



## Cambridge City Council East Area Committee

**Date:** Thursday, 28 November 2013

**Time:** 7.00 pm

**Venue:** Meeting Room - Cherry Trees Day Centre

**Contact:** democratic.services@cambridge.gov.uk, tel:01223 457000

### Agenda

- 1 Apologies For Absence
- 2 Declarations Of Interest  
Members of the committee are asked to declare any interests in the items on the agenda. In the case of any doubt, the advice of the Head of Legal should be sought **before the meeting**.

### Minutes And Matters Arising

- 3 Minutes (Pages 5 - 10)  
To confirm the minutes of the meeting held on 17 October 2013.
- 4 Matters & Actions Arising From The Minutes (Pages 11 - 12)  
Reference will be made to the Committee Action Sheet available under the 'Matters & Actions Arising From The Minutes' section of the previous meeting agenda.

General agenda information can be accessed using the following hyperlink:

<http://democracy.cambridge.gov.uk/ieListMeetings.aspx?CommitteeId=147>

### Open Forum: Turn Up And Have Your Say About Non-Agenda Items

- 5 Open Forum

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

### **Items For Decision / Discussion Including Public Input**

- |   |  |                 |
|---|--|-----------------|
| 6 | Policing and Safer Neighbourhoods - East Area Committee  | (Pages 13 - 24) |
| 7 | Developer Contributions Devolved Decision-Making: 2nd Round Priority-Setting for East Area<br>Report attached separately |                 |

### **Intermission**

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

### **Planning Items**

- |    |   |                   |
|----|---|-------------------|
| 8  | Planning Applications<br>The applications for planning permission listed below require determination. A report is attached with a plan showing the location of the relevant site. Detailed plans relating to the applications will be displayed at the meeting. |                   |
| 8a | 13/1169/FUL - 64 Catharine Street   | (Pages 35 - 54)   |
| 8b | 13/1358/S73 - Nusha, 7A Cambrige Leisure Park, Clifton Way  | (Pages 55 - 72)   |
| 8c | 13/1262/FUL - Land adj 40-42 Cambridge Place  | (Pages 73 - 106)  |
| 8d | 13/0810/FUL - The Royal Standard, 292 Mill Road   | (Pages 107 - 148) |
| 9  | General Items<br>Add items as 9a etc  |                   |
| 9a | Enforcement Report - Unauthorised Development: Land to the rear of 91 and 93 Burnside, Cambridge  | (Pages 149 - 194) |



**City Councillors:** Blencowe (Chair), Owers (Vice-Chair), Benstead, Brown, Hart, Herbert, Johnson, Marchant-Daisley, Moghadas, Roberts, Saunders and C. Smart

**County Councillors:** Bourke, Kavanagh, Walsh and Whitehead

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## **EAST AREA COMMITTEE**

17 October 2013

7.00 - 9.35 pm

**Present:** Councillors Blencowe (Chair), Owers (Vice-Chair), Benstead, Brown, Hart, Herbert, Johnson, Marchant-Daisley, Moghadas, Roberts, Saunders, Smart, Bourke, Kavanagh and Walsh

### **Officers:**

Principal Planning Officer: Tony Collins

Committee Manager: Toni Birkin

Capital and Funding Manager, Cambridgeshire County Council: Dan Clarke

Team Leader - Cycling Projects: Cambridgeshire County Council, Mike Davis

## **FOR THE INFORMATION OF THE COUNCIL**

### **13/67/EAC Apologies For Absence**

Apologies were received from Councillor Whitehead

### **13/68/EAC Declarations Of Interest**

| <b>Name</b> | <b>Item</b> | <b>Interest</b>                                 |
|-------------|-------------|---|
| Bourke      | 13/72/EAC   | Personal: Member of Cambridge Cycling Campaign. |

### **13/69/EAC Minutes**

The minutes of the meeting of the 12<sup>th</sup> September 2013 were approved and signed as a correct record.

### **13/70/EAC Matters & Actions Arising From The Minutes**

Councillor Blencowe confirmed that all outstanding actions had now been completed.

### **13/71/EAC Open Forum**

1. **Mrs Deards highlighted problems with pavements in the Grafton Centre / Fitzroy Street area and around the Guildhall. New paving was not performing very well and there are a number of trip hazards. A wheelchair user had been tipped from the chair when a wheel got caught on uneven paving.**

Councillor Bourke agreed to take this up with the highways department. He stated that the County Council had spent a considerable amount on new paving and if it is failing, action should be taken.

**Action: Councillor Bourke**

2. **Mrs Deards stated that disabled facilities in general are poor and under threat. Blue badge spaces are being removed to make room for cycle parking in the Guildhall area.**

Councillor Blencowe stated that the proposal to replace the disabled parking spaces with cycle racks had not been approved by the Environment Scrutiny Committee and was being reconsidered. A decision would be made at a later date.

3. **Michael Bond welcomed the Committee and public to the refurbished Cherry Trees Day Centre. He stated that further work was planned, such as improving the kitchen facilities, and that sources of funding to cover this were being explored. The aim was to secure the long term future of the building as a community facility.**

### **13/72/EAC S106 Proposals of the Cambridge and South Cambridgeshire Transport Plans**

The Committee received a report from the Capital and Funding Manager (Cambridgeshire County Council) regarding the process for allocating Corridor Area Transport Plan (CATP) S106 funding. The Officer updated the Committee on existing schemes as detailed in the report.

The Committee also made the following comments in response to the report.

#### **Crossing facilities across Newmarket Road from Meadowlands to Jack Warren**

Councillor Hart was concerned that the Newmarket Road crossing facility was considered ineligible for CATP when the need arose from development in the area. The Capital and Funding Manager confirmed that the money must be

spent on mitigation in relation to recent developments. Councillor Hart questioned this as removal of street furniture in areas that had no new development had been considered eligible. The Officer explained that this was possible as the streets in question were improvements to strategic routes which were directly impacted by new developments.

### **Chisholm Trail**

The Committee noted that the Chisholm Trail Plan proposal would be included in the Local Plan. The results of a feasibility study into the bridge section of the Trail were expected shortly. It was suggested that the East Area Committee might wish to consider part funding this as a joint project with the North Area Committee.

The Committee discussed the Chisholm Trail. The Committee suggested that Officers appeared to prioritise the Travis Perkin side of the Railway Track but the other side of the track was also important. The Officer responded and stated that land in Network Rail ownership was hard to acquire. Discussions were on-going with Network Rail but specific land had not yet been identified. In addition, some land in the Cromwell Road area was now blocked by development.

The Committee questioned how much funding might be available to CATP in the future and how much a new bridge would cost. The Officer stated that the introduction of the Community Infrastructure Levy (CIL) would end the CATP funding stream and, while the date of the introduction date for CIL is uncertain, it was unlikely that future funding available to the East Area Committee would be more than £200,000. A new bridge would cost in excess of two million pounds. The Officer confirmed that the plans for Chesterton Station included the bridge but stated that no funding had been allocated. Other funding sources were being explored including the potential of funding through the proposed city deal.

Some members were concerned that allocating funding to an expensive project, that might never happen, might not be best use of limited resources. However, the Committee agreed that the point of the funding was mitigation and the biggest mitigation impact would be a new bridge. Making a commitment to fund some of the cost of the bridge as a 'statement of intent' in the region of £50,000 was proposed. The Committee received an assurance that, should the project be abandoned, the funding would return to the East Area Committee for re-allocation.

Councillor Bourke requested that the Committee recommended to the County Council's Cabinet, completion of the Cromwell Road stretch of the Chisholm Trail as a discrete project.

### **Tenison Road Traffic Calming**

The Committee questioned why proposals for Tenison Road traffic calming measures had never been presented to the working group and asked for this to be arranged.

**Action: Capital and Funding Manager**

### **Real Time Passenger Information Coldhams Lane**

Real Time Passenger Information was needed in this busy area such as the Broadway on Mill Road rather than in the less used Colhams Lane area.

### **Vehicle Activated Signs for Coleridge Road**

The Committee questioned who should apply for a Local Highway Improvement Scheme grant. The Officer confirmed that any individual could apply and that he would supply more information.

**Action: Capital and Funding Manager**

### **Key Projects in the Eastern Gate Supplementary Planning Document (SPD)**

The Chair stated that a lot of change was currently taking place in the area covered by the Eastern Gate SPD. It may therefore, be apposite to carry out a feasibility study into the transport improvement proposals covered in the SPD to better link the two sides of this part of Newmarket Road.

### **Riverside Environmental Projects**

The Chair also reminded members of previous part funding of environmental improvements on Riverside by the East Area Committee. This allowed the first phase of the project to be carried out. The Chair recalled an East Area Commitment to support further phases of the enhancement project when funding allowed.

### **New Proposal**

Councillor Johnson proposed a project that would link to the Chisholm Trail. He proposed improvements to the entrance to Stourbridge Common to improve access for cyclists and pedestrians. Officers would investigate this.

### **Resolved: (unanimously)**

- i. That all schemes considered eligible for CATP funding would remain in the plan.

**Resolved** (by 14 votes to 1)

- ii. To allocate 25% of the current East Area CATP pot to the Chisholm Trail bridge.
- iii. To allocate £50,000 (from funding available after the above) to carry out feasibility studies into the key projects identified in the Eastern Gate SPD.

**13/73/EAC Planning Applications****7a 13/1095/FUL - 34 Howard Road**

The Committee received an application for full planning permission.

The application sought permission for the erection of a new terraced dwelling house. The proposed new house will extend seamlessly from the main roof ridge of 34 Howard Close by 6.4m to the north.

Mr Courtney (Agent of the Applicant) addressed the Committee in support of the application.

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

**7b 13/1120/FUL - 156 Stanley Road**

The Committee received an application for full planning permission.

The application sought permission for a first floor and single storey rear extensions and sub division of a single dwelling to form two new dwellings.

Mr McGuckin addressed the Committee and made the following points in objection to the application.

- i. Objects to proposal as the owner of adjoining property and also owner of passageway.
- ii. Currently not overlooked by neighbouring property.
- iii. Objects to proposed location and size of first floor window.
- iv. Window would be right on the boundary of the two properties would encroach on the airspace of his property
- v. Window could be located to flanking window.
- vi. Drawing are inaccurate and suggest a tree is a shrub.
- vii. Additional property would add to parking pressures in Stanley Road.

The Principal Planning Officer stated that the issues raised in ii, iii, v, vi, and vii had been addressed in the officer report and would not justify refusal of the application, and that the issues raised in i and iv were civil rather than planning matters.

**Resolved** (by 9 votes to 1) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officer.

The meeting ended at 9.35 pm

**CHAIR**



# COMMITTEE ACTION SHEET Agenda Item 4

|                  |                            |
|------------------|----------------------------|
| <b>Committee</b> | <b>East Area Committee</b> |
| <b>Date</b>      | <b>17 October 2013</b>     |

| <b>ACTION</b>   | <b>LEAD OFFICER/ MEMBER</b>                  | <b>TIMESCALE</b> | <b>PROGRESS</b>   |
|---|--|------------------|---|
| Contact highways department regarding pavement problems in Grafton Area and around the Guildhall. | Cllr Bourke                                  |                  |   |
| Working group consultation on the Tenison Road traffic calming measures to be arranged            | Daniel Clarke<br>Capital and Funding Manager |                  | Revised plans have been received from the designers and officers will be contacting the steering group members next week to arrange a meeting in November |
| Provide members with information on how to apply for Local Highway Improvement Grants             | Daniel Clarke<br>Capital and Funding Manager |                  |   |

Other action taken by officers following meeting.

**Daniel Clarke** has passed on Cllr Bourke's comments regarding the Cromwell Road stretch of the Chisholm Trail to Cllr Bates, the relevant portfolio holder.

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## Neighbourhood profile update Cambridge City East Neighbourhood

November 2013



**Steve Poppitt, Safer  
Neighbourhoods  
Inspector**

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

|          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>INTRODUCTION</b>                          | <b>2</b>  |
|          | Aim  |           |
|          | Methodology                                  |           |
| <b>2</b> | <b>CURRENT PRIORITIES</b>                    | <b>3</b>  |
| <b>3</b> | <b>PRO-ACTIVE WORK &amp; EMERGING ISSUES</b> | <b>6</b>  |
| <b>4</b> | <b>ADDITIONAL INFORMATION</b>                | <b>8</b>  |
|          | Current Crime & ASB Incident Levels by Ward  |           |
|          | Arson Data                                   |           |
|          | Environmental Services Data                  |           |
| <b>5</b> | <b>RECOMMENDATIONS</b>                       | <b>12</b> |

## **1 INTRODUCTION**

### **Aim**

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

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

### **Methodology**

This document was produced using the following data sources:

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

## 2 CURRENT PRIORITIES

At the East Area Committee meeting of 25 July 2013, the committee recommended adopting the following priorities:

- Reduce cycle theft and shoplifting in the East area;
- Tackle alcohol-related ASB in the Petersfield area; and
- Tackle the supply of drugs in the East area.

The Neighbourhood Action Group, at its meeting of 1 August 2013, assigned the actions to be taken and lead officers for each of the priorities. The tables below summarise the action taken and the current situation.

| <b>Reduce cycle theft and shoplifting in the East area</b> |  |
|--|--|
| <b>Objective</b>   | Reduce the theft of pedal cycles and shoplifting in the East.  |
| <b>Action Taken</b>  | <p>Although, compared to the same period last year, shoplifting has increased (108 this year compared to 78 last year), after adopting shoplifting as a local priority at the July 2013 meeting there has been a decrease in the number of shop thefts. Shop thefts have decreased from 122 to 108. The East team have deployed a range of tactics to disrupt and deter offending. Increasing the number of high profile deterrence patrols at key times and at key locations has been one tactic.</p> <p>Pro-active arrests by the East team have led to the recovery of £4,500 worth of stolen items which have been subsequently returned to the shops involved. Among those arrested were an organised gang of professional shoplifters who were travelling around the country targeting specific stores.</p> <p>The East team remain the only team in Cambridge to have secured a number of conspiracy charges for shoplifting (ten offenders in total). The conspiracy charge means the offenders are sentenced in the Crown Court which has greater powers than the Magistrates' Court. Many of the offenders have never been arrested before and so to secure a sentence of ten months to one year on average for each is an extremely good result. This sends out a clear message to professional shoplifting gangs who may consider targeting Cambridge.</p> <p>Over the last three months there has been extensive policing activity to reduce cycle theft not just in the East but city-wide. This has resulted in a reduction of cycle thefts in all areas of the East compared to the same period last year (208 offences this reporting period compared to 270). The East team has approached this priority in a number of ways with officers</p> |

|                          |   |
|--------------------------|---|
|                          | targeting known cycle thieves and hot spot locations for cycle theft. East team PCSOs have given crime reduction advice, often going door to door, and have also increased the checking of disposal sites such as eBay and Gumtree for stolen cycles. A number of successful cases have been taken to court.              |
| <b>Current Situation</b> | Although shoplifting has reduced compared to last year there is still an increase compared to the previous three months. The peak time for cycle theft on the East area has passed and as preventing cycle crime is core business for the police, this work will continue as part of the East team's day to day activity. |
| <b>Lead Officer</b>      | Sergeant Colin Norden, Cambridgeshire Constabulary  |

| <b>Tackle alcohol-related ASB in the Petersfield area</b> |  |
|---|--|
| <b>Objective</b>  | Tackle alcohol-related ASB in the Petersfield area.  |
| <b>Action Taken</b>                                       | <p>ASB in all wards is down compared to the same period last year and this is particularly so in Petersfield (151 incidents compared to 174 last year). Officers and Police Community Support Officers (PCSOs) have targeted Petersfield Green and the surrounding areas over the last three months. Positive enforcement action has been taken, including arrests for public order offences and the use of directions to leave, issued under s27 of the Violent Crime Reduction Act 2006.</p> <p>Those arrested for public order offences have been given bail conditions not to enter the area which has assisted in the management of their nuisance behaviour. The bus stops in Mill Road have also been the focus of police activity in an effort to stop groups from congregating. Regular checks of off-licences have also been conducted.</p> <p>In the last report it was mentioned that an Anti-Social Behaviour Order had been obtained against Paul Elliot (a street drinker also responsible for ASB). Shortly after the order was obtained, the police arrested Elliot twice for breaching this order. Since that time there have been no arrests for breaching the order.</p> <p>The East team have also supported the Street Outreach team and other colleagues to help those with a street-based life style secure accommodation both in Cambridge and elsewhere.</p> |
| <b>Current Situation</b>                                  | The overall reduction in ASB in Petersfield and all areas of the East is pleasing. However, Mill Road and the surrounding area continues to generate more complaints regarding a range of issues (ASB, alcohol misuse, drug misuse, dangerous cycling  |

|                     |  |
|---------------------|--|
|                     | and shoplifting) than other areas in the East. The police are also reviewing their tactics to deal with nuisance behaviour in Mill Road and elsewhere. |
| <b>Lead Officer</b> | Sergeant Colin Norden, Cambridgeshire Constabulary   |

| <b>Tackle the supply of drugs in the East area</b> |   |
|--|---|
| <b>Objective</b>                                   | Concerted action against drug suppliers.  |
| <b>Action Taken</b>                                | <p>Over the last reporting period, officers from the East, supported by other colleagues from the South area team, have executed drugs warrants and targeted street dealers. The following represents some of the main actions taken:</p> <ul style="list-style-type: none"> <li>❑ Norfolk Street - officers on patrol searched and arrested two males for possession with intent to supply drugs. Both were found with drugs and large amounts of cash on them. They have both been bailed for further enquires.</li> <li>❑ Whitehall Road - officers arrested two males who were found to have ¼ kg of cocaine on them. Both are currently on bail.</li> <li>❑ Golding Road - three persons were stopped and found to be in possession of class A drugs. After returning on police bail they were charged with possession with intent to supply and have been bailed to court.</li> <li>❑ Ashbury Close - officers raided 2 addresses in a simultaneous operation. At the first address class B drugs were found and a person at the address has been summonsed to attend court. At the second address a cannabis farm was found in the loft area along with a large amount of cash. Two persons were arrested at this location on suspicion of cultivating and supplying drugs, they are currently on bail.</li> <li>❑ Jack Warren Green – a search warrant was executed and a cannabis farm found at the location. Two persons were arrested and are currently on bail.</li> </ul> <p>The East team are also working with our housing partners to evict persons that have been found to be supplying drugs from properties or allowing their properties to be used which is in clear breach of their tenancy agreement.</p> |
| <b>Current</b>                                     | Whilst overall there has been a reduction in the number of  |

|                     |  |
|---------------------|--|
| <b>Situation</b>    | London-connected drug dealers coming to Cambridge, partly as a result of strong enforcement action in the East and South areas, there is still further work to be done to tackle this issue. |
| <b>Lead Officer</b> | Sergeant Colin Norden, Cambridgeshire Constabulary   |

### 3 PRO-ACTIVE WORK & EMERGING ISSUES

- ❑ City Council's ASB Officers from the Safer Communities Section attended a community event at Tiverton Estate on 5 October. A number of organisations were represented, including Fire Service and police and there was an excellent turnout from the community.
- ❑ City Council's ASB Officers are also currently investigating a number of complex ASB cases in the East area involving vulnerable perpetrators and are working closely with enforcement and support agencies to achieve a positive outcome for all.
- ❑ The Neighbourhood Resolution Panel Scheme is a new initiative in Cambridge aimed at resolving crime, anti-social behaviour and neighbour disputes in a positive way. Trained volunteers from the local community bring people together to help them discuss and agree how best to resolve the issues that affect them. The scheme has recently started receiving referrals, three of which are from within the East area.
- ❑ The Safer Communities Section has received complaints about ASB associated with The Forum student accommodation in Tiverton Way. An ASB officer is attending a meeting with the students, the Anglia Ruskin University accommodation officer and the Whitfield Property Group to discuss their behaviour within the local community.
- ❑ City Council's ASB Officers have received a number of reports about vulnerable tenants being targeted by street life individuals who use the tenant's flat as a convenient location to drink or sleep.
- ❑ The Safer Communities Section and the police have been investigating complaints of street drinking and ASB in the Great Eastern Street play area. A recent play inspection has again shown the continual limited value of the play area at Great Eastern Street, tucked away as it is in a corner of a car park under a darkened canopy of trees. The Assets Team is proposing the removal of the remnant play area which consists of two minor pieces of equipment that are widely considered not fit for purpose until a new solution is worked up possibly with Section 106 funding.



- ❑ Good reduction in total crime compared to the same period last year, particularly Abbey ward.
- ❑ Good reduction in anti-social behaviour compared to the same period last year.
- ❑ Reduction in shoplifting compared to previous quarter (although an increase in Petersfield).
- ❑ Reduction in cycle theft compared to same period last year.
- ❑ Good reduction in theft from vehicle.
- ❑ Good reduction in non-dwelling burglary.
- ❑ Increase in dwelling burglary.
- ❑ During the last reporting period, the East team have arrested or interviewed six people regarding allegations of arson. Five of the six are being prosecuted for the offences. This investigation has involved close working with the Fire & Rescue Service.

## 4 ADDITIONAL INFORMATION

### CURRENT CRIME & ASB INCIDENT LEVELS BY WARD

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|       |             |                 | Dwelling Burglary | Other Burglary | Violent Crime | Robbery | Theft of Vehicle | Theft from Vehicle | Cycle Theft | Theft from Shop | Criminal Damage | Other Crime | TOTAL CRIME | TOTAL ASB |
|-------|-------------|-----------------|-------------------|----------------|---------------|---------|------------------|--------------------|-------------|-----------------|-----------------|-------------|-------------|-----------|
|       |             |                 |                   |                |               |         |                  |                    |             |                 |                 |             |             |           |
| AREA  | City East   | Jul 13 – Oct 13 | 50                | 27             | 157           | 8       | 13               | 36                 | 208         | 108             | 100             | 294         | 1,001       | 537       |
|       |             | Jul 12 – Oct 12 | 43                | 51             | 178           | 11      | 18               | 50                 | 270         | 78              | 127             | 287         | 1,113       | 611       |
|       |             | Mar 13 – Jun 13 | 38                | 38             | 134           | 7       | 6                | 44                 | 177         | 122             | 99              | 241         | 906         | 522       |
| WARDS | Abbey       | Jul 13 – Oct 13 | 14                | 10             | 52            | 2       | 4                | 15                 | 31          | 33              | 30              | 70          | 261         | 175       |
|       |             | Jul 12 – Oct 12 | 8                 | 17             | 72            | 3       | 11               | 31                 | 52          | 29              | 37              | 91          | 351         | 199       |
|       |             | Mar 13 – Jun 13 | 14                | 9              | 51            | 1       | 1                | 21                 | 38          | 60              | 31              | 72          | 298         | 147       |
|       | Coleridge   | Jul 13 – Oct 13 | 7                 | 4              | 31            | 3       | 4                | 8                  | 40          | 6               | 18              | 86          | 207         | 99        |
|       |             | Jul 12 – Oct 12 | 9                 | 10             | 29            | 2       | 2                | 5                  | 42          | 4               | 24              | 62          | 189         | 111       |
|       |             | Mar 13 – Jun 13 | 5                 | 9              | 21            | 0       | 2                | 10                 | 31          | 2               | 19              | 45          | 144         | 107       |
|       | Petersfield | Jul 13 – Oct 13 | 7                 | 5              | 48            | 1       | 3                | 7                  | 102         | 54              | 28              | 83          | 338         | 151       |
|       |             | Jul 12 – Oct 12 | 14                | 11             | 39            | 4       | 4                | 5                  | 117         | 28              | 29              | 71          | 322         | 174       |
|       |             | Mar 13 – Jun 13 | 7                 | 7              | 31            | 2       | 2                | 6                  | 69          | 38              | 27              | 77          | 266         | 137       |
|       | Romsey      | Jul 13 – Oct 13 | 22                | 8              | 26            | 2       | 2                | 6                  | 35          | 15              | 24              | 55          | 195         | 112       |
|       |             | Jul 12 – Oct 12 | 12                | 13             | 38            | 2       | 1                | 9                  | 59          | 17              | 37              | 63          | 251         | 127       |
|       |             | Mar 13 – Jun 13 | 12                | 13             | 31            | 4       | 1                | 7                  | 39          | 22              | 22              | 47          | 198         | 131       |

## ARSON DATA

**Period:** July to October 2013

### Deliberate fire summary data

| Area        | Refuse | Bin | Vehicle | Residential | Non residential |
|-------------|--------|-----|---------|-------------|-----------------|
| Abbey       | 0      | 1   | 0       | 1           | 1               |
| Coleridge   | 2      | 0   | 0       | 0           | 0               |
| Petersfield | 2      | 2   | 0       | 0           | 0               |
| Romsey      | 0      | 0   | 0       | 0           | 1               |

|                    |  |
|--------------------|--|
| <b>General</b>     | In general the instances of deliberate fires have decreased in the city by 56% thanks to joint efforts to tackle these issues.           |
| <b>Abbey</b>       | High level of concern amongst professionals regarding youth anti-social behaviour in the ward that is reflected in the statistics above. |
| <b>Coleridge</b>   | No issues of concern.  |
| <b>Petersfield</b> | Bin fires related to mental health problems.   |
| <b>Romsey</b>      | No issues of concern.  |

During the reporting period, concerns regarding youth fire related anti-social behaviour in Abbey came to a part conclusion through an incident at the Newmarket Road Park & Ride site. Joint partnership efforts detected an incident and a subsequent police investigation has resulted in the arrest of four youths, three from the Abbey ward. Court action is pending. The combined observation and awareness efforts of East City and South Cambridgeshire police neighbourhood staff, fire service arson reduction and operational crews, county council, Safer Communities Section (City Council) and a private business's security staff resulted in the detection of these offences. This is an excellent example of partnership working.

Environmental Action days and education events in the area during the autumn have helped to reduce the level of concern and the number of incidents.

Prompt action by safer neighbourhood teams to improve security around empty housing in Latimer Close and education of young people in the area resulted in the one instance of deliberate fire setting not being repeated. These properties are awaiting demolition. Other properties in the area awaiting demolition have been secured to the same standard as a preventative measure.

The instances of fire setting in Petersfield were the actions of one unfortunate individual with mental health problems who is being supported by the medical profession. Court action is pending.

