



## SOUTH AREA COMMITTEE



### AGENDA

**To: City Councillors:** Dryden (Chair), Meftah (Vice-Chair), Ashton, Blackhurst, Birtles, McPherson, Pippas, Stuart and Swanson

**County Councillors:** Carter, Heathcock and Shepherd

*Dispatched: Wednesday, 27 February 2013*

**Date:** Thursday, 7 March 2013

**Time:** 7.30 pm

**Venue:** Trumpington Village Hall - Trumpington Village Hall

**Contact:** Martin Whelan

**Direct Dial:** 01223 457013

**1 APOLOGIES FOR ABSENCE**

**2 MINUTES** *(Pages 1 - 8)*

**3 MATTERS AND ACTIONS ARISING FROM THE MINUTES**

**4 DECLARATIONS OF INTEREST**

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

**5 OPEN FORUM**

**Planning Items**

**6 ENFORCEMENT ITEM - 27 BABRAHAM ROAD** *(Pages 19 - 38)*

- 7      ENFORCEMENT ITEM - 60 PANTON STREET** *(Pages 39 - 50)*
  
- 8      S106 FUNDING FROM AREA CORRIDOR TRANSPORT PLANS**  
Enclosed separately
  
- 9      APPROVAL OF COMMITTEE DATES FOR 2013/14**  
Enclosed separately

# Meeting Information

## Open Forum

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

## Public Speaking on Planning Items

Area Committees consider planning applications and related matters. On very occasions 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 working 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](mailto:democratic.services@cambridge.gov.uk).

Further information is also available online at

<http://www.cambridge.gov.uk/public/docs/Having%20your%20say%20at%20meetings.pdf>

The Chair will adopt the principles of the public

speaking scheme regarding planning applications for general planning items and planning enforcement items.

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings. If you have any feedback please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto: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.

**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 working 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**

The Council is committed to being open and transparent in the way it conducts its decision-



making. Recording is permitted at council meetings, which are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chair of the meeting will facilitate by ensuring that any such request not to be recorded is respected by those doing the recording.

Full details of the City Council's protocol on audio/visual recording and photography at meetings can be accessed via:

[www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203](http://www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203).

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## **Facilities for disabled people**

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A loop system is available on request.

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## **Queries reports**

on 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](mailto:democratic.services@cambridge.gov.uk).

## **General Information**

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**SOUTH AREA COMMITTEE**

14 January 2013

7.30 - 8.35 pm

**Present:** Councillors Dryden (Chair), Meftah (Vice-Chair), Ashton, Blackhurst, Birtles, McPherson, Pippas, Stuart and Swanson

**Officers Present:**

Director of Environment – Simon Payne  
Head of Streets and Open Spaces - Toni Ainley  
Principal Planning Officer – Toby Williams  
Project Delivery and Environment Manager – Andrew Preston  
Urban Growth Project Manager – Tim Wetherfield  
Committee Manager – Martin Whelan

**Also Present**

Representatives of Cambridgeshire Police

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**13/1/SAC Apologies for Absence**

Apologies for absence were received from County Councillor Carter and County Councillor Heathcock.

**13/2/SAC Minutes**

Following a discussion regarding the accuracy of the minutes for 12<sup>th</sup> November and 19<sup>th</sup> November, the following amendments were agreed.

Deletions – strikethrough  
Additions – red

12<sup>th</sup> November

i. To prioritise the following projects, subject to project appraisal and the identification of appropriate funding to meet any related revenue and maintenance costs:

- ~~• More sophisticated skate park at Cherry Hinton Recreation Ground (C09)~~
- Cherry Hinton Recreation Ground Improvements, comprising
  - More sophisticated skate park at Cherry Hinton Recreation Ground (C09)
  - Upgrade play equipment for young children at Cherry Hinton Recreation Ground (C08)
  - Smaller (five-a-side) football goals at Cherry Hinton Recreation Ground (C011)
- Outdoor fitness equipment/ trim trail at Nightingale Avenue Rec. Ground (Q06)
- Convert Hanover Court/Princess Court laundry into a community space (T02)

~~ii. To prioritise, subject to capacity becoming available for project delivery before March 2014.~~

- ~~• Upgrade play equipment for young children at Cherry Hinton Recreation Ground (C08)~~
- ~~• Smaller (five-a-side) football goals at Cherry Hinton Recreation Ground (C011)~~

ii. Officers to keep the committee advised of progress with the projects.

iii. It was further agreed to endorse the Cherry Hinton Community Centre project – Stage 1 (C02) as a priority.

The committee approved the amendment were approved by 5 votes to 3.

The committee approved the minutes as amended by 5 votes to 3.

19<sup>th</sup> November

Add (Item 12/59/SAC) - immediately prior to the committee resolution.

Resolved (8 votes to 0) to approve of an additional condition ensuring the reserved matters application includes the provision of a 'kissing gate' on the eastern side of the Brook to dissuade cyclist use of the bridge and an informative suggesting the placement of signage in the vicinity of the bridge to encourage users of it to access the bridge from between the bunker and the Oak building. The precise wording of the condition and the informative to be agreed with Chair and relevant Ward Councillors

Subject to the amendment the committee approved the amendment by 7 votes to 1.

### **13/3/SAC    Matters and Actions Arising from the Minutes**

There were no matters arising from the minutes.

### **13/4/SAC    Declarations of Interest**

Councillor Pippas declared a personal and prejudicial interest in item 13/9/SAC and withdrew from the meeting for the duration of the item.

### **13/5/SAC    Open Forum**

There were no issues raised during the open forum.

### **13/6/SAC    Policing and Safer Neighbourhoods**

The committee received the Policing and Safer Neighbourhoods presented by the Neighbourhood Police Sergeant.

The committee made the following comments on the report.

- i. Clarification was requested on the age profile of the individuals that had been identified as associated related with the drug related issues. The

Sergeant explained the current focus of the operations, and that there was no specific age group associated with the issues.

