



## SOUTH AREA COMMITTEE



### AGENDA

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

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

*Dispatched: Friday, 9 November 2012*

**Date:** Monday, 19 November 2012

**Time:** 7.30 pm

**Venue:** Committee Room 1 & 2 - Guildhall

**Contact:** Martin Whelan

**Direct Dial:** 01223 457012

**1 APOLOGIES FOR ABSENCE**

**2 MINUTES**

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

**4 DECLARATIONS OF INTEREST**

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

#### Planning Items

**5 12/0956/CLUED - CANTABRIGIAN RUFC, SEDLEY TAYLOR ROAD (Pages 13 - 44)**

**6 12/1078/OUT - ADJACENT TO THE OAK BUILDING & FORMER REGIONAL SEAT OF GOVERNMENT AND ADJACENT TO CORNER OF KINGFISHER WAY & GILPIN ROAD (Pages 45 - 72)**

- 7**      **12/0793/FUL - CLARENDON HOUSE, 16 BROOKLANDS AVENUE** *(Pages 73 - 94)*
  
- 8**      **11/0818/REM - LAND ADJACENT RUTHERFORD ROAD, LONG ROAD** *(Pages 95 - 120)*
  
- 9**      **12/1033/FUL - 100 GLEBE ROAD** *(Pages 121 - 146)*
  
- 10**     **12/1020/FUL - 167 QUEEN EDITHS WAY** *(Pages 147 - 156)*

# Meeting Information

## Public Speaking on Planning Items

Area Committees consider planning applications and related matters. On very occasions some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

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

Public speakers will not be allowed to circulate any additional written information to their speaking notes or any other drawings or other visual material in support of their case that has not been verified by officers and that is not already on public file.

For further information on speaking at committee please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

Further information is also available online at

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

The Chair will adopt the principles of the public speaking scheme regarding planning applications for general planning items and planning enforcement items.

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings. If you have any feedback please contact Democratic Services on 01223 457013 or

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

## **Representations on Planning Applications**

**Public representations** on a planning application should be made in writing (by e-mail or letter, in both cases stating your full postal address), within the deadline set for comments on that application. You are therefore strongly urged to submit your representations within this deadline.

**Submission of late information** after the officer's report has been published is to be avoided. A written representation submitted to the Environment Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report.

Any public representation received by the Department after 12 noon two working days before the relevant Committee meeting (e.g. by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

The same deadline will also apply to the receipt by the Department of additional information submitted by an applicant or an agent in connection with the relevant item on the Committee agenda (including letters, e-mails, reports, drawings and all other visual material), unless specifically requested by planning officers to help decision-making.

## **Filming, recording and photography**

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

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

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

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## **Facilities for disabled people**

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A loop system is available on request.

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## **Queries reports**

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

## **General Information**

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## 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 East of England Plan 2008

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

SS3: Key Centres for Development and Change

SS6: City and Town Centres

E1: Job Growth

E2: Provision of Land for Employment

E3: Strategic Employment Locations

E4: Clusters

E5: Regional Structure of Town Centres

E6: Tourism

H1: Regional Housing Provision 2001to 2021

H2: Affordable Housing

C1: Cultural Development

T1: Regional Transport Strategy Objectives and Outcomes

T2: Changing Travel Behaviour

T3 Managing Traffic Demand

T4 Urban Transport

T5 Inter Urban Public Transport  
T8: Local Roads  
T9: Walking, Cycling and other Non-Motorised Transport  
T13 Public Transport Accessibility  
T14 Parking  
T15 Transport Investment Priorities

ENV1: Green Infrastructure  
ENV3: Biodiversity and Earth Heritage  
ENV6: The Historic Environment  
ENV7: Quality in the Built Environment

ENG1: Carbon Dioxide Emissions and Energy Performance

WAT 2: Water Infrastructure  
WAT 4: Flood Risk Management

WM6: Waste Management in Development

CSR1: Strategy for the Sub-Region  
CSR2: Employment Generating Development  
CSR4: Transport Infrastructure

### 3.0 **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

### 4.0 **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)

## 5.0 Supplementary Planning Documents

### 5.1 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.

- 5.2 **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.
- 5.3 **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.
- 5.4 **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.
- 5.5 **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.
- 5.6 **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.

## **6.0 Material Considerations**

### **Central Government Guidance**

#### **6.1 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.

#### **6.2 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.

### 6.3 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.

#### 6.4 **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)**

a Guidance relating to development and the Conservation Area including  
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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# Agenda Item 5

**SOUTH AREA COMMITTEE**

**19<sup>th</sup> November 2012**

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<b>Application Number</b>	12/0956/CLUED	<b>Agenda Item</b>	
<b>Date Received</b>	24th July 2012	<b>Officer</b>	Mr Toby Williams
<b>Target Date</b>	18th September 2012		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Cantabrigian RUFC Sedley Taylor Road Cambridge Cambridgeshire		
<b>Proposal</b>	Application for a certificate of lawfulness under Section 191 for use of land (excluding the footprint of the Cantabrigian's clubhouse) ancillary to the playing field as a car park		
<b>Applicant</b>	Mr David Norman 160 High Street Cottenham Cambs CB24 8RX		

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SUMMARY	<p>An application for a Certificate of Lawfulness has been submitted in respect of land, including the former tennis courts, off Sedley Taylor Road.</p> <p>The application seeks to demonstrate that the lawful use is for car parking ancillary to the use of the playing fields adjacent.</p> <p>A variety of evidence is submitted in support.</p>
RECOMMENDATION	That a Certificate of Lawfulness be granted

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

- 1.1 The site is land, including the former tennis courts, located to the west of no. 51 Long Road and south west of no.23 Sedley Taylor Road. The site contains the Cantabrigian Rugby Club clubhouse. It is rectilinear in shape, measuring 33m by 57m.
- 1.2 The site is currently used for parking associated with the sports

fields to the west and northwest.

- 1.3 Access to the application site is to the east between nos.23 and 23a Sedley Taylor Road. To the northwest is the site of the proposed new Hills Road sports pavilion. Neither the access nor the pavilion are part of the application site for the Certificate of Lawfulness.
- 1.4 The land is identified as Protected Open Space on the 2006 Local Plan proposals map.

## **2.0 BACKGROUND**

- 2.1 This is an application for a Certificate of Lawfulness of existing use. The application is made under Section 191 of the Town and Country Planning Act 1990. It is not a planning application. The application seeks to demonstrate that the existing lawful use of the land is for parking associated with the use of the adjacent playing fields. The application is made by a Trustee of the land on behalf of the Trustees and has been put forward to seek clarity on the lawful use of the land. Part of the land was formerly used as tennis courts and is referred to as such throughout the assessment.
- 2.2 The application is being brought to Committee because of the public interest in the use of the land to which the Certificate of Lawfulness applies and also in relation to a recent application for the erection of a pavilion on the adjacent Hills Road Sixth Form College (HRSFC) sports fields (11/0900/FUL) which has been subject to High Court Challenge.

## **3.0 CERTIFICATES OF LAWFULNESS**

- 3.1 Applications for Certificates of Lawfulness are not normally considered by Committee and are routinely dealt with by officers under delegated powers. An application for a Certificate of Lawfulness differs from a planning application in that its purpose is to establish whether:
  - a) any existing use of buildings or other land is lawful
  - b) any operations which have been carried out in, on, over or under land are lawful
  - c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has

been granted is lawful

- 3.2 Uses and operations are considered lawful if no enforcement action can be taken against them and the uses and operations do not contravene the requirement of an enforcement notice.
- 3.3 If a Certificate is granted then the development is immune from enforcement action. The judgment as to whether a use or operation is lawful is based on an assessment of evidence; the planning merits of the proposed development cannot be considered. For applications involving an unauthorised change of use, the applicants have to prove that the change of use occurred more than 10 years ago and has been continuous up to the date of the application.
- 3.4 When an application for a Lawful Development Certificate is made, the onus of proof is on the applicant to demonstrate to the local planning authority that a certificate should be issued. The evidence submitted should be clear and convincing.
- 3.5 Without sufficient or precise enough information, the authority will be justified in refusing a certificate. This does not preclude another application if more information can be produced later on.

#### 4.0 **THE PROPOSAL**

- 4.1 The application is accompanied by the following information:
1. Statutory declaration by a Mr E Richardson and photograph taken in 1995 showing the application site in use as a car park.
  2. Statutory declaration by Mr I Reid on behalf of Cambridge Granta Cricket Club stating that the club has been parking cars on land surrounding the Cantabrigian Rugby Club, including the former tennis courts, since 1987.
  3. Statutory declaration by Mr N Standbridge, Estates Bursar at HRSFC stating that since 1993 the parking of vehicles has always taken place on land surrounding the Cantabrigian Rugby Club, including the former tennis courts.

4. Statutory declaration by Ms A Hemming, Head of Sport at HRSFC stating that since 1993, the parking of vehicles has always taken place on the former tennis courts.
5. Statutory declaration by Mr T Fitzmaurice, a former member of the Cantabrigian Rugby Club, stating that the land bounded by the clubhouse, the playing field, the gardens of houses on Sedley Taylor Road and the grass verge of Long Road was in common use as car parking in the 1994-1995 season and since by members of the club and visitors.
6. Extracts from proof of evidence by a Mr Wilson of Cambridge City Council dated 7/12/1999 in relation to appeal APP/Q0505/A/99/103111, which references a general parking area associated with the rugby club.
7. Extract from the Planning Inspector's appeal decision dated 19/01/2000 in relation to appeal APP/Q0505/A/99/103111 where the Inspector refers to 'views across the relatively unattractive car park of the Catabrigian Rugby Union Football Club'.
8. E-mail from Ms Alison Twyford of Cambridge City Council dated 8/2/2012, who states in her opinion that 'the possible material change of use of the land, would now be immune from enforcement action under planning legislation'.
9. Letter from Mr J Tuck, Partner at Bidwells estate agents and in capacity as agent for Trinity College for the last 12 years, confirming the land has been used for car parking for at least 12 years and in addition, as having been a playing member of Shelford Rugby Club, recalling playing away matches at the Catabrigian Rugby Club and parking his car on the car park area adjoining the clubhouse from 1990.
10. Letter from Mr S Allen of Catabrigian Rowing Club confirming their use of the car park (former tennis courts) from about 1995/1997 for the storage of 2-3 boat trailers for periods of time, which ceased in 2008.
11. Aerial photograph taken in 2001 from Commission-Air

showing the site with cars parked on it.

12. Letter from Stephen Porter, whose parents lived at 23a Sedley Taylor Road in 1988, and who remembers cycling along the access track and noticing the large car park with small club house.

Following a request for clarification from officers, an e-mail dated 17 October 2012 from the applicants regarding boat trailer storage and parking during a period of contractor parking was received, confirming:

13. That car parking in connection with the use as playing fields continued alongside the storage of the boat trailers.

14. That there were never more than three boat trailers stored on the site, occupying only a fraction of the available space. An additional aerial photograph dated 28th March 2002, shows the trailers and the limited space they occupied. This photograph shows no line markings or nets on the former tennis courts.

15. That car parking by contractors took place between May and November 2009.

16. That parking in connection with the use of the playing fields by Cantabs and HRSFC continued during the period of use by contractors. The main use for parking in connection with the playing fields continued to be at weekends and weekday evenings when there was little or no contractor parking.

17. Two construction companies used the car park. In both cases this was only to be while they were working on the Addenbrooke's Hospital site and therefore not indefinite. These were informal agreements. At no time was there any intention by the applicants to abandon the use of the car park in connection with the playing fields, nor was control of the car park, or any part of it, ever given to a third party. The arrangements were only temporary and were in fact terminated before the work on Addenbrooke's had been completed.

## 5.0 SITE HISTORY

Reference	Description	Outcome
12/0585/CLUED	Application for a certificate of lawfulness under Section 191 for use of land as a car park (land to the west of 51 Long Road).	Withdrawn
C/95/0813	Permanent installation of green secure steel storage shed for sports equipment (D2) - 63sq.m.	A/C
C/96/1118	Outline application for residential development on 0.455ha of land.	Ref
C/88/1359	Use of clubhouse as nursery school (weekdays in term-time only)	A/C
C/83/0441	Erection of extension to existing club-house	A/C
C/80/0108	Erection of extension and improvement to existing clubhouse	A/C
1953 (19314)	Construction of access and new clubhouse and overhead electricity line to serve the Old Canterbrigians RUFC.	A/C

### Adjacent Planning History

- 5.1 Planning permission was granted for the demolition of the existing sports pavilion and the replacement and relocation of a new replacement Sports Pavilion, with associated secure open-air store, on the playing fields to the northwest, under planning reference 11/0900/FUL, on 23 November 2011. The applicants were HRSFC. The application for the pavilion was the subject of a substantial number of objections, which are detailed in the report to the Committee meeting of 20 October 2011. The application has been the subject of a High Court Hearing, which found in the Council's favour on all of the substantial points. The legal challenge is continuing.
- 5.2 A number of responses have referenced planning application 11/0900/FUL. I will deal with the merits of these responses



particularly whether the two applications and the issues they raise should be considered alongside one another.

- 5.3 Two appeals 05/0028/S73 and 99/0562/OP on land to the rear of 23 Sedley Taylor Road have been put forward as relevant to both the applicants and third parties, for and against the grant of a certificate. I discuss these in my assessment.

## **6.0 PUBLICITY**

- |                        |     |
|------------------------|-----|
| 6.1 Advertisement:     | No  |
| Adjoining Owners:      | Yes |
| Site Notice Displayed: | Yes |

## **7.0 CONSULTATIONS AND THIRD PARTY RESPONSES**

- 7.1 Applications for Certificates of Lawfulness are not normally subject to neighbourhood consultation because the merits of the proposal are not under consideration. However in this case, neighbours have been consulted and a site notice has been posted, due to the level of public interest.

- 7.2 Responses have been received from the following addresses:

- 15 Sedley Taylor Road
- 20 Sedley Taylor Road
- 23 Sedley Taylor Road
- 24 Sedley Taylor Road
- 35 Sedley Taylor Road, on behalf of Sedley Taylor Road and Luard Road Residents' Group
- 49 Long Road

- 7.3 The responses from 23 and 35 Sedley Taylor Road are substantial and have been summarised and responded to in detail in appendix A. The responses as a whole can be summarised as follows:

1. Lack of evidence of continued use over the whole area in question.
2. If any certificate of lawfulness is to be issued it should be strictly limited to those activities which can be shown to have existed unchallenged for the full statutory period, excluding more recent and future changes of use such as contractor parking and boat trailer storage.

3. The tennis court next to the Cantabrigian's rugby pitch was in use as an occasional car park in 1993. There was a locked bollard in the middle of the narrow path leading to the pitch. There have been cars parked there on occasion since that time, mainly at weekends.
4. The car parking area has inadequate access, which is too narrow.
5. The car park should only be allowed if it has access from Long Road.
6. Impact on the use of the access on: the amenity of adjacent neighbours by virtue of noise and disturbance; on the fabric of the listed building 23 Sedley Taylor Road; and on damage to property as result of its narrowness.
7. The existing use of the access track is relatively light, there is concern that by granting the application, its usage could increase for commercial purposes unconnected to the use of the playing fields.
8. If the intention was to apply for permission in respect of uses related to the new pavilion, that should have been part of the planning application for the pavilion and a S.191 would not be applicable.
9. The provisions of S.191 should not be abused to provide permission via the 'back door' for new developments, which should properly be considered via a planning application and assessed under modern criteria.
10. The application should be considered in conjunction with the proposed new pavilion for HRSFC.
11. The site is part of a wider development project, which would require an Environmental Impact Assessment.

The above responses are a summary of the comments that have been received. Full details of the responses can be inspected on the application file. Bearing in mind the statutory criteria set out at paragraph 3.1, only the third party responses in relation to points 1, 2 and 3 are relevant.

## **8.0 ASSESSMENT**

- 8.1 This is an application made under S191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness to demonstrate that the existing lawful use of the land is for parking associated with the use of the adjacent playing fields.
- 8.2 The covering letter with the application states that part of the land within the red line of the application site has been used as a car park to serve the playing fields since its acquisition from Trinity College in 1953 and that part of the site was temporarily used as a tennis court, which ceased in the early 1990's, with the whole of the area outlined in red used for parking since this time.
- 8.3 Evidence has been put forward, mainly in the form of statutory declarations from people either with some historical involvement with the Cantabrigians Rugby Club or Hill's Road Sixth Form College, who have used the land for parking cars in association with the use of the playing fields. In the event that this information was false, the declarers would be liable for perjury.
- 8.4 The evidence includes two dated photographs, the first of which is a photograph taken in 1995 showing the former tennis courts used for car parking with the outer fencing still in place and the second of which is from a company 'Commission-Air' showing an aerial photograph of the site dating from 2001. This latter photograph shows limited parking of vehicles on the land. Worn court markings are shown on the 1995 photograph whereas there are no markings evident on the 2001 photograph, which supports the claim that the land was not used for tennis but for parking.
- 8.5 The statutory declarations cover differing dates and periods of time, which would not be unusual given peoples' changing interests and involvement in the land and adjacent playing fields. The earliest declaration is from the Head of Cambridge Granta Cricket Club stating that the club has been parking cars on land surrounding the Cantabrigian Rugby Club, including the former tennis courts, since 1987.
- 8.6 The majority of the declarations and letters refer to dates of the use of the land for the purposes described from between 1993 and 1995 to the present (a 17-19 year period). These are from employees of HRSFC, a former member of the Cantabrigian Rugby Club and a member of Catabrigian Rowing Club. I note the

letter from Mr J Tuck, of Bidwells, who confirms the use for car parking for at least 12 years, who also recalls having used the car park in 1990.

- 8.7 The combination of statutory declarations, combined with the photographs, form a strong body of evidence to support the lawfulness of the use.
- 8.8 The application also includes a proof of evidence by a Mr Wilson of Cambridge City Council dated 7/12/1999 in relation to an appeal for a single dwelling at the rear of 23 Sedley Taylor Road. Paragraph 7.2 and the penultimate sentence of that evidence refer to a general parking area associated with the rugby club that the proposed dwelling will immediately adjoin. It is not clear from the evidence that the parking area in question included the former tennis courts or not. I accept that the evidence does not refer to tennis courts as being one of the surrounding uses but the presence of the tennis courts would not have been material for the purposes of the appeal to make any such reference essential. As such, in light of the uncertainty of the extent of parking area described, I give this evidence little weight.
- 8.9 There is also an extract from the Planning Inspector's appeal decision dated 19 January 2000 in relation to the appeal Mr Wilson was providing evidence for. Paragraph 9 of the appeal decision refers to 'views across the relatively unattractive car park of the Catabrigian Rugby Union Football Club'. If there had been tennis courts present at the time the Inspector made his site visit, they would probably have been cited in the subsequent decision letter and, particularly, in the context of paragraph 9. However, the appeal site was not the site of the current application for a CLUED, the presence of the tennis courts would not have been material for the purposes of the appeal to make any such reference essential. In light of the uncertainty of the extent of parking area described, I give this evidence little weight.
- 8.10 An e-mail extract from Ms Alison Twyford of Cambridge City Council dated 8 February 2012 is included in the submission package. The e-mail states that Ms Twyford has written confirmation that the use of the land for car parking 'has taken place since 1993' and 'As a result, the possible material change of use of the land, would now be immune from enforcement action under planning legislation'. The e-mail is in connection with an enforcement enquiry and hence does not quote the specific source

of written confirmation or the recipient of the original response who raised the enforcement query. I have discussed the nature of the information Ms Twyford received which lead to her conclusion, which adds nothing to the information submitted by the applicants for the CLUED.

- 8.11 I note one response from the occupier of 20 Sedley Taylor Road who notes that the tennis court next to the Cantabrigian's rugby pitch was in use as an occasional car park when they moved to Sedley Taylor Road in 1993 and that there have been cars parked on that land on occasion since that time. This fits with the package of evidence submitted by the applicants.

### **Third Party Responses**

#### Boat Trailer Storage

- 8.12 The evidence from the applicants includes a letter from Mr S Allen of Catabrigian Rowing Club confirming their use of the former tennis courts from about 1995/1997 for the storage of 2-3 boat trailers for periods of time, which ceased in 2008. Objectors to the grant of a certificate argue that this constitutes an alternate use, which has not been applied for and demonstrates a break in continuity of use solely for parking ancillary to the use of the playing fields.
- 8.13 The applicants have confirmed that during the period that boat trailers were parked on the site that they took up a very small proportion of the overall application site and that parking ancillary to the use of the playing fields continued. I have no reason to doubt that this was the case. The 2001 and 2002 aerial photographs show a very small area of the former tennis courts occupied by boat trailers. In my opinion, the storage of two, sometimes three boat trailers, would not have altered the primary use of the land for the purposes described. Access to store or remove the trailers would have been occasional and would not necessarily have taken place at times that prevented car parking on the former courts. In my opinion, this was a de minimis use and not a primary use of the land and does not break continuity.