## **ENVIRONMENTAL SERVICES DATA**

### **Abbey**

#### *Abandoned vehicles*

- ❑ July to October 2013: 17 reports, which included
  - 9 vehicles not on site following inspection
  - 5 vehicle subsequently claimed by their owners
  - 2 vehicles impounded on behalf of the DVLA for not having valid road tax
- ❑ Hotspots: None
- ❑ July to October 2012: 10 reports

#### *Fly tipping*

- ❑ July to October 2013: 71 reports, which included 1 formal warning letter issued to domestic offenders
- ❑ Offences at Ekin Road accounted for 1 of the formal warning letters sent
- ❑ Hotspots: Ann's Road (4), Ekin Road (8) and Helen Close (7)
- ❑ July to October 2012: 47 reports

#### *Derelict cycles*

- ❑ July to October 2013: 16
- ❑ Hotspots: Riverside (4)
- ❑ July to October 2012: 9

#### *Needle finds*

- ❑ July to October 2013: 14
- ❑ Hotspots: Ditton Fields (10) - needles removed from a void property by City Council
- ❑ July to October 2012: 1

### **Coleridge**

#### *Abandoned vehicles*

- ❑ July to October 2013: 10 reports, which included
  - 8 vehicles not on site following inspection
  - 1 vehicles impounded on behalf of the DVLA for not having valid road tax
  - 1 vehicles subsequently destroyed following non-payment of the DVLA fine
- ❑ Hotspots: None

- ❑ July to October 2012: 5 reports

#### *Fly tipping*

- ❑ July to October 2013: 25 reports
- ❑ Hotspots: Suez Road (5)
- ❑ July to October 2012: 24 reports

#### *Derelict cycles*

- ❑ July to October 2013: 16
- ❑ Hotspots: Coleridge Road (10)
- ❑ July to October 2012: 8

#### *Needle finds*

- ❑ July to October 2013 2012: None
- ❑ Hotspots: None
- ❑ July to October 2012: 3000 (void property on Neville Road)

### **Petersfield**

#### *Abandoned vehicles*

- ❑ July to October 2013: 2 reports, which included
  - 1 vehicles not on site following inspection
  - 1 vehicles impounded on behalf of the DVLA for not having valid road tax
- ❑ Hotspots: None
- ❑ July to October 2012: 5 reports

#### *Fly tipping*

- ❑ July to October 2013: 48 reports, which included 8 formal warning letter issued to domestic offenders
- ❑ Offences at St. Matthew's Street accounted for 5 of the formal warning letters sent
- ❑ Hotspots: Norfolk Street (3) and St. Matthew's Street (8)
- ❑ July to October 2012: 40 reports

#### *Derelict cycles*

- ❑ July to October 2013: 18
- ❑ Hotspots: None
- ❑ July to October 2012: 15

#### *Needle finds*

- ❑ July to October 2013: 17
- ❑ Hotspots: Mill Road (7) - new needles found at Mill Road Cemetary, and Petersfield Mansions (6) - new needles found on green area.
- ❑ July to October 2012: 38

## **Romsey**

### *Abandoned vehicles*

- ❑ July to October 2013: 8 reports, which included
  - 5 vehicles not on site following inspection
  - 2 vehicle subsequently claimed by their owners
  - 1 vehicles impounded on behalf of the DVLA for not having valid road tax
- ❑ Hotspots: None
- ❑ July to October 2012: 7 reports

### *Fly tipping*

- ❑ July to October 2013: 30 reports
- ❑ Hotspots: Catharine Street (3), Coleridge Road (3) and Thoday Street (5)
- ❑ July to October 2012: 21 reports

### *Derelict cycles*

- ❑ July to October 2013: 9
- ❑ Hotspots: None
- ❑ July to October 2012: 9

### *Needle finds*

- ❑ July to October 2013: 7
- ❑ Hotspots: None
- ❑ July to October 2012: 1

## **5 RECOMMENDATIONS**

- ❑ Tackle the supply of drugs in the East area
- ❑ Policing issues associated with Mill Road
- ❑ Reduce shoplifting in the East area

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

### **1.0 Central Government Advice**

- 1.1 National Planning Policy Framework (March 2012)** – sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.
- 1.2 Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 1.3 Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:
  - (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

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

#### Planning Obligation Related Policies

- P6/1 Development-related Provision
- P9/8 Infrastructure Provision
- P9/9 Cambridge Sub-Region Transport Strategy

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

- 3/1 Sustainable development
- 3/3 Setting of the City
- 3/4 Responding to context
- 3/6 Ensuring coordinated development
- 3/7 Creating successful places
- 3/9 Watercourses and other bodies of water
- 3/10 Subdivision of existing plots
- 3/11 The design of external spaces
- 3/12 The design of new buildings
- 3/13 Tall buildings and the skyline
- 3/14 Extending buildings
- 3/15 Shopfronts and signage

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



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

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

- 10/1 Infrastructure improvements

#### Planning Obligation Related Policies

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

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

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

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

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

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

## **5.0 Material Considerations**

### **Central Government Guidance**

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

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

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

Includes the following statement:

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

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

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

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

### 5.3 City Wide Guidance

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

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

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

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

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

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

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

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

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

**Cambridge City Council (2011) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development. It sets out to ensure that open space in Cambridge meets the needs of all who live, work, study in or visit the city and provides a satisfactory environment for nature and enhances the local townscape, complementing the built environment.

The strategy:

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

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

**Balanced and Mixed Communities – A Good Practice Guide (2006) –** Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

**Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006)** - Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change and as a material consideration in the determination of planning applications and appeals.

**A Major Sports Facilities Strategy for the Cambridge Sub-Region (2006) -** Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

**Cambridge Sub-Region Culture and Arts Strategy (2006) -** Produced by Cambridgeshire Horizons to assist the implementation of the Areas of Major Change.

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

**Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012) -** sets out in more detail how existing council policy can be applied to proposals for tall buildings or those of significant massing in the city.

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

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

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

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

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

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

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

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

## 5.6 Area Guidelines

**Cambridge City Council (2003)–Northern Corridor Area Transport Plan:**  
**Cambridge City Council (2002)–Southern Corridor Area Transport Plan:**  
**Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:**  
**Cambridge City Council (2003)–Western Corridor Area Transport Plan:**

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

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

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

## **West Cambridge Conservation Area Appraisal (2011)**

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

**Jesus Green Conservation Plan (1998)**

**Parkers Piece Conservation Plan (2001)**

**Sheeps Green/Coe Fen Conservation Plan (2001)**

**Christs Pieces/New Square Conservation Plan (2001)**

Historic open space guidance.

**Hills Road Suburbs and Approaches Study (March 2012)**

**Long Road Suburbs and Approaches Study (March 2012)**

**Barton Road Suburbs and Approaches Study (March 2009)**

**Huntingdon Road Suburbs and Approaches Study (March 2009)**

**Madingley Road Suburbs and Approaches Study (March 2009)**

**Newmarket Road Suburbs and Approaches Study (October 2011)**

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

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

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

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

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

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

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## EAST AREA COMMITTEE

Date: 28<sup>th</sup> November 2013

|                           |  |                    |              |
|---------------------------|--|--------------------|--------------|
| <b>Application Number</b> | 13/1169/FUL  | <b>Agenda Item</b> |              |
| <b>Date Received</b>      | 6th August 2013                                      | <b>Officer</b>     | Mr Sav Patel |
| <b>Target Date</b>        | 1st October 2013                                     |                    |              |
| <b>Ward</b>               | Romsey   |                    |              |
| <b>Site</b>               | 64 Catharine Street Cambridge Cambridgeshire CB1 3AW |                    |              |
| <b>Proposal</b>           | Construction of a two storey studio unit.            |                    |              |
| <b>Applicant</b>          | Mr K Neale<br>C/o Neale Associates                   |                    |              |

|                |   |
|----------------|---|
| SUMMARY        | <p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed residential studio flat development is located in a sustainable location in terms of its proximity to local shops and services.</p> <p>The design of the building would not have a detrimental impact on the character and appearance of the Conservation Area.</p> <p>The propose building would not have a detrimental impact on the residential amenity of the adjoining neighbours due to its size, window positioning and distance from the private amenity areas of the adjoining properties.</p> |
| RECOMMENDATION | APPROVAL  |

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a concreted parcel of land that has been sectioned off by a 2 metre high timber panel fence and used as a car park/bin storage area for no.64 Catherine Street. The site is located directly to the rear of no.64 Catherine Street but is accessed off St Phillips Road.

- 1.2 Catherine Street and St Phillips Road are characterised by two storey residential properties with on street parking provision.
- 1.3 The site is within the Central Extension Conservation Area but is not in a controlled parking zone.
- 1.4 To the east of the site is a shared path which provides access to the rear gardens of the properties in Catherine Street and Thoday Street.
- 1.5 Directly opposite the site is two storey detached building which is used as a flat.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks planning permission for a two storey residential studio. The proposed building has an apex roof form and would be accessed via St Phillips Road. The main windows would also face onto St Phillips Road. The building would also contain a high level roof light in the eastern elevation of the roofscape.
- 2.2 The proposed building would be 5.8 metres to the ridgeline and 5 x 5 metres in plan form. The ground floor would be used for a bin/bike store, a lobby and shower room. The first floor would be used as the main studio living accommodation.
- 2.3 The application is accompanied by the following supporting information:

- 1. Design and Access Statement

- 2.4 The application is brought before Planning Committee because objections have been received to this proposal for a new residential unit, which cannot be determined under delegated powers unless the concerns raised can be addressed by condition.

## **3.0 SITE HISTORY**

| <b>Reference</b> | <b>Description</b>   | <b>Outcome</b> |
|------------------|--|----------------|
| C/01/0351        | Change of use from shop (Class A1) with residential above to 2 | Approved       |

flats, erection of first floor extension, replacement roof to existing single storey rear extension, and installation of dormer window

#### 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         |
|-----------|-------|-----------------------|
| Cambridge | Local | 3/1 3/4 3/7 3/10 3/12 |
| Plan 2006 |       | 4/11                  |
|           |       | 5/1                   |
|           |       | 8/4 8/6 8/10          |

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

|                             |   |
|-----------------------------|---|
| Central Government Guidance | National Planning Policy Framework March 2012<br>Circular 11/95<br>Community Infrastructure Levy Regulations 2010 |
| Supplementary               | Sustainable Design and Construction   |

|                         |   |
|-------------------------|---|
| Planning Documents      | Cambridgeshire and Peterborough Waste Partnership (RECAP) : Waste Management Design Guide<br><br>Planning Obligation Strategy   |
| Material Considerations | <u>Central Government:</u><br><br>Letter from Secretary of State for Communities and Local Government (27 May 2010)<br><br>Written Ministerial Statement: Planning for Growth (23 March 2011) |
|                         | <u>Citywide:</u><br><br>Cambridge Walking and Cycling Strategy  |

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways)**

- 6.1 The proposal would increase the demand for on street car parking in an area where competition is already intense and may result in the loss of some residential amenity.

### **Head of Environmental Services**

- 6.2 No objections raised – conditions recommended to protect amenity during construction works.

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

- 6.3 The proposal to construct a two storey studio unit will have a neutral effect on the established character and appearance of the Conservation Area.

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

## **7.0 REPRESENTATIONS**

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

- ☐ 49 Brampton Road (owner of no.37 Thoday Street)
- ☐ 58 Catherine Street
- ☐ 3 Rutherford Road

7.2 The representations can be summarised as follows:

- ☐ Loss of an off street parking space
- ☐ Height of building unacceptable
- ☐ Overlooking from roof light in eastern elevation
- ☐ Inappropriate location
- ☐ Loss of light
- ☐ Support for the proposal

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

8.2 The application site is located within, and surrounded, by residential development. The site is also located within reasonable walking distance of a 'District and Local Centre' which is located to the south, on Mill Road. The site is also

within close proximity to public transport links into the city centre and wider area.

- 8.3 The proposed residential redevelopment of the site is considered to be acceptable in this location and context. Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 5/7.

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

- 8.5 The site has been subdivided from the main garden area of no.64 Catherine Street and used to provide an off street parking space. The area is characterised by properties fronting the pavement. Car parking is entirely on street. The built form of the area is characterised by two storey terraced properties with only a few exceptions in this location such as no.66a Catherine Street which is a two storey building comprising a 1 bed flat.
- 8.6 The design of the building would match the existing building opposite the site. The ground floor section would be clad with brick work and the first floor clad with timber panels. The building would be 5.8 metres to the apex and 4.3 metres to the eaves line making it lower than the existing houses that surround the site. The main openings are to be located in the northern elevation however the proposal includes a roof light in the eastern roofscape to provide additional natural light. To the rear (south) of the proposed building is a tree which would block an light if a roof light were proposed in the southern roofscape.
- 8.7 In my view, the design and scale of the proposed building is subserviently modest in comparison to the surrounding two storey properties, which is considered to be acceptable in this context and would not appear out of character or have a detrimental impact on the setting and appearance of the Conservation Area. The Conservation Team has also not raised any concerns with the scale and massing of the proposed building and considers it to be a subsidiary additional to the area.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

## **Residential Amenity**

### **Impact on amenity of neighbouring occupiers**

- 8.9 The proposed building would be located 16.5 metres away from the nearest rear point on no.39 Thoday Street (east) and 6.8 metres from the single storey rear extension of no.64 Catherine Street (west). The building would also be located 10.5 metres from no.66a, which is opposite (north).
- 8.10 In view of these separation distances and the overall scale of the building, I am of the view that the proposed building is unlikely to create any significantly adverse residential amenity issues. There are no windows that would directly overlook the private amenity space of the adjoining properties.
- 8.11 To the south of the site are the rear gardens of the properties in Catherine Street. The rear garden of no.62 Catherine Street is heavy overgrown and contains trees, which would mitigate the appearance of the proposed building. Nonetheless, the proposed building is considered to be located far enough away from the private amenity space of the surrounding properties so as not to have a significant impact in terms of appearing overbearing and loss of light.
- 8.12 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 3/7.

### **Amenity for future occupiers of the site**

- 8.13 Any future occupant will not have any outdoor amenity space. However the site is located within relatively close proximity to Romsey recreation ground on Vinery Road. The site is also located within close proximity to the local shops and services, as well as the city centre and public transport links. The proposed building would have good access to local amenities.
- 8.14 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12 (or 3/14).

## **Refuse Arrangements**

- 8.15 The proposed building has been laid out to accommodate a bin storage area on the ground floor in a separate vented room which is accessible from the public highway.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.17 The proposal would not lead to or create a highway safety issue.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

### **Car Parking**

- 8.19 The proposal would result in the loss of an off street car parking space. County Highways have indicated that could increase pressure on competition for on-street car parking spaces.
- 8.20 Whilst I accept that there would be a loss of a car parking space, I do not agree that the loss of one space would have a significant impact on the existing car parking provision of the area. The site is located in a sustainable location and the shortage of car parking space would be an additional incentive not to keep a car. I think there is a reasonably likelihood given the size of the unit, that a future occupier could choose not to do so.
- 8.21 The proposal is in accordance with the Council's Car Parking Standards.

### **Cycle Parking**

- 8.22 The proposal includes cycle parking for two cycles on the ground floor. This complies with the Council's Cycle Parking Standards.



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

### **Third Party Representations**

☐ Loss of an off street parking space

8.24 I have addressed this issue in the above section of the report.

☐ Height of building unacceptable

8.25 The proposed building would be 5.3 metres to the top of the apex and 4.3 metres to the eaves line. The building would be lower than the surrounding houses and the same height as the existing detached building opposite (66a). In my view the height of the building is acceptable in this context and would not appear overly dominate or out of scale with the surrounding built form.

☐ Overlooking from roof light in eastern elevation

8.26 It is proposed that the eastern roofscape of the building would contain a rooflight. This rooflight would be high level and used to provide additional natural light into the first floor. The lower edge of the cill would be 2.4 metres above first floor level. Therefore, the rooflight would not create any directly overlooking issues on the properties in Thoday Street.

☐ Inappropriate location

8.27 The site is located at the rear of the garden serving no.64 Catherine Street where it is generally accepted that ancillary outbuildings such as sheds and garage would normally be located. In this context, as the site has the benefit of a site frontage onto St Phillips Road, the location of the building is considered to be acceptable and would not adversely affect the residential amenity of the adjoining neighbours.

☐ Loss of light

8.28 The proposed building is located far enough away from the private amenity areas of the adjoining neighbours so as not to cause an adverse overshadowing issue. The apex roof form, low eaves height and orientation of the building would not cause

any significant loss of light such that it would warrant refusing this application.

### **Planning Obligations**

- 8.29 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

- 8.30 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.
- 8.31 The application proposes the erection of one-bedroom studio flat. 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                    | 238        |
| 1 bed                            | 1.5              | 238          | 357       |                      |            |
| 2-bed                            | 2                | 238          | 476       |                      |            |
| 3-bed                            | 3                | 238          | 714       |                      |            |
| 4-bed                            | 4                | 238          | 952       |                      |            |
| <b>Total</b>                     |                  |              |           |                      | <b>238</b> |

| <b>Indoor sports facilities</b> |                  |              |           |                      |            |
|---------------------------------|------------------|--------------|-----------|----------------------|------------|
| Type of unit                    | Persons per unit | £ per person | £per unit | Number of such units | Total £    |
| studio                          | 1                | 269          | 269       | 1                    | 269        |
| 1 bed                           | 1.5              | 269          | 403.50    |                      |            |
| 2-bed                           | 2                | 269          | 538       |                      |            |
| 3-bed                           | 3                | 269          | 807       |                      |            |
| 4-bed                           | 4                | 269          | 1076      |                      |            |
| <b>Total</b>                    |                  |              |           |                      | <b>269</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                    | 242        |
| 1 bed                      | 1.5              | 242          | 363       |                      |            |
| 2-bed                      | 2                | 242          | 484       |                      |            |
| 3-bed                      | 3                | 242          | 726       |                      |            |
| 4-bed                      | 4                | 242          | 968       |                      |            |
| <b>Total</b>               |                  |              |           |                      | <b>242</b> |

| <b>Provision for children and teenagers</b> |         |       |      |        |         |
|---|---------|-------|------|--------|---------|
| Type  | Persons | £ per | £per | Number | Total £ |

| of unit      | per unit | person | unit | of such units |   |
|--------------|----------|--------|------|---------------|---|
| studio       | 1        | 0      | 0    |               | 0 |
| 1 bed        | 1.5      | 0      | 0    |               | 0 |
| 2-bed        | 2        | 316    | 632  |               |   |
| 3-bed        | 3        | 316    | 948  |               |   |
| 4-bed        | 4        | 316    | 1264 |               |   |
| <b>Total</b> |          |        |      |               |   |

8.32 A S106 planning obligation to secure this requirement of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010) has been completed. I am therefore 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

8.33 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      | 1                    | 1256        |
| 2-bed                       | 1256      |                      |             |
| 3-bed                       | 1882      |                      |             |
| 4-bed                       | 1882      |                      |             |
| <b>Total</b>                |           |                      | <b>1256</b> |

8.34 A S106 planning obligation to secure this requirement of the Planning Obligation Strategy (2010) has been completed. I am therefore 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

- 8.35 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        |                      |            |
| Flat                                  | 150       | 1                    | 150        |
| <b>Total</b>                          |           |                      | <b>150</b> |

- 8.36 A S106 planning obligation to secure this requirement of the Planning Obligation Strategy (2010) has been completed. I am therefore 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

- 8.37 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 and £300 per non-financial head of term. Contributions are therefore required on that basis.

### Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

- 9.1 The proposed studio flat building to its location, size, design and distance from surrounding neighbours is considered to be acceptable in this context. The proposed building is smaller than the existing similar building opposite (north) at no.66a which is used as a flat. No.66a is in a similar location; to the rear of no.66 and adjacent to a land that provides access to the rear of the properties in Catherine Street and Thoday Street. The proposed building is considered to be acceptable in this context and would not have a detrimental impact on the setting of the Conservation Area.
- 9.2 I am of the view that due to the scale, layout and orientation of the proposed building, there are unlikely to be any significantly adverse impacts on the residential amenity of the surrounding neighbours.
- 9.3 In these terms, therefore, the proposed change of use and roof extension are considered to comply with policies 3/4, 3/7, 3/11, 3/12 and 5/1 of the adopted Local Plan.

## **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 development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

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

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

4. Except with the prior written agreement of the local planning authority 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)

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

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

6. No additional window/s or opening/s shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The opening/s shall be implemented in accordance with the approved plans.

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

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NEALE ASSOCIATES  
Chartered Architects

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PROJECT.  
DRAWING

NEALE  
64 CATHARINE ST  
BLOCK PLAN

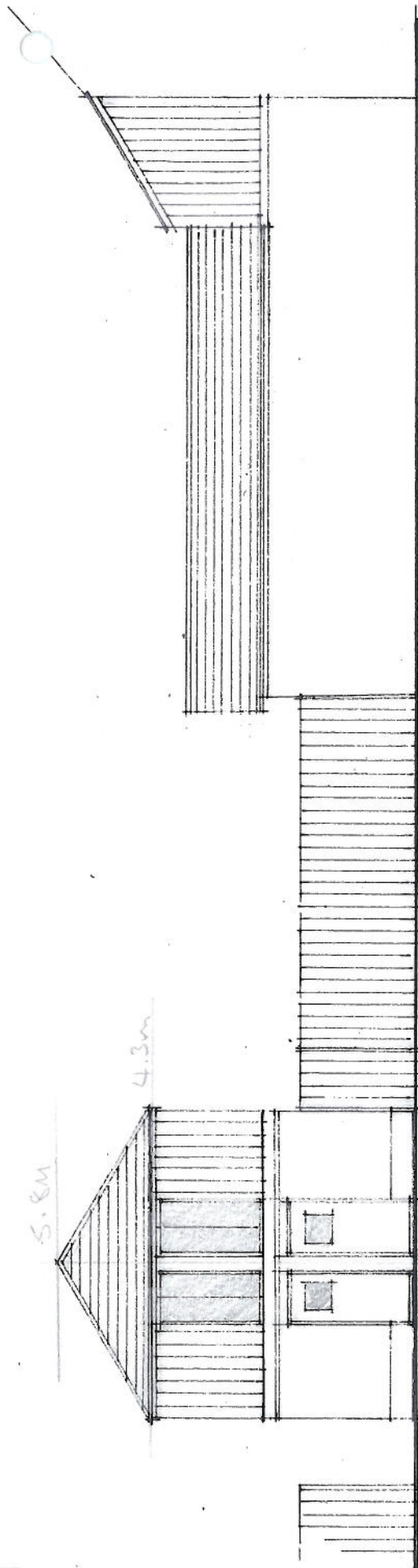
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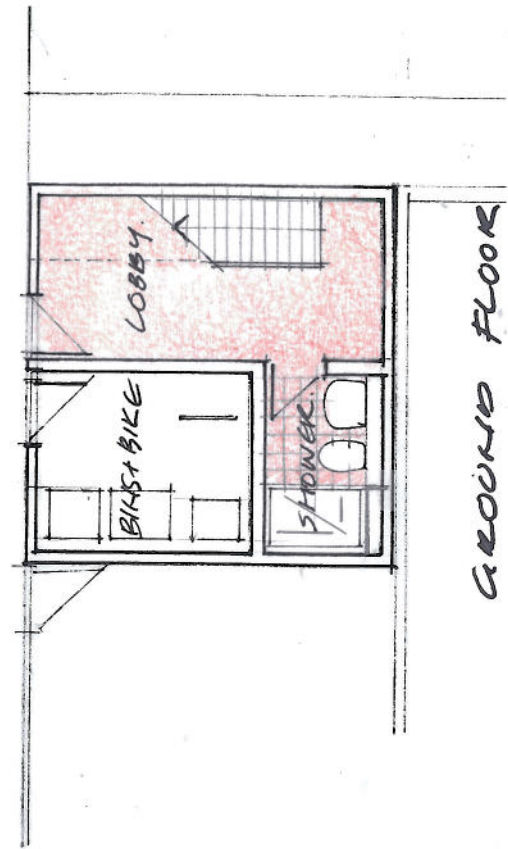
Page 51

THE TRAM SHED, East Road, Cambridge. CB1 1BG.

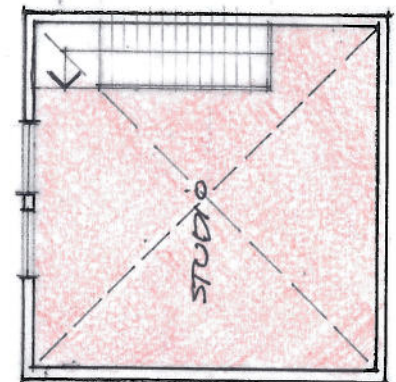
Tel. 01223 354477  
Fax. 01223 576677



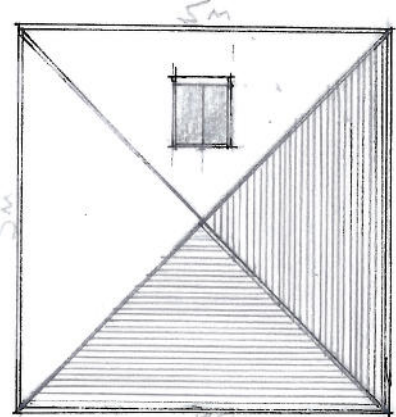
NORTH ELEVATION



GROUND FLOOR



FIRST FLOOR



ROOF



NEALE ASSOCIATES  
Chartered Architects

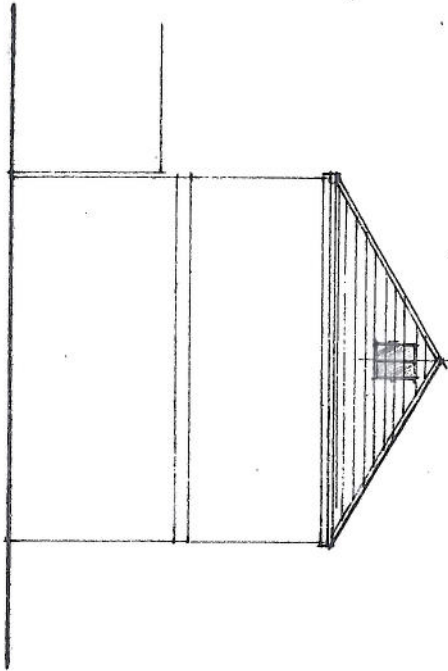
CLIENT.  
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NEALE  
69 CATMARE ST  
PLANS + ELEVATIONS

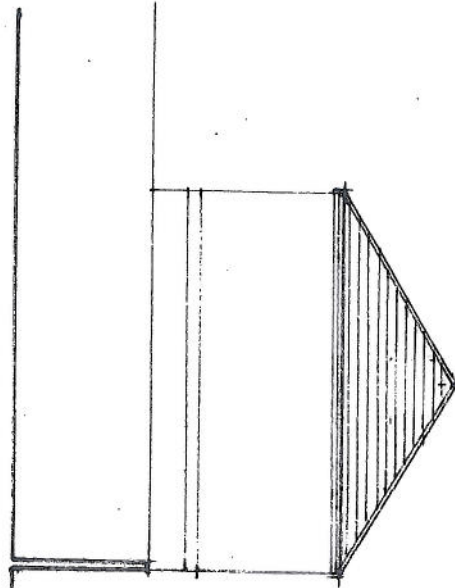
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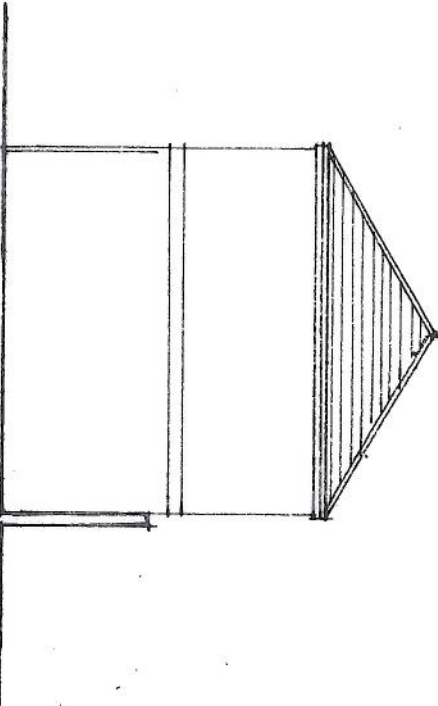
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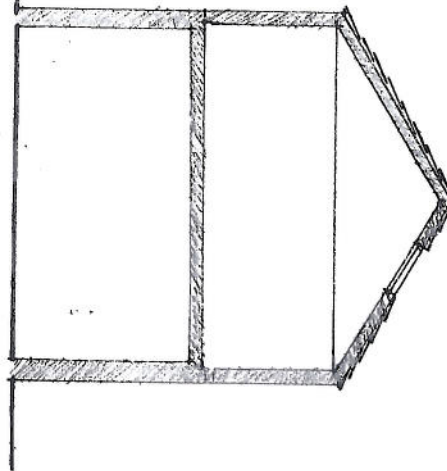
SOUTH ELEVATION



WEST ELEVATION



SECTION



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Chartered Architects

CLIENT.  
PROJECT.  
DRAWING

NEALE  
64 CATUARDINE ST  
ELEVATIONS / SECTION

Page 53

DATE.  
SCALE.  
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2021 13  
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Received 11/9/13

THE TRAM SHED, East Road, Cambridge. CB1 1BG.