- ii. The proposal for a new speed survey on Church End was welcomed.
- iii. Clarification was requested on whether the drugs enforcement activities would also focus on the areas where drug related activities were taking place. The Sergeant explained that the activities related to drug activity were intelligence lead.
- iv. The Sergeant was thanked for the intervention in relation to parking around primary schools in Queen Edith's, but clarification was requested on whether all children had returned to Queen Edith's Primary School following the building work. The committee was advised that the children had returned, but that the situation would continue to be monitored. Problems arising from anti-social school parking on Bosworth Road were highlighted.
- v. It was suggested that greater focus should be placed on tackling cycle crime at Long Road Sixth Form College. The Sergeant advised that due to the high concentration of cycles at Long Road Sixth Forms College thefts were higher, but that the Police were already actively engaged with college to reduce thefts.
- vi. Clarification was requested on why dwelling burglaries were higher in Queen's Edith compared with the other two wards. The Sergeant explained that the ward was the largest of the three wards; with the largest number of dwelling therefore burglary was statistically likely to be higher. The Sergeant outlined pro-active activities undertaken to tackle burglary in the area.
- vii. The PCSOs in Cherry Hinton were thanked for their important work, but clarification was requested on whether the long-term future of the PCSOs was clear. The Sergeant explained that no long-term clarity was available at this stage, but that every effort was being made to retain the existing level of resources.
- viii. The committee requested consideration of a potential extension of the previously successful city centre cycle lights campaign to outlying areas of the city. The Sergeant explained that this was already in progress.

**Resolved** (Unanimously) to adopt the following priorities

- i. ASB in Cherry Hinton to address the rise in criminal damage.
- ii. Combating supply of controlled drugs in South area.
- iii. Theft of pedal cycles in Trumpington.

### **13/7/SAC New and Replacement Bus Shelter Programme**

The committee received a report from the Project Delivery and Environment Manager regarding the New and Replacement Bus Shelter Programme.

The committee made the following comments on the report.

- i. Concern was expressed about the width of the pavement at the proposed Hills Road site, due to proximity to the 6<sup>th</sup> Form College and the potential footfall. Officers were also asked whether the ongoing "Marque" development would have an impact on the suitability of the site. The Project Delivery and Environment Manager explained that officers were looking at each site in details.
- ii. Concern was expressed about the lack of progress with the development of the Teversham Drift bus stop facility, despite assurances from the County Council that work would be carried out to provide a hard standing and path. The committee were advised that because additional infrastructure would be required prior to the installation of a shelter, it had not been possible to prioritise shelter provision at this stage. The committee agreed that the additional infrastructure potentially could be funded through the Environmental Improvement Programme, should the County Council no longer have the resources to implement the required works.

### **Resolved** (Unanimously) to

- i. Approve the proposed allocation of 3 new shelters, at the following locations
  - Cherry Hinton High Street - Mill End Close (TESCO users have to change buses here, and village centre/hall).

- Hills Rd - Queen Edith's, Opposite Hills Road Sixth Form college
- Greystoke Road - (To Cherry Hinton library, dentist, pharmacy and GP surgery)

### **13/8/SAC Planning Enforcement Report - 9 Mowbray Road, Cambridge**

The committee received a Planning Enforcement Report regarding 9 Mowbray Road, Cambridge. The report sought authority to serve an enforcement support.

The agent for the owner of the premises (Mr Denney) spoke against the recommendation to serve an enforcement notice.

#### **Resolved** (Unanimously) to

- i. Authorise the Head of Legal Services to issue an enforcement notice under the provisions of S172 of the Town and Country Planning Act 1990 (as amended), for Material Change of Use from a C3 dwellinghouse to self contained flats and a House in Multiple Occupation (sui generis).
- ii. Note that the enforcement notice would contain the wording set out in paragraphs 5.2 to 5.4 of the committee report (with such amendments as may later be requested by the Head of Legal Services).

For the following reasons

- It appears to the Council that the breach of planning control has occurred within the last ten years. The applicant has undertaken development without the benefit of planning permission.
- Mindful of the NPPF, the development plan policies mentioned in paragraph 4.4 of the committee report and to all other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the clear breach of planning control.
- Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life)



and Article 14 (prohibition of discrimination). It is considered that enforcement notices in this case would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development. The time for compliance will be set as to allow a reasonable period for compliance.

The meeting ended at 8.35 pm

**CHAIR**

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## **APPENDIX 1 – DEVELOPMENT PLAN POLICY, PLANNING GUIDANCE AND MATERIAL CONSIDERATIONS**

### **1.0 Central Government Advice**

**1.1 National Planning Policy Framework (March 2012)** – sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

**1.2 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.

**1.3 Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

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

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

### **3.0 Cambridge Local Plan 2006**

3/1 Sustainable development

3/3 Setting of the City

3/4 Responding to context

3/6 Ensuring coordinated development

3/7 Creating successful places

3/9 Watercourses and other bodies of water

3/10 Subdivision of existing plots

3/11 The design of external spaces

3/12 The design of new buildings

3/13 Tall buildings and the skyline

3/14 Extending buildings

3/15 Shopfronts and signage

- 4/1 Green Belt
- 4/2 Protection of open space
- 4/3 Safeguarding features of amenity or nature conservation value
- 4/4 Trees
- 4/6 Protection of sites of local nature conservation importance
- 4/8 Local Biodiversity Action Plans
- 4/9 Scheduled Ancient Monuments/Archaeological Areas
- 4/10 Listed Buildings
- 4/11 Conservation Areas
- 4/12 Buildings of Local Interest
- 4/13 Pollution and amenity
- 4/14 Air Quality Management Areas
- 4/15 Lighting
  
- 5/1 Housing provision
- 5/2 Conversion of large properties
- 5/3 Housing lost to other uses
- 5/4 Loss of housing
- 5/5 Meeting housing needs
- 5/7 Supported housing/Housing in multiple occupation
- 5/8 Travellers
- 5/9 Housing for people with disabilities
- 5/10 Dwelling mix
- 5/11 Protection of community facilities
- 5/12 New community facilities
- 5/15 Addenbrookes
  
- 6/1 Protection of leisure facilities
- 6/2 New leisure facilities
- 6/3 Tourist accommodation
- 6/4 Visitor attractions
- 6/6 Change of use in the City Centre
- 6/7 Shopping development and change of use in the District and Local Centres
- 6/8 Convenience shopping
- 6/9 Retail warehouses
- 6/10 Food and drink outlets.
  
