset is to be lost.</p> <p>I am satisfied that the proposal is in accordance with this section, particularly the requirements for the application to describe the significance of the heritage assets affected and the contribution these make to their setting (Para 128) which was met by submission of a Heritage Statement with the application. The proposal meets the requirements of the framework by preserving and enhancing the surrounding conservation area (Para 137). I am satisfied that the design response of the proposal and the mitigation of the development through well considered landscaping proposals addresses the requirements of the NPPF (Para 132)</p>
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Amendments To Text: None

Pre-Committee Amendments to Recommendation:

DECISION:

From: Linus Forsberg <linusforsberg@yahoo.com>
To: "tony.collins@cambridge.gov.uk" <tony.collins@cambridge.gov.uk>
Date: 01/04/2012 22:12
Subject: 11/0008/FUL Environmental survey

Dear Mr Collins

Further to having read the report by Vicky Whitelaw, ref WK/201109583, I would like to request that before any preparation ground works are undertaken, should this application be approved, a much more intrusive environmental study should be undertaken. Having a reasonable amount of experience of environmental surveys, I am pretty sure that 7 boreholes and 2 trial pits for a site this big is substantially inadequate. I would suggest that a Phase II study is appropriate.

Long term residents in the area has raised concerns about materials that were used to fill the old gravel pit. People have also mentioned that land contamination arose as an issue in relation to the 1985 development of the Westbrook Centre.

As you have schools with young children on 2 sides of the site, and many young children living in close proximity to the site, I would suggest that this is a very important consideration of public interest.

Yours Sincerely,
Linus Forsberg

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From: Michael Bond
119 High Street
Chesterton
Cambridge
CB4 1NL

1st April, 2012

To: Mr. Tony Collins, Planning Officer, The Guildhall, Cambridge

Copied to: Members of the Planning Committee and all other City Councillors

Dear Mr Collins

I am writing to you as a member of Fields in Trust (formerly National Playing Fields Association) and on behalf of the committees of Old Chesterton Residents' Association and Chesterton Community Association to express our astonishment that the primary condition imposed on the applicant has not been complied with. We are also dismayed to read about significant plans for recreation space in Chesterton that have apparently been discussed in detail with the applicants but not been made known to the residents of East Chesterton who have for a number of years expressed a strong interest in and desire to be part of planning and future operation of our open spaces.

The officers' report is completely wrong in almost every particular as regards open space. My understanding has always been that no development would be permitted until a new permanent home for Cambridge City Football Club had been provided. This is acknowledged in paragraph 8.2 and covered by Local Plan Policy 6/1 Protection of Leisure Facilities. The point here is that the City Ground provides for football at senior standard and Cambridge City Football Club is strongly supported by its local community.

Chesterton Recreation ground is devoted to junior football pitches that are already heavily over-subscribed. There are teams that cannot progress because of the lack of senior standard playing pitches. This is a need that will not go away and makes the City Ground open space of recreational importance so should not be lost until Policy 4/2 can be complied with. Exiling Cambridge City Football Club to Newmarket and ousting the juniors from Chesterton Recreation Ground is not compliance by any stretch of the imagination. The officers' conclusion in paragraph 8.7 and 8.8 are simply wrong.

The land at Logan's Way is part of the active flood plain of the River Cam whose level cannot be raised which makes it unsuitable for permanent pitches. Although the drainage of the surface can and should be improved it cannot be regarded as a replacement of the Milton Road Ground as the only times it can be reliably used is during the summer and in a normal winter is mostly unusable as a playing surface during the peak football season.

It is important to note that prior to redevelopment the area east of the new bridge provided a senior pitch that was used for training by Cambridge United Football Club and some local as well as the works clubs. This has now been partly built over. The land west of the new bridge provided a permanent cricket strip which we wish to see restored to enable us to bring cricket back to Chesterton. The redevelopment of the Pye factory estate actually resulted in a net loss of open space and associated sports and recreational facilities in East Chesterton that had been available for local use.

The improvements to Chesterton Recreation ground have been outlined at meetings organised by Old Chesterton Residents' Association and Chesterton Community Association and I understand that the City Council has included them in its capital programme but no detailed proposals have been discussed with either organisation. We are keen to see improvements that benefit the local community. As stated above this existing facility is already under severe pressure and most definitely cannot in any way compensate for the loss of the Milton Road Football Ground. I also doubt whether residents of this development would actually make much use of Chesterton Recreation Ground.