Tel. 01223 354477  
Fax. 01223 576677

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**EAST AREA COMMITTEE**

**Date: 28<sup>th</sup> November 2013**

|                           |   |                    |                        |
|---------------------------|---|--------------------|------------------------|
| <b>Application Number</b> | 13/1358/S73   | <b>Agenda Item</b> |                        |
| <b>Date Received</b>      | 11th September 2013   | <b>Officer</b>     | Miss Catherine Linford |
| <b>Target Date</b>        | 6th November 2013   |                    |                        |
| <b>Ward</b>               | Coleridge   |                    |                        |
| <b>Site</b>               | Nusha 7A Cambridge Leisure Park Clifton Way<br>Cambridge Cambridgeshire CB1 7DY   |                    |                        |
| <b>Proposal</b>           | Section 73 application to vary condition 2 of permission 08/1581/FUL to extend opening hours to allow opening until 03:00 hours on Saturdays and Sundays. |                    |                        |
| <b>Applicant</b>          | Mr Jorawar Bhangoo<br>Nusha 7A Cambridge Leisure Park Clifton Way<br>Cambridge Cambridgeshire CB1 7DY   |                    |                        |

|                |   |
|----------------|---|
| SUMMARY        | <p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. A precedent would not be set as any future applications for other premises would be assessed on their own merits;</li> <li>2. Due to the distance between the bar and residential properties, the bar itself would not have a significant detrimental impact on neighbouring properties. Noise and disturbance on the street cannot be controlled by the planning process.</li> </ol> |
| RECOMMENDATION | APPROVAL  |

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is “Nusha,” a medium sized bar/entertainment venue located on the northern edge of the



main leisure park building located between Clifton Road and Hills Road. Nusha occupies a ground floor unit, facing the Junction nightclub and music venue, and adjacent to a restaurant unit of similar size. To the north there is an informal pick up/drop off area, and the access road leading to the multi storey car park which services the former cattle market site leisure development. There is a storage unit depot on the northern side of the car park access road. To the east are commercial units served by Clifton Road and beyond that residential properties located on Rustat Road.

- 1.2 The site is not located within a Conservation Area as designated by the Cambridge Local Plan 2006, nor is it in close proximity to any listed buildings.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks permission to vary condition 2 of permission 08/1581/FUL to allow the premises to remain open for trade until 03:00 on Saturdays and Sundays.
- 2.2 The application is brought before Committee at the request of Councillor Herbert for the following reasons:

*I request that this planning application is determined by East Area Committee, if the recommendation is one of approval, so that the impacts on residential amenity can also be considered.*

*The Leisure Centre is adjacent to a residential area and patrons of the Leisure Centre choose to park in local streets rather than the unsupervised Clifton Road industrial estate. There are already significant issues of night time petty crime and criminal damage in the area immediately adjacent to Cambridge Leisure.*

*When the Leisure Centre was granted planning permission in 2000 there was a 'cinderella' commitment agreed with the developer, that additional licensed venues would normally be limited to midnight.*

*While Nusha already operates beyond midnight, its 2009 application to operate beyond 2am on weekends and other nights was also rejected on appeal by the Planning Inspector.*

*I do not hold pre-determined view on the issue, and await the officer's report.*

### 3.0 SITE HISTORY

| Reference    | Description   | Outcome                           |
|--------------|---|-----------------------------------|
| 06/1186/S73  | Section 73 application to vary conditions 30 and 31 of planning permission C/98/0355/FP to change the operating times of the units within the main leisure building as follows; cinema to open between 10:00 to 1:00 hours Sunday to Friday and Friday/Saturday and Saturday/Sunday 10:00 to 2:30 hours; the health and fitness centre to open between 6:30 and 1:00 hours; and all other units within the leisure building shall not be open to trade with the public outside the hours of 10:00 to 01:00 hours. | REF                               |
| 07/0947/S73  | Change in hours of operation to 1:30am on Tuesdays, Friday and Saturdays for 1 year.  | A/C                               |
| C/02/0881/VC | Variation of condition 1 of planning permission C/98/0355/FP to change closing time for Unit F2 (Class A3 uses) from 2400 to 0200hrs  | Refused<br>Dismissed<br>at Appeal |
| 08/1382/S73  | Variation of condition 31 to extend operating hours to 02:00 hours Monday - Sunday from midnight (C/98/0355/FP and 07/0947/FUL).  | Refused<br>at Area<br>Committee   |
| 08/1581/FUL  | Variation of condition 31 to extend operating hours to 1:30am on Wednesdays, Saturdays and Sundays.   | Refused<br>Allowed at<br>Appeal   |

- 3.1 The decision of the Planning Inspector in the appeal on the previous application 08/1581/FUL is attached to this report as Appendix 1.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

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

5.2 Relevant Development Plan policies

| PLAN                   |       | POLICY NUMBER |
|------------------------|-------|---------------|
| Cambridge<br>Plan 2006 | Local | 3/1 & 3/7     |
|                        |       | 4/13          |
|                        |       | 6/10          |

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

|                             |   |
|-----------------------------|---|
| Central Government Guidance | <p>National Planning Policy Framework March 2012</p> <p>Circular 11/95</p> <p>Community Infrastructure Levy Regulations 2010</p>  |
| 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>National Planning Practice Consultation</p> |



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

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

### 6.0 CONSULTATIONS

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

#### 6.1 No comment.

#### **Head of Refuse and Environment**

6.2 The Premises Licence has been varied to allow the premises to open until 03:00 on Saturdays and Sundays, and recorded music is also authorised until this time. There have also been a number of Temporary Event Notices that have authorised the premises to be open until 03:00 and there have been no complaints. However, Officers have witnessed noise break out from the front of the bar. Loud music escapes as the door opens. The bar does not have a lobby so when the front door is open sound can escape directly from the dance floor. To protect the amenity of the flats in the vicinity and the Travelodge opposite I recommend that a lobby is installed. A condition is also recommended requiring a noise insulation scheme.

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

## **7.0 REPRESENTATIONS**

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

- ☐ Rustat Neighbourhood Association
- ☐ Cherry Hinton and Rathmore Road Residents Association

7.2 The representations can be summarised as follows:

- ☐ Noise and disturbance
- ☐ Will set a precedent for other local establishments to extend their opening hours, which would change the character of the Leisure Park and affect amenity
- ☐ The Leisure Park was set up as a daytime and evening entertainment area and not as a late night drinking centre
- ☐ The number of residents around the Leisure Park is increasing and these new residents will be affected by noise
- ☐ Longer hours merely means noise over a longer period

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. Car and cycle parking
4. Third party representations

### **Background**

8.2 The premises is located within an area where there is long and well-established late night activity. Of the adjacent properties, the Junction and the cinema have permission to operate after midnight on agreed occasions, and the Travelodge to the east allows late night access for guests returning from other venues. The Junction runs events until considerably later at night, and is regularly open until (and beyond) 02.00hours.

- 8.3 The Environmental Health Officer had objections to late night opening throughout this site when permission was first granted in 2000, because of concerns about the potential for conflict between late-leavers from the Junction with: residents above the shops at the southern end of the Leisure Park site; residents further afield in adjacent residential areas; and guests in the hotel. There was however acceptance that the cinema on this site needed to compete on even terms with the cinema at the Grafton centre and later opening was therefore allowed on limited occasions in the week.
- 8.4 Previous attempts to widen the hours when Nusha could operate have been resisted and an appeal dismissed. However, in October 2007 permission was granted to allow the premises to open until 01:30 on three nights of the week for a temporary period of one year, in order to judge the impact of the bar opening late. In March 2009 permission was refused at Area Committee to allow the bar to open until 01:30 on three nights of the week permanently. The subsequent appeal was dismissed. The Appeal decision is attached to the report as Appendix 1.

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

- 8.5 The previous application was refused for the following reason:

*The proposed extension of opening hours of this bar has the potential to lead to a change in the character of the wider Leisure Park site from one that is family-orientated to one where a late night culture would predominate. The proposal has for this reason not demonstrated that due consideration has been given to safeguarding appropriate future developments on the remainder of the site and is therefore contrary to policy 3/6 of the Cambridge Local Plan (2006).*

- 8.6 In the Appeal decision, the Inspector took the view that 'even if extended hours at Nusha were to lead to some of the other operators opening for longer periods I am not persuaded that the family-orientated use of the complex would necessarily be weakened or undermined. There is nothing to suggest that the broad mix and range of uses, which are controlled by the original permission are likely to change'. He added that 'I consider the evidence points to it being unlikely that the proposal for extended hours at Nusha would give rise to any material pressure for extended hours elsewhere or encourage

those who already have that flexibility to make further use of it. I believe it follows that the proposal is unlikely to give rise to a significant increase in patronage at the Leisure complex beyond midnight’.

- 8.7 This application seeks longer hours than that previously proposed, but in my opinion, the views expressed by the Inspector still stand. Any future application for the extension of hours of other premises would be assessed on their own merits and the acceptance of extended hours at Nusha would not create a precedent. In my opinion, the main concern in the determination of this application is the potential impact upon amenity that the extended hours of operation might cause.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Residential Amenity**

- 8.9 The previous application was refused for the following reason:

*The proposed extension of hours of opening beyond 12 midnight, to 01.30 hours, on three nights a week, is unacceptable in that it would have an adverse affect upon the amenity of nearby residents, both those in the surrounding area and the occupiers of both the residential accommodation on the wider site and the hotel, by reason of noise and the disturbance associated with the use of the premises in the early hours of the morning. The consequence would be a serious adverse effect upon the environment and amenity and the proposal is therefore contrary to Cambridge Local Plan 2006 policy 4/13.*

- 8.10 In the Appeal decision the Inspector noted that ‘the premises are well within the confines of the Leisure Park...at the opposite extremity of the complex from the integral purpose-built and well-insulated residential units close to Cherry Hinton Road and well removed and separated from the older residential areas along Cherry Hinton Road and in Rustat Road and the new developments on the far side of Hills Road’. He, therefore, took the view that ‘these circumstances point to the likelihood of very limited amounts of noise and disturbance to local residents in their homes from either the bar itself or from its customers within the leisure complex. To my mind the greatest potential

for impact upon living conditions arises once customers have dispersed from the Leisure Park.'

- 8.11 The premises is located as far as possible from residential premises on the site, because it is screened at least in part from the hotel by The Junction, and because of its immediate proximity to the car park and taxi pick-up/drop off location. While it is not suggested that there will be no consequences whatsoever from the proposed extended hours, if granted, it is my opinion that there would not be such harm as to justify outright refusal.
- 8.12 The Premises Licence for Nusha was varied on 29 July 2013 to allow the premises to open until 3am on Saturday and Sunday mornings. The playing of recorded music is also authorised until this time. Environmental Health have explained that a number of Temporary Event Notices have been issued, which have allowed the premises to be open until 3am, and no complaints have been received about these events. However, Environmental Health Officers have witnessed noise break out from the front of the bar. Loud music escapes directly from the dance floor when the door is opened as the bar does not have a lobby. As it is my opinion, and the Inspector's opinion, that due to the distance from the bar to residential properties, the bar itself is unlikely to have an impact on residents in terms of noise of disturbance it is my view that it would be unreasonable to recommend a condition requiring a lobby to be installed.
- 8.13 In my opinion, the greatest potential for impact is from customers of the bar creating noise whilst cycling or walking home down residential streets. This is not something that can be controlled by the planning process, and would be a matter for the Police.
- 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Third Party Representations**

- 8.15 The issues raised in the representations received have been addressed above.

## **9.0 CONCLUSION**

- 9.1 In my opinion, the proposed extension of hours would have no greater impact than the extended hours previously allowed by the Inspector. In this decision, the Inspector took the view that the extended hours would not set a precedent and that neighbouring residential properties were at too great a distance to be detrimentally impact on by the bar itself.

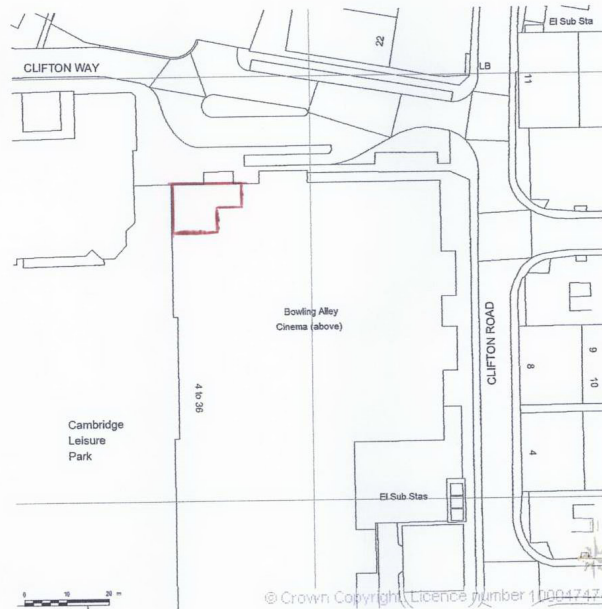
## **10.0 RECOMMENDATION**

**APPROVE subject to the following condition:**

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.

**SITE LOCATION PLAN**  
**AREA 2 HA**  
**SCALE 1:1250 on A4**  
**CENTRE COORDINATES: 546200, 256845**

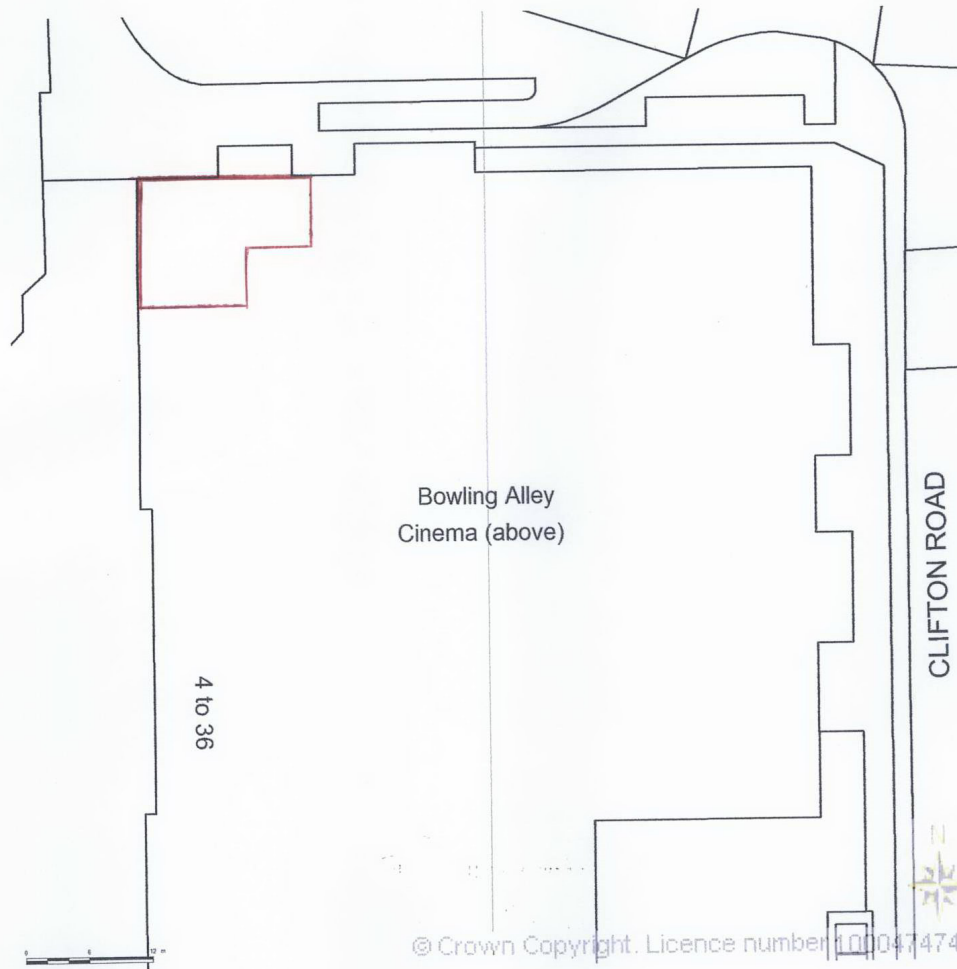


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BLOCK PLAN  
AREA 90m x 90m  
SCALE 1:500 on A4  
CENTRE COORDINATES: 546200, 256845



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## Appeal Decision

Site visit made on 25 January 2010

by **Peter J Golder** Dip TP MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
18 February 2010

**Appeal Ref: APP/Q0505/A/09/2111652**

**Nusha, 7a Cambridge Leisure Park, Clifton Way, Cambridge CB1 7DY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Jorawar Bhangoon against the decision of Cambridge City Council.
- The application Ref 08/1581/FUL, dated 9 December 2008, was refused by notice dated 12 March 2009.
- The application sought planning permission for redevelopment to provide Class D2/A3 Leisure Facilities (including but not limited to a bowling alley, a multi screen cinema, a health and fitness centre and restaurants); multi-storey/surface car parking with amenity areas; hotel, housing, auction rooms (with ancillary offices); shops and incorporating pedestrian, cycle and public transport access, servicing and landscaping without complying with a condition attached to planning permission Ref C/98/0355/FP, dated 6 September 2000.
- The condition in dispute is No 31 which states that: the other units within the Leisure building shall not be open for trade with the public outside the hours 10.00-24.00 hours, save for a health and fitness centre, if included, which may be open for trade between 07.00 and 24.00 hours only on any one day.
- The reason given for the condition is: in the interests of the amenity of local residents.

### Decision

1. I allow the appeal and grant planning permission for redevelopment to provide Class D2/A3 Leisure Facilities (including but not limited to a bowling alley, a multi screen cinema, a health and fitness centre and restaurants); multi-storey/surface car parking with amenity areas; hotel, housing, auction rooms (with ancillary offices); shops and incorporating pedestrian, cycle and public transport access, servicing and landscaping at Cambridge Leisure Park, Clifton Way, Cambridge CB1 7DY in accordance with the application Ref 08/1581/FUL, dated 9 December 2008, without compliance with condition number 31; **only in as far as it relates specifically to the opening hours at Unit 7A (Nusha)**; previously imposed on planning permission Ref C/98/0355/FP dated 6 September 2000, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Unit 7A, a bar known as Nusha, shall not be open for customers outside the following hours:
    - 1000 to 2400 on Monday, Wednesday, Thursday and Sunday



- 1000 on Tuesday to 0130 on the following Wednesday morning
- 1000 on Friday to 0130 on the following Saturday morning
- 1000 on Saturday to 0130 on the following Sunday morning

### **Background**

2. The appeal premises (Nusha) are operated as a bar and comprise one of several units forming the Cambridge Leisure Park. Planning permission for the Park was granted in 2000 subject to a number of conditions, among which No 31 required businesses with the exception of the Cinema to close for trading by midnight. The Cinema is permitted to remain open until 0230 hours on Saturday and Sunday mornings; although I understand that it rarely does so. I also understand that "The Junction", a music venue integral to, but not part of, the Leisure Park development is not restricted in opening hours; although the evidence is that they are not regularly open beyond midnight.
3. In November 2007 permission was granted for Nusha to remain open until 0130 hours on Wednesday, Saturday and Sunday mornings ie an extension of the previously permitted opening hours for Tuesday, Friday and Saturday. This was a temporary permission expiring on 1 December 2008, although the appellant's evidence is that the premises have been operating on this basis continuously since September 2008. The current application is for this to be allowed to continue. I understand that a premises licence for these extended hours was granted in August 2008.

### **Main issue**

4. The Council's concerns are two-fold; firstly that to allow extended opening hours at Nusha has the potential to lead to a change in the character of the wider leisure park and secondly the proposal could give rise to an unacceptable level of noise and disturbance for local residents.

### **Reasons**

5. The Council's concerns are encapsulated into two separate reasons for refusal which each rely upon different saved policies of the Cambridge Local Plan 2006 ie policies 3/6 and 4/13. Notwithstanding that approach I consider the two matters substantially interrelated and I take them together. In doing so I note that the sole justification for the imposition of trading hours (Condition No 31) in the original permission for the Leisure Park was for the protection of the amenity of local residents.
6. The Cambridge Leisure Park is a purpose-built multi-facility leisure and entertainment complex built on the site of the former cattle market. The Junction, a nightclub/music venue has been incorporated into the overall facility. Apart from the appeal proposal and "Subway" there appears to have been little enthusiasm among the Leisure Park operators for extended trading hours. Even among the major attractions at the Park such as The Junction and the Cinema, which I also noted had a number of other leisure uses such as a bowling alley and restaurants within its envelope, where there is the facility for extended operating hours, regular advantage does not appear to be taken of the additional flexibility.



7. This strongly suggests to me that the extension of hours at Nusha has not to date had any material affect upon the way in which the complex operates and I find little evidence which points to such an extension having any significant affect in this respect in the future. For this reason I consider the concerns of the Council and local residents about extended hours at Nusha having the potential to change the character of the Leisure Park from one which is described as family-orientated to one of a late night culture both unsupported conjecture and misplaced.
8. However even if extended hours at Nusha were to lead to some of the other operators opening for longer periods I am not persuaded that the "family-orientated" use of the complex would necessarily be weakened or undermined. There is nothing to suggest that the broad mix and range of uses, which are controlled by the original permission, are likely to change. It is the nature of these uses which have a fundamental bearing upon the character of the Park, its attractions and the way in which it is used. In my view any broadening of the customer base through extended opening is most unlikely to have any material impact upon the principal attributes of the leisure complex. In this respect I note that the Leisure Park management company is supportive of the extended hours in this case, as is the management of the Travelodge.
9. In as much as I consider the evidence points to it being unlikely that the proposal for extended hours at Nusha would give rise to any material pressure for extended hours elsewhere or encourage those who already have that flexibility to make further use of it, I believe it follows that the proposal is unlikely to give rise to a significant increase in patronage at the Leisure complex beyond midnight. Therefore, other than any additional noise and disturbance which may arise from Nusha, a matter I turn to shortly, I am not persuaded that there would be any serious prospect of further cumulative harm to local residents. In this matter I also take some reassurance from the cumulative zone impact policy operated by the relevant licensing authority. The Leisure Park falls within an area where the policy is applied and seeks to prevent the licensing of premises where there is likely to be a cumulative impact.
10. As to the likely specific impact of the proposed trading hours at Nusha I observed that the premises are well within the confines of the Leisure Park complex and close to car parking, taxi and drop off/pick up points. The bar is at the opposite extremity of the complex from the integral purpose-built and well-insulated residential units close to Cherry Hinton Road and well removed and separated from the older residential areas along Cherry Hinton Road and in Rustat Road and the newer developments on the far side of Hills Road. On site management, supervision and security would appear to be of a high order.
11. In my view these circumstances point to the likelihood of very limited amounts of noise and disturbance to local residents in their homes from either the bar itself or from its customers within the leisure complex. To my mind the greatest potential for impact upon living conditions arises once customers have dispersed from the Leisure Park and are either walking or cycling through the local area or using cars parked in nearby streets. Local residents point to occasional instances of anti-social behaviour leading to noise and disturbance which they suggest arise from customers of Nusha, although I am not aware of any records of formal complaints during the period the bar has operated



extended hours or documentary support for the instances of late-night incidents referred to by the Rustat Neighbourhood Association.

12. I accept that occasionally instances of late-night disturbance to local residents arise. The possibility that some are attributable to customers leaving Nusha cannot be ruled out. However, in areas where leisure and recreation facilities are concentrated disturbance may arise from a variety of other sources and for different reasons. In my view there is an absence of any conclusive or compelling evidence which firmly points to the present operation of Nusha as having any significant impact in terms of eroding the quality of the neighbouring residential environment. For these reasons I am not persuaded that there is a compelling case to conclude that permitting Nusha to permanently extend its operating hours as sought would have any appreciable or noticeable impact upon the levels of noise and disturbance experienced by local residents.

### Conclusions

13. In summary therefore I do not consider the proposal to be in conflict with policy 3/6 of the local plan which seeks to ensure co-ordinated development and to safeguard the prospect of appropriate future developments. In this particular instance I find nothing to suggest that the future nature, characteristics and function of the Leisure Park would be harmed. Equally I find no material conflict with the intent of policy 4/13 which, among many matters, aims to protect living conditions in residential areas.
14. In reaching my conclusions I have also had regard to the decision of the Inspector who determined an appeal in June 2009 in respect of the proposed extension of trading hours at Nusha until 0200 hours each night of the week. In dismissing that appeal the Inspector sought to distinguish the proposal before him from the terms of the temporary permission granted in 2007. I agree with this view and have already indicated that what is now sought is essentially a continuation of the terms of that temporary permission. It is on the basis of these particular circumstances that I have determined this appeal and although noting what the officer's report says about a further temporary permission being granted I consider a sufficient period has lapsed to enable the matter to be fully assessed and to conclude that there no sound reasons for withholding a permanent planning permission.
15. Therefore, having regard to the reasons above and all other matters raised in the representations, I grant planning permission for the extended hours at Nusha and do so by adding a further condition to this effect to the original permission for the Leisure Park. This makes it clear that the condition refers only to Nusha and none of the other premises and that the other conditions imposed in 2000 continue to apply.

*Peter J Golder*

INSPECTOR

**EAST AREA COMMITTEE**

**Date: 28<sup>th</sup> November 2013**

|                           |  |                    |                        |
|---------------------------|--|--------------------|------------------------|
| <b>Application Number</b> | 13/1262/FUL  | <b>Agenda Item</b> |                        |
| <b>Date Received</b>      | 6th September 2013   | <b>Officer</b>     | Miss Catherine Linford |
| <b>Target Date</b>        | 1st November 2013  |                    |                        |
| <b>Ward</b>               | Petersfield  |                    |                        |
| <b>Site</b>               | Land Adjacent To 40-42 Cambridge Place<br>Cambridge CB2 1NS  |                    |                        |
| <b>Proposal</b>           | Redevelopment of land adjacent to 40-42<br>Cambridge Place, Cambridge for the erection of a<br>block of 3No. 1 bed apartments and 3No. 1 bed<br>studios. |                    |                        |
| <b>Applicant</b>          | Mr James Arnold<br>Bennell Farm West Street Comberton<br>Cambridgeshire CB3 7DS UK   |                    |                        |

|                       |  |
|-----------------------|--|
| <b>SUMMARY</b>        | <p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal would preserve and enhance the established character and appearance of the Conservation Area</li> <li>2. The use of the premises for residential purposes would not adversely harm the amenities of neighbouring properties.</li> <li>3. The sharing of cycle and refuse storage with Ryedale House is acceptable and adequate refuse and cycle storage is proposed for both developments.</li> </ol> |
| <b>RECOMMENDATION</b> | <b>APPROVAL</b>  |

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

- 1.1 The application site is an almost rectangular parcel of land situated on the south-eastern side of Cambridge Place, which was most recently used as a car park. The site is situated between Ryedale House to the northwest, which is currently being converted into flats; and 44 Cambridge Place, which is the first of a row of 1.5 storey houses. Cambridge Place is mixed in character, with commercial and residential uses. The site lies within City of Cambridge Conservation Area 1 (Central).