- 7/1 Employment provision
- 7/2 Selective management of the Economy
- 7/3 Protection of Industrial and Storage Space
- 7/4 Promotion of cluster development
- 7/5 Faculty development in the Central Area, University of Cambridge
- 7/6 West Cambridge, South of Madingley Road
- 7/7 College and University of Cambridge Staff and Student Housing
- 7/8 Anglia Ruskin University East Road Campus
- 7/9 Student hostels for Anglia Ruskin University
- 7/10 Speculative Student Hostel Accommodation
- 7/11 Language Schools

- 8/1 Spatial location of development
- 8/2 Transport impact
- 8/4 Walking and Cycling accessibility
- 8/6 Cycle parking
- 8/8 Land for Public Transport
- 8/9 Commercial vehicles and servicing
- 8/10 Off-street car parking
- 8/11 New roads
- 8/12 Cambridge Airport
- 8/13 Cambridge Airport Safety Zone
- 8/14 Telecommunications development
- 8/15 Mullard Radio Astronomy Observatory, Lords Bridge
- 8/16 Renewable energy in major new developments
- 8/17 Renewable energy
- 8/18 Water, sewerage and drainage infrastructure

- 9/1 Further policy guidance for the Development of Areas of Major Change
- 9/2 Phasing of Areas of Major Change
- 9/3 Development in Urban Extensions
- 9/5 Southern Fringe
- 9/6 Northern Fringe
- 9/7 Land between Madingley Road and Huntingdon Road
- 9/8 Land between Huntingdon Road and Histon Road
- 9/9 Station Area

- 10/1 Infrastructure improvements

#### Planning Obligation Related Policies

- 3/7 Creating successful places
- 3/8 Open space and recreation provision through new development
- 3/12 The Design of New Buildings (*waste and recycling*)
- 4/2 Protection of open space
- 5/13 Community facilities in Areas of Major Change
- 5/14 Provision of community facilities through new development
- 6/2 New leisure facilities
- 8/3 Mitigating measures (*transport*)
- 8/5 Pedestrian and cycle network
- 8/7 Public transport accessibility
- 9/2 Phasing of Areas of Major Change
- 9/3 Development in Urban Extensions
- 9/5 Southern Fringe
- 9/6 Northern Fringe
- 9/8 Land between Huntingdon Road and Histon Road
- 9/9 Station Area
- 10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

#### 4.0 **Supplementary Planning Documents**

- 4.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.
- 4.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 4.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 4.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.
- 4.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

- 4.6 **Old Press/Mill Lane Supplementary Planning Document (January 2010)** Guidance on the redevelopment of the Old Press/Mill Lane site.

**Eastern Gate Supplementary Planning Document (October 2011)**

Guidance on the redevelopment of the Eastern Gate site. The purpose of this development framework (SPD) is threefold:

- To articulate a clear vision about the future of the Eastern Gate area;
- To establish a development framework to co-ordinate redevelopment within
- the area and guide decisions (by the Council and others); and
- To identify a series of key projects, to attract and guide investment (by the Council and others) within the area.

5.0 **Material Considerations**

**Central Government Guidance**

- 5.1 **Letter from Secretary of State for Communities and Local Government (27 May 2010)**

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

- 5.2 **Written Ministerial Statement: Planning for Growth (23 March 2011)**

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

### 5.3 City Wide Guidance

**Arboricultural Strategy (2004)** - City-wide arboricultural strategy.

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

**Cambridge Landscape and Character Assessment (2003)** – An analysis of the landscape and character of Cambridge.

**Cambridge City Nature Conservation Strategy (2006)** – Guidance on habitats should be conserved and enhanced, how this should be carried out and how this relates to Biodiversity Action Plans.

**Criteria for the Designation of Wildlife Sites (2005)** – Sets out the criteria for the designation of Wildlife Sites.

**Cambridge City Wildlife Sites Register (2005)** – Details of the City and County Wildlife Sites.

**Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)** - a tool for planning authorities to identify and evaluate the extent and nature of flood risk in their area and its implications for land use planning.

**Strategic Flood Risk Assessment (2005)** – Study assessing the risk of flooding in Cambridge.

**Cambridge and Milton Surface Water Management Plan (2011)** – A SWMP outlines the preferred long term strategy for the management of surface water. Alongside the SFRA they are the starting point for local flood risk management.



### **Cambridge City Council (2011) - Open Space and Recreation**

**Strategy:** Gives guidance on the provision of open space and recreation facilities through development. It sets out to ensure that open space in Cambridge meets the needs of all who live, work, study in or visit the city and provides a satisfactory environment for nature and enhances the local townscape, complementing the built environment.

The strategy:

- sets out the protection of existing open spaces;
- promotes the improvement of and creation of new facilities on existing open spaces;
- sets out the standards for open space and sports provision in and through new development;
- supports the implementation of Section 106 monies and future Community Infrastructure Levy monies

As this strategy suggests new standards, the Cambridge Local Plan 2006 standards will stand as the adopted standards for the time-being. However, the strategy's new standards will form part of the evidence base for the review of the Local Plan

### **Balanced and Mixed Communities – A Good Practice Guide (2006)**

– Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

### **Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006)**

- Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change and as a material consideration in the determination of planning applications and appeals.

### **A Major Sports Facilities Strategy for the Cambridge Sub-Region (2006)**

- Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

### **Cambridge Sub-Region Culture and Arts Strategy (2006)**

- Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

**Cambridgeshire Quality Charter for Growth (2008)** – Sets out the core principles of the level of quality to be expected in new developments in the Cambridge Sub-Region

**Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012)** - sets out in more detail how existing council policy can

be applied to proposals for tall buildings or those of significant massing in the city.

**Cambridge Walking and Cycling Strategy (2002)** – A walking and cycling strategy for Cambridge.

**Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004)** – Guidance on how development can help achieve the implementation of the cycle network.

**Cambridgeshire Design Guide For Streets and Public Realm (2007)**: The purpose of the Design Guide is to set out the key principles and aspirations that should underpin the detailed discussions about the design of streets and public spaces that will be taking place on a site-by-site basis.