It appears to me that the application should be refused as it fails to comply with the key precondition for development as set out in paragraph 8.2 of the officers' report. It should also be refused for its failure to provide adequate open space for new residents. West Chesterton already has a deficit of open space and this proposal makes that deficit worse. Such spaces as are provided are fragmented and in practice unusable for any play or recreation purpose for the residents.

This view is unambiguously supported by Section 74 of the National Planning Policy Framework:

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

This application meets none of these requirements and the applicants are seeking to impose additional pressure on existing facilities that are already under extreme pressure which would actually result in a reduction of open space available to local residents and still leave Cambridge City Football Club homeless.

The proposal for a new stadium at Trumpington is not even at a stage of basic acceptability that allows any evaluation of whether or not it could provide a new home for Cambridge City. With a rapidly growing population we need more actual open space and dedicated sport and leisure facilities not a reduction in both quantity and quality of both that this would represent.

The applicants should not be allowed to avoid their obligations to the city.

Yours sincerely

A handwritten signature in black ink that reads "Michael R Bond". The signature is written in a cursive, slightly slanted style.

Michael Bond

Dear Catherine,
I have been asked by a local resident to comment on the proposed development of the former St Colette's site. In particular I have been asked to comment on the suggestion that there is no interest in the site from educational providers. I am one of the owners and directors of Sancton Wood School in St Pauls Road, Cambridge. Naturally we do have an interest in the site which we pursued to the extent of contacting the developer. We were led to believe that a conversion to residential would be forthcoming and so did not pursue our interest further. Nevertheless it remains the case that, subject to finances, we remain interested in the site and would of course be interested in developing it as an educational site.

Yours sincerely
Daniel Sturdy
Director, Sancton Wood School

Dear Tony

Further to our telephone conversation, I write as agreed to set out our interest in the captioned property.

I became aware of the site's potential availability through an advertisement placed locally by January's in 2010 inviting expressions of interest. My contact at January's thereafter was Nick Muncey.

On 11 June 2010 we submitted a letter expressing our interest; this letter was acknowledge by Muncey on 25 June who indicated that he had reported our interest to 'the College' (which I understood to be Jesus College) and the College's development partner and that a meeting had been arranged with the Local Planning Authority to discuss the relative merits of the parties that had expressed an interest. I subsequently asked Muncey to provide some clarification as to the criteria he would be using to determine our 'relative merits' but despite hastening I did not receive a reply to this request. My concern at the time was to ensure my organisation would be properly presented to the decision makers. It seems from our telecon this morning that my concerns were justified given that you were under the impression that the majority of our students resided outside the city boundaries when in fact over 75% of our 180 or so reside within the city itself; moreover, we have on occasion been mistaken for a language school when in fact we are an educational charity and a 'School' as defined by the Department for Education with whom we are registered (873-6021). We provide courses leading to GCSE and A-levels.

I heard nothing thereafter and concluded that the invitation for expressions of interest had been little more than a 'kite-flying' exercise. You will appreciate I am sure that it was not within our gift or power to compel the owners to discuss development opportunities with us so reluctantly we let the matter lie. The reason I contacted you today was that I have been advised informally that the Planning Committee will be told (at their meeting next week) that there were no viable expressions of interest for the site to be developed for continued educational use. This is clearly not the case. We expressed an interest and we continue to express an interest. As to the qualifier 'viable', I suggest that this could not have been determined until we were given the opportunity to discuss any number of options that we could have put forward had we been given the chance.

Finally, it is worthy of note that in a recent conversation with one of our trustees, Mr Richard Mutty of MPM Properties (who I believe were Jesus College's development partner) revealed that the details of our interest had not been passed to him by January's.

I would be grateful if you would ensure that the members of the Planning Committee are made aware of the contents of this e-mail. A copy goes to the Petersfield Ward councillors.

Yours sincerely

Chris Forte
Bursar
CCSS

Dear Mrs Fleet,

Our parish was very interested in obtaining the site about two years ago. Our interest remains.

It was not that there was no interest, it was simply that the amount of money being offered was considerably less than the Pounds 2 million for which, I understand, Jesus College were looking. Clearly as a 'restricted site' (i.e. for educational/religious purposes) the land would command nowhere near that amount.

A previous application to build 13 dwellings on the site had been rejected by the City Planning Dept. It seemed to us that the property was placed on the market simply to demonstrate that there was 'no interest' in its purchase for educational/religious purposes; i.e. a 'window-dressing exercise'.