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for a three storey building, with a set-back top floor, to provide three studio flats on the ground floor, and three duplex one-bedroom flats on the first and second floor.
- 2.2 The proposed building would adjoin 44 Cambridge Place, leaving a gap of 2m between the proposed building and Ryedale House.
- 2.3 The ground floor, studio flats would be accessed from individual entrance doors on the front elevation. At ground floor level, the building would extend back to the rear boundary with Glisson Road, with the rear elevation split into three and chamfered-off. These flats would have small rear gardens.
- 2.4 The one-bedroom, duplex flats would be accessed from a communal door at the front of the building. The first floor would be set back 2.2m from the rear boundary. The top floor would be set back a further 2.2m from the rear of the building and 1.7m from the front. Private balconies would be provided for these flats on the top floor at the front.
- 2.5 A bin store would be provided in Ryedale House for the use of the occupants of Ryedale House and the proposed building. A shared cycle store would be provided between the two buildings.
- 2.6 The application is accompanied by the following supporting information:

1. Design and Access Statement



## 2. Shadow Studies

2.7 Amended plans have been received which show the following revisions:

- ☐ Reduce the parapet by 300mm in height

2.8 The application is brought before Committee at the request of Councillor Brown for the following reasons:

*I feel there are potential issues with overlooking of adjacent properties and the visual impact upon them from this proposed development which warrant exploration at committee, and would ask this application be considered by committee if you are minded to recommend approval.*

## 3.0 SITE HISTORY

| Reference   | Description  | Outcome |
|-------------|--|---------|
| 12/1558/FUL | Conversion of existing buildings to form 4no 1bedroom flats, along with cycle and refuse store, first floor dormer side extension and part demolition of rear. [Ryedale House] | A/C     |

## 4.0 PUBLICITY

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

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

| PLAN                |       | POLICY NUMBER                 |
|---------------------|-------|-------------------------------|
| Cambridge Plan 2006 | Local | 3/1 3/4 3/7 3/8 3/9 3/10 3/12 |

|  |          |
|--|----------|
|  | 4/11     |
|  | 5/1 5/14 |
|  | 8/6 8/10 |
|  | 10/1     |

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

|                                  |   |
|----------------------------------|---|
| Central Government Guidance      | <p>National Planning Policy Framework March 2012</p> <p>Circular 11/95</p> <p>Community Infrastructure Levy Regulations 2010</p>  |
| Supplementary Planning Documents | <p>Sustainable Design and Construction</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP) : Waste Management Design Guide</p> <p>Planning Obligation Strategy</p>   |
| 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>National Planning Practice Consultation</p> |
|                                  | <p><u>Citywide:</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water</p>   |

|  |   |
|--|---|
|  | Management Plan<br>Open Space and Recreation Strategy<br>Cycle Parking Guide for New Residential Developments |
|  | <u>Area Guidelines:</u><br><br>Conservation Area Appraisal:<br><br>Cambridge Historic Core                    |

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

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

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

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 27: Carbon reduction, community energy networks, sustainable design and construction and water conservation

Policy 34: Light pollution

Policy 50: Residential space standards

Policy 51: Lifetime homes and lifetime neighbourhoods

Policy 57: Designing new buildings

Policy 82: Parking management

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The residents of the new residential units will not qualify for Residents Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. The location would, however, support a car free development, as the street parking is safeguarded by existing restrictions. Conditions are recommended relating to a traffic management plan.

### **Head of Refuse and Environment**

- 6.2 No objection. Conditions are recommended relating to construction hours, collection/delivery hours and construction/demolition noise and vibration.

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

- 6.3 Provided the parapet wall section above the first floor windows to the front elevation is broken up, the proposal will preserve and enhance the established character and appearance of the Conservation Area.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- ☐ 15 Cambridge Place
- ☐ 44 Cambridge Place
- ☐ 47 Cambridge Place
- ☐ 18 Glisson Road
- ☐ 19 Glisson Road
- ☐ 21 Glisson Road
- ☐ 23 Glisson Road
- ☐ 2 Emmanuel Road

- 7.2 The representations can be summarised as follows:

### Context and design

- ☐ The proposed building is much higher than the roofline of the adjacent houses and the maximum height is further than the neighbouring houses

### Residential amenity

- ☐ Overlooking and loss of privacy
- ☐ All ventilation and extraction systems must not vent onto the rear of the building
- ☐ The construction vehicles will park on Cambridge Place as there is nowhere else for them to go
- ☐ Overbearing sense of enclosure
- ☐ Oppressive
- ☐ Overshadowing
- ☐ The developers justify the increase in height when compared with the neighbouring houses because the gardens of 21 and 23 Glisson Road get progressively larger. The increase in size is barely perceptual
- ☐ Noise from building works and occupants

### Refuse storage

- ☐ It is impractical for this development to share refuse storage with Ryedale House

### Car and cycle parking

- ☐ Lack of car parking
- ☐ It is impractical for this development to share cycle storage with Ryedale House

### Other

- ☐ Cambridge is short of family dwellings

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

## **8.0 ASSESSMENT**

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

1. Principle of development

2. Context of site, design and impact on the Conservation Area
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

## **Principle of Development**

- 8.2 Policy 5/1 of the Cambridge Local Plan states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The site is surrounded by residential uses and it is therefore my opinion that the proposed residential development is acceptable in principle, and is in accordance with policy 5/1 of the Cambridge Local Plan (2006).

## **Context of site, design and impact on the Conservation Area**

- 8.3 The New Town and Glisson Road Conservation Area Appraisal states that *“Cambridge Place...has been repaved and much rebuilt with largely two storey, modern houses in the narrow street,...- very much in scale and very much in keeping”*. The buildings to either side of the site are considered to be buildings important to the character of the area within the Townscape Analysis map of the New Town and Glisson Road Conservation Area Appraisal.
- 8.4 Policy 4/11 of the Cambridge Local Plan (2006) states that developments within, or which affect the setting of or impact on views into and out of the Conservation Area, will only be permitted if the design of any new building preserves or enhances the character or appearance of the Conservation Area by faithfully reflecting its context or providing a successful contrast with it. The design of the proposed building reflects the wider context, if not the immediate and is supported.
- 8.5 The proposed building is taller than both Ryedale House to the northeast; and the row of terrace houses, of which No. 44 is the first, to the southwest. In my opinion, this does not mean that it would be out of character or harmful to the character of appearance of the Conservation Area. Diagonally opposite the

site is the recently constructed block of flats, 20-24 Cambridge Place. This building is four storeys in height, but is similar to the proposed building in terms of its bulk, mass and design. The buildings do increase in height further down Cambridge Place, but due to its proximity to the site it is my opinion that it should be taken into consideration when assessing the acceptability of the proposed building, as it does form part of the context.

- 8.6 In my opinion, the proposed building would not appear out place with the neighbouring properties immediately adjacent to it. The ground floor windows and doors line up with the garage door and entrance door of No.44 and the first floor windows almost line up with the first floor windows on No. 44.
- 8.7 Above the first floor windows is an expansive area of brickwork, which forms the wall of the second floor balconies. Whilst the Urban Design and Conservation Team support the overall design, they have raised concern about this detail. It is their view that it is this aspect of the design that makes the building appear as dominant in bulk and massing terms as it does. It was, therefore recommended that this expanse of brickwork should be broken up or reduced. To respond to this concern, the height of the wall has been reduced by 300mm. The Urban Design and Conservation Team accept this amendment and are supportive of the scheme. It is recommended that samples of materials are required by condition (6).
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/12, 4/11.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.9 Due to the positioning of the proposed building, the proposals may potentially impact on 44 Cambridge Place to the southwest; 19-23 Glisson Road to the southeast; the flats at 20 Cambridge Place to the northwest; and the soon to be completed flats in Ryedale House to the northeast.

### *Impact on 44 Cambridge Place*

- 8.10 The proposed building would stand to the northeast of 44 Cambridge Place. At two-storeys the rear wall of the proposed

building would stand in line with the rear wall of the 1.5 storey part of No.44. Like No. 44, the proposed building would have single storey projections at the rear, but these parts would be at an angle, bringing it away from the common boundary. As the proposed building would stand in line with the neighbouring property, it would not dominate, enclose, overshadow or overlook this neighbour. Due to the angle of the single storey elements, it is my view that these parts would also not overshadow, dominate or enclose this neighbour to an unacceptable degree. A glazed door is positioned facing towards the common boundary but any views from this would be screened by the boundary wall.

### *19-23 Glisson Road*

- 8.11 The proposed building would stand to the northwest of the neighbouring properties on Glisson Road. The single storey projecting elements would be set at an angle abutting the common boundary with 19-23 Glisson Road; with the the first floor set back a further 2.2m from the common boundary. The roof would then pitch away from Glisson Road, with the accommodation set back a further 2.2m.
- 8.12 Shadow studies have been submitted to demonstrate the impact of overshadowing, although since the studies relate only to 21<sup>st</sup> March and 21<sup>st</sup> September but not any other months I am unable to rely on them to fully assess the impact of overshadowing. Due to the orientation of the buildings, the proposed building would cast shadow over the neighbouring gardens on Glisson Road in the late afternoon. However, in my opinion, the level of overshadowing experienced is not likely to be at a level that would warrant refusal of the application. The setting of the first floor of the building back from the boundary by 2.2m would reduce its dominance, in my view, and the introduction of a pitched roof on this side, would further reduce the bulk of the building when viewed from the gardens of the neighbouring houses on Glisson Road. In my opinion, the proposed buiding would not be excessively overbearing, and would not dominate or enclose the properties on Glisson Road to an unacceptable degree.
- 8.13 Windows are proposed at the rear of the building on the first floor, but the submitted plans show these windows as obscure glazed as they would serve bathrooms and the corridor. I



recommend a condition requiring these windows to be obscure glazed and fixed shut (7).

*Impact on the flats at 20 Cambridge Place*

- 8.14 The proposed building would stand to the southeast of the flats at 20 Cambridge Place, on the opposite side of the street. Due to the orientation of the buildings, the proposed building could cast shadow over the flats at 20 Cambridge Place in the morning. However, the submitted shadow diagrams show that the shadow would not reach the flats at 20 Cambridge Place, and the proposed building would therefore, in my view, not have a significant detrimental impact on the occupiers of these flats. As the proposed building is on the opposite side of the street to these neighbouring flats it is my opinion that the proposed building would not dominate or enclose these neighbours to an unacceptable degree.

*Impact on Ryedale House*

- 8.15 The proposed building would stand to the southwest of Ryedale House. The two buildings would share bin and cycle stores. As the proposed building would be no deeper than Ryedale House it would not overshadow, dominate or enclose it. No windows are proposed on the side elevation of the proposed building and there is therefore no potential for the building to overlook Ryedale House.
- 8.16 As the development is close to neighbouring residential properties the building works have the potential to have a detrimental impact on neighbours. To mitigate against this, I recommend conditions relating to construction hours, delivery hours, dust and construction noise (2, 3, 4 and 5).
- 8.17 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 3/7.

Amenity for future occupiers of the site

- 8.18 The site is relatively close to the rear of the Bodyworks Dance Studio building on Glisson Road, and there is therefore the potential for noise disturbance. Due to the proposed layout of

the flats, with living rooms facing the road and bedrooms at the rear, Environmental Health Officers have taken the view that a noise assessment will not be required as long as the layout of the flats is not altered. The internal layout of a building cannot be controlled by the planning process and, therefore, in order to ensure that the living accommodation is satisfactory if the layout is altered, I recommend a condition requiring a noise assessment and mitigation strategy (8).

- 8.19 There are no known contamination issues on the site. However, Environmental Health have recommended that an informative is added to the Decision Notice advising the applicant to contact the Local Planning Authority if any contamination is discovered during the course of building works.
- 8.20 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12 (or 3/14).

### **Refuse Arrangements**

- 8.21 It is proposed that the refuse store is shared by the occupants of 40-42 Cambridge Place and the occupants of Ryedale House. Environmental Health are satisfied with the size of the proposed bin store.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and advice provided by the Cambridgeshire and Peterborough Waste Partnership (RECAP) : Waste Management Design Guide

### **Car and Cycle Parking**

#### Car Parking

- 8.23 Attached as Appendix 1 is an Appeal Decision relating to 25 Cambridge Place (12/0490/FUL). This application was refused by Area Committee because the proposal provided no car parking for visitors, and therefore did not meet the parking standards identified in policy 8/10 of the Cambridge Local Plan (2006). In the Appeal decision, the Inspector took the view that

the parking standards 'are maximum standards that allow for a reduction in number where lower car use can reasonably be expected. The site is close to the City Centre, local shops, facilities and public transport, including Cambridge Railway Station. The flats would be small units, and I consider the size together with the highly accessible location, would mean that lower than average car use would be expected for this development'. The Inspector went on to explain that 'the site falls within a controlled parking zone and there are double yellow lines along both sides of Cambridge Place. If properly controlled, this would prevent inconvenient parking or parking which might pose a risk to highway safety. Therefore, there would be no harm arising from the lack of on-site parking.

8.24 This application sought planning permission for three studio flats and two one bedroom flats, and is therefore a similar development to the proposed development at 40-42 Cambridge Place. Considering the Inspector's decision on a site so close to the application site, it is my opinion that it would be unreasonable to refuse the application due to a lack of car parking spaces.

8.25 The planning application to convert Ryedale House into residential use (12/1558/FUL) included a disabled parking space adjacent to the building. It is proposed that Ryedale House and the proposed development at 40-42 Cambridge Place share a bin store, which will be situated within the ground floor of Ryedale House; and a cycle store, which will be situated between the two buildings. The area of land to the front of the cycle store is the location of the disabled parking space, which will be lost. In my opinion, the loss of the proposed disabled parking space will not render the application at Ryedale House unacceptable, and I therefore accept this

#### Cycle Parking

8.26 The proposed cycle store would accommodate ten cycles, and this meets the requirements for 40-42 Cambridge and Ryedale House combined. This is therefore considered to be acceptable in principle. However, I recommend that details of the appearance of this cycle store are required by condition (9).

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

## **Third Party Representations**

### Cambridge is short of family dwellings

- 8.28 The Local Planning Authority must assess the acceptability of what is proposed, and there is no policy basis to refuse the application because it proposes one-bedroom flats rather than family houses.

## **Planning Obligations**

- 8.29 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. Cambridgeshire and Peterborough Waste Partnership (RECAP) : Waste Management Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. 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

- 8.30 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.
- 8.31 The application proposes the erection of three one-bedroom flats, and three studio flats. 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       | 3                    | 714         |
| 1 bed                            | 1.5              | 238          | 357       | 3                    | 1071        |
| 2-bed                            | 2                | 238          | 476       |                      |             |
| 3-bed                            | 3                | 238          | 714       |                      |             |
| 4-bed                            | 4                | 238          | 952       |                      |             |
| <b>Total</b>                     |                  |              |           |                      | <b>1785</b> |

| <b>Indoor sports facilities</b> |                  |              |           |                      |                |
|---------------------------------|------------------|--------------|-----------|----------------------|----------------|
| Type of unit                    | Persons per unit | £ per person | £per unit | Number of such units | Total £        |
| studio                          | 1                | 269          | 269       | 3                    | 807            |
| 1 bed                           | 1.5              | 269          | 403.50    | 3                    | 1210.50        |
| 2-bed                           | 2                | 269          | 538       |                      |                |
| 3-bed                           | 3                | 269          | 807       |                      |                |
| 4-bed                           | 4                | 269          | 1076      |                      |                |
| <b>Total</b>                    |                  |              |           |                      | <b>2017.50</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       | 3                    | 726         |
| 1 bed                      | 1.5              | 242          | 363       | 3                    | 1089        |
| 2-bed                      | 2                | 242          | 484       |                      |             |
| 3-bed                      | 3                | 242          | 726       |                      |             |
| 4-bed                      | 4                | 242          | 968       |                      |             |
| <b>Total</b>               |                  |              |           |                      | <b>1815</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         | 3                    | 0        |
| 1 bed                                       | 1.5              | 0            | 0         | 3                    | 0        |
| 2-bed                                       | 2                | 316          | 632       |                      |          |
| 3-bed                                       | 3                | 316          | 948       |                      |          |
| 4-bed                                       | 4                | 316          | 1264      |                      |          |
| <b>Total</b>                                |                  |              |           |                      | <b>0</b> |

8.32 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 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

8.33 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 £     |
| studio                      | 1256      | 3                    | 3768        |
| 1 bed                       | 1256      | 3                    | 3768        |
| 2-bed                       | 1256      |                      |             |
| 3-bed                       | 1882      |                      |             |
| 4-bed                       | 1882      |                      |             |
| <b>Total</b>                |           |                      | <b>7536</b> |

- 8.34 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 Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

#### Waste

- 8.35 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        |                      |            |
| Flat                                  | 150       | 6                    | 900        |
| <b>Total</b>                          |           |                      | <b>900</b> |

- 8.36 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 Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

#### Household Recycling Centres

- 8.37 A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued

development will put pressure on the existing facilities and require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and are based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.

- 8.38 The adoption of the Waste Management Design Guide SPD requires a contribution to be made in relation to all new development where four or more new residential units are created. Policy CS16 of the adopted Minerals and Waste Core Strategy requires new development to contribute towards Household Recycling Centres (HRCs) consistent with the RECAP Waste Management Design Guide SPD.
- 8.39 For new development in Cambridge the relevant HRC is located at Milton. The following table sets out how the contribution per new dwelling has been calculated for the Milton HRC.

| Notes for Milton   | Infrastructure/households | Source  |
|--|---------------------------|---|
| 4 sites at £5.5 million  | £22 million               | Cost per site sourced from Mouchel Parkman indicative costs 2009    |
| Total catchment (households)   | 115,793                   | WMT Recycling Centre catchment tables CCC mid 2009 dwelling figures |
| New households   | 24,273                    | CCC housing trajectory to 2025 as of December 2010                  |
| <u>Infrastructure costs</u> x New households in catchment<br>Total number of |                           |   |



|   |          |              |
|---|----------|--------------|
| households in catchment                           |          |              |
| <u>£22 million</u><br>115,793                     | x 24,273 | = £4,611,730 |
| Total Developer Contribution per household = £190 |          |              |

The net gain is six dwellings therefore the necessary contribution towards HRC is £1140.

- 8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012), I am satisfied that the proposal accords with the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16.

### Education

- 8.41 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.42 In this case, six additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

| <b>Life-long learning</b> |                  |  |           |                      |            |
|---------------------------|------------------|--|-----------|----------------------|------------|
| Type of unit              | Persons per unit |  | £per unit | Number of such units | Total £    |
| studio                    | 1                |  | 160       | 3                    | 480        |
| 1 bed                     | 1.5              |  | 160       | 3                    | 480        |
| 2+-beds                   | 2                |  | 160       |                      |            |
| <b>Total</b>              |                  |  |           |                      | <b>960</b> |

- 8.43 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 Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

#### Monitoring

- 8.44 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 and £300 per non-financial head of term. Contributions are therefore required on that basis.

#### Planning Obligations Conclusion

- 8.45 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 In my opinion the proposed building would preserve and enhance the established character of the Conservation Area. It is my view that, subject to conditions, the proposal would provide satisfactory living accommodation and would not have a significant impact on neighbouring occupiers. I therefore recommend that the application is approved, subject to conditions and the completion of the S106 agreement.

## 10.0 RECOMMENDATION

**APPROVE** subject to the satisfactory completion of the s106 agreement by 31 January 2014 and 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. Except with the prior written agreement of the local planning authority 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 should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

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

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

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 4/13)

5. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

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

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

7. The windows shown on the rear elevation at first floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation and shall be fixed shut and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

8. Part A

Prior to the commencement of development a noise report prepared that considers the impact of noise from the neighbouring Dance Studio on upon the proposed development shall be submitted in writing for consideration by the local planning authority

Part B

Following the submission of a noise report and prior to the occupation of the development, a noise insulation scheme having regard to acoustic ventilation, protecting the residential units from noise as a result of the proximity of the bedrooms/living rooms to the high noise levels from the neighbouring dance studio shall be submitted to and approved in writing by the local planning authority.

The scheme shall achieve:

- The 'good' noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings- Code of Practice,' with
- Ventilation meeting both the background and purge / summer cooling requirements of Approved Document F.

Details shall include:

- Glazing Specifications
- Details of Ventilation

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

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

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

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

**INFORMATIVE:** If during the works contamination is encountered, the Local Planning Authority should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The applicant/agent to need to satisfy themselves as to the condition of the land/area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future.

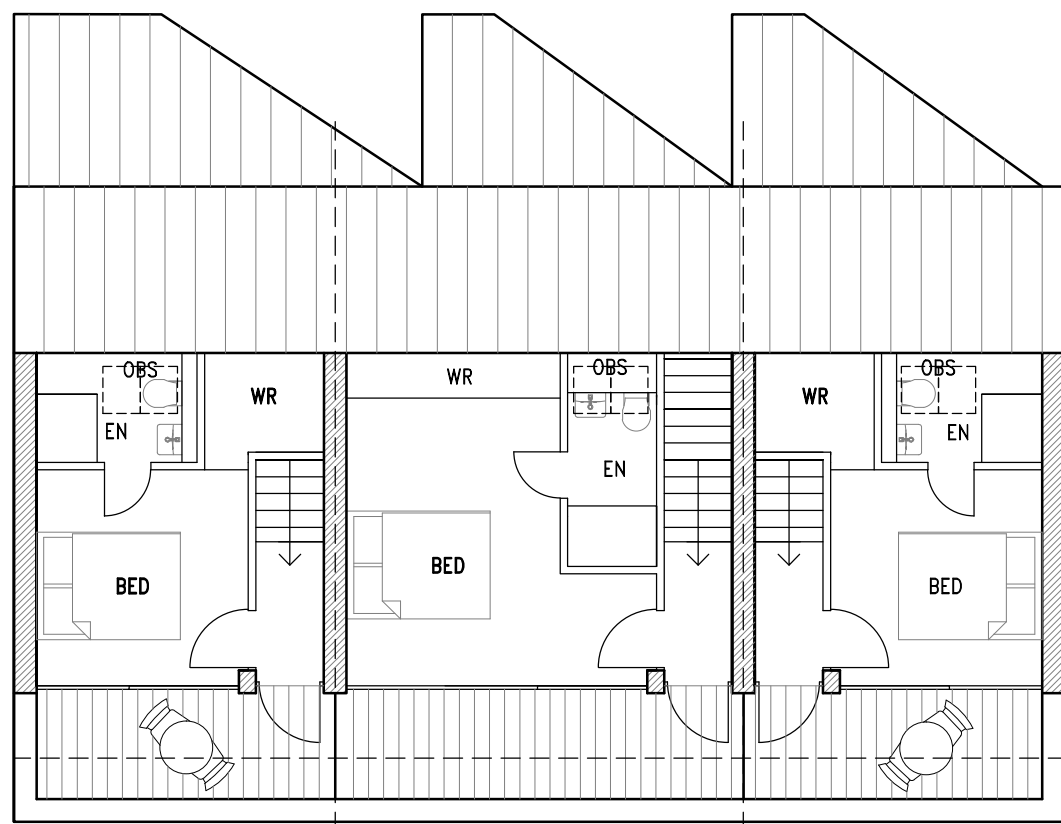
**INFORMATIVE:** The residents of the new residential units will not qualify for Residents Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

**Unless prior agreement has been obtained from the Head of Planning, in consultation with 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 31 January 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):**

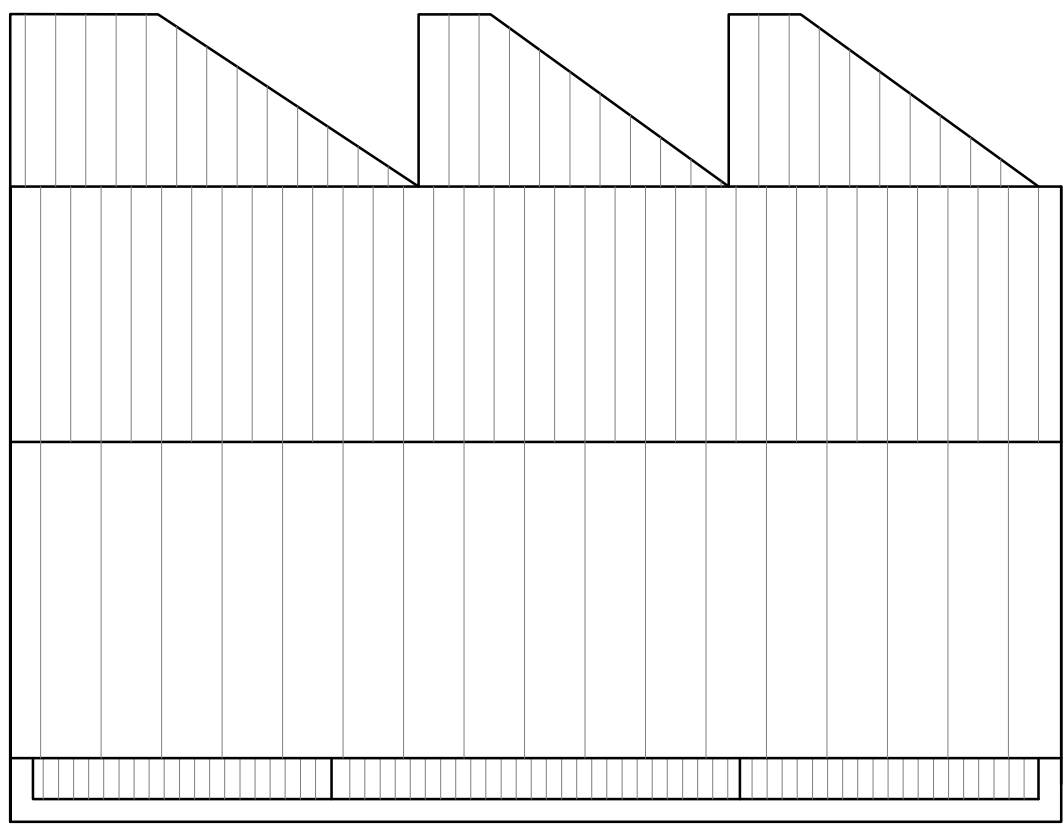
The proposed development does not make appropriate provision for public open space, community development facilities, life-long learning facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14, and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, and Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012