**Cycle Parking Guide for New Residential Developments (2010)** – Gives guidance on the nature and layout of cycle parking, and other security measures, to be provided as a consequence of new residential development.

**Air Quality in Cambridge – Developers Guide (2008)** - Provides information on the way in which air quality and air pollution issues will be dealt with through the development control system in Cambridge City. It compliments the Sustainable Design and Construction Supplementary Planning Document.

**The Cambridge Shopfront Design Guide (1997)** – Guidance on new shopfronts.

**Roof Extensions Design Guide (2003)** – Guidance on roof extensions.

**Modelling the Costs of Affordable Housing (2006)** – Toolkit to enable negotiations on affordable housing provision through planning proposals.

## 5.6 Area Guidelines

**Cambridge City Council (2003)–Northern Corridor Area Transport Plan:**

**Cambridge City Council (2002)–Southern Corridor Area Transport Plan:**

**Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:**

**Cambridge City Council (2003)–Western Corridor Area Transport Plan:**

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual

development sites in the area should contribute towards a fulfilment of that transport infrastructure.

**Buildings of Local Interest (2005)** – A schedule of buildings of local interest and associated guidance.

**Brooklands Avenue Conservation Area Appraisal (2002)**  
**Cambridge Historic Core Conservation Area Appraisal (2006)**  
**Storeys Way Conservation Area Appraisal (2008)**  
**Chesterton and Ferry Lane Conservation Area Appraisal (2009)**  
**Conduit Head Road Conservation Area Appraisal (2009)**  
**De Freville Conservation Area Appraisal (2009)**  
**Kite Area Conservation Area Appraisal (1996)**  
**Newnham Croft Conservation Area Appraisal (1999)**  
**Southacre Conservation Area Appraisal (2000)**  
**Trumpington Conservation Area Appraisal (2010)**  
**Mill Road Area Conservation Area Appraisal (2011)**  
**West Cambridge Conservation Area Appraisal (2011)**

Guidance relating to development and the Conservation Area including a review of the boundaries.

**Jesus Green Conservation Plan (1998)**  
**Parkers Piece Conservation Plan (2001)**  
**Sheeps Green/Coe Fen Conservation Plan (2001)**  
**Christs Pieces/New Square Conservation Plan (2001)**

Historic open space guidance.

**Hills Road Suburbs and Approaches Study (March 2012)**  
**Long Road Suburbs and Approaches Study (March 2012)**  
**Barton Road Suburbs and Approaches Study (March 2009)**  
**Huntingdon Road Suburbs and Approaches Study (March 2009)**  
**Madingley Road Suburbs and Approaches Study (March 2009)**  
**Newmarket Road Suburbs and Approaches Study (October 2011)**

Provide assessments of local distinctiveness which can be used as a basis when considering planning proposals

**Station Area Development Framework (2004)** – Sets out a vision and Planning Framework for the development of a high density mixed use area including new transport interchange and includes the **Station Area Conservation Appraisal**.

**Southern Fringe Area Development Framework (2006)** – Guidance which will help to direct the future planning of development in the Southern Fringe.

**West Cambridge Masterplan Design Guidelines and Legal Agreement (1999)** – Sets out how the West Cambridge site should be developed.

**Mitcham's Corner Area Strategic Planning and Development Brief (2003)** – Guidance on the development and improvement of Mitcham's Corner.

**Mill Road Development Brief (Robert Sayle Warehouse and Co-Op site) (2007)** – Development Brief for Proposals Site 7.12 in the Cambridge Local Plan (2006)

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: South Area Committee

DATE: 07/03/2013

WARD: Queen Ediths

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### **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

#### **Breach of planning conditions and material change of use of 27 Babraham Road, Cambridge**

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#### **1. INTRODUCTION**

This report seeks delegated authority to serve five Enforcement Notices to address the breach of four planning conditions attached to the planning permission (reference C/97/0695) at 27 Babraham Road and for the unauthorised change of use of the forecourt of the C3 Dwellinghouse to B1 business use.

Site: 27 Babraham Road, Cambridge.

See Appendix A for site plan

Breach: Breach of conditions and unauthorised change of use

#### **2. PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>
------------------	--------------------

C/93/0133	Garage in front garden (amended by letter dated 26.03.93 and 01.02.95 with accompanying plans)	Approved with conditions
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C/97/0695	The use of the land and buildings at 27 Babraham Road as a dwelling house and for the storage of two ice cream vans used for commercial purposes	Approved with conditions
C/01/0558	Erection of 2bay car port extension to existing garage.	Approved with conditions
05/0603/FUL	Single storey side extension to dwellinghouse with conservatory to rear. Single storey front extension to garage.	Refused
12/1107/S73	Application to vary condition 1 to include a maximum of 4 ice cream vans, condition 2 so that vans not in use shall be stored in the existing garage but not behind closed doors, condition 3 to allow deliveries to the site and condition 4 to allow the parking of 4 ice cream vans within the existing garage block on planning approval C/97/0695/FP.	Withdrawn
12/1438/CLUED	Application for a Section 191 for the storage of four ice cream vans, the stationing of a refrigerated storage unit, acceptance of deliveries in connection with the ice cream business and the mixed use (C3/B1) of the property.	Certificate Not Granted

### 3. BACKGROUND

3.1 Planning permission C/97/0695 approved the use of land and buildings at 27 Babraham Road as a dwelling house and for the storage of two ice-cream vans used for commercial purposes, with the following conditions:

1. The number of ice-cream vans stored at the premises shall not exceed two vehicles.

Reason: To protect the residential amenity of adjacent residential occupiers.

