



## SOUTH AREA COMMITTEE



### AGENDA

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

**County Councillors:** Ashwood, Crawford and Taylor

*Dispatched: Friday, 25 October 2013*

**Date:** Monday, 4 November 2013

**Time:** 7.00 pm

**Venue:** Meeting Room - CHVC - Cherry Hinton Village Centre

**Contact:** James Goddard

**Direct Dial:** 01223 457013

**1 APOLOGIES FOR ABSENCE**

**2 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**.

**3 MINUTES** (*Pages 7 - 14*)

To confirm the minutes of the meeting held on 16 September 2013. (*Pages 7 - 14*)

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

**5 OPEN FORUM**

Refer to the 'Information for the Public' section for rules on speaking.

**6 POLICING AND SAFER NEIGHBOURHOODS - SOUTH AREA COMMITTEE** (*Pages 15 - 26*)

**7 PLANNING APPLICATIONS**

**Appendix 1 for Full Details of Central Government Planning Guidance**

7a 13/0957/FUL - 32 Panton Street (*Pages 37 - 48*)

7b 13/0477/OUT 70 Hartington Grove (*Pages 49 - 76*)

# 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.

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Further information is also available online at

<https://www.cambridge.gov.uk/speaking-at-committee-meetings>

The Chair will adopt the principles of the public

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

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## **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.

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

<http://democracy.cambridge.gov.uk/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=42096147&sch=doc&cat=13203&path=13020%2c13203>

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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).

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**SOUTH AREA COMMITTEE**

16 September 2013

7.35 - 8.54 pm

**Present**

**Area Committee Members:** Councillors Ashton (Chair), Meftah (Vice-Chair), Birtles, Blackhurst, Dryden, Pippas, Stuart and Swanson

**Area Committee Members:** County Councillor Crawford

Councillor Pippas left after the vote on item 13/47/SACc

**Officers:**

Principal Planning Officer: Toby Williams

Urban Growth Project Manager: Tim Wetherfield

Committee Manager: James Goddard

**FOR THE INFORMATION OF THE COUNCIL****13/40/SAC Apologies for Absence**

Apologies were received from Councillors Ashwood, McPherson and Taylor.

The Committee thanked Toni Ainley for her support as Head of Streets & Open Spaces, and wished her a happy retirement.

**13/41/SAC Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Ashton	13/46/SAC	Personal: Chairman of Cherry Hinton Resident's Association
Councillor Dryden	13/46/SAC	Personal: Member of Cherry Hinton Resident's Association
Councillor Pippas	13/47/SACa	Personal and prejudicial: Lives in the same road as the application.  Withdrew from discussion and did not vote.

Councillor Stuart stated that she lived on the Accordia Estate but had no interest to declare regarding s106 funding (13/46/SAC).

### **13/42/SAC Minutes**

The minutes of the 15 July 2013 meeting were approved and signed as a correct record subject to the following amendments in bold and struck out text:

13/36/SAC - Councillor Ashwood said a meeting was held 15 July 2013 to review issues around the **South Area Parking Review** ~~TROs and requested~~ **£2,000** funding.

### **13/43/SAC Matters and Actions Arising from the Minutes**

- i. **13/35/SAC Policing and Safer Neighbourhoods “Action Point: Councillor Taylor to query cycle theft and abandoned cycle figures with city council officers.”**

Councillor Taylor has received a response.

- ii. **13/36/SAC Environmental Improvement Programme “Action Point: Councillor Ashton (as Committee Chair) to write to County Council requesting funding for a controlled crossing on Fendon Road.”**

South Area Committee (SAC) have received a response from Dearbhla Lawson, Head of Service for Transport and Infrastructure Policy and Funding at Cambridgeshire County Council. Councillor Taylor will follow up this issue with County Officers to ensure it remains on their agenda.

### **13/44/SAC Decisions Taken Regarding S106 Projects**

#### **13/44/SACa Nightingale Recreation Ground Fitness and Trim Trail**

The decision was noted.

#### **13/45/SAC Open Forum**

1. **A member of the public queried progress on a scooter park that had been requested for the Accordia development. She made the following points:**



- Stated that children on the Accordia Estate wanted somewhere safe to play.
- Raised concerns regarding traffic and road safety as many children played in the road eg riding scooters.
- The scooter park would help the existing good sense of community.

Councillor Stuart expressed support for the scooter park project to give children a safe place to play.

### **13/46/SAC Developer Contributions Devolved Decision-Making: 2nd Round Short-Listing for South Area**

The Committee received a report from the Urban Growth Project Manager.

The Officer's report outlined that the four local priorities identified by the South Area Committee in the first round of devolved decision-making are moving forward:

- i. Community Hub at Cherry Hinton Library.
- ii. Nightingale Avenue Recreation Ground trim trail.
- iii. Princess Court/Hanover Court.
- iv. Cherry Hinton Recreation Ground.

The report introduced the second round of devolved decision-making. It summarised feedback from the recent consultation about local project ideas and set out details of 33 proposals that the Committee were asked to short-list to around 8 priorities for developer contributions funding. These could be prepared, appraised and implemented from spring 2014, once the first round priority projects have been completed.

The Urban Growth Project Manager brought the report up to date by stating that the SAC s106 budget was expected to increase by circa £300,000 due to a recent request for developer contributions that were due. The budget would be confirmed in January 2014.

In response to Members' questions the Urban Growth Project Manager said the following:

- i. Consultation on the improvements to the Cherry Hinton Recreation Ground will take place in November 2013 so that these can be delivered by Spring 2014 as planned. Specifications had been written

- for the skate board park project with the intention of procuring facilities in conjunction with Nun's Way.
- ii. In terms of developer contribution funding of completed projects since 2007, Queen Ediths had received roughly £975,000, Trumpington £650,000 and Cherry Hinton £150,000. Cherry Hinton could also receive an additional £400,000 through the phase 2 Cherry Hinton Hall ground improvements.
  - iii. Experience from the first round of the process had highlighted the possibility of grouping several small projects into a larger one.
  - iv. The Community Development Team liaised with community groups so they would be aware of the information Officers required to present proposals to SAC.
  - v. A consultation occurred over Summer 2013 to seek potential schemes for s106 funding.

The Committee made the following comments in response to the report:

- i. Sought parity between funding allocated to the 3 SAC Wards.
- ii. Asked Officers to continue to liaise with community groups to support them as required, and request details on proposals (ie specifications on how funding would be spent) so SAC could make informed decisions on how to prioritise them. Officers were asked to ensure only appropriate proposals for s106 funding came forward for consideration at SAC, other proposals could be directed to different funding where applicable.