#### Use for Contractor's Parking

- 8.14 Some residents argue that the parking of contractor and sub-contractor's vehicles working on the Addenbrooke's site

constitutes a break in continuity of use.

- 8.15 In 2009 the land was temporarily used for contractor's parking for a period of 7 months (from May to November). The applicants do not deny that this occurred.
- 8.16 Photographs submitted by a third party show parking across the former tennis courts by 'ADBLY Construction' and 'SDC'. There are also other domestic vehicles present in the photograph but it is not clear if these are contractor employee vehicles or not. Also submitted by way of information to prove contractor parking took place is a letter from Davis Langdon of 9 November 2009 and a letter from Addenbrooke's Hospital of 12 November 2009, in relation to two construction projects on the Addenbrooke's site and a photograph of a sign for Contractors not to lock the gate between certain times on Tuesdays and Wednesdays, thereby allowing HRSFC access. The sign indicates that at the very least HRSFC had a continuing need to use the access point during this period, which is supplemented by the additional evidence from the applicants of 17 October 2012.
- 8.17 The applicants have stated that parking in connection with the use of the playing fields by Cantabs and HRSFC continued during the period of use by contractors. This is because the main use for parking continued to be at weekends when there was no contractor parking but also in weekday evenings when there was little or no contractor parking. The applicants have confirmed that control of the car park, or any part of it, was never given to any third party and that the arrangements were only temporary. I accept this and do not consider the continuity of car parking in association with the playing fields to have been substantially interrupted.
- 8.18 Having carefully considered all this information, including that submitted by residents who oppose the grant of the certificate, I am of the opinion that the use of the land (including the former tennis courts) for car parking in association with the use of the playing fields continued from 1993 to the date of the application and was not abandoned, substantially interrupted, or significantly altered in nature. This constitutes a continued period of use of 19 years.



## Environmental Impact

- 8.19 Third party responses claim that the CLUED and the application for the new sports pavilion (11/0900/FUL) are linked and require a screening opinion to assess whether an EIA is required. The legal case 'Commission v UK and Ardagh Glass v Chester CC (2009)' is quoted, to which I have taken legal advice regarding its relevance.
- 8.20 For the purposes of the Council acting in its role as the Local Planning Authority, Environmental Impact Assessment (EIA) regulations apply to proposals involving development. This application does not constitute development. The EIA regulations are not relevant.
- 8.21 Even if it was argued that EIA regulations were relevant, the CLUED site does not form part of a project that requires a screening opinion. It could not be considered solely or partly as an urban development project as defined by the EIA regulations. No works are proposed that could reasonably be construed as constituting an 'infrastructure project'. The size of the CLUED application land is 0.1789HA, well below the relevant EIA threshold of 0.5HA. The site is not in or adjacent to a sensitive area as defined by the EIA regulations. The use of the former tennis courts for the parking of vehicles has not and does not give rise to significant environmental effects, by virtue of its nature, size or location.

## Inadequacy of the Access

- 8.22 A substantial number of objectors to the grant of a certificate refer to the inadequacy of the access to the land. The access to the land does not form part of the application for a CLUED. The Council does not deny that the access is substandard. There is correspondence to that effect in relation to the application for the new HRSFC pavilion and various appeal decisions. As this is not a planning application, the inadequacy of the access does not have a material bearing on the consideration of the CLUED. The Council can only consider whether the use is lawful as demonstrated by the evidence put forward. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the land and the interpretation of any relevant planning law or judicial authority. The inadequacy of the access does not have a bearing on the

determination of the CLUED application.

- 8.23 Whilst there is no legal basis to seek an improvement of the access to the application site through an application for a Certificate of Lawfulness, it not to say that there is not an access issue that should not be addressed. I am aware of a recent incident regarding a car and a young cyclist at the access point from Sedley Taylor Road. This has been raised with the Catabrigian Rugby Club and HRSFC, who both have an interest in the safe operation of the access and potential resolution of conflict arising through its continued use by vehicles. This could potentially be resolved through the construction of an alternative and more suitable access point from Long Road, but it cannot be secured through a CLUED.

#### Bollard at Access Point

- 8.24 Some of the representations cite the presence of a lockable bollard in the middle of the access from Sedley Taylor Road as demonstrating that the access was used as a pedestrian and cycle access only for a period of time. Having spoken to the applicants on this issue, they have confirmed that the bollard was put in place to allow parking on the land for persons connected with the use of the playing fields. I do not find the historical presence of the bollard to conflict with the continuity of use. The attempt to control access demonstrates that the nature of the parking was in association with the sports fields. I understand a gate has subsequently been installed at a point further down the access for this purpose.

#### Intensification of Use

- 8.25 The level of use of the land for parking is dependant on the size of the application site itself but also the number and capacity of the sports pitches and the type of sporting event/use of the pitches at any one time. Events and larger sporting competitions will attract a greater number of cars to park. I understand weekend events typically attract a greater number of cars to the site than, for example, mid-week training. Given that the size of the car park is the controlling factor in terms of the limit of parking provision and that the land for the Rugby and HRSFC playing pitches has not itself been increased over the last 10 years (accepting various alterations to pitch layout and configuration), I do not find any merit in the argument that more recent alleged intensification of use gives rise to a break in continuity.



## New Access from Long Road

- 8.26 Some responses to the application have stated that the certificate should only be granted if it has access from Long Road and that the provisions of sec. 191 should not be abused to provide permission via the 'back door' for new developments, which should properly be considered via a planning application.
- 8.27 Any proposal for a new access from Long Road would require planning permission. Such an application would be determined on its own merits. Unlike planning applications, certificates of lawfulness cannot be granted to require certain matters to be fulfilled or agreed by condition. A certificate could not require an application for a new access from Long Road to be made.

## Other Issues

- 8.28 Numerous issues have been raised with regard to the impact of the access: on the amenity of adjacent neighbours by virtue of noise and disturbance; on the fabric of the listed building 23 Sedley Taylor Road; and on damage to property as result of its narrowness. None of these matters are relevant as to whether a certificate should be granted.
- 8.29 Responses to the application have also raised concern regarding the fact that most of the statutory declarations are from individuals connected with HRSFC or the Catabrigian Rugby Club and that they have a vested interest in the outcome. This is to be expected. I do not find it surprising that the mainstay of the evidence arises from people connected with the use of the land. I have determined the application on the basis of the merits of the evidence put forward.
- 8.30 I have considered all other points raised by third parties, which I have summarised in appendix A.

## **9.0 CONCLUSION**

- 9.1 Based on the evidence provided in the application and in consideration of the information received from residents, I am satisfied that on the balance of probability, the land has continued to be used for car parking in association with the use of the playing fields from 1993 to the date of the application (19 years). There is

no evidence that tennis continued to be played on the courts from its cessation in the early 1990's to the present. The use has not been abandoned at any stage, substantially interrupted, or significantly altered in nature.

## **10.0 RECOMMENDATION**

- 10.1 That a Certificate of Lawfulness be granted under Section 191 of the Town and Country Planning Act 1990 (as amended) for use of land ancillary to the playing fields as a car park (excluding the footprint of the Cantabrigian's Clubhouse) as outlined in red on the submitted plan.

## Appendix A: Summary of Responses Received

	Issue	Officer Response
	<b>Residents' Group of Sedley Taylor Road and Luard Road letter of 3/09/12</b>	
1P	09/0894/FUL, change of use from tennis court to car park for temporary period, condition 3 states the land should be restored to its former use on or before 28 February 2011. Issue concerning consistency of approach.	Unrelated application on different site for full planning permission. Not relevant to a CLUED application.
1	76 Hillcrest declaration and accompanying photos submitted as evidence from 1995 show 2 tennis net posts and fencing to three sides of the courts which are still present	These appear to be remnants of the previous use and it is noted that some fencing still remains as of today. The photo shows cars parked across the tennis courts with faded tennis court markings. There is no evidence to suggest the land was used for tennis at this point in time.
2	34 Greystoke declaration that Granta Cricket Club has been parking on land, including the tennis courts, since 1987 is disputed. The Association recall that the courts were still in use in the early 1990's.	It is acknowledged that this evidence states an earlier time of use for parking on the courts than most of the other supporting evidence to the CLUED.
3	Hills Road 6 <sup>th</sup> Form College declaration that since 1993 the courts have been parked on, ignores parking for boat trailers in 1995/97 and contractor's parking in 2009.	There is no evidence that <u>only</u> boat trailers were parked in this period and it appears that these co-existed with car parking associated with the use of the playing fields for that period also, which remained the primary use.  Car parking associated with the use of the playing fields continued during the period of contractor parking. The use for parking in association with the

	Hills Road 6 <sup>th</sup> Form College are Co-Trustees of the Cantabs land and access track.	playing fields was not abandoned. This issue is assessed in more detail in the officer report.  This is not material to whether a Certificate should be granted.
4	As 3 above	As 3 above
5	28 Oatlands Avenue declaration is the only declaration from a member of the Cantabs Rugby Club.	This is not material to whether a Certificate should be granted. There is evidence submitted by a variety of sources, both independent of the Cantabs and connected with the club. The question is whether the evidence supports the granting of a certificate of lawfulness.
6	Appeal in 1999 for house to the rear of 23 Sedley Taylor Road demonstrates that a safe access cannot be provided.	It is not disputed that the access, which is not part of the site for the CLUED application, is substandard. The access is not part of the CLUED application.
7	Appeal in 1999 for house to the rear of 23 Sedley Taylor Road was not to establish the lawfulness of the use of the tennis courts but was concerning adjacent land.	The appeal decision letter is not compelling evidence regarding the use of the former tennis court land, but its contents are noted, particularly the lack of reference to tennis court use in the Inspector's description of the surroundings. This issue is assessed in more detail in the report.
8	Letter from Alison Twyford is not evidence.	The letter constitutes an informal opinion regarding the lawful use of the land, it neither adds nor detracts from the merits of the application.
9	Bidwells declaration does not refer to parking on the tennis courts.	Acknowledged.

10	<p>Cantabrigian Rowing Club letter confirming their use of the car park from about 1995/1997 for the storage of 2-3 boat trailers for periods of time, which ceased in 2008, is a different use than that applied for and was not ancillary to the use of the playing field as a car park. It is evidence that the whole application site area has not been in continuous use for car parking.</p> <p>Reference to storage for significant periods of time on the land, restricted to away rowing events and occupying a lot of car park. Empty boat trailers are 2.38m wide and 10.4m long, scaled plans attached.</p>	<p>There is no evidence that <u>only</u> boat trailers were parked in this period. Trailer storage co-existed with car parking associated with the use of the playing fields. The maximum storage of three trailers would have occupied less than approximately one tenth of the area that could have been used for parking associated with the use of the playing fields and would not have prevented car parking. Access to store or remove the trailers would have been occasional and would not necessarily have taken place at times that prevented car parking on the land.</p>
11	<p>Commission-Air Aerial Photograph of 2001 shows boat trailers only and one towing vehicle.</p>	<p>If the playing fields were not in use one would not necessarily expect car parking to be shown in the photograph. The photograph does show 2 boat trailers occupying a small corner of the tennis courts and a car adjacent. It is unclear whether the car is a towing vehicle associated with the trailers. The photograph shows no markings on the courts and the tennis nets are not in place.</p>
12	<p>The author of the letter from 54 The Lane is a relative of the owners of the garden backland to the rear of 23 Sedley Taylor Road which has been refused planning permission.</p>	<p>This is not material to whether a Certificate should be granted.</p>
13	<p>Covering letter from applicants is disputed because from</p>	<p>See 10 above.</p>

	1995/1997 to Nov 2009 another unauthorised use occupied much of the application site.	
14	During 2009 the application site was used for commercial car parking by contractor's working on Addenbrooke's. This is a break in continuity of use.	See 3 above.
15	From 1996 there was a bollard in place in the access track restricting access to the car park, which was subsequently knocked down.	This does not prove that the car park was not in use. It is evidence to suggest that access to car parking in the area was restricted at certain times. It is unclear for what period the bollard was in place. The access is currently gated but this does not prohibit parking on the land. If anything, it supports the notion that the car parking use is in association with the use of the playing fields.
16	1951 Ordnance Survey Map shows no tennis courts, no CRC Clubhouse and no access track.	Description not disputed.
17	1969 and 1970 Ordnance Survey Maps show a small area by the CRC Clubhouse enclosed with a dotted line. The tennis courts are enclosed by a solid line.	Description not disputed.
18	1996-1999 Ordnance Survey Maps show an enlarged area adjacent to the CRC Clubhouse enclosed with a dotted line. The tennis courts are enclosed by a solid line.	Only 1999 OS Map included but description not disputed. The map does not demonstrate that the tennis courts were in use as tennis courts.
19	2008 Ordnance Survey Map show an enlarged area adjacent to the CRC Clubhouse enclosed with a dotted line. The tennis courts	Description not disputed. The map does not demonstrate that the tennis courts were in use as tennis courts.

	are enclosed by a solid line.	
20	Gated entrance to access track installed by Hills Road 6 <sup>th</sup> Form College encroaches into the listed curtilage of no. 23 Sedley Taylor Road and LBC consent not sought.	Not relevant to the consideration of the CLUED.
21	Footprint of the clubhouse included within the red line application site. This is an anomaly as the clubhouse has been in place for nearly 60 years and could not have been parked on.	Agreed that this is an anomaly. From an assessment of the evidence submitted it is clearly not the intention of the applicants to demonstrate that there has been parking on the footprint of the clubhouse itself. This does not prejudice the determination of the application for a Certificate, which could exclude, for the purposes of clarity, the clubhouse footprint. See wording of final recommendation
22	Fire appliance access plan submitted with application 11/0900/FUL and associated Building Regs application	Not relevant.
	<b>Residents' Group of Sedley Taylor Road and Luard Road letter of 10/09/12</b>	
1	No decision should be made until the outcome of the 1 August Judicial Review hearing is known.	The Council has a duty to consider applications put to it.
2	The Cantabrigian Rugby Club have indicated that an access from Long Road to the car parking area is possible. Residents support this.	The Local Planning Authority does not have any such application before it. The existence or non-existence of an application for an access from Long Road does not have a bearing on the determination as to whether the use of the land is lawful. The determination of any application for a new

		access would not alter the lawfulness of the existing use.
3	Since 2000, and in relation to the 1999 planning appeal, the fence adjacent to the track and 23 Sedley Taylor Road has moved south 560mm, to the south of which is also a ransom strip owned by a third party. The fence is not in its original position and no reliance can be made on the access width of the southern access.	It is not disputed that the access, which is not part of the site for the CLUED application, is substandard. These factors do not have a material bearing on the consideration of the CLUED.
4	There is no continuous use for car parking either by Cantabs or Hills Road 6 <sup>th</sup> Form College. There have been other uses which have been sui generis or commercial.	See point 10 response in relation to Residents' Group of Sedley Taylor Road and Luard Road letter of 3/09/12
5	The criteria for issuing Certificates of Lawfulness includes impact on surrounding roads. There are adverse highway safety issues associated with the granting of a certificate.	The criteria is based upon the evidence submitted to demonstrate a continuous use. Such factors do not have a bearing on the outcome of an application for a CLUED.
6	Notification letter incomplete	Noted.
	<b>Residents' Group of Sedley Taylor Road and Luard Road letter of 13/06/12</b>	
1	The application forms part of the HRSFC replacement pavilion project 11/0900/FUL and associated travel plan condition 15 affecting the 'car park' use.	This matter is contested. The Judge considered condition 15 in the recent legal challenge and considered its imposition lawful. Condition 15 does not prevent vehicular access.  EIA is not relevant. See assessment.
2	This application is the second	This is not a planning



	of a two-part application relating to the replacement pavilion and should not be determined before the outcome of the preliminary JR proceedings.	application. The Council has a duty to consider the application for a CLUED put to it.
3	The Principal of the Hills Road 6 <sup>th</sup> Form College (HRSFC) and Chair-person of the PTA act as co-Trustees of the application land. HRSFC has a vested interest in the outcome of the application. This is improper.	This is not relevant to the consideration of the CLUED.
4	The application fails to include the access within the red or blue line. The access is unsafe.	The application site does not include the access to the land within the red line. The access, which is not part of the site for the CLUED application, is substandard. This factor does not have a material bearing on the consideration of the CLUED and lawful use of the land.
5	The access is substandard on many counts. Detailed dimensions are given relating to the access and visibility to demonstrate its unsuitability, together with its surfacing.	See answer to 4 above and 3 in relation to Residents' Group of Sedley Taylor Road and Luard Road letter of 10/09/12
6	The proposal represents a wide-ranging negative environmental impact. The site is not suitably landscaped. Tree no T44 would be damaged by the proposal if the Certificate is granted.	I have considered whether the change of use would have required an EIA in the main body of the report. There is no evidence that T44 would be damaged by the issuing of a certificate and this is not material to the consideration of the lawfulness of the use.
7	The car park should be served by a positive drainage scheme including anti-pollution measures.	Drainage matters would be a consideration for a planning application but they are not relevant to CLUED's.
8	No evidence has been put forward to demonstrate that the large car parking area is	The points made are not material to the consideration as to whether the use of the land is

	needed. The car park serves a larger purpose and bays should be defined. It is unsafe.	lawful.
9	The proposal does not safeguard the amenities of the area. It should be refused on the grounds of loss of privacy and amenity to neighbours, noise and nuisance and harm to the setting of the listed building.	The points made are not material to the consideration as to whether the use of the land is lawful.
10	The use of the access has caused harm to the fabric of the listed building 23 Sedley Taylor Road.	The points made are not material to the consideration as to whether the use of the land for parking is lawful.
11	County Highways have indicated that intensification of the use of the access would represent a danger to highway safety. There should be control over the levels of the use of the access. Residents do not accept the dismissal of the access as a consideration either in relation to this application or 11/0900/FUL.	The points made are not material to the consideration as to whether the use of the land for parking is lawful. See answer to 4 above and 3 in relation to Residents' Group of Sedley Taylor Road and Luard Road letter of 10/09/12.
12	The 11/0900 Travel Plan condition gave the Council an opportunity to deal with the matter of the access but it has not done so and this is subject to JR proceedings.	The points made are not material to the consideration as to whether the use of the land for parking is lawful. Attempting to limit the use of the access under 11/0900 to pedestrians and cyclists only would have been ultra-vires and would have been contrary to planning Circular 11/95 guidance. The recent High Court ruling found in favour of the Council on this point.
13	The Council should act in relation to private land on various grounds, including Open Space and Recreation Strategy Guidelines.	The points made are not material to the consideration as to whether the use of the land for parking is lawful.
14	The red-line area is part of a	The points made are not

	larger area of designated Open Space. The application would result in the loss of a playing field contrary to current planning guidance and Sports England Policy.	material to the consideration as to whether the use of the land for parking is lawful
15	There is unanimous preference locally for the two accesses to the sports fields to be used solely by pedestrians and cycles. This was previously put forward as a solution by HRSFC.	See 12 above
16	The Cantabrigian Rugby Club have indicated that an access from Long Road to the car parking area is possible. Residents support this.	See answer to point 2 of Residents' Group of Sedley Taylor Road and Luard Road letter of 10/09/12
17	The access width is too narrow to accommodate a Fire Tender.	The points made are not material to the consideration as to whether the use of the land for parking is lawful.
18a	The applicant has not presented any clear or convincing evidence of need. There is a lack of evidence from users. Use has only been fairly recent. The application is calling for an intensification of use.	The application was withdrawn and re-submitted with additional evidence to support the lawfulness of the use. Lack of need is not material to the consideration of an application for a CLUED. The application is seeking to establish the lawful use of the land.
18b	During 2009 the former tennis courts were used for the parking of contractor's and sub-contractor's vehicles working on the Addenbrooke's site. The continuous parking for sports use cannot therefore be claimed.	The parking by contractor's is not disputed. See main assessment.
	<b>Letter from occupant of 23 Sedley Taylor Road of 12/09/12</b>	