2. The ice-cream vans, when not in use, shall be stored within the existing garages at all times with the doors closed.  
Reason: To protect the visual amenity of the area.
  3. There shall be no deliveries to the premises associated with the ice-cream business.  
Reason: To protect the amenity of adjacent residential properties.
  4. The garage shall be used for the parking of no more than two ice-cream vans and the parking of domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority.  
Reason: To protect the residential amenity of adjacent residential properties.
- 3.2 The Planning Enforcement Service has received complaints that each of the four conditions is not being complied with and that the forecourt of the dwellinghouse is being used for B1 business use.
  - 3.3 An application for a Certificate of Lawfulness was made in November 2012. The applicant failed to provide sufficient evidence of breach of the conditions and that the change of use of the site had been continuous for ten years proceeding the application. Notification that the Certificate was not granted was given to the applicant on 7<sup>th</sup> January 2013. The application was determined under delegated powers.
  - 3.4 An appeal against the refusal to grant the Certificate has been lodged with the Planning Inspectorate. The Notices would only be served if the appeal against the refusal to grant a Certificate of Lawfulness is dismissed.
  - 3.5 A Planning Contravention Notice was served on 29<sup>th</sup> January 2012.
  - 3.6 The response to the Planning Contravention Notice confirms that the breaches of planning control are ongoing. The owner of 27 Babraham Road, Cambridge has advised that he intends to submit a further application for a Certificate of Lawfulness which will include additional evidence. At the time of writing this report a further application has not been received. An update will be provided on the amendment sheet. Given the impact of the unauthorised use on residential amenity, officers are of the view that it is not necessary to delay seeking authority for enforcement action pending the submission of a further application.

#### **4. LEGAL, POLICY AND OTHER MATERIAL CONSIDERATIONS:**

4.1 The material change of use of the forecourt of 27 Babraham Road, Cambridge to B1 business use requires planning permission.

#### **4.2 National Planning Policy Framework states:**

‘Para 207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.’

#### **4.3 Cambridge Local Plan policies**

The following policies from the Cambridge Local Plan would apply to the determination of an application of change of use of the forecourt of 27 Babraham Road to B1 business use:

3/4 Responding to context

3/10 Sub-division of existing plots

4/13 Pollution and Amenity

7/2 Selective Management of the Economy

The unauthorised development in question is contrary to development plan policies detailed above, because the change of use is detrimental to the residential amenity of neighbouring occupiers and poorly integrated into the locality.

#### **4.4 Planning Investigation Service Enforcement Policy 2000 Objectives:**

- To promote compliance with planning requirements.
- To remedy the undesirable effects of unauthorised development.
- To bring unauthorised activity under control to maintain the credibility and achieve the purpose, of the planning system.



- To strike an acceptable balance between protecting the amenity of the citizens of Cambridge and other interests of acknowledged importance, and allowing development to take place.
- To provide a service that will pursue pro-active initiatives that would improve the environment and built heritage, safeguard the amenities of the area and support the policies of the development plan.

A copy of the policy can be found at:

<http://www.cambridge.gov.uk/public/pdfs/PIS-enforcement-policy.pdf>

- 4.5 Enforcement is a discretionary power. The Committee should take into account the planning history and the other relevant facts set out in this report. In order to issue any Enforcement Notice there must be sound planning reasons to justify taking such action. The unauthorised development, namely the change of use of the forecourt to a commercial use and the breach of all four conditions of C/97/0695, is ongoing.

## 5. RECOMMENDATIONS

- 5.1 (i) To authorise five enforcement notices under S172 of the Town and Country Planning Act 1990 (as amended) in respect of the breach of all four conditions of C/97/0695 and the material change of use of 27 Babraham Road, specifying the steps to comply, the period for compliance and the statement of reasons set out in the draft notices in appendix B.
- (ii) to authorise the Head of Planning (after consultation with the Head of Legal Services) to draft and issue the enforcement notices.
- (iii) to delegate authority to the Head of Planning (after consultation with the Head of Legal Services) to exercise the Council's powers to take further action in the event of non-compliance with the enforcement notices.

### 5.2 Statement of Reasons

It appears to the Council that the breach of planning control has occurred within the last ten years. The applicant has undertaken development (in the form of a change of use and non compliance with planning conditions) without the benefit of planning permission.

The intensification of the business use has resulted in a change of use which has given rise to noise and disturbance to neighbours resulting in an unacceptably adverse impact upon their amenities.

The statement of reasons for each of the five enforcement notices are contained in point 4 of the draft Notices which can be found in appendix B.

Mindful of the advice the development plan policies mentioned above and to all other material considerations, the Council consider it expedient to serve the enforcement notices in order to remedy the clear breach of planning control.

- 5.3 Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that, if a certificate of lawfulness were refused, enforcement proceedings would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development. The time for compliance will be set as to allow a reasonable period for compliance.

## **6. IMPLICATIONS**

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications** - None
- (d) **Environmental Implications** - None
- (e) **Community Safety** - None

## **BACKGROUND PAPERS:**

Delegated officer report relating to application reference 12/1438/CLUED

## **APPENDICES**

Appendix A	Site plan
Appendix B	Five draft Enforcement Notices

The author and contact officer for queries on the report is Deborah Jeakins on extension 7163.