At the time our offer was rejected, the Secretary of our Church Council wrote to the City of Cambridge stating our interest in the property but I imagine that either has been conveniently buried beneath other documents. We did not actually file a planning application, due to lack of time to do so.

I believe your assessment to be exactly right: anyone, other than the chosen developer, was quickly turned away.

I hope this is helpful.

Yours sincerely,

V. Rev. Raphael Armour
Rector, Orthodox Parish of St Ephraim the Syrian,
and Dean of the East of England,
Russian Orthodox Diocese of Sourozh

Phone: 01223-322498
Mobile: 07952-326779

From: Colin Brown <CWB@januaries.co.uk>
To: "catherine.linford@cambridge.gov.uk" <catherine.linford@cambridge.gov.uk>
CC: Sara Saunders <Sara.Saunders@cambridge.gov.uk>
Date: 30/03/2012 11:17
Subject: St Colette's

Catherine,

Thank you for sending me the late expressions of interest from the three parties.

I would be grateful if you would share this e-mail with your Policy colleagues so that they are aware of our position.

We agreed a marketing strategy for the site with Policy and Peter Carter/Tony Collins some time ago. We then marketed in accordance with that agreed strategy and it was concluded jointly (i.e. ourselves and your colleagues) that we had satisfied the requirements of Policy 5/11 and that there was no realistic, sustainable funded interest in the property. It was also agreed at the time that there was an inevitable price requirement of the freeholder, Jesus College, who could not be expected to make the site available at any price or rent.

We think it more than a tad coincidental that these expressions have reached you the week before the application goes before Committee with your recommendation of approval.

Commenting however on each of the e-mails you have had: -

Sancton Wood - they were contacted, sent particulars and did not view or come forward with a financial offer of any sort.

CCSS - Their interest and offer was rejected because they are a sixth form college who do not draw the majority of their pupils from the local area - they have a high incidence of overseas pupils and it was therefore agreed with your colleagues that they should be rejected as not compatible with your own policy.

Russian Orthodox Church - they made an offer which was at such a low level that the freeholder would simply not entertain it. As above, it was confirmed that there was no imperative on the freeholder to accept any offer and indeed the consequence of this would be that the site would simply remain vacant.

As just discussed I am copying this to Sara Saunders and will come back further on the abandonment point.

Regards
Colin

Colin Brown<<http://www.januaries.co.uk/site/colin-brown.html>> BA(Hons) MRTPI
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From: Colin Brown <CWB@januarys.co.uk>
To: "catherine.linford@cambridge.gov.uk" <catherine.linford@cambridge.gov.uk>
CC: "Victoria Watts (Victoria.Watts@cambridge.gov.uk)" <Victoria.Watts@cambr...>
Date: 02/04/2012 14:26
Subject: Tenison Road, Cambridge (Former St Colette's site)
Attachments: St Collettes Advice - 2.4.2012.doc

Catherine,

We now have the legal advice to share with you in relation to the abandonment point, in light of Victoria's comment that although the case was "arguable" she was not persuaded that the cessation of the educational use and the demolition of all buildings on site amounted to abandonment.

This has come from Deborah Sharples, the Head of Planning and a Partner at Hewitsons, and it attached for your information and consideration.

Deborah's view is that the use has indeed been abandoned for reasons she explains.

In light of this, I would repeat our assertion that Policy 5/11 is not now relevant to the determination of this application, although we believe we have complied with the policy and this was agreed by your Officer colleagues at the time we marketed the site.

I look forward to hearing from you.

Regards
Colin

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**ADVICE
FORMER ST COLETTE'S SCHOOL SITE
TENISON ROAD**

1. This advice concerns the former site of St Colette's School, Tenison Road and the question of whether or not the use of the site as a school has been abandoned.
2. The issue arises because permission has been sought for the development of the site for residential purposes and the question has been raised whether policy 5/11 of the Cambridge Local Plan has been complied with or not. Ms Watts of Cambridge City's legal department advised in an e-mail of 12th March, addressed to Catherine Linford, that whilst it is arguable that the former use of the site as a school has been abandoned, she did not agree that, on balance, the use had been abandoned.
3. The background is that St Colette's school ceased to operate on the Tenison Road site in 2009. The site was vacated early that year. An application was quickly made to demolish all the buildings on site and permission was granted for the demolition of in 2010. The buildings were demolished in 2011. The site was described in the application as "the former St Colette's School", with the purpose for the development being stated as "to facilitate new development....." It is clear from the application form submitted that the new development proposed at the time was "the erection ofhouses.....following demolition of all existing buildings on site". The erection of houses would be completely inconsistent with the use of the site as a school.
4. There are four matters to be considered when assessing whether a use has been abandoned as set out in the case of the *Trustees of Castel-y-Manach Estates 1985 JPL 40* and subsequently confirmed in many other cases. These matters are:
 - a. The physical condition of the property
 - b. The period of non use
 - c. Whether there had been any other use
 - d. Evidence regarding the owners intentions.