1	All parties involved should await the outcome of the JR hearing before taking decisions on the present matter.	The Council has a duty to consider the application for a CLUED put to it.
2	General point made regarding lack of co-ordinated intervention from public bodies to resolve local issues.	Noted but not relevant
A(i)	Permission for the Clubhouse was issued in 1953. That permission did not include a car park or tennis courts. How can permission be sought for a change of use from tennis courts to car park? The tennis courts were built in 1957 and were in use up until the early 1990's. There is no document to prove when the tennis courts fell out of use. OS map records indicate a tennis court up to 2008.	<p>The application is not seeking permission for a change of use. It is seeking to establish an existing lawful use.</p> <p>It is unclear what document the resident would expect to be presented to prove the tennis court use had ceased and what evidence in addition to that submitted could be adduced.</p> <p>The OS records do indicate a tennis court. This does not demonstrate that a change of use had not occurred. Evidence supplied by the applicants demonstrates that the tennis courts were not in use as such in 2008 and before that since at least 1993.</p>
A(ii)	The land is not registered.	The point made is not material to the consideration as to whether the use of the land for parking is lawful.
A(iii)	The covenants pertaining to the southern access include instructions that no vehicles should stand or park along it. A bollard closed off the access up to 2000. From 1953 – 2000 the path must have been used for pedestrian access only.	It is doubtful that the access was only used by pedestrians during the period 1953-2000 as evidence submitted by the applicants demonstrates that cars were parked on the land, including the former tennis courts, from the early 1990's. It is doubtful that access for these

		vehicles would have been from anywhere other than the southern access. The applicants have confirmed that the bollard was removable. The concerns raised regarding the lawful status of the use of the access track or 'path' do not fall to be considered as part of this application, which does not include the access track as part of the land for consideration.
B(i)	A land search for the purchase of (presumably) 23 Sedley Taylor Road in 2000 did not reveal the existence of any car park or evidence of any authorised or unauthorised vehicular use of the path or land in the clubhouse area.	Records of unauthorised use would not necessarily be reported as part of a land search. This neither proves nor disproves the lawful use. The point is not relevant.
B(ii)	No sustained vehicular use of the path to the site from 2000-2008	The concerns raised regarding the intensity of use of the access track or 'path' do not demonstrate that the land was not used for parking.
B(iii)	Between 2000 and 2008 the site was used for boat storage as opposed to car parking. This caused highway safety issues. There was no evidence of sustained car park use by HRSFC. The educational access remains from Luard Road.	<p>For issues relating to boat storage see answer 10 to Residents' Group of Sedley Taylor Road and Luard Road letter of 3/09/12</p> <p>The response fails to mention whether they witnessed use of the former tennis courts by Cantabs Rugby Club.</p> <p>The application does not seek to establish a lawful use for a specified educational institution or sports club but rather a car parking use in association with the use of the playing fields.</p>

B(iv)	Use by the Cantabs Rugby Club is restricted to practice on Tuesday and Thursday evenings and occasional Saturday matches during the Rugby season. The use was interrupted by the boat storage and contractor use.	See answer 10 to Residents' Group of Sedley Taylor Road and Luard Road letter of 3/09/12 regarding boat storage.  See answer 18b to Residents' Group of Sedley Taylor Road and Luard Road letter of 13/06/12 regarding contractor parking.
B(v)	There is no 10-year precedent for community use.	See answer to B(iii) above.
B(vi)	The application is contrary to the 191 regulations governing Certificates of Lawfulness. There is no evidence to suggest that the land was only used as a car park and only as a car park since 2002. Between 2002 and 2012 the use of the land was as a boat store. From 2009-2010 there was a material change from sporting to commercial use. There has not been a continuous use.	See answer 10 to Residents' Group of Sedley Taylor Road and Luard Road letter of 3/09/12 regarding boat storage.  See answer 18b to Residents' Group of Sedley Taylor Road and Luard Road letter of 13/06/12 regarding contractor parking.
C(i)	The application does not list constraints but 12/0585/CLUED did. It is unacceptable to claim that the constraints do not exist. There is no reference to the Open Space and Recreation Strategy.	This is not relevant and neither is the Council's Open Space and Recreation Strategy, in the consideration of the CLUED application. The land forms part of a wider parcel of Protected Open Space which includes the playing fields adjacent.
C(ii)	There is no report from Building Control regarding a change in the use of the access path into a main service road.	The point made is not material to the consideration as to whether the use of the land for parking is lawful.
C(iii)	There is no report from Conservation Officers regarding a change in the use of the access path into a main service road and the effect on	The point made is not material to the consideration as to whether the use of the land for parking is lawful.

	the listed building.	
C(iv)	Conflict with Local Plan policy 8/10 and the designation of the land as protected open space.	See answer to C(i). This is not relevant. An application for the lawful use of the land for car parking ancillary to the use of the playing fields had not been made in 2006. Policy makers would not designate a potential lawful use as a car park in the absence of a certificate of lawfulness. It is for the applicants to prove the lawfulness of the use not the Local Plan or policy guidance.
C(v)	Concerns of the Council's past dismissal of material concerns relating to the dangers of the access, with reference to the Appeal decisions and lack of action from the Council and other authorities. The access should not be precluded from the consideration.	See answer 4 to Residents' Group of Sedley Taylor Road and Luard Road letter of 13/06/12. Lots of the issues concerning the use of the access constitute a neighbour dispute and are not material to the determination of the application for a CLUED, which is to be assessed on its own merits.
C(vi)	The use of the land and access to it has resulted in a loss of privacy and amenity.	The points made are not material to the consideration as to whether the use of the land is lawful.
C(vii)	The use of the land and access to it has resulted in a loss of privacy and amenity to adjacent residents as evidenced in the Appeal decision which have been dismissed by the Council, which has a duty of care to seek solutions rather than dismiss problems.	The points made are not material to the consideration as to whether the use of the land is lawful. Many of the issues raised point towards a neighbour dispute that the Council has no formal authority or power to remedy.
C(viii)	No attention has been given to the possibility of alternative access arrangements, such as from Long Road.	See answer 2 to letter from Residents' Group of Sedley Taylor Road and Luard Road letter of 10/09/12
	<b>Letter from occupant of 23</b>	



	<b>Sedley Taylor Road of 27/08/12</b>	
1	Extra evidence of uses is submitted with 12/0956/FUL	Noted
2	Asks for the consultation period to be extended until the 14 September 2012	Agreed
3	Asks for any recommendation to await the outcome of the Judicial Review	The Council has a duty to consider the application for a CLUED put to it.

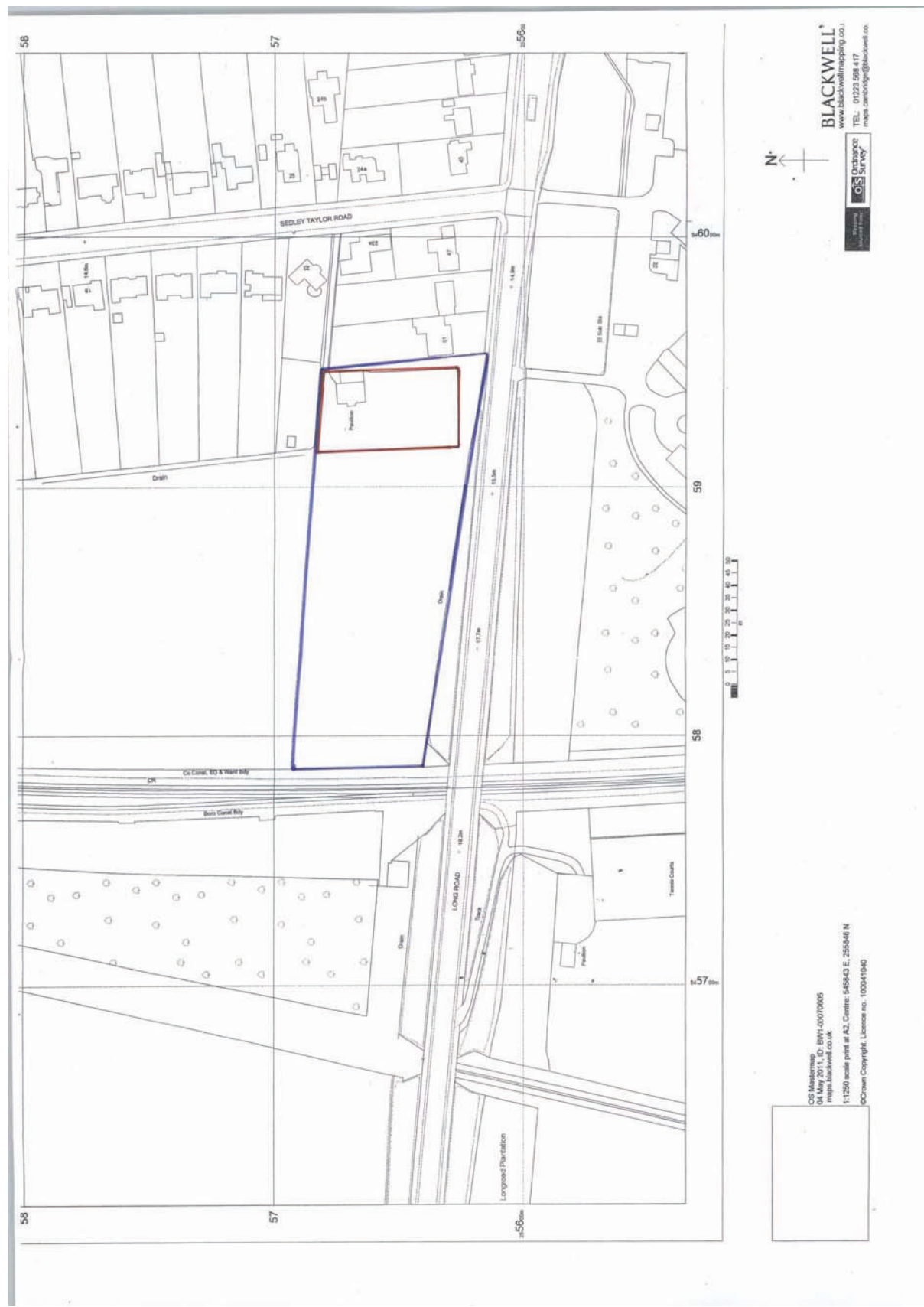
## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:  
[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)  
or by visiting the Customer Service Centre at Mandela House.





**BLACKWELL**  
 www.blackwellmapping.co.uk  
 TEL: 01223 596 417  
 maps.cambridge@blackwell.co.uk



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# Agenda Item 6

**SOUTH AREA COMMITTEE**

**19<sup>th</sup> November 2012**

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<b>Application Number</b>	12/1078/OUT	<b>Agenda Item</b>	
<b>Date Received</b>	21st August 2012	<b>Officer</b>	Miss Sophie Pain
<b>Target Date</b>	16th October 2012		
<b>Ward</b>	Trumpington		
<b>Site</b>	Adjacent To The Oak Building & Former Regional Seat Of Government And Adjacent To Corner Of Kingfisher Way & Gilpin Road Accordia Cambridge Cambridgeshire Ajaent To CB2 8DA		
<b>Proposal</b>	Construction of a wooden footbridge across Hobson's Brook with sections of path at each end, connecting Accordia with the public footpath network west of the brook.		
<b>Applicant</b>	Dr Nigel Harris 53, Aberdeen Avenue Cambridge Cambridgeshire CB2 8DL UK		

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SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed footbridge would not cause harm to the setting of the Green Belt and is in accordance with guidance as set out in the National Planning Policy Framework (2012) and policy 4/1 of the Cambridge Local Plan;</p> <p>A limited amount of cycle usage will be inevitable along the existing footpath, but I consider that this does not outweigh the benefit that the link will provide for pedestrians in accordance with policy 8/4 of the Cambridge Local Plan 2006; and</p> <p>I find that on balance the benefits of</p>
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	the bridge outweigh the concerns raised by residents and that 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located in the south west corner of the Accordia development, which is a residential development of some 350 properties. The site lies to the north of the Grade II listed building, which was the former Government Bunker, also known as the Regional Seat of Government. To the east and north of the site is public open space that is bordered by residential blocks of flats known as The Oak and Steel Buildings.
- 1.2 To the west is Hobson's Brook, which is a historic watercourse and on the west bank of the Brook is a public footpath with Empty Common allotments and Clare Wood bordering it.
- 1.3 The area is residential in appearance with tranquil settings created by the Brook, which is set in land designated as Green Belt. There are no tree preservation orders, but mature trees and hedgerow do provide a boundary between the Accordia site and the Brook.

## 2.0 THE PROPOSAL

- 2.1 The applicants seek outline planning permission for a 5 m long by 1.2 m wide pedestrian bridge across Hobson's Brook between Accordia and Empty Common. The proposed location of this bridge is in the south west corner of the site, to the north of The Bunker, which is presently vacant.
- 2.2 The application has been submitted with all matters reserved for subsequent reserved matters application excluding the siting with only indications of design, landscaping and external appearance submitted.

2.3 It is proposed that the path link to the bridge on the Accordia side will be constructed in permeable rolled hoggin with edging to match the existing paths in Accordia. All construction would be above the root protection areas of the trees. The east end of the bridge will be level with the existing path and on the west side there will be a modest fall to the level of the existing footpath.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Tree Survey

### 3.0 SITE HISTORY

3.1 No specific site history in connection with this proposal.

### 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, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 SS7 T2 T9 ENV1 ENV2 ENV3 ENV6 ENV7 WAT 2 WAT 4
Cambridge Local Plan	3/1 3/4 3/7 3/9

2006	4/1 4/4 4/6 4/10 8/2 8/4 8/5
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### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction
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)
	<u>Citywide:</u> Arboricultural Strategy Cambridge City Wildlife Sites Register Protection and Funding of Routes for the Future Expansion of the City Cycle Network

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The width of the proposed footbridge would make its use suitable only for pedestrians and wheelchair users.

Whilst there may be an aspiration to use the path by cyclists, its benefits to the wider cycling public would seem relatively small, and so whilst a small increase in cycle movements would be

likely, the geometry of the link would deter through cycling for any but leisurely cyclists.

It should be considered, however that aspirations for improvement of the link, once established, may be engendered.

In terms of pedestrian connectivity, however, the route would seem to have significant advantages for residents of the site.

### **Nature Conservation Projects Officer**

- 6.2 The proposed location for the pedestrian bridge confers minimal ecological impact with the loss of only a short section of overgrown bramble and species poor grassland. However, consideration of the impacts of construction on adjacent vegetation and trees is required. Any requests for lighting should be resisted as the Hobsons Conduit provides a route for foraging bat species. To this end a suitable condition preventing future lighting of the bridge might be appropriate.

### **Environment Agency**

- 6.3 No objection.

### **Hobson's Conduit Trust**

- 6.4 The Trust have rights of access to the banks of Hobson's Brook and the design of the bridge should not ensure that access is not obstructed. Neither should the structural integrity of the brook, its banks and bed, be compromised in any way.

The design of the bridge has potential for cycle access and are concerned that the bridge will increase cycle usage along the banks of the Brook, which is opposed too.

Opposition to any loss of the sense of semi-rural tranquillity on the western edge of the Brook and that a new pedestrian access could endanger that sense, particularly if cycle traffic increases.

The Trust are not opposed to the principle of a bridge, but have major reservations on the likely impacts that the introduction of a bridge shall bring.

### **Sustainable Drainage Officer**

- 6.5 No overall objection, although further details will be required at the detailed design stages.

### **Arboricultural Officer**

#### First Response 18<sup>th</sup> September 2012

- 6.6 While there is no objection in principal to the installation of the footbridge, further information is required in order to access the impact on nearby trees.

There are significant trees within the footprint of the site that could be affected by the installation therefore we require a plan showing the location of the bridge in relation to existing trees and a Tree Survey Schedule in accordance with BS5837:2012. The plan should indicate the location and extend of trees' root protection areas (RPA).

Should outline consent be given, an arboricultural method statement, also in accordance with BS 5837:2012, will need to be submitted with detailed plans where there is any breach of the RPA for either construction or access.

#### Second response 23<sup>rd</sup> October 2012

Following receipt of the tree survey I am satisfied that, provided appropriate tree protection methods are adopted and adhered to, the Accordia bridge can be constructed without material damage to adjacent trees.

There is therefore no arboricultural objection subject to the imposition of an appropriate condition.

### **Architectural Liaison Officer (Cambridgeshire Constabulary)**

- 6.7 To my mind, I would certainly think about what opening the footpath up would mean in terms of permeability. Firstly, I am



not aware of any problems associated with the Hobson's Brook footpath or Accordia itself. I would also view closely what is beyond the Accordia site e.g. Newton Road/Bentley Road etc and how residents would feel about this link being opened up. From a policing perspective, crime and disorder is low across both areas. Whilst I don't feel able to support the application, there are no grounds from a crime reduction or community safety perspective to object to the proposal. I would again state that from my view Option 3 provides the best option in terms of surveillance.

- 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 Councillor Blackhurst has requested that if Officers are minded to approve the application that South Area Committee be given an opportunity to consider whether the bridge can be constructed in the preferred location, without undue disruption to the amenity value, vegetation and wildlife value of the Hobson's Brook boundary, and in particular whether the proposal is consistent with the objectives in policy 3/9 of the Local Plan to "c. maintain and enhance the biodiversity of the watercourses and other bodies of water and their margins;".

Given the concerns expressed by other residents, it would also be useful if the Committee could take a view on the proposal's compliance with the Local Plan's requirement (3/7 h) that designs "avoid the threat or perceived threat of crime, avoid insecurity and neglect and contribute to improving community safety".

- 7.2 The owners/occupiers of the following addresses have made representations objecting to the application:

**B**  
11 Bentley Road  
19 Bentley Road  
29 Bentley Road  
41 Bentley Road  
43 Bentley Road

**C**

5 Clarendon Road  
17 Clarendon Road  
10 Copse Way  
13 Copse Way

**D**

2 Diamond Close  
4 Diamond Close  
5 Diamond Close  
7 Diamond Close

**G**

22 Gilpin Road

**H**

3 Henslow Mews  
13 Herbert Street  
29 Hertford Street

**K**

The Copper Building, Kingfisher Way  
2 The Glass Building, Kingfisher Way  
3 The Glass Building, Kingfisher Way  
5 The Glass Building, Kingfisher Way  
7 The Glass Building, Kingfisher Way  
8 The Glass Building, Kingfisher Way  
9 The Glass Building, Kingfisher Way  
The Oak Building, Kingfisher Way (9)  
11 The Oak Building, Kingfisher Way (2)

**M**

7 Morland Terrace

**N**

Applecourt, Newton Road  
16 Applecourt, Newton Road  
20 Newton Road  
25 Newton Road  
26 Newton Road  
28 Newton Road  
36 Newton Road  
39 Newton Road  
40 Newton Road (2)

46 Newton Road

**R**

1 Rayleigh Close

2 addresses withheld.

7.3 The representations can be summarised as follows:

Children may be tempted to venture further afield out of the safety of the Accordia site;

Security of the site would be breached and it would provide easier access for thieves;

It will create a pedestrian and cycling throughfare, which will cause disturbance for the residents living alongside the brook;

Hobson's Brook is a green corridor and provides a unique habitat for a variety of wildlife and the increase in the level of traffic through this sensitive location would put this natural habitat at risk;

The footbridge would invite people to cross over and potentially enter the allotments, which are private;

The privacy of occupants in the Oak Building would be significantly harmed by the opening up of the Brook; and

The bridge will result in vandalism of Clare Woods on the west bank of the Brook.

7.4 The owners/occupiers of the following addresses have made representations supporting the application:

**A**

77 Aberdeen Avenue

1 Aberdeen Square

3 Aberdeen Square

7 Aberdeen Square

8 Aberdeen Square

9 Aberdeen Square

**H**

23 Henslow Mews

**K**

The Copper Building,  
Kingfisher Way

13 The Copper Building,  
Kingfisher Way

The Oak Building, Kingfisher  
Way (3)

9 The Steel Building,  
Kingfisher Way

29 Kingfisher Way

**C**

1 Copse Way

**L**

3 Lennox Walk

**M**

2 Morland Terrace (2)

8 Morland Terrace

1 address withheld

7.5 The representations can be summarised as follows:

Encourage people to walk and cycle and would make the green space or path accessible to everyone;

Easier and safer access to allotments;

Consideration that the safety/security issue may be unfounded;

The route would provide a safer and more attractive route and allow users to avoid the south side of Brooklands Avenue which is dangerous and unpleasant during commuter times;

Enhancement of security as at times the area is too private leading to anti social behaviour; and

Improved links with the wider City.

7.6 The owners/occupiers of the following address has made a representation neither supporting nor objecting to the application:

The Copper Building, Kingfisher Way

7.7 The representations can be summarised as follows:

If the proposal is supported, the footbridge and Hobson's Brook footpath should be for pedestrians only

7.8 Representations neither supporting or objecting to the proposal have been received from the following organisations;

Cambridge Group of the Ramblers Association

Empty Common Allotment Society

Bentley and Newton Roads Residents' Association

7.9 The representations can be summarised as follows:

The structural integrity of the brook, its banks and bed, must not be compromised in any way and the current application lacks this detail;

There is concern about the potential for cycle access across the bridge and that this will increase cycle usage along the banks of the Brook, which is deeply opposed;

Opposition to any loss of the sense of semi rural tranquillity on the western edge of the brook and the increase in traffic could endanger this; and

There is a restrictive covenant prohibiting the making of a bridge across the Brook in this area.

7.10 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. Impact upon the Green Belt
2. Cycle usage and disabled access
3. Trees
4. Ecology
5. Drainage and Flooding
6. Impact upon the listed building
7. Residential amenity
8. Third party representations

### **Impact upon the Green Belt**

8.2 The site is located within the Green Belt and a site of Local Nature Conservation Importance. For these reasons, it is a sensitive site that has considerations for ecology, trees and hedgerows and protection of the Brook.