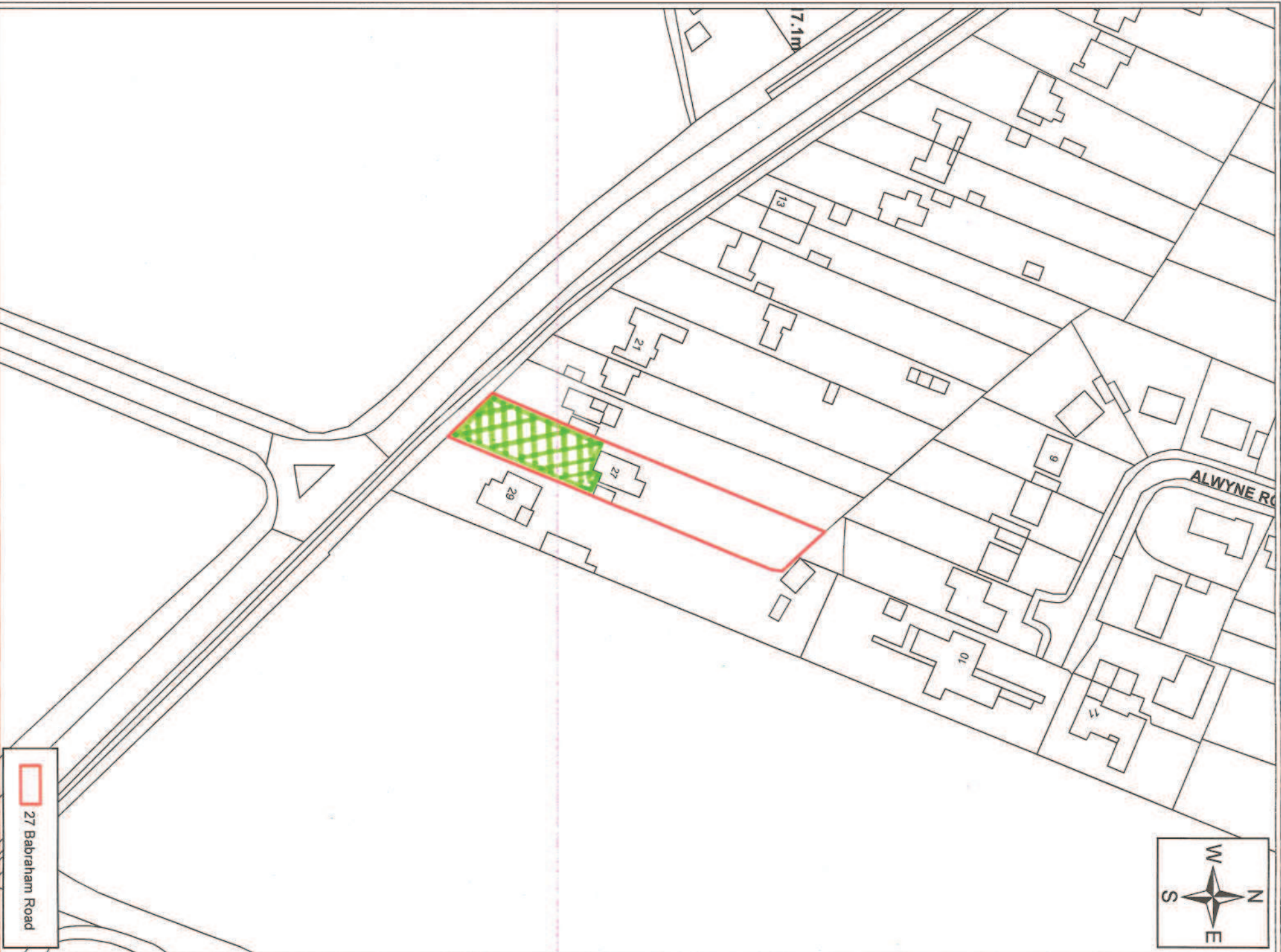
N:\Development Control\Planning\Enforcement\Committee reports\27 Babraham Road 2013.doc

Date originated: 17 Jan 2013

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ALWYNE ROAD



 27 Babraham Road

Date: 12 February 2013

Produced by: GIS Team

Section/Department: Information Systems, Environment Dept

Scale: 1:1,250 @ A4

27 Babraham Road



CAMBRIDGE  
CITY COUNCIL

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**ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH A CONDITION**

(Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991)

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

**2. THE LAND AFFECTED**

**27 Babraham Road, Cambridge CB2 0RB, otherwise known as "the Land"**

(shown edged red on the attached plan)

**3. THE BREACH OF PLANNING CONTROL ALLEGED**

**Breach of condition 1 of C/97/0695: The number of ice-cream vans stored at the premises shall not exceed two vehicles, more than two vehicles have been stored on the premises.**

**4. REASONS FOR ISSUING THIS NOTICE**

**It appears to the Council that the breach of planning control, namely the failure to comply with a planning condition, has occurred within the last ten years.**

**The increased number of ice cream vans stored on the Land has given rise to noise and disturbance to neighbours resulting in an unacceptably adverse impact upon their amenities.**

**The failure to comply with the condition has resulted in unauthorised development which is contrary to development plan policies 3/4 Responding to context, 3/10 Sub-division of existing plots, 4/13 Pollution and Amenity and 7/2 Selective Management of the Economy because the change of use is detrimental to the residential amenity of neighbouring occupiers and poorly integrated into the locality. Mindful of these Development Plan policies and all other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.**

**5. WHAT YOU ARE REQUIRED TO DO**

**Reduce the number of ice cream vans stored on the Land to the two ice cream vans permitted by condition 1 of planning permission reference C/97/0695.**

**6. PERIOD FOR COMPLIANCE**

**28 days after this notice takes effect**

**7. WHEN THIS NOTICE TAKES EFFECT**

**This notice takes effect on the 08 April 2013**

unless an appeal is made against it beforehand.

Signed .....

*Council's Authorised Officer*

Dated: 08 March 2013

Cambridge City Council  
The Guildhall  
Cambridge  
CB2 3QJ

Annex

**YOUR RIGHT OF APPEAL**

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State, before the date the notice takes effect. "Enforcement Appeals - a Guide to Procedure" can be downloaded from the Planning Portal web site. The closed appeal forms will enable you to make your appeal. Please sent one copy, together with a copy of the enforcement notice attached) to the Planning Inspectorate. The second copy should be sent to the Council at the above address. The third copy is for your own records.

**WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 above. You must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 above. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

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**ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH A CONDITION**

(Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991)

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

**2. THE LAND AFFECTED**

**27 Babraham Road, Cambridge CB2 0RB, otherwise known as "the Land"**

(shown edged red on the attached plan)

**3. THE BREACH OF PLANNING CONTROL ALLEGED**

**Breach of condition 2 of C/97/0695: The ice-cream vans, when not in use, shall be stored within the existing garages at all times with the doors closed.**

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control, namely the failure to comply with a planning condition, has occurred within the last ten years.

The parking and storage of ice cream vans outside of the existing garages has given rise to noise and disturbance to neighbours resulting in an unacceptably adverse impact upon their amenities.

The failure to comply with the condition has resulted in unauthorised development which is contrary to development plan policies 3/4 Responding to context, 3/10 Sub-division of existing plots, 4/13 Pollution and Amenity and 7/2 Selective Management of the Economy because the change of use is detrimental to the residential amenity of neighbouring occupiers and poorly integrated into the locality. Mindful of these Development Plan policies and all other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

**5. WHAT YOU ARE REQUIRED TO DO**

**When the two ice cream vans, which were given permission to be stored on the Land by planning reference C/97/0695, are not in use store them within the existing garages at all times with the doors closed.**

**6. PERIOD FOR COMPLIANCE**

**28 days** after this notice takes effect

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on the **08 April 2013**

unless an appeal is made against it beforehand.