**In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development**

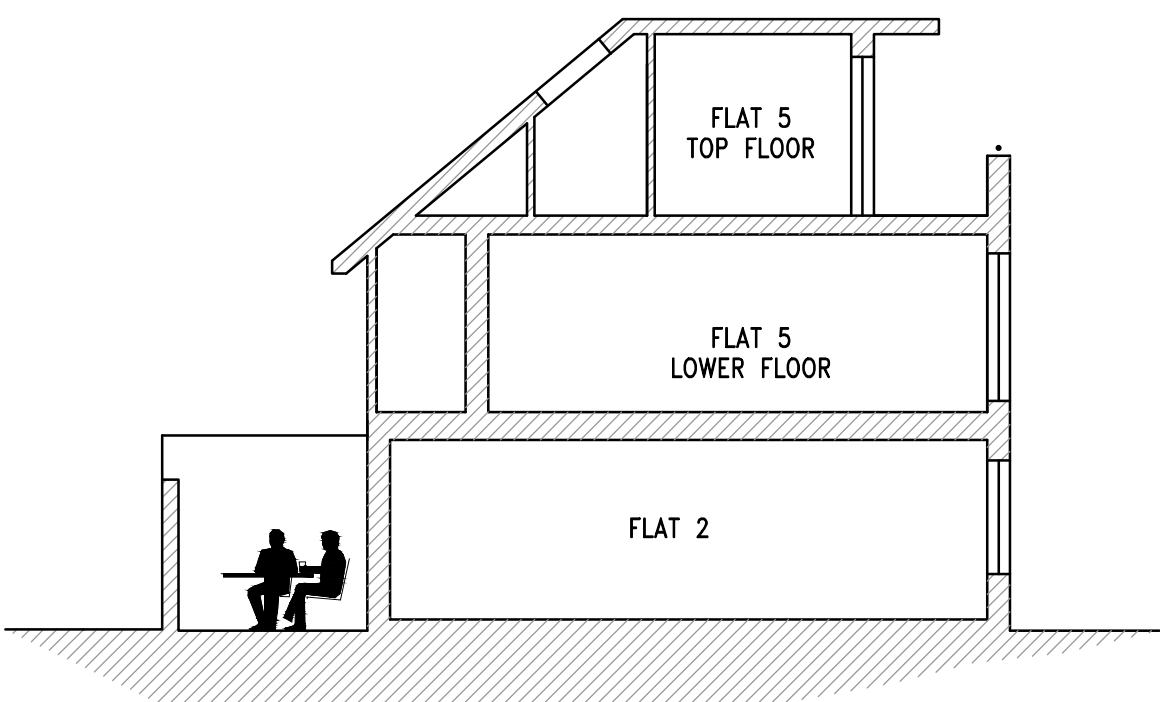




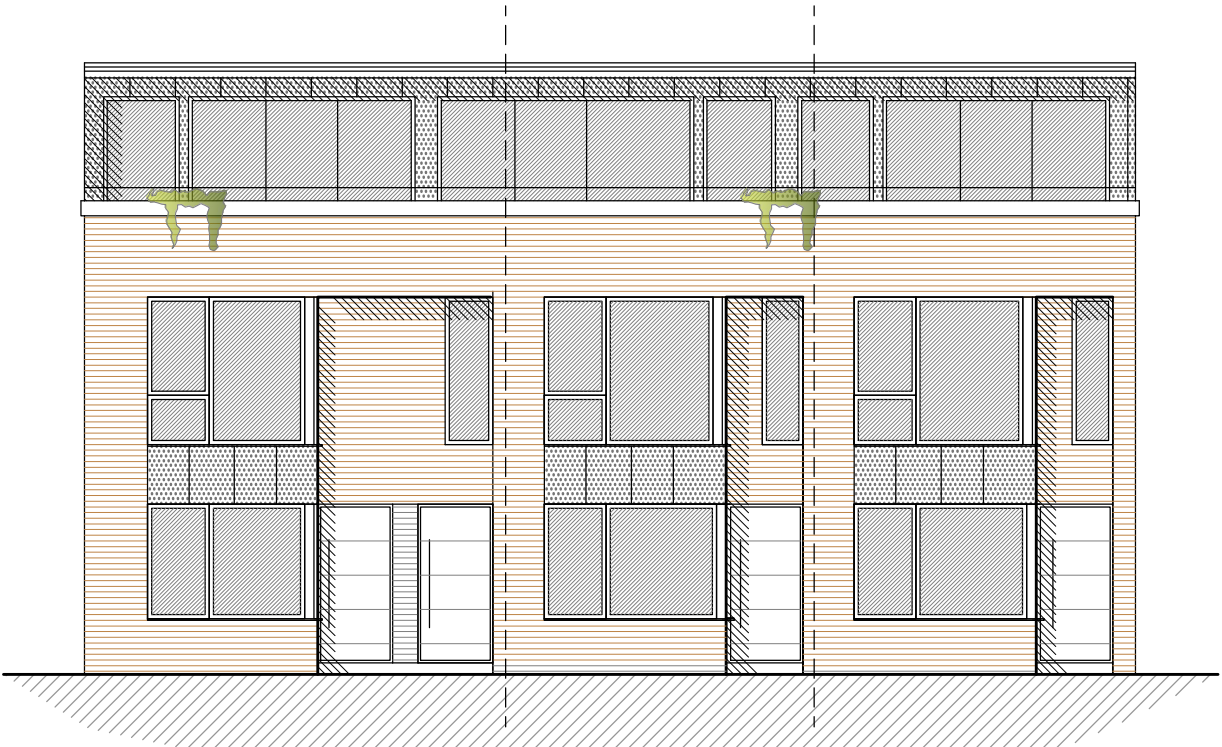
SECOND FLOOR PLAN



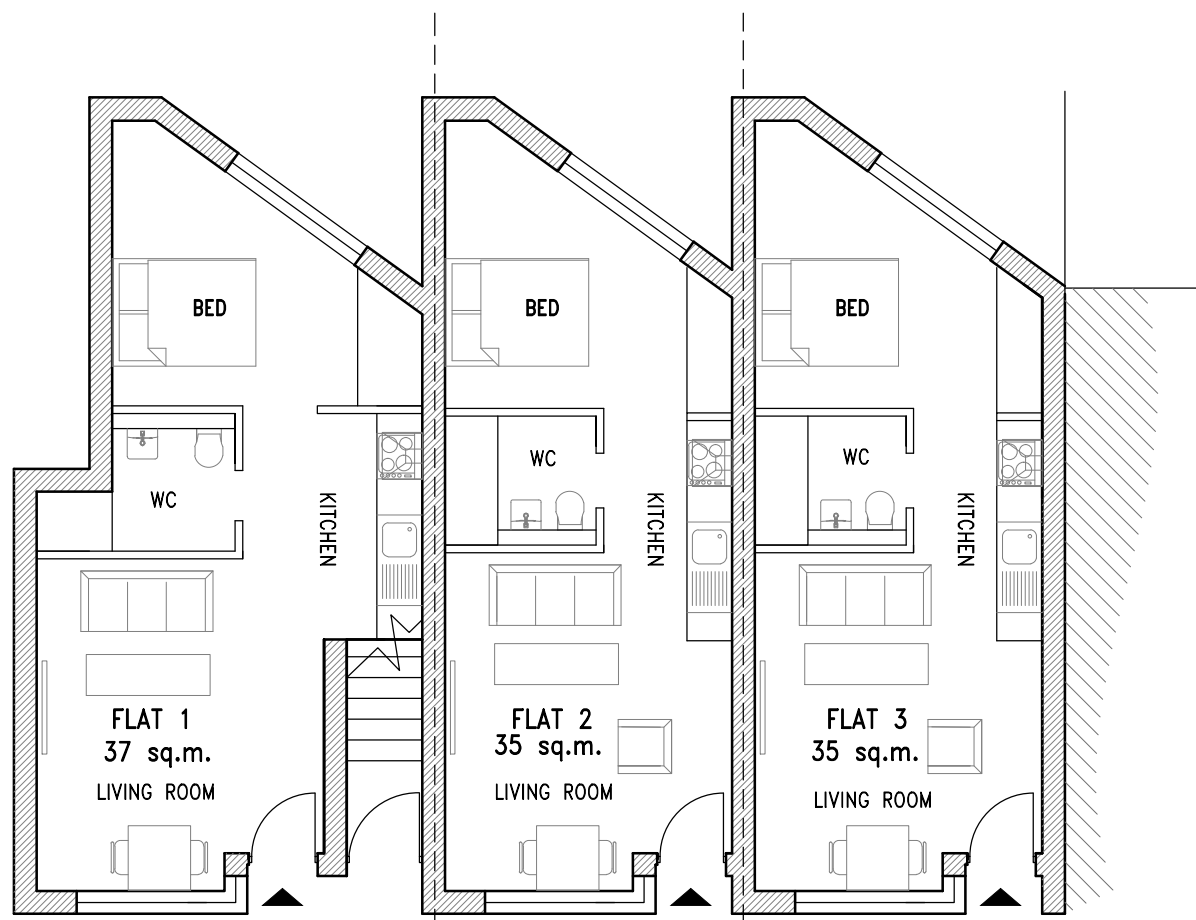
ROOF PLAN



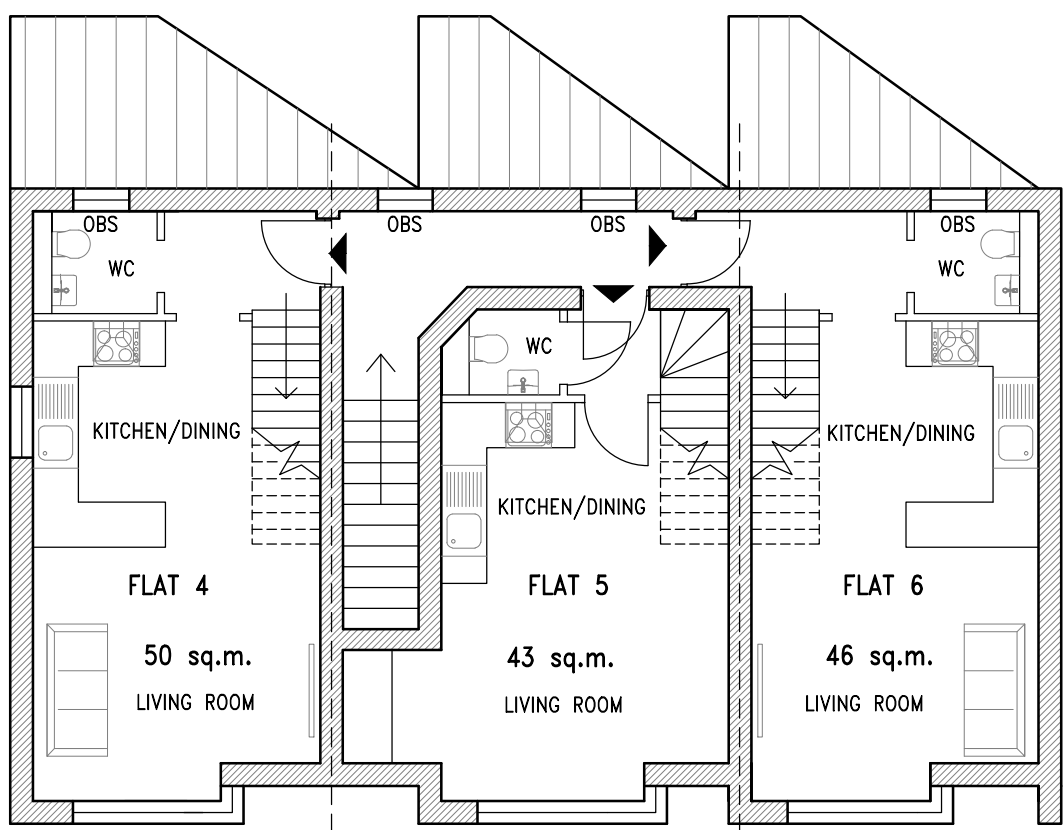
SECTION



FRONT ELEVATION



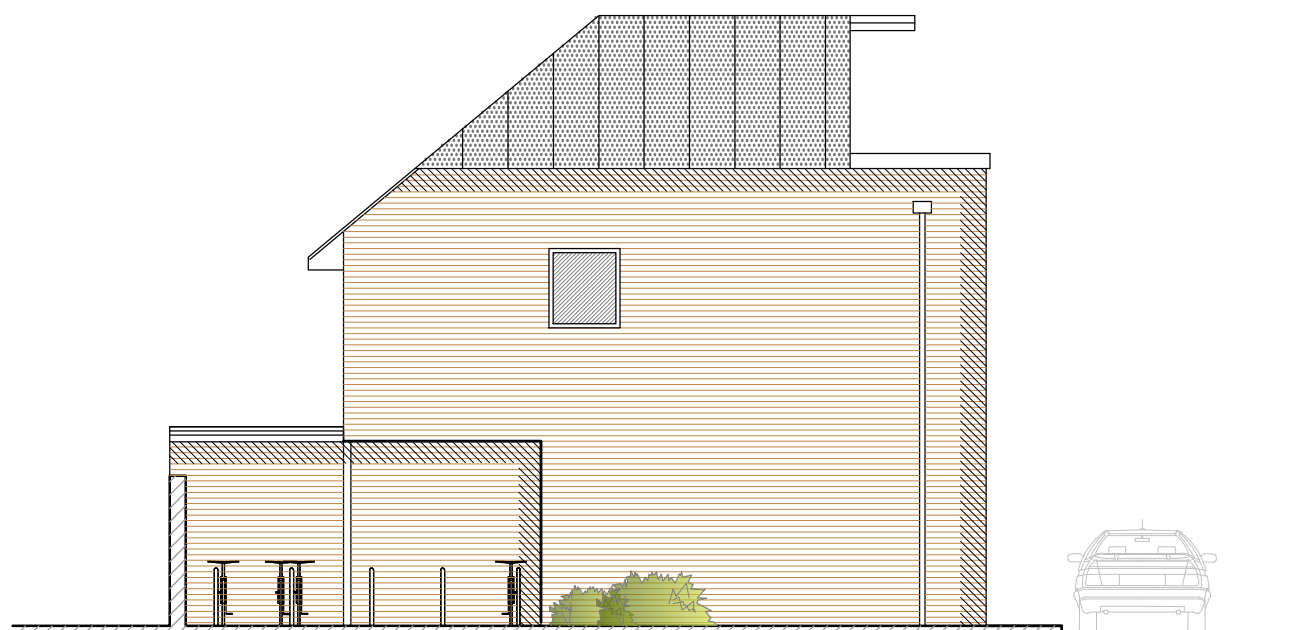
GROUND FLOOR PLAN



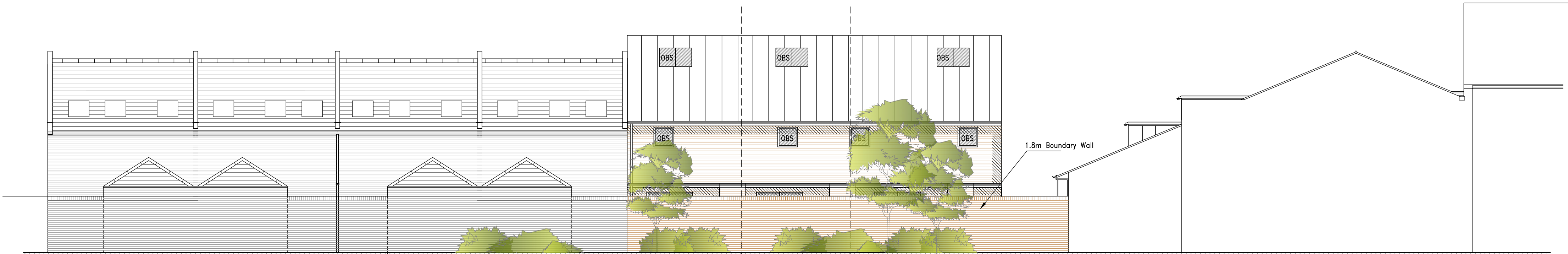
FIRST FLOOR PLAN



REAR ELEVATION  
(BOUNDARY WALL NOT SHOWN)



SIDE ELEVATION



REAR ELEVATION



STREET ELEVATION FROM CAMBRIDGE PLACE

Rev A 15-10-13  
Proposed Building parapet reduced by  
300mm to minimise scale

CLIENT  
Mr James Arnold

PROJECT  
Proposed Development to the Land  
Adjacent to 40-42 Cambridge Place,  
Cambridge

TITLE  
Proposed Floor Plans  
Proposed Elevations

DRAWING STATUS  
PLANNING

DRAWN DSR CHECKED NP

SCALE 1:100 @ A1

DATE Aug. '13

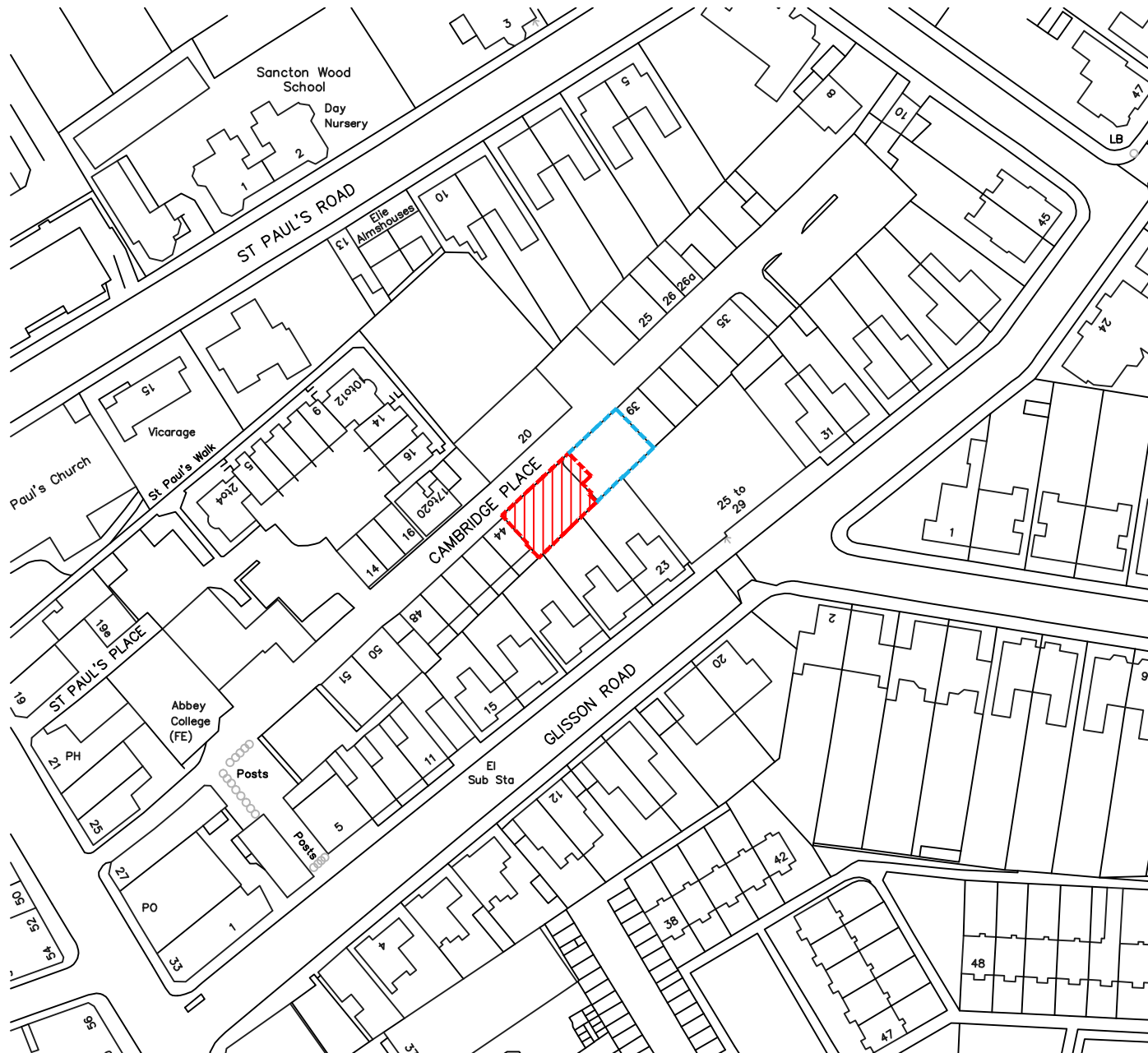
THE GALLERY  
96 KING ST  
CAMBRIDGE  
CB1 1LN  
T: 01223 361803  
F: 01223 361808  
W: www.dpaarchitects.co.uk  
E: info@dpaarchitects.co.uk

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LOCATION PLAN 1:1250

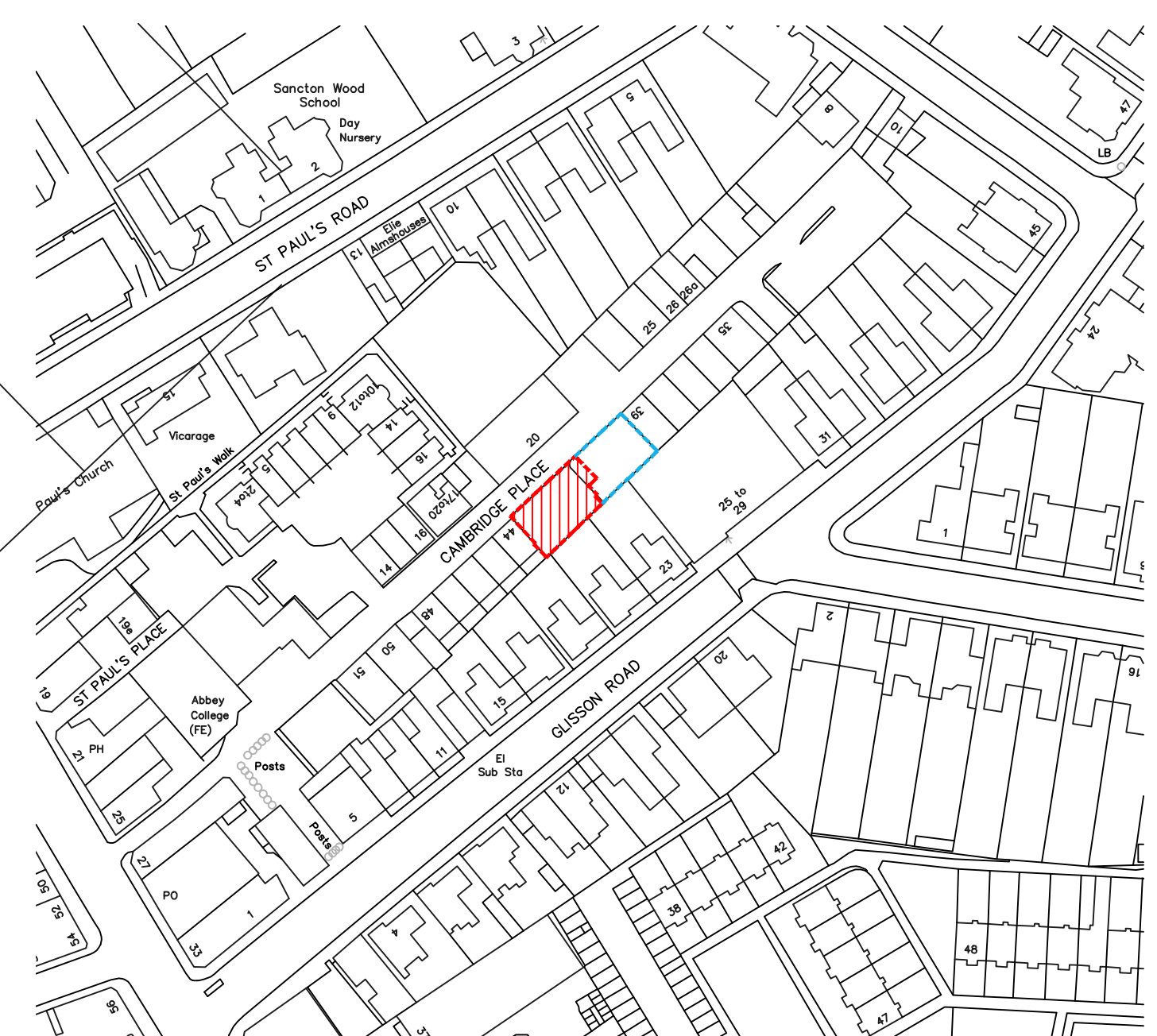
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96 KING ST  
CAMBRIDGE  
CB1 1LN

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F: 01223 361808  
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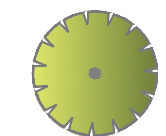
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LOCATION PLAN 1:1250

SITE LEGENDS-



EXISTING TREE LOCATIONS  
INDICATIVE OFF SITE

CBF CLOSED BOARDED FENCE.

BLOCK PAVING.

\*\*\*\*\* SITE BOUNDARY.

CLIENT

Mr James Arnold

## PROJECT

Proposed Development to the Land  
Adjacent to 40-42 Cambridge Place,  
Cambridge

TITLE

Proposed Site Plan

## DRAWING STATUS

## PLANNING

|       |     |         |    |
|-------|-----|---------|----|
| DRAWN | DSR | CHECKED | NP |
|-------|-----|---------|----|

SCALE 1:100 @ A1

DATE Aug. '13

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96 KING ST  
CAMBRIDGE  
CB1 1LN

T: 01223 361803  
F: 01223 361808  
w: [www.dpaarchitects.co.uk](http://www.dpaarchitects.co.uk)  
e: [info@dpaarchitects.co.uk](mailto:info@dpaarchitects.co.uk)

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319

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REV



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## Appeal Decision

Site visit made on 12 November 2012

by **C Thorby MRTPI IHBC**

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

Decision date: 31 December 2012

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**Appeal Ref: APP/Q0505/A/12/2180931**  
**25 Cambridge Place, Cambridge, CB2 1NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Mutty against the decision of Cambridge City Council.
  - The application Ref 2/0490/FUL, dated 18 April 2012, was refused by notice dated 21 June 2012.
  - The development proposed is change of use from offices (Class B1) to form 3no studios and 2no 1 bedroom flats with associated access arrangements and external alterations.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use from offices (Class B1) to form 3no studios and 2no 1 bedroom flats with associated access arrangements and external alterations at 25 Cambridge Place, Cambridge, CB2 1NS in accordance with the terms of the application, Ref 2/0490/FUL, dated 18 April 2012, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No construction work or demolition shall be carried out 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.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: PL(21)02A

### Application for costs

2. An application for costs was made by Mr Richard Mutty against Cambridge City Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues in this case are:
  - i) Whether the parking provision would meet local plan policy on parking, cause inconvenience to visitors or affect highway safety;
  - ii) The effect of the refuse and cycle facilities on the living conditions of the future occupiers in terms of cramped living conditions and noise and disturbance.



## Reasons

4. *Parking provision.* The site is located along a narrow lane where there is a mix of offices and residential properties. The scheme makes no provision for on-site parking and the Council consider that this would not meet their parking standards identified in the Cambridge Local Plan policy 8/10. However, these are maximum standards that allow for a reduction in number where lower car use (which is not defined) can reasonably be expected. The site is close to the City centre, local shops, facilities and public transport, including Cambridge Railway Station. The flats would be small units, and I consider that the size, together with the highly accessible location, would mean that lower than average car use would be expected for this development.
5. Providing a car free development would encourage movement by a range of non-car modes of transport. This would meet the justification for the policy 8/10 which promotes lower levels of car parking in accessible areas. This is consistent with the aim of paragraph 30 of the National Planning Policy Framework (the Framework), to support a pattern of development which promotes sustainable transport.
6. Moreover, the site falls within a controlled parking zone and there are double yellow lines along both sides of Cambridge Place. If properly controlled, this would prevent inconvenient parking or parking which might pose a risk to highway safety. There are pay and display parking bays nearby where visitors could park, if necessary. Therefore, there would be no harm arising from the lack of on-site parking.
7. *Refuse and cycles.* The appellant's plans demonstrate that there is space for the appropriate number of bins and cycles and there is no evidence that the manoeuvring area would be insufficient. The ground floor would not, therefore, appear to be cramped or lead to bins being stored on the street. The area for refuse and cycling would be accessed from the hall beside the ground floor flat. Although people would move along the hallway with bikes or rubbish and there may be noise, this would not be unexpected in flatted accommodation particularly for those people who live on the ground floor. Additionally, for five modest size flats the movements would not be significant and would not be likely to materially harm the living conditions of the occupiers.
8. The bin store would be in a separate room to the hall, set away from the door to the ground floor flat and harmful odours are unlikely to cause a problem to the future occupiers. The proposal would comply with LP policy 3/12 which relates to the design of new buildings. This policy is consistent with paragraph 58 of the Framework which aims to ensure that development will function well and add to the overall quality of the area.
9. *Other Matters.* The planning obligations make provision for contributions towards public open space, community facilities, waste and education. The policy basis for the contributions, the method of calculation, an indication of where the money will be spent and the relationship between the contributions and the development has been provided by the Council. In these circumstances, the obligations would meet the statutory tests and I have taken them into account.



10. *Conditions.* Restriction of hours for construction would be necessary to protect the neighbours' amenities. Otherwise than as set out in this decision and conditions, it is necessary that works shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions are attached relating to these matters.