8.3 The designation of the Green Belt preserves the setting and special character of the area as well as providing an

environment for wildlife. Paragraph 81 of the National Planning Policy Framework (2012) states that;

‘...local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.’

- 8.4 I consider that this proposed development would address each of the above opportunities except for improvement to damaged or derelict land, as this is not the case.
- 8.5 Paragraph 87 goes on to say that inappropriate development in the Green Belt is by definition development that is harmful to the Green Belt. The Framework goes on to give examples of development that may be acceptable, one of which is the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 8.6 I believe that the provision of a footbridge that is level to the existing ground and could be constructed of wood and set within the natural environment of the Hobson Brook continues to preserve Green Belt and does not conflict with the purposes of the land around it. The proposed bridge provides the ability for the local community to engage with the recreation that the footpath and the Brook provides.
- 8.7 I consider that the principle of the proposed development is acceptable and does not cause significant harm to the setting of the Green Belt and is in accordance with guidance as set out in the National Planning Policy Framework 2012 and Cambridge Local Plan 2006 policy 4/1.

### **Cycle usage and disabled access**

- 8.8 The introduction of the bridge is in order to improve the connection of Accordia with the wider area, as access is taken from a single entrance/exit on Brooklands Avenue. Hobson's Brook and the associated footpath on its west bank run along the length of the Accordia development and provides links from

the City Centre to Long Road. The applicants seek to utilise this link and to improve access to the allotments on the west bank of the Brook by installing a bridge from the residential site.

8.9 Policy 8/4 of the Cambridge Local Plan 2006 states that;

To support walking and cycling, all developments will be designed to;

- a) give priority for these modes over the car;
- b) ensure maximum convenience for these modes;
- c) be accessible to those with impaired mobility; and
- d) link with the surrounding walking and cycling network.

8.10 I consider that the principle of this development does consider each of these criteria and that there is no objection to the proposed development in connection with policy 8/4.

8.11 The footbridge has been designed to such a width that it allows pedestrians, pushchairs and the disabled to use the bridge. There are concerns that such a design will encourage cyclists to use the bridge and to increase cycle usage along the footpath. The footpath is narrow with a slight gradient in places towards the Brook that does not allow for pedestrians and cyclists to pass with ease.

8.12 To restrict the proposed bridge in some way, such as using pram arms to deter cyclists from using it will result in a bridge that is unusable to wheelchair users and pedestrians with pushchairs. As such, with the construction of the proposed bridge comes the potential for additional cycle usage along the footpath. The view of the Highway Authority is that the benefits that this bridge would bring to the wider cycling public would be relatively small. This is because the geometry of the link would deter anyone but leisure cyclists. I consider that a limited amount of cycle usage is inevitable but I do not consider this outweighs the benefits of the link for pedestrians.

8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/4.

## **Trees**

- 8.14 There are significant trees within the footprint of the site and in close proximity to it. For this reason a Tree Survey Schedule was requested and produced as part of the application process. This was in order to ensure that the proposed development could be accommodated within the existing constraints of the site.
- 8.15 The Arboricultural Officer has assessed the tree survey and considers that none of the trees close to the site would be adversely impacted by the proposed development, providing that appropriate conditions are imposed in order to oversee the construction techniques of the bridge.
- 8.16 Subject to the imposition of conditions to ensure the protection of the trees during construction, the proposed development is acceptable in terms of outline permission and in accordance with Cambridge Local Plan 2006 policy 4/4.

## **Ecology**

- 8.17 This section of the Brook along with Clare Woods on the west bank are a wildlife haven and in its totality Hobson's Brook is designated as a City Wildlife Site. The Nature Projects Officer considers that the introduction of the pedestrian bridge will have little ecological impact with only a short section of bramble removed.
- 8.18 The section of vegetation that spans along the west boundary of Accordia, along with the public open space adjacent is managed by the City Council. The Nature Projects Officer is involved with this boundary management and its role, which plays a part of a wildlife habitat.
- 8.19 In order to ensure that wildlife is protected during the stages of construction, full details will need to be submitted prior to development. This can be secured through an appropriate condition.
- 8.20 The Nature Projects Officer has requested that a condition is imposed so that floodlighting cannot be installed. This is because the Brook provides a route for foraging bats. I consider it reasonable to impose such a condition.



8.21 Subject to the imposition of conditions to ensure the protection of the wildlife during construction, I am confident that the proposals represent an enhancement to the City Wildlife Site and that the proposed development is acceptable in terms of outline permission and in accordance with Cambridge Local Plan 2006 policy 4/6.

### **Drainage and Flooding**

8.22 The site is located within a flood zone, given the presence of the watercourse. There is no objection in principle from the Drainage Officer as the proposed development will not increase the flood risk or drainage of the area. They recommend a condition is imposed for further details relating to its construction.

8.23 Subject to the imposition of conditions to ensure that the proposed development does not increase the risk of flooding, the proposed development is acceptable in terms of outline permission and in accordance with Cambridge Local Plan 2006 policy 4/3.

### **Impact upon the listed building**

8.24 To the south of the site is the Bunker, which is owned by the University and is a grade II listed building. However, given the construction and appearance of the bridge I do not consider that it will have an adverse impact upon the setting or character of the listed building.

8.25 The proposed development is compliant with East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/10.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

8.26 The proposed location of the bridge is in the south west corner of the site, closest to The Oak Building, which is a block of 24 flats. Moving northwards along this boundary of the site, there is The Steel Building, The Copper Building and The Glass Building. Between the Steel and Copper Building is a children's

play area. I believe that the proposed development has the greatest potential to affect the occupants of The Oak Building and secondly The Steel Building.

8.27 Occupants facing the Brook have a single aspect, which is towards the west across the public open space. Within the public open space there is an existing gravel footpath used by residents which runs north to south between the flats and the Brook.

8.28 The presence of surface water drainage features (swales) in the public open space provide a buffer between the existing gravel path and the rear elevation of The Oak and Steel Buildings. These features assist in defining the public and private spaces and provide distinction between the two areas. The distance from the gravel footpath to the rear elevation of the Buildings is 6 m at its closest point and 18 m at its furthest point. Given these distances, the existing use of the public open space and the presence of users on the opposite bank, I do not consider that the introduction of the proposed bridge will significantly increase the number of trips to such a level that it would detrimentally harm the amenity of the occupants of The Oak Building. This matter aside, the balconies of the Oak and Steel Buildings have been orientated so that they overlook public open space, they are not private gardens and as such, there is already mutual interlooking, whether the bridge is constructed or not.

8.29 I observed from the west side of the Brook that the flats on the first floor are at eye level because of the difference in ground levels. However, given the presence of trees and hedgerows, views are limited, particularly from oblique angles. I appreciate that the introduction of a bridge is going to increase the number of trips that people take around The Oak Building. It is difficult to gauge at this stage, how popular the route may be.

8.30 The proposed footpath on the side of Accordia will lead to the southern elevation of the Oak Building, with users who are entering residential properties within the residential development most likely to use this route. Those who are traveling towards the children's play area in the north of the site may be more likely to use the existing gravel path that runs behind The Oak and Steel Buildings. Given the car park at ground floor level, the open space is on a lower ground level

than the first floor of residential accommodation. Although users of the bridge will be able to see onto the balcony of these units, given the shading that the balconies provide, it is difficult to obtain views into the flats. Furthermore, as already has been established, the area is public and therefore overlooking of these balconies will occur already.

- 8.31 Other residents are concerned about the potential for crime and disorder to increase if a new access point is opened. I understand that crime has been reported and that this is mainly in connection with damage to cars and bicycle theft, which occurs within the car parks that exist under the buildings along the west boundary.
- 8.32 In my opinion the more well used a space is, the less likely that crime will occur and that there would be an improvement in community safety on this site as a consequence of the proposed development. At present, relatively few people walk around the public open space behind the buildings. However, if there is a purpose to the footpath, then naturally the usage will increase, not necessarily to a level that causes adverse impacts, but to a level that will improve the safety and surveillance of the area to the benefit of the wider community on Accordia.
- 8.33 The Architectural Liaison Officer correctly describes the Accordia site as impermeable, which I understand makes it more susceptible to petty crime. By opening up the site and making it a permeable development, it will bring the benefit of improved security and surveillance. The view is that an alternative option (3) would provide the best option in terms of surveillance but that there are no grounds from a crime reduction or community safety perspective to object to the proposal.
- 8.34 Residents are concerned that the opening up of the site will encourage children to venture across the bridge and onto the footpath, where they may be in danger and that the bridge may provide an opportunity for unwanted visitors to be in close proximity to the children's play area. With additional users of this area there will be added surveillance. The children's play area is gated and I would not expect unsupervised access by children to the bridge to occur.

8.35 Representations have been received both supporting and opposing the proposed development. In light of these comments, I find that on balance the benefits of the bridge outweigh the concerns raised. 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Third Party Representations**

8.36 The remaining concern that has been raised by the representations is the presence of a covenant upon the Brook that prevents the construction of a bridge. The granting of planning permission does not negate the need to address a legal covenant and this would require the assistance of a solicitor and is not a material consideration for this planning application.

## **9.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. Details of the appearance, means of access, layout and landscaping (hereinafter referred to as the 'reserved matters') shall be submitted to the local planning authority. No part of the development shall commence until the reserved matters have been approved in writing by the local planning authority. The development shall be carried out as approved.

Reason: To ensure that all necessary details are acceptable (Cambridge Local Plan 2006 policies 3/1, 3/4, 3/7, 3/9, 4/1, 4/4, 4/6, 8/2, 8/4, 8/5).

2. Application for approval of the last of the reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.

Reason: In accordance with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004 (as amended).

3. The development pursuant to this outline consent shall begin before the expiration of two years from the date of the last reserved matter to be approved.

Reason: In accordance with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004 (as amended).

4. Details of the specification and position of fencing and 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 health and welfare of the trees on the site (Cambridge Local Plan 4/4)

5. No floodlighting shall be installed in connection with the approved development.

Reason: To protect the wildlife corridor and the species that use it for foraging (Cambridge Local Plan 2006 policy 4/6)

6. Any reserved matters application for design of the development shall include the following details;

- That there is no intrusion into the profile of the watercourse;
- That the soffit of the bridge must be higher than the 1 in 100 year floor level + 20% for climate change with a minimum freeboard of 300 mm;

That there must be sufficient distance between the edge of the watercourse and any bridge foundations so there is no compromise of the integrity of the clay lining of the watercourse.

The development shall be provided in accordance with the approved details and shall thereafter be retained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development does not have an adverse impact upon drainage and flood risk in the area (Cambridge Local Plan 2006 policy 4/3).

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008:

SS1,SS7,T2,T9,ENV1,ENV2,ENV3,ENV6,ENV7,WAT2,WAT4

Cambridge Local Plan (2006):

3/1,3/4,3/7,3/9,4/1,4/3,4/4,4,4/10/6,8/2,8/4,8/5

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

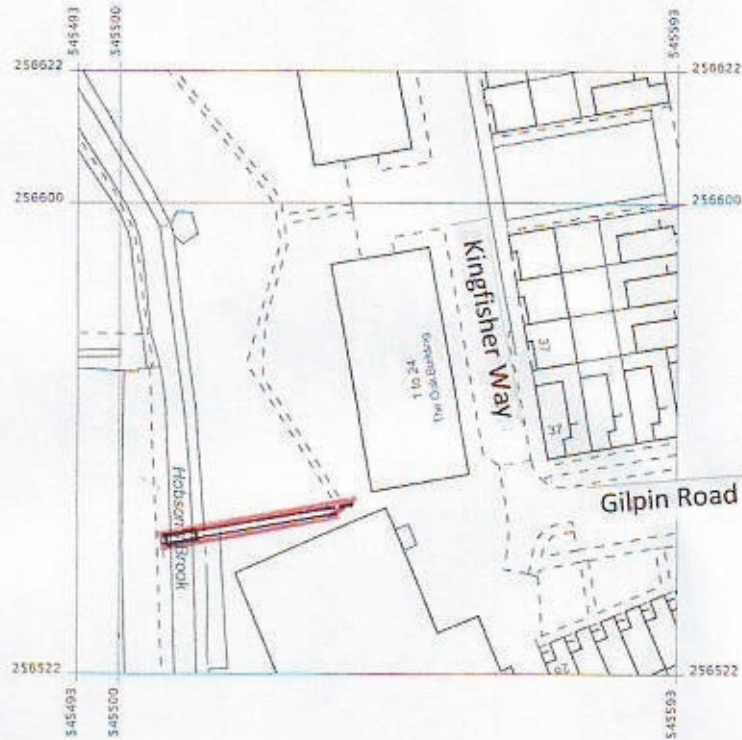
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”

5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:  
[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)  
or by visiting the Customer Service Centre at Mandela House.

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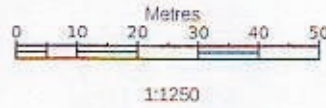




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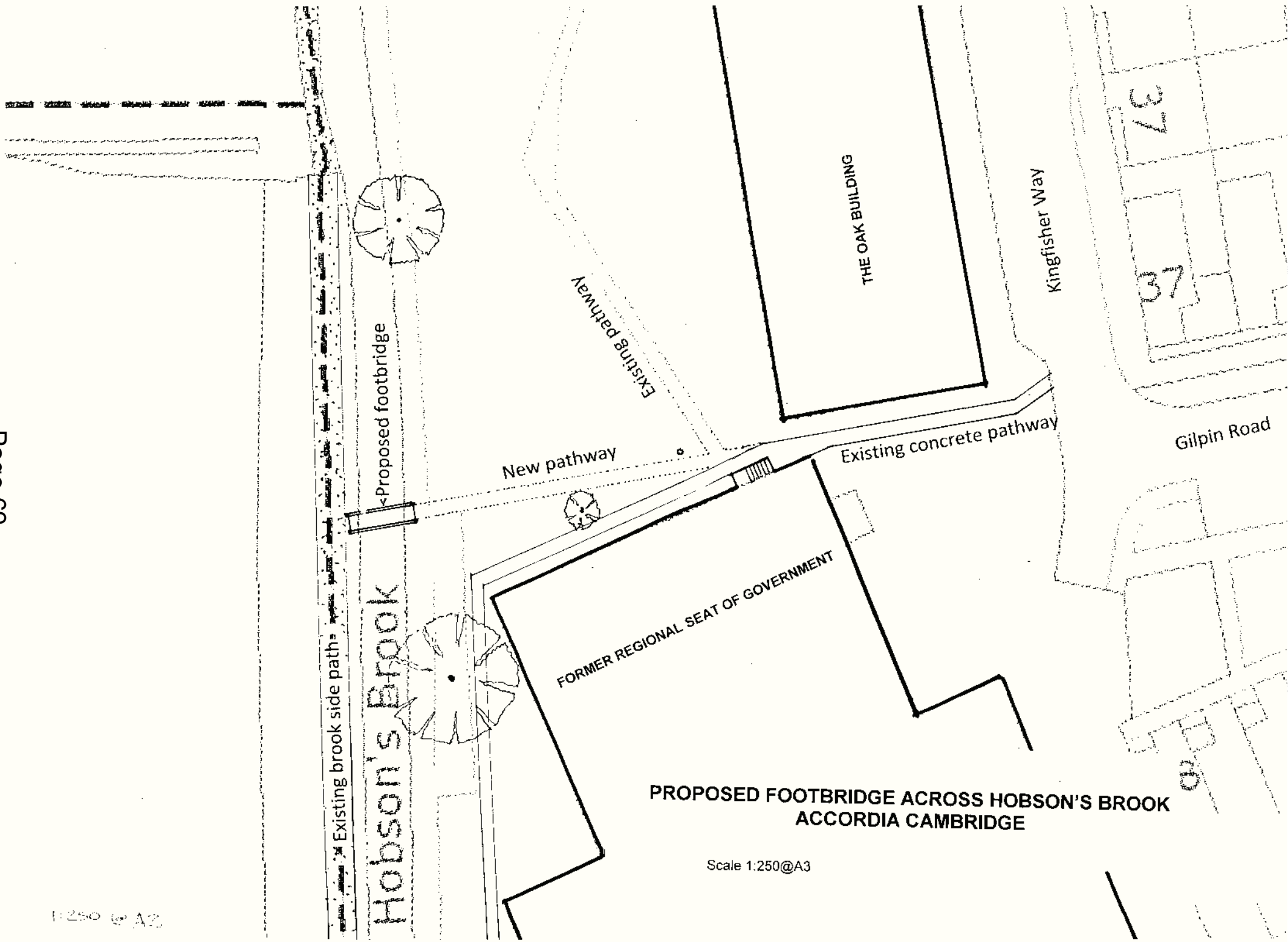
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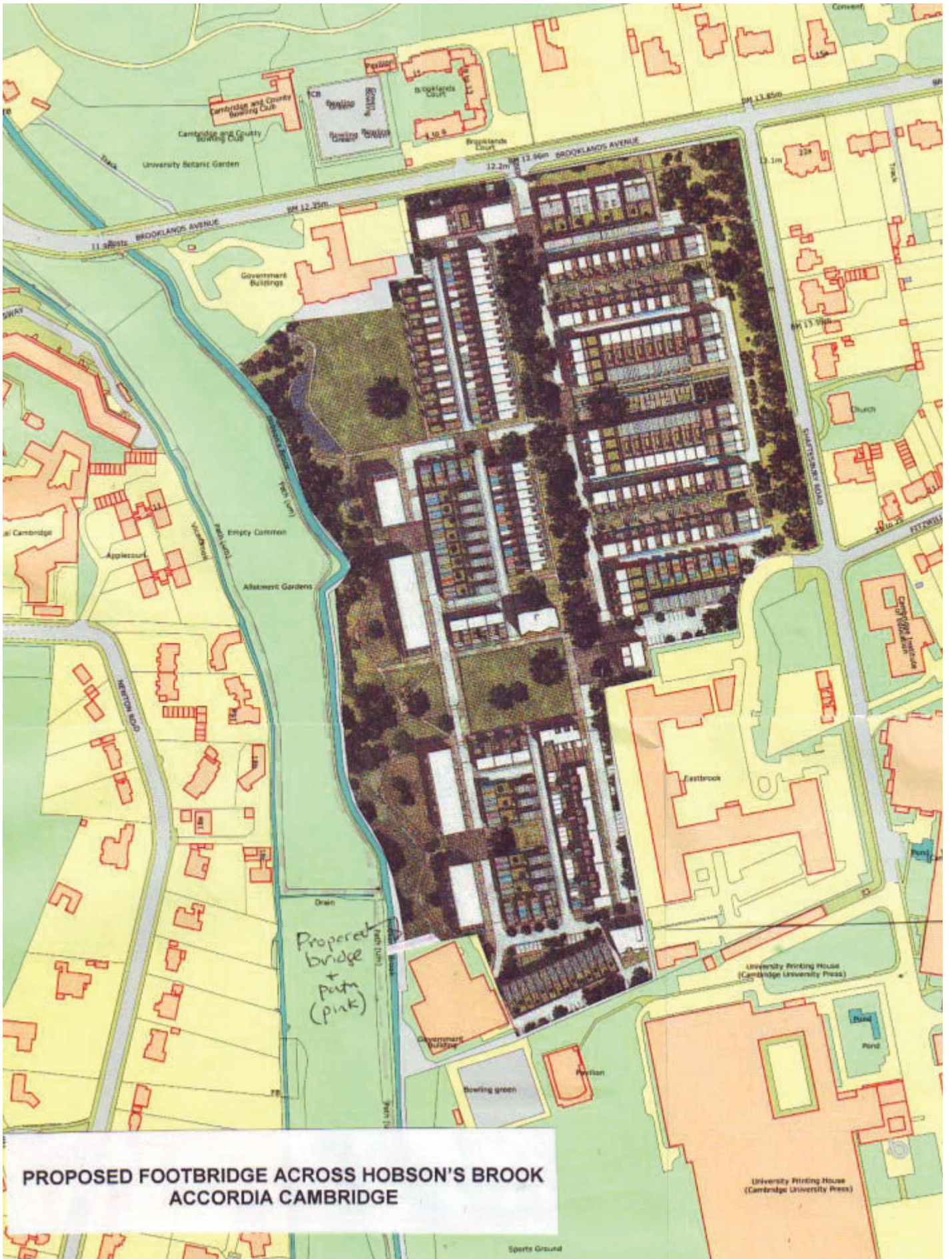


**PROPOSED FOOTBRIDGE ACROSS HOBSON'S BROOK  
ACCORDIA CAMBRIDGE**

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**PROPOSED FOOTBRIDGE ACROSS HOBSON'S BROOK  
ACCORDIA CAMBRIDGE**

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<b>Application Number</b>	12/0793/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	25th June 2012	<b>Officer</b>	Sav Patel
<b>Target Date</b>	20th August 2012		
<b>Ward</b>	Trumpington		
<b>Site</b>	Clarendon House 16 Brooklands Avenue Cambridge Cambridgeshire CB2 8BB		
 <b>Proposal</b>	 Change of use from a single dwelling house (Use Class C3) to a basement flat (Use Class C3) and sui generis use at ground level and above to provide short-stay residential accommodation for visiting academics and researchers in association with the Cambridge Kazakhstan Development Trust.		
<b>Applicant</b>	c/o Agent		

<p><b>SUMMARY</b></p>	<p>The development accords with the Development Plan for the following reasons:</p> <p>The retrospective subdivision of the basement from the upper levels to create an independent unit would not compromise the use of the rest of the property or have an adverse impact on the residential amenity of the adjoining neighbours.</p> <p>The proposed use of the upper floors to provide short stay accommodation to visiting students and academics on a relatively low key basis would maintain a residential function of the property.</p> <p>The property is likely to accommodate no more than host 5 occupants (excluding the basement flat). There would be some formal and informal meetings from the property but these would be limited.</p>
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	The proposed use would not require any external or internal alterations to the property.
RECOMMENDATION	APPROVAL subject to conditions

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located on the southern side of Brooklands Avenue and adjacent to the junction with Clarendon Avenue. The site also falls within the Brooklands Conservation Area (designated in 2002) and is in a Controlled Parking Zone.
- 1.2 Brooklands Avenue is a pleasant tree lined Avenue comprising a mixture of residential and non-residential uses. Clarendon Avenue and Shaftsbury Road are residential in character.
- 1.3 The application site comprises a large, 4 ½ storey (including basement level and converted roof space) detached property of Edwardian origin on a generous size plot and set back approximately 11.5 metres from the highway. The property is also characterised by prominent chimney structures, which protrude from 3 sides of the property.
- 1.4 The site area is approximately 1,000sqm (or 0.25 acres). There are also several protected trees within the site located primarily along the eastern boundary.
- 1.5 The built form of the area is characterised by large properties set back from the road in a consistent line and behind defined boundary treatment.
- 1.6 The front boundary of the site is defined by railing fence with vehicular access point at the corner of the site with Clarendon Road. To the north of the site, directly opposite, is the Hope Nursing Home, which is set back from the highway and screened by frontage boundary treatment. The eastern boundary of the site is defined by a 2 metre high brick wall with hedgerow set in behind. To the east of the site beyond Clarendon Avenue is a terrace row of well presented late-Victorian villas, which are, all but one, in office use. To the west is a similar, large, detached four storey property on a larger plot



of land. The southern boundary of the site is defined by a 2 metre high brick wall and adjoins a detached double garage.