Following discussion, Members **resolved (unanimously)**:

- i. To short-list the following project ideas that the Area Committee would wish to consider in more detail in a follow-up report in January 2014:
  - (1) Refurbish centre at Cherry Hinton Baptist Church.
  - (6) Extend Trumpington Bowls Club Pavilion.
  - (13) Trim trail at Accordia plus (20) Junior scooter park for younger children at Accordia to be undertaken as a single project.
  - (21) New pavilion at Cherry Hinton Rec or improve the existing one (eg changing room non-slip floor)
  - (22) Basketball court or multi-use games area at Cherry Hinton Recreation Ground.
  - (23) New pavilion at Nightingale Avenue Rec.
- ii. The Area Committee did not highlight:
  - There were project ideas that the Area Committee would wish to prioritise now, subject to project appraisal.

- There were project ideas on the South Area list that should be referred to another (area or scrutiny) committee for consideration.
- iii. Noted other comments and suggestions (not eligible for developer contributions funding) made as part of the recent consultation.

### **13/47/SAC Planning Applications**

#### **13/47/SACa 13/0637/FUL - 8 Richard Foster Road**

The Committee received an application for partial retrospective planning permission.

The application sought approval for the roof and roof lights over first floor terrace, conversion of car port to a playroom and storage provision in the entrance lobby.

Ms Elford (Applicant's Architect) and Mr Rudge (Applicant) addressed the Committee in support of the application.

The Committee received a representation in objection to the application from Mr Nichols.

The representation covered the following issues:

- i. Spoke on behalf of several neighbours.
- ii. The Applicant had not discussed proposals with neighbours.
- iii. The application was out of context with neighbouring properties as its design differed noticeably. This was inappropriate.
- iv. The terrace had attracted positive comments due to its (uniform) design.
- v. Number 4's parking space was protected by covenants. The Applicant should be aware of this.

#### The Committee:

**Resolved (unanimously)** to refuse the application for retrospective planning permission in accordance with the officer recommendation, for the reasons set out in the officer report.

#### **13/47/SACb 13/0722/FUL - Trumpington Park and Ride Site**

The Committee received an application for temporary permission for a change to a sui generis use at the site.

The application sought approval to allow for a 150 car boot fair (for second hand goods only) on Sundays between the hours of 7:00am and 1:00pm

The Committee:

**Resolved (unanimously)** to grant the application for permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **13/47/SACc 13/0634/FUL - 9 Mowbray Road**

Councillor Pippas withdrew from the meeting for this item and did not participate in the discussion or decision making.

The Committee received an application for full planning permission.

The application sought approval for conversion of a semi-detached house to three self-contained flats.

Councillor Swanson proposed an amendment to the Officer's recommendation so that condition 3 made reference to provision of an additional parking space.

This amendment was **carried unanimously**.

The Committee:

**Resolved (unanimously)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers, plus the amendment of condition 3 to read:

'The car parking spaces 1, 2 and the additional car parking space shown as hatched adjacent to car parking space 1, which for the avoidance of doubt shall be hard surfaced, the turning area and vehicular cross-over shall be provided within 6 months following the grant of this permission as shown on plan 13/1354/04. The turning space (shown on the south west side of flat 2) shall not be used for parking and shall be used for turning vehicles only and kept free for such.

Reason: In the interests of highway safety and to ensure adequate space for parking is provided in the interests of the amenity of the surrounding area and existing parking pressures in nearby streets (Cambridge Local Plan 2006 policy 8/2).'

The meeting ended at 8.54 pm

**CHAIR**

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# Neighbourhood profile update Cambridge City South Neighbourhood

November 2013



**Steve Poppitt, Safer  
Neighbourhoods  
Inspector**

**Lynda KilKelly, Safer  
Communities Manager,  
Cambridge City Council**



<b>1</b>	<b>INTRODUCTION</b>	<b>2</b>
	Aim	
	Methodology	
<b>2</b>	<b>CURRENT PRIORITIES</b>	<b>3</b>
<b>3</b>	<b>PRO-ACTIVE WORK &amp; EMERGING ISSUES</b>	<b>6</b>
<b>4</b>	<b>ADDITIONAL INFORMATION</b>	<b>8</b>
	Current Crime & ASB Incident Levels by Ward	
	Arson Data	
	Environmental Services Data	
<b>5</b>	<b>RECOMMENDATIONS</b>	<b>11</b>

## **1 INTRODUCTION**

### **Aim**

The aim of the Neighbourhood profile update is to provide an overview of action taken since the last reporting period, identify on-going and emerging crime and disorder issues, and provide recommendations for future priorities and activity in order to facilitate effective policing and partnership working in the area.

The document should be used to inform multi-agency neighbourhood panel meetings and neighbourhood policing teams, so that issues can be identified, effectively prioritised and partnership problem solving activity undertaken.

### **Methodology**

This document was produced using the following data sources:

- Cambridgeshire Constabulary crime and anti-social behaviour (ASB) incident data for June to September 2013, compared to the previous reporting period (February to May 2013) and the same reporting period in 2012.
- City Council environmental services data for the period June to September 2013, compared to the same reporting period in 2012; and
- Information provided by the Safer Neighbourhood Policing Team, Cambridgeshire Fire & Rescue Service and the City Council's Safer Communities Section.



## 2 CURRENT PRIORITIES

At the South Area Committee meeting of 15 July 2013, the committee recommended adopting the following priorities:

- Reduce the theft of pedal cycles in the South area;
- Combat the supply of drugs in South area; and
- Anti-social behaviour around the Spinney School area.

The Neighbourhood Action Group, at its meeting of 24 July, assigned the actions to be taken and the lead officers for each of the priorities. The tables below summarise the action taken and the current situation.