*Christine Thorby*

INSPECTOR





## EAST AREA COMMITTEE

Date: 28<sup>th</sup> November 2013

|                           |  |                    |               |
|---------------------------|--|--------------------|---------------|
| <b>Application Number</b> | 13/0810/FUL  | <b>Agenda Item</b> |               |
| <b>Date Received</b>      | 18th June 2013   | <b>Officer</b>     | Mr John Evans |
| <b>Target Date</b>        | 13th August 2013   |                    |               |
| <b>Ward</b>               | Romsey   |                    |               |
| <b>Site</b>               | The Royal Standard 292 Mill Road Cambridge Cambridgeshire CB1 3NL  |                    |               |
| <b>Proposal</b>           | Conversion of shop (Use Class A1) to Public House (A4) and enabling residential development (conversion and extension to provide student let accommodation and erection of five terraced houses) at the former Royal Standard. |                    |               |
| <b>Applicant</b>          | Bennell Farm<br>C/o Agent  |                    |               |

|                |  |
|----------------|--|
| SUMMARY        | <p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The enabling residential development will secure the return of the public house use of the former Royal Standard.</li> <li>2. The rear extensions have a harmonious relationship with the Locally Listed Building as agreed within the Inspectors assessment of 11/0872/FUL. This amended scheme is very similar in its design approach.</li> <li>3. The amenities of neighbours are not considered to be significantly adversely affected, and did not form a previous reason for refusal (11/0872/FUL and 12/0248/FUL).</li> </ol> |
| RECOMMENDATION | APPROVAL   |

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

- 1.1 The application site is a broadly rectangular shaped plot situated at the junction of Mill Road and Malta Road, occupied by the former Royal Standard Public House.
- 1.2 The existing building has been used by a charity shop in use class A1 for several years. The building was previously occupied by an Indo-Thai restaurant. To the rear is the former car park for the restaurant which is accessed from Malta Road and forms part of the application site.
- 1.3 The area is predominantly residential in character, with terraced houses along the length of Malta Road and Cyprus Road. There are some other uses such as retail and a community centre on Mill Road, close to the site.
- 1.4 The site falls within the Central Conservation Area. There is one significant tree on the site, a Malus tree in the north west corner, which is protected from felling by reason of being within a Conservation Area. The site is not within a Local or District Centre.

## **2.0 THE PROPOSAL**

- 2.1 Permission is sought for the change of use of the retail premises (former Royal Standard pub) to a public house (use class A4) and the extension of the premises to provide eight one bedroom students units and three studio units. In addition, a one bedroom managers flat. To the south of the site five terraces houses will be erected.
- 2.2 The proposed two storey rear extension to the former Royal Standard has a width of 11.5m and an overall ridge height of approximately 10.5m, containing three levels of accommodation. The new extension will read as a separate building, with a glazed link serving the stairwell. The extension has a pitched gable fronting onto Malta Road.
- 2.3 The application is accompanied by the following supporting information:
  1. Design and Access Statement
  2. Statement of Community Involvement

### 3. Planning Statement

#### Amended Plans

- Amended plans have been received removing the roof feature on top of the glazed stair link.
- The applicant has submitted a valuation report on the former Royal Standard public house.

### 3.0 SITE HISTORY

| Reference   | Description  | Outcome                   |
|-------------|--|---------------------------|
| C/95/0812   | Single storey side extension to provide new bar extension and toilets, at existing Public House    | Approved                  |
| 07/1285/FUL | Single storey side extension.  | Approved                  |
| 09/0946/FUL | Partial change of use of an existing restaurant car park to a use to operate a daytime car washing | Refused                   |
| 11/0872/FUL | Erection of 5 houses and conversion/extension to provide student accommodation (sixteen units).    | Refused, Appeal dismissed |
| 12/0248/FUL | Erection of 5 houses and conversion/extension to provide student accommodation (13 units).         | Refused                   |

The previous application **11/0872/FUL** was refused for the following reasons:

1. The proposal, because of the loss of the space on the street corner, and the impact of the proposed extensions on the existing Building of Local Interest, would have a harmful effect on the building, the street scene, and the character of the conservation area, contrary to policies ENV6 and ENV7 of the East of England Plan (2008), policies 3/10, 3/12, 4/11 and 4/12 of the Cambridge Local Plan (2006), and to government advice in PPS5 'Planning for the Historic Environment'(2010).

2. The proposed development does not make appropriate provision for open space/sports facilities, community development facilities, education and life-long learning facilities, transport mitigation measures, waste facilities, restriction of occupation of the student units to those studying at Anglia Ruskin University or the University of Cambridge or monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14, 7/10, 8/3 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, and the Eastern Corridor Area Transport Plan 2002

The previous application **12/0248/FUL** was refused for the following reason:

1. The proposal involves the permanent loss of a former public house, whose value to the local community is evidenced by the responses to the application. No adequate evidence has been provided to demonstrate that the building could not be returned to viable use as a public house, and as such form a valued community facility. The proposal is consequently contrary to government guidance on promoting healthy communities in section 8 of the National Planning Policy Framework.
- 3.1 The decision of the Planning Inspector in the appeal on the previous application **11/0872/FUL** is attached to this report as Appendix 1.

#### **4.0 PUBLICITY**

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

#### **5.0 POLICY**

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

## 5.2 Relevant Development Plan policies:

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

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

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

|  |                |
|--|----------------|
|  | Mill Road Area |
|--|----------------|

## **6.0 CONSULTATIONS**

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

- 6.1 The application shows an on-street parking space allocated to the development. The public highway is not under the control of the applicant, and so no account can be taken of such a proposal, and all reference to it should be removed from the application.
- 6.2 Parking provision is, therefore made for the town houses at less than one space per dwelling, and the application should be determined on that basis. The applicant must clarify what exactly the nature of Streetcar's interest in the site is.
- 6.3 Please request that the applicant show pedestrian visibility splays on the submitted drawings.
- 6.4 Please forward the amended drawing showing the above visibility splays to the Highway Authority for approval.

### **Head of Refuse and Environment**

- 6.5 Conditions regarding public house hours of use, noise and insulation recommended.

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

- 6.6 The proposed rear extension is not supported. The extensions for the 2011 and 2012 applications were seen as acceptable in terms of their impact on the character of the BLI and the conservation area. The 2011 application was lower than this proposal and there was a bigger gap between the extension and the new houses. The 2012 application also had a bigger gap between the extension and the new houses, and there was a distinct gap between the main building and the proposed rear extension. This enabled the BLI to be seen separately from the extension. The current proposal appears to have lost this distinction and, despite the stairwell being mainly glazed, it has become a bulky addition. The overall appearance is muddled.

- 6.7 In the 2011 and 2012 applications the link between the new extension and the main building was only at ground floor level. This enabled the main building, which is a BLI to be seen separately. In the 2013 application, the link has become a three storey staircase and therefore, despite being glazed, the distinction between the two buildings has been lost. The removal of the roof to the stairwell is welcomed as being out of character for the area, but it does not fully address our reservations.
- 6.8 I understand that the 2011 appeal was only dismissed on the grounds of the loss of community facilities, however we feel that the 2013 design is significantly different in terms of the massing and bulk of the building when compared to the previous applications.

### **Cambridgeshire County Council (Education)**

- 6.9 Education contributions required.

### **Architectural Liaison Officer**

- 6.10 The gates at the front elevation need to be securable. Cycle area should be secure. Mail boxes should be external.

### **English Heritage**

- 6.11 Determine in accordance with local advice.

### **Cambridge City Council Access Officer**

- 6.12 Please ensure that there is a flat threshold entrance and route into garden. The drawing shows steps, but notes say it will be ramped. The accessible toilet needs to be laid out as Part M. Bar should have dropped section and hearing loop.
- 6.13 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

316 Mill Road  
380 Mill Road  
17 Madras Road  
9 Malta Road  
13 Malta Road  
11 Malta Road  
17 Malta Road  
17a Malta Road  
20 Malta Road  
25 Malta Road  
35 Malta Road  
51 Malta Road  
9 Marmora Road  
4 David Street  
13 Romsey Terrace  
17 Romsey Road  
18 Romsey Road  
30 Belgrave Road  
8 Vinery Road  
158 Vinery Road  
1 Belgrave Road  
132 Thoday Street  
13 Sedgwick Street  
49 Brookfields  
25 John Impey Way, Melbourne

7.2 The representations can be summarised as follows:

Comments on the principle of development

- The Royal Standard should be a pub with a decent sized back garden.
- The garden is attractive for wider community use and families.
- As a late 19<sup>th</sup> Century pub garden built in a 'new town' on the edge of the countryside, the garden is integral to its setting.
- The garden provides an important visual focal point on Mill Road.
- It alleviates a very urban area.
- The Inspector clearly identified that a garden where families could sit would be a key element in guaranteeing long term prosperity of the pub.
- Payments made in lieu of open space and public art should not be accepted.



- Green space in Romsey is a premium.
- The garden around the building is an asset to the whole area.
- A maximum of two houses on the car park should be allowed.
- Over development of Romsey Town.
- Loss of community facility.
- The two pubs closest to the Royal Standard are very different in character.
- The new houses will not be affordable to families.

#### Design Comments

- The plans fail to inspire.
- The area of garden left over is likely to become a smoking den which will not enhance the vista of Mill Road.
- Extensions to the Royal Standard are out of proportion to the site.

#### Amenity concerns

- Residents in Malta Road and Cyprus Road are likely to be disadvantaged by noise from the student accommodation.
- Students will cause anti social behaviour.

#### Access and parking

- The parking space shown adjacent to the Mill Road pavement should be removed, it is detrimental to pedestrian safety.
- Additional pressure on car parking.
- The car park assists in attracting customers from a much wider area, who find it extremely difficult to park.

#### Other issues

- Traffic chaos during construction.

#### **Romsey Action**

- The Royal Standard should be reopened with its garden and car park.
- Appose densification of the site for student accommodation.
- Loss of much needed open space in Romsey.
- The development would rule out any diversification options set out in the IPPG.

- The combination of a busy road, bus stop and smoking area in a small space would not make it attractive as a garden.

### **Empire Roads Action Group**

- The communal use of the building is welcomed but the substantial loss of the garden and space around the pub is unacceptable.
- Inspector ruled loss of pub unacceptable.
- The Inspector placed weight on the fact the pub has a garden.
- Building over the garden would reduce the pubs viability.
- Considerable barriers to the successful running of the pub, including the kitchen area located in the basement and the close proximity of the student accommodation requiring sound proofing.
- It is the pub and garden area which is valued by the community.
- All the petitions were to protect the open space around the pub.
- There is already many other developments for student accommodation in the vicinity.
- The character of the building has been deliberately damaged by removal of trees.
- There is likely to be conflict between the 3 off road spaces between pub users and residents.
- Developer consultation has been poor.

### **1 Letter neither objecting nor supporting**

- The applicant has been a victim of an injustice.
- The pub has not been used for more than nine years.
- Object to more student accommodation.
- The pub should be demolished to provide more town houses.

### **Campaign for Real Ale (CAMRA)**

- Proposals to retain the pub welcomed.
- Premises has reactivated its alcohol licence.
- Plans would result in the loss of 90% of the outdoor area leaving only a small patch, likely to be used by smokers.
- Concerned that the loss of the garden area and car park will restrict the ability of the new pub to be family friendly.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Disabled access
8. Third party representations
9. Planning Obligation Strategy

### **Principle of Development**

8.2 The key issue is whether the proposal makes adequate provision for the retention of the former public house, which is a community facility.

8.3 The previous appeal decision in 2012 concluded that the provision of housing did not outweigh the comprehensive harm the proposal would cause by virtue of the loss of the community facility. The premises has not traded as a pub for over seven years. This revised application now seeks to reintroduce an A4 public house on the site.

8.4 Paragraph 70 of the National Planning Policy Framework (NPPF) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The application would secure a new public house use on the site which would be compliant with paragraph 70 of The Framework.

8.5 The Council's Interim Policy Guidance on the Protection of Public Houses (IPPG) states that Local Plan policy 3/10 subdividing plots will be applied to any proposals for the subdivision of the curtilage of a public house. This site is a former pub beer garden, rather than a domestic dwelling, so the site should not in my view be considered as 'garden land'. The

proposal nevertheless involves the subdivision of an existing plot for residential purposes, whereby the criteria of policy 3/10 is relevant.

- 8.6 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is 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) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part. The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f). The character and amenity sections of policy 3/10 are considered in the relevant subsections below.
- 8.7 The Inspector's concludes in the assessment of 11/0872/FUL that the proposed side and rear extensions would be subservient in height to the building and would not unduly obstruct its chimneys from public view. The Inspector considers that while the vast majority of the garden would be occupied by the extension, 'it is a feature of this urban part of the Conservation Area that full width sites, including corner plots, are usually occupied by buildings'. The appeal decision is clear that the garden itself does not make an important contribution to the character and appearance of the Conservation Area.
- 8.8 I recognise the volume of objections to the loss the rear curtilage of the site. However, the assessment of the importance of the garden should focus solely on the extent to which it affects the pubs viability and not whether it is a positive amenity to the street scene and Conservation Area. I note the previous inspector commented that 'a public house with a car park and outdoor amenity space is a far more attractive proposition than a public house without these facilities'. Crucially, the context of this analysis was 'in the interests of

maximising the opportunity for the facility to return to use', which is exactly what would be achieved through this amended scheme. These comments were made in the context of a possible split decision, which would result in the construction of the five terraces only. The inspector felt this would be inappropriate because of potential noise nuisance from a large outdoor area which I have discussed above.

- 8.9 The application is supported by a valuation report and a personal endorsement from notable local publican who intends to take on the business as a community based pub. This meets the requirements of 'proposals affecting pub gardens' set out in the IPPG. I concur with the applicant that the proposed pub garden is an optimum size for the nature of the establishment. The previous relatively large rear garden is a liability in terms of management and noise nuisance. In contrast, the proposed external area provides over 50 covers in an attractively landscaped area, which can be properly monitored and regulated by the future publican.
- 8.10 The valuation report concludes that potential purchasers of the site in its current state are likely to be deterred by the considerable capital investment required to bring the property back into pub use. The level of investment required would not be justified by the level of return that could be derived from operating the business in its current state. Under such circumstances, the report does not consider the existing property to offer a viable investment opportunity. The aspiration for the building and previous garden to return as a public house in its current form is unrealistic and would result in a missed opportunity to establish an A4 use, which has ceased for many years. This approach is consistent with the new public house secured on the site of the Queen Edith through enabling residential development. The application can ensure the A4 use is implemented prior to occupation of the new accommodation through the imposition of a suitable planning condition and retained as such for the future.
- 8.11 The provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more

detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

- 8.12 Local Plan policy 7/10 states that the development of speculative purpose-built student hostels will only be permitted if there are occupancy conditions restricting the facility to The University of Cambridge or Anglia Ruskin students. In addition, that there are suitable management arrangements in place to ensure students do not keep cars in Cambridge. The management of the proposed student accommodation can be controlled through the imposition of a planning condition 11.

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

- 8.13 The key design issue relates to the detailed design and appearance of the proposed extensions to the former Royal Standard, a Building of Local interest, and the design of the new terraces within their setting. The design merits of the proposal were considered acceptable by the Inspector in considering the previous application 11/0872/FUL, which included an additional extension to the west elevation.

### **Extensions to the former Royal Standard**

- 8.14 The reason for refusal of the previous application 11/0872/FUL identifies the 'loss of the space on the street corner, and the impact of the proposed extensions on the existing Building of Local Interest, to have a harmful effect on the building, the street scene, and the character of the conservation area'. However, the Inspector considered that the design of the extensions and the loss of the open area from the former pub garden were acceptable. The gap in the street scene between the existing former Royal Standard and the existing terraces of Malta Road was not considered so important as to justify refusal. The subsequent application 12/0248/FUL reduces the size of the extensions by removing the westerly projecting side wing which is now occupied by the proposed pub garden.
- 8.15 English Heritage and the Council's Urban Design and Conservation Officers supported the revised proposal in application 12/0248/FUL, which were considered a 'significant improvement' on the previous application. The removal of the two storey side wing extension left the prominent west gable of

the existing building unaltered. This design alteration is retained in this current application proposal.

- 8.16 Notwithstanding the above, The Urban Design and Conservation Team object to the latest revised design approach. The revised proposal has a new modern glazed link between the existing former Royal Standard which does not retain a separation at first floor level. The Conservation Team consider this contributes to a more bulky design which is unacceptable. In my view the slightly amended design as compared with the 2011 and 2012 applications is not significant. The overall scale and mass is very similar to the previous applications. The proposed pitched gable end will have a positive impact in the street scene. The revised plans remove the unnecessary roof feature which will successfully link the two elements without any harm to the character and appearance of the Building of Local Interest.
- 8.17 In terms of detailed design, materials are intended to match the existing building which can be ensured through the imposition of planning condition 2. The amended plans retain the lettering and lamps on the main elevation of the former Royal Standard, as requested by the Council's Conservation Officer.
- 8.18 The development will involve the loss of the Malus tree to the north west corner of the site. The tree contributes to the amenity of the street scene but it should not constrain development of the site. I consider its replacement acceptable, which can be ensured through the imposition of a suitable planning condition.
- 8.19 To conclude, notwithstanding the views of the Urban Design and Conservation Team, given the conclusions of the Inspector in determining 11/0872/FUL, there are no reasonable grounds to resist the scale and mass of the extension. Suitable materials can be agreed through condition 2 to ensure the glazed link is successfully executed.

#### The proposed terrace

- 8.20 The proposed new terrace is a logical extension of the existing residential terraces along Malta Road. Their siting and layout abutting the pavement edge is in my opinion the correct approach, as compared with the adjacent terraces on the west

side of Malta Road, which provide off street car parking. The design and layout of the 5 terraced dwellings was not considered unacceptable in the assessment of the previously refused application 11/0872/FUL.

- 8.21 Their design and appearance, with modest traditionally designed front dormer windows is similar to houses approved in 2001 at the southern end of Malta Road. In my view they will make a positive contribution to the character and appearance of the Conservation Area. The loss of open space from the existing car park would not in my view be harmful to character of the street scene.
- 8.22 The Council's Conservation Officer previously raised some concerns with the detailed design of the terrace. This amended application includes the revised detailing of the drainpipes to 'divide' the properties, so that they read as separate dwellings within the street scene. The small canopy over each front door has also been removed because it is considered unnecessary clutter to the front elevation. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

#### Extensions to the former Royal Standard

- 8.23 The proposed extensions will have some visual impact and will create some overshadowing on the rear garden of the flats at number 292 Mill Road, and 2 Cyprus Road to the east of the site. I do not however consider the proportions of the new rear extension and its position in relation to the common boundary, to be so unneighbourly as to justify refusal.
- 8.24 Some concerns have been raised regarding the increase in general noise and disturbance from the use of the extended building for student accommodation. The proposed student accommodation will be a managed facility by ARU and in my view the potential noise from coming and goings of future occupants is not so significant as to justify refusal of the application.



### The proposed new Terrace

- 8.25 The rear projecting wing of the southern end of terrace property will not in my view create a harmful visual impact for the occupants of number 5 Malta Road. Given number 5 is to the south of the new terrace, there will not be any overshadowing created. I recognise that the existing two storey flat roof extension at number 6 Malta already creates overshadowing and has a visual on the rear garden of number 5 Malta Road. This notwithstanding, I do not consider the rear projection of the southern end property to create an unsatisfactory relationship.
- 8.26 The rear windows of the terraces will also create some overlooking upon numbers 6 and 10 Cyprus Road to the east. However, given the distances involved, which totals 22m, and roughly 17m to the centre of the rear garden in the case of number 10 Cyprus Road, I consider this relationship acceptable.
- 8.27 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site. The previous applications were not resisted on neighbour amenity grounds. I consider that that the application is compliant with Cambridge Local Plan (2006) policies 3/4, 3/10, 3/12 and 5/2.

### Amenity for future occupiers of the site

- 8.28 The proposed student accommodation offers a satisfactory level of amenity for further occupiers. Acoustic insulation will ensure the two uses are compatible, through the imposition of condition 17. The development provides two communal garden areas of adequate size.
- 8.29 The proposed new terraced houses are served with useable rear garden areas. In my opinion the proposal provides 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**

- 8.30 The proposed student accommodation provides refuse storage in 2 separate outbuildings to the east and west of the site. While I note concerns from the Council's Waste Officer that the

application does not contain waste capacity calculations, this can be adequately controlled through the imposition of a suitable planning condition. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.31 The County Council has considered the scheme and do consider any significant adverse impact on highway safety to result. The parking spaces are outside the minimum 10m distance to the junction. The development no longer proposes bollards in front each car parking space, which addresses the Highway Officer's concerns. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.32 The development provides 1 off street disabled car parking space to serve the pub managers accommodation, and 3 off street car parking spaces for the new terraced houses. Two of the new terraced properties will not therefore have any off street car parking. On street car parking on Malta Road is in high demand, so this proposal would exacerbate competition with existing residents. However, the site is located in close proximity to public transport links and local shops and services. As such, I consider a scheme with a reduced car parking provision acceptable in this location.
- 8.33 The proposed student accommodation provides three separate bicycle stores, providing parking for 18 cycles. This is in accordance with the Council's adopted standards.
- 8.34 The proposed terraced houses have adequate space within their rear garden to accommodate a shed outbuilding for bicycles. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Disabled access**

- 8.35 The Council's Access Officer has commented on internal fixtures and fittings which has been brought to the attention of the applicant. The proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### Third Party Representations

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

| Issue   | Report Section  |
|---|---|
| The Royal Standard should be a pub with a decent sized back garden.   | The application will secure the return of the public house. Aspirations for the rear curtilage to return as a beer garden are unrealistic. The alternative option will see the former Royal Standard continue trading as a shop. Paragraph 8.5. |
| It alleviates a very urban area.  | The Inspector did not consider the openness in the street scene created by the pub garden as important to its character. See paragraph 8.5.   |
| The application shows an on-street parking space allocated to the development.                                | The plans are illustrating that the removal of the existing access provides a new off street car parking space. It does not seek to formally allocate it to any particular new property.  |
| The new houses will not be affordable to families.  | This is not a material consideration.   |
| The character of the building has been deliberately damaged by removal of trees.                              | The development proposes a replacement tree and landscaping.  |
| The area of garden left over is likely to become a smoking den which will not enhance the vista of Mill Road. | I do not agree, the garden space provided is the optimum size for patrons to enjoy and to be easily managed by the publican.  |
| Students will cause anti social behaviour.  | The imposition of a management plan condition can ensure the amenity impacts of student accommodation are properly considered.  |
| Considerable barriers to the  | The prospective landlord, a   |

|  |  |
|--|--|
| successful running of the pub, including the kitchen area located in the basement and the close proximity of the student accommodation requiring sound proofing. | notable successful publican, considers the layout fit for purpose. The location of the kitchen is not unusual and suitable insulation of the building can ensure the student accommodation use on the upper floors does not experience undue disturbance from the pub use. See paragraph 8.28. |
| The car park assists in attracting customers from a much wider area, who find it extremely difficult to park.  | The applicants intention is to create a community pub which is not reliant on car based trips. The premises is not suitable for a gastro-pub style business such as the Robin Hood on Cherry Hinton Road   |
| Conditions regarding public house hours of use recommended.  | This can be adequately controlled through the Licensing Act 2003.  |

### **Planning Obligation Strategy**

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The proposed development triggers the requirement for the following community infrastructure:

### Student accommodation

| <b>Outdoor sports facilities</b> |                  |              |           |                      |             |
|----------------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit                     | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| studio                           | 1                | 238          | 238       | 3                    | 714         |
| 1 bed                            | 1.5              | 238          | 357       | 8                    | 2856        |
| 2-bed                            | 2                | 238          | 476       |                      |             |
| 3-bed                            | 3                | 238          | 714       |                      |             |
| 4-bed                            | 4                | 238          | 952       |                      |             |
| <b>Total</b>                     |                  |              |           |                      | <b>3570</b> |

| <b>Indoor sports facilities</b> |                  |              |           |                      |             |
|---------------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit                    | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| studio                          | 1                | 269          | 269       | 3                    | 807         |
| 1 bed                           | 1.5              | 269          | 403.50    | 8                    | 3228        |
| 2-bed                           | 2                | 269          | 538       |                      |             |
| 3-bed                           | 3                | 269          | 807       |                      |             |
| 4-bed                           | 4                | 269          | 1076      |                      |             |
| <b>Total</b>                    |                  |              |           |                      | <b>4035</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       | 3                    | 726         |
| 1 bed                      | 1.5              | 242          | 363       | 8                    | 2904        |
| 2-bed                      | 2                | 242          | 484       |                      |             |
| 3-bed                      | 3                | 242          | 726       |                      |             |
| 4-bed                      | 4                | 242          | 968       |                      |             |
| <b>Total</b>               |                  |              |           |                      | <b>3630</b> |

### Five Terraced Dwellings

#### Open Space

8.38 The total contribution sought has been calculated as follows.

| <b>Outdoor sports facilities</b> |                  |              |           |                      |             |
|----------------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit                     | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| studio                           | 1                | 238          | 238       |                      |             |
| 1 bed                            | 1.5              | 238          | 357       |                      |             |
| 2-bed                            | 2                | 238          | 476       |                      |             |
| 3-bed                            | 3                | 238          | 714       | 5                    | 3570        |
| 4-bed                            | 4                | 238          | 952       |                      |             |
| <b>Total</b>                     |                  |              |           |                      | <b>3570</b> |

| <b>Indoor sports facilities</b> |                  |              |           |                      |             |
|---------------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit                    | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| studio                          | 1                | 269          | 269       |                      |             |
| 1 bed                           | 1.5              | 269          | 403.50    |                      |             |
| 2-bed                           | 2                | 269          | 538       |                      |             |
| 3-bed                           | 3                | 269          | 807       | 5                    | 4035        |
| 4-bed                           | 4                | 269          | 1076      |                      |             |
| <b>Total</b>                    |                  |              |           |                      | <b>4035</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       | 5                    | 3,630        |
| 4-bed                      | 4                | 242          | 968       |                      |              |
| <b>Total</b>               |                  |              |           |                      | <b>3,630</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  | 5 | 4,740        |
| 4-bed        | 4 | 316 | 1264 |   |              |
| <b>Total</b> |   |     |      |   | <b>4,740</b> |

8.39 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

8.40 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      | 5                    | 9,410        |
| 4-bed                       | 1882      |                      |              |
| <b>Total</b>                |           |                      | <b>9,410</b> |

8.41 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

- 8.42 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        | 5                    | 375        |
| Flat                                  | 150       |                      | 150        |
| <b>Total</b>                          |           |                      | <b>525</b> |

- 8.43 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.

## Waste Management

A contribution is sought from all dwellings towards up grading existing/providing new Household Recycling Centres to mitigate the impact of new development on these facilities. This development lies within the catchment site for Milton. Contributions are sought on the basis of £190 per house for four new sites giving increased capacity as permanent replacements for the existing temporary site at Milton. A total contribution of £950 is necessary.

- 8.44 Subject to the completion of a S106 planning obligation to secure the requirements of the RECAP Waste Management Design Guide SPD 2012, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policy 10/1 and the RECAP Waste Management Design Guide SPD 2012.



## Education

8.45 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

8.46 In this case, 5 additional residential units are created. Contributions are therefore required on the following basis.

| <b>Pre-school education</b> |                  |  |           |                      |              |
|-----------------------------|------------------|--|-----------|----------------------|--------------|
| Type of unit                | Persons per unit |  | £per unit | Number of such units | Total £      |
| 1 bed                       | 1.5              |  | 0         |                      |              |
| 2+- beds                    | 2                |  | 810       | 5                    | 4,050        |
| <b>Total</b>                |                  |  |           |                      | <b>4,050</b> |

| <b>Primary education</b> |                  |  |           |                      |              |
|--------------------------|------------------|--|-----------|----------------------|--------------|
| Type of unit             | Persons per unit |  | £per unit | Number of such units | Total £      |
| 1 bed                    | 1.5              |  | 0         |                      |              |
| 2+- beds                 | 2                |  | 1350      | 5                    | 6,750        |
| <b>Total</b>             |                  |  |           |                      | <b>6,750</b> |

| <b>Life-long learning</b> |                  |  |           |                      |         |
|---------------------------|------------------|--|-----------|----------------------|---------|
| Type of unit              | Persons per unit |  | £per unit | Number of such units | Total £ |
| 1 bed                     | 1.5              |  | 160       |                      |         |
| 2+-                       | 2                |  | 160       | 5                    | 800     |

|              |  |  |  |  |            |
|--------------|--|--|--|--|------------|
| beds         |  |  |  |  |            |
| <b>Total</b> |  |  |  |  | <b>800</b> |

- 8.47 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.