## **2.0 THE PROPOSAL**

- 2.1 The proposal comprises two specific elements: 1) change of use of the existing residential property (C3) to Sui-Generis use at ground floor and all levels above to provide short term (no rent/fee basis) accommodation provision for visiting academics and researchers in association with Cambridge Kazakhstan Development Trust (CKDT); and 2) the separation of the basement level as a private residential flat (C3).
- 2.2 The application has been submitted on behalf of Kaz Cam Centre Ltd, which is a registered charity to support research and increase awareness and development of Kazakh language, culture, sciences, technology in support of Faculty of Asian and Middle Eastern Studies Programme on languages and cultures; coordination of scholarships; engagement in joint educational and research activity; and exchange of academics, researchers and other relevant personnel.
- 2.3 The proposed use of the property is to provide additional short stay accommodation for visiting academics to support the above purposes. The property would also be used as an interdisciplinary research centre with a primary purpose to support exchange academics, scholars, students and other professions who collaborate with colleagues in the promotion of bilateral academic relations between the region and UK.
- 2.4 The proposal would also regularise the use of the basement as an independent 2 bed residential unit, which has no connection with upper levels. The unit would have a separate access off Clarendon Avenue.
- 2.5 As for the layout of the rest of the property, it is proposed that the ground floor, which currently comprises the entrance hall with w/c; office, kitchen with utility and meeting room will not be materially changed. The open plan meeting room will be used as an open plan reception / dining room.
- 2.6 The first floor is currently laid out with two bedrooms both with en-suites and a reading room and a reading room accessed off the central hall. There is also a cylinder room. No material

alterations are proposed. Instead the reading room will be used as a study and the bedroom at the front will be converted to a dining room.

- 2.7 The second floor is currently laid out with three bedrooms (two with en-suites) and a main bathroom. The third floor comprises 1 bedroom with a cupboard. No material alterations are proposed to these floors/rooms. They are proposed to stay as they are.
- 2.8 Of the five bedrooms (excluding the basement), one will be occupied by an academic/researcher in a house sitting capacity on a permanent basis. The remaining four bedrooms will be used by exchange students and researchers that are solely connected with educational institutions of the Republic of Kazakstan. However, the applicant advises that it is unlikely the property will be fully occupied at any one time.
- 2.9 The occupation of the property runs parallel with the academic calendar and visitors are expected to stay typically between 10 days and 2 weeks but no more than 2 months. The site is not well suited for visitors wishing to stay for shorter stay (i.e. 2 nights) due to the location of the site from the University, as visitors are more likely to use college owned accommodation. Visitors will not be charged rent. Funding will be made through the existing grants and fund that the Trust expects to raise.
- 2.10 The property will also be used occasionally for informal meetings with limited numbers (no more than 10 academics). It is proposed that the meetings are to be held in the ground floor dining room and would be held six times a year. The proposed use would also include an annual garden party where immediate local residents will be invited.
- 2.11 The proposal will provide adequate cycle and bin storage provision, which will be located on the western side of the property. There is also off street parking at the front of the property however the applicant expects very limited requirement for these spaces, as typically, the residents and attending academics will not have access to or own a car.
- 2.12 As the proposed use does not include any physical alterations to the exterior or interior of the property or to any of the site

boundaries, the applicant advises that the use could easily revert back to a residential unit in the future, if required.

2.13 The application is accompanied by a Planning, Design and Access Statement.

2.14 The application is brought before Planning Committee because of the level of local objections received towards this proposal.

### 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C09/0052	Removal of Existing low level timber fence, replace with new; build new metal balcony and steps to rear property to enable rear access	Approved 25.03.2009
C/03/0938	Change of use from educational (class D1) to residential (class C3).	Approved 08.06.2004
C/92/0197	CHANGE OF USE TO EDUCATIONAL USE (RENEWAL OF CONSENT C/0313/87 GRANTED 17/05/87).	Approved 29.04.1992
C/87/0313	CHANGE OF USE FROM RESEARCH LIBRARY TO EDUCATIONAL USE (CAMBRIDGE CENTRE FOR SIXTH FORM STUDIES) FOR A PERIOD OF 5 YEARS.	Approved 20.05.1987
C/69/0489	Garden annex for School or Architecture	Refused 22.09.1969
C/69/0349	Garden annex for the School of Architecture	Refused 01.01.1969

3.1 The above planning history demonstrates the property has been used for residential (class C3) and non-residential uses such as class D1.

### 4.0 PUBLICITY

4.1 Advertisement:	<b>Yes</b>
Adjoining Owners:	<b>Yes</b>
Site Notice Displayed:	<b>Yes</b>

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan	SS1 and ENV7
Cambridge Local Plan 2006	5/4 5/7 and 6/3

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	Waste Management Design Guide 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)

	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments
	Conservation Area Appraisal: Brooklands Avenue

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways)

- 6.1 The application increases the number of households occupying this site and so following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.
- 6.2 The highway authority recommends a number of planning conditions.

### 6.3 Urban Design and Conservation Team

Conservation do not wish to comment on this application.

## 7.0 REPRESENTATIONS

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

17 Brooklands Avenue;  
18 Brooklands Avenue;  
21 Brooklands Avenue;  
22 Brooklands Avenue;  
1 Clarendon Road;  
3 Clarendon Road;  
5 Clarendon Road (x2);  
6 Clarendon Road;

7 Clarendon Road;  
9 Clarendon Road;  
17 Clarendon Road;  
1 Shaftesbury Road;  
2 Shaftesbury Road;  
3 Shaftesbury Road; and  
4 Shaftesbury Road;

7.2 The representations can be summarised as follows:

Non-compatible use within a residential area;  
Retrospective permission being sought;  
Disputes on the use of the rooms and by how many people and therefore difficult to enforce;  
Insufficient information to support need for proposed use;  
The proposed change of use is contrary to Brookland Avenue Conservation Area Appraisal;  
Increase vehicular movements and need for off-street parking; and  
Set a precedent for similar change of use applications.

7.3 A letter of representation has also been received from Brooklands Avenue Residents Association who have requested the representation received from the resident at no.5 Clarendon Road, as having been made on behalf of the Association.

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. Principle of the change of use; and
2. Third party representations

### **Principle of Development**

8.2 Essentially there are two elements to this planning application. The proposal to regularise, in planning terms, the use of the basement flat and secondly, to change the use of the rest of the

property from class C3 (residential) to Sui-Generis use to provide short stay residential accommodation for visiting academics and researchers in association with the Cambridge Kazakhstan Development Trust.

- 8.3 The basement flat was being used as a separate flat before the applicant submitted the planning application. Therefore, the applicant is seeking to regularise this and seal it off from the main proposed use of the property.
- 8.4 The basement flat is accessed from the rear of the property and comprises two bedrooms both with en-suites, sitting room, kitchen and laundry room.
- 8.5 The principle of this use is considered to be acceptable given it is compatible with the residential character of the area and would not have a significant detrimental impact on the site and surrounding area.
- 8.6 The applicant has proposed to provide the require level of cycle spaces and bin storage provision for the basement flat as part of the overall site requirements. Therefore, 1 cycle storage space will be provided per bedroom (7 in total including 2 for the basement flat).
- 8.7 The spaces will be provided using Sheffield Hoops, which would be located to the side (west) of the property and behind the established 1.8 metre fence. The spaces will also be covered.
- 8.8 As for car parking, there is space at the front of the property to accommodate at least two cars off street and for them to manoeuvre within the site to enable them to leave in forward gear.
- 8.9 The retrospective conversion of the basement into a separate residential unit would need to satisfy the requirements of Local Plan Policy 5/2 (Conversion of Large Properties), which state self-contained dwellings will permitted expect where:
  - a) The residential property has a floorspace of less than 110 sqm;
  - b) The likely impact upon on-street parking would be unacceptable;

- c) The living accommodation provided would be unsatisfactory;
  - d) The proposal would fail to provided satisfactory refuse bin storage or cycle parking; and
  - e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.
- 8.10 The basement flat is considered to comply with all of the above criteria. Therefore, on this basis, the principle of using the basement as an independent residential unit is considered to be acceptable.
- 8.11 As submitted, the second phase of the proposal seeks to change the use of the existing residential property (C3 use) to provide short stay residential accommodation to students and visiting academics and researchers in associations with CKDT (Sui-Generis use).
- 8.12 I have already set out in section 2 (Proposal) how the proposed Sui-Generis use of the property would breakdown across the ground and upper floors and surrounding area.
- 8.13 Essentially, the proposal is seeking to provide short-term accommodation for students/academics visiting Cambridge in association with an existing Trust. The proposal also seeks to provide some administrative activity from the property. Therefore, the main consideration is whether the level of activity proposed would harm the residential character of the area, taking in account the planning history of the site and other non-residential uses close-by.
- 8.14 The main policies to which this proposal relates are policy 5/4 (Loss of Housing), 5/7 (Supported Housing/ Housing in Multiple Occupation) and Policy 6/3 (Tourism Accommodation).
- 8.15 Policy 5/4 states that the change of use of residential accommodation to other uses will not be permitted unless the following criteria applies:
1. The property is unfit for human habitation and cannot be rehabilitated;
  2. It is ancillary to a non-residential property without any practical means of separate access being provided;



3. Is it a Listed Building, which can be best preserved through change of use;
  4. It is necessary for community facilities provision for which there is a need in Cambridge;
  5. The lost accommodation is replaced by at least an equivalent amount of new residential floorspace;
- 8.16 The basement flat will continue residential use and upper floors are proposed to be used short stay accommodation, which is a residential use.
- 8.17 The proposal does include provision for administrative functions such as meetings (approximately 6 times a year) and an annual event but these are considered to be ancillary to the overall use proposed. Therefore, on this basis, the proposed use of the ground floor and upper levels would comply with this part of policy 5/4.
- 8.18 The second, third and fourth points do not apply in this instance
- 8.19 With regards to the fifth point, the property would not necessarily lose any residential accommodation, as the proposed use would still perform a residential function.
- 8.20 It should be noted that the use of the property has not always been residential. The property has been occupied and used as a residential unit for the past 8 years. However, before this time, the property was used as an educational facility in various forms dating back to the 1960s.
- 8.21 Under permitted development rights the property could also be occupied by multiple, unrelated occupants (6 or less persons) sharing amenities, as a House of Multiple Occupation (HMO) without the benefit of requiring planning permission for change of use.
- 8.22 It would therefore be pertinent to assess the proposal against policy 5/7 (Supporting Housing / Housing in Multiple Occupation).
- 8.23 Policy 5/7 states, development of these housing forms will be permitted subject to the following criteria:

The potential impact on the residential amenity of the local area;

The suitability of the building or site; and

The proximity to public transport provision including pedestrian and cycle routes, shops and other local services.

- 8.24 The proposed use of the property would still retain a residential function; the main difference would be the activity levels. The applicant has advised in their submission that “it is unlikely that all bedrooms will be occupied at the same time” . Furthermore, activity levels outside university term time would see a drop in the level of academics needing to stay. The applicant has also advised that visiting academics occupying the property would be unlikely to have access to a car and would instead be commuting to and from the university using cycle, taxi or public transport.
- 8.25 Based upon the information provided and likelihood of any visiting academics having use of a private car, I am satisfied that the proposed use would not cause a significant adverse impact on residential amenity due to an intensification of car usage.
- 8.26 Furthermore, the applicant has advised that the proposed use would be used for formal meetings involving the CKDT approximately 6 times a year and would also be the venue for a garden party event in which local residents would be invited. Such activities are considered by the authority to be *de-minimis*.
- 8.27 The proposed use of the property for short stay accommodation is unlikely to have any significant adverse impact on the residential amenity of adjoining neighbours.
- 8.28 As mentioned previously, the property prior to its current use was used for educational purposes. The property is in a highly sustainable location with good links into town by walking or cycling and to public transport provisions. In these terms, the proposal is considered to be a suitable building for the proposed use and complies with point (b) and (c) of policy 5/7.
- 8.29 Finally, policy 6/3 (Tourist Accommodation) is also relevant.
- 8.30 Policy 6/3 states proposals that maintain, strengthen and diversify the range of short-stay accommodation will be

permitted. The policy also states that provision should be made available for disabled access and in cases of change from residential use, part of the accommodation must be retained as permanent residential accommodation.

- 8.31 The proposed use would strengthen and diversify the range of short stay accommodation, albeit to a specific group of academics.
- 8.32 The proposed level of accommodation would not trigger the need to provide an accessible room (six guest bedrooms). Therefore disabled access is not required due to the low level of short stay accommodation proposed.
- 8.33 Part of the property would be retained as a permanent residential unit in the basement and a permanent 'house sitter' to support and upkeep with property.
- 8.34 The proposal complies with the objectives of policy 6/3.
- 8.35 In view of the above, I am of the opinion that the principle of the proposed change of use is acceptable in this instance and in accordance with policies 5/3, 5/7 and 6/3 of the adopted Local Plan (2006).

### **Third Party Representations**

- 8.36 Several representations have been received towards the proposed use of the property from local residents including the Brooklands Avenue Residents Association.
- 8.37 The main comments from these representations are set out in paragraph 7.3. I set out below my response to the comments made.

#### *Non-compatible use within a residential area*

- 8.38 The proposed use would still maintain a residential presence within the area, albeit for multiple short stay visitors sharing the amenities of the house. In addition, the proposal would not involve making any internal or external alterations to the property. Therefore, from the outside and public realm there would be no difference in the current appearance of the property and on this basis there would be no material impact on

the setting of the Conservation Area. Given the likely level of use, which I consider to be of low intensity, I do not consider any significant harm to the residential amenity of the surrounding residents.

- 8.39 There are many examples of non-residential uses within the surrounding area such as the care home opposite the site which is in the residential use class; offices in the adjoining Victorian villas; and educational uses along Brookland Avenue.
- 8.40 Therefore, the proposed use would materially appear or perform a non-compatible use within this area.

*Retrospective planning application*

- 8.41 Many of the representations received argue that the proposed use has already been implemented.
- 8.42 Having visited the site and received confirmation from the agent, I am satisfied the proposed use of the ground floor and upper floor has not been implemented.
- 8.43 The planning application is, however, seeking to regularise the unauthorised use of the basement flat as a separate residential unit.

*Dispute over use of rooms and number of people visiting the site*

- 8.44 The proposal short-stay use would provide 5 bedrooms (1 on the first floor; 3 on second floor and 1 in the roofspace). All the rooms on the first and second floors are of generous size and could accommodate double beds. The third floor room is the smallest.
- 8.45 The proposal would include an academic to live at the premises on a permanent basis in a house sitting capacity to manage the upkeep of the property and for security purposes.
- 8.46 It is not expected that any of the visitors will arrive with a partner or dependents, but even if that were to be the case, I do not consider the intensity of the use to be harmful.

- 8.47 The agent has advised that the property is unlikely to be fully occupied at any one time, which I accept.

*Proposal contrary to Brooklands Conservation Area Appraisal*

- 8.48 The Brooklands Conservation Area Appraisal (BCAA) was updated in 2002 from the 1999 version and provides supporting guidance for future development in the area when determining planning applications.
- 8.49 Paragraph 7.07 (Protection of Domestic Character) states that houses that are converted to commercial use can often erode the residential character of the area leading to disturbance to neighbouring dwellings through intensified car parking and car movements, and various non-domestic external alterations to the property, such as fire escapes and security lights.
- 8.50 The proposed change of use would maintain a residential function and does not propose any external alterations, which would adversely affect the amenity of neighbouring residents or materially affect the character of the area. Therefore the character of the area would not be adversely affected by the proposed change of use.
- 8.51 Although the proposal would include a small office, this is considered to be ancillary to the overall function of the proposed use. I do not consider the proposed use would result in the property being used in the same way as a commercial business or at an intensity that would cause harm to the area and local residents.

*Insufficient information to support proposed use*

- 8.52 The proposed use of the property is not considered to be of a scale that would warrant a sequential appraisal of its locational merits, particularly given the mix of domestic and non-domestic uses along Brooklands Avenue.
- 8.53 The proposed use would, based upon the information provided, have very limited impact on the residential function and character of the area. On this basis, the information submitted, which sets out the specific arrangements for the property and how it will be used and by who, is considered to be sufficient for

Officers to make an informed assessment and recommendation.

*Increased vehicle movements and need for off street parking*

- 8.54 The agent has advised that visitors attending and staying at the property are unlikely to have access to a private car.
- 8.55 The property is located within a highly sustainable location with good access links into the city centre via walking and cycling. The site is also located close to a bus stop, which provided regular services into the city.
- 8.56 In view of this, it is unlikely that any visitors would need to have access to a private car. However, notwithstanding this, if students and academic did then there is sufficient parking in front of the property to accommodate at least 4 vehicles.
- 8.57 Each application should be treated on its own merits.

*Set a precedent for similar change of use applications*

- 8.58 Until very recently, the property for many years (dating back to the 1960s) was used as an educational and research centre. Therefore, a precedent has already been set for non-domestic use and would be difficult to argue against in this context. Nevertheless, the proposed use of the property would lean more towards residential than commercial and therefore offers a much more suitable and sympathetic end use to the character and residents of the area.

## **9.0 CONCLUSION**

- 9.1 The proposed change of use of the existing residential dwelling (16 Brooklands Avenue) is to create a venue for short stay accommodation for visiting students and academics in association with the Cambridge Kazakhstan Development Trust (CKDT).
- 9.2 The Trust is a member of Cambridge University, particularly Jesus College and would promote bilateral academic relations within the region and in the UK and coordinate scholarships in order to enable students to gain places at the University. The Trust also aims to provide an exchange system for academics

and researchers to educational institutions of the Republic of Kazakhstan. It is through this work that the need for short stay accommodation has arisen.

- 9.3 According to the agent, the property at no.16 Brooklands Avenue provides the requisite level space to meet this need.
- 9.4 The proposal would not involve making any internal or external alterations to property. The property current comprises 6 bedrooms (excluding the basement flat). The proposal is to use reduce this to 5 bedrooms and use the second and third floors as the main levels of accommodation for visiting academics. Each bedroom, apart from the single room in the third floor, will benefit from en-suites. The property will still maintain a separate bathroom.
- 9.5 The internal layout of the rooms and floors would be designated for specific functions.
- 9.6 I am of the view that the proposed use would not have any adverse impact on the character of the area or on the residential amenity of the adjoining residents. For these reasons, I am recommending the planning application to be approved.