<b>Reduce the theft of pedal cycles in the South area</b>	
<b>Objective</b>	<ul style="list-style-type: none"> <li>□ Reduce the theft of pedal cycles in Trumpington, specifically those occurring in the Newtown area of the ward.</li> <li>□ Increase the awareness of pedal cycle owners about the risks of becoming a victim of cycle crime by encouraging the use of sound crime prevention measures.</li> </ul>
<b>Action Taken</b>	<p>The work undertaken by the South area team consists of two approaches to tackling the cycle crime problem in Newtown; crime prevention and targeted enforcement. The work of the South team has been supplemented by the Operation Huntsman team.</p> <p>Operation Huntsman was launched on 1 August 2013. This police operation has several strands: to provide a highly visible, flexible and mobile response to crime and ASB; and to address issues of dangerous and irresponsible cycling. Whilst Huntsman is pro-active, it also has a crime reduction focus and has worked with the South area team in the promotion of education around cycle theft prevention and the value of registering property online (<i>Immobilise</i>). The South team have also visited local businesses, residences with communal cycle parks, educational premises and have spoken to cyclists in the street.</p> <p>High profile activity has seen the arrest of cycle thieves. For example, in August two individuals were stopped on Cherry Hinton Road and have been charged with burglary, theft of pedal cycle, and going equipped. Inevitably high profile police activity on the street in relation to pedal cycle theft also sees the police drawn into anti-social cycling issues. There have been certain locations identified, through social networking sites, where residents are concerned about the behaviour of</p>

	<p>cyclists. There have been days of action around such locations, ticketing people for going through red lights, etc. There has also been a surge in people dealt with via the Lights Instead of Tickets (LIT) scheme.</p> <p>City Homes has started organising installation of 43 bike racks in the South on their housing estates, as well as applying for some lockable bike sheds.</p>
<b>Current Situation</b>	<p>Although pedal cycle theft across Cambridge has reduced by 10% in comparison to last year, cycle theft in the South area remains higher than the previous year (101 offences compared to 89 offences for the same period last year). Of the current South cycle crime, 50% of the crime is in Trumpington with almost all of that concentrated at the Newtown end. The remaining 50% is a roughly even split between Cherry Hinton and Queen Edith's; Cherry Hinton saw a slight increase in cycle theft and Queen Edith's saw a reduction.</p> <p>Recent property developments in the Newtown area have seen a large increase in the amount of residential and student accommodation along with a large increase in the number of cycles owned in the area. Pedal cycle theft in the Newtown area is still an issue which would benefit from further work.</p>
<b>Lead Officer</b>	Sergeant Jim Stevenson, Cambridgeshire Constabulary

<b>Combat the supply of drugs in South area</b>	
<b>Objective</b>	<ul style="list-style-type: none"> <li>□ Target individuals and organised groups travelling to the South area of Cambridge to engage in the unlawful supply of controlled drugs, particularly class A drugs.</li> <li>□ Target the supply of drugs, particularly class A drugs, by individuals resident in the South area.</li> </ul>
<b>Action Taken</b>	<p>In the last four months the South area team, working with the East area team, have executed seven search warrants issued under the Misuse of Drugs Act, 1971. This has resulted in the seizure of several quantities of class A and Class B drugs. A cannabis 'factory' containing drugs worth approximately £15,000 was also located and dismantled. At the location of these warrants or as a result of enquiries carried out after the event, six individuals were arrested for being concerned in the supply of class A drugs and four other individuals for being concerned in the production of a class B drug, abstracting electricity and a number of other linked offences.</p> <p>In the same period approximately two dozen intelligence-led</p>

	<p>stop searches under s23 of the Misuse of Drugs Act 1971 have been carried out in the South area. These resulted in arrests, drug seizures and cannabis warnings.</p> <p>Also of note is the conclusion of a long running investigation into the supply of class A drugs in the South. This resulted in the imprisonment of three London based drug dealers for an average of 3 years each.</p>
<b>Current Situation</b>	<p>Intelligence and information from the public relating to drug supply still continues to come to the attention of the South area team. This information indicates there are still several individuals in the South area who remain active in the supply of controlled drugs. Many of those individuals are from outside the Cambridge area and come to Cambridge purely to take part in their criminal activity. Recent information suggests that those individuals are active across the region and some joint working with Suffolk is on-going at the moment in regard to individuals who have come to the attention of both Cambridge and Newmarket police officers.</p>
<b>Lead Officer</b>	Sergeant Jim Stevenson, Cambridgeshire Constabulary

<b>Anti-social behaviour around the Spinney School area</b>	
<b>Objective</b>	<ul style="list-style-type: none"> <li>□ To reduce the incidents of anti-social behaviour associated with the unlawful use of the area around the southernmost lake of the former Cherry Hinton chalk pits.</li> <li>□ To deter persons seeking to unlawfully access the lakeside in the interests of public safety.</li> </ul>
<b>Action Taken</b>	<p>Preventative police patrols were carried out around the most commonly used access points to reach the lakes. Warning leaflets were handed out to persons who appeared to be in the area intent on accessing the lakes; people were coming from as far afield as Haverhill and Saffron Walden. Warning notices were also placed on vehicles in the area whose occupants were suspected of already being in the area to visit the lakes as well as Fixed Penalty Notices for parking offences where appropriate. Approximately 200 warning notices were handed out by local police officers.</p> <p>The lakes were visited by the police, members of the Safer Communities Section, Fire &amp; Rescue Service and the agents of the landowner, and regular visits were organised to check the integrity of the fences and carry out any repairs which were needed. A new protocol was developed to ensure that the police and fire service had legitimate access to the lakes in the</p>

	<p>event of emergencies.</p> <p>Preventative television and radio work was also undertaken by the police to highlight the dangers of swimming in the lake.</p>
<b>Current Situation</b>	<p>July saw a large increase in the number of incidents of ASB reported in the Cherry Hinton area by concerned residents. The principle areas affected were: Walpole Road; St. Bedes Gardens; St. Bedes Crescent; Doggett Road and Sidney Farm Road. The disruption caused to the Spinney School two years previously did not occur this year with “lake attendees” finding alternative routes onto the site. Police patrols displaced some activity onto the next lake, which is primarily used by the Cambridge Angling Club whose members quickly reported this activity to the police. The joint work undertaken prevented a recurrence of the weekend of the 13/14 July 2013. Although people did use the lakes for the rest of the summer period, the numbers were not large and community impact was low.</p> <p>The lakes are privately owned and are not a public place. This restricts the power of the police and others over what action can be taken. However, the police do have a duty to protect life and promote public safety and these responsibilities were clearly reflected in the actions taken last year. The City Council’s draft Local Plan 2014 did include a consultation question about the future use of the lakes. A partnership response plan is in place for next year.</p>
<b>Lead Officer</b>	Sergeant Jim Stevenson, Cambridgeshire Constabulary

### 3. PRO-ACTIVE WORK & EMERGING ISSUES

- Anti-Social Behaviour officers within the Safer Communities Section attended community events held in Trumpington and Cherry Hinton. These events were organised by the Fire & Rescue Service. Work is currently being undertaken to resolve complaints of ASB in Dolphin Close, Colville Road, Wenvoe Close and Teversham Drift. Tenancy enforcement action has been taken against two tenants, with one resulting in possession being granted by the courts, though this is subject to an appeal.
- Good reduction in overall crime, including violent crime, in all South wards.
- Good reduction in criminal damage compared to the same period last year.
- Theft from vehicle and theft of vehicle is stable.