#### Monitoring

- 8.48 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

- 8.49 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 This revised application will secure an A4 public house use for the former Royal Standard pub. The design of the extension and new buildings will not detract from the character and appearance of the Conservation Area or the amenities of neighbours. APPROVAL is recommended.

### **10.0 RECOMMENDATION**

**APPROVE** subject to completion of the s106 Agreement and the following conditions:

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

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

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

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

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

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

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

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

5. Prior to occupation of the development, full details of all proposed replacement tree planting (to replace the pear tree), and the proposed times of planting, to be submitted to and approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the satisfactory implementation of tree planting in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

6. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

7. Prior to occupation of the development hereby approved, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 3/12.

8. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
  - i) contractors access arrangements for vehicles, plant and personnel,

- ii) contractors site storage area/compound,
- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

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

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

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

Reason: In the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 4/13.

- 10. Details of any proposed external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. The development shall be carried out in accordance with the approved details.

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

- 11. That part of the former Royal Standard building for which change of use to student accommodation is hereby approved, and the extension to the building hereby permitted shall only be used as a hostel for the provision of residential accommodation for students attending full-time courses of education at Anglia Ruskin University.

Reason: Inadequate off-street parking provision is available on the site to meet the car parking standards of the City Council for any use other than a sui generis hostel use, the occupation of which is restricted to students who are subject to a system of parking control administered by the Anglia Ruskin University. (Cambridge Local Plan 2006 policy 8/10).

12. Prior to occupation, a management plan for the student occupation of the building shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as agreed and shall continue to be implemented as agreed and shall not be varied without the prior agreement, in writing, of the Local Planning Authority.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 3/7)

13. Prior to occupation of the approved student accommodation, full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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

14. Prior to the occupation of the new student accommodation and terraced houses, the A4 use of the ground floor of the former Royal Standard shall be implemented. 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) the ground floor of the premises designated for public house use (use class A4) within the approved plans shall be permanently retained.

Reason: To safeguard the community facility as set out within paragraph 70 of the National Planning Policy Framework 2012.

15. 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 windows or dormer windows other than those expressly authorised by this permission shall be constructed.

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

16. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

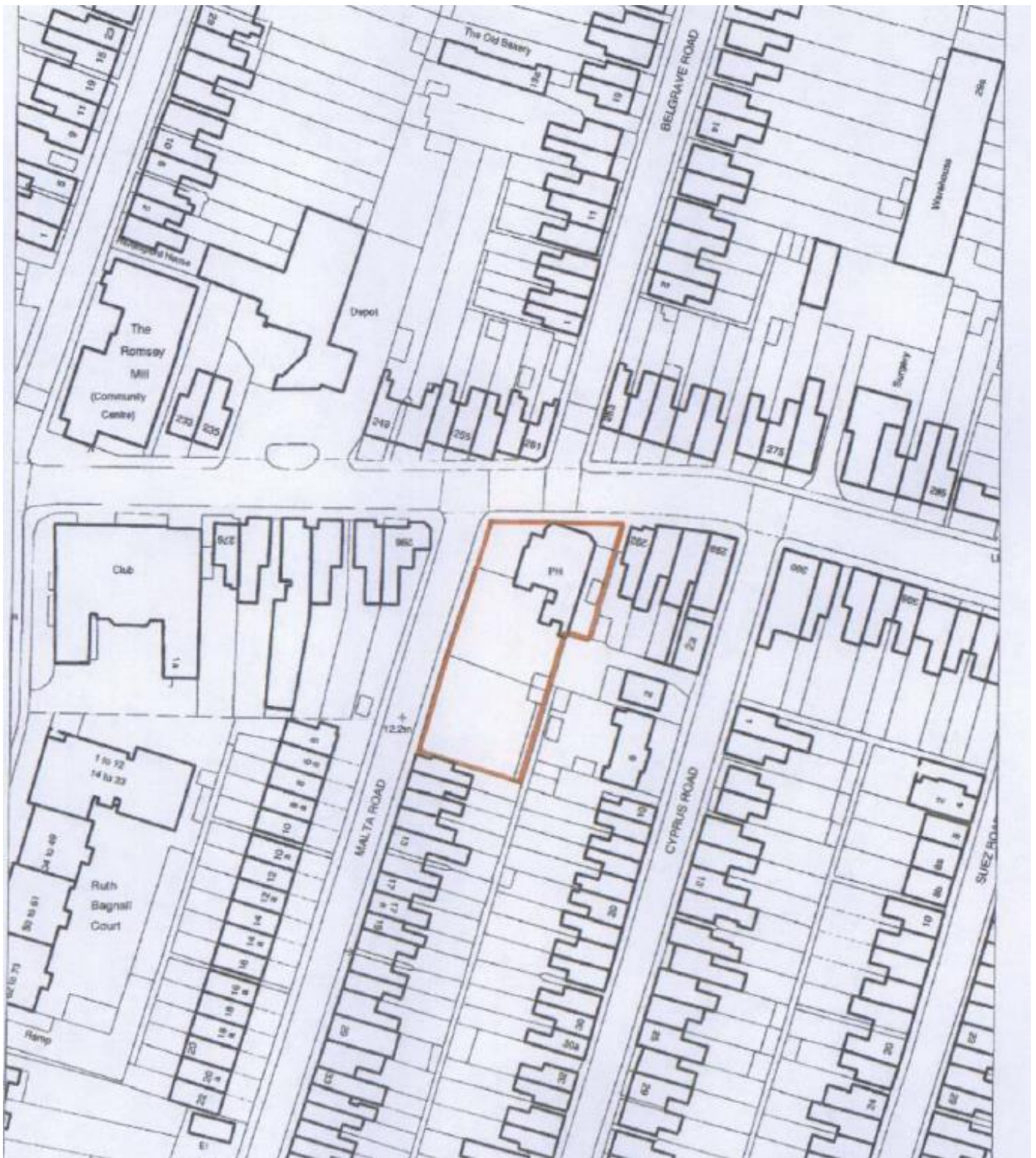
Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2006 policy 4/13)

17. Before the development/use hereby permitted is commenced, 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 nearby properties (Cambridge Local Plan 2006 policy 4/13)

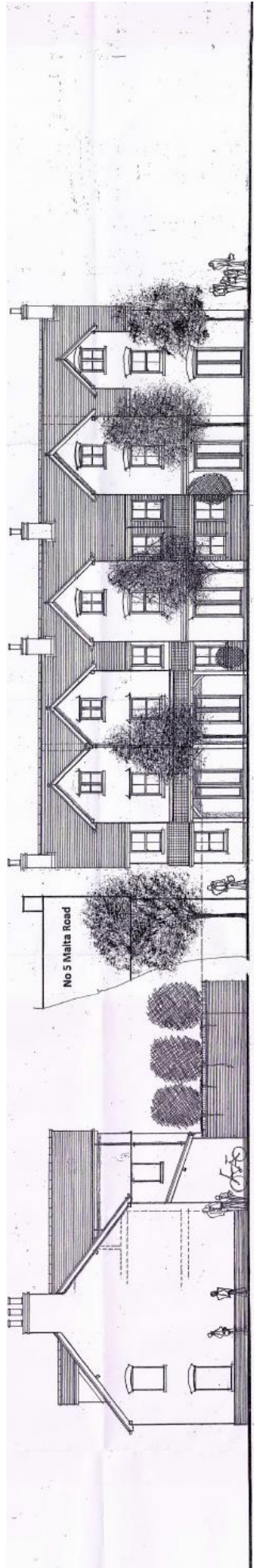
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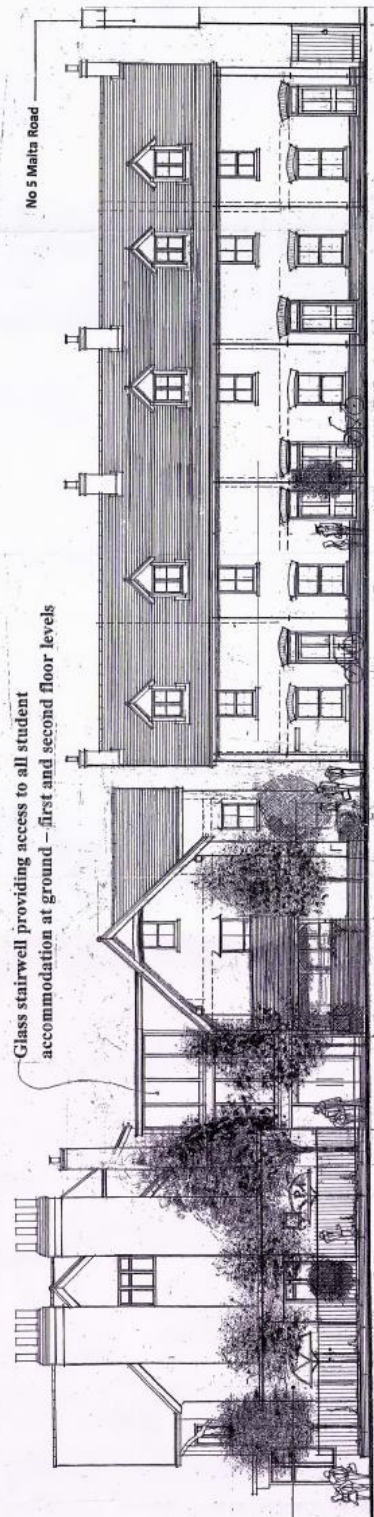
Rear elevation of 5 No three bedroom terrace houses units 1 - 5

Side elevation of unit 5 and rear garden

**Proposed Southern Elevation Unit 5**

**Proposed Eastern Elevation**

Glass stairwell providing access to all student accommodation at ground - first and second floor levels



Proposed pub garden

Bin - cycles store

Proposed Western Elevation - Facing Malta Road

Proposed front elevation of 5 No three bedroom terrace houses units 1 - 5

PNVA, OCT 2013 to 2017. CONSULTANT OFFICIALS' REQUIREMENTS AND PLANNING OFFICERS' COMMENTS.

|   |  |
|---|--|
| Revision.   |  |
| Project.  | Proposed redevelopment of The Royal Standard PH Mill Road - Malta Road Cambridge |
| Description.  | Proposed elevations  |
| Client.   | Beechwood Estates and Developments Ltd.  |
| Date.   | June 2012  |
| Scale.  | 1:100  |
| <b>The Clarke Smith Partnership</b><br>Architectural & Planning consultants<br>Unit 1, Chuck a Bush Farm<br>Roydon Road, Whitteford<br>Cambridgeshire, CB22 4NW<br>Tel - 01223 - 630989<br>P - 3084 - 05 ext / A. |  |
| Drawing.  |  |

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## Appeal Decision

Hearing held on 18 September 2012

Site visit made on 18 September 2012

by **Ian Radcliffe BSC (Hons) MCIEH DMS**

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

Decision date: 1 November 2012

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**Appeal Ref: APP/Q0505/A/12/2174210**

**292 Mill Road, Cambridge CB1 3NL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bennell Developments Limited against the decision of Cambridge City Council.
  - The application Ref 11/0872/FUL, dated 18 July 2011, was refused by notice dated 20 December 2011.
  - The development proposed is residential development - the erection of 5 houses and conversion / extension to provide student accommodation (16 units).
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are;
  - whether the proposal would result in the loss of a local facility important in sustaining the social life of the community; and if it would, whether such a facility would be viable to operate;
  - the effect of the proposal on the character and appearance of the area; and,
  - the effect of the proposal on local services and facilities.

### Reasons

#### *Principle of development and use of the building*

3. The appeal site is occupied by a purpose built Victorian public house called 'The Royal Standard' closed in 2007. Utilising permitted development rights it reopened the same year as a restaurant (use class A3) before last year changing use once more to operate as a charity shop (use class A1).
4. A presumption in favour of sustainable development is at the heart of the government's National Planning Policy Framework (the Framework). The proposed development is located within a residential area close to the centre of Cambridge and would result in the redevelopment of the site for housing. As a result it is not a matter in dispute that it is a sustainable location for development. Policies 3/1 and 5/2 of the Cambridge Local Plan support the conversion of non residential buildings into self contained dwellings in order to make efficient use of land and assist in meeting the housing targets for the city.



5. However, paragraph 70 of the Framework also advises that planning decisions should enhance the sustainability of communities by planning positively for community facilities, such as public houses, and guard against their unnecessary loss. Policy 5/11 of the Cambridge Local Plan, which seeks to prevent the loss of community facilities, fails to identify public houses as such a facility. The Local Plan is therefore in conflict with the Framework. However, as the Framework is an important material consideration and a more recent publication than the Local Plan I attach significant weight to it and I shall treat public houses as a community facility. The question therefore is whether the premises which has not operated as a public house for 5 years is such a facility. It is to that matter which I now turn.
6. In response to the loss of public houses and the silence of the Local Plan on this matter the Council has prepared an Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (IPPG). Public consultation has closed on this document and subject to minor amendments it is due to be adopted by the Council in October this year. Whilst not part of the development plan it is a practical document which provides a useful approach to assessing applications for a change of use of public houses and I attach moderate weight to it.
7. The IPPG recognises that the use of public houses can be changed to other Class A uses without the need to apply for planning permission. As a consequence, it applies the same development management principles to assess applications for a change of use of such premises to housing as it applies to public houses which are currently in use as drinking establishments. I concur with the findings of another Inspector in appeal reference APP/W0530/A/11/2167619. He found in the absence of such guidance in another local planning authority area that to adopt the approach that a public house use of a site has been lost if it was no longer in use as a drinking establishment would be to take a view that is too narrow and simplistic. **For these reasons, I therefore find that the appeal premises is a community facility.**
8. The liquor licence for the premises lapsed this year. Whilst planning permission may be readily gained for use as a drinking establishment (class A4 use) the Council's licensing policy has a presumption against issuing new licences on Mill Road. The appellant argues that as a result it is unlikely that the building could re-open as a public house. However, each application would be assessed by the Council on its merits. Given the long history of use of the building as a public house, and that well run public houses do not add to anti-social behaviour or crime, the risk that the premises may not gain a liquor licence is not a matter of such significance as to mean that the building could not reopen as a drinking establishment.

*Value of the facility to the local community*

9. The premises are located in an urban part of the city that is characterised by terraced housing. Redevelopment of nearby sites such as the former school to the west with terraced housing and flats has increased the amount of housing in the area in recent years. As a result of the high density of development there are a comparatively high number of people living in the area.
10. For a facility to be of value to a local community it needs to be within reasonable walking distance. The Cambridge Pub Study commissioned by the Council has used a distance of 400m to assess accessibility. The appellant



believes that a distance of up to 800m would be more suitable measure. In order to cater for the mobility of all sections of the community I believe that a distance closer to 400m is more appropriate. On this basis there are 2 alternative public houses towards the edge of Romsey within a reasonable walking distance of the appeal site. The first, 'The Brook', is a sports orientated public house. The second, 'The Empress', is aimed at young people. As a consequence, both are niche drinking establishments that do not aim to serve the wider local community. The Royal Standard in contrast has gardens and is centrally located in Romsey. As a result, it is within easy walking distance for all residents of this local community and has the potential to cater for a broader market than the other 2 public houses.

11. A petition with 455 signatures was submitted to the hearing seeking the retention of the building and its gardens for use as a public house or another community use. This supports the contention that the Royal Standard is a facility that is valued by the local community. Whilst the loss of the Royal Standard would not reduce the local community's ability to meet its day to day needs I therefore find that it would result in the loss of a facility that is of value to it.

#### *Viability*

12. The Royal Standard was a local facility of service to the community for over 125 years until it ceased trading as a public house 5 years ago. When the public house was trading it was tenanted. The appellant stated that the landlord of the public house was unable to operate the business at a profit. This supports the view that whilst it has been a valued local facility it struggled in the years prior to its closure as a public house.
13. Several local residents stated that the public house was poorly managed in its latter years. Furthermore, landlords of tenanted public houses, unlike freehold landlords, are restricted in terms of the beers that can be sold and have less incentive to invest in a building they do not own. These considerations may well have affected the attractiveness and thus popularity of this community facility.
14. In my assessment, based upon the policies of the Framework, in order to discover whether a change of use of the building is justified it should therefore first be marketed as a public house in accordance with sensible criteria such as those contained within the IPPG. This approach would also be consistent with how applications for changes of use in relation to other local community facilities are dealt with under policy 5/11 of the Local Plan. The proposal would therefore be contrary to the objectives of the Framework and the general thrust of policy 5/11 of the Local Plan.

#### *Character and appearance*

15. The appeal site lies within the Mill Road Area of the Central Conservation area. The Conservation Area Appraisal identifies that Romsey town along the side streets off Mill Road is characterised by narrow 2 storey terraced housing set on the back edge of the pavement. This has resulted in a fine grain of urban development. Buildings of Local Interest, which policy 4/12 of the Local Plan seeks to protect, include the Royal Standard. These buildings are predominantly located along Mill Road the main thoroughfare through the area.
16. The proposed side and rear extensions to the Royal Standard would be subservient in height to the building and would not unduly obscure its



chimneys from public view. In terms of design the inclusion of a gable in the front of the side extension would complement the main elevation of the building. In addition, the pitch of the mansard roofs would match that of the existing building. I recognise that the vast majority of the side garden would be occupied by the side extension, but it is a feature of this urban part of the Conservation Area that the full width of sites, including corner plots, are usually occupied by buildings. The proposal therefore would not adversely affect this Building of Local Interest. The rear garden and car park are present in glimpsed views from Mill Road and do not in my view make an important contribution to the character and appearance of the Conservation Area.

17. The proposed terrace would be set close to the back edge of the pavement on Malta Road and in terms of height, width and architectural features would complement the existing terrace. Conditions requiring the provision of a replacement tree to the side of the Royal Standard, the value of which is identified by the Character Appraisal, and the use of appropriate materials would assist in ensuring that the appearance of the development complements the locality.
18. Taking all these matters into account, I therefore conclude that the proposed development would preserve the contribution of the appeal site to the character and appearance of the Conservation Area. In doing so the proposal would comply with policy ENV/7 of the East of England Plan and policies 3/10, 3/12, 4/11 and 4/12 of the Cambridge Local Plan. These policies require the protection of the character and appearance of a locality, including conservation areas, through high quality design that respects local design features.

### Other matters

#### *Local services and facilities*

19. Policy 5/14 of the Local Plan provides the policy basis for contributions towards the provision of open space, community development, waste, waste management and education. The contents of the obligation are uncontested and a properly completed section 106 agreement was submitted to the Council to secure such provision prior to the hearing. However, as the proposed development is unacceptable for other reasons it is not necessary to assess the contributions sought in relation to the tests in paragraph 204 of the Framework, or the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

#### *Split decision*

20. Should it be deemed appropriate a split decision was suggested by the appellant allowing the appeal in relation to the proposed terrace, but dismissing it in relation to the conversion of the Royal Standard. Whilst these 2 aspects of the scheme are physically and functionally separate such a decision would result in the communal outdoor area of the Royal Standard wrapping around the side and rear of the back garden of the nearest of the proposed terraced houses. As this would be the sole private amenity space to this house if the Royal Standard once more was used as a community facility this has the potential to result in unacceptable noise and disturbance for future occupiers. Furthermore, a public house with a car park and outdoor amenity space is a far more attractive proposition than a public house without these facilities. In the interests of maximising the opportunity for the facility to return to community



use and safeguarding the living conditions of the occupiers of the end terrace a split decision therefore would not be appropriate in this instance.

**Conclusion**

21. While the site is in a sustainable location and the proposal would make an efficient, well designed use of the site to provide additional housing (including for students), I consider that any presumption in favour of development is clearly outweighed by the comprehensive harm the proposal would cause by virtue of the loss of a valued community facility. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Ian Radcliffe*

Inspector



## **APPEARANCES**

### **FOR THE APPELLANT:**

|                           |              |
|---------------------------|--------------|
| Mr Kratz                  | Birketts LLP |
| BA(Hons) solicitor LARTPI |              |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                  |                        |
|------------------|------------------------|
| Mr Evans         | Cambridge City Council |
| Planning Officer |                        |

|                                |                        |
|--------------------------------|------------------------|
| Mr Waller                      | Cambridge City Council |
| Senior Planning Policy Officer |                        |

### **INTERESTED PERSONS:**

|              |  |
|--------------|--|
| Mr Bell      | Cambridge Past, Present & Future           |
| Mr Cook      | Cambridge & District Campaign for Real Ale |
| Mr Boucher   | local resident                             |
| Mr O'Malley  | local resident                             |
| Miss Walker  | local resident                             |
| Miss Jeffery | local resident                             |
| Mr Bourke    | County Councillor                          |

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Letter of notification detailing the time, date and location of the hearing together with a list of persons notified.
- 2 Petition supporting retention of the public house.
- 3 Cambridge City Council Statement of Licensing Policy.
- 4 Report on the key issues arising from Public Consultation on the IPPG on The Protection of Public Houses in the City of Cambridge, dated 11 September 2012.
- 5 Mill Road Area Conservation Area Appraisal.
- 6 Completed Section 106 agreement.
- 7 Planning Officer report at the Planning Committee on 22 August 2012 on the residential redevelopment of 169 - 173 High Street Application No 12/0705/FUL.
- 8 E-mails from the County Council regarding contributions sought towards education.

## **PLANS SUBMITTED AT THE HEARING**

- A Plan showing the location of local section 106 projects in the vicinity of the appeal site.



## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: East Area Committee DATE: 28/11/13

WARD: Romsey

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

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#### **Land to the rear of 91 and 93 Burnside, Cambridge Unauthorised Development**

---

## **1 INTRODUCTION**

1.1 Breach: Operational Development,  
Erection of a residential building

Site: Land to the rear of 91 and 93 Burnside, Cambridge  
See Appendix A for a site plan.

1.2 Members are requested to consider the breach of planning control detailed in this report and any relevant representations made to them at this Committee, and approve the following:

1. Authorise the Head of Planning and the Head of Legal Services to prepare and serve an Enforcement Notice for unauthorised operational development.
2. Authorise the Head of Planning and the Head of Legal Services to pursue further action to secure compliance with the Notice, in the event that it is not complied with within the timescale given.

1.3 Full details of officer recommendations can be found in paragraph 8 of this report.

## **2 PLANNING HISTORY**

2.1 No planning applications relating to 91 Burnside, Cambridge have been submitted.

## 2.2 Planning applications for 93 Burnside, Cambridge.

10/0470/FUL      Erection of a one-bed bungalow (following demolition of existing garage)  
Permission Refused. Appeal dismissed.

11/0421/FUL      Construction of dwellinghouse to replace former garage.  
Permission Refused. Appeal dismissed.

## 3 PERMITTED DEVELOPMENT RIGHTS / LEGISLATION

### 3.1 The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 1995 (as amended) concerns permitted development rights for outbuildings. Class E allows for:

‘The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool **required for a purpose incidental to the enjoyment of the dwellinghouse as such**, or the maintenance, improvement or other alteration of such a building or enclosure’ without the need for express planning permission.  
(subject to certain conditions and limitations).

### 3.2 A general note to Class E of the General Permitted Development Order 1995 advises that the term ‘purpose incidental to the enjoyment of the dwellinghouse as such’ includes “the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse”.

### 3.3 The courts have considered a number of cases concerning the meaning and application of the term ‘incidental’. Case law has established that additions to the normal basic domestic living accommodation of a dwellinghouse, such as bedrooms, would not be expected to be regarded as being ‘incidental to the enjoyment of a dwellinghouse as such’ because they are generally an integral part of the ordinary residential use as a dwellinghouse. So for example, a building which contains a bedroom or a study cannot usually be built under Class E. Whether a building is for a purpose which is incidental is a matter of fact and degree in each case.

### 3.4 Under the provisions of section 55(2)(d) of Town and Country Planning Act 1990 (as amended), if an ‘incidental’ outbuilding has been lawfully constructed under Class E and an incidental use has

been genuinely implemented, it is possible for the owner or occupier to convert the building for use as ancillary living accommodation (such as an additional bedroom, or a study used in connection with the main dwelling).

#### **4 BACKGROUND / ENFORCEMENT INVESTIGATION**

- 4.1 On 29 August 2012 Planning Enforcement Officers received notification from an officer in Building Control that building works were taking place at the rear of 91/93 Burnside.
- 4.2 Appendix B to this report contains a statement from a Building Control Officer. The statement confirms that during a visit to the site in August 2012, whilst the building was under construction, the owner's builder and property manager stated that the new building was intended to be used as a new and separate residence with no connection with either 91 or 93 Burnside.
- 4.3 Enforcement Officers contacted Mr Anthony Waite, the owner of 91 and 93 Burnside, to query the intended use of the building being constructed. On 3 September 2012 Mr Waite stated that no breach of planning control was being proposed and described the intended use of the outbuilding variously as a 'music room' or 'summerhouse'.
- 4.4 A site visit made on 4 June 2013 confirmed that the building was a self-contained residential unit within the curtilage of 91 Burnside, with land from 93 Burnside being utilised for amenity space. The building had all the facilities required for day to day living, had its own access and no physical or functional connection with either 91 or 93 Burnside. Appendix C contains photographs from the site visit.
- 4.5 Members are asked to note that the photographs in Appendix C and the site plan in Appendix A both indicate that land which was formerly part of 93 Burnside has been fenced off and is now used in connection with the new residential building.
- 4.6 Once officers had confirmed that an independent, self-contained residence had been built at the rear of 91 and 93 Burnside they notified the owner of the properties that the construction of a self-contained residence was a breach of planning control that officers intended to pursue. Following the site visit on 4 June 2013 the kitchen in the building was removed and items from it were placed in a pre-existing outbuilding located in the garden of 91 Burnside See Appendix D for photographs.

- 4.7 The removal of the kitchen from the building altered the self-contained nature of the new residential accommodation. The owner contends that the use of the building is as ancillary accommodation connected with 91 Burnside and that the tenants use the kitchen in the main house.
- 4.8 The owner of the properties contends that the new building provides ancillary accommodation connected with 91 Burnside and that he has utilised his permitted development right to change the use of 91 Burnside from a C3 Dwellinghouse to a House in Multiple Occupation (Class C4).
- 4.9 There are no permitted development rights for the construction of a building for ancillary accommodation associated with either a C3 dwellinghouse or a C4 HMO.
- 4.10 Despite repeated requests from officers, including questions put formally on a Planning Contravention Notice, the owner of the land has not provided evidence of the implementation of an incidental use of the building by an occupant of 91 Burnside.
- 4.11 The size of the building at the rear of 91/93 Burnside is within permitted development limits for outbuildings. However, in the officer's view, the building does not appear to have been constructed for or genuinely used for any purpose which is incidental to 91 Burnside. Rather, the building appears to have been constructed and used as a separate dwelling house. As such, the building was not lawfully constructed within Class E of the GPDO. If the building had been constructed and used for purposes which were incidental to the main dwelling house – such as a music room – it would then be possible after a period of time to implement a lawful change of use of the building for accommodation in connection with the main dwelling house. However, such a change is not possible if the building was not lawfully constructed within the terms set out in Class E of the GPDO.
- 4.12 Appendix E contains additional information relevant to the breach of planning control submitted by officers from Council Tax and Refuse and Environment along with statements from residents of Natal Road. These documents provide evidence that the building at the rear of 91 and 93 Burnside was not constructed for an 'incidental' use and that the residential use was the only use ever genuinely implemented.