## **10.0 RECOMMENDATION**

### **1. APPROVE subject to the following conditions and reasons for approval:**

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

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

2. No development shall 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)



3. The hereby approved use of the property (excluding the basement level) as short stay accommodation shall be occupied by no more than 4 occupants (excluding the permanent house sitter) during the academic cycle/year, at any one time, and for a maximum period of 2 months per stay.

Reason: To control the intensity of the use and to protect the amenity of the adjoining residents.

**INFORMATIVE:** The Trust is encouraged to ensure any visiting occupants are aware of the sustainable transport provision available to them for access the property and should discourage the use of private cars where possible.

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: SS1, ENV7

Cambridge Local Plan (2006): 5/4, 5/7 and 6/3

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.



## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

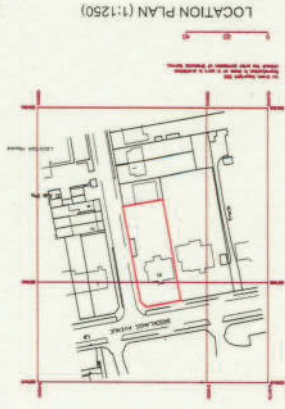
These papers may be inspected on the City Council website at:

[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)

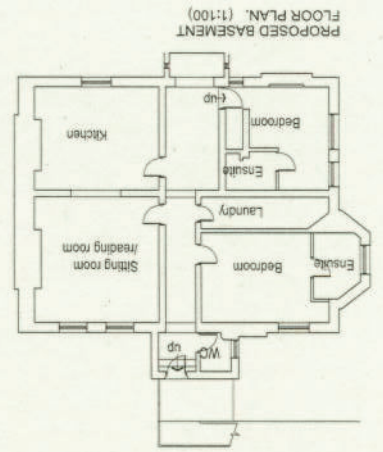
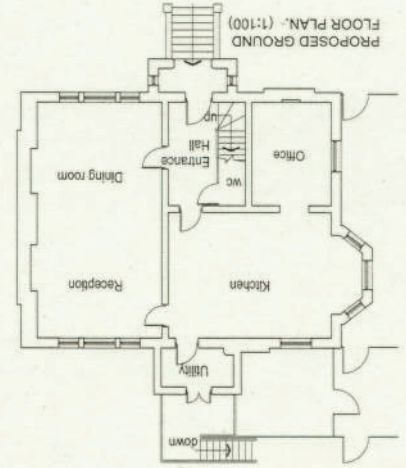
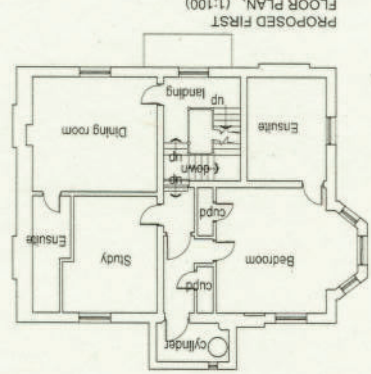
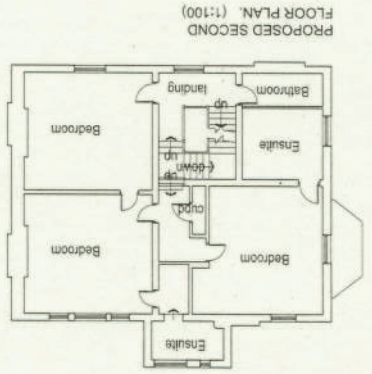
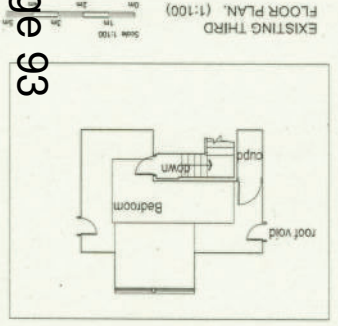
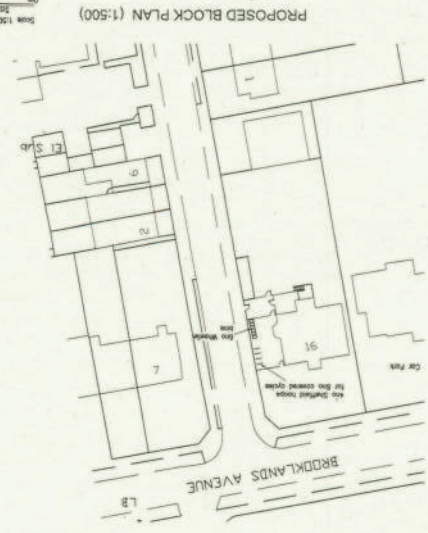
or by visiting the Customer Service Centre at Mandela House.

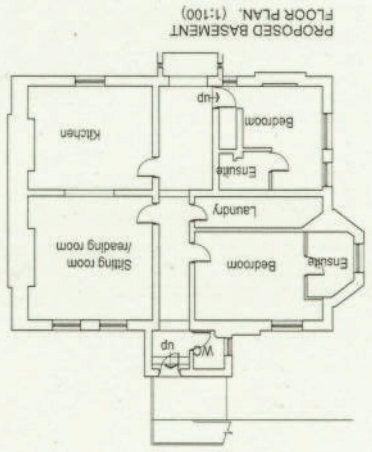
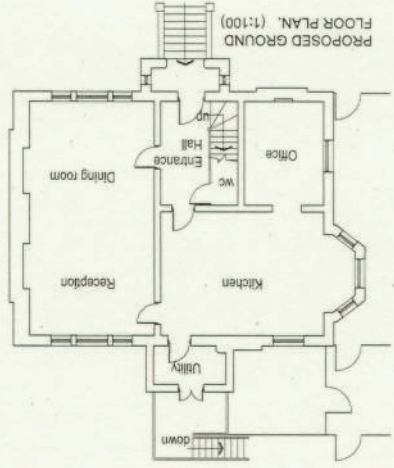
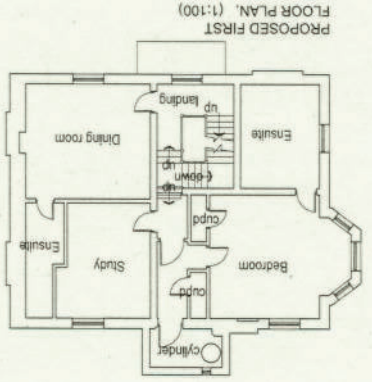
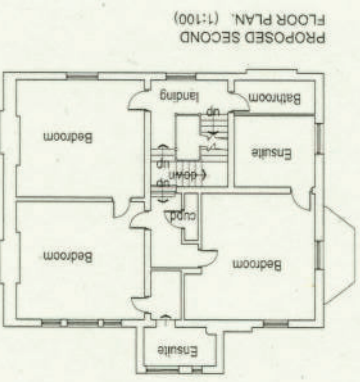
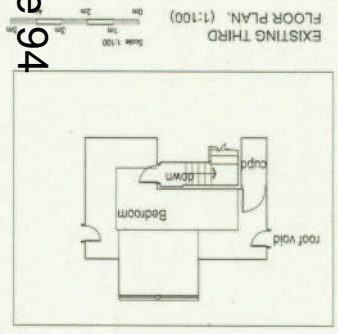
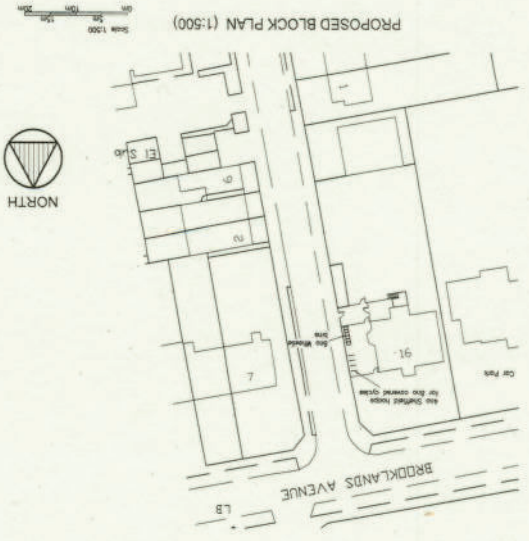
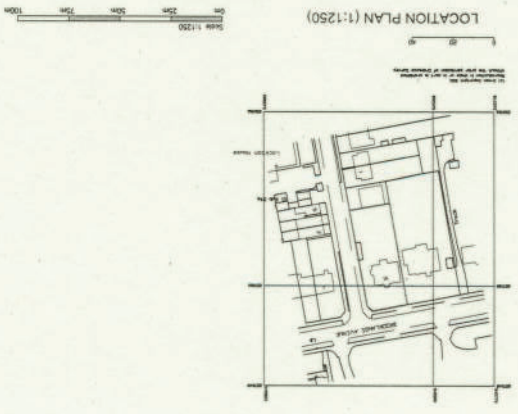
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# Agenda Item 8

**SOUTH AREA COMMITTEE**

**19<sup>th</sup> November 2012**

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<b>Application Number</b>	11/0818/REM	<b>Agenda Item</b>	
<b>Date Received</b>	12th July 2011	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	6th September 2011		
<b>Ward</b>	Trumpington		
<b>Site</b>	Land Adjacent Rutherford Road Long Road Cambridge Cambridgeshire		
<b>Proposal</b>	Erection of Sports Pavilion, machinery store and car park.		
<b>Applicant</b>	C/o Mr. Guy Kaddish Bidwells Bidwell House Trumpington Road Cambridge CB2 9LD		

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SUMMARY	The development accords with the Development Plan for the following reasons:  The design and scale of the building proposed are appropriate to the context.  The quantum and layout of car parking space is acceptable.  The submission does not raise any issues of highway safety.
RECOMMENDATION	APPROVAL

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

- 1.1 The application site is an area of former agricultural land which has an area of approximately 0.82 hectares and is located on the northern side of Long Road just to the west of the guided busway. The Kings Lynn to London railway line lies further east. To the west of the site is Hobson's Brook and beyond that, further to the west, are the detached properties of Long Road and Rutherford Road. To the south on the opposite of Long Road, are more open fields.



1.2 The site is wholly within the Green Belt. Part of the western edge of the site is within the flood zone.

1.3 There is an area tree preservation order protecting all the trees along the frontage of Long Road to the south of the site. However, this area lies outside the boundary of the application site.

## 2.0 THE PROPOSAL

2.1 This reserved matters submission seeks approval for the detailed design and layout of the pavilion, entrance drive, car parking area, and associated landscaping in pursuance of the outline permission granted for the pavilion and associated facilities in 2008 (08/0847/OUT). That application was granted permission at the same time as an accompanying application to change the use of the field from agricultural use to playing field.

2.2 The proposed pavilion would be located midway along the southern edge of the playing field, in the centre of the application site 28m north of Long Road, 70m west of the guided busway, and 95m east of Hobson's Brook. It would measure 49m in length, and 13.5m in width. The two wings which form the major part of the building would have a flat roof 3m above ground; the small central section would have a monopitch roof rising to 5.2m at its upper edge.

2.3 The application is accompanied by a Design and Access Statement

2.4 Amended plans have been received which show the deletion of the tensile fabric roof included over the central section in the original application. The plans also include revisions to the landscaping proposals.

## 3.0 SITE HISTORY

3.1

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
97/0919/FP	Change of use of land from agriculture to a playing field.	Approved with conditions
97/0920/FP	Erection of a sports pavilion, machinery store and car park	Approved with

	(outline).	conditions
02/1346/VC	Extension of time for a further five years for implementation of 97/0919	Approved with conditions
02/1347/VC	Extension of time for a further five years for implementation of 97/0920	Approved with conditions
08/0873/FUL	Change of use of agricultural land to playing field.	Approved with conditions
08/0874/OUT	Erection of a sports pavilion, machinery store and car park.	Approved with conditions

3.2 The decision notice for the outline permission 08/0874/OUT is attached to this report as Appendix B.

3.3 The application site for this application and the outline permission 08/0874 is only a small part at the south end of the application site for the permission to change use 08/0873.

#### 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV7

Cambridge Local Plan 2006	3/1 3/2 3/3 3/4 3/7 3/9 3/11 3/12
	4/1 4/2 4/3 4/4 4/6 4/8 4/13 4/15
	8/6 8/8 8/10 8/18

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

Central Government Guidance	National Planning Policy Framework March 2012
Supplementary Planning Documents	Sustainable Design and Construction
Material Considerations	<p><u>Central Government:</u></p> <p>Letter from Secretary of State for Communities and Local Government (27 May 2010)</p> <p>Written Ministerial Statement: Planning for Growth (23 March 2011)</p>
	<p><u>Citywide:</u></p> <p>Arboricultural Strategy</p> <p>Biodiversity Checklist</p> <p>Cambridge Landscape and Character Assessment</p> <p>Cambridge City Nature Conservation Strategy</p> <p>Criteria for the Designation of Wildlife Sites</p> <p>Cambridge City Wildlife Sites Register</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment</p> <p>Strategic Flood Risk Assessment (2005)</p>



	<p>Open Space and Recreation Strategy</p> <p>Green Infrastructure Strategy for the Cambridgeshire Sub-Region</p> <p>Cambridge Walking and Cycling Strategy</p>
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## 6.0 CONSULTATIONS

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

- 6.1 No significant adverse effect on the public highway should result from this proposal.

### **Cambridgeshire Guided Bus**

- 6.2 Proposed driveway is a strategic access point to the busway. Condition required on driveway construction.

### **Head of Environmental Services**

- 6.3 No objection. Informative recommended regarding licensing implications.

### **Urban Design and Conservation Team**

First advice (23.03.2012)

- 6.4 Overall form of building and materials are acceptable, but proposed tensile fabric roof structure is not. It would sit uncomfortably with the rest of the pavilion, and is at odds with the design intention of making the building blend in with the landscape. It should be deleted. A canopy could be extended to cover the spectator terrace and frame the proposed main entrance; this would create identity and distinctiveness in a more restrained way.

Second advice, following amendments (23.04.2012)

- 6.5 Revised pavilion design is supported.

Third advice, following formal submission of amendments (18.10.2012)

- 6.6 Now a simple and sensitive design, which has the potential to work well in the context. Detail of materials and finishes will be important. Supported.

**Head of Streets and Open Spaces (Tree Team)**

- 6.7 No objection. Tree protection condition sought.

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

First advice (22.08.2011)

- 6.8 Concerns: natural materials without high-tensile roof would enable building to be better absorbed into the existing landscape. Needs biodiversity enhancement along brook. Car parks need screening with hedge. Would welcome more neutral grassland around edge of site and between pitches.

Second advice, following amendments (23.04.2012)

- 6.9 Revised pavilion design is supported.

Third advice, following formal submission of amendments (24.10.2012)

- 6.10 Generally supported. Appropriateness of fence questioned. Conditions sought on landscaping details, maintenance, and management plan.

**Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.11 Concern that surface water and foul drainage have been neglected in the application. Watercourse at north of site is essential to land drainage. Position of fence shown may impair maintenance. North part of site is in flood zones 2 and 3; fencing and landscaping need to reflect this.

## **Head of Streets and Open Spaces (Nature Conservation Officer)**

Original comments (11.08.2011)

- 6.12 Design and access statement makes no reference to the green corridor following Hobson's Brook. Recommend that a condition is added to require bat surveys before any lighting is added. No biodiversity enhancements proposed. Sedum roof supported but may be too shaded to be successfully established. Some concerns about species proposed for tree and shrub planting. Recommend inclusion of planting of black poplars, increasing light to the brook through management of existing vegetation, and more naturalistic neutral grassland around playing pitches.

Second advice, following amendments (22.10.2012)

- 6.13 Footpath realignment, grassland creation and native hedgerow are welcomed. Need for 2.4m high security fence questioned. If required, it should be on sports field side of the hedge. Hedge should be kept at 2m height. Species selection questioned. Additional information sought with respect to: establishment of long grass, management plan, floodlighting and drainage proposals.

## **Cambridgeshire County Council (Archaeology)**

- 6.14 Archaeology condition on outline approval not yet discharged.

## **Cambridgeshire County Council (Rights of Way / Access Team)**

- 6.15 No objection. However, Cambridge Public Footpath 42 runs along the western edge of the site, and the 'walked line' of the footpath differs significantly from the legal line. A wire mesh security fence is proposed on this boundary, which would enclose the walked line of the footpath. Condition required to ensure 2m wide path with surface suitable for footpath users is available between the boundary fence and the bank of Hobson's Brook. Informatives on public footpath law also requested.

## **Cambridgeshire County Council (Guided Bus Team)**

First advice (23<sup>rd</sup> August 2011)

- 6.16 Concern registered. Condition sought on design and construction methodology of access route to busway

Further advice (30<sup>th</sup> January 2012)

- 6.17 Discussions have taken place with applicants' agents. Minor changes required to make the arrangements shown on plan acceptable. Without these, objection remains.

### **Access Officer**

- 6.18 Wheelchair-accessible toilet/shower room would be preferable to toilet only. Should be flat routes of gentle gradient for spectators using wheelchairs. Steps should be avoided. Toilet doors should open outwards. All facilities should have colour contrast, and the bar should have a dropped-height section and hearing loop.

- 6.19 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. He seeks clarification of whether the proposal is in compliance with policies 6/2 and 3/9 of the Cambridge Local Plan 2006. He also requests that it be determined by committee in the event of a recommendation of approval. His comments are attached to this report as Appendix A.

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

5 Rutherford Road  
55 Barrow Road

- 7.3 The representations can be summarised as follows:

sports fields too close to Hobson's Brook

bat survey required  
threat of road traffic collisions on Long Road because of cars  
and coaches using the proposed entrance  
tree screen along Hobson's brook should be maintained

7.4 Trumpington Residents Association have made representations  
as follows:

density of pitches is excessive, placing unacceptable  
pressures on the margins of the site  
variety of pitches will result in intensive use all year round,  
leading to disruption for neighbours and traffic congestion  
scale of pavilion is excessive  
scale of car parking is excessive  
provision of coach parking is worrying  
insufficient cycle parking  
travel plan not provided  
southern fence, access road and pavilion will be to the  
detriment of users of the busway path  
harmful impact on wildlife

7.5 Cambridge Group of the Ramblers' Association have made  
representations as follows:

security fence inappropriate; hedges should be used  
footway and cycle access to busway path is not wide enough  
Footpath 42 is not a cycle path  
sufficient width to maintain an unimpeded route for Footpath  
42 to the east of the existing tree belt must be established  
before the erection of fencing  
all footpaths and cycle paths must remain open during  
development  
design of kerbs at the junction and along the driveway are  
unacceptable  
splays on the roadway entrance are too wide  
permissive path should be provided at the north end of the  
site

7.6 The Trustees of the Hobson's Conduit Trust have made  
representations as follows:

no objection to the building  
excessive number of pitches

corridor on western side needs to be wider, avoiding disturbance to the footpath and tree screen.

Concern about pesticide leaking into the brook

Concern about hard surfaces increasing the risk of flooding

Consider birch planting to be inappropriate; planting of at least some black poplar urged

7.7 Cambridge Past Present and Future have made representations as follows:

joint entrance is confusing

access footway should be combined with footpath/cycleway

leading to the busway route

access footway poorly sited relative to car parking spaces

position of permitted spectator areas unclear

cycle parking inadequate

car parking space excessive

no tree felling on Long Road should be permitted in order to improve sightlines

measures to prevent rogue car parking are inadequate

landscape plan is incomplete; more climbers required on boundary fence

green roof must be retained

proposed tensile canopy must incorporate self-cleaning

hours of opening unclear

insufficient signage

7.8 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. Drainage issues
4. Wildlife issues
5. Disabled access
6. Residential amenity

7. Refuse arrangements
8. Highway safety
9. Access to the Guided Busway
10. Car and cycle parking
11. Third party representations

### **Principle of Development**

- 8.2 The principle of development has been established via the change of use permission 08/0873/FUL and the outline permission 08/0874/OUT. I am satisfied that the building, car parking, and landscaping set out in this reserved matters submission would provide appropriate facilities for outdoor sport without detracting from the openness of the Green Belt, and is fully in accordance with paragraph 89 of the NPPF.
- 8.3 Representations have sought clarification on whether this proposal is in accordance with policies 3/9 and 6/2 of the Cambridge Local Plan (2006). Policy 3/9 relates to watercourses. The principle of this use has been established by 08/0873/FUL and 08/0874/OUT. The only element of this submission which has any bearing on policy 3/9 is the boundary fence, which I address below.
- 8.4 Policy 6/2 deals with the provision of new leisure facilities. The principle of sports ground use here has been established by 08/0873/FUL, and the principle of a pavilion by 08/0874/OUT. Policy 6/2 is not relevant to this submission of reserved matters.