- Dwelling burglary is stable compared to last year.
- Increase in theft of pedal cycle; 50% of pedal cycle crime is in Trumpington ward (Newtown area).
- Increase in ASB (excepting Queen Edith's) linked to increase in calls concerning Cambridge Lakes and the hot spell in July.
- This year's Folk Festival passed off without any significant policing impacts.
- There has been an increase in complaints about vehicle parking offences around school premises across the South area.



## ARSON DATA

Period: June to September 2013

### Deliberate fire summary data

Area	Refuse	Bin	Vehicle	Residential	Non residential
Cherry Hinton	0	1	0	0	0
Queen Edith's	0	0	0	0	0
Trumpington	0	0	0	0	0

<b>General</b>	The south of the city remains very quiet in terms of fire related ASB. However the fire service is aware of community concerns regarding youth conduct in the area. The service is undertaking preventative patrols in the area and working with partners to maintain a preventative presence.
<b>Cherry Hinton</b>	Single bin fire
<b>Queen Edith's</b>	No incidents
<b>Trumpington</b>	No incidents

Fire & Rescue Service met with the Highways Department of the County Council in September 2013. Control measures were agreed to propose parking restrictions in a number of areas in the South Area to ease constraints on emergency vehicle access as well as other community issues. Individual councillors have been approached by Highways in respect to those proposals. The proposals to facilitate emergency vehicle passage in Almoners Avenue have been implemented.

## ENVIRONMENTAL SERVICES DATA

### Cherry Hinton

#### *Abandoned vehicles*

- June to September 2013: 6 reports, which included
  - 2 vehicles not on site following inspection
  - 2 vehicles subsequently claimed by their owners
  - 1 vehicle subsequently destroyed following non-payment of the DVLA fine
  - 1 vehicle held pending further investigation
- Hotspots: None
- June to September 2012: 6 reports

### *Fly tipping*

- June to September 2013: 18 reports, which included
  - 1 formal warning letter issued to domestic offenders
  - 1 request for waste transfer documentation from trade offenders
- Offences at Colville Road accounted for the formal warning letter sent
- Hotspots: Walpole Road (4)
- June to September 2012: 18 reports

### *Derelict cycles*

- June to September 2013: 5
- Hotspots: Walpole Road (3)
- June to September 2012: 4

### *Needle finds*

- June to September 2013: None
- Hotspots: None
- June to September 2012: 15

## **Queen Edith's**

### *Abandoned vehicles*

- June to September 2013: 1 report, which included 1 vehicle held pending further investigation
- Hotspots: None
- June to September 2012: 5 reports

### *Fly tipping*

- June to September 2013: 8 reports, which included 1 formal warning letter issued to domestic offenders
- Offences at Gunhild Court accounted for the formal warning letter sent
- Hotspots: None
- June to September 2012: 7 reports

### *Derelict cycles*

- June to September 2013: 5
- Hotspots: None
- June to September 2012: 14

### *Needle finds*

- June to September 2013: 597
- Hotspots: Wulfstan Way (597). Needles found in a void property that posed no danger to the public. City Council's Streets & Open Spaces were asked to attend to clear the property and conduct a needle sweep.
- June to September 2012: None



## **Trumpington**

### *Abandoned vehicles*

- June to September 2013: 1 report, which included 1 vehicle not on site following inspection
- Hotspots: None
- June to September 2012: 5 reports

### *Fly tipping*

- June to September 2013: 24 reports, which included
  - 5 formal warning letter issued to domestic offenders
  - 2 formal warning letter issued to trade offenders
- Offences at Hauxton Road accounted for 2 of the formal warning letters sent
- Hotspots: None
- June to September 2012: 7 reports

### *Derelict cycles*

- June to September 2013: 12
- Hotspots: Porson Road (3)
- June to September 2012: 11

### *Needle finds*

- June to September 2013: None
- Hotspots: None
- June to September 2012: None

## **5 RECOMMENDATIONS**

- Reduce the theft of pedal cycles in the Newtown area
- Combat the supply of drugs in the South area
- Tackle vehicle parking offences around school premises across the South area

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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)

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## SOUTH AREA COMMITTEE

04<sup>th</sup> November 2013

<b>Application Number</b>	13/0957/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd July 2013	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	27th August 2013		
<b>Ward</b>	Trumpington		
<b>Site</b>	32 Panton Street Cambridge Cambridgeshire CB2 1HP		
<b>Proposal Applicant</b>	Alteration of boundary fence and bin enclosure Master And Fellows Trumpington Street Cambridge CB2 1RF		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1) This revised proposal addresses the previous reason for refusal.</li> <li>2) The reduced fence height, repositioning the refuse store and appropriate landscaping will result in minimal harm to the character and appearance of the Conservation Area and Building of Local Interest (BLI).</li> <li>3) Details of an appropriate wood stain and landscaping can be agreed through conditions 2 and 3.</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application relates to an early Victorian Building of Local Interest situated on the western side of Panton Street, which is currently used for student accommodation. The property is set back from Panton Street by approximately 5.5m.
- 1.2 The site falls within the Central Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 Retrospective planning permission is sought for the erection of the front boundary fence and bin enclosure. The College removed the previous hedge boundary in 2011 and erected a wooden panel fence and refuse store.
- 2.2 This application proposes a minor alteration to the fence to provide a continuous 1m height fronting Panton Street and is constructed from untreated timber panels. The refuse enclosure is 1.8m in height and as proposed under this application will be moved back 600mm into the site to provide space for landscaping.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement

## 3.0 SITE HISTORY

Reference	Description	Outcome
12/0225/FUL	Erection of new boundary fence and bin enclosure. Removal of existing hedge and fence.	Refused

The application was refused for the following reason:

The fence, because of its height and material, and the bin store, because of its scale, materials, prominent location, inadequate capacity and ineffective method of enclosure, respond poorly to the surrounding context, jarring with, and detracting from, the character of the Building of Local Interest and the street scene, and eroding the special quality of the Newtown section of the City of Cambridge Conservation Area No.1 (Central), contrary to policies 3/4, 3/7, 3/11, 3/12, 4/11 and 4/12 of the saved Cambridge Local Plan 2006, and to government guidance in Sections 7 and 12 of the National Planning Policy Framework 2012.