The case of *Hughes v Secretary of state for Transport and the Regions* made it clear that the actual intentions of the owners are relevant but not decisive and that it is the view taken by a reasonable man, with knowledge of all the relevant circumstances, that is the test.

5. Looking at those factors in the case of the Tenison Road site, I comment as follows:

5.1 Physical condition of the property

- 5.1.1 The buildings have been deliberately and totally demolished. The Owner arranged the demolition pursuant to the conservation area consent which was granted in 2010. It is clear that from the moment of demolition the site was put beyond use as a school site.
- 5.1.2 The fact of demolition is compelling evidence that the use of the site has been abandoned.
- 5.1.3 In the case of *William Tracey Limited v The Scottish Ministers 2005 S.L.T 191*. The property had to be demolished on the advice of the fire brigade following vandalism. The owner expressly stated that it had been his intention to resume the use following the demolition. The Reporter, nonetheless, found that the building had been completely demolished and that significant weight should be given to that factor. The reporter found that the use of the site as a nursing home relied on the presence of the former building and the demolition of it was strong evidence that it had been abandoned. He stated that significant weight must be attached, in that case to the condition of the building. The Court said that it could not fault the reporter's reasoning.
- 5.1.4 In the current case, in which the application for demolition was made soon after the site was vacated, was voluntary and was expressly stated as being with the intention of redeveloping the site for housing it must inevitably carry significant weight.
- 5.1.5 The importance of demolition is further demonstrated by the appeal decision at 1986 JPL 849 in which the appellant argued that a residential use continued in spite of the demolition of the building concerned. In that case a demolition order was served by the Council and the Secretary of State accepted that a good deal of demolition took place following the service of that order such that residential use was impracticable. The inspector determined that the use had been abandoned at the time when the demolition took place.

5.2 Period of Non Use

- 5.2.1 There has been a period of non use in this case from 2009 to date. There is no minimum period for which a site has to be disused before its previous use should be regarded as being abandoned. The circumstances of the disuse are relevant. In this case the disuse was accompanied by demolition which rendered the use impracticable and during the period of disuse applications were pursued to use the site for another purpose. The period of non use in these circumstances supports the argument that the use has been abandoned.

5.3 Whether there has been any other use

- 5.3.1 There has been no other use in this case, but that is not indicative of non abandonment, especially when taken in conjunction with the other circumstances already referred to. In the case of *William Tracey* referred to

above the Court considered that the lack of an intervening use was neutral factor. In my assessment it is a neutral factor in this case also.

5.4 Intention of the Owner

5.4.1 As has been stated above and observed by Ms Watts for the Council in her e-mail of 12th March, the test is an objective one in which the intention of the owner is not decisive. Evidence of it is, however, relevant and in this case it is clear that there was an intention to abandon the existing use. This was evidenced very clearly by the planning application for demolition in 2009 (09/1144/CAC). It is impossible to see how a reasonable man could form any view as to the intention of the owner other than that it intended to abandon the use as a school and redevelop the site.

5.4.2 A marketing exercise has been undertaken following the refusal of an application for new houses submitted in 2009 to address a reason for refusal. This was done for the purposes of testing, notwithstanding the abandonment of the school use of the site, whether there was market for the site for an educational purpose. The marketing of the site in these circumstances does not override the compelling evidence of abandonment.

6. Summary and Objective Test

As set out by Ms Watts in her e-mail of 12th March, that the test is objective. There is no real doubt in this case that a reasonable man, seeing the terms of the application for demolition, seeing the demolition take place and subsequently seeing the condition of the site and the applications made to develop the site for housing, would think that the use as a school had been abandoned.

In my opinion the use has been abandoned.

Deborah Sharples
Head of Planning and Environment
Hewitsons LLP
2nd April 2012

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