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

- 8.5 I shared the reservations of the landscape and urban design teams about the tensile fabric roof in the original design. Following the submission of amended drawings without this roof, I consider that the proposed building would achieve the aim of blending into its surroundings. I am of the view that subject to conditions to control the exact details of landscaping, the associated roadway, footway, cycle path, parking spaces, and turning circle will also respond to the sensitive nature of this context in an appropriate manner. I remain uncertain as to whether sufficient measures are included to prevent rogue parking on the grass areas of the field, and I share the continuing concerns of the landscape team with respect to

fence styles and heights. These matters, in my view, require a condition.

- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/2, 3/4, 3/7, 3/11, and 3/12.

### **Drainage issues**

- 8.7 The issues raised about drainage in representations and by the Sustainable Drainage Officer and the Nature Conservation Officer relate to the use of the field and to the boundary treatment on the east and north sides. These matters are not the subject of this submission.

### **Wildlife issues**

- 8.8 The issues raised about wildlife and tree planting in representations, and about bats, the hedge species, the eastern and northern boundaries of the site, the establishment of long grass, the maintenance of grassland and pitches, and the planting of birches at the north end of the field by the Nature Conservation Officer, all relate to land outside the site boundary for this application.

### **Disabled access**

- 8.9 The Design and Access statement provides very limited information on access. The drawings suggest that steps feature in the entrances to the building from the playing field side, although probably not from the car park side. I am not completely satisfied that the application meets the requirements of policy 3/7, but there is ample space around the building to resolve any difficulties of differing levels, which would in any case be very slight. I am of the view that a condition requiring clearer detail of the entrances to the building would be sufficient to ensure that the building complies with this policy
- 8.10 In my opinion conditions are sufficient to ensure the proposal is compliant in respect of disabled access with Cambridge Local Plan (2006) policies 3/7 and 3/12.



## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.11 The proposed building is more than 100m from the nearest dwelling (71 Long Road). I do not consider that there would be any impact on neighbour amenity. The principle of the pavilion and the position of the access drive have already been agreed under the outline permission, and I do not consider that the details submitted here have any different implications for residential amenity. I recognize that residents on the west side of Hobson's Brook have concerns about protection of the tree belt around the brook, but these concerns are almost entirely about trees which lie outside this application site.
- 8.12 I concur with the advice of the environmental health team that conditions are necessary to protect neighbours from the possible impact of lighting on the site and the noise from extract fans in the changing rooms.
- 8.13 In my opinion, subject to conditions, 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 3/7.

## **Refuse Arrangements**

- 8.14 No details of waste storage are shown, but the waste generation from this use is not likely to be great. I consider that the issue can be addressed by condition
- 8.15 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.16 The highway authority has made no objection. I do not consider that the proposal for the access point represents any threat to highway safety. I do not consider that the proposed pedestrian and cycle path to the busway is insufficiently wide, nor that the use of a common access point between the busway access and the entrance to the playing fields would be confusing or dangerous.

- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Access to Guided Busway**

- 8.18 The Guided Bus team have not been specific about exactly what their reservations about the layout shown are. I recommend a condition to ensure that both the design and construction of the access track to the busway, and its segregation from the sports field, are acceptable.

### **Car and Cycle Parking**

#### Car Parking

- 8.19 The application proposes 30 car parking spaces, of which 2 are suitable for disabled users. The City Council Standards for car parking spaces are based on full-time staff numbers and total seating, and therefore provide an unsatisfactory basis for calculating the maximum acceptable provision on this site. I do not, however, consider that the total provision made here is excessive

#### Cycle Parking

- 8.20 The City Council's Cycle Parking Standards for sports and recreational facilities are based on floor areas, and therefore cannot realistically be applied to outdoor facilities (They would, for example, require 168 cycle parking spaces for a single football pitch, which is not reasonable). However, given that two pitches each for rugby, football and hockey are to be provided, which would accommodate 148 players at any one time, and that a large proportion of those using the pitches would probably come from within the city, the proposal for only 20 cycle parking spaces does not seem adequate. There is ample space, however, for additional cycle parking to be provided, and in my view, this is a matter which can be controlled by condition.
- 8.21 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## Third Party Representations

8.22 I have addressed the issues of cycle parking and car parking under those headings, and the issues of the design of the roof, and layout of the access road and parking spaces under the heading of design.

8.23 The following issues are not relevant to this application, because they relate to the principle of the use, which has already been determined by the full permission for change of use 08/0873/FUL, and the outline permission 08/0874/OUT.

- closeness of pitches to Hobson's Brook
- absence of travel plan
- provision of permissive path at the north end of the site
- impact of southern fence, access road and pavilion on users of the busway path
- lack of clarity about hours of use
- possibility that hard surfaces increase the risk of flooding
- need for a bat survey
- impact on wildlife
- possible leaking of pesticides into the brook

8.24 The following issues are not relevant to this application because they relate to matters covered by conditions, especially landscaping conditions, attached to 08/0873/FUL or 08/0874/OUT:

- coach parking provision
- retention of an unimpeded route for Footpath 42 between the existing tree belt and fencing
- retention of the tree screen along Hobson's Brook
- density of pitches

8.25 The following issues can be controlled by conditions in as far as they apply to the present application site.

- appearance of the security fence
- tree species in planting

8.26 Four other issues were raised. The position of spectator areas within the playing field as a whole is a matter not subject to planning control. As indicated above, trees on Long Road are protected by TPOs. The keeping open of footpaths and cycle

paths during development is a matter for highway legislation. I do not consider that the level of signage proposed constitutes a reason for refusal of the application.

## **9.0 CONCLUSION**

9.1 I recognize that there are considerable concerns in some quarters about issues connected with the brook, the tree belt, the nature conservation issues associated with these two features, and the route and character of Footpath 42. However, these concerns relate almost entirely to land which lies outside the application site, or matters which lie outside the remit of planning control, or both. The present submission of reserved matters does not have any impact on these issues except inasmuch as it proposes fencing and hedging along the western edge of this application site. I have indicated above that my concerns about this particular feature can be addressed by condition.

9.2 I am of the view that the building and landscaping proposed in this submission are acceptable in their context, and that the details submitted do not pose a threat to highway safety. I recommend approval, subject to conditions.

## **10.0 RECOMMENDATION**

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

1. Construction of the pavilion building hereby permitted shall not commence until full details of the entrances, demonstrating accessibility for all users, have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure accessibility for all users. (Cambridge Local Plan 2006 policy 3/7)

2. No use of the pavilion shall commence until full details of the arrangements for the storage and collection of waste and recycling have been submitted to the local planning authority, approved in writing, and installed in accordance with the approved details.

Reason: To ensure appropriate waste storage. (Cambridge Local Plan 2006 policy 3/12)

3. Notwithstanding the details shown on the application drawings, no use of the pavilion shall take place until revised details of cycle storage have been submitted to and approved in writing by, the local planning authority. The approved revised arrangements shall be put in place before use commences, and maintained thereafter.

Reason: To ensure appropriate cycle parking. (Cambridge Local Plan 2006 policies 3/12 and 8/6)

4. Before the development hereby permitted is occupied, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of neighbouring occupiers. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

5. No use of the pavilion shall commence until details of external lighting have been submitted to, and approved in writing by, the local planning authority. The lighting impact shall be assessed in accordance with The Institute of Lighting Professionals" Guidance Notes for the Reduction of Obtrusive Light GN01:2011. Lighting shall thereafter be installed only in accordance with the approved details.

Reason: To avoid light pollution (Cambridge Local Plan 2006 policy 4/13)

6. Notwithstanding the landscape drawings submitted, use of the pavilion shall not commence until detailed planting plans, written plant specifications, schedule of planting and implementation plan for landscaping have been submitted and approved in writing by the local planning authority. Landscaping shall be carried out in accordance with the approved details.

Reason: To ensure appropriately designed exterior spaces. (Cambridge Local Plan 2006 policy 3/11)

7. The pavilion hereby approved shall not be brought into use until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules, shall be submitted to and approved by the local planning authority in writing prior to the pavilion being brought into use. The management plan shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

9. Notwithstanding the details submitted, hedging and fencing on the western, southern, and eastern boundaries of the sports field shall not be erected until details of a revised design for such hedging and fencing has been submitted to, and approved in writing by, the local planning authority.

Reason: To protect the openness of the Green Belt and the character of the area. (Cambridge Local Plan policies 3/4, 4/1 and 4/2)

10. Notwithstanding the details submitted, the approved pavilion shall not be brought into use until full details (layout plan and cross-section) of the measures to prevent car parking on the field have been submitted to, and approved in writing by, the local planning authority, and the approved details have been implemented. The approved measures shall remain in place thereafter.

Reason: To protect the openness of the Green Belt and the character of the area. (Cambridge Local Plan policies 3/4, 4/1 and 4/2)

11. No development shall take place until full design details and construction methodology for the access road to the guided busway, and details of the segregation of this access from the sports field, have been submitted to and approved in writing by the local planning authority. The access road shall be constructed in accordance with the approved design details and methodology before any use of the pavilion begins.

Reason: To ensure satisfactory access to the Guided Busway.  
(Cambridge Local Plan 2006 policy 8/8)

12. To satisfy the condition regarding noise insulation, the noise level from all plant and equipment, vents etc (collectively) associated with this application should not raise the existing background level (L90) by more than 3 dB(A) (i.e. the rating level of the plant needs to match the existing background level). This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas" or similar. Noise levels shall be predicted at the boundary having regard to neighbouring residential premises.



Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: policies SS1, SS7, T9, T14, ENV2, ENV7, WAT4;

Cambridge Local Plan (2006): policies 3/1, 3/2, 3/3, 3/4, 3/7, 3/9, 3/11, 3/12, 4/1,4/2, 4/3, 4/4, 4/6, 4/8, 4/13, 4/15, 4/16, 6/2, 8/2, 8/5, 8/6, 8/8, 8/10, and 8/18;

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.



## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

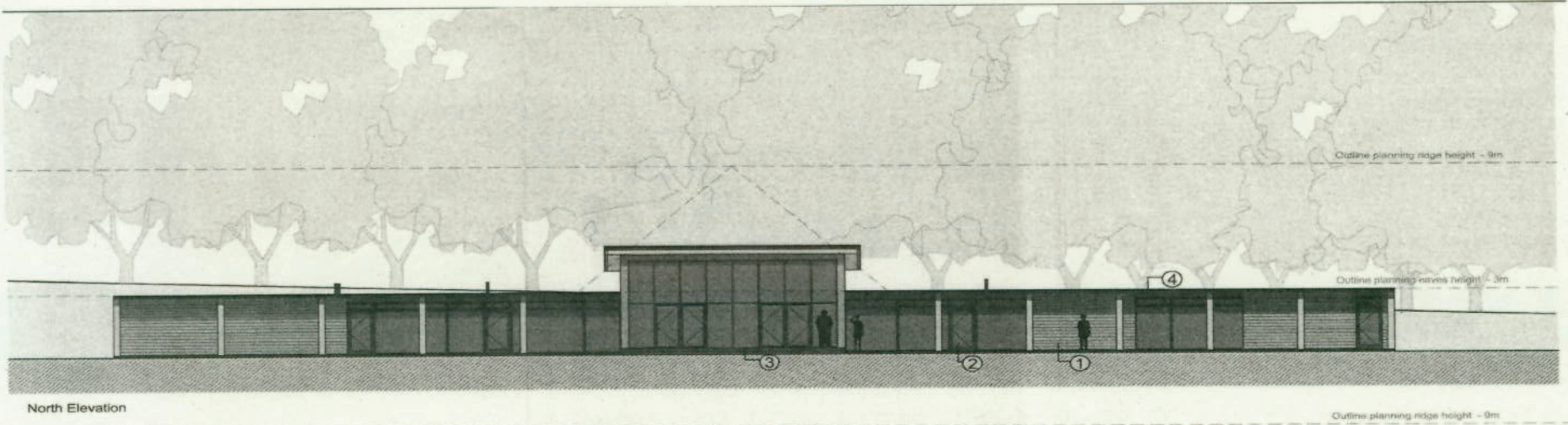
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:

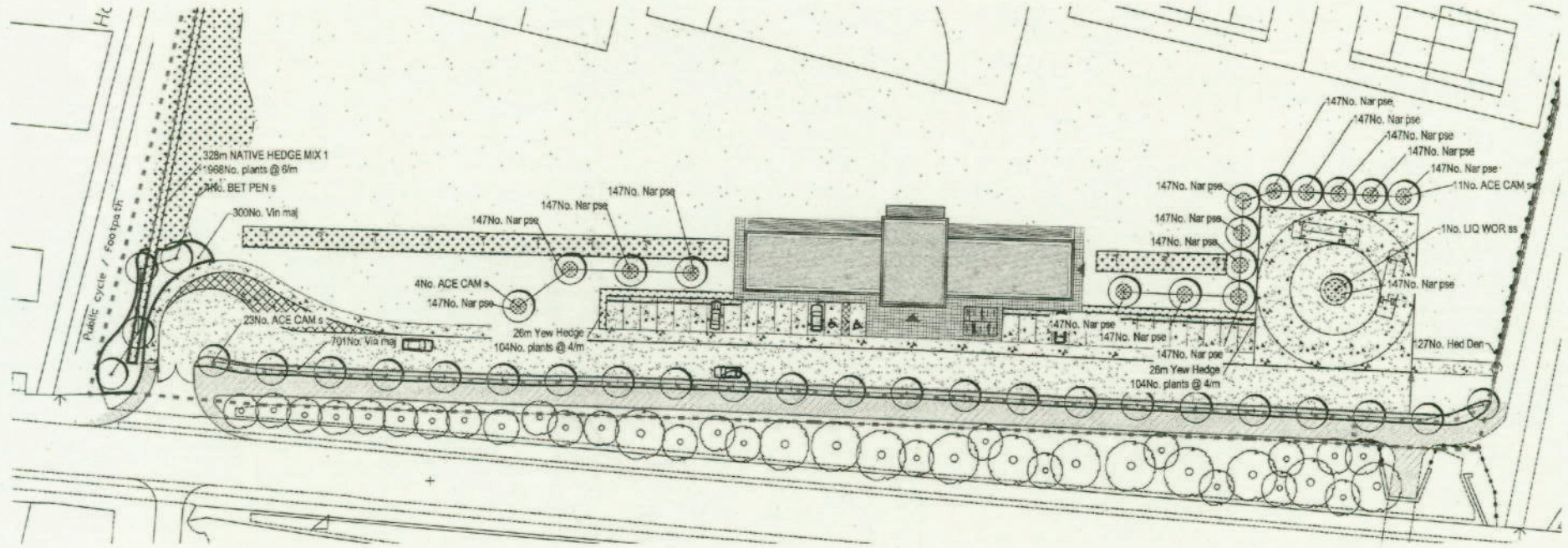
[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)

or by visiting the Customer Service Centre at Mandela House.

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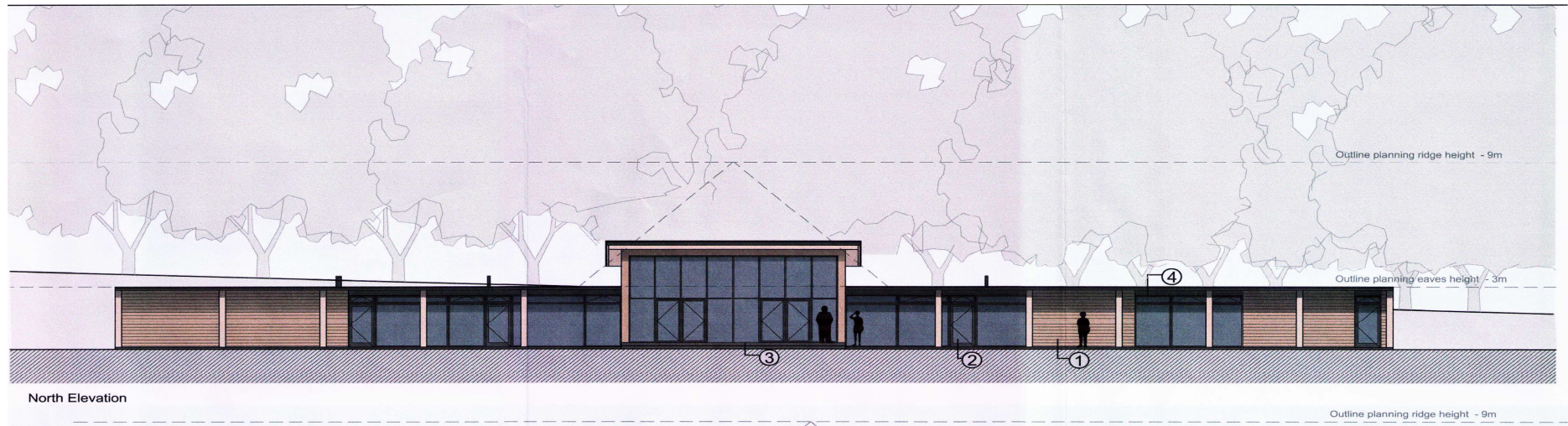


# North elevation



**Plan, showing landscaping**





# North elevation

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# Agenda Item 9

**SOUTH AREA COMMITTEE**

**19<sup>th</sup> November 2012**

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<b>Application Number</b>	12/1033/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th August 2012	<b>Officer</b>	Miss Sophie Pain
<b>Target Date</b>	4th October 2012		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	100 Glebe Road Cambridge Cambridgeshire CB1 7TA		
<b>Proposal</b>	Dwellinghouse within curtilage of 100 Glebe Road.		
<b>Applicant</b>	Mr And Mrs Williams 100 Glebe Road Cambridge Cambridgeshire CB1 7TA		

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SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal provides housing on a windfall site that is in accordance with policy 5/1 of the Cambridge Local Plan 2006 and guidance within the National Planning Policy Framework (2012);</p> <p>The proposed development is sympathetic to the character and appearance of the area and is in accordance with policy 3/12 of the Cambridge Local Plan 2006;</p> <p>Providing that conditions are imposed to protect the amenity of neighbouring properties, the development is in accordance with policies 3/12 and 4/13 of the Cambridge Local Plan 2006.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated on the southern side of Glebe Road in an area that is predominantly residential in character, with a mixture of housing styles and sizes. The site is not within a City of Cambridge Conservation Area and is outside the Controlled Parking Zone.

## 2.0 THE PROPOSAL

2.1 This application seeks planning permission for a three-bed detached dwelling to be built adjacent to 100 Glebe Road, following the demolition of an existing single garage. The dwelling would be situated 1m west of the boundary with No. 100 and 800mm east of the boundary with the access drive to 102 Glebe Road, a dwelling that lies behind No. 100. The proposed two-storey dwelling would be contemporary in design, and would be rendered with a zinc roof.

2.2 A previous planning approval on the site granted permission for a two storey residential property with two –bedrooms under planning reference 09/0729/FUL. This proposal does not seek to increase the footprint of the proposed dwelling, but to incorporate an additional bedroom at first floor level on the south west elevation.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Arboriculture Survey
3. Plans

## 3.0 SITE HISTORY

Reference	Description	Outcome
10/0428/FUL	Erection of a single storey timber outbuilding.	PERM
09/0729/FUL	Erection of a new 2-bed dwellinghouse (following demolition of existing garage).	PERM



#### 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, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 H1 T9 T14 ENV7 WM6
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 3/12 4/4 5/1 8/2 8/6 8/10 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	Sustainable Design and Construction  Waste Management Design Guide  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)
	<u>Citywide:</u>  Arboricultural Strategy  Cycle Parking Guide for New Residential Developments

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 Details of the parking arrangements regarding the existing and proposed need to be submitted for consideration. Recommendation of conditions to be imposed.

#### Head of Environmental Services

- 6.2 Due to the proximity of neighbouring properties, a construction noise condition has been recommended.

## **Landscaping**

- 6.3 Concern that the 800 mm gap to the rear of the property to get bins and bikes out doesn't comply with cycle standards. As such, the bin and bike store should be to the front of the property.

## **Trees**

- 6.4 There is no objection to the removal of the proposed trees. However, no consideration has been given to the trees in the verge at the front of the site. A condition has been recommended to ensure that remaining trees are not harmed during the process of construction.

## **Streets and Open Spaces**

- 6.5 The survey does not indicate both of the saplings and there is agreement that a shared access would be better. As the tree that may be greatest affected is unmarked it is difficult to comment on the implications of the construction and its effects upon the tree.
- 6.6 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 a representation in support of the application:

115 Glebe Road

- 7.2 The representations can be summarised as follows:

Consider that the scheme is excellent and fits well with the street scene, which is fully supported.

- 7.3 The owners/occupiers of the following addresses have made an objection to the application:

111 Glebe Road

7.4 The representations can be summarised as follows:

The proposed development would block windows on the west elevation of 100 Glebe Road impairing the amenity of the occupying residents of the parent dwelling;  
Overlooking from the new dwelling into the rear garden of 100 Glebe Road would result in a loss of privacy;  
The loss of residential garden land would diminish the green aspect of the site as viewed from Glebe Road and harm the character and appearance of the area;  
The proposed dwelling would relate poorly to any other houses in this part of Glebe Road; and  
The driveway of access and parking of vehicles is inadequate and is quite insufficient to provide a turning area.