#### 4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/4 3/7 3/11 4/11 4/12

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  Circular 11/95
Material Considerations	<u>Central Government:</u>  Letter from Secretary of State for Communities and Local Government (27 May 2010)  Written Ministerial Statement: Planning for Growth (23 March 2011)  National Planning Practice Consultation
	<u>Area Guidelines:</u>  Conservation Area Appraisal:  New Town and Glisson Road Conservation Area Appraisal

## 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policies are of relevance:

Policy 55 Responding to context  
Policy 61 Conservation and enhancement of Cambridge's historic environment  
Policy 62 Local Heritage Assets

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Transport)**

6.1 The Highway Authority has no comment to make on this application

### **Urban Design and Conservation team**

6.2 Provided the area is properly managed and that the suggested condition is appropriately discharged, this application can be supported as not being detrimental to the character and interest of the BLI and the appearance of the conservation area. Therefore it complies with policies 4/11 and 4/12 of the Cambridge Local Plan 2006.

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



## 7.0 REPRESENTATIONS

7.1 Councillor Blackhurst has commented on this application. I have set out his comments below:

It has been suggested that the proposal responds poorly to the surrounding context, in design and materials, and would adversely affect the conservation area contrary to policies 3/4, 3/7, 3/11, 3/12, 4/11 and 4/12 of the Local Plan. I believe it would be appropriate for the committee to take a view on this.

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

35 Panton Street  
33 Panton Street  
71 Panton Street  
1 Brookside  
9 Brookside

7.3 The representations can be summarised as follows:

- The College removed the Forsythia hedge which hid their bins on the street in 2011.
- The present proposal provides yet another cheap ugly fence to the Panton Street environment.
- In a residential area such utilitarian recourses are intolerable.
- The bins are often left open.
- The bin store is an eyesore.
- There will be no flowers, no birds and no habitat for other wildlife.
- The College should reinstate the hedge or build a wall.

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

## **8.0 ASSESSMENT**

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

1. Context of site, design and external spaces
2. Third party representations

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

8.2 I consider the key issue to be the design of the fence and bin store, and the impact they, and the loss of the hedge, have on the character and appearance of the conservation area.

8.3 The proposed timber fence is utilitarian in design and is not a boundary treatment which would be encouraged in a Conservation Area or within the curtilage of a Building of Local Interest (BLI). It is regrettable the previous hedge was removed, although this did not require planning permission.

8.4 This notwithstanding, the College propose to reduce the height of the fence to 1m along the Panton Street frontage, meaning that it does not require planning permission. Boundary walls and fences can be erected up to 1m in height without requiring express planning permission. Provided that the fence is treated with a suitable dark wood stain to reduce its prominence, in my view there are no reasonable grounds to refuse planning permission.

8.5 The refuse store requires planning permission because it is an outbuilding forward of the front elevation of 32 Panton Street. This revised application proposes to rebuild the refuse store 600mm back from the pavement, which will allow sufficient space for planting to screen the bins. In my view, the benefits to be gained from a single refuse area to accommodate all the large steel paladin bins, outweighs the visual prominence of the structure. With suitable landscaping and planting in my view the refuse store will not detract from the character and appearance of the Conservation Area and BLI.

8.6 In my opinion the amended proposal addresses the previous reason for refusal by reducing the visual prominence and harm of both the fence and refuse store. The presence of other low

front fences along Panton Street contributes to my overall view that the proposal is acceptable. This revised application is therefore compliant with Cambridge Local Plan (2006) policies 3/4, 4/11 and 4/12.

### **Third Party Representations**

8.7 The issues raised have been discussed in the above report and are summarised below:

<b>Issue</b>	<b>Report Section</b>
The College removed the Forsythia hedge which hid their bins on the street in 2011.	Paragraph 8.3. It is regrettable that the hedge was removed, but this was not development requiring planning permission.
The bins are often left open.	This is a management issue. The refuse store in my view adequately accommodates the large steel paladins.
The bin store is an eyesore.	Paragraph 8.5

### **9.0 CONCLUSION**

9.1 This revised application addresses the previous reason for refusal. Given that a fence up to 1m in height can be erected without planning permission, there are no reasonable grounds to seek its complete removal. In my view, treating the timber with a dark stain and appropriate landscaping will result in the proposal having minimal harmful impact on the character and appearance of the Conservation Area and BLI. APPROVAL is recommended.

### **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. The development shall be implemented within three months of the date of this permission.

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

2. Within three months from the date of this permission, a planting / soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Landscape works shall thereafter be carried out only in accordance with the approved details within four months of this permission.

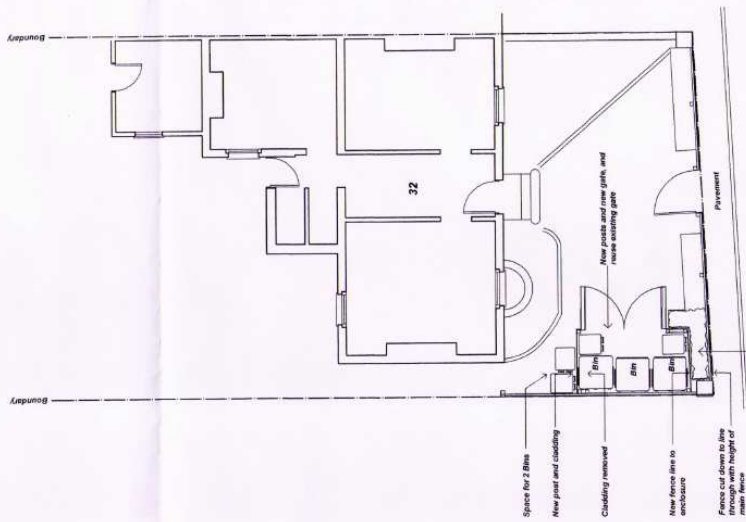
Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)

3. Details of proposed wood stain for the timber fence and refuse store shall be submitted to and approved in writing by the Local Planning Authority within three months of this permission. The development shall be carried out in accordance with the approved details within four months of his permission.

Reason: To avoid harm to the special interest of the Building of Local Interest and the Conservation Area. (Cambridge Local Plan 2006, policies 4/11 and 4/12)



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SOUTH ELEVATION

EAST ELEVATION

NORTH ELEVATION

WEST ELEVATION

Approximate height of former fence

PLEASANCE HOOKHAM & NIX  
 Architects  
 1 Northampton Street  
 Cambridge  
 TEL: 01223 354440 FAX: 01223 389998

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<b>Application Number</b>	13/0477/OUT	<b>Agenda Item</b>	
<b>Date Received</b>	5th April 2013	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	31st May 2013		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Comar Instruments Warehouse 70 Hartington Grove Cambridge Cambridgeshire CB1 7UB		
<b>Proposal</b>	Demolition of existing building and erection of three dwelling houses (resubmission)		
<b>Applicant</b>	Mr Peter Marsh 70 Hartington Grove Cambridge CB1 7UH		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The principle of the loss of industrial space has been considered acceptable under the previous application 12/1404/OUT at appeal.</li> <li>2. The layout of the scheme was considered acceptable by the Inspector and will not lead to significant overlooking of neighbouring residential properties.</li> <li>3. Adequate car and cycle parking and refuse storage can be accommodated within the proposed layout.</li> </ol>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is situated on the southern side of Hartington Grove. To the west of the site is a shared driveway which connects with Blinco Grove to the south.
- 1.2 The site is currently occupied by a single storey brick built warehouse, with a saw tooth roof form.