- 4.13 All parties connected to this investigation were advised this report is being put before members for consideration and were made aware that they could make representations to this Committee.

## **5 SUMMARY OF INVESTIGATIONS BY THE CITY COUNCIL**

### **5.1 Council Tax / Valuation Office**

A Property Inspector from Council Tax, Revenues and Benefits inspected the building at the rear of 91 and 93 Burnside in March 2013 and took photographs confirming it was a self-contained residence referred to by the owner and his builder/property manager as 'the bungalow'. Appendix D contains a photograph of the kitchen taken on 1 March 2013.

On 16 July 2013 a Valuation Officer visited 91 Burnside and inspected the main house and the new building but they did not view the relocated kitchen.

### **5.2 Refuse and Environment / Housing Standards**

On 15th April 2013 a Senior Technical Officer in the Residential section of Environmental Health visited the rear of 91 and 93 Burnside and viewed the garden bungalow that was in the process of being plastered and fitted out. Mr Kelly, the owner's builder and property manager, stated that the bungalow would be let to a couple and would be self-contained. A kitchen was in the process of being fitted.

A pre-arranged return site visit on 19th July 2013 confirmed that all kitchen facilities had been removed from the bungalow and placed in a brick outhouse to the rear of the main house at 91 Burnside with the addition of a working toilet positioned against the rear wall within the kitchen. Mr Kelly advised that the kitchen was available to the three persons now occupying the garden bungalow.

During a further pre-arranged return site visit on 9th September 2013 the officer noted that some of the kitchen facilities and the toilet had been removed from the outhouse. Mr Kelly advised that the outhouse was now a laundry room available to all tenants and the occupiers of the garden bungalow were using the kitchen facilities within the main house.

### **5.3 Planning Enforcement and Development Control.**

The size of the building at the rear of 91 and 93 Burnside is within permitted development limits for outbuildings however the building

was not constructed for purposes incidental to the enjoyment of the dwellinghouse and therefore does not benefit from permitted development rights.

There are no permitted development rights to construct outbuildings to provide ancillary accommodation in connection with the main dwelling house.

The new residential building at the rear of 91 and 93 Burnside requires planning permission and previous applications for similar schemes have been refused planning permission and dismissed on appeal.

Advice from officers from Development Control is that planning permission is very unlikely to be granted for an independent residential building in this location.

## **6 ADVICE FROM LEGAL SERVICES**

- 6.1 Officers from Legal Services have been fully briefed on the investigation into the breach of planning control and agree that the service of an Enforcement Notice is the most appropriate course of action to remedy the breach of planning control.
- 6.2 An Enforcement Notice carries with it a right of appeal to the Planning Inspectorate and the Inspectorate have the power to vary the Notice to amend the steps to comply.

## **7 PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS**

- 7.1 The National Planning Policy Framework states:

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

- 7.2 The provision of primary living accommodation in an outbuilding cannot be classed as a use which is incidental to the enjoyment of the main dwelling house. A purpose incidental to the enjoyment of the dwellinghouse is distinct from activities which constitute actually living in a dwelling house. Therefore the residential building erected on land to the rear of 91 and 93 Burnside is unauthorised operational development which requires planning permission. The unauthorised development took place less than four years ago and therefore is not immune from enforcement action.
- 7.3 Enforcement is a discretionary power and the Committee should take into account the planning history, the details of the enforcement investigation, and the other relevant facts set out in this report.
- 7.4 Officers investigating the alleged breach of planning control and setting out their recommendations, have been mindful of and complied with the Planning Investigation Service Policy and the City Council's Enforcement Concordat.
- 7.5 Consideration should be given to the Human Rights of the current owner and tenants of the building, and to the Equalities Act 2010, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination) as being relevant. Officers consider that the service of an enforcement notice with a reasonable period for compliance would be lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms of new residential development and that human rights considerations do not outweigh the reasons for proceeding with planning enforcement.
- 7.6 In order to issue an Enforcement Notice there must be sound planning reasons to justify taking such action. The informal opinion from planning officers is that the development is poorly integrated with the immediate locality, having failed to use the characteristics of this part of the conservation area to inform its siting, massing, design or materials, a failure which results in a negative impact on its setting. It also fails to provide an attractive, high-quality and stimulating living environment, and has a significantly detrimental impact on the amenities of neighbours, making it an inappropriate development in a residential garden. For these reasons, the erection of the building is contrary to policies 3/1, 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006, and to government guidance in

Paragraphs 53, 58, 61, 64, 131 and 135 of the National Planning Policy Framework 2012.

- 7.7 If a Notice is served and merely required the use of the building to be 'incidental' the owner could use his permitted development right to convert it to ancillary accommodation at a later date. Therefore, officers recommend that the Notice should require the demolition of the building.
- 7.8 If members do not authorise the service of an Enforcement Notice, the unauthorised operational development in question would become immune from enforcement action after a period of four years from when it was substantially complete.

## **8 RECOMMENDATIONS**

- 8.1 (i) To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of a breach of planning control, namely unauthorised operational development at land to the rear of 91 and 93 Burnside, specifying the steps to comply and the period for compliance set out in paragraphs 8.2 to 8.4, for the reasons contained in paragraph 8.5.
- (ii) to authorise the Head of Planning (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- (iii) to delegate authority to the Head of Planning (after consultation with the Head of Legal Services) to exercise the Council's powers to take further action in the event of non-compliance with the enforcement notice.

### **8.2 Steps to Comply**

- i) Demolish the building which was been erected at the rear of 91 Burnside.

### **8.3 Period for Compliance:**

8 months from the date the notice comes into effect.

#### 8.4 Statement of Reasons:

It appears to the Council that the breach of planning control has occurred within the last four years. The applicant has undertaken development without the benefit of planning permission.

The creation of a residential building without planning permission is contrary to policies 3/1, 3/4, 3/7, 3/10, 3/12 and 4/11 of the Cambridge Local Plan 2006, and to government guidance in Paragraphs 53, 58, 61, 64, 131 and 135 of the National Planning Policy Framework 2012.

Mindful of the NPPF, Development Plan policy and other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

Consideration has been given to the Human Rights of the current tenants of the building, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). Officers consider that the service of an enforcement notice with a reasonable period for compliance would be lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development.

**BACKGROUND PAPERS:** None

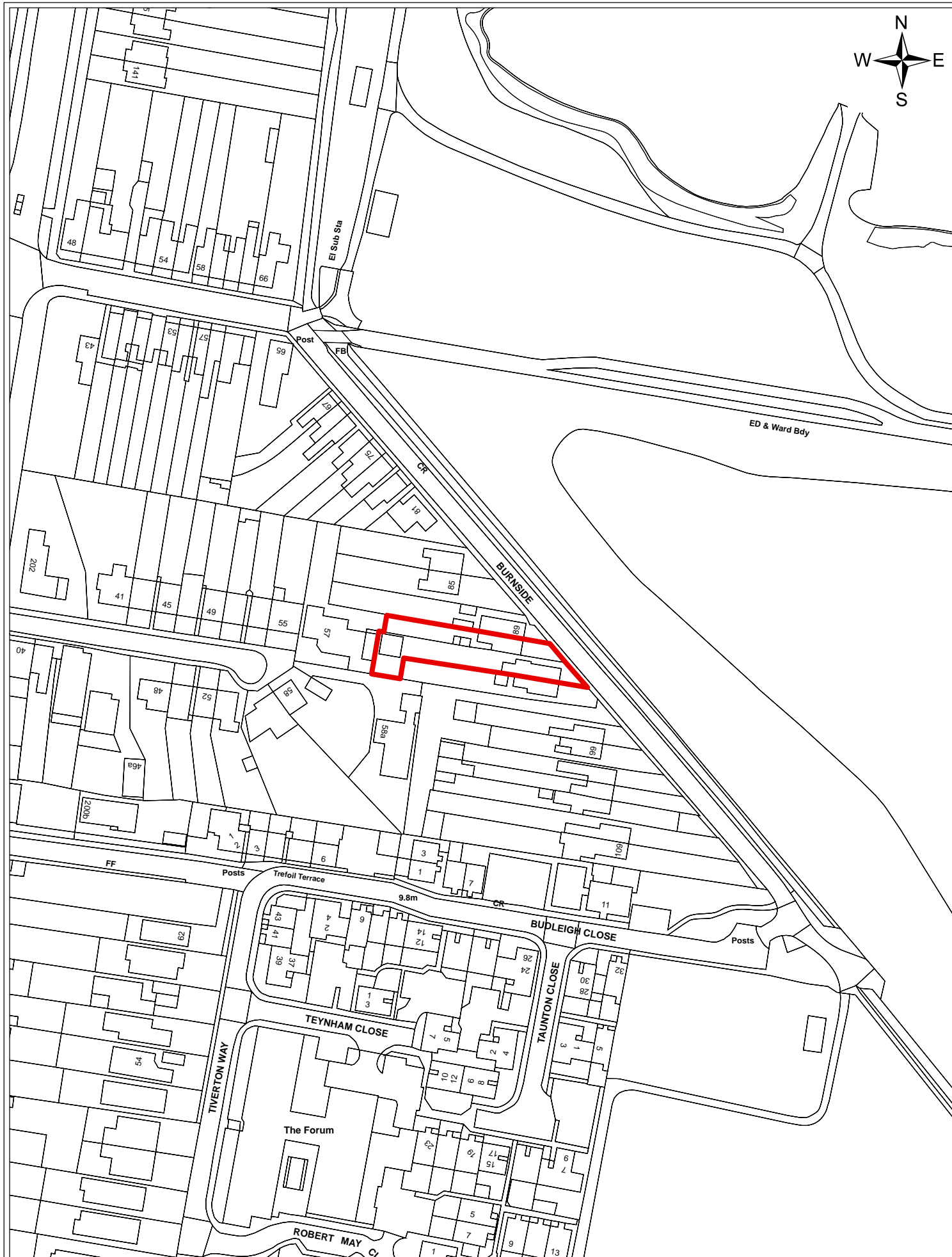
#### **APPENDICES**

|            |  |
|------------|--|
| Appendix A | Site Plan  |
| Appendix B | Statement from Building Control Officer  |
| Appendix C | Photographs taken 04 June 2013   |
| Appendix D | Photographs of kitchen within existing outbuilding   |
| Appendix E | Information from Council Tax and Refuse and Environment Officers and statements from residents of Natal Road |

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

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91-93 Burnside,  
Cambridge  
Page 159



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|              | from Intranet Mapping |
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**CAMBRIDGE CITY COUNCIL  
WITNESS STATMENT**

**(Criminal Procedure Rules, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)**

**Statement of:** Jotham Steed

**Occupation:** Building Control Surveyor

**Date of Birth/Age:** Over 18

This statement, consisting of 3 page , each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated the** 16/10/13

**Signed** [REDACTED] .....

**Signed** [REDACTED] ..... **Signature witnessed by** .....

**CAMBRIDGE CITY COUNCIL**  
**WITNESS STATEMENT Continuation sheet**

**(Criminal Procedure Rules, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)**

**Statement of: Jotham Steed**

I confirm that the attached email is genuine and that I wrote it the same day I visited and so had a clear recollection of events.

Signed.  Signature witnessed by.....

**From:** Jotham Steed  
**To:** Alison Twyford  
**Date:** 29/08/2012 16:09  
**Subject:** 93 Burnside

Alison

I had an inspection at the above address today and followed it with a telephone conversation with Mr Kelly. I have copied my note below for your information:

---

The existing garage has been demolished (No signs of any garage on the site) the proposed building is now a rectangle measuring measuring 10.5m x 6.5m Aprox.

Mr Kelly confirmed that it was a 'summer house' that he is proposing to build when asked to clarify what this actually was he said that it was 'just a few rooms' so I asked him if it had a kitchen and a bathroom and he responded 'of course, how did I expect anyone to live without a bathroom and kitchen'. I confirmed that this was a new dwelling house. Mr Kelly then confirmed that it was stating 'yes I guess it is a dwelling house'

I requested floor plans of the proposed building were sent to building control for reviews and that I would review this with Mr Ian Boulton on his return from leave and confirm what action was required. Mr Kelly told me to inform Mr Boulton that Mr Waite and himself would pay more money if they needed to.

---

Regards

Jotham

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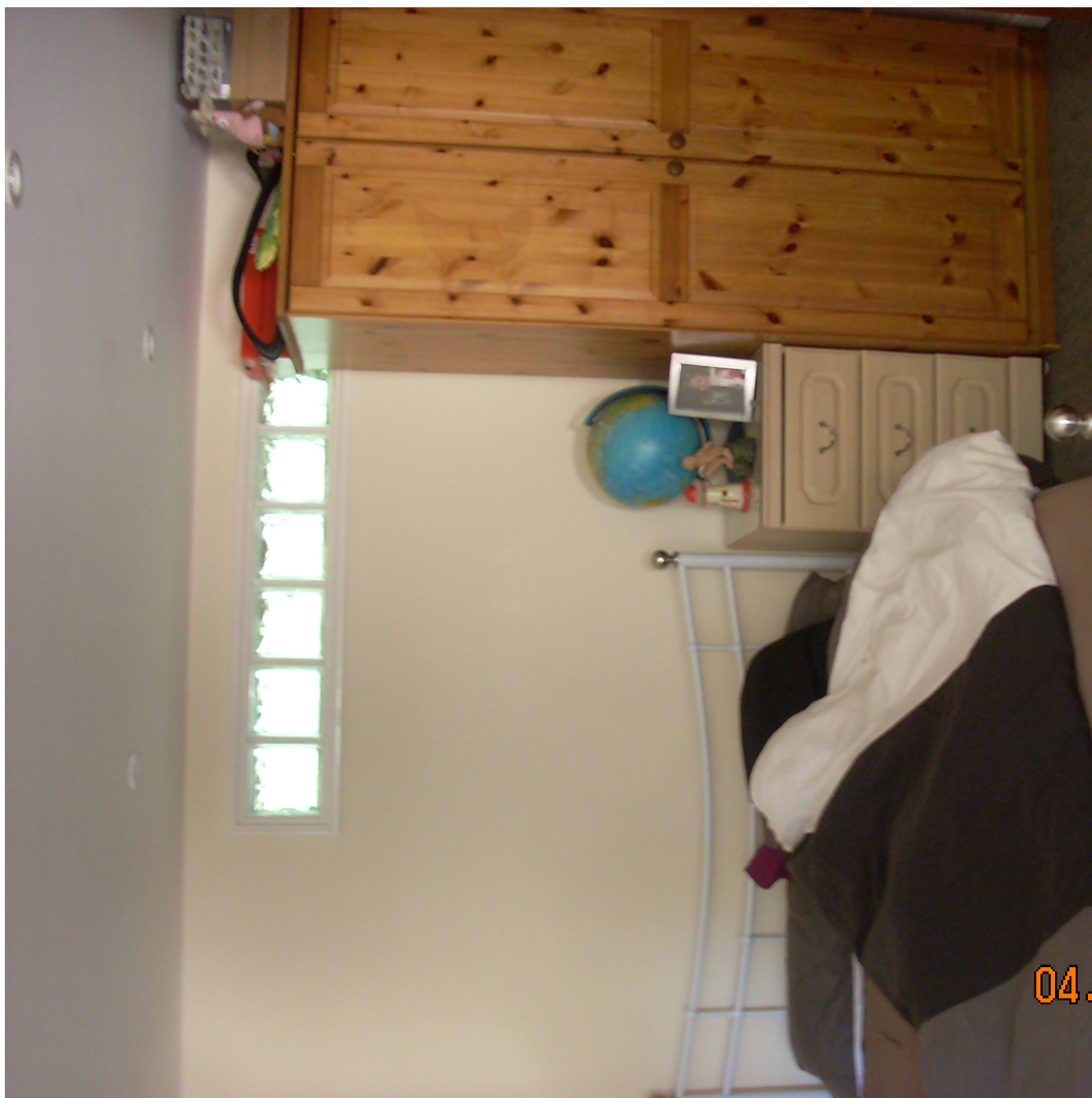
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# **CAMBRIDGE CITY COUNCIL**

## **WITNESS STATMENT**

(Criminal Procedure Rules, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

**Statement of:** .....

**Address:** .....

**Occupation:** Retired Government H&S Manager.

**Date of Birth/Age:** Over 18

This statement, consisting of 2 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated the** 12<sup>th</sup> Nov 2013

**Signed** .....

I have lived in my house on Natal Road for 30 years and the property has legal access to a driveway next to my property. I use this driveway nearly daily to access my allotment. This allows me to witness the developments occurring down the driveway and at the rear of 91/93 Burnside.

After the final dismissal of the second appeal by the Planning Inspectorate on 28<sup>th</sup> December 2011 the residents of Natal Road adjacent to the site in question thought that they had succeeded in their objections to a development at the rear of 93 Burnside.

Shortly after this I received an outline plan of a projected plan for a two bedroom dwelling house on the land to the rear of 91/93 Burnside. I received these plans from my neighbour at 58A Natal Road which were posted to him. I received no such notification.

I contacted planning enforcement to advise them of the owners' intentions and to query what action would be taken.

On 12<sup>th</sup> Sept 2012 I received an email from A Twyford, the planning enforcement officer, advising me that the works taking place at the rear of 91/93 Burnside were to be an outbuilding constructed under the Permitted Development.

The very next day I received an email from Building Control telling me a very different story. I exhibit a copy of an email from Ian Boulton Ref: TC1 which advised that building control had been advised that a detached residential annexe at 93 Burnside was to be built.

It occurs to me that telling different stories to different Local Authority departments is a ploy to confuse. Shortly after the above email footings were dug and on the 18<sup>th</sup> Sept 2012 building blocks were delivered and building work began. I was advised by A Twyford that this development was to be for a summer house. However, as the building has very small windows and does not face south, the use as a summer house seemed unlikely.

Home address: \

Home telephone number:

Mobile telephone number:

Male

Date and place of birth: /

Maiden Name: Single

Contact point if different from above

Statement taken by:

Signed..... Signature witnessed by..



At a later date I was advised by A Twyford that the plan for the building had been changed to a "Music Room".

The footings were dug, and the blocks were delivered. As is the location is on my doorstep I have good notes and photographic evidence of progress. Shortly after the building skin was complete. The plasterer had starting to plaster the walls and a bathroom/shower was installed along with bedrooms.

It is interesting to note that the planned use of the building was RESIDENTIAL.

In October 2012 I had new double glazing fitted and Mr Kelly, the owner's agent, asked the Everest installers to go and look at his two bedroom bungalow, which he boasted had cost him over £30K. They found it amusing as the windows were looking second hand at the time.

The power was connected on 16<sup>th</sup> January 2013 and this allowed passers by to see the plasterer at work and the installation of a kitchen. Building and finishing work continued until late May. I was told by Mr Kelly on the 8<sup>th</sup> May that two people would be moving into the property at the end of the month. They actually moved in on the 18<sup>th</sup> May and on the 28<sup>th</sup> May knocked on my door to introduce themselves (it turns out that one of them is a friend of mine) as my new neighbours. After this a second front door was added to the right side of the south elevation. A digital TV antenna was fitted to the roof in early May.

The access gate has now been boarded up so you cannot see in. My friend and someone else are still living there as todays date.

It is in my opinion that this development was deliberately built for residential use and being a close neighbour can absolutely confirm that I have never seen any evidence of the development having been used solely as a music room.

Signed..... Signature witnessed by.....



---

**Re: 93 Burnside, Cambridge**1 message

---

**Ian Boulton** <Ian.Boulton@cambridge.gov.uk>

13 September 2012 12:01

To: Sarah Dyer <Sarah.Dyer@cambridge.gov.uk>, Catherine Smart <chlsmart@cix.co.uk>,  
<Cc: Alison Twyford <Alison.Twyford@cambridge.gov.uk>, Jotham Steed <Jotham.Steed@cambridge.gov.uk>,  
Steve Nix <Steve.Nix@cambridge.gov.uk>

Dear ,

Cambridge City Building Control has received a Building Notice application for a "detached residential annexe".

We have been and will continue to undertake site inspections of building work as it proceeds, however our role is only to help achieve compliance with building regulation requirements.

Cambridge City Building Control have no powers or statutory function in relation to compliance with CDM or Health & Safety of construction sites.

However if you do have any specific concerns with regards to health and safety please do let me know. In the first instance we can try to liaise with the contractor & highlight any issues or concerns. If a there is clear breach of HSE legislation we will contact HSE direct to inform them of our concerns.

Regards,  
Ian Boulton

---

**Ian Boulton** BSc MRICS MBEng  
Building Control Manager

Cambridge City Building Control  
Environment Department  
Cambridge City Council  
PO Box 700  
Cambridge  
CB1 0JH

Tel: 01223 457111  
M: 07840 561464  
email: [ian.boulton@cambridge.gov.uk](mailto:ian.boulton@cambridge.gov.uk)  
website: [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

---

>>> Sarah Dyer 11/09/2012 11:55 >>>

Dear ,

I hope that Ian Boulton, Building Control Manager, will be able to help with your query.

S

Sarah Dyer  
City Development Manager  
Cambridge City Council

Phone: 01223 457153

To: Debs Jeakins  
Planning Enforcement Officer  
Environment



30 October 2013

Our reference: NL/INSP  
Property reference: 1080091003

**Re: Conversion of Garage to living accommodation, rear of 91, Burnside, Cambridge**

My interest in the above is solely in connection with the assessment for Council Tax purposes. There is a statutory duty placed upon the billing authority, Cambridge City Council (CCC), to report any new properties, or alterations to existing properties, to the Valuation Office Agency (VOA) that may affect the Valuation List.

The Council Tax Team became aware of the proposed works at the above through the normal contact from Building Control/Planning. As the Property Inspector attached to Council Tax Registration I routinely visited the site to check for commencement of works and progress.

Aware that works had begun I visited the property, on a date not recorded, it is noted that they were at an early stages and there was no need to inspect further. However a contractor did invite me to look around. At plastering stage only and no further action for Council Tax purposes was needed.

Following an email on 1 March 2013 from Mr Waite advising that he had '*decided that the above property has changed use...to a non-licenced HMO...*' I visited again on 13 March 2013 and although it was clear that works were on going and I didn't need to see inside; Mr Kelly invited me to inspect the property.

The layout of accommodation was described to me by Mr Kelly, and was evident on site, as Reception room, Bedroom with walk-in wardrobe, Study/ bedroom 2(boxroom) plus shower room and kitchen. Photos taken.

I visited again on 22 May 2013. It was occupied by tenants, also present was a mother visiting one of them. I was advised by one of the tenants that they moved into the property on 6<sup>th</sup> May 2013. There were two tenants (male) one of whom was reported later by Mr Kelly as being homeless which is not correct as he was registered elsewhere within the city for Council Tax purposes until 11<sup>th</sup> May 2013.

It was noted that a double bed had been placed in the main reception room and can confirm that there was a fitted kitchen off this room.

On 23<sup>rd</sup> May 2013 a report was issued by CCC to the VOA regarding the above property. The property being referred to by both Mr Waite and Mr Kelly as a bungalow in email and by Mr Kelly verbally.

The VOA officer visited the property on 16 July 2013 and by then the kitchen had been removed from 'the bungalow'. As the bungalow no longer had a kitchen the VOA did not assess the bungalow as self-contained dwelling for Council Tax purposes.

The officer was accompanied by Mr Kelly who having showed her the property, which was occupied by tenants, also showed her the main house, but not the outbuilding/WC which had a kitchen, assumed the one from 'the bungalow', installed

When this came to my attention the VOA were informed but their decision was that it could not be 'disaggregated' from the main house and therefore 'the bungalow' could not be banded as a separate dwelling for Council Tax purposes. They have verbally confirmed that had the kitchen remained in 'the bungalow' then it would have attracted its own assessment; separate from the house.

Nick Lovelock  
Property Inspector  
Council Tax. Revenues & Benefits.





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# CAMBRIDGE CITY COUNCIL WITNESS STATMENT

(Criminal Procedure Rules, r27.1(1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

**Statement of:** Nick Musk

**Address:** Cambridge City Council

**Occupation:** Senior Technical Officer (Residential) Environmental Health

**Date of Birth/Age:** Over 18

This statement, consisting of 2 pages, each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated the** 7<sup>th</sup> November 2013

**Signed** ..... *NJ Musk* .....

I am a Senior Technical Officer in the Residential section of Environmental Health at Cambridge City Council. I was first made aware of the garden bungalow at 91 Burnside Cambridge by colleagues in the Council Tax department in March 2013 with reference made to a non-licensable HMO - (Housing Act 2004).

I made a pre-arranged site visit on 15th April 2013 and Mr Kelly showed me around the main house fronting onto Burnside and the garden bungalow. At that time I was advised the main house was occupied by 3 individuals, which constituted a house in multiple occupation (HMO) and adequate fire safety measures were lacking. I was also shown the garden bungalow that was in the process of being plastered and fitted out. Mr Kelly advised the garden bungalow would only be let to a couple and was self-contained with the kitchen in the process of being fitted. My advice to him was that with only a couple in occupation, the garden bungalow would not be considered a HMO but advised it would be prudent to provide a fire blanket and small fire extinguisher in the kitchen area. Following this site visit a list of works required was emailed to Mr Kelly including the good practice recommendation to provide a fire blanket and fire extinguisher in the kitchen area of the garden bungalow.

A pre-arranged return site visit was made on 19th July 2013 and Mr Kelly again showed me the main house and garden bungalow. Most of the fire safety measures required in the main house had been installed. I also enquired if the recommended fire blanket and fire extinguisher had been installed in the kitchen area in the garden bungalow.

**Signed** ..... *NJ Musk* ..... **Signature witnessed by** ..... *J. Donnell* .....



**CAMBRIDGE CITY COUNCIL**  
**WITNESS STATEMENT Continuation sheet**

**(Criminal Procedure Rules, r27.1(1);  
 Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)**

**Statement of: Nick Musk**

Mr Kelly provided me with access to the garden bungalow and I observed that all kitchen facilities had been removed, leaving nothing but the tiled walls. In addition Mr Kelly notified me there were three unrelated individuals living in the garden bungalow, which constituted a HMO and adequate fire safety measures were lacking. Having enquired of Mr Kelly where the kitchen facilities had gone, I was shown to a brick built outhouse with corrugated sheet roof and stable type door close to the rear of the main house. This outhouse was fitted out as a kitchen but had the addition of a working toilet positioned against the rear wall within the kitchen - see photographs IMG\_0039 and IMG\_0043. Mr Kelly advised me the kitchen was available to the three persons occupying the garden bungalow.

Between my site visits of 19th July 2013 and 9th September 2013, consideration was being given to the most appropriate course of formal action in respect of the relocated kitchen facilities in the outhouse and the provision of the toilet in that same space. Requisitions for Information were served on Mr Kelly and Mr Waite to determine the most responsible person, which were satisfactorily returned in the required timescale.

My next pre-arranged return site visit and most recent, was made on 9th September 2013 and Mr Kelly again showed me the main house, garden bungalow and outhouse. All but one fire safety measure in the main house had been completed and Mr Kelly confirmed there were still 3 individuals in occupation. Mr Kelly also advised me there were still 3 individuals in occupation in the garden bungalow, reducing to 2 persons from the end of September. Viewing the outhouse I noted some of the kitchen facilities had been removed and so too had the toilet, the latter relocated to an enclosed space behind the outhouse which Mr Kelly advised me was only for his use and that of tradesmen working for him. I noted that a washing machine and tumble dryer had been installed in the outhouse and Mr Kelly advised me this was now a laundry room available to all tenants and the occupiers of the garden bungalow were using the kitchen facilities within the main house. The kitchen within the main house would be suitable for up to 6 persons to share with the addition of a dishwasher, but without a dishwasher the kitchen is currently suitable for up to 5 persons.

Signed..... *NJ Musk* ..... Signature witnessed by..... *Y. O'Donnell* .....