7.5 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. Trees
6. Highway Safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

### **Principle of Development**

8.2 The provision of extra housing in the City is supported by the Cambridge Local Plan (2006). Policy 5/1 of the Cambridge Local Plan (2006) maintains that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses.

This proposal for an additional dwelling would be compatible with adjoining land uses.

- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006), but that the proposal also needs to be tested against other policies of the Development Plan.

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

- 8.4 Policy 3/10 of the Cambridge Local Plan (2006), relating to the subdivision of existing plots states that residential development in the garden area or curtilage of existing properties will not be permitted if it will:

- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) Detract from the prevailing character and appearance of the area;
- d) Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) Prejudice the comprehensive development of the wider area or which the site forms part.

- 8.5 The only part of policy 3/10 relevant to this section of the report is c). The other relevant parts will be discussed later on in the report.

- 8.6 Glebe Road is relatively traditional in character, with housing set back a little from the street frontage in what is a green part of the city. This western end of the street has large semi-detached and detached properties, while further to the east the houses become smaller and there is more terraced housing. However, this end of Glebe Road, close to the junction with Hills Road does also have more contemporary dwellings, built within the last 25 years. No. 110 Glebe Road, which is situated behind

No. 255 Hills Road and separated from the site by a double garage and the access road to 102 Glebe Road, is not conventional in design. It is a 4-bedroom dwelling with two levels of accommodation, one below ground level, finished in white render under a zinc roof and has vertical floor to ceiling windows along with solar panels and rooflights concealed within a flat section of the roof. On the opposite side of Glebe Road, No.121 is a single storey form with a monopitch roof, built round two sides of a square, with a gable projecting towards the street. Templemore Close in contrast is new but comparatively conventional.

- 8.7 Considering the mixture of housing styles at this end of Glebe Road, I am of the opinion that a house of contemporary design would work well here and would successful fit in with its surroundings. I do not believe it necessary for a proposed dwelling here to follow a traditional design. The proposed dwelling would be built of similar materials to the new house adjacent at No. 110, being rendered with a zinc roof. I am aware that the choice of roofing material at 110 was controversial locally, but in my opinion, No. 110 is a successful development. However, in saying this I would recommend that if this application is approved, a condition should be added requesting samples of materials. No. 100 sits on a large plot and the splitting of the plot for the two dwellings would, in my view, leave sufficient amenity space for both properties.
- 8.8 The single storey element of the proposed dwelling (away from 100) would project a little further forward than the existing house, but as the building line along Glebe Road is not uniform and it is a single storey element only that does not project forward of 110, I do not believe that this would result in the proposed dwelling appearing incongruous in the street scene.
- 8.9 This application seeks an additional bedroom at first floor level on the south west elevation, adjacent to the access to 102 Glebe Road. The design of this extension sits above the proposed single storey extension detailed above, but is located behind the principle elevation of the proposed dwelling, ensuring that it is subservient in appearance. The use of a mono-pitch roof ensures that the design of this addition is in keeping with the overall design of the property and its position within the street scene as discussed above.

- 8.10 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

#### Overlooking and loss of privacy

- 8.11 The proposed dwelling has, in my opinion, been carefully designed to minimize the potential overlooking of neighbouring properties. The elevation to No. 100 is blank at both ground floor and first floor levels with the exception of a door. I am therefore satisfied that there is no potential for any direct overlooking of this property. The rear elevation of the proposed dwelling would be heavily glazed, with a glazed wall rising through from ground floor level to eaves, with a Juliette balcony. However, I do not see this as problematic as the dwelling to the rear of the site is over 30m away from the rear of the proposed dwelling. Any views from the first floor across to the parent property (No. 100) would be at an oblique angle, which in my opinion, would not be significant enough (or sufficiently different from overlooking of any two houses that stand alongside each other), to warrant refusal of this application. The west elevation to the boundary with the access road the property at the rear (No. 102) is potentially more problematic as it includes a balcony, which has been extended as part of this application. However, I do not believe this to be of fundamental concern. Views from the balcony across to No. 110 will be at least partially blocked by the roof of the double garage between the two properties. I am, therefore not overly concerned about the impact of this balcony on the privacy of the occupiers of No.110 and do not consider it such as to warrant refusal.
- 8.12 This proposal does also introduce a balcony to the front elevation of the property, which shall be accessed from the proposed additional bedroom. Although balconies to the front of properties are not prevalent at this end of Glebe Road, I do not consider that the presence of this feature is such to consider refusal of the application. It will improve surveillance of the street and is of a satisfactory distance from the front elevation of other properties, to ensure that no neighbours amenity is harmed by its presence.

## Overshadowing

- 8.13 No. 100 Glebe Road has side windows facing out onto the site of the proposed house. These windows are, however, secondary windows to the rooms they serve and I have therefore taken the view that the proposed dwelling would not have a significant detrimental impact on daylight entering these rooms. The proposed dwelling would project further back into the rear garden space than its neighbour at No. 100 and this would be at two stories just 1m from the boundary and 2m from No. 100. However, the proposed house would only project 2m further back and considering the orientation of the buildings, the proposed dwelling would only minimally block some late afternoon/early evening sunlight. I do not consider this loss of light significant enough to warrant refusal of this application.
- 8.14 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 East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

### Amenity for future occupiers of the site

- 8.15 In my opinion I consider that 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**

- 8.16 It is proposed that bin storage is provided in the rear garden of the proposed dwelling. I consider this location to be acceptable and am satisfied that there is enough space to accommodate this. Nevertheless, I would recommend that details of the bin storage be requested by condition.
- 8.17 In my opinion the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12, subject to a condition requesting details of the bin storage.



## **Trees**

- 8.18 The proposed development requires the removal of a sycamore tree on the west boundary of the site. There may also be some removal hedgerow on the front boundary to create the new driveway to the existing property and along the western boundary too.
- 8.19 The Arboricultural Officer does not have an objection to the removal of the sycamore tree and their preference would be for a shared driveway for both properties in order to allow the retention of the front boundary that greatly contributes to the character of the street. While I appreciate this view, the new access will be 2.5 m in width and as the proposal seeks to retain the remainder of the front boundary, I do not consider that the puncture of it in the proposed manner will be detrimental to the character of the street.
- 8.20 There are two trees that are situated on the verge and are managed by the City Council. The creation of an access off of Glebe Road does not require planning permission in its own right, it requires permission from the Highway Authority. Therefore, it is unreasonable to impose conditions relating to the saplings at the front of the site and their protection during the construction works.
- 8.21 Subject to the imposition of a condition to ensure that the trees are protected during works, I consider that the proposed development will not be harmful to the health and life of the trees in accordance with policy 4/4 of the Cambridge Local Plan 2006.

## **Highway Safety**

- 8.22 The Highway Authority considers that the parking arrangements proposed would be unlikely to access the highway independently. As such, this would result in additional car movements, disturbance and vehicular conflict and that it is preferable for all vehicles to be able to access the highway independently. I believe that the imposition of a condition to ensure that each of the driveways are laid out in a usable manner prior to occupation of the new dwelling will ensure that such concerns can be overcome.

8.23 In my opinion the proposal is compliant with Cambridge Local Plan 2006 policy 8/2.

### **Car and Cycle Parking**

8.24 Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that in this location, outside the Controlled Parking Zone, a maximum of two car parking space should be provided for both the existing and proposed dwellings. The application proposes such provision and as such the proposal is compliant with policy.

8.25 Appendix D (Cycle Parking Standards) of the Local Plan maintains that at least three cycle parking spaces must be provided for a three-bed dwelling. No details of cycle parking provision have been provided, although the plans do state that this would be in the rear garden of the property. I am confident that there is sufficient space here, but would recommend that details of this cycle parking provision be requested by condition.

8.26 In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10, subject to a condition requesting details of the cycle storage.

### **Third Party Representations**

8.27 I believe that I have addressed each of the concerns from the representation in the report above.

### **Planning Obligation Strategy**

#### **Planning Obligations**

8.28 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.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

- 8.29 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.
- 8.30 The application proposes the erection of one three-bedroom house. No residential units would be removed, so the net total of additional residential units is one. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are 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		
3-bed	3	238	714	1	714
4-bed	4	238	952		

<b>Total</b>	<b>714</b>
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<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		
3-bed	3	269	807	1	807
4-bed	4	269	1076		
<b>Total</b>					<b>807</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		
3-bed	3	242	726	1	726
4-bed	4	242	968		
<b>Total</b>					<b>726</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		
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>948</b>

8.31 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

- 8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 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		
3-bed	1882	1	1882
4-bed	1882		
<b>Total</b>			<b>1882</b>

- 8.33 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

- 8.34 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 £75 for each house and £150 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	1	75
Flat	150		
<b>Total</b>			<b>75</b>

8.35 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

8.36 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

8.37 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 Although contemporary and individual in design, I am of the opinion that the proposed dwelling would fit in with its surroundings and have a positive impact on the character of the area. I do not believe that the dwelling would have any significant detrimental impact on the occupiers of neighbouring properties. I therefore recommend this application for approval, subject to conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

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

2. 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)

3. Except with the prior written agreement of the local planning authority, there shall be no collections from or deliveries to, or in association with, the development of the site, during both the demolition and construction stages of the development, outside the hours of 0930 and 1500 on Mondays - Fridays and 0700 hrs and 1900 hrs on Saturdays; there shall be no collections or deliveries on Sundays and Bank and public holidays.

Reason: In the interests of highway safety and to avoid conflict with the prime times for movements to and from the nearby Pelican Pre-Preparatory School and in the interest of the amenity of neighbours. (Cambridge Local Plan 2006, policies 3/7 and 4/13 and 8/2)

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

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)



5. No development shall commence until details of facilities for the covered, secure parking of 2 number bicycles for use in connection with the development hereby permitted have been 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 satisfactory provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

6. No development shall commence until such time as full details of the on-site storage facilities for waste including waste for recycling have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be in accordance with the approved details. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason; To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 4/13)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

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

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. Two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawings. The splays are to be included within the curtilage of the dwellings. One visibility splay is required on each side of each access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2)

10. Details of the specification and position of fencing and 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 existing trees during the construction process (Cambridge Local Plan 2006 policy 4/4).

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

## Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: SS1, H1, T9, T14, ENV7 and WM6

Cambridgeshire and Peterborough Structure Plan 2003:  
P6/1, P9/8

Cambridge Local Plan (2006):  
3/1, 3/4, 3/7, 3/10, 3/12, 4/4, 5/1, 8/2, 8/6, 8/10, 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

**2. Unless prior agreement has been obtained from the Head of Planning, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 31st January 2013 it is recommended that the application be refused for the following reason(s).**

The proposed development does not make appropriate provision for open space/sports facilities, community development facilities, waste facilities 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.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

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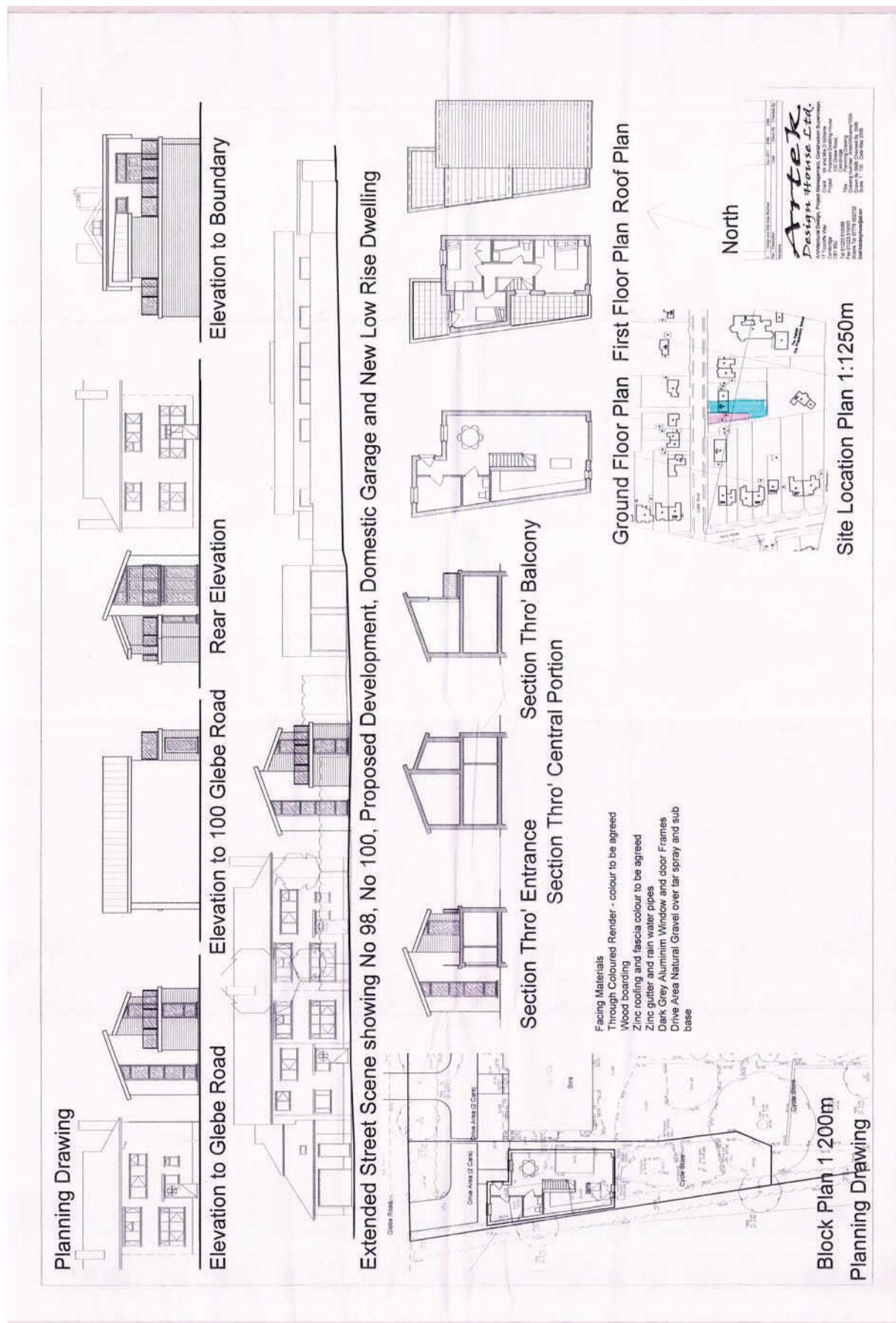
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<b>Application Number</b>	12/1020/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	6th August 2012	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	1st October 2012		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	167 Queen Ediths Way Cambridge Cambridgeshire CB1 8NJ		
<b>Proposal Applicant</b>	Single storey rear extension. Mr C Wang 66 Regent Street Cambridge		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The depth of the extension is in proportion with the main house.</li> <li>2. There will not be significant visual impact or overshadowing for number 167a Queen Ediths Way.</li> <li>3. No adverse impact for number 165 Queen Ediths Way.</li> </ol>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site relates to a semi detached dwelling situated on the northern side of Queen Ediths Way. There is a slight fall in level to the west of the property from the rear elevation.
  
- 1.2 The area is characterised by residential properties set in deep rectangular plots.
  
- 1.3 The site is not within a Conservation Area.

## 2.0 THE PROPOSAL

2.1 Permission is sought for the erection of a single storey rear extension.

2.2 The extension projects 5m in depth and will be constructed in matching materials.

## 3.0 SITE HISTORY

No relevant history.

## 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV7
Cambridge Local Plan 2006	3/4 3/14

## 6.0 CONSULTATIONS

**Cambridgeshire County Council (Engineering)**

6.1 No comments.

## **7.0 REPRESENTATIONS**

7.1 Councillor Swanson has commented on this application. I have set out her comments below:

*Following our discussion earlier I am writing to request that if you are minded to approve this application it be referred to South Area Committee. At 5m depth this is a large extension for the size of this semi-detached house. The adjoining neighbours feel that it would overshadow the upper part of their garden and dominate their patio area. Policy 3/14 applies.*

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

167a Queen Ediths Way

7.2 The representations can be summarised as follows:

- The extension will dominate the outside patio of number 167a.
- Unacceptable visual intrusion.
- The extension is proportionally too big and high.
- The proposed extension is excessive for single family occupation.
- The removal of the chimney breast would compromise the stability of number 167a.

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. Context of site, design and external spaces
2. Residential amenity
3. Third party representations

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

- 8.2 The key design issue is the design and appearance of the extension in relation to the main house.
- 8.3 The overall depth of the extension at 5m is not in my view excessive. The extension is in proportion with the plan form of the existing property, which has not been previously extended. I recognise the ground level will need to be raised slightly to form the foundations of the extension, but this will not result in it being overly prominent.
- 8.4 Number 167 Queen Ediths Way will retain the majority of its deep rectangular garden, which demonstrates that the extension is not an overdevelopment of the site.
- 8.5 Materials are to match the existing building which will ensure a satisfactory visually appearance.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.7 The proposed extension will have some visual impact on number 167a Queen Ediths Way to the east. Given the relatively low eaves level at 2.3m, I do not consider the extension to be significantly intrusive. Number 167a may experience some overshadowing during late afternoon, but this will in my opinion create a marginal impact. The garden of number 167a is approximately 7m in width, which combined with its significant depth, will mean the extension will not create a harmful sense of enclosure.
- 8.8 The extension will be visible for number 165 Queen Ediths Way to the south. Number 165 is sited deeper into its plot, which combined with the 1m gap from the extension to the common boundary, will significantly reduce any visual impact.
- 8.9 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 3/4.

### **Third Party Representations**

- *The removal of the chimney breast would compromise the stability of number 167a.*

This is a matter controlled by the Building Regulations and is not grounds to withhold planning permission.

## **9.0 CONCLUSION**

- 9.1 The proposed extension is in proportion with the existing terraced property and will not adversely affect the amenities currently enjoyed by number 167a Queen Ediths Way. APPROVAL is recommended.

## **10.0 RECOMMENDATION**

**APPROVE**, subject to the following conditions:

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

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

2. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

Cambridge Local Plan (2006): 3/4, 3/14

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

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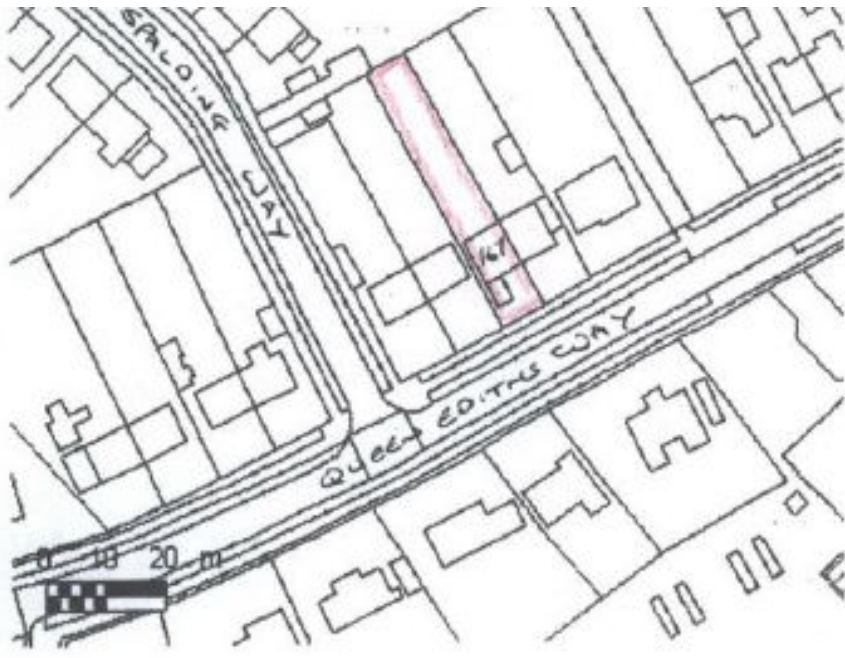
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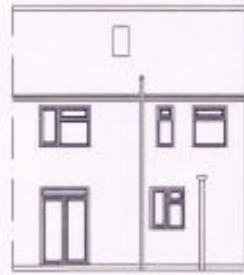
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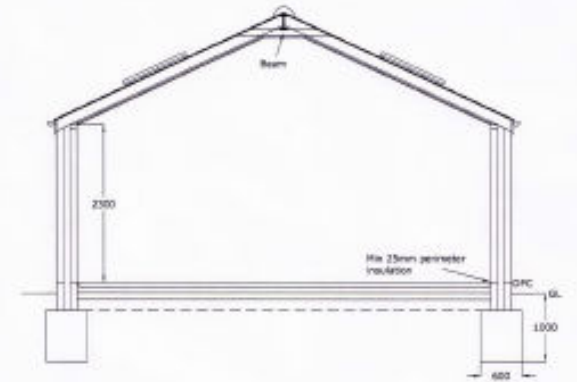
Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation



Section

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Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

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