1.3 The site is not within a Conservation Area.

## 2.0 THE PROPOSAL

2.1 Outline Planning permission is sought for the erection of a terrace of two 2 bedroom and one 3 bedroom dwellings. The houses are orientated with their principal outlook facing west.

2.2 The application seeks consent for the principle of development only, with matters of access, detailed design and landscaping reserved for subsequent approval.

2.3 This application is identical to the previous proposed 12/1404/OUT and was submitted with additional information to justify the loss of B1(c) light industrial use. Since this application has been submitted the previous application has been allowed at appeal.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning and Sustainability Statement

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
12/1404/OUT	Outline application for demolition of existing building and erection of three dwelling houses.	Refused, dismissed at appeal.

The previous application 12/1404/OUT was refused for the following reasons:

1. The proposed development will result in the permanent loss of B1 (c) floorspace of which there is a recognised shortfall in Cambridge. Insufficient evidence has been submitted to prove that there is no reasonable prospect of the site being used for industrial purposes, as such the proposal is in conflict with Cambridge Local Plan policy 7/3 and the principles of sustainable development as set out in the National Planning Policy Framework 2012.

2. The proposed development does not make appropriate provision for public open space, community development facilities, waste storage and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

I have attached the previous appeal decision as appendix A.

#### 4.0 PUBLICITY

4.1 Advertisement: Yes  
 Adjoining Owners: Yes  
 Site Notice Displayed: Yes

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/4 3/6 3/7 3/10 3/11 3/12 4/4 4/13 5/1 7/3 8/2 8/6 10/1

### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  Circular 11/95  Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Planning Obligation Strategy
Material Considerations	<u>Central Government:</u>  Letter from Secretary of State for Communities and Local Government (27 May 2010)  Written Ministerial Statement: Planning for Growth (23 March 2011)  National Planning Practice Consultation
	<u>Citywide:</u>  Open Space and Recreation Strategy

### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

Policy 33 Contaminated Land

Policy 41 Protection of Business Space

Policy 55 Responding to context

Policy 57 Designing new buildings

Policy 71 Trees

Policy 80 Supporting sustainable access to development

## **6.0 CONSULTATIONS**

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

- 6.1 In the current application the access has been widened to 5.5 metres, thus making provision for two cars to pass in the access.
- 6.2 This addresses the Highway Authority's previous concerns.
- 6.3 The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m with a 6m reversing space.

### **Head of Environmental Services**

- 6.4 No objections subject to ground contamination and noise related conditions.

### **Head of Streets and Open Spaces (Landscape)**

- 6.5 The Landscape Team are primarily concerned with the shadowing effect from the proposed dwellings onto their rear gardens and those of existing dwellings. We are concerned that for most of the day the rear gardens of proposed dwellings will be in shadow and request a shadow survey to understand this.
- 6.6 Boundary treatment requires clarification.
- 6.7 We are also concerned that the existing trees to remain along the western boundary will be damaged during construction of the development. We require a tree survey and associated arboricultural implications assessment with details of tree protection measures.

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

## **7.0 REPRESENTATIONS**

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

68 Hartington Grove (objection withdrawn following appeal decision)

66 Hartington Grove (objection maintained despite appeal decision)

7.2 The representations can be summarised as follows:

- Overshadowing effect from the proposed houses on the rear gardens to the east.
- Overbearing impact upon 68 Hartington Grove.
- Loss of valuable light industrial space.
- Inadequate amenity space for future occupants.
- Any development of this site should be restricted to a single storey bungalow.
- Additional traffic on surrounding roads.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity

4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

- 8.2 The previous application was refused on the basis of the permanent loss of B1 (c) floorspace, of which there is a recognised shortfall in Cambridge. Insufficient evidence was submitted to prove that there was no reasonable prospect of the site being used for industrial purposes. Following this decision the application was allowed at appeal. On this basis the Council has no reasonable grounds to resist the principal of development of the site.
- 8.3 Local Plan policy 7/3 states that the loss of B1 (c) will only be permitted provided there is a sufficient supply of floorspace in the City to meet demand, or vacancy rates are high; and either, the proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use; or the continuation of industrial and storage uses will be harmful to the environment or amenity of the area; or the loss of a small proportion of floorspace would facilitate the redevelopment of continuation of industrial and storage use on a greater part of the site; or redevelopment for mixed use or residential development would be more appropriate.
- 8.4 The Inspector found that although there has been a net loss of industrial floorspace over the past 10 years, the Employment Land Review Update (ELRU) states there will be a reduction of forecast net floorspace over the 2011 – 2031 period of 25,000 – 26,000 sq m for B1 (c) and B2 use in Cambridge City and South Cambridgeshire District Council. The Inspector considered this to be an adequate land supply fulfilling criteria a) of Local Plan policy 7/3.
- 8.5 The Inspector also found that while the site had not been marketed to demonstrate continued industrial use was unviable, the redevelopment of the site would facilitate the expansion of the business elsewhere within the City thereby contributing to wider opportunities for growth in Cambridge.

- 8.6 The Inspector considered that the aged nature of the building and internal partitions were unlikely to be attractive to other businesses, in addition to the proximity to neighbouring residential properties making continued industrial use undesirable.
- 8.7 In my opinion, given the conclusions of the Inspector assessing the identical application 12/1404/OUT, there are no reasonable grounds on which to protect the existing industrial use of the site. The principle of the development is therefore acceptable and in accordance with policy 7/3.

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

- 8.8 The key design issue is the design and appearance of the new terrace in its context. The Inspector considered the proposed indicative layout acceptable.
- 8.9 The design and layout of the terrace has an unconventional orientation, with the principal front elevation facing west. While this arrangement contrasts with the surrounding housing layout, given that the site is a backland anomaly, I consider the layout acceptable. The limited plot size and garden areas would not in my view detract from the character and appearance of the area.
- 8.10 I do not consider this layout to jeopardise the future development of the parking area to the west in accordance with Local Plan policy 3/6.
- 8.11 The proposed building reflects the scale and massing of similar terraces in the vicinity. Given the proportions of the existing warehouse, I consider two storey dwellings appropriate in this backland context.
- 8.12 While materials of construction is a reserved matter, the proposed buff brickwork and slate roof is acceptable. Satisfactory boundary treatment and landscaping details could be agreed as a reserved matter. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/12.



## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.13 The Inspector did not find the likely impact on neighbouring residential properties to be unacceptable in considering the previous identical application 12/1404/OUT.
- 8.14 The rear outlook of the proposed houses will result in some overlooking of the rear gardens of numbers 72 and 74 Hartington Grove. Given this will affect mainly the rear section of the gardens and given the visual harm created by the existing warehouse, I do not consider the harm so great as to justify refusal. The detailed fenestration could also be reworked to reduce the potential overlooking. I have recommended that a suitable boundary treatment be agreed through the discharge of condition 12.
- 8.15 Given the distances involved, I do not consider the height of the proposed terrace to result in undue overshadowing or to create a harmful visual impact upon 66 or 68 Hartington Grove to the north-west. The established trees and shrubs within the south and west boundaries provide a degree of screening from the development and the internal layout of the dwellings has not yet been determined. I therefore consider the layout compatible with adjacent residential properties.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/12.

### Amenity for future occupiers of the site

- 8.17 The proposed development provides desirable houses suitable for family occupation. The proposed rear gardens are of a usable size and shape.
- 8.18 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Refuse Arrangements**

8.19 Refuse storage provision is not specified in this outline application. The middle terrace does not enjoy external rear access. I am satisfied an external store could however be provided within a small enclosure in front of the middle terrace. This can be ensured through the imposition of planning condition 11. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

8.20 The Highways Authority has confirmed the 5.5m width of the access is now acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

8.21 The proposed four car parking spaces does not exceed the Council's maximum standards. The spaces meet the required 2.4m width. A car can safely turn inside the site and exit in a forward gear.

8.22 Cycle parking is not provided within the proposed layout. However the rear gardens are adequate in size to accommodate a bicycle store. The middle terrace will require a small front shelter. These details will be agreed through a later reserved matters application and can be ensured through the imposition planning condition 9.

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

## Third Party Representations

8.24 The representations received have been considered in the above report and are summarised below:

<b>Issue</b>	<b>Report Section</b>
Overshadowing effect from the proposed houses on the rear gardens to the east.	Paragraph 8.15 and 8.16
Loss of valuable light industrial space.	Paragraph 8.2, 8.3 and 8.4
Inadequate amenity space for future occupants.	Paragraph 8.18

## Planning Obligation Strategy

8.25 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (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.

The previous application was refused partly on the basis that the required planning obligations were not secured in a S106 Agreement.

This revised application triggers the requirement for the following community infrastructure:

### Open Space

8.26 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or

improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714	1	714
4-bed	4	238	952		
<b>Total</b>					<b>1666</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	2	1076
3-bed	3	269	807	1	807
4-bed	4	269	1076		
<b>Total</b>					<b>1883</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	2	968
3-bed	3	242	726	1	726
4-bed	4	242	968		
<b>Total</b>					<b>1694</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632	2	1264
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>2212</b>

8.27 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010).

#### Community Development

8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is J1256 for each unit of one or two bedrooms and J1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882	1	1882
4-bed	1882		
<b>Total</b>			<b>4394</b>

8.29 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Waste

8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is J75 for each house and J150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	3	225
Flat	150		
<b>Total</b>			<b>225</b>

8.31 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

## Planning Obligations Conclusion

- 8.33 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 CONCLUSION**

- 9.1 The principle of development has been considered acceptable under consideration of application 12/1404/OUT. There are no grounds to resist the loss of industrial land. The layout will not lead to significant overlooking of neighbour residential properties. APPROVAL is recommended.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

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

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

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

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

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

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

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

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



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

6. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of the amenities of neighbouring residents, Cambridge Local Plan 2006 policy 3/4.

7. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14).

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

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

10. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

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

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

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

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

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

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

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

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 4/13.

11. Prior to commencement of the development full details of storage facilities for waste and recycling shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order that adequate refuse provision is made for future occupiers, Cambridge Local Plan 2006 policy 3/12.

12. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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# Appeal Decision

Site visit made on 18 July 2013

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 12 August 2013**

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## **Appeal Ref: APP/Q0505/A/13/2191745**

### **Comar Instruments, 70 Hartington Grove, Cambridge, CB1 7UH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Peter Marsh of Comar Instruments against the decision of Cambridge City Council.
  - The application Ref 12/1404/OUT, dated 23 October 2012, was refused by notice dated 4 January 2013.
  - The development proposed is demolition of existing building and erection of 3no. dwellinghouses.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The proposal is made in outline with all matters reserved, although the application was submitted with illustrative drawings including a proposed layout. Both the Council in their decision notice and the appellant in their statement refer to this drawing as 21431/P1 Rev A, although this drawing was superseded during the planning application process by 21413/P1 Rev B, which indicated a wider site access from the public highway. At the site visit, the representatives for both parties confirmed that the latter drawing, which sought to overcome issues raised by the Local Highway Authority, was the most up-to-date layout plan and I have determined the appeal on this basis.

### **Main Issues**

3. The main issues in are:
  - i. The effect of the proposal upon employment land supply with specific reference to land availability for those uses falling within Class B1(c); and
  - ii. Whether the proposal would make adequate provision in respect of public open space, community development facilities and waste storage.