Signed .....

*Council's Authorised Officer*

Dated: **08 March 2013**

Cambridge City Council  
The Guildhall  
Cambridge  
CB2 3QU

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**ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH A CONDITION**

(Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991)

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

**2. THE LAND AFFECTED**

**27 Babraham Road, Cambridge CB2 0RB, otherwise known as "the Land"**

(shown edged red on the attached plan)

**3. THE BREACH OF PLANNING CONTROL ALLEGED**

**Breach of condition 3 of C/97/0695: There shall be no deliveries to the premises associated with the ice-cream business.**

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the breach of planning control, namely the failure to comply with a planning condition, has occurred within the last ten years.

The delivery of goods and products associated with the ice cream business (including the sale of soft drinks) which is carried on from the Land has given rise to noise and disturbance to neighbours resulting in an unacceptably adverse impact upon their amenities.

The failure to comply with the condition has resulted in unauthorised development which is contrary to development plan policies 3/4 Responding to context, 3/10 Sub-division of existing plots, 4/13 Pollution and Amenity and 7/2 Selective Management of the Economy because the change of use is detrimental to the residential amenity of neighbouring occupiers and poorly integrated into the locality. Mindful of these Development Plan policies and all other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

**5. WHAT YOU ARE REQUIRED TO DO**

Cease any and all deliveries to the Land which are associated with the ice cream business.

**6. PERIOD FOR COMPLIANCE**

**56 days** after this notice takes effect

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on the **08 April 2013**

unless an appeal is made against it beforehand.

Signed .....

*Council's Authorised Officer*

Dated: **08 March 2013**

Cambridge City Council  
The Guildhall  
Cambridge  
CB2 3QJ

**Annex**

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**WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 above. You must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 above. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

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**ENFORCEMENT NOTICE - FAILURE TO COMPLY WITH A CONDITION**

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1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

**2. THE LAND AFFECTED**

**27 Babraham Road, Cambridge CB2 0RB, otherwise known as "the Land"**  
(shown edged red on the attached plan)

**3. THE BREACH OF PLANNING CONTROL ALLEGED**

**Breach of condition 4 of C/97/0695: The garage shall be used for the parking of no more than two ice-cream vans and the parking of domestic vehicles only and for no other purpose without express consent to be given in writing by the local planning authority.**

**4. REASONS FOR ISSUING THIS NOTICE**

**It appears to the Council that the breach of planning control, namely the failure to comply with a planning condition, has occurred within the last ten years.**

**The use of the garage for storage of commercial products, products associated with the sale and delivery of catering products, trailers and vehicles other than the storage of two ice cream vans permitted by planning reference C/97/0695 has an unacceptably adverse impact upon the amenity of the neighbouring properties.**

**The failure to comply with the condition has resulted in unauthorised development which is contrary to development plan policies 3/4 Responding to context, 3/10 Sub-division of existing plots, 4/13 Pollution and Amenity and 7/2 Selective Management of the Economy because the change of use is detrimental to the residential amenity of neighbouring occupiers and poorly integrated into the locality. Mindful of these Development Plan policies and all other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.**

**5. WHAT YOU ARE REQUIRED TO DO**

**Cease the use of the garage for anything other than the storage of two ice-cream vans and the parking of domestic vehicles.**

**6. PERIOD FOR COMPLIANCE**

**56 days** after this notice takes effect

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on the **08 April 2013**

unless an appeal is made against it beforehand.

Signed .....

*Council's Authorised Officer*

Dated: **08 March 2013**

Cambridge City Council  
The Guildhall  
Cambridge  
CB2 3QJ

**Annex**

**YOUR RIGHT OF APPEAL**

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**WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 above. You must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 above. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

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**ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE**

(Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991)

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

**2. THE LAND AFFECTED**

**27 Babraham Road, Cambridge CB2 0RB, otherwise known as "the Land"**

(shown edged red on the attached plan)

**3. THE BREACH OF PLANNING CONTROL ALLEGED**

**The material change of use of the area of the Land marked with green hatching on the attached plan of 27 Babraham Road, Cambridge to a B1 business use.**

**4. REASONS FOR ISSUING THIS NOTICE**

**It appears to the Council that the breach of planning control has occurred within the last ten years. The applicant has undertaken development in the form of a material change of use without the benefit of planning permission.**

**The intensification of the B1 business use at the C3 Dwellinghouse has resulted in a material change of use which has given rise to noise and disturbance to neighbours resulting in an unacceptably adverse impact upon their amenities.**

**The unauthorised development in question is contrary to development plan policies 3/4 Responding to context, 3/10 Sub-division of existing plots, 4/13 Pollution and Amenity and 7/2 Selective Management of the Economy because the change of use is detrimental to the residential amenity of neighbouring occupiers and poorly integrated into the locality. Mindful of these Development Plan policies and all other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.**

**5. WHAT YOU ARE REQUIRED TO DO**

**1. Cease the use of the area of the Land hatched in green on the attached plan for any use associated with any retail, catering or ice cream business, including uses associated with the preparation, production and storage of any food, beverage or catering products which will be for sale to the public.**

**2. Cease the use of the refridgeration unit on the Land for the storage of any food, beverage or catering products which will be for sale to the public.**

**3. Cease the use of the area of the Land hatched in red on the attached plan for the storage of any commercial or catering vehicles other than the two ice cream vans permitted by conditions 1 and 2 of planning reference C/97/0695.**

**6. PERIOD FOR COMPLIANCE**

**56 days** after this notice takes effect

**7. WHEN THIS NOTICE TAKES EFFECT**

**This notice takes effect on the 08 April 2013**

unless an appeal is made against it beforehand.

Signed .....