## Reasons

### *Employment Land Supply*

4. The appeal site is occupied by the appellant's business which manufactures optical components and is situated within a predominantly residential area, albeit with a violin workshop abutting its southern elevation.
5. The appeal building is single storey and fills the complete width of its site with a small parking area to its frontage, accessed via gates situated between Forum House to the east and an unmade track that runs in a north-south direction to the west. On the opposite side of this track is a two storey dwellinghouse, 68 Hartington Grove, the occupants of which have raised objections to the proposals.
6. The site is not allocated for any specific land use, although Policy 7/3 of the Cambridge City Council Local Plan 2006 (LP) seeks to protect sites that are in employment use from changes to other uses. The policy has five criteria, the first of which has to be complied with before any of the others can be considered. Criterion a. only allows a loss of floorspace within, *inter alia*, Use Class B1(c) where there is sufficient supply of such floorspace in the City to meet the demand and/or vacancy rates are high.
7. Both main parties are in dispute as to whether or not there is a sufficient supply of B1 (c) floorspace in the City, with the Council drawing upon their Employment Land Review Update 2012 (ELRU) which identifies a net loss of such industrial land over the last 10 years. The appellants do not specifically contest this point, but state that the cited figures are largely academic, as planning polices need to be applied to the site being assessed and the material considerations evaluated.
8. I note that the ELRU identifies 2.02 Hectares of B1(c) land in the pipeline (Table 3-9) and Table 2-4 forecasts a net floorspace requirement of 700m<sup>2</sup> - 500m<sup>2</sup> for the period 2011-31 in Cambridge City. Paragraph 2.18 of the ELRU does however state that there will be a reduction of forecast net floorspace requirement over the 2011-2031 period of 25,000-26,000 m<sup>2</sup> for B1(c)-B2 uses in both Cambridge City and South Cambridgeshire District. Based upon the above, I consider that there is adequate land in the pipeline for B1(c) Uses in compliance with the first part of criterion a) of LP Policy 7/3.
9. An appeal decision at 13-14 Mercers Row (Ref: APP/Q0505/A/12/2174003) has been brought to my attention. This related to the loss of a protected industrial site pursuant to LP Policy 7/3, and specifically identified as such on the Local Plan Proposals Map. As found by the Inspector for that appeal, Policy 7/3 operates on the basis of protecting the best industrial and storage sites and evaluating other sites, such as the appeal site, against criteria. In that respect the policy seeks to strike a flexible balance. I therefore consider that whilst I do not have the full details of that case before me, there are material differences between that scheme and the proposal the subject of this appeal.
10. The Council also states that the appellant has failed to demonstrate that vacancy rates are high and that there has been no attempt to market the property for continued industrial use. Whilst the appellant has submitted with its statement an independent assessment from a local property agent, they



have not formally marketed the premises. Nevertheless, the appellants have provided evidence from the Council's own vacant property register that there are a number of light industrial units available within the City. Whilst I cannot determine from the facts before me, whether or not vacancy rates are high, I have been provided with no definition as to what a high vacancy rate constitutes. I have however found that there is a sufficient supply of new B1(c) floorspace in the City to meet demand. Further, due to the fact that the proposal is for residential redevelopment, Criteria b. and d. of Policy 7/3 are not relevant to the appeal.

11. The Council acknowledges that redevelopment for continued industrial use may be unviable, but state that the existing building may be attractive to a range of occupiers. Furthermore, they state that no evidence has been advanced by the appellants to suggest that the current occupiers requirements are so specialised that its continued occupation by an industrial use would necessitate complete redevelopment. The Council considers that condition 2 of planning permission C/1348/88 is not overly restrictive, which allows the premises to be used for the processing and despatch of small scientific instruments and storage only. The Council states that there are likely to be similar businesses in the Cambridge area, but no such evidence has been provided.
12. Whilst the appellants may not have fully demonstrated that there is no reasonable prospect of a continued industrial use on the site, I find that the proposed redevelopment would facilitate the expansion of the appellant's business elsewhere within the City. Therefore, from a wider economic perspective the proposals fulfil one of the National Planning Policy Framework's (NPPF) Core Planning Principles, which is to proactively drive and support sustainable economic development and respond positively to wider opportunities for growth.
13. Further, whilst unproven that there may be other businesses in the Cambridge area that could comply with the site's restrictions, I am aware that the reasoning behind the condition was that that permission would not have been granted for any other use or activity. This is because it was considered that other uses or activities would be detrimental to the amenities of the area. I therefore consider that the current restrictions on the site are very limiting and taking into account the aged nature of the building and the fact that internally it has been sub-divided into a number of small rooms that have evolved over time, it would not render itself attractive to contemporary business trends for open plan working. I am of the opinion that the reasoning behind the current restrictions on the use of the site, limited available car parking and its close proximity to other residential properties, renders the continuation of the site for other industrial purposes likely to be harmful to the living conditions of the area (criterion c. of Policy 7/3) and consequently redevelopment for residential development would be more appropriate (criterion e. of Policy 7/3).
14. In conclusion on this point, I therefore find that the proposed redevelopment of the site to residential complies with Policy 7/3 of the Local Plan and paragraph 21 of the NPPF which states that investment in business should not be overburdened by the combined requirements of planning policy expectations.

*Public open space, community development facilities and waste storage*

15. The second reason for refusal cites that the proposed development does not make appropriate provision for public open space, community development facilities, waste storage and monitoring through the provision of a planning obligation. With respect to the Community Infrastructure Levy Regulations 2010 (CIL) to render a planning obligation acceptable in planning terms it must be necessary, directly related to the development and fairly and reasonably related in scale and kind.
16. The Council in their statement have set out the financial contributions required for the heads of terms which are based upon its Planning Obligations Strategy Supplementary Planning Document (2010) (SPD). A list of projects in the local area has been provided and for which the contributions would mitigate the adverse impacts of the development on the local community and infrastructure of the City. I consider that these requested contributions fulfil the CIL regulation tests and consequently, in the absence of a completed planning obligation before me, the proposal conflicts with Policies 3/8 and 10/1 of the Local Plan and the SPD. I also find further conflict with Policy P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003 which require developments to contribute to infrastructure and community requirements generated by the proposals.

*Other Matters*

17. The occupant of 68 Hartington Grove raises concerns with regards to a loss of privacy to her property, in addition to overshadowing of her house and garden, including to a solar hot water system on the rear south facing elevation. Such overshadowing, she considers would be most prevalent from the period from early Autumn to Spring.
18. The increase in height of built form on the site as a result of the appeal proposal would be apparent within the rear garden scene. The northernmost dwelling, if constructed broadly in accordance with the indicative site layout, would be approximately level with the rear garden boundary of No. 68. I inspected the appeal site from windows on the ground and first floors of No. 68, in addition to from its garden and noted that there are established trees and shrubs within the south and western boundaries of that property that would provide a degree of screening from the development. Taking this into account, the fact that the internal layout of the proposed dwellings has not yet been determined, and it is likely that any views afforded from the closest dwelling would be oblique, I find that any loss of privacy through overlooking would not be material.
19. Furthermore, whilst I note that the proposed development would likely be sited due south east of the appeal site, taking into account the established surrounding vegetation, the degree of separation and the likely height of indicative two storey housing, I also consider that an increase in overshadowing of the rear elevation and garden of No. 68 would not be material. Consequently, I do not find that the proposed development would give rise to a detrimental impact upon the living conditions of the occupants of surrounding residential properties. The proposal is in accordance with one of the core planning principles of the NPPF which is to seek to secure high quality

design and a good standard of amenity for all existing and future occupants of land and buildings.

*Conclusions*

15. I have concluded above that the proposal would not have a significantly adverse effect on the living conditions of neighbours, or upon the supply of B1 (c) land within Cambridge City. However in the absence of a planning obligation to provide for public open space, community development facilities and waste storage, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*C J Tivey*

INSPECTOR

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