*Council's Authorised Officer*

Dated: **08 March 2013**

Cambridge City Council  
The Guildhall  
Cambridge  
CB2 3QJ

**Annex**

**YOUR RIGHT OF APPEAL**

There is a right of appeal to the Secretary of State (at the Planning Inspectorate) against this notice. Please see the enclosed information sheet from the Planning Inspectorate which tells you how to make an appeal. If you decide to make an appeal, you must ensure you send your appeal so that it will be received or post/deprecated in time to be received by the Secretary of State (at the Planning Inspectorate) before the effective date specified in paragraph 7.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 above. You must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 above. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.



## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: South Area Committee      DATE: 07/03/13

WARD: Trumpington

### **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

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#### **60 Panton Street, Cambridge Unauthorised Development**

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## **1 INTRODUCTION**

- 1.1 This report asks members to authorise the closure of an Enforcement Investigation into works which are not in accordance with the approved plans for 11/1276/FUL on the grounds that it is not expedient to pursue the breach of planning control further.

Site: 60 Panton Street, Cambridge.  
See Appendix A for site plan.

Breach: Unauthorised Operational Development.

## **2 BACKGROUND**

- 2.1 On 30<sup>th</sup> December 2011 planning application reference 11/1276/FUL was approved for: 'Alterations to existing building together with ground floor, first floor and second floor (roof level) extensions to refurbish residential property. New residential annexe at rear incorporating car parking space, cycle and refuse storage, all following demolition of existing single storey rear extension.'
- 2.2 On 30<sup>th</sup> July 2012 officers received an allegation that the height of the rear extension was not in accordance with the approved plans for planning reference 11/1276/FUL.

- 2.3 A site visit was undertaken to assess the works undertaken on site, officers confirmed that the height of the rear extension exceeds the measurement shown on the approved plans by between 10 and 20 centimetres. Photographs of the development can be found in Appendix B.
- 2.4 Officers from the City Development Management team have advised that the additional height of the rear extension is material enough to require a new full planning application and cannot be dealt with as an application for a Non Material Amendment.
- 2.5 The owner of the property has advised officers in writing that whilst he is willing to submit an application for a non material amendment for the difference in height, he is not willing to submit a new full planning application. An email from the owner of the property inviting members to view the development can be found in appendix C.
- 2.6 A Planning Contravention Notice was served on the property on 11<sup>th</sup> January 2013 and returned on 2<sup>nd</sup> February 2013. The owner of the property has stated on the returned notice that he does not intend to submit a full planning application for the works which have taken place at 60 Panton Street.
- 2.7 The current Scheme of Delegation does not permit officers to close investigations where there is an outstanding breach of planning control. A decision therefore needs to be taken as to whether formal action should be taken forward or if the particular details of this case are such that it should not be pursued.
- 2.8 All parties connected to this investigation were advised this report is being put before members for consideration and were made aware that they could make representations to the Committee.

### **3 POLICY AND OTHER MATERIAL CONSIDERATIONS:**

#### **3.1 National Planning Policy Framework states:**

‘Para 207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor

the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'

- 3.2 Enforcement is a discretionary power. Paragraph 6.2 of the Planning Investigation Service's Enforcement Policy states 'The impact of some developments are more harmful than others and therefore action will be in the public interest and commensurate with the breach of planning control' and paragraph 6.3 states that an appropriate course of action where the breach is minor with no significant effects may be that no further action is required.
- 3.3 The informal opinion from planning officers is that the impact of the development in question is minimal and would be acceptable should an application have been made to regularise the situation. Therefore officers do not consider that it would be expedient to pursue formal action in this instance.
- 3.4 If members authorise the closing of this investigation, the unauthorised operational development in question would become immune from enforcement action after a period of four years.

## **4 RECOMMENDATIONS**

- 4.1 It is recommended that the Head of Planning Services be authorised to close the investigation into unauthorised operational development at 60 Panton Street on the grounds that it is not expedient to pursue the matter further.

## **5 IMPLICATIONS**

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications** - None
- (d) **Environmental Implications** - None
- (e) **Community Safety** - None
- (f) **Human Rights** - Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right

to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination).

**BACKGROUND PAPERS:** <http://www.cambridge.gov.uk/public/pdfs/PIS-enforcement-policy.pdf>

## **APPENDICES**

Appendix A	Site plan
Appendix B	Photographs of unauthorised development
Appendix C	Email from the owner

The contact officer for queries on the report is Debs Jeakins on ext 7163.





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Debs Jenkins - Re: works at 60 Panton Street (Out of office)

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**From:** [REDACTED]  
**To:** Debs Jenkins <Debs.Jenkins@cambridge.gov.uk>  
**Date:** 31/01/2013 14:36  
**Subject:** Re: works at 60 Panton Street (Out of office)  
**Attachments:** SDC11061.JPG; SDC11062.JPG

Dear **Debbie**

Re-60 Panton St

Following our recent meeting at the guild hall, i hope you and your colleague,s will take another look at the breach of planning, on the grounds that I have not blatantly ignored the council.

I have not read the final approved plan correctly and kept the ceiling levels the same. This would be the normal procedure and that is why i did this. I have not gained or had benefit by doing this in any way.

The building in question will be completely hidden from anybodies view and is enclosed in the yard area so it will not have any impact on any person or the environment, I would be willing to speak to my neighbour about this i may have annoyed him storing light materials on the flat roof which he could see but this was temporary and not long term, I would also welcome any committee members to come and view it if they wish before the meeting.

I am not willing to submit a full planning application again but would submit a amendment, I have enclosed photo,s Inside to show the same ceiling level, and outside to show the height and view the garden dividing walls are eight feet high and there will be a building in front of the sliding doors making the yard area enclosed. I hope we can come to a positive and sensible agreement.

Please let me know if you want any more photos

Yours Sincerely

[REDACTED]

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**From:** Debs.Jenkins  
**To:** [REDACTED]  
**Sent:** September 2012, 6:54  
**Subject:** re: [REDACTED]  
60 Panton Street (Out of office)

Thank you for your message.

I am out of the office and will deal with your enquiry as soon as possible after I return to my desk on Monday 24th September 2012.

If your query is urgent or you require a response before that date, please email my colleague alison.twyford@cambridge.gov.uk or telephone 01223 457163 and she will try to assist you.

Kind